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[And, Here's . . . Jimmy's Johnnys](#)

Posted on October 4, 2010 by [Steve Baird](#)

One good thing leads to another, or perhaps, vice versa (then again, maybe not):



Odds are, you probably are familiar with the logo on the left, but maybe not the history behind the brand and company it represents. Apparently, a guy named [Jimmy John Liataud](#) founded [Jimmy John's Gourmet Sandwiches](#) in Charleston, Illinois, in 1983, and since then, has grown his successful franchised restaurant business to more than 1,000 locations in 38 states, including many in Minnesota.

And, I'm guessing most of you haven't encountered the logo on the right, so, hat tip to Ed, who guessed right that it would capture my interest. Apparently, a second generation family business called Jimmy's Johnnys was founded in the northern suburbs of St. Paul, Minnesota, four years before Jimmy John's came into existence, all the way back in 1979.

Branding conflict? Trademark problem? Antitrust problem via brand extension and [vertical integration](#) (for tongue-in-cheek reasons that will become more apparent far, far below)?

Need more information?

What if Jimmy's Johnnys isn't selling sandwiches at all, but assuming its position in the food chain, by helping dispose of them, through this business (answer below the jump):



Portable sanitation units:



Now, if Jimmy's Johnnys portable sanitation company was a johnny-come-lately, so to speak, then one might expect Jimmy John's Gourmet Sandwiches to object. Maybe on a [likelihood of confusion](#) theory, perhaps on a showing that both businesses cater or service special events, but probably much more likely an objection would be founded on a likelihood of dilution theory (assuming Jimmy John's is [famous](#)), focusing on the disparagement prong of a [dilution](#) claim, given the unappetizing nature of Jimmy's Johnnys sanitation business.

But, Jimmy's Johnnys doesn't appear to be a johnny-come-lately at all, in fact, they appear to be the senior user, so this may be one of those cases where the junior user (Jimmy John's Gourmet Sandwiches) simply has to [grin and bare it](#), and perhaps revisit why it may have passed over this Jimmy's Johnnys use during its likely due diligence before expanding its locations into Minnesota.

Having said that, given the irreverent advertising (YouTube videos for Jimmy John's television ads [here](#), [here](#) and [here](#)) and apparent culture of the Jimmy John's restaurant chain, I really wouldn't be surprised at all to see Jimmy John's embrace this branding challenge (or conflict) through a co-branding effort!

So, what's with the title of this post: "And, Here's . . . Jimmy's Johnnys?"

Besides catchy, the whole topic for today reminded me of a Trademark Trial and Appeal Board (TTAB) case decided earlier this year, where Johnny Carson's successor to his [right of publicity](#), succeeded (again) in preventing registration of the mark "Here's Johnny" for portable toilets, so, [hat tip to our friend John Welch, over at the TTABlog](#).

UPDATE: Jimmy's Johnnys merging with Dominos?



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