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District Court in California recognizes plausible trademark rights over fictional Star Wars board game

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To assert a successful infringement claim relative to a mark that has arguably never been used as a source identifier for “real world” products, and which has not been actively promoted for nearly 40 years, is a challenge most trademark lawyers would back away from. For one, establishing trademark rights in a fictional product is itself a challenge, much less demonstrating continued consumer recognition of that mark despite a lapse of so many years since its “introduction.” But Lucasfilm is not a stranger to such challenges.

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