

Puppy Armour Trademark Suit: More Bite than Bark



Article By

[Annie Dike](#)

[IMS ExpertServices](#)

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When you read those words, “Puppy Armour,” what comes to mind? If you said Under Armour, you would be Exhibit A in a current trademark suit filed by [Under Armour against Puppy Armour](#), a Florida-based company touting itself as the first athletic doggy-wear syndicate. The company found out first-hand: If you infringe on the big dogs, you may find the lawsuit that follows is more bite than bark.

Dog, Clothing

If you are an entrepreneur, your heart will likely go out to Silvio Schillen. Thanks to his own dog’s sensitivity to heat and cold, he saw a need, and then devised a product to meet that need (canine athletic wear). Unfortunately, he branded his entrepreneurial endeavor in a way that didn’t fetch anything positive. In his YouTube video promoting Puppy Armour, Schillen claims his doggy athletic wear is made from the “same fitted material found in popular athletic wear,” the kind that “keeps you cool and dry.”

Ruh-roh. This likely perked Under Armour’s ears. The truth is, big billion-dollar companies like Under Armour are constantly trolling for similar pop-ups, products,

and brands that compete with their own and they stand ready to strike if they sense any degree of infringement on their own insignia. Clearly, Puppy Armour's clothing line is made for dogs whereas Under Armour's is for humans, but this didn't matter much, as confusion is still not only possible, but probable. Moreover, Under Armour arguably *needed* to pursue the claim even if only to preserve its option to someday break into the canine athletic wear business. Dog clothes, shoes, and apparel is definitely a billion-dollar industry, one in which Under Armour might struggle if it allowed Schillen and his small-scale doggy fitted tees to stand.

This is why Under Armour went on the attack, petitioning the USPTO in December 2013 for revocation of Puppy Armour's trademark. The petition was granted in November 2014. However, Under Armour claims in its recent petition that, despite the revocation and multiple requests by Under Armour to cease the infringement, Puppy Armour has not complied. "For almost five years Under Armour wanted our name, and as usual they exhausted our means of defense," Schillen [responded](#), claiming he eventually decided to drop the name Puppy Armour and rethink his brand. But that may not be the end of this dog fight for Schillen. In its petition, Under Armour has added, in addition to federal and state trademark infringement claims, a cybersquatting claim over the website. Under Armour is asking the court to instruct Puppy Armour to destroy all products, packaging, and other material under the Puppy Armour brand. If that weren't enough, Under Armour is also asking that Puppy Armour cover its litigation expenses (which are likely daunting), pay a punitive award for unfair competition in the amount of \$100,000 for registering the PuppyArmour.com domain name, as well as treble damages under Florida's Deceptive Trade Practices Act. You see? More bite than bark.

While we were surprised at the pit bull aggression of Under Armour's response, it is understandable as a company's trademark really is one of its most valuable assets. Before your clients register a new domain or launch a new product, be sure they conduct a thorough and exhaustive domain and trademark search to reduce the risk of infringement on similar brands and products. If an unexpected trademark suit is unleashed, it can be all bite, no bark.

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