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# of trademark and labor law: *trader joe's company v. trader joe's united*

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*MSK Client Alert*

September 15, 2025

On September 8, 2025, the United States Court of Appeals for the Ninth Circuit reinstated a trademark infringement claim and reversed the district court's conclusion that the Norris-LaGuardia Act barred it from granting injunctive relief. *See Trader Joe's Company v. Trader Joe's United*, --- F.4th ---, 2025 WL 2586674 (9th Cir. 2025).

Trader Joe's alleged that Trader Joe's United ("TJU"), a labor union representing some of its employees, infringed on its trademarks by selling apparel, mugs, buttons, and reusable tote bags that used the company's distinctive typed word mark, unique red coloring, capitalized lettering, and similar style of font. Trader Joe's contended that TJU's items were likely to cause consumer confusion and dilute its trademarks.

The district court disagreed, finding that there was no plausible likelihood of confusion, and granted TJU's motion to dismiss the complaint with prejudice. The district court further held that Trader Joe's request for injunctive relief was prohibited by the Norris-LaGuardia Act, which prohibits injunctive relief in any case "involving or growing out of a labor dispute." In the district court's view, Trader Joe's request for injunctive relief was made in response to TJU's nationwide organizing efforts. The district court also awarded TJU over \$112,000 in attorney's fees.

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## practice areas

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The Ninth Circuit reversed the dismissal of the trademark infringement claim, applying the likelihood-of-confusion factors articulated in *AMF Inc. v. Sleekcraft Boats*, 599 F.3d 341, 348-49 (9th Cir. 1979). First, the court found that Trader Joe's mark was strong, which weighed strongly in favor of Trader Joe's. Second, the court found that both parties sold similar non-grocery goods, including reusable tote bags, such that consumers may be confused about the source or sponsorship of these products if they are labeled with a mark similar to Trader Joe's. Noting the tote bags in particular, the Ninth Circuit found that these products were clearly related, identical in use and function, and targeted the same class of consumers – the general public. The second factor thus weighed in favor of Trader Joe's. Third, the court found that Trader Joe's and TJU's marks were strikingly similar, as the name "Trader Joe's" in both parties' marks used capitalized lettering, the same red color and similarly stylized fonts, and both marks were found within concentric circles. This factor also weighed in favor of Trader Joe's.

Fourth, the court noted that TJU markets and sells its products online via its website, while Trader Joe's promotes its products online but sells its products only in stores. However, the court stated that under an initial interest theory, consumers searching for "Trader Joe's tote bags" online could be diverted to TJU's website. Thus, this factor was neutral. Fifth, the court found that because TJU sells moderately priced good and Trader Joe's sells "affordable" products, it was too early to tell at the pleading stage whether consumers would exercise little or significant care when purchasing products from TJU's website, rendering this factor neutral in the likelihood of confusion analysis. Lastly, the court found the remaining factors neutral because Trader Joe's failed to plausibly allege actual confusion, TJU's intent to deceive, or either party's plans to expand their products into new markets. The court therefore reversed the district court's dismissal of Trader Joe's trademark infringement claim, finding that a reasonably prudent consumer could be confused about the origin of the goods.

The Ninth Circuit also vacated the district court's holding that it lacked jurisdiction to issue injunctive relief due to the Norris-LaGuardia Act. In the district court's view, Trader Joe's request for injunctive relief was "undoubtedly related" to TJU's ongoing nationwide organizing efforts based on its timing in relation to the parties' ongoing nationwide labor disputes. However, the Ninth Circuit disagreed and found this determination was premature because a sufficient factual record on this issue had not yet been established. The Ninth Circuit remanded the case back to the district court, allowing Trader Joe's claims to proceed to trial, and vacated the district court's award of attorney's fees.