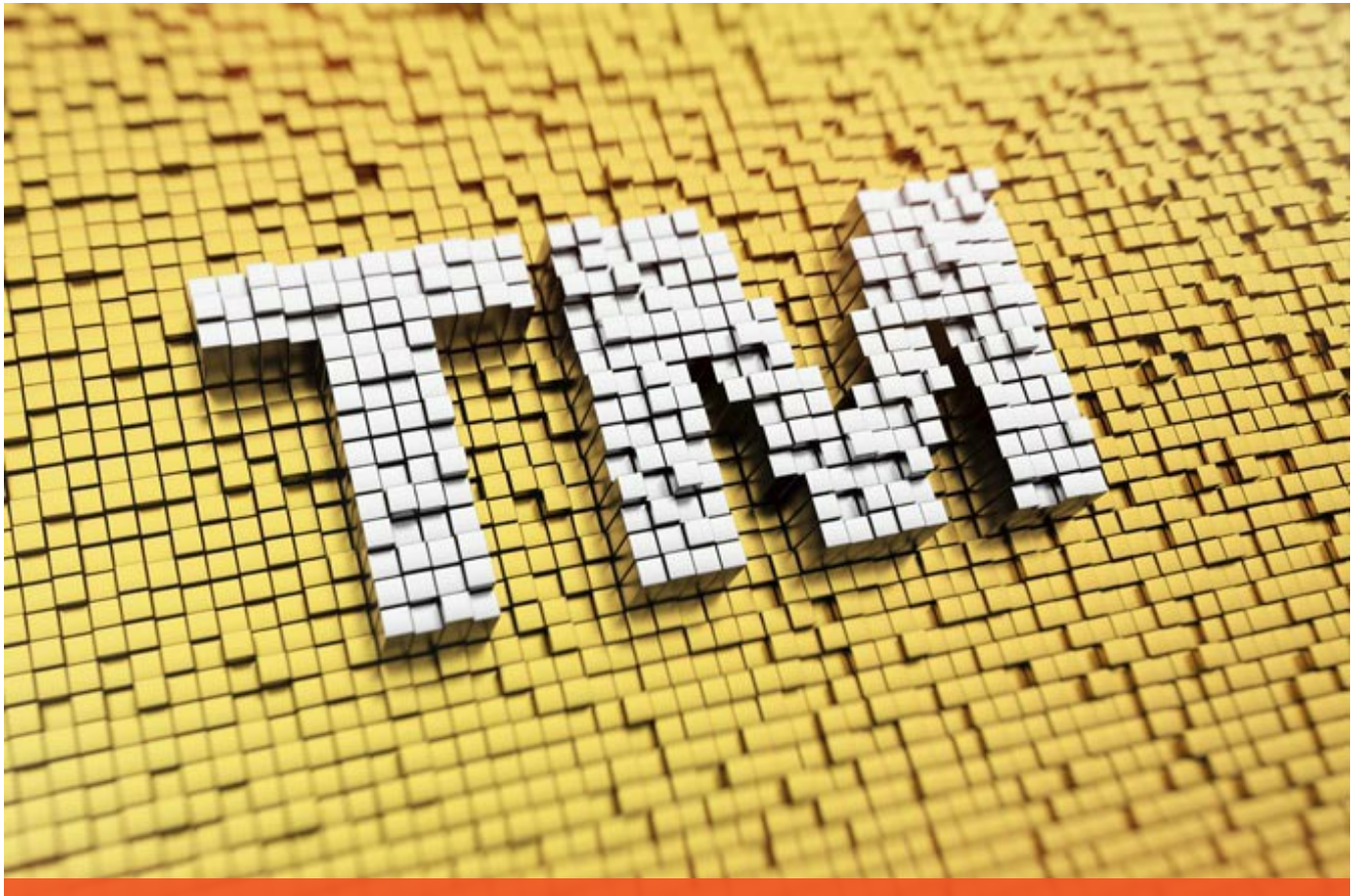


## Federal Court upholds DNA Diagnostics Center's Use of "Ancestry" for DNA Testing



Matthew J. Cavanagh, David B. Cupar | Wednesday, May 4, 2016

McDonald Hopkins' intellectual property team represented DNA Diagnostics Center, one of the world's largest DNA testing companies, in this trademark infringement case. On May 3, 2016, the Federal District Court for the Southern District of Ohio found our client's DNA tests sold under the "AncestrybyDNA" brand and trademark were in the market years prior to the introduction of Ancestry.com's "AncestryDNA" branded DNA test. As such, the Honorable Judge Sandra Beckwith concluded that DDC may continue using the word "ancestry" and its AncestrybyDNA trademark to sell its DNA tests.

The Federal Court also determined that: (1) DDC and its predecessor have been using the AncestrybyDNA brand for ancestry DNA testing since 2002 and obtained a trademark registration in 2008; and (2) there was no confusion in the marketplace between DDC and Ancestry.com until 2012, when Ancestry.com entered the DNA test space with its new AncestryDNA trademark. Judge Beckwith concluded there was "confusion caused by [Ancestry.com's] introduction of its junior ANCESTRYDNA mark to consumers rather than by DDC's use of its mark ANCESTRYBYDNA or by DDC's use of descriptive terms such as 'ANCESTRY DNA Testing' and 'ANCESTRY DNA Test.'"

As a result of the Court's ruling, DDC will continue to use the "AncestrybyDNA" brand to market its proprietary ancestry DNA tests, as it has done for years.

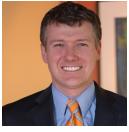
The following McDonald Hopkins attorneys represented DDC: David Cupar, Matthew Cavanagh and Maxwell Goss

## Federal Court upholds DNA Diagnostics Center

---

For more information on DDC, click here: [DNA Diagnostics Center](#)

---



**Matthew J. Cavanagh**

[Team member bio](#)

---



**David B. Cupar**

[Team member bio](#)