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Jack Daniel's Dog Toy Tarnishment Ruling Raises Dilution Bar

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[Michael D. Hobbs, Jr.](#)

[Mike Hobbs](#), a partner in Troutman Pepper Locke's [Intellectual Property Practice Group](#), was quoted in the August 7, 2026 *Bloomberg Law* article, "[Jack Daniel's Dog Toy Tarnishment Ruling Raises Dilution Bar](#)."

"This is a new standard," Michael D. Hobbs Jr. of Troutman Pepper Locke observed. "I think they wanted to create a framework: 'These are the aspects of your case and you better bring it.' Generally, plaintiffs have been able to use a broad brush and say 'it must be offensive your honor, it's talking about poop.'"

...

Hobbs said the case shows brand owners need to get an expert who's "really zeroing in" on specific marks and resulting harm. The core mistake Jack Daniel's made was trying to "define the famous marks collectively," when in reality "each one has to stand on its own." And though the Supreme Court noted that parody isn't necessarily a get-out-of-jail free card, he said, it will ultimately play a significant role in the analysis.

"Be specific about your marks, get an expert who's specific about the damages," Hobbs said, "and if it's parody, it's going to be a high bar."

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