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Trademark case: Corcamore LLC v. SFM LLC, USA

Cheryl Beise (Wolters Kluwer Legal & Regulatory US) · Monday, March 15th, 2021

The Trademark Trial and Appeal Board (TTAB) erred by not applying the Supreme Court's two-part Lexmark test in analyzing standing under 15 U.S.C. § 1064 but nevertheless reached the correct result because the Empresa Cubana standard used by the Board was substantially similar to Lexmark.

The TTAB correctly determined that a company that owns federal registrations for SPROUTS trademarks in connection with retail grocery store services had standing to seek cancellation of a federal trademark registration for SPROUT for vending machine services, the U.S. Court of Appeals for the Federal Circuit has held. While the Board erred by not adopting the Supreme Court's two-part Lexmark test in analyzing the petitioner's standing, it nevertheless reached the correct result because there is no meaningful, substantive difference between the Lexmark test and the Empresa Cubana test applied by the Board. The Board also did not abuse its discretion by granting the petitioner's motion for entry of default judgment and cancellation of the respondent's SPROUT registration as a sanction for repeated discovery abuses (Corcamore, LLC v. SFM, LLC, October 27, 2020, Reyna, J.).

Case date: 27 October 2020
Case number: No. 2019-1526
Court: United States Court of Appeals, Federal Circuit

A full summary of this case has been published on Kluwer IP Law.

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