

Press Coverage | November 14, 2022

# Film Producer Tries to Regain Trademark, Undo Tribunal Whoopsie

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Paul Kennedy, a partner in Troutman Pepper’s Intellectual Property Practice Group, was quoted in the November 14, 2022 *Bloomberg Law* article, [“Film Producer Tries to Regain Trademark, Undo Tribunal Whoopsie.”](#)

Some attorneys said that because an issue wasn’t decided on the merits, issue preclusion didn’t apply, and *B&B Hardware* wasn’t a direct appeal of a TTAB ruling. Trademark attorney Paul Kennedy of Troutman Pepper Hamilton Sanders LLP said he thinks the court will be “sympathetic” to Hidden Empire.

“I do think it depends on the situation,” Kennedy said. “Here, I’m of the opinion that there is not issue preclusion, that the federal court will hear the matter. This was a procedural failure. They didn’t lose because the board ruled on the merits.”

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