

MEMORANDUM

To: Moot Court Advisor

From: Cynthia Walden, Lefkowitz Project Team Chair
Vincent Lombardozzi, Lefkowitz Project Team Vice-Chair

Date: September 2018

Re: 2018 – 2019 Saul Lefkowitz Moot Court Competition

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 2018 – 2019 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 28th 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 examines issues relating to residual trademark rights in the augmented reality context and potential infringement arising from nostalgic use of a once-popular fantasy character. Skeletron Animation Productions, LLC and its founder Lucifer L. Lyons (collectively "SAP") developed the fantasy character "Skeletron," a dark sorcerer that appeared in videogames, movies, magazines and on billboards throughout the United States in the 1980s. In 2018, SAP sued Cyber Skull Security, Inc. for trademark dilution and false designation of origin arising from Cyber Skull's use of the Skeletron character and name in advertisements and as a useable character within Cyber Skull's augmented reality cybersecurity program. Specifically, SAP argued that Cyber Skull's use of the Skeletron character and name would dilute the fame of the Skeletron character and trademark and cause consumers to falsely associate the two companies. Cyber Skull denied the accusations, arguing that the Skeletron character was no longer famous, that Skeletron Productions had abandoned any trademark rights and that, in any event, its software was protected expression under the First Amendment. Resolving these arguments, the District Court of Utopia found that SAP did not abandon its trademark rights in the Skeletron character and trademark. However, it also found that the Skeletron mark and character were no longer famous and that the First Amendment protected the expression of Cyber Skull's software and its use of the SKELETRON trademark and character. As a result, the District Court denied the plaintiffs' claims. An appeal is pending.

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.

IMPORTANT DEADLINES AND COMPETITION DATES:

- **Friday, October 12, 2018, 5:00 pm U.S. Eastern Time – Deadline for Registration Forms:** Registration forms must be received by INTA on or before this date.
- **Friday, January 4, 2019, 5:00 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. Briefs should not be sent via e-mail. Any substitution of team members must also be made before this date.
- **Saturday, February 9, 2019 – Regional Oral Arguments:** Will be held in Atlanta, Chicago, Dallas, Los Angeles, New York and San Francisco.
- **Saturday, March 16, 2019 – 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:

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

NATIONAL FINALS CASH AWARDS WILL BE AS FOLLOWS:

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

FURTHER INFORMATION:

If you have further questions about the Competition, please email 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!