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Gander Mountain wins legal battle against Cabela's

Minneapolis / St. Paul Business Journal - 9:50 AM CDT Wednesday, July 11, 2007 by [Carissa Wyant](#) Staff Writer

Gander Mountain Co. announced late Tuesday that it won legal rights to sell products directly to consumers online and in catalogue stores using its own name and logo.

St. Paul-based Gander Mountain (Nasdaq: GMTN), said the U.S. District Court, District of Minnesota, issued an order granting Gander Mountain rights to sell products under its own name, after a long-standing dispute with rival Cabela's over the right to use certain Gander Mountain trademarks in direct marketing.

For over a decade, the outdoor products retailer has not been able to operate a catalog or online store, due to Gander's predecessor company selling its direct-marketing business to Sidney, Neb.-based Cabela's Inc. (NYSE: CAB) in 1996.

The move was an effort to avoid bankruptcy. In August of 2005, the Business Journal **reported** that a federal judge ruled that Gander Mountain cannot use its name or logo for direct sales.

But on Tuesday the court ruled that "Gander Mountain is free to use its trademarks in all respects including direct marketing to consumers."

The order granted Gander Mountain's motion for summary judgment while denying Cabela's motion for summary judgment and dismissing Cabela's counterclaims with prejudice and on the merits. The order is subject to appeal.

Mark Baker, Gander Mountain president and CEO, said in a statement that the company planned to accelerate its e-commerce plans. The company will own 115 stores in 23 states by the end of the year.

Gander Mountain's stock was trading up slightly Wednesday morning, opening at \$10.40 after closing at \$10.09 on Tuesday.

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