

BUSINESS

# Trademarks for restaurants can stir nasty legal fights

By Terry Tang  
ASSOCIATED PRESS

GILBERT, Ariz. — When picking a name for their Asian-Mexican fusion restaurant in suburban Phoenix, Paul and Nicole Fan settled on “Panda Libre,” hoping the mix of China’s iconic bear and the Spanish word for “free” would signal to customers the type of cuisine it offered.

That decision could cost them dearly. Chinese take-out chain Panda Express sued them in federal court last month alleging trademark infringement.

The lawsuit showcases how trademark law can collide with an evolving dining landscape, where restaurateurs peddling Asian or Asian “inspired” foods often pick a name that instantly invokes a connection to that culture. But getting a trademark for the new name can lead to ugly and sometimes public clashes over ownership and cultural appropriation. In recent years, businesses have butted heads over whether a restaurant or food truck can legally own the right to use words rooted in Asian American Pacific Islander cultures like “aloha” and “poke.”

The growing popularity of fast-casual restaurants like Thai, Indian or poke — diced and marinated raw fish — has led to a rush for ownership of certain aspects of that culture, said Telly Wong of IW Group marketing agency in New York City. Having a name that conveys authenticity is crucial when consumers make snap judgments, he said.

“Sometimes you need that cultural shorthand to convey that message,” Wong said. “Otherwise, you’re



Terry Tang / Associated Press

**Panda Libre, an Asian-Mexican fusion restaurant in Arizona, was sued by franchise giant “Panda Express.”**

explaining to people, ‘Oh, at Jack’s, we sell southern Chinese food.’ ”

Panda Express’ parent company, Rosemead, Calif.-based Panda Restaurant Group, says it has owned the trademark for “Panda” for Chinese food services since 2001. The chain wants a court injunction and for Panda Libre to destroy signs, social media posts and other materials with the name.

“It would be like starting a new company. That alone there is hundreds of thousands of dollars in this restaurant,” Nicole Fan said. “Going through this whole ordeal, the lawsuit, will bankrupt us.”

On top of punitive damages and legal fees, Panda Express, which generated \$2 billion in sales last year, is asking for all of Panda Libre’s profits since it opened last year in Gilbert, about 20 mileseast of Phoenix.

“Oftentimes it’s overstated — the damages — to get the attention of the defendant,” said Charles Valauskas, a Chicago intellectual property attorney who has represented restaurants.

Experts say Panda Express is within its right to

trademark “Panda” for restaurant and food products.

“If you were selling pandas under the name ‘Panda,’ you probably wouldn’t be able to do that because it’s describing literally what you’re doing,” said Mark Simpson, a veteran intellectual property lawyer in Philadelphia. “It’s like trying to trademark the words ‘grocery store.’ You could trademark ‘Whole Foods’ the grocery store.”

Panda Express, which Andrew and Peggy Cherng launched in 1983 as an offshoot of their Panda Inn restaurants, has more than 1,900 locations nationwide. The company says it has a “legal obligation to consistently protect them” but is hopeful for a resolution.

Nicole Fan says nobody has entered Panda Libre thinking it was a Panda Express. She points to the logo — a panda dressed in a cape and mask like a Mexican wrestler — and the fact that there are other eateries that use “panda.”

Panda Restaurant Group said it takes legal action on a “case-by-case basis.” It also says it settled several trademark infringement issues without litigation last year.

## WORKING

From page B1

consider working from home, it may at first seem like being taken off a leash — but being out of the office isn’t all freedom and lollipops. Control-freak organizations and managers are still going to know your every move.

Here are a few things I’ve learned from years of working remotely.

**Prepare at work.** If you’ve never worked from home before, start by taking inventory of what you use every day, from office supplies to apps on your computer. If you will be using your own hardware because you don’t have a work laptop you can take home, bring it in and let your IT folks outfit it. Oh, and become very good friends with your company’s IT staff. You will need them at some point.

(Bonus tip for Mac users: If you’ve upgraded to macOS 10.15 Catalina, it no longer supports 32-bit software. If you use apps for work that aren’t available in 64-bit versions, work with your IT staff to find alternatives.)

