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## [3M v. Shoplet \(A Post-It Brand Stick Up?\)](#)

Posted on May 6, 2011 by [Steve Baird](#)

Last Friday [Twin Cities Business](#) and the Minneapolis Star Tribune [reported](#) on 3M's recent trademark infringement case filed against online retailer [Shoplet](#).

In case you haven't seen it yet, here is a [pdf of the complaint](#).

It asserts a variety of violations of 3M's exclusive rights in the federally-registered POST-IT trademark, including federal trademark infringement, false designation of origin, federal dilution of a famous mark, dilution under Minnesota law, deceptive trade practices under Minnesota law, unfair trade practices under Minnesota law, various common law claims, and unjust enrichment.

According to the complaint:

"Shoplet operates a website, [www.Shoplet.com](http://www.Shoplet.com), offering for sale office supplies made by a variety of manufacturers. This website has a search function allowing consumers to search for products."

"Searches of the Shoplet.com website for the mark "Post-it" consistently return repositionable notes manufactured by Universal, a 3M competitor, as the first results, labeled "featured" products . . . ."

"These competing products are displayed under the POST-IT Mark, which appears near the top of the page in large red type. 3M's POST-IT products often are not included anywhere on the first page of results under the POST-IT Mark although the default search results are represented as sorted according to relevance."

"On information and belief, Shoplet asks manufacturers to pay for 'featured' and/or otherwise prominent placement of its products in results for searches for the manufacturers' trademarks, but does not inform consumers that results of searches of its site include paid advertisements."

One might wonder, a week later now, if Shoplet would have stopped having Universal brand notes appear more prominently than the obviously more relevant 3M POST-IT notes upon a search for "Post-it" -- but, not so.



It makes me wonder whether Shoplet is positioning itself to stick it out and defend [Google-style](#), or whether it will decide to reposition its website search results upon further reflection.

What do you think about 3M's lawsuit?



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