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## 9th circuit applies *rogers* test to “punchbowl” case

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Written by Chloe George

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This week, the Ninth Circuit affirmed the Central District of California’s summary judgment in favor of AJ Press, LLC, owner of *Punchbowl News*, against Punchbowl, Inc. in a trademark infringement action under the Lanham Act.<sup>[1]</sup> The Ninth Circuit applied the *Rogers* test, established by *Rogers v. Grimaldi*, 875 F.2d 994 (2d Cir. 1989) and adopted by the Ninth Circuit in *Mattel, Inc. v. MCA Records, Inc.*, 296 F.3d 894 (9th Cir. 2002) and held that AJ Press’s use of the Punchbowl mark was sufficiently expressive to merit First Amendment protection, thus defeating the Lanham Act and related state-law claims.

[1] *Punchbowl, Inc. v. AJ Press, LLC*, D.C. No. 2: 21-cv-03010-SVW-MAR (Nov. 14, 2022)

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