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# Kluwer Trademark Blog

## Trademark case: Adaptrend, Inc. v. Stewart, USA

Donielle Tigay Stutland (Wolters Kluwer Legal & Regulatory US) · Friday, February 14th, 2025

The Federal Circuit affirmed a Trademark Trial and Appeal Board (TTAB or the “Board”) decision to cancel a mark based on priority of use, despite the Appellant’s argument that an declarations to show an assignment of a mark lack foundation and are based on hearsay.

The U.S. Court of Appeals for the Federal Circuit affirmed the decision of the TTAB to cancel Adaptrend Inc.’s registration of the TONOSAMA mark on the ground of likelihood of confusion with Narita Export LLC’s mark TONOSAMA for candy, based on Narita’s predecessor’s priority of use. Adaptrend had argued that Narita’s priority of use was based on hearsay evidence of an assignment from its predecessor. On appeal, the Federal Circuit affirmed the Board’s decision and determined that its priority of use determination was supported by substantial evidence (Adaptrend, Inc. v. Stewart, No. 23-1195 (Fed. Cir. Jan. 28, 2025)).

Case date: 28 January 2025

Case number: No. 23-1195

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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