

Aurora-Based Honey Smoked Fish Co. Takes Up Legal Battle Against Einstein Bros Bagels

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When a Colorado company develops a signature product, that item is often closely tied to the company's identity. For this reason, it is important for these companies to protect the product from any form of trademark infringement, especially from large national chains.

The Honey Smoked Fish Co., which is based in Aurora, has filed a lawsuit against the owner of the national bagel chain Einstein Bros Bagels. The lawsuit questions whether Einstein's has the right to use the words "honey smoked salmon" to describe one of its new sandwich offerings. However, the U.S. Patent and Trademark Office has not granted the Honey Smoked Fish Co. the exclusive right to the words "honey smoked salmon" because they are general words used to describe the company's product.

The bagel chain alleges that it is only using the words "honey smoked salmon" to inform customers about its menu selections, not to infringe on the Aurora company's identity. For now, a Colorado judge has denied the Aurora company's motion to press Einstein's over the issue, but the attorneys representing Honey Smoked Fish Co. are undaunted; they allege that the judge's action can be attributed to Einstein's lack of a timely response.

Fortunately, the two companies at odds over the use of the words "honey smoked salmon" are not in direct competition with one another in the marketplace. However, there still may be confusion among customers. Thankfully, attorneys are available to help companies that are facing a trademark infringement.

Source: Denver Business Journal, "[Judge rules in suit against Einstein Bagels' parent](#)," Caitlin Hendee, March 20, 2014



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