

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

[Two Degrees Separation from Justin Timberlake](#)

July 22, 2011 by [Tiffany Blofield](#)

[Justin Timberlake](#) was featured in recent movies about Facebook (i.e., Oscar nominated [The Social Network](#)) and a movie about teachers who may use [Teachbook](#) (i.e., [Bad Teacher](#) with former girlfriend Cameron Diaz). Ironically, he is therefore somewhat connected to both parties in a lawsuit filed in federal court in Illinois (closer than the six degrees of Kevin Bacon). Facebook, Inc. initially sued Teachbook.Com LLC in California, alleging various claims including federal trademark infringement, dilution, false designation of origin and others. The case was dismissed for lack of personal jurisdiction so it was refilled in Illinois.

Acting is not the only connection Justin Timberlake has to social networking. He and other investors recently bought the second leading social network site MySpace. It is rumored that they plan on revamping the site to emphasize music.

Facebook started in February 2004 at the prestigious Harvard University and spread to other college campuses (as anyone who watched *The Social Network* knows) and is now taking over mainstream America. People of all ages have Facebook accounts. I admit that I have a Facebook account that helps me keep in touch with my relatives in Turkey, Colorado and Baltimore, and my friends around the country and across the world in Tokyo, France and Mumbai. As the popular social networking service is the subject of an Oscar-nominated movie and has a reported 75 million active users, it would be hard to dispute Facebook's claim that its trademark is famous.

The not-so-famous Teachbook trademark (I had not heard of the site until seeing the dispute with Facebook) is used with a online business website that offers online networking services for teachers. As many students are Facebook users, many teachers avoid the popular Facebook site. In its advertising, Teachbook.Com, LLC asserts that "many schools forbid their teachers to maintain Facebook and MySpace accounts because of the danger that students might learn personal information about their teachers." Teachbook touts the fact that it is a secure, professional online environment for teachers to communicate, share lesson plans and find online resources.



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Last week, Teachbook.Com, LLC filed a motion to dismiss Facebook, Inc.'s lawsuit. Facebook, Inc. vigorously opposed the motion arguing that "all of the material Teachbook has submitted is used to refute a strawman argument: namely, that FACEBOOK owns blanket trademark rights in the word 'book' when used in connection with printed publications." Instead, Facebook, Inc. contends that its complaint "accused Teachbook of infringing the FACEBOOK mark by using TEACHBOOK with a competing social networking service." Teachbook.Com, LLC's reply brief has not yet been filed with the Illinois court.

The social networking industry is a fertile ground for trademark battles. Time will tell whether Facebook, Inc. will prevail in its quest to make Teachbook.Com, LLC rename its networking service.

