



What's in a Name? If it's 'Joe,' it is a Dispute

H-E-B's new limited assortment discount banner Joe V's Smart Shop opened May 5 in Houston. But on April 26, the San Antonio-based grocery chain got a "cease and desist" letter from California-based Trader Joe's Co. telling it to stop using the word "Joe." It stated that H-E-B's use of the name would cause confusion in the minds of the consuming public.

Trader Joe's has no stores in Texas.

The letter threatened to "pursue any and all available legal remedies" if it doesn't change the name, according to Western District federal court records.

H-E-B asked a federal judge for a declaratory judgment to allow it to use the name. The H-E-B filing, obtained by *The Shelby Report*, states, "There is no likelihood of confusion, mistake or deception as to the source or sponsorship of H-E-B's good or services," and that "the parties' marks are not confusingly similar in the context in which they are used."

Trader Joe's, after all, starts with the word "Trader" and uses the possessive "'s" after the word "Joe." Joe V's Smart Shop does not have the word "Trader" and only uses the possessive "s" following the letter "V," the court document states.

"The only common element between the Joe V's marks and the Trader Joe's marks is the term 'Joe,' a term in which Trader Joe's has no exclusive rights," the document states.

H-E-B said in the document that Trader Joe's claim and demands "placed a cloud over H-E-B's ability to make use of its Joe V's marks and thereby caused uncertainty to H-E-B in connection with its business," and brought "H-E-B into adversarial conflict with Trader Joe's."

H-E-B's filing seeks costs and reasonable attorney fees related to the matter.