**Dedicate space.** Do not work from the couch or, heaven forbid, your bed. Set up a space in your home just for working. If you’ve got a desk, now’s a good time to declutter it. Having a spot just for work that’s organized and efficient puts you in the right frame of mind. If you can afford it, get a work-style task chair that’s ergonomically correct.

**Beef up your Wi-Fi.** If you’ve been having internet issues, get those fixed pronto. Few things are as frustrating as choppy Wi-Fi when you’re trying to get things done. If your work involves

sending large files, consider upgrading to a faster internet tier that may give you better upload speeds.

**Wear clothing.** Don’t work in your pajamas, underwear or, um, less. Put on clothes, including socks and shoes. It will help you feel more professional — and it will make you more presentable if you use videoconferencing.

**Control your pets, keep kids busy.** If you’ve got a dog or cat, make sure they’re confined if they’re not sleeping, particularly if they are noisy. I’ve got a very vocal

**If you’ve never worked from home before, start by taking inventory of what you use every day, from office supplies to apps on your computer.**

orange tabby who starts meowing loudly when I’m doing a phone interview, or he jumps onto my arm as I’m writing on deadline. He spends a lot of time in the spare bedroom.

If you have young children at home, chances are you’ve probably already done some telecommuting when they’re sick or day care is unavailable. Keep them occupied as best you can, but also give them some attention when you take regular breaks. Hugs, some brief play and sharing snacks can go a long way to helping them understand when it’s work time. (Pro tip: If you’re lucky enough to have a caretaker who comes into your home, don’t tell them “never mind” just because you’re there. You’re still working, just in a different location.)

**Check in often.** If

your office uses collaboration software such as Slack, make sure it’s installed on your home machine and use it often. Some office workers use Slack or an equivalent only to send files or alert a boss to an available document. Step up your presence on it so that your coworkers (and managers!) know you’re there and available. If your office doesn’t use something like Slack, make the suggestion to do so. It’s better than email or phone calls for remote work.

If using a Slack-like tool isn’t an option, schedule regular phone or videoconferencing sessions. Not only does it keep you front-of-mind, but it’s also good for creativity and team-building.

**Stand up often.** For some reason, working from home will cause you to stay seated more than in an office. Set a timer to stand up and move around every hour. (If you’ve got an Apple Watch or some other fitness tracker, you’ll be prompted automatically.) If you have a dog (see above), take it for a walk so both of you get some exercise. It’s good both for your body and your mind.

**When you’re done, be done.** Set some boundaries with managers and co-workers. It’s easy to keep working well past the time you might normally leave the office. Let your colleagues know you are done, and then *be done*.

(This story originally appeared in Dwight Silverman’s Release Notes newsletter. Subscribe for free at [houstonchronicle.com/releasesnotes](https://houstonchronicle.com/releasesnotes).)

[dwight.silverman@chron.com](mailto:dwight.silverman@chron.com)  
[twitter.com/dsilverman](https://twitter.com/dsilverman)  
[houstonchronicle.com/techburger](https://houstonchronicle.com/techburger)



# Legal Notices

To place legal notices  
email [legals@chron.com](mailto:legals@chron.com)  
or call 713.224.6868.

NOTICE TO CREDITORS	NOTICE TO CREDITORS	BIDS & PROPOSALS	BIDS & PROPOSALS	BIDS & PROPOSALS
<h2>Notice To Creditors Ad</h2> <h3>\$74.00*</h3> <p>Call the Legals Team 713-224-6868 Ext. 6435 or 4204</p> <p><b>*\$74.00 includes first 36 lines and 1 Affidavit of Publication</b> <b>*\$1.92 per line over 36 lines</b></p>		<h3>REQUEST FOR PROPOSALS</h3> <p><b>For Galena Park ISD – High School Additions and Renovations – Phase 1</b> <b>GPISD #002-2017</b></p> <p>Competitive Proposals for the work identified below in accordance with Proposal Documents and addenda that may be issued prior to date of proposal opening will be received by the Construction Manager, Purcell Construction Inc. and the Board of Trustees of the Galena Park Independent School District, until proposal closing date and time, identified below.</p> <p><b>OWNER:</b> Galena Park Independent School District 14705 Woodforest Blvd. Houston, Texas 77015</p> <p><b>ARCHITECT:</b> PBK Architects, Inc. 11 Greenway Plaza, 22nd Floor Houston, Texas 77046 Phone: (713) 965-0608 Fax: (713) 961-4571</p> <p><b>CONSTRUCTION MANAGER AT RISK (CMC):</b> Purcell Construction 277 Dennis St. Humble, Texas 77338 Phone: (281) 548-1000 Fax: (281) 548-2998</p> <p><b>PROJECT SCOPE:</b> Phase 1 will include: an addition of a new classroom wing with 14 new classrooms plus a teacher workstation and the renovation of existing building to provide ADA Upgrades throughout the campus.</p> <p><b>PRE-PROPOSAL:</b> Thursday, March 12, 2020 at 10:00 a.m. Galena Park High School – Cafeteria 1000 Keene St. Galena Park, Texas 77547</p> <p><b>PROPOSAL DUE DATE AND TIME:</b> <b>Tuesday, March 31, 2020 at 2:00 PM</b></p> <p><b>LOCATION OF PROPOSAL OPENING:</b> Purcell Construction Inc. 277 Dennis Street Humble, Texas 77338</p> <p><b>SUBMIT PROPOSALS TO:</b> Purcell Construction Inc. 277 Dennis Street Humble, Texas 77338 (Proposals may be submitted electronically to: <a href="mailto:bids@purcellcm.com">bids@purcellcm.com</a>)</p> <p>Sub-Contractors may obtain two sets of drawings and specifications at locations listed. Subcontractors may obtain the Proposal Documents on March 4, 2020, at the following location during normal business hours:</p> <p>Purcell Construction 277 Dennis St Humble, Texas 77338 Phone: (281) 548-1000 Fax: (281) 548-2998</p>		

**Gamma Construction** invites you to propose on the Texas City Training Center The proposals are due on Tuesday, March 31, 2020 at 2:00 p.m. Please have your proposal either emailed ([phaynes@gammaconst.com](mailto:phaynes@gammaconst.com)), hand delivered or phoned (713-963-0086) in by 2:00 p.m. to Gamma Construction attention Pam Haynes. All plans will be available Tuesday, March 17 at Houston AGC, ABC, Dodge, ISOFT and Gamma's FTP site. Please address all questions to [phaynes@gammaconst.com](mailto:phaynes@gammaconst.com).

**REQUEST FOR SEALED PROPOSALS WILL BE RECEIVED BY PROCUREMENT SERVICES, PORT OF HOUSTON AUTHORITY EXECUTIVE OFFICE BUILDING, ATTN: BID/PROCUREMENT RECEIPT DEPARTMENT, 111 EAST LOOP NORTH, HOUSTON, TEXAS 77029 UNTIL 11:00 A.M., ON MARCH 25, 2020 FOR THE FOLLOWING:**  
**PROMOTIONAL ITEMS ORDERING PROGRAM (RFP-1463).**  
**A PRELIMINARY MEETING WILL BE HELD FOR THIS PROCUREMENT AT EXECUTIVE OFFICE BUILDING, 111 E. LOOP NORTH, HOUSTON, TEXAS 77029 ON MARCH 16, 2020, AT 10:00AM. SO THAT PROSPECTIVE PROPOSERS MAY ASK QUESTIONS CONCERNING THE PROCUREMENT.**  
SPECIFICATIONS MAY BE OBTAINED FROM PORT HOUSTON'S ePROCUREMENT WEBSITE: <https://buyspeed.poha.com/bsop/>.  
THE PORT AUTHORITY RESERVES THE RIGHT TO REJECT ANY OR ALL PROPOSALS OR RESPONSES.

**NOTICE TO BIDDERS**  
**The Metropolitan Transit Authority of Harris County, Texas (METRO) is planning to issue the procurement documents listed in this advertisement.**  
**IFB No. 4020000093:** Purchase and Delivery of Thermo King Parts for METRO's Transit Vehicle. Solicitations will be available on or about 03/09/2020.  
**IFB No. 4020000112:** Gentex Bus Top Scaffold System. Solicitation will be available on or about 03/09/2020.  
**RFQ No. 4020000116:** Bus Rapid Transit/Light Rail Transit (BRT/LRT) Engineering Services on an 'As Needed' Basis. Solicitation will be available on or about 03/08/2020.  
Prospective bidders/proposers can view and download these solicitations by visiting METRO's website at <https://www.ridemetroapp.org/procurement/>.  
If you are unable to download the documents or are having difficulty, please contact METRO Plan and Bid Room at (713) 739-4881.

**NOTICE TO BIDDERS**  
**The Metropolitan Transit Authority of Harris County, Texas (METRO) is planning to issue the procurement document listed in this advertisement.**  
**RFQ No. 4020000111: METRO PROGRAM MANAGEMENT CONSULTANT (PMC) SERVICES On An 'As Needed' Basis.** Solicitation will be available on or about 03/9/2020.  
Prospective bidders/proposers can view and download this solicitation by visiting METRO's website at <https://www.ridemetroapp.org/procurement/>.  
If you are unable to download the document or are having difficulty, please contact METRO Plan and Bid Room at (713) 739-4881.

**NOTICE TO BIDDERS**  
**The Metropolitan Transit Authority of Harris County, Texas (METRO) is planning to issue the procurement documents listed in this advertisement.**  
**RFQ No. 4020000084:** Real Estate Appraisal Services. Solicitation will be available on or about 03/15/2020.  
**RFQ No. 4020000085:** Real Estate Appraisal Review Services. Solicitation will be available on or about 03/15/2020.  
Prospective bidders/proposers can view and download these solicitations by visiting METRO's website at <https://www.ridemetroapp.org/procurement/>.  
If you are unable to download the documents or are having difficulty, please contact METRO Plan and Bid Room at (713) 739-4881.

LEGAL NOTICES	LEGAL NOTICES	LEGAL NOTICES
<h3>NOTICE OF PUBLIC MEETING</h3> <p><b>MUNICIPAL SETTING DESIGNATION</b> <b>CITY OF HOUSTON</b></p> <p>Date – Time: April 16, 2020 – 6:00 PM Place: Tuttle Library Address: 702 Kress Houston, Texas 77020</p> <p><b>Applicant:</b> Northpoint Development LLC</p> <p><b>Site Location:</b> 8230 Stedman St., Houston, TX 77029</p> <p><b>Legal Description:</b> TR 63, GLENDALE; LTS 6 THRU 11 &amp; TRS 5 &amp; 12, BLKS 6 &amp; 7 67 68 73 74 80 &amp; 81 &amp; INTERVENING STS PORT HOUSTON NS; TR 65, GLENDALE;</p> <p><b>Contaminants of Concern:</b> 1,4-Dioxane, Benzene, Ethylbenzene, Xylenes and Arsenic.</p> <p>This designates an area in which the use of impaired groundwater is prohibited for use as potable water (i.e. drinking, cooking, bathing etc.). If you have questions or comments, please contact the City of Houston MSD Program at (832) 394-9003 or email at <a href="mailto:msd@houston.tx.gov">msd@houston.tx.gov</a>.</p>		

**Harris County Housing Authority Housing Choice Voucher Program (HCV) Notification for Opening of Waiting List**

The Harris County Housing Authority (HCHA) is opening its Housing Choice Voucher (HCV), Waiting List.

**The HCV applications will be available online for a limited enrollment period from Monday, March 23, 2020 at 8:00 a.m. to Wednesday, March 25, 2020 at 5:00 p.m.**

Applicants may apply 24 hours a day at our website: [www.hchatexas.org](http://www.hchatexas.org). Paper applications will not be accepted at any of HCHA's properties or central office.

Applicants who need help completing the application due to a disability can make a reasonable accommodation request to HCHA at 713-578-2100 or [www.hchatexas.org](http://www.hchatexas.org).

All applicants will be entered into a lottery from which 5000 applicants will be selected for the HCV Waiting list. A computer-generated random lottery will be conducted on March 26, 2020. After March 25, 2020, applicants may go to [www.waitlistcheck.com](http://www.waitlistcheck.com) to determine if they were randomly selected for the HCV Waiting List.



# LEGAL NOTICES & CLOWNS

TWO THINGS THAT HAVE  
A RIGHT TIME AND PLACE

Stay legal and get noticed by emailing  
our team at [legals@chron.com](mailto:legals@chron.com)  
or calling 713.224.6868

**HOUSTON CHRONICLE**  
HoustonChronicle.com