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Trademark case: P&P Imports, LLC v. Johnson Enterprises, LLC, USA

Brian Craig (Wolters Kluwer Legal & Regulatory US) · Friday, January 13th, 2023

The district court applied the wrong legal standard for secondary meaning by requiring evidence of specific association rather than a single, anonymous source.

In a trademark case between two competing companies that sell oversized Connect 4 games, the U.S. Court of Appeals in San Francisco has held that a trial is needed to decide trademark infringement of the outdoor game. The Ninth Circuit held that the district court applied the wrong legal standard for secondary meaning by requiring evidence of specific association rather than a single, anonymous source. In reversing the district court, the appeals court also held that evidence of intentional copying and a consumer survey supports secondary meaning to require a trial (P&P Imports, LLC v. Johnson Enterprises, LLC, August 24, 2022, Lee, K.).

Case date: 24 August 2022

Case number No. 21-55013

Court: United States Court of Appeals, Ninth Circuit

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

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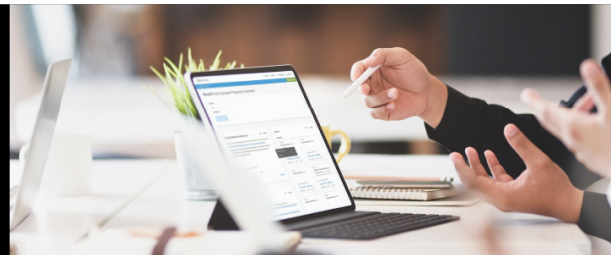
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