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Trademark case: Engage Healthcare Communications LLC v. Intellisphere LLC, USA

Joseph Arshawsky · Thursday, December 19th, 2019

There was no evidence that the firm's marks achieved secondary meaning, and the same marks were being used as trademarks as well as service marks in the advertising space.

Plaintiffs and Appellants Engage Healthcare Communications, L.L.C., Greenhill Healthcare Communications, L.L.C. and Center of Excellence Media, L.L.C. ("Engage") lost their appeal of an order granting summary judgment of noninfringement to Defendants and Respondents Intellisphere, L.L.C., Michael J. Hennessy & Associates, Inc., Michael J. Hennessy, and Arc Mesa Educators, L.L.C. ("Intellisphere"). The U.S. Court of Appeals for the Third Circuit found that all of Engage's asserted marks were merely descriptive and lacked secondary meaning, including sole only mark the district court deemed valid mark but not infringed by Intellisphere (Engage Healthcare Communications, LLC v. Intellisphere, LLC, November 20, 2019, Greenberg, M.).

Case date: 20 November 2019

Case number: No. 19-1017

Court: United States Court of Appeals, Third Circuit

A full summary of this case has been published on [Kluwer IP Law](#).

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