

Target accused of hometown knockoff

- Article by: [JOHN EWOLDT](#) , Star Tribune
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Minnetonka Moccasin says the retailer's thunderbird moccasins are too similar to its own design.

Minnetonka Moccasin Inc. has filed a federal lawsuit accusing Target Corp. of selling replicas that copy what the moccasin maker described as its "iconic" beaded thunderbird design.

The suit filed Tuesday alleges that Minneapolis-based Target started selling the replicas after trying unsuccessfully to get Minnetonka Moccasin products into its stores. The suit says that in November 2011 Target offered "prime real estate on the floor" but that Minnetonka Moccasin "promptly and politely passed" on the opportunity.

In early 2012, according to the suit, the discounter began to sell a knockoff of Minnetonka's \$40 suede, beaded thunderbird-style moccasin. Minnetonka describes Target's shoe as confusingly similar and said it will create the impression that Target's shoe is associated with Minnetonka Moccasin.

The Mossimo Orla flat moccasin, which is sold at [Target.com](#) for \$20, also has a beaded design on the top of the shoe.

E.S. Originals Inc., a New York footwear supplier for Target, is also being sued by Minnetonka Moccasin. Representatives from Target, Minnetonka Moccasin and its legal firm Larkin Hoffman declined to comment.

In the past, Target has been accused of selling knockoffs of a messenger bag by Proenza Schouler and a handbag by Coach.

Typically, lawsuits involving fashion are difficult to win because it's nearly impossible to protect the garment itself, said Scott Johnston, patent and trademark attorney at Merchant & Gould in Minneapolis.

What makes this claim stronger, Johnston said, is the focus not on the moccasin itself, but on the thunderbird beaded logo, which arguably is similar to the Polo pony, Nike swoosh or Izod/Lacoste alligator. "Those are strong marks that can be protected," he said.

Minnetonka Moccasin, based in Minneapolis, has used the thunderbird design for more than 40 years and has continuously and prominently displayed the design on its moccasins, according to the suit.

On Wednesday, Target had not removed the shoes from its website and was still selling them online. The lawsuit asks a federal judge to order Target to recall all marketing or advertising related to the design, remove the product from store shelves and other retail outlets.

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