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IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

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CLERK OF COURTS
CUYAHOGA COUNTY

ST. IGNATIUS HIGH SCHOOL OF CLEVELAND
Plaintiff

ALEXY METALS, LTD
Defendant

Case No: CV-24-103652

Judge: CASSANDRA COLLIER-WILLIAMS

JOURNAL ENTRY

85 DISP.PRE-TRL - FINAL

FINAL ORDER AND OPINION IS SIGNED AND ORDERED RECORDED. ORDER ATTACHED. OSJ. FINAL.
COURT COSTS ASSESSED TO THE PLAINTIFF(S).
PURSUANT TO CIV.R. 58(B), THE CLERK OF COURTS IS DIRECTED TO SERVE THIS JUDGMENT IN A MANNER PRESCRIBED BY CIV.R. 5(B). THE CLERK MUST INDICATE ON THE DOCKET THE NAMES AND ADDRESSES OF ALL PARTIES, THE METHOD OF SERVICE, AND THE COSTS ASSOCIATED WITH THIS SERVICE.

OSJ
Judge Signature Date

- 85
03/05/2026

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY

ST. IGNATIUS HIGH SCHOOL OF CLEVELAND	)	Case No.: CV-25-103652
	)	
Plaintiff,	)	
	)	JUDGE CASSANDRA COLLIER-WILLIAMS
v.	)	
	)	
ALEXY METALS LTD.	)	**FINAL OPINION AND ORDER**
	)	
Defendant.	)	

JUDGE C. COLLIER-WILLIAMS:

This matter is before the Court on the Parties' cross-motions for Summary Judgment. Plaintiff filed a Motion for Summary Judgment on 11/20/2025, Defendant filed an Opposition to Plaintiff's Motion for Summary Judgment on 12/24/2025, and Plaintiff filed a Reply Brief in Support of Summary Judgment on 12/31/2025. Defendant filed a Motion for Summary Judgment on 11/19/2025, Plaintiff filed an Opposition to Defendant's Motion for Summary Judgment on 12/23/2025, and Defendant filed a Reply in Support of Summary Judgment on 12/31/2025.

For the reasons outlined below, the Court GRANTS Defendant's Motion for Summary Judgment in its entirety, and DENIES Plaintiff's Motion for Summary Judgment in its entirety.

I. FACTUAL BACKGROUND

Plaintiff, St. Ignatius High School of Cleveland, is an educational institute located in Cleveland, Ohio. The school was founded in 1886 and offers a college preparatory curriculum. Compl. at. 1. Defendant, Alexy Metals LTD., is an Ohio limited liability company engaged in the business of refining brazing alloys and precious metals. Alexy Metals LTD. was founded in 2005.

Id. at 2. This matter centers around allegations of trademark infringement by Alexy Metals LTD. of the St. Ignatius school shield.

According to Plaintiff's Complaint, St. Ignatius began using the mark in question (the "Ignatius shield") in its print and media advertising, including social media advertising, as well as on its stationery letterhead, and branded items such as flags, banners, and clothing in April of 2013. *Id.* at 1. Plaintiff alleged in its Complaint that in late 2020 or early 2021, Alexy Metals LTD. began using a similar shield design (the "Alexy shield") for its logo. *Id.* at 2. Plaintiff stated that it requested that Defendant cease use of its alleged infringing mark, the Alexy Shield, but Defendant refused. *Id.* at 3.

II. STATEMENT OF THE CASE

On September 11, 2024, Plaintiff filed a Complaint alleging the following: (1) Violation of the Lanham Act 15 USC §1114; (2) Violation of the Lanham Act 15 USC §1125(a); (3) Violation of the Lanham Act 15 USC §1125(c); (4) Trademark Infringement and Dilution Under Ohio Common Law; and (5) Violation of the Ohio Deceptive Trade Practices Act.

On October 28, 2024, Defendant filed its Answer and Counterclaim seeking a declaratory judgment against the Plaintiff declaring that the Defendant does not infringe or dilute any rights of the Plaintiff under the Lanham Act, Ohio Common Law, or the Ohio Deceptive Trade Practices Act.

