



News & Trending

NEWS

ENTREPRENEUR CLIENT TRIUMPHS OVER THE COMMONWEALTH OF VIRGINIA IN FEDERAL TRADEMARK PROCEEDING

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Smith Anderson client and entrepreneur Zach Angle is in the business of selling WEST VIRGINIA IS FOR OTHERS brand goods (www.wvifo.com). The Commonwealth of Virginia opposed his use of this slogan and filed a Notice of Opposition with the United States Patent and Trademark Office before the Trademark Trial and Appeal Board against the trademark application. Virginia claimed that WEST VIRGINIA IS FOR OTHERS infringed and diluted the state's VIRGINIA IS FOR LOVERS trademark, and that Zach's branded goods would likely confuse consumers.

Smith Anderson intellectual property attorneys **Chris Smith** and **Phil Cardinale** moved to dismiss Virginia's claims, arguing that the Commonwealth misjudged the ability of the American consumer to distinguish references between the two states and failed to give West Virginia the respect it deserves as a separate sovereign state. After numerous procedural filings, Virginia ultimately defaulted and the case was dismissed with prejudice, vindicating Zach's right to continue operating his business selling WEST VIRGINIA IS FOR OTHERS™ apparel and other products.

Zach's case was noteworthy in that it was a sole proprietor battling and prevailing over a sovereign state.

PROFESSIONALS

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