

A Winthrop & Weinstine blog dedicated to bridging the gap between legal & marketing types.

What a Difference a Day Makes

Posted at 9:19 AM on September 9, 2010 by Sharon Armstrong

Literally. Take a look at these two trademark applications for CHAIRMAN BAO: one filed on [May 20, 2010](#) and the other filed just a day later on [May 21, 2010](#). As you can see, both are for food-related products and services.

The website [Eater.com](#) has reported that these applications are the result of a “bi-coastal food trademark / bao war!” between New York City chef/restaurateur (and attorney) Eddie Huang, owner of the restaurant Baohaus, and San Francisco-based food truck company Mobi Munch. Mobi Munch opened its CHAIRMAN BAO steamed-bun-focused food truck in San Francisco in May, apparently many months after Mr. Huang had begun selling a pork belly steamed bun sandwich under the name CHAIRMAN BAO.

Mr. Huang has [expressed his displeasure](#) with Mobi Munch’s name selection and, more recently, his glee at having bested Mobi Munch.

Or did he? While the Trademark Office has approved Mr. Huang’s application for publication, but as of today Mobi Munch’s application has not even been reviewed by the Trademark Office. It remains plausible that Mobi Munch’s application will proceed to registration without incident; after all, the Trademark Office has allowed other marks for restaurant services, on the one hand, and food products, on the other hand, to coexist. For just one well-known example, take a look at these registrations for BLUE MOON for [restaurant services](#) and [beer](#).

I for one am looking forward to seeing how this all pans out. In the meantime, what do you think? Are two CHAIRMAN BAO’s confusing? I would love to hear your thoughts.