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ARTICLE

Opposition Fails Due to Improper Trademark Assignment

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The article discusses the key role that Section 10 of the Lanham Act played in the recent decision by the US Court of Appeals for the Federal Circuit in *Emerald Cities Collaborative, Inc. v. Sheri Jean Roese.* The Trademark Trial and Appeal Board ruled the assignment of the mark "The Emerald City" to the Emerald Cities Collaborative, Inc. constituted an improper assignment of an intent-to-use-based trademark application, and therefore ordered the cancellation of the registration that had issued for such mark. Following an appeal, the Federal Circuit affirmed this decision. The ruling serves as a critical reminder regarding the laws prohibiting the assignment of intent-to-use based on trademark applications, the risks in pursuing enforcement efforts when a mark might not have been properly assigned and the importance of asserting common law rights in a notice of opposition.

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