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Trademark case: ACT 898 Products Inc. v. WS Industries Inc., USA

Blair Albom · Tuesday, May 28th, 2019

The mark owner had sent a cease-and-desist letter to the defendant—a competing seller of equipment to the cosmetics industry—more than four years before filing suit, establishing that it knew of the infringement at that time.

Although cosmetics equipment company A.C.T. 898 Products, Inc. (“ACT”) convinced a jury that competitor W.S. Industries, Inc. (“WSI”) willfully infringed ACT’s “777” trademark for nail brushes, the jury also reasonably found that ACT’s claims were time-barred because knew or should have known about WSI’s use of the 777 mark more than four years before filing suit, the U.S. Court of Appeals in San Francisco has decided. It was reasonable for the jury to conclude that ACT was aware of the infringement when it sent a cease-and-desist letter to WSI. Accordingly, the district court did not err in denying ACT’s post-trial motions challenging the verdict and requesting a permanent injunction. In addition, the district court did not abuse its discretion by denying ACT’s request for a permanent injunction because ACT failed to establish that it would sustain irreparable harm (ACT 898 Products, Inc. v. WS Industries, Inc., May 17, 2019, per curiam).

Case date: 17 May 2019

Case number: No. 17-56046.

Court: United States Court of Appeals, Ninth Circuit

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

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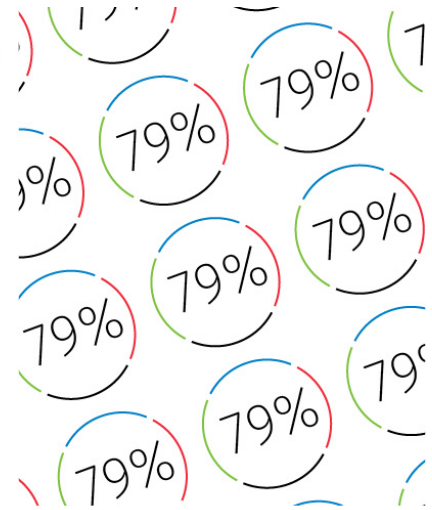
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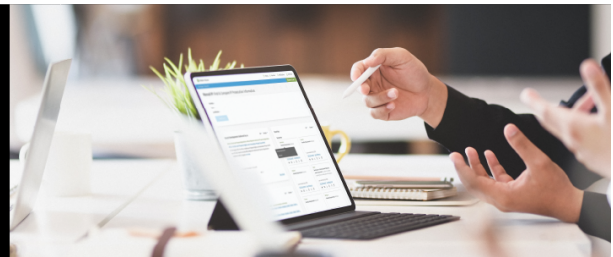


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