

NEWS
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Lawsuit Alleges Counterfeiting Of Hammer-Schlagen® Stump

Stillwater entertainment company alleges three-dimensional trademark of nationally renowned nail-driving entertainment service counterfeited by Chaska brewpub after being warned to stop; statutory damages could exceed \$6 million.

STILLWATER, MN (December 18, 2020) -- Originating in and continuing to hail from Stillwater, Minnesota, the German-themed Hammer-Schlagen® nail driving entertainment service is primarily known by its three-dimensional trademark: a cross-section of a tree with nails pounded in around its face and a cross-peen hammer, which is commonly known as the Hammerschlagen Stump (USPTO Reg. No. 5,548,112). Owned by WRB, Inc. of Stillwater, MN, the decades-old Hammer-Schlagen® brand has appeared at hundreds of events nationwide, including those held in Minnesota at US Bank Stadium, Allianz Field, the Minnesota State Fairgrounds, and CHS Field.



In a lawsuit filed in U.S. District Court on December 11, 2020, WRB alleged Schram Haus Brewery, LLC, has been counterfeiting its well-known three-dimensional Hammerschlagen Stump at its Chaska brewpub since 2019. In August 2020, WRB made a written request to Schram Haus asking them to stop their counterfeiting activities. In the letter, WRB offered to appear at Schram Haus so they could lawfully offer the Hammer-Schlagen® entertainment service. But the letter was to no avail as WRB discovered Schram Haus continued counterfeiting the Stump at a September event. The lawsuit alleges WRB's other intellectual property was used by Schram Haus to promote its counterfeiting of the Stump, a Schram Haus owner (who is also personally defending the suit) acknowledged WRB's ownership of the brand in the presence of the counterfeiting activity, and attendees of the September event expressed brand confusion.

All parties to the suit were served this Tuesday. According to WRB's lead attorney Michael Frasier of Minneapolis based Rubric Legal, "Federal law allows for an award of up to \$2 million in statutory damages per counterfeit mark. WRB alleges Schram Haus counterfeited at least three of its trademarks and could be awarded upwards of \$6 million in statutory damages for those acts. Additionally, Schram Haus could be held liable for up to \$150,000 in damages for intentional copyright infringement. WRB is also seeking an award of its litigation costs, expenses, and legal fees caused by Schram Haus's intentional infringement."

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About the Stump: <http://www.hammerschlagen.com/our_brand/>.

Find this press release at <http://www.hammerschlagen.com/press_releases/?id=2020-12-18>.