



IP NEWS QUARTERLY



IP Attorneys Group, LLC

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LARGEST TRADEMARK AWARD ON RECORD

In this issue:

PODS ENTERPRISES, LLC vs. U-HAUL INTERNATIONAL, INC.

PODS Enterprises, LLC (PODS) owns federal trademarks for “PODS” and for “PODS PORTABLE ON DEMAND STORAGE” for containers used in the storage and transportation of goods and in moving and storage services.

PODS brought a trademark infringement and dilution suit against U-Haul International, Inc. (U-Haul) in 2012, alleging that U-Haul’s use of the words “pod” and “pods” to market its U-Box product, which competes in the moving and service industry with some of PODS’ products, is likely to cause confusion. The jury awarded PODS a verdict in its trademark infringement claim against U-Haul of \$60.7 million.

Among the arguments and evidence submitted by PODS, the following were likely the most significant in the jury’s finding of likelihood of confusion:

- U-Haul’s use of “U-Box pod” to identify the same type of product as PODS products.
- The products of the respective parties look similar and were for the same purpose.
- U-Haul’s widespread use of the words “pod” and “pods” on its website, including in the headings of 160,000 U-Haul webpages as well as other portions of the U-Haul.com website, in order to “optimize” their website to attract prospective customers who were searching online for PODS to U-Haul’s U-Box service. PODS claimed that U-Haul had nearly 600,000 such uses of “pods” on its website. This factor suggests intentional infringement.

After PODS prevailed at trial, attempts by U-Haul to secure a new trial were unsuccessful. In August of 2015, the court granted PODS’ motion for a permanent injunction forbidding U-Haul from using PODS and PODS PORTABLE ON DEMAND STORAGE. On October 10, 2016, pending an appeal by U-Haul, PODS entered into a \$41.4 million settlement with U-Haul to resolve the matter.

Please contact our office if you have any questions regarding this case.

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[PODS Enterprises LLC
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