

Significant trademark win by Floyd Mandell and Julia Mazur ranked among Top 10 Trademark Rulings of 2019

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In its list of Top 10 Trademark Rulings of 2019, *Law360* ranked *SportFuel v. PepsiCo*, a landmark federal trademark case in which Katten Intellectual Property partner Floyd Mandell and associate Julia Mazur, with assistance from partner Tami Kameda Sims and special counsel Carolyn Passen, won an important victory for PepsiCo Inc. and the Gatorade Company, among the 10 most significant trademark rulings in 2019.

The case, which received nationwide publicity, involved a trademark suit brought against PepsiCo Inc. and The Gatorade Company Inc. by sports nutrition consulting firm, SportFuel Inc., claiming that Gatorade's use of the slogan, "Gatorade The Sports Fuel Company," was trademark infringement. Back in June, the Illinois District Court ruled in favor of PepsiCo and The Gatorade Company, finding that Gatorade's use of the slogan was protected fair use and that the company used the term as a description of its products rather than as a trademark, without intent to associate with SportFuel. SportFuel appealed the decision, and in August, the Seventh Circuit United States Court of Appeals affirmed and unanimously agreed with the district court's ruling, concluding that Gatorade used the "sports fuel" slogan fairly and in good faith by adopting it to reflect its different sports fuel products and to better describe its business.

According to the *Law360* article, the Seventh Circuit Panel wrote:

"Just as the pervasive use of yoga pants and other active wear as casual clothing does not change the athletic characteristics of those products, the fact that Gatorade sells more sports drinks to average joes who limit their rigorous exercise to lawn-mowing does not change the athletic characteristics of Gatorade's products."

Read, "Top 10 Trademark Rulings of 2019," in its entirety.

CONTACTS

For more information, contact your Katten attorney or any of the following attorneys.



Floyd A. Mandell
+1.312.902.5235
floyd.mandell@katten.com



Julia L. Mazur
+1.312.902.5280
julia.mazur@katten.com

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