

USA: Solid 21, Inc. v. Hublot of America, United States Court of Appeals, Ninth Circuit, No. 15-56036, 24 March 2017

Kluwer Trademark Blog

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A federal district court in Los Angeles erred in concluding that Solid 21's registered word mark RED GOLD was invalid because the mark was a generic term for jewelry items that were made of red gold, the U.S. Court of Appeals in San Francisco has decided. The lower court erred in excluding testimony from Solid 21's expert linguist and proffered customer declarations, the appellate court found. With this additional evidence, Solid 21 demonstrated a triable issue of material fact as to the genericness of the mark, and thus, the district court's ruling was reversed and remanded (Solid 21, Inc. v. Hublot of America, March 24, 2017, per curiam).

A full summary of this case has been published on [Kluwer IP Law](#).