



## FLORIDA KEYS

# Is it a pizza or a highway? Logo war ends with a victory for food

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The small pizzeria beat the big highway agency.

For almost four years, the New Jersey Turnpike Authority has been fighting a Florida Keys pizza shop over its logo, which the Garden State highway agency says too closely resembles its trademarked emblem.

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In March 2015, a federal judge threw out the Turnpike Authority's trademark infringement lawsuit against Jersey Boardwalk Pizza, which opened in Islamorada and now has locations in Key Largo and Florida City. The judge ruled the pizza shop did not do enough business in New Jersey

for his court to have jurisdiction over the case.

But the Turnpike Authority didn't give up.

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After losing in U.S. District Court, the agency filed a complaint against Jersey Boardwalk Pizza with the U.S. Patent Office's Trademark Trial and Appeal Board, seeking to cancel the restaurant's trademarked logo. A three-judge panel ruled against the Turnpike Authority May 15.

In their opinion, the judges wrote that there is "no plausible likelihood of consumer confusion in connection with the concurrent Garden State Parkway sign and Jersey Boardwalk Pizza's logo used to identify restaurant services."

A spokesman with the Turnpike Authority did not return an emailed question asking how much money the state spent on fighting the case over the past four years. Paul DiMateo, owner of Jersey Boardwalk Pizza, could not be reached for comment.

Among the arguments made by the Turnpike Authority's attorneys in the case was that because rest stops on the Garden State Parkway have restaurants inside, including Burger King, McDonald's, Dunkin Donuts and Starbucks, people might think Jersey Boardwalk Pizza is affiliated with the agency.

But the panel stated the Turnpike Authority "merely acts as a landlord for the third-party restaurant facilities located at service areas owned" by the agency, and is not actually in the food business. Close Ad



New Jersey Turnpike logo

Both the Turnpike Authority's Garden State Parkway logo and that of Jersey Boardwalk Pizza have the outline of the state of New Jersey in the middle of a green, yellow-outlined circle. The Jersey Boardwalk Pizza logo says "Jersey Boardwalk" across the top, while the turnpike's says "Garden

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State."

The middle of the company's logo says "Pizza Co." The center of the turnpike's logo contains the word "Parkway."

The turnpike logo has no words at the bottom, whereas the bottom of the pizza shop's sign says "Subs, Cheesesteaks, Pasta."

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