

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

BBCC, LLC v. The Community of Bishops Bay LLC

BBCC · No. 24-cv-791-jdp · Decided April 10, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin addresses the parties’ motions in limine in a trademark and license-agreement dispute involving BBCC, LLC’s BISHOPS BAY marks and the defendant’s bumblebee logo. The court takes judicial notice of the trademark registrations, excludes or provisionally excludes several categories of evidence, denies exclusion of evidence concerning trademark symbols, and strikes the scheduled trial dates pending rescheduling.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	James D. Peterson
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	April 10, 2026
DOCKET	24-cv-791-jdp
DISPOSITION	other
PROCEDURAL POSTURE	Order resolving the parties' pretrial motions in limine before a scheduled trial on trademark infringement and breach of a license agreement.
STANDARD OF REVIEW	Evidentiary issues under Federal Rules of Evidence 201, 401, and 403; the court applied relevance, unfair-confusion, and waste-of-time principles to the motions in limine.
PRECEDENTIAL VALUE	Unknown; federal district-court pretrial opinion and order

TOPICS

- trademark infringement
- breach of contract
- motion in limine
- judicial notice
- evidence

PRACTICE AREAS

- Trademark
- Contracts
- Evidence
- Civil Procedure
- Commercial Litigation

QUESTIONS PRESENTED

1. Whether the court should take judicial notice that BBCC's nine service marks are registered, owned by BBCC, and incontestable.
2. Whether evidence concerning the relationship between Jeffrey Jacobsen and Sam Jacobsen and Jeffrey's prior litigation against Sam's estate was relevant or otherwise admissible.
3. Whether Jeffrey Jacobsen's deposition testimony concerning other entities using "Bishops Bay" was a binding judicial admission or an evidentiary admission.
4. Whether evidence concerning failure to use trademark symbols was excludable because BBCC allegedly suffered no compensatory damages.
5. Whether evidence concerning trademark dilution, financial damage, and a preliminary USPTO office action should be excluded.
6. Whether the existing trial dates should be struck and reset.

HOLDINGS

1. The court may take judicial notice that BBCC's nine service marks are registered and owned by BBCC, and may take judicial notice of their incontestable status, but registration does not conclusively establish that the marks are valid and enforceable when those matters remain disputed.
2. A party's deposition testimony admitting an adverse fact is generally an evidentiary admission that may be controverted or explained, not necessarily a binding judicial admission that withdraws the fact from contention.
3. The absence of proof of compensatory damages does not defeat BBCC's breach-of-license-agreement claim because Wisconsin law permits recovery of nominal damages without proof of actual damages.
4. Evidence concerning the relationship between Jeffrey and Sam Jacobsen and Jeffrey's prior litigation against Sam's estate was generally excluded as irrelevant, confusing, or wasteful, although minimal contextual evidence concerning BBCC's acquisition of the intellectual-property rights and its enforcement efforts could be allowed.

KEY QUOTATIONS

"This deposition statement is not a binding judicial admission, which is a formal concession by a party that is binding on that party and withdraws a fact from contention." (Analysis § B.1)

"It doesn't matter whether BBCC suffered compensatory damages attributable to The Community's breach because Wisconsin law allows a party to recover nominal damages in the absence of proof of actual damages." (Analysis § B.2)

FACTUAL BACKGROUND

BBCC owns nine registered service marks, including the word mark BISHOPS BAY and a stylized miter design, and alleges that The Community used the term "Bishops Bay" and a bumblebee logo in violation of the parties' license agreement and trademark law. BBCC apparently purchased Sam Jacobsen's intellectual-property rights from his estate in 2015 and then informed The Community that it was breaching the license agreement. The

parties disputed the admissibility of evidence concerning the Jacobsen family relationship, other business entities using “Bishops Bay,” failure to use trademark symbols, alleged dilution, financial damage, and a nonfinal USPTO office action.

PROCEDURAL HISTORY

BBCC sued The Community of Bishops Bay LLC, alleging that the defendant's use of a bumblebee logo and the term “Bishops Bay” breached the parties' license agreement and infringed BBCC's trademarks. Before trial, both parties filed motions in limine concerning judicial notice, the admissibility of relationship and estate-litigation evidence, alleged contractual breaches, trademark dilution, damages, and a preliminary USPTO office action. The court granted and denied the motions in part, struck the existing trial dates, and directed the parties to address rescheduling at the final pretrial conference.

DISPOSITION

other

CASES CITED

- Neita v. City of Chicago, 148 F.4th 916, 927 (7th Cir. 2025)
- Keller v. United States, 58 F.3d 1194, 1198 n.8 (7th Cir. 1995)
- Earl Millikin, Inc. v. Allen, 21 Wis. 2d 497, 503, 124 N.W.2d 651, 655 (1963)
- Hibbard v. W. Union Tel. Co., 33 Wis. 558, 565 (1873)
- Rustic Retreats Log Homes, Inc. v. Pioneer Log Homes of B.C., Inc., No. 19-cv-1614, 2022 WL 1135908, at *5 (E.D. Wis. Apr. 18, 2022)

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