On November 19, 2025, Defendant Alexy Metals LTD. filed its Motion for Summary Judgment arguing that the Alexy Shield does not dilute or infringe upon the Ignatius Shield, nor does the Alexy Shield cause a likelihood of confusion as to the origin of the goods and services. On November 20, 2025, Plaintiff St. Ignatius High School of Cleveland filed its Motion for

Summary Judgment arguing that the Alexy Shield dilutes and infringes upon the Ignatius Shield and causes a likelihood of confusion as to the origin of the goods and services. Plaintiff stated in a Footnote on Page 3 of its Motion for Summary Judgment that it was no longer pursuing Counts I and III for violations under the Lanham Act. Therefore, the Court will not go through an analysis as to those Counts. The parties engaged in motion practice and briefing on the issue of summary judgment, and the Court decides as follows.

III. APPLICABLE LAW AND ANALYSIS

A. SUMMARY JUDGMENT STANDARD OF REVIEW

It is axiomatic that a motion for summary judgment may only be granted where there exists no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Civ. R. 56(c). Moreover, summary judgment is inappropriate unless it appears from the evidence that reasonable minds could come to but one conclusion, and that conclusion is adverse to the nonmoving party. Civ. R. 56(c).

Furthermore, in reviewing a motion for summary judgment, this court must construe the evidence in a light most favorable to the party opposing the motion. *Temple v. Wean United, Inc.* (1977), 50 Ohio St. 2d 317. Therefore, absent an affirmative showing by the moving party that no genuine issues exist as to any material fact, and that such party is entitled to judgment as a matter of law, no summary judgment may be granted. *Harless v. Willis Day Warehousing Co.* (1978), 54 Ohio St. 2d 64, 66. Summary judgment is inappropriate if the evidence would permit a reasonable jury to return a verdict in favor of the non-moving party.

Construing all facts in favor of the Plaintiff and finding no genuine issue of material fact remains, the Court hereby grants Defendant's Motion for Summary Judgment in its entirety and denies Plaintiff's Motion for Summary Judgment in its entirety.

B. VIOLATION OF THE LANHAM ACT —15 U.S.C. §1125(a)

Plaintiff argues that Alexy Metals LTD. has violated the Lanham Act by causing confusion as to the origin of its goods and services.

> 15 U.S.C. § 1125(a) states the following:
>
> (1) Any person who ... uses in commerce any word, term, name, symbol, or device ... which ...
>
> (A) is likely to cause confusion or to cause mistake, or to deceive as to the affiliation, connection, or association of such person with another person, or as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person ... shall be liable in a civil action by any person who believes that he or she is or is likely to be damaged by such act.

"The issue for the Court is the 'likelihood' of confusion, not the mere 'possibility' of confusion, among relevant consumers." *Savannah College of Art and Design, Inc. v. Houeix*, 369 F. Supp. 2d 929, 952 (S.D. Ohio 2004). "In determining whether a likelihood of confusion exists, a court will typically weigh the following eight factors: (1) strength of the senior mark; (2) relatedness of the goods or services; (3) similarity of the marks; (4) evidence of actual confusion; (5) marketing channels used; (6) likely degree of purchaser care; (7) the intent of defendant in selecting the mark; and (8) likelihood of expansion of the product lines." *Hensley Mfg. v. ProPride, Inc.*, 579 F.3d 603, 610 (6th Cir. 2009).

<u>Factor 1</u> – Strength of the senior mark. The first factor focuses on "the distinctiveness of a mark and its recognition among the public." *Progressive Distrib. Servs., Inc. v. United Parcel Serv., Inc.*, 856 F.3d 416, 427 (6th Cir. 2017) (quotation omitted). A mark's strength is comprised of two components: conceptual and commercial strength. *Id.* at 428. Conceptual strength probes the distinctiveness of a mark. "When a mark incorporates generic or highly descriptive components, consumers are less likely to think that other uses of the common element emanate from the mark's owner." *United States Pat. & Trademark Off. v. Booking.com B.V.*, 591 U.S. 549,

562 (2020). Courts have offered a three-part test to determine whether a background design is inherently distinctive: (1) whether the design is a common basic shape or design; (2) whether it is unique or unusual in a particular field; and (3) whether it is a mere refinement of a commonly-adopted and well-known form of ornamentation for a particular class of goods viewed by the public as a dress or ornamentation for the goods. *See Amazing Spaces, Inc.*, 608 F.3d at 232 (citing *Seabrook Foods, Inc. v. Bar-Well Foods Ltd.*, 568 F.2d 1342, 1344 (C.C.P.A. 1978)).

