

Winston Secures Favorable Settlement in Trademark and False Advertising Challenge For Raising Cane's

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Winston represented Raising Cane's Chicken Fingers, a national fast casual restaurant chain, in federal Lanham Act trademark and false advertising litigation against Top Secret Recipes, Inc. Top Secret is a company that produces knock-off recipes intended to copy famous sauces made by well-known restaurants like Raising Cane's. We initially filed a complaint on behalf of Raising Cane's before the National Advertising Division challenging Top Secret's parity and superiority advertising claims for its bottled sauces. Top Secret claimed its bottled chicken finger dipping sauce tastes the same as, or better than, Raising Cane's freshly made dipping sauces that it serves in its restaurants. However, the suggestion that Top Secret's product is the same or better than Raising Cane's is both an infringement of its trademarks and constitutes false advertising. In response, Top Secret filed a complaint in federal court seeking declaratory relief that it did not infringe Raising Cane's federally registered trademarks to which we responded with counterclaims alleging false advertising. The case settled when Top Secret agreed to permanently remove Raising Cane's name and reference to its dipping sauce from all advertising.

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