

2024-2025 Highlights

- *PIM Brands Inc v Haribo of America Inc.*, in which a watermelon shape for a watermelon flavored product was functional because it communicated the product flavor, § **3:5**.
- *Jack Daniel's Properties, Inc. v. VIP Prod. LLC*, in which the Supreme Court ruled that a First Amendment use of a mark (such as parody) must not serve as the actual source identifier; that is, the public must be able to recognize that product is not coming from the parodied mark, § **14:3**.
- *E-Z Dock, Inc. v. Snap Dock, LLC*, illustrating that a utility patent can sink a claim that the same feature is a protectable trade dress, § **17:4**.
- *UATP IP, LLC v. Kangaroo, LLC*, stating that a long delay will weaken an argument by a trade dress owner that it would be irretrievably harmed without preliminary injunctive relief, § **20:3**.
- Updated Trademark Manual of Examining Procedure (T.M.E.P.) sections related to trade dress, **Ch. 36**.