

Trademark Victory for Client FremantleMedia

01.29.2018

Partner Jim Curry led a team that included partner Jill Pietrini and associate Ben Aigboboh that earned a major defense victory on behalf of client FremantleMedia, a British television producer. The plaintiff, Codename Enterprises, alleged that Fremantle's "Buzzr" channel, which provides archival footage of classic game shows, infringed its registered trademark for its website creation tool, also called Buzzr. The plaintiff claimed that Fremantle's use of Buzzr for its channel constituted direct infringement or the lesser used reverse confusion by a larger company. Neither worked. The Sheppard Mullin team argued that the two companies' use of the word Buzzr had completely different connotations; there was significant third party use that weaken the plaintiff's alleged rights; and the purported confusion alleged by the plaintiff was not actionable under the Lanham Act. U.S. District Judge Analisa Torres agreed, going as far as to say that the plaintiff's branding efforts for its website creation tool were not very successful to begin with, which added to the weakness of its trademark already caused by third party use. Judge Torres also found that reverse confusion was not shown.

Attorneys

Benjamin Aigboboh

Jill Pietrini

Practice Areas

Intellectual Property

Trademark Applications and Prosecution

Trademarks and Trade Dress