

CURTIN v. UNITED TRADEMARK HOLDINGS, INC., Appeal No. 2023-2140 (Fed. Cir. May 22, 2025). Before Taranto, Hughes, and Barnett. Appealed from the Trademark Trial and Appeal Board.

Background:

United Trademark Holdings (UTH) filed to register the trademark "RAPUNZEL" for dolls and toy figures. Rebecca Curtin, a doll collector, opposed the registration under §1063 of the Lanham Act, alleging the mark was generic, descriptive, and failed to function as a trademark. Curtin claimed registration would harm competition and increase costs for consumers of fairytale-themed products. UTH moved to dismiss, arguing Curtin lacked statutory standing. Applying the *Lexmark* framework, the TTAB dismissed Curtin's opposition, finding she was not statutorily entitled to oppose registration under §1063. Curtin appealed.

Issue/Holding:

Was the TTAB correct to apply the *Lexmark* zone-of-interests framework to opposition proceedings under §1063? Yes, affirmed.

Discussion:

Curtin argued the TTAB should have applied the liberal *Ritchie v. Simpson* test, which requires only a "real interest" and "reasonable basis" for opposition. She contended that opposition proceedings are administrative matters distinct from statutory causes of action, making *Lexmark* inapplicable. UTH argued that *Lexmark's* zone-of-interests framework applied, requiring Curtin to demonstrate commercial interests she lacked as a mere consumer.

The Federal Circuit held that *Lexmark*, not *Ritchie*, provided the proper framework for multiple reasons. First, the invalidation of the "immoral or scandalous" trademark prohibition in another case undermined *Ritchie's* statutory foundation because *Ritchie's* test was developed while interpreting that specific provision, and once the provision became unconstitutional, the precedential value of *Ritchie's* analysis was undermined. Second, the Federal Circuit noted that *Ritchie* involved personal/moral challenges, whereas Curtin's claims (generic, descriptive, functionality) were commercially-grounded, making *Lexmark's* commercial-focused framework more appropriate. Third, the Federal Circuit rejected Curtin's administrative/statutory distinction, noting that yet another case had already established that *Lexmark* applies to §1064 cancellation proceedings, and reasoned that §1063 (opposition) and §1064 (cancellation) should be treated consistently due to their nearly identical statutory language.

The Federal Circuit thus applied *Lexmark*, which requires a two-part test: (1) the plaintiff's interests must fall within the zone protected by the statute, and (2) proximate causation between the defendant's violation and the plaintiff's injury. Curtin argued that consumer interests fall within the Lanham Act's protection; UTH contended trademark law protects commercial competitors, not consumers. The Federal Circuit held that challenges based on generic, descriptive, or functionality grounds protect commercial interests, not consumer interests, as these fall within a purpose of the Lanham Act to "regulate commerce" and "protect persons engaged in such commerce against unfair competition." The Federal Circuit also found Curtin's alleged harms were too remote and speculative, constituting "tertiary effects" derivative of harms first suffered by commercial actors, thus failing the proximate causation requirement.