

Business



FOR PENINSULA DAILY NEWS

Norma Marshall, center, owner of The 3 Crabs Restaurant in Sequim, with Jacques M. Dulin and Virginia P. Shogren of Innovation Law Group Ltd. of Sequim. The two attorneys helped Marshall obtain trademark protection for her restaurant's name and logo.

Restaurant owner wins crab trademark

PENINSULA DAILY NEWS

DUNGENESS — Norma Marshall, owner of The 3 Crabs Restaurant, won trademark protection recently for her restaurant's name and logo.

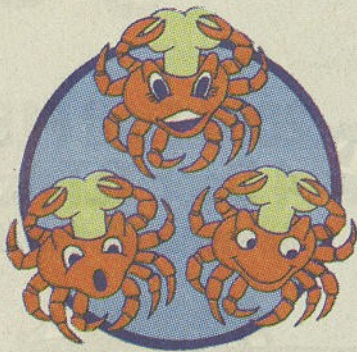
The restaurant's logo depicting three crabs has been in use since 1978 and represents its original owners, brothers Iris and Ernest Marshall and Martha Loffler.

Trademark registration gives Marshall, owner of the restaurant since 1983, exclusive nationwide rights to the name and logo for at least five years, with ongoing renewal options available.

An attorney for the federal Patent and Trademark office — known as a trademark examiner — granted the Sequim restaurant trademark protection earlier this year after initially refusing to approve Marshall's patent application.

Sequim attorneys

Attorneys Jacques M. Dulin and Virginia P. Shogren of Innovative Law Group Ltd. of Sequim argued the case on behalf of Marshall.



Trademark registration gives The 3 Crabs Restaurant owner nationwide rights to this logo for at least five years.

Shogren said the Trademark Office at first rejected Marshall's trademark application because a California-based Vietnamese fish sauce had already registered with the same name and a similar logo to the one used by The 3 Crabs Restaurant.

In response to the trademark examiner's initial judgment, Marshall's attorneys cited an earlier ruling from the U.S. Court of Appeals.

That precedent, known as the Blue Moon case, concluded

that a restaurant and a beer could be trademarked under the same name.

Dulin argued that this decision should be applied to The 3 Crabs' trademark application.

Crucial question

The crucial question in this instance, said Shogren, was whether or not there was a likelihood consumers would be confused between the restaurant and the fish sauce of the same name.

Even though the trademark examiner finally sided with Marshall, granting her trademark registration, Dulin says Marshall would have had an easier time if she had applied earlier.

"The lesson for our local folks is that even though the restaurant had been in business since 1959, they had never filed for trademark registration," Dulin said.

"If you have a trademark, don't think you are automatically protected without getting trademark registration.

"Part of it is really a race to the trademark office."

TURN TO TRADEMARK/D6

Trademark

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3 Crabs Restaurant has been in operation for 45 years and has been owned by Norma Marshall since 1983, who purchased the restaurant from the estate on her late husband.

Nationally listed

In 2003, 3 Crabs was listed by *USA Today* as one of the 10 best places to eat seafood by the seashore.

The restaurant is open from 11:30 a.m. to 3 p.m. Monday through Thursday, and 11:30 a.m. to 7 p.m. Friday through Sunday.

It is located at 11 Three Crabs Road. Phone 360-683-4264 to make reservations.

Innovation Law Group Ltd. is located at 224 W. Washington St., Suite 201, in Sequim. Phone 360-681-7305 to reach Dulin or Shogren.