

Trademark case: Neutron Depot LLC v. Bankrate Inc., USA

Kluwer Trademark Blog

February 11, 2020

Brian Craig

Please refer to this post as: Brian Craig, 'Trademark case: Neutron Depot LLC v. Bankrate Inc., USA', Kluwer Trademark Blog, February 11 2020, <http://trademarkblog.kluweriplaw.com/2020/02/11/trademark-case-neutron-depot-llc-v-bankrate-inc-usa/>

An exclusive licensee that did not own the mark outright when the suit began lacked standing to sue for infringement.

An exclusive licensee of a trademark when a trademark infringement suit began—which only became the owner of the mark mid-litigation—lacked standing to bring a trademark infringement action, the U.S. Court of Appeals in New Orleans has held. In affirming the federal district court's dismissal of Neutron Depot's suit alleging infringement of the INSURANCE DEPOT mark against Bankrate, the Fifth Circuit concluded that Neutron Depot did not own the mark outright at any point when the infringement took place (*Neutron Depot, LLC v. Bankrate, Inc.*, January 29, 2020, per curiam).

Case date: 29 January 2020

Case number: No. 18-51021

Court: United States Court of Appeals, Fifth Circuit

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