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Trademark case: Pocket Plus, LLC v. Pike Brands, LLC, USA

Robert B. Barnett (Wolters Kluwer Legal & Regulatory US) · Friday, March 24th, 2023

“To grant trade-dress protection for Pocket Plus,” the court said, “would be to hand it a monopoly over the ‘best’ portable-pouch design,” which trademark law precludes.

In a trade-dress infringement suit by portable pouch maker Pocket Plus against its direct competitor Running Buddy, an Iowa district court’s grant of summary judgment to Running Buddy was proper because no genuine dispute existed that Pocket Plus’s trade dress was functional, given that the pouch’s shape and how it was worn could not be considered part of the trade dress, the U.S. Court of Appeals for the Eighth Circuit has ruled. How a product is worn or used is not part of the tangible features of that product. The appellate court also affirmed the lower court’s grant of attorney fees to the defendant Running Buddy, agreeing with the lower court both that this case qualified as an exceptional case under the Lanham Act and that Running Buddy was entitled only to one-fourth of its fee request (Pocket Plus, LLC v. Pike Brands, LLC, November 15, 2022, Gruender, R.).

Case date: 15 November 2022

Case number: No. 21-3414

Court: United States Court of Appeals, Eighth Circuit

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

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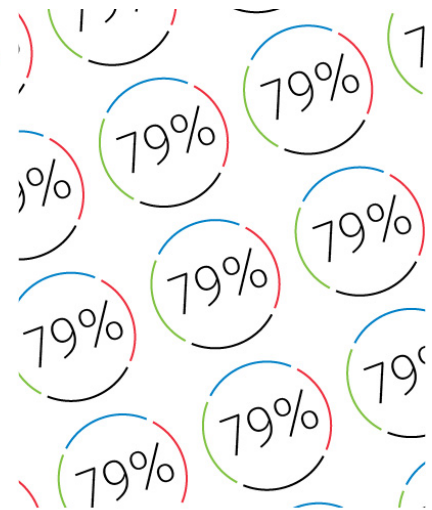
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