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## **LL Bean Summary Judgment Denied in United States District Court**

United States Magistrate Judge J. Kelley Arnold denied LL Bean's summary judgment motion in MOTHER™ verse LL Bean. The lawsuit focuses on MOTHER's innovative Day Pack, and LL Bean's knockoff version, the Upland Vest Pack. MOTHER alleges in its federal court action that Bean's knockoff violates federal Trade Dress and False Designation of Origin statutes, as well as state Unfair Competition and Unfair Business Practice statutes. The federal jury trial has been set to begin on September 17, 2007, in Tacoma, WA.

In the conclusions of his motion, Judge Arnold stated that, "...the fact that the defendant (LL Bean) sold the plaintiff's (MOTHER) product and under plaintiff's name and in rapid succession replaced it with its own remarkable similar product creates a threshold for confusion. If the fact-finder were to find "intentional copying" that alone would create a question of fact with regard to confusion based on the advertising and marketing techniques."

MOTHER's founder, Marty Grabijas, discovered over 30 years ago that hunting vests are pretty much useless for their intended purpose. As early as the 1960's folks like Dick Kelty and Wayne Gregory had figured out how to carry a load in the field, yet hunters have suffered through the same tired stuff / different year. MOTHER – as in Necessity is the MOTHER of Invention – was born out of personal frustration and now provides performance-based equipment to hunters who seek the ultimate in technical functionality coupled with Mother's distinct design.

AXIOS Law Group is an intellectual property, technology, entertainment and litigation law firm formed in 2006 by a joining of law firms that date back to 2000. Located in Seattle, Washington, our lawyers represent individuals, start-ups, small and medium-sized businesses and large multinational corporations throughout Washington and beyond. While many of their clients hail from the Puget Sound region, they handle the legal needs of clients located throughout the country and internationally.