UNCLE BILL'S

Bathroom Reader

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WHAT'S A SLUR?

Portland, Oregon, setting of Portlandia, stomping grounds for the Darth Vader who rides a unicycle while playing bagpipes (*see* YouTube), and headquarters for a band now at the center of a battle with the Patent and Trademark Office (PTO) at the U.S. Supreme Court.

The Court recently heard argument in the case, *Lee v. Tam*, to determine whether The Slants, an Asian-American band, may register their name as a trademark after the registration was denied by the PTO. The controversy surrounds the use of "slant" as a racial slur for people of Asian descent. The band's founder, Simon Tam, named the band with the slur in mind, in an attempt to reclaim and redefine the term, and to use "slant" as a point of view and a guitar chord.

PTO to Tam: "No ethnic slurs."

Tam's application for the mark has raised the question of whether the PTO's denial under the applicable law's "disparagement clause" was made based on the content of speech, which implicates the First Amendment. As noted by an amicus brief from the Cato Institute, Flying Dog Brewery received a trademark from the PTO for its "Raging Bitch" IPA, for example, so why not The Slants? Likewise, why not the Washington Redskins? However the Court decides, it will certainly be interesting.

@ndcalcourt: SERVICE VIA TWITTER OK

Could you serve process on someone via Twitter? A judge in the Northern District of California thinks so. In *St. Francis Assisi v. Kuwait Fin. House*, No. 4:16-cv-03240, the plaintiff nonprofit corporation requested to serve defendants, Kuwait Finance House and Hajjaj al-Ajmi via Twitter. Defendant al-Ajmi is a Kuwaiti national and efforts to locate him had proved unsuccessful.

Pursuant to FRCP 4(f)(3), the court granted Plaintiff's request to serve process via Twitter because the service was "reasonably calculated to give notice," as Al-Ajmi has a large following on Twitter and has used social media to fundraise large sums of money. In making its decision, the court cited instances of service via Facebook and LinkedIn which were approved by other courts. #youjustgotserved

A WHOLE "LATTE" OF LITIGATION?

Remember when McDonald's was sued for serving too-hot coffee? While some saw the case as a way to hold corporations responsible for wrongdoing, others saw it as a prime example of frivolous litigation. The Institute for Legal Reform, a proponent of tort reform and affiliate of the U.S. Chamber of Commerce, has published its annual "Top Ten Most Ridiculous Lawsuits" list for 2016, and it has some coffee cases too, both against Starbucks.

In one, the plaintiffs claimed that Starbucks deliberately underfilled its lattes by adding a quarter-inch of steamed milk instead of more coffee. In the other, the plaintiffs sued the company for putting too much ice in the iced coffee. Another "ridiculous" case that made the list: "Woman walks into ladder while 'engrossed' in her cellphone." The jury awarded her $161,000.

Check out the list here: http://tinyurl.com/zjjsbtr. What do you think? Are things like this "grounds" for a suit?

What you try to do is select [jurors] who will see things only one way—your way. But remember, the other lawyer is trying to do the same thing.
-Irving Younger