Here, in considering the above three-part test, Plaintiff admits that the shield shape is a pretty common enclosure. Plaintiff also admits that diagonal stripes on a shield design are not unique to St. Ignatius. Plaintiff further admits that the iconography used inside the shield is "Ignatian symbols" that are in most of the main identities in some way or another. The shield, stripes, AMDG, cross, wolves over a cauldron, and date of establishment are neither unique nor unusual in the field of education, particularly Jesuit education. Stylized shields are common ornamentation on goods from clothes to cars. Thus, this factor supports a finding of no confusion.

Factor 2 – Relatedness of the goods/services, or whether the products or services are similar. There is no dispute here; the parties' goods and services are completely unrelated to one another. Thus, this factor supports a finding of no confusion.

Factor 3 – Similarity of the marks, or whether the trademarks are similar in appearance, sound, and meaning. Similarity of the marks cannot be evaluated merely by looking at the marks side-by-side and carefully discerning similarities between the two. "The appearance of the litigated marks side by side in the courtroom does not accurately portray actual market conditions." *Homeowners Group v. Home Mktg. Specialists, Inc.*, 931 F.2d 1100, 1106 (6th Cir.1991). Instead, the marks must be compared as consumers would encounter them in the marketplace. *See Flower Manufacturing, LLC v. CareCo, LLC*, 466 F. Supp. 3d 797 at 814-15 (N.D. Ohio 2020). The

contexts in which the parties' respective consumers encounter the marks do not allow for careful side-by-side study to discern similarities because consumers would never see both marks in close proximity.

Additionally, Ohio courts have regularly held that the use of the parties' respective names of their trademarks negates a finding of likelihood of confusion as a matter of law. *See, e.g., Leventhal & Assoc., Inc. v. Thomson Control Ohio*, 128 Ohio App.3d 188, 197-98, 714 N.E.2d 418 (1998) (use of source identifier "negates a finding of likelihood of confusion as to the source or ownership of the two magazines."); *George P. Ballas Buick-GMC, Inc. v. Taylor Buick, Inc.*, 5 Ohio App.3d 71, 73-74, 449 N.E.2d 503 (6th Dist. 1981), aff'd, 5 Ohio App.3d 71, 449 N.E.2d 503 (1982) at 74 (citing "the fact that the plaintiff's and defendant's names were prominently displayed in the advertisements" as "thereby precluding any likelihood of confusion.") Here, both shield designs feature prominently the names of the parties' respective companies. Thus, this factor supports a finding of no confusion.

Factor 4 – Evidence of confusion, or whether consumers have already been confused. Here, Plaintiff admitted that it has no proof of actual consumer confusion. Defendant is aware of none. Alexy Aff. at ¶ 11. Thus, this factor supports a finding of no confusion.

Factor 5 – Marketing channels used, or whether the businesses use similar marketing and sales channels. St. Ignatius sells its educational services using mailers, emails, and events. Moser Aff. at ¶ 4. Alexy Metals sells its products through its e-commerce website, trade shows, and personal interactions. Alexy Aff. at ¶¶ 4-5. The parties' advertising targets completely different populations. *Id.* at ¶ 4. Due to these fundamental differences in how the parties' goods and services are sold, this factor supports a finding of no confusion.

Factor 6 – Likely degree of purchaser care, or whether consumers take care when buying products. The parties' consumers do not overlap. Plaintiff targets families with school-age boys in Northeast Ohio. Defendant's consumers include aerospace and medical companies, and their services are costly. Alexy Aff. at ¶ 4. This means that the individuals making purchasing decisions are working with highly engineered applications in which the quality and performance of the material supplied by the Defendant are critical. *Id.* at ¶ 5. Additionally, "[w]hen the relevant buyer class is composed of such professional purchasers the likelihood of confusion is lower. That is, 'while two marks might be sufficiently similar to confuse an ordinary consumer, a professional buyer or an expert in the field may be more knowledgeable and will not be confused.'" *Homeowners*, 931 F.3d at 1111, quoting 2 McCarthy § 23:29, at 135. Thus, this factor supports a finding of no confusion.

