The district court’s attorney fee award was reasonable and did not violate First Amendment freedom of speech.

In a trademark infringement case between two civic organizations that promote political candidates in Louisiana, the U.S. Court of Appeals for the Fifth Circuit affirmed a judgment by the district court awarding over $148,000 in attorney fees. In a split 2 to 1 decision, the majority concluded that the district court properly added the principal and attorney for defendant Coalition for Better Government as a party post-judgment, as the principal litigated in an unreasonable manner by submitting meritless court filings and behaving unreasonably during discovery. The majority decided that the attorney fee award is reasonable and does not violate First Amendment freedom of speech. Circuit Judge James Dennis wrote a strongly worded dissenting opinion arguing that the majority does violence to the text of the Lanham Act by expanding the statute into noncommercial political speech protected by the First Amendment (Alliance for Good Government v. Coalition for Better Government, May 19, 2021, Higginbotham, P.).

Case date: 19 May 2021
Case number: No. 20-30233
Court: United States Court of Appeals, Fifth Circuit

A full summary of this case has been published on Kluwer IP Law.