

JSH ATTORNEYS OBTAINED SUMMARY JUDGMENT IN TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION CASE

September 20, 2013 | Case Summaries



Angel's Gate, Inc. v. All-Star Grand Canyon Tours, Inc. – This case involved two tour

companies offering Grand Canyon tours. Plaintiff's tour company, Angel's Gate, offered day tours of the Grand Canyon. Defendant's competing tour company, All-Star Grand Canyon Tours, offered private, overnight trips to the Grand Canyon, but later expanded its operation to include day trips. [Ed Hochuli](#) and [Erik Stone](#) represented All-Star Grand Canyon Tours.

Plaintiff claimed that Defendant infringed upon Plaintiff's trademark and trade dress by designing a similar logo and attaching that logo to its shuttles and vans in the same manner as Plaintiff. Plaintiff further argued that Defendant engaged in unfair competition by using a nearly identical "tour ticket" as a form of a receipt for local hotel concierge who booked tours on behalf of guests. Finally, Plaintiff also argued that Defendant breached an alleged non-competition agreement by expanding its operation to include day tours.

Defense filed a motion for summary judgment, arguing that there was no likelihood of confusion between the two logos. Although both logos included depictions of the Grand Canyon, the depictions were of different rock formations, and both logos included the parties' respective names on them. Defense also argued that the use of the "tour ticket" was functional and thus did not fall under the Lanham Act's protections. Lastly, Defense argued that the parties never consummated an agreement not to compete and thus our client should not be precluded from offering day tours.

The Court agreed on all issues and granted summary judgment in Defense's favor on all claims.

[Ed Hochuli](#) is a founding partner of Jones, Skelton & Hochuli and now serves as Of Counsel. Throughout his 30+ year legal career, Ed was a dedicated trial attorney, trying more than 150 civil jury trials to verdict.

[Erik Stone](#) is included in the Complex Litigation Group. He is experienced handling a variety of general civil litigation matters, including commercial litigation, intellectual property, professional liability, wrongful death and personal injury claims, employment and discrimination, HOA matters, and construction defect.

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