Factor 7 – Alleged infringer's intent, or whether the Defendant intended to cause confusion. There was testimony in this case regarding the alleged copying of the Plaintiff's shield logo in designing the Defendant's shield logo. Grayson Alexy, founder and President of Alexy Metals, had Alexy Metals' then-intern, Jacob Denner, lead its rebranding. Before starting, Mr. Denner showed Mr. Alexy a hockey puck that had the St. Ignatius Shield on it. After showing Mr. Alexy the St. Ignatius Shield and other family crests, Mr. Denner expressed his desire to create a similar shield design for Alexy Metals, and Mr. Alexy agreed. Over the course of the next few weeks, Mr. Denner, using a picture of the St. Ignatius Cleveland High School shield design, among other resources, as inspiration, worked with Mr. Alexy and a graphic designer in Florida to create a slate of options for Alexy Metals' new logo.

"The Supreme Court has emphasized that free and legal copying is an essential element of free competition." 3 McCarthy on Trademarks and Unfair Competition § 23:122 (5th ed.). Copying

to compete is not the same as copying to confuse. *Id.* McCarthy quotes *TrafFix Devices, Inc. v. Mktg. Displays, Inc.*, 532 U.S. 23, 29 (2001):

> [I]n many instances there is no prohibition against copying goods and products. In general, unless an intellectual property right such as a patent or copyright protects an item, it will be subject to copying. . . [C]opying is not always discouraged or disfavored by the laws which preserve our competitive economy. . . Allowing competitors to copy will have salutary effects in many instances.

Id.

In *Groeneveld Transport Efficiency, Inc. v. Lubecore Intern., Inc.*, 730 F.3d 494, the Sixth Circuit firmly rejected a plaintiff's argument that a competitor's intentional copying of a functional product shape was evidence of an intent to confuse, explaining that plaintiff's argument revealed a "fundamental misapprehension of the purposes of trademark law." *Id.* at 511. The court remarked that "[Plaintiff's] argument fails to appreciate that trademark law does not prohibit copying as such; that is the province of copyrights and patents . . . No harm is done to this incentive structure, however, by the copying of a product design that does not confuse consumers as to the product's source." *Groeneveld,* 730 F.3d 494, 511-13 (6th Cir. 2013) (Defendant's design of a functional vehicle lubrication pump was not an infringement of product trade dress and was not likely to cause confusion. "[T]rademark law, like the law of unfair competition of which it is a part, focuses not on copying per se, but on confusion.")

> [M]ere knowledge of the competitor's mark is insufficient as a matter of law to prove intentional copying. As the district court noted, "intentional copying . . . is not actionable under the Lanham Act absent evidence that the copying was done with the intent to derive a benefit from the reputation of another."

DeGidio v. West Group Corp., 355 F. 3d 506, 514 (6th Cir. 2004).

Therefore, as there is no evidence of Defendant's intent to confuse by using the St. Ignatius shield design as inspiration for the Alexy Shield, this factor supports a finding of no confusion.

Factor 8 – Likelihood of expansion, or whether it is likely that the Plaintiff will expand into Defendant's market. There is no dispute that neither party is likely to enter the other's market. Alexy Aff., ¶ 11. Thus, this factor supports a finding of no confusion.

Additionally, when the material facts underlying the likelihood of confusion analysis are not in dispute, the determination of whether those facts create a likelihood of confusion is a legal conclusion. *See Flower Manufacturing, LLC v. Careco, LLC*, 466 F. Supp. 3d 797, 814-15 (N.D. Ohio 2020) (granting summary judgment).

Therefore, taking into consideration the above eight factors as laid out in *Hensley*, this Court finds that there is no likelihood of confusion. As such, Plaintiff's Count II for Violation of the Lanham Act under 15 U.S.C. §1125(a) fails.

