

# Who Got the Work: Attorneys Appear From Lynn Pinker Hurst & Schwegmann, Perkins Coie in BuzzBallz Trademark Dispute



Credit: Images from court documents

Texas-based BuzzBallz contends Patco Brands of California intended to confuse consumers by creating a similar container and logo for its Big Sipz cocktails.

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## What You Need to Know

- The complaint filed by Haynes and Boone alleges violation of BuzzBallz trademarks and trade dress.
- The case was transferred on July 2 from Western Texas to Northern California.
- BuzzBallz claims the containers and logo used by rival Big Sipz are designed to confuse consumers.

Attorneys from Lynn Pinker Hurst & Schwegmann and Perkins Coie have entered appearances for MPL Brands NV in a pending trademark and trade dress infringement case transferred on July 2 to the U.S. District Court of Northern California.

[The complaint](#) was filed last September in the U.S. District Court for the Western District in Texas by Haynes and Boone on behalf of BuzzBallz, a Texas-based company that sells premixed cocktails in rounded single-serve containers. The plaintiff contended that MPL, doing business as Patco Brands, violated BuzzBallz's logo and packaging designs with its Big Sipz cocktails.

This complaint was surfaced by [Law.com Radar](#).



Christopher Schwegmann of Lynn Pinker Hurst & Schwegmann in Dallas, Texas. Courtesy photo

Patco's defense team is led by Christopher Schwegmann of Lynn Pinker in Dallas, Texas. Andy Kim of Lynn Pinker appeared on July 9 and Daniel Shvodian of Perkins Coie in Palo Alto, California, appeared for the defense on July 8.

The plaintiff's team is led by Haynes and Boone's Andrea Levenson, who appeared with colleagues Jason Lao and Kenneth Parker on July 3.

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BuzzBallz, founded by Merrilee Kick in 2009 while she was a high school teacher, contends that Big Sipz “has intentionally marketed its products in a manner designed to target BuzzBallz consumers,” according to the complaint. Its similarly rounded packaging in bright colors and a logo in block letters with the letter “z” at the end has confused consumers into believing Patco’s product is affiliated with BuzzBallz, it said.

“Defendant’s efforts to cause confusion have worked,” the complaint noted, pointing to several posts by social media users who suggested a link between the two brands.

BuzzBallz contends the rounded plastic-and-metal packaging used by Big Sipz infringes on [Kick’s patented container design](#). Patco, it said, has “exploited the reputation and goodwill associated” with BuzzBallz’s trade dress and marks “to gain a competitive advantage.”

BuzzBallz has requested injunctive relief to recover Patco’s profits as well as actual damages, costs and fees to be determined at trial.

Patco successfully [petitioned to transfer](#) the venue from the Western District of Texas in Austin to the Northern District of California. The family-operated company is organized as a business in Nevada, but maintains its principal place of business in Sausalito, California, it said. It does not own or lease any facilities in Texas, according to the transfer motion filed in November.



U.S. District Judge Haywood S. Gilliam Jr. of the Northern District of California. Courtesy photo

The case was reassigned on July 3 to U.S. District Judge Haywood S. Gilliam Jr. An initial case management conference was advanced on July 8, changing dates from Oct. 1 to July 16.

Messages to BuzzBallz and Patco Brands were not immediately answered on Wednesday.

Shvodian declined to offer a comment. Schwegmann and Levenson did not immediately respond to messages.

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