

# Biltmore Co. wins trademark infringement suit against Asheville bridal company

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(Photo: Courtesy photo)

A federal jury ruled Monday that an Asheville company willfully infringed on the Biltmore Co.'s trademark rights by creating a wedding business that used the Biltmore name.

The verdict came down Monday after a weeklong jury trial. The Biltmore Co., which owns and operates the Biltmore Estate, was not seeking monetary damages in the case but rather sought an injunction to force Nu U Inc. to stop using business names referencing Biltmore, including "Biltmore Bride Prom & Tux."

Wyatt Stevens, one of the attorneys representing Biltmore, termed the trademark violation "pretty bold" and said Biltmore had asked Nu U to stop using Biltmore names and web addresses in a letter sent to the company in late 2015. Nu U persisted, though.

"We felt like we had no choice but to file a lawsuit," Stevens said. "Biltmore was not looking for monetary damages at all, just an injunction to stop them from using the name and the domain name."

The injunction will take effect as soon as federal Judge Martin Reidinger files the verdict, probably within two days, Stevens said.

The Biltmore Co. owns the trademark for Biltmore, Biltmore Estate and various iterations of Biltmore, and it has used the trademarks in commerce for more than 50 years. The jury also found Nu U had engaged in cybersquatting by registering multiple web addresses with the words Biltmore or some variation.

Biltmore Co. spokeswoman Kathleen Mosher thanked the jury for its time and for "concluding we own trademark rights to our name, Biltmore.

"As a nationally known wedding destination with over 400 wedding events each year, we believed, and the jury confirmed, that Nu U's wedding business was infringing on the Biltmore name," Mosher said in a statement after the verdict. "Biltmore has been in the wedding business for over 50 years and has hosted thousands of weddings in that time. It was those brides who started calling themselves 'Biltmore Bride' in social media."

The Citizen-Times could not reach Nu U's owners, David and Denise Knapp, or their local attorney, Rebecca Crandall, for comment after the verdict.

Nu U opened a retail store for brides, with the name "Biltmore Bride," in early 2016, and registered 16 website addresses using "Biltmore" and "Vanderbilt" in the names, Mosher said.

"In addition to their local bridal store, Nu U owns a business that handles marketing for over 60 bridal and prom dress shops in the U.S., and we had concerns about that national exposure of our name," Mosher said. "The law requires that companies and individuals actively protect their trademark rights or risk losing those legal rights to others."

Biltmore Bride Prom and Tux originally opened as part of cosmetic line Merle Norman 30 years ago and still uses that name. It has cosmetic, tuxedo, bridal and prom departments.

In a 2015 interview, David Knapp said the store got into the bridal business around 2010 and started using "Biltmore Bride" in advertisements around 2013.

After Biltmore filed suit, the bridal shop responded via its attorney, defending its name, Knapp said in 2015. The shop chose that name because locations are important in the bridal business and "Asheville Bridal" was already taken.

"It's easier for customers to find us, easier to remember," Knapp said in 2015. "It just made sense."

Knapp also said then there hadn't been any confusion over the names, adding that the suit was a waste of time and resources for Biltmore Co., and that the legal fees were a burden for his small shop.

He also stated then that every attorney they had spoken to said the lawsuit was "frivolous."

The jury disagreed, finding Nu U engaged in cybersquatting by registering the website names with "Biltmore" in them, and answering "yes" to the question, "Was Nu U, Inc.'s infringement intentional, willful or in bad faith?"

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