C. DILUTION AND TRADEMARK INFRINGEMENT UNDER OHIO COMMON LAW

"[C]laims for trademark infringement and false designation of origin under the Ohio Deceptive Trade Practices Act, R.C. § 4165.02(A)(2), and Ohio common law are subject to the same 'likelihood of confusion' standards as their federal counterparts." *Interactive Prods. Corp. v. a2z Mobile Off. Sols., Inc.*, 326 F.3d 687, 694 (6th Cir. 2003); *Wooster Floral & Gifts, L.L.C.*, 2020-Ohio-5614, at ¶ 2 (quoting Ohio Rev. Code § 4165.02(A)(2))

i. Common Law Dilution

To state a claim for dilution of a trademark or trade dress, a party must show that: (1) the senior mark is famous; (2) it is distinctive; (3) the junior use must be a commercial use in commerce; (4) it must begin after the senior mark has become famous; and (5) it must cause dilution of the distinctive quality of the senior mark. *Kellogg Co. v. Exxon Corp.*, 209 F.3d 562,

577 (6th Cir. 2000); *AutoZone, Inc. v. Tandy Corp.*, 373 F.3d 786, 802 (6th Cir. 2004). To be capable of being diluted, a mark must have a significant degree of "strength" beyond the minimum threshold of "distinctiveness" that is needed to serve as a trademark in the first place. 3 McCarthy on Trademarks § 24:104.

Under the Lanham Act, fame can be shown through evidence of: (1) the duration, extent, and geographic reach of advertising and publicity of the mark; (2) the amount, volume, and geographic extent of sales of goods or services offered under the mark; (3) the extent of actual recognition of the mark; and (4) whether the mark was registered on a principal register. 15 USC §1125(c)(2)(A)(i)–(iv). Additionally, in Ohio, a mark need not be nationally famous (or even famous) but must be "strong" or "well-known" in a specific geographic area. *Universal Tube & Rollform Equip. Corp. v. Youtube, Inc.*, 504 F.Supp.2d 260, 267 (N.D. Ohio 2007); *Ameritech, Inc. v. Am. Information Technologies Corp.*, 811 F.2d 960, 965 (6th Cir. 1987). However, "a mark that is merely one in a 'crowd' of similar marks will find it difficult to be 'famous.'" 3 McCarthy on Trademarks § 24:106.

Courts consistently exclude proffered trademark survey experts whose relevant expertise is limited to general marketing experience. *See Valador, Inc. v. HTC Corp.*, 242 F. Supp. 3d 448, 459 (E.D. Va. 2017), aff'd, 707 F. App'x 138 (4th Cir. 2017) ("general expertise in the area of surveys and marketing is not 'sufficient[ly] specialized knowledge to assist the jurors in deciding the particular issues in 'this trademark infringement case."); *Hi-Tech Pharms. Inc. v. Dynamic Sports Nutrition, LLC*, No. 1:16-CV-949-MLB, 2021 WL 2185699, at *16 (N.D. Ga. May 28, 2021) (expert "may have ample experience in the field of consumer trends and forecasts, but that experience is insufficient to render her qualified to testify as an expert regarding genericness and likelihood of confusion in a case involving claims of trademark infringement."); *Radiance Found.,*

Inc. v. NAACP, 27 F. Supp. 3d 671, 675 (E.D. Va. 2013) (holding witness' "general expertise in the area of surveys and marketing" was insufficient to permit her to testify regarding trademark dilution and likelihood of consumer confusion).

Here, Plaintiff has failed to present evidence showing that its purported expert, Matthew Youngblood could be qualified as an expert in trademark infringement and dilution. While he may qualify as an expert in branding and marketing, that does not rise to the level of expertise needed in this type of case.

An argument could be made that St. Ignatius and its shield design are locally famous or well-known in the geographic area of Northeast Ohio, but the evidence provided by the Plaintiff does not back up that argument. Therefore, fame has not been proven.

