MEMORANDUM

To: Moot Court Advisor

From: Vincent Lombardozzi, Lefkowitz Project Team Chair
Alisa Simmons, Lefkowitz Project Team Vice-Chair

Date: August 2019

Re: 2019 – 2020 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 2019 – 2020 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 29th 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 the use of similar trade dress by competing gas and electric charging station locations, both of which also provide convenience store services. The plaintiff, Gas & Goodies, LLC (“Gas & Goodies”), has provided gasoline and convenience store services to consumers in the state of Utopia since 2011. Although most consumers frequent Gas & Goodies locations to buy gas for their vehicles, the company nonetheless advertises the red, arrow-peaked roofs atop its convenience stores, where consumers can purchase a variety of different soft drinks, junk food and caffeinated products. The defendant, Charge ‘N Snack, LLC (“Charge ‘N Snack) formed in 2016 after its founder sought to break Utopia of its addiction to petroleum and sugary sodas. In contrast to Gas & Goodies, Charge ‘N Snack locations are equipped with electric vehicle charging stations and a “farmers market” store at which consumers can purchase healthy foods and juices, none of which have caffeine or added sugar. Like Gas & Goodies, Charge ‘N Snack’s store has a red roof, albeit in two tons of red. However, the Charge ‘N Snack roof is peaked with a simple triangle and attached to a large blue awning.

Charge ‘N Snack’s different rooftop was not enough to allay the concerns of Gas & Goodies, which believed that the former was trading on the success of its goodwill. Gas & Goodies sued, alleging that Charge ‘N Snack’s roof design configuration infringes its trade dress rights, and filed a motion for summary judgment shortly thereafter, which the district court denied. The court’s denial is now on appeal, which concerns the following issues: (i) whether the color of the Gas & Goodies roof is functional and thereby incapable of serving as a protectable trademark, (ii) whether the plaintiff’s roof design is inherently distinctive and (iii) whether there is a likelihood of confusion as between the two roof design configurations.

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 11, 2019, 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 3, 2020, 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 8, 2020 – Regional Oral Arguments: Will be held in Atlanta, Chicago, Dallas, Los Angeles, New York and San Francisco.

Saturday, March 21, 2020 – 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
Dolores K. Hanna 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!