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# Kluwer Trademark Blog

## Trademark case: Bad Elf, LLC v. Flex Ltd., USA

Patricia K. Ruiz (Wolters Kluwer Legal & Regulatory) · Tuesday, October 17th, 2023

If the third-party marks and opposer's marks are identical, the opposer's marks and the applicant's marks are compared to see if they are identical or non-identical for identical goods or services.

The U.S. Court of Appeals for the Federal Circuit affirmed in part and vacated in part a decision by the Trademark Trial and Appeal Board (TTAB) finding there to be a likelihood of confusion between an applicant's mark and an opposer's mark. The court found that it is inconsistent to give evidence of third-party registrations probative value but find the evidence in no way weakens the opposer's marks and directed the TTAB to reweigh the likelihood of confusion between the marks (Bad Elf, LLC v. Flex Ltd., August 14, 2023, Dyk, T.).

Case date: 14 August 2023

Case number: No. 22-1839

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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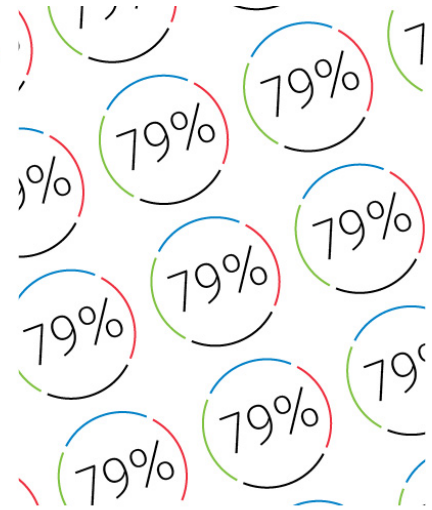
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