



HUSCH BLACKWELL

Trademarks

Husch Blackwell has one of the largest trademark practices in the U.S. Our team has helped register and defend thousands of trademarks worldwide for clients such as Naturalizer, Famous Footwear, Sunbeam, Build-A-Bear Workshop and Conagra. We also actively manage domestic and global trademark portfolios and provide surveillance of marks in the United States and abroad.

We have extensive experience in clearing, evaluating, prosecuting, maintaining and enforcing trademarks, service marks, trade dress, and product design and packaging configurations. We also develop corporate and brand identity programs for new startup companies, as well as those who are rebranding or entering new markets. We offer intellectual property audits, designed to identify trademark protection opportunities, as well as licensing services.

Our attorneys stay current on the laws of the various jurisdictions and are heavily involved in prosecution and litigation strategies, including preparing responses and affidavits and developing strategies for overcoming objections, document production and discovery, depositions, trials, mediations and settlement negotiations. We also have access to a strong network of international associates to assist in prosecuting and defending our clients' international intellectual property interests.



Husch Blackwell was recognized as a National Tier 2 law firm for Corporate Law in the 2019 *U.S. News & World Report Best Law Firms* directory.



When I started Build-A-Bear Workshop, Husch Blackwell guided me in protecting our brand globally as well as on the internet. Our landmark heart registration allowed us to protect this unique and memorable brand feature worldwide.

— **Founder, Build-A-Bear Workshop**



Work Highlights

- Manage the global trademark portfolio for ConAgra Foods Inc., facilitating registration of trademarks in the United States and around the world with approximately 4,000 foreign and domestic individual trademark registrations.
- Handled the U.S. and international trademark portfolio for a leading global developer, publisher and manufacturer of electronic entertainment properties. In this role, we filed new applications and maintained existing applications, recorded assignments and name changes for the U.S. and international portfolios. We also managed the recording of U.S. trademarks and copyrights with U.S. Customs to facilitate the prevention of improper imports of counterfeit goods.
- Maintained an extensive international trademark portfolio for a major American manufacturing conglomerate that involved technology as diverse as aircraft, defense-oriented and commercial electronics, automotive and truck components, printing presses, and industrial automation. Our work included recording and filing a number of assignments and name changes for both the U.S. and the international portfolios.

Client Successes

- *Vermont Teddy Bear Company v. Build-A-Bear Workshop*: We filed for a non-traditional trademark comprising a three-dimensional heart sewn inside a stuffed animal, even though after the heart was inserted in the animal by the customer, it would no longer be visible. The application was opposed by a competitor claiming prior rights in the same mark. We successfully moved for summary judgment on behalf of our client, claiming that the opposer's claimed use was merely ornamental and not capable of functioning as a trademark. We subsequently obtained registration for our client's mark.
- *Luxco Inc. v. Tovaritch Spirits International*: We obtained a decision from the Trademark Trial and Appeal Board cancelling the defendant's Tovaritch registration for vodka based upon our client's Tvarscki and TV registrations for vodka. Registrant TSI appealed to the U.S. District Court, Eastern District of Missouri, where Luxco counterclaimed TSI for infringement of Luxco's Tvarscki trademarks. Federal court entered a permanent injunction against TSI, ordering it to cease all distribution, marketing and sales of Tovaritch-branded products in the U.S. and to recall all products bearing the Tovaritch mark.

Clients Who Count on Us

- Bunzl Distribution USA, Inc.
- Build-A-Bear Workshop
- Caleres, Inc.
- ConAgra Foods Inc.
- Express Scripts, Inc.
- Heritage Home Group LLC
- Luxco, Inc.
- Mobile Mini, Inc.
- Naturalizer
- Propex Global
- Sunbeam Products Inc./Jarden

Business is no longer usual. Neither are our solutions.

At Husch Blackwell, we have built our law firm around one idea: to guide our clients from where they are to where they want to be. Our industry-centric approach gives us a deep understanding of what our clients face every day. But more than that, it creates a shared vision that moves our clients forward.