

# USA: Ketab Corp. v. Mesriani and Associates, PC, United States Court of Appeals, Ninth Circuit, No. 16-55958, 02 May 2018

**Kluwer Trademark Blog**

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The federal district court in Los Angeles did not err in dismissing trademark infringement, dilution, and related claims brought by Ketab Corporation—a telephone directory and marketing services to the Iranian community in the Los Angeles area—against a competing directory service provider, an Iranian television channel, a law firm, and others involved in providing services to the Iranian community in Los Angeles. According to the U.S. Court of Appeals in San Francisco, the district court properly found that Ketab’s common law marks were not protectable because they were generic and that its registered mark was not infringed by any of the defendants. The district court also did not abuse its discretion in awarding attorney fees to the defendants under the Lanham Act or in sanctioning Ketab’s counsel for pursuing frivolous claims in bad faith. However, the case was remanded for clarification of what portion of the total fees and costs was “excess” and attributable to Ketab’s attorney’s unreasonable and vexatious conduct in accordance with 28 U.S.C. §1927 (Ketab Corp. v. Mesriani and Associates, PC, May 2, 2018, per curiam).

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