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***Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356 (Fed. Cir. 2012)**

The owner of the well-known COACH mark, Coach Services, Inc. ("CSI"), appealed to the Federal Circuit from a final decision of the Trademark Trial and Appeal Board (the "Board"). Appellee Triumph Learning LLC was in the business of publishing books and software to help children prepare for standardized testing. Triumph Learning filed applications with the United States Patent and Trademark Office to federally register (1) the word mark COACH, (2) a stylized COACH mark, and (3) its COACH mark and design. The applications were published, CSI opposed them, and eventually, the Board dismissed CSI's oppositions after concluding that there was no likelihood of confusion and that CSI failed to show its mark was famous in support of its dilution claim.

The Federal Circuit affirmed the Board's decision. First, the Federal Circuit held that the Board properly excluded CSI's corporate annual reports because they "were not admissible via a notice of reliance without any authentication." Next, the Federal Circuit affirmed the Board's conclusion that there was no likelihood of confusion. With respect to CSI's dilution claims, the Federal Circuit held that the Board correctly considered CSI's mark famous under the likelihood of confusion analysis but not for the dilution analysis, because the two standards were different, and CSI failed to present evidence sufficient to support the argument that its mark was famous under the dilution standard. Finally, the Federal Circuit held that during its secondary meaning analysis of Triumph Learning's marks, the Board erred by admitting and relying on certain documents that were not properly authenticated. For that reason only, the Federal Circuit vacated and remanded the Board's decision with respect to acquired distinctiveness.