

## MEMORANDUM

**To:** Moot Court Advisor

**From:** Joe Nabor, Lefkowitz Project Team Chair  
Cindy Walden, Lefkowitz Project Team Vice-Chair

**Date:** September 2017

**Re:** 2017– 2018 Saul Lefkowitz Moot Court Competition

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On behalf of the International Trademark Association (INTA), we are pleased to invite your school to participate in the **Saul Lefkowitz Moot Court Competition** for the 2017– 2018 academic year.

INTA is a not-for-profit membership association of more than 5,900 trademark owners, professionals and academics from more than 190 countries, all dedicated to the support and advancement of trademarks and related intellectual property. Now in its 27<sup>th</sup> year, INTA's Saul Lefkowitz Moot Court Competition (the "Competition") is the only competition in the United States with a focus on trademark and unfair competition law.

This year's problem relates to the potential for confusion between craft brewpubs and wine bars. Hollywood Hops, a popular craft brewery that opened a tasting room in Hollywood, Utopia, brought suit against a new wine bar in town which opened under the name Hollywood & Vine. The wine bar objected to the brewpub's claims of confusion, argued that its use was not infringing because it simply identifies the location of the wine bar which it should be entitled to do, and that plaintiff acquiesced to its use of "Hollywood." In order to quell the potential confusion, Hollywood Hops sought a preliminary injunction. Following oral argument, the District Court found that the mark Hollywood Hops had acquired distinctiveness and that, after a full review of the likelihood of confusion factors, the balance of the factors weighs in favor of a finding of infringement. However, the injunction was denied by the court on the basis that Hollywood Hops acquiesced to the wine bar's use of "Hollywood" in connection with defendant's sale of wine. The parties stipulated to the court's order denying a preliminary injunction as a final order and an appeal has been filed.

As part of the Competition, students are expected to write a brief and argue the issues on appeal in the case in regional and national competitions before a panel of volunteer attorneys, judges from various district and other courts and members of the Trademark Trial and Appeal Board (TTAB) of the United States Patent and Trademark Office (USPTO).

The objective of the Competition is to introduce law students to important issues arising in U.S. trademark and unfair competition law. Law students who participate in the Competition have the opportunity to develop their brief writing and oral advocacy skills in a mock courtroom experience.

Material related to the Competition can be found at [www.inta.org/lefkowitz](http://www.inta.org/lefkowitz).

## **IMPORTANT DEADLINES AND COMPETITION DATES:**

- **Friday, October 13, 2017, 8:00 pm U.S. Eastern Time – Deadline for Registration Forms:** Registration forms must be received by INTA on or before this date.
- **Wednesday, January 3, 2018, 8:00 pm U.S. Eastern Time – Deadline for Team Briefs:** Briefs must be filed online and received by INTA on or before this date. **Please note:** All briefs must be uploaded to INTA through the following link [www.inta.org/lefkowitzregistration](http://www.inta.org/lefkowitzregistration). Briefs should not be sent via e-mail. Any substitution of team members must also be made before this date.
- **Saturday, February 10, 2018 – Regional Oral Arguments:** Will be held in Atlanta, Chicago, Dallas, Los Angeles, New York and San Francisco.
- **Saturday, March 17, 2018 – National Final Oral Arguments:** The top two winning teams in each region will advance to the National Finals held in Washington, D.C.

**REGIONAL CERTIFICATE AWARDS WILL BE AS FOLLOWS:**

<b>First Place Team</b>	(Highest combined brief plus oral argument score)
<b>Second Place Team</b>	(Second highest combined brief plus oral argument score)
<b>Third Place Team</b>	(Third highest combined brief plus oral argument score)
<b>Best Brief</b>	(Highest brief score in region)
<b>Best Oralist Team</b>	(Highest oral argument score in region)

**NATIONAL FINALS CASH AWARDS WILL BE AS FOLLOWS:**

<b>Winning Team:</b>	\$3,000
<b>Second Place Team:</b>	\$1,500
<b><i>Dolores K. Hanna</i> Best Brief Award:</b>	\$1,000
<b>Second Place Brief:</b>	\$500
<b>Best Oralist Team:</b>	\$1,000
<b>Second Place Oralist Team:</b>	\$500
<b>School of Winning Team:</b>	\$1,000

**FURTHER INFORMATION:**

If you have further questions about the Competition, please email [lefkowitz@inta.org](mailto:lefkowitz@inta.org) or call +1-212-642-1707. We look forward to the participation of one or more teams from your law school and are confident that your students will find the Saul Lefkowitz Moot Court Competition a rewarding experience!