As to the next element of dilution, Plaintiff must prove that its mark is distinctive. Conceptual strength probes the distinctiveness of a mark. "When a mark incorporates generic or highly descriptive components, consumers are less likely to think that other uses of the common element emanate from the mark's owner." *United States Pat. & Trademark Off. v. Booking.com B. V.*, 591 U.S. 549, 562 (2020).

Common geometric shapes are not inherently distinctive. *See Wiley v. American Greetings Corp.*, 762 F.2d 139, 226 U.S.P.Q. 101 (1st Cir. 1985) (red heart affixed to teddy bear not inherently distinctive); *Amazing Spaces, Inc. v. Metro Mini Storage*, 608 F.3d 225, 246-247, 95 U.S.P.Q.2d 1333 (5th Cir. 2010) (five pointed star within a circle not inherently distinctive); *Brooks Shoe Mfg. Co. v. Suave Shoe Corp.*, 716 F.2d 854, 221 U.S.P.Q. 536 (1st Cir. 1983) ("V" design on sports shoes not inherently distinctive where many competitors use close variations of such designs). This is because "such designs have been so widely and commonly used as mere

decorative graphic elements that the origin-indicating ability of such designs has been diminished." § 7:29. *Designs, shapes, and symbols as background for word marks—Inherently distinctive and nondistinctive designs*, 1 McCarthy on Trademarks and Unfair Competition § 7:29 (5th ed.).

Courts have adopted a three-part test to determine whether a background design is inherently distinctive: (1) whether the design is a common basic shape or design; (2) whether it is unique or unusual in a particular field; and (3) whether it is a mere refinement of a commonly-adopted and well-known form of ornamentation for a particular class of goods viewed by the public as a dress or ornamentation for the goods. *See Amazing Spaces, Inc.*, 608 F.3d at 232 (citing *Seabrook Foods, Inc. v. Bar-Well Foods Ltd.*, 568 F.2d 1342, 1344 (C.C.P.A. 1978).). If a design fails any one of these factors, then it is not inherently distinctive. McCarthy on Trademarks, § 8:13. The shape must be so distinctive that it creates "a separate commercial impression on buyers apart from any other element (words, letters, numbers, etc.) used in combination with the shape." § 7:29. *Designs, shapes, and symbols as background for word marks—Inherently distinctive and nondistinctive designs*, 1 McCarthy on Trademarks and Unfair Competition § 7:29 (5th ed.).

Here, Plaintiff admitted that the shield shape is a pretty common enclosure. Plaintiff admitted that diagonal stripes on a shield design are not unique to St. Ignatius. Plaintiff admitted that the iconography used inside the shield is "Ignatian symbols" that are in most of the main identities in some way or another. Additionally, the shield, stripes, AMDG, cross, wolves over a cauldron, and date of establishment are neither unique nor unusual in the field of education, particularly Jesuit education. Finally, stylized shields are common ornamentation on goods from clothing to cars. Thus, Plaintiff has failed to show that its mark is distinctive.

There is no question here that Defendant's use is the junior use, and it is used in commerce. Additionally, there is no dispute that Defendant adopted its mark after Plaintiff.

Finally, as to the last element of the dilution claim, the junior's mark must cause dilution of the distinctive quality of the senior mark. "The degree of similarity required for a dilution claim must be greater than that which is required to show likelihood of confusion." *Jet, Inc. v. Sewage Aeration Sys.*, 165 F.3d 419, 425 (6th Cir. 1999) (summary judgment affirmed because, assuming Ohio courts would allow dilution, "Jet's theory would permit it to enjoin the use of a vast number of registered trademarks containing the word 'jet' and used in unrelated industries."). "[E]very federal court to decide the issue has ruled that a high degree of similarity, ranging from 'nearly identical' to 'very similar,' is required for a dilution claim to succeed." *AutoZone, Inc.*, 373 F. 3d at 806. Mere similarity of a handful of highly common design elements is insufficient to prove dilution. Further, in taking the *Hensley* factors above into account, Plaintiff has failed to state a claim for common law dilution.

ii. <u>Common Law Trademark Infringement</u>

To prove common law trademark infringement, a party must provide evidence showing: (1) ownership of a trademark; (2) the infringer used the mark in commerce; and (3) the use was likely to cause confusion. *Hensley Mfg. v. ProPride, Inc.*, 579 F.3d 603, 609 (6th Cir. 2009). "The touchstone of liability [for trademark infringement] is whether the defendant's use of the disputed mark is likely to cause confusion among consumers regarding the origin of the goods offered by the parties." *Id.* at 610 (citing *Daddy's Junky Music Stores, Inc. v. Big Daddy's Family Music Ctr.*, 109 F.3d 275, 280 (6th Cir. 1997)).

