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In a major courtroom win for one of the Firm's clients, a judge has denied a request by the state's largest teachers' union for a preliminary injunction to stop the reelection campaign of Maryland Governor Larry Hogan from using an apple insignia to represent his support by teachers in Maryland.

Montgomery County Circuit Judge Michael Mason issued the ruling on October 1, rejecting the Maryland State Education Association's claim that the use by the Hogan campaign of a red apple marked "Teachers for Hogan" infringed on the union's service mark in the shape of an apple that it registered in 2009.

The judge ruled that the union did not make an adequate case that voters would in some way be confused by the Hogan campaign's use of an apple logo in its materials.

Joseph, Greenwald & Laake principal Timothy F. Maloney told the *Daily Record* newspaper that he is grateful that the judge ruled as he did.

The ruling "permits the Hogan campaign and many teachers across Maryland to continue using a long-standing and universally known symbol for education, the apple, as part of their expression of support for Governor Hogan's re-election," Maloney said. "The court has now denied the union's demand for an injunction twice in the last 10 days, so we hope the union end this litigation and stop using teachers' hard-earned dues money on this litigation."

The case began when the teachers' union sued Hogan and his campaign after the campaign began using a bumper sticker with the phrase "Teachers for Hogan" in which a red apple was used in place of the "O" in the Hogan. The campaign also used an apple on a social media post in which it criticized the union for suing him over the use of the apple logo. The union supports Hogan's opponent in the November election, Ben Jealous.

The denial of a preliminary injunction means, in effect, that the Hogan campaign can continue to use materials with the apple logo throughout the campaign, since a full trial on the merits of the case will almost certainly take several months to schedule.

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