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# Kluwer Trademark Blog

## Trademark case: SnugