

**13-1211 HANA FINANCIAL, INC. V. HANA BANK**

DECISION BELOW: 735 F.3d 1158

LOWER COURT CASE NUMBER: 11-56678

QUESTION PRESENTED:

To own a trademark, one must be the first to use it; the first to use a mark has "priority." The trademark "tacking" doctrine permits a party to "tack" the use of an older mark onto a new mark for purposes of determining priority, allowing one to make slight modifications to a mark over time without losing priority. Trademark tacking is available where the two marks are "legal equivalents."

The question presented, which has divided the courts of appeals and determined the outcome in this case, is:

Whether the jury or the court determines whether use of an older mark may be tacked to a newer one?

CERT. GRANTED 6/23/2014