

Analyzing Arguments

Name: _____

Date Given: __/__/__

Due Date: __/__/__



***Task = Any blank that is required to be filled in by the student.
The response must be relevant to receive points.**

Grading

4 (Advanced)	3 (Proficient)	2 (Developing)	1 (Well-Below)	0
Missing 0 to 2 tasks.	Missing 3-5 tasks.	Missing 6-10 tasks.	Missing 11 or more tasks.	Not turned in/ turned in blank

Do Now: Video Response

What is the GIST of the video?

I can draw evidence from literary or informational texts to support analysis, reflection, and research.

<p>Source #1: Cease-and-Desist Letter from Aloha Poke Co.</p> <p>Directions: Read Source #1 as a class. Write down the GIST as you read.</p>	<p>Gist</p>
<p>Mr. Jeffrey L. Samson January 17, 2018 Aloha Poke Shop</p> <p>Your use of "Aloha" and "Aloha Poke" in promoting, marketing and selling your food, products and services is a direct infringement of Aloha Poke's registered and valuable ALOHA POKE® and ALOHA POKE CO® trademarks.</p> <p>You can understand how your use of "Aloha" and "Aloha Poke" is confusingly the same as Aloha Poke's ALOHA POKE® trademark. Consumers familiar with Aloha Poke and its food, products and services will likely be confused, and mistakenly believe that your food, products and services are associated with, authorized by, or somehow related to Aloha Poke.</p> <p>Due to the similarity of the marks, the similarity of the goods and services, and a likelihood of confusion in the marketplace, your use of "Aloha" and "Aloha Poke" must cease immediately. While we do not seek to interfere with your business or your practice of selling poke cuisine, Aloha Poke cannot let these uses continue without harming its valuable trademark rights in and goodwill associated with its Registered Trademarks.</p>	

<p>Aloha Poke would prefer to settle this matter amicably and without court intervention. We therefore request that you immediately stop all use of “Aloha” and “Aloha Poke” in association with selling your food, products and services, and destroy all packaging, marketing, materials, advertising, photographs, Internet usage, and all other materials and things that bear the designation of “Aloha” or “Aloha Poke.” This demand includes removal of “Aloha” and “Aloha Poke” from any company name, domain name, Facebook page or other social media site, or other source identifier.</p> <p>We would appreciate receiving by February 7, 2018, writing confirmation that you have complied with all of our demands identified herein and have otherwise stopped all usage of the infringing designations. In the meantime, if you or your attorney wished to discuss this matter, please contact me at the above listed telephone number or e-mail address of *****.</p> <p>We look forward to your response and to an amicable resolution of this matter.</p>	
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<p style="text-align: center;">Source #2: Aloha Poke Statement</p> <p>Independent Practice: Read and annotate Source #2 <u>independently</u>. Write down the GIST as you read. Fill out the graphic organizer at the end of the article.</p>	<p style="text-align: center;">Gist</p>
<p>Over the past 48 hours, a significant amount of misinformation about Aloha Poke Co. has been shared on social media. We know that this misinformation has caused anger and offense among those who care very passionately about their Hawaiian culture. First, we want to say to them directly how deeply sorry we are that this issue has been so triggering. It is our sincere hope that this statement can set the record straight and address valid concerns raised by many individuals around issues that are very personal to them.</p> <p>Perhaps the most important issue that needs to be set straight is the false assertion that Aloha Poke Co. has attempted to own either the word “Aloha” or the word “Poke”. Neither is true and we would never attempt to do so. Not ever. We will explain more about this below.</p> <p>Second, there is zero truth to the assertion that we have attempted to tell Hawaiian-owned businesses and Hawaiian natives that they cannot use the word Aloha or the word Poke. This simply has not happened, nor will</p>	

it happen. We truly celebrate Hawaiian culture and what makes it so wonderful, which is very much the reason why we branded our business as we did.

Third, it is entirely false that we have either sued businesses for using the word Aloha or the word Poke or sought a “gag order“ on anyone for using the words. We honestly do not know how either claim came to be, but this is simply not true. What we have done is attempted to stop trademark infringers in the restaurant industry from using the trademark “Aloha Poke” without permission. This is a very common practice used across industries, and in particular, in the restaurant industry to protect the use of a business’ name and brand.

To this point, the company holds two federal trademarks for its design logo and the words “Aloha Poke” for use in connection with restaurants, catering and take out services. This means that the company has the exclusive right to use those words together in connection with restaurant services within the US. This trademark does not prevent another person or entity from using the word Aloha alone or the word Poke alone in any instance.

In the rare instance where we have needed to send notices to those using our trademark in the restaurant industry, we have done so in a cooperative manner, and all have complied with our request to rebrand without any resulting legal action. Not a single business has closed as a result of this.

We respect and understand the concerns that have been raised around these false and misleading claims. We have been moved by the passionate defense of the Hawaiian culture displayed throughout social media and want nothing more than to assure everyone of the facts in these matters. We are truly sorry for all of the confusion that this has caused.

Main Argument Graphic Organizer

Article Title: Aloha Poke Statement
Author: Chris Birkinshaw

Author's Main Argument: Chris Birkinshaw's claim is Aloha Poke Co. has not attempted to own, control, or sue other companies for the use of the words "Aloha" or "Poke".

Evidence #1:

"Perhaps the most important issue that needs to be set straight is the false assertion that Aloha Poke Co. has attempted to own either the word "Aloha" or the word "Poke" (Birkinshaw, 2018).

Evidence #2:

Evidence #3:

Is evidence sufficient?

Why or why not?

Is evidence sufficient?

Why or why not?

Is evidence sufficient?

Why or why not?

No, it is not. The author does not give any kind of reasoning or justification. He simply says the assertion is not true.

After evaluating the evidence that supports each claim, is the overall argument supported by sufficient evidence? Explain why or why not.

Based on the video, what does the word "Aloha" mean?

<p>Source #3: Representative Kaniela Ing Response (transcribed from video in 2018)</p> <p>Partner Work: Read and annotate Source #3 with a partner. Write down the GIST as you read. Fill out the graphic organizer with your partner.</p>	<p>Gist</p>
<p>Aloha, it's Kaniela Ing. I'm a chair of Hawaiian affairs in the Hawaii State House. I keep hearing today about this guy in the Midwest, non-Hawaiian, who owns a chain of poke shops and he's suing other shops, or threatening to sue, for using the word "Aloha".</p> <p>Now it's bad enough that that word has been used, commodified, over time, but this is the next level. To think that you have legal ownership over one of the most profound of Hawaiian values is just something else. Frankly, the shops that are called "Aloha Poke" in town [Honolulu] and Waianae, they should be suing you! They should be suing you! But they probably won't because that's not "Aloha".</p> <p>So a lot of people have been messaging this guy saying, as a local, as a Hawaiian, why this thing could be kind of hurtful, and he has been writing back completely dismissing them. All we ask is that if you're making so much money off our words, our values, our food, our culture, that you at least hear us when we tell you it's not <i>pono</i> (morally right).</p>	

Main Argument Graphic Organizer

<p>Source Title: Representative Kaniela Ing Response Author: Kaniela Ing</p>		
<p>Author's Main Argument:</p>		
<p>Evidence:</p>	<p>Evidence:</p>	<p>Evidence:</p>
<p>"They should be suing you! But they probably won't because that's not "Aloha" (Ing, 2018).</p>		

Is evidence sufficient? Why or why not?	Is evidence sufficient? Why or why not?	Is evidence sufficient? Why or why not?
The evidence is sufficient because the author explains his position by saying that Aloha Poke Co.'s actions (suing) do not represent "Aloha".		
After evaluating the evidence that supports each claim, is the overall argument supported by sufficient evidence? Explain why or why not.		

Exit Ticket
<p>Whose position of this argument do you agree with? Write a CER for your response.</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>