Under Ohio law, proof of secondary meaning is a requirement in a suit for unfair competition to enjoin the use of a similar trademark, trade dress, or advertising design. A party must prove two elements: secondary meaning and likelihood of confusion. *George P. Ballas Buick-GMC, Inc.*, 5 Ohio App.3d at 73-74. Secondary meaning exists where the mark comes to

identify not only the goods but the source of those goods and may be based on the evidence of the length and manner of use of the mark, the nature and extent of advertising and promotion of the mark, efforts toward promoting a conscious connection in the minds of the public between the mark and the source, and customer testimony or surveys demonstrating the consumer identification of the source with the mark. *Id.* A plaintiff's burden to show secondary meaning is substantial. *DeGidio*, 355 F.3d at 513. Plaintiff must prove that the St. Ignatius Shield obtained secondary meaning prior to Alexy Metals' adoption of the Alexy Shield in March 2020.

Plaintiff presented evidence that it has been using the mark in question since 2013, and has used the mark in extensive advertising, on invitations to events, and on merchandise and clothing. The Sixth Circuit has "long held that 'evidence of intentional copying shows the strong secondary meaning of [a product] because [t]here is no logical reason for the precise copying save an attempt to realize upon a secondary meaning that is in existence.'" *Nursing Ce Cent. LLC v. Colibri Healthcare, LLC*, 2024 U.S. Dist. LEXIS 15127, 17 (E.D. Ky. Jan. 29, 2024) (citations omitted); *Hydrojug, Inc. v. Five Below, Inc.*, 625 F. Supp. 3d 684, 700 (N.D. Ohio 2022) ("the Court also concludes that Hydrojug's otherwise descriptive mark has acquired strong secondary meaning because there is significant evidence that Defendants copied Hydrojug's mark in their design for Aquajugs"). Here, there was evidence that Defendant's then-intern used as inspiration a hockey puck featuring the St. Ignatius shield. Because the evidence indicates that, at the very least, the St. Ignatius shield was used as inspiration for the Alexy shield, Plaintiff has proven secondary meaning. However, because Plaintiff is unable to show confusion as detailed above, Plaintiff's claim for common law trademark infringement fails.

D. VIOLATION OF THE OHIO DECEPTIVE TRADE PRACTICES ACT

Under the Ohio Deceptive Trade Practices Act, "[a] person engages in a deceptive trade practice when, in the course of the person's business . . . the person . . . Causes likelihood of confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another." R.C. § 4165.02(A)(3). "[C]laims for trademark infringement and false designation of origin under the Ohio Deceptive Trade Practices Act, R.C. § 4165.02(A)(2), and Ohio common law are subject to the same 'likelihood of confusion' standards as their federal counterparts." *Interactive Prods. Corp. v. a2z Mobile Off. Sols., Inc.*, 326 F.3d 687, 694 (6th Cir. 2003); *Wooster Floral & Gifts, L.L.C.*, 2020-Ohio-5614, at ¶ 2 (quoting Ohio Rev. Code § 4165.02(A)(2)).

As this Court previously has analyzed and found that no likelihood of confusion has occurred, this count fails.

IV. CONCLUSION

This case was brought by the Plaintiff arguing that the Defendant had infringed on Plaintiff's trademark, the Ignatius shield. After a thorough review of all the evidence, and after construing all facts in favor of the Plaintiff, this Court finds no genuine issue of material fact remains.

Consequently, the Defendant's Motion for Summary Judgment is hereby granted. The Plaintiff's Motion for Summary Judgment is hereby denied in its entirety. FINAL.

IT IS SO ORDERED.

3/5/2026

DATE

JUDGE CASSANDRA COLLIER-WILLIAMS