

Trademark case: Pinkette Clothing, Inc. v. Cosmetic Warriors Ltd., USA

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Despite recent U.S. Supreme Court cases holding that laches does not apply within the limitations periods for patent and copyright claims, laches is available as a defense to a cancellation claim during the five years following registration of a mark, while the mark is still “contestable,” a panel of the U.S. Court of Appeals for the Ninth Circuit has ruled. Unlike the Patent Act and the Copyright Act, the Lanham Act has no statute of limitations and expressly makes laches a defense to cancellation (Pinkette Clothing, Inc. v. Cosmetic Warriors Ltd., June 29, 2018, Bybee, J.).

Case date: 29 June 2018

Case number: No. 17-55325

Court: United States Court of Appeals, Ninth Circuit

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