NO. 98-2461

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT IV

DIVERSIFIED INVESTMENTS CORPORATION D/B/A PACIFIC CYCLE U.S.A., A WISCONSIN CORPORATION,

PLAINTIFF-APPELLANT,

V.

REGENT INSURANCE COMPANY, AN INSURANCE COMPANY LICENSED TO DO BUSINESS IN THE STATE OF WISCONSIN,

DEFENDANT-RESPONDENT.

FILED

May 14, 1999

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COURT Of APPEALS
OF WISCONSIN

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(L.C. #97-CV-1544)

PLEASE TAKE NOTICE that the attached page 10 is to be substituted for page 10 in the above-captioned opinion which was released on April 8, 1999.

Advance Watch line of cases, and we adopt that reasoning here. We therefore reject Pacific's argument that simply marketing a product which bears an infringing mark or dress—here, Pacific's bicycles with GT's trademarked design and names—satisfies the requirement that there be a causal connection between the injury alleged in the underlying action and advertising activities.[1] Because we so hold, we need not address the other arguments advanced by Pacific.

By the Court.—Judgment affirmed.

Not recommended for publication in the official reports.

[1] We do not see any difference between the causal requirement in trademark infringement cases, and in cases involving copyright or patent infringement. We agree with the district court's statement in ***Robert Bowden, Inc. v. Aetna Cas. & Sur. Co.***, 977 F. Supp. 1475, 1481 n.3 (N.D. Ga. 1997), that "[t]he requisite level of causation between advertising and alleged injury should not vary with the particular type of intellectual property in question."