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Trademark case: Snyder's-Lance Inc. v. Frito-Lay North America Inc, USA

Cheryl Beise (Wolters Kluwer Legal & Regulatory US) · Monday, June 7th, 2021

A party that appeals a Trademark Trial and Appeal Board (TTAB) decision to the Federal Circuit does not waive the right to challenge a subsequent TTAB decision in district court.

A North Carolina district court erred in finding that it lacked jurisdiction to hear an appeal of a TTAB decision issued after remand from the Federal Circuit, the U.S. Court of Appeals in Richmond, Virginia, has held. Even though a party to an opposition proceeding had chosen to take its initial appeal to the Federal Circuit, it did not waive its right to challenge a subsequent TTAB decision in the case in federal district court. The text of Section 21 of the Lanham Act, 15 U.S.C. § 1071, while ambiguous, favored the interpretation that a party dissatisfied with an initial TTAB decision, or any subsequent TTAB decision, retains the right to choose whether to appeal the decision to the Federal Circuit or to a district court (*Snyder's-Lance, Inc. v. Frito-Lay North America, Inc*, March 17, 2021, Wynn, J.).

Case date: 17 March 2021

Case number: No. 19-2316

Court: United States Court of Appeals, Fourth Circuit

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

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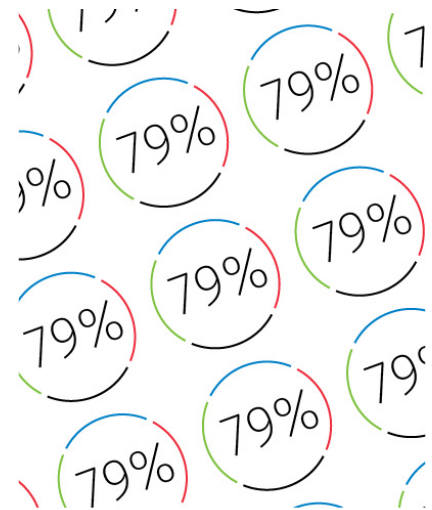
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