

Client Success: Hinshaw's Jane Schlicht Helps Vindicate Trademark Rights Belonging to Storied Wisconsin Ice Cream Shop

Press Release | 2 min read

Feb 18, 2020

Hinshaw clients Ron and Gloria Luepke and Great Treats, Inc. recently won a victory at the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office, in a dispute over the rights to the MULLEN'S DAIRY™ trademark, which has been used at one of Wisconsin's most popular ice cream shops. Hinshaw attorney Jane Schlicht represented the Luepkes and Great Treats in the case.

The MULLEN'S DAIRY™ ice cream shop was originally established in 1932, and moved to its current location in 1939. The MULLEN'S DAIRY™ business was acquired by the Luepkes in 1997, who later sold some of the business assets to Troy and Shannon Milbrath, and granted a license to use the trademark. In 2015, Bigger Than Bill, Inc., a company established by the Milbraths filed a U.S. Trademark application for MULLEN'S DAIRY™, which the Luepkes/Great Treats opposed, arguing they still owned the rights to the original trademark. In 2016, Troy Milbrath pleaded guilty to a felony charge for opening and using credit cards and loans in the name of a business partner.

Bigger Than Bill/the Milbraths advanced a variety of legal theories for why the ownership rights to the trademark belonged to them, including that the Luepkes' trademark license was terminated as a matter of law due to the Milbraths' bankruptcy filing in 2010. The Board rejected all of these arguments, and ruled that since Bigger Than Bill/the Milbraths were not the owner of the trademark at the filing or during the pendency of the application, the application was therefore void *ab initio*.

The ruling is good news for the current business owners and trademark licensees of the MULLEN'S DAIRY™ trademark. Matt, Josh and Adam Keepman, who reopened the business in 2017, are planning to raise between \$500,000 and \$1 million this year from investors to help fund a wholesale expansion and push their ice cream and sorbet products into retailers around the country. This ruling is major step toward expanding the MULLEN'S DAIRY™ brand.

The ruling was [covered in the Wisconsin State Journal](#), February 17, 2020.

The case is [Great Treats, Inc. v. Bigger Than Bill, Inc. DBA Mullen's Dairy](#), USPTO Trademark Trial and Appeal Board, Opposition No. 91231322.

Hinshaw & Culbertson LLP is a U.S.-based law firm with offices nationwide. The firm's national reputation spans the insurance industry, the financial services sector, professional services, and other highly regulated industries. Hinshaw provides holistic legal solutions—from litigation and dispute resolution, and business advisory and transactional services, to regulatory compliance—for clients of all sizes. Visit www.hinshawlaw.com for more information and follow @Hinshaw on LinkedIn and X.

Related People



Jane C. Schlicht

Of Counsel

📞 414-276-6464

Related Capabilities

Intellectual Property

Related Locations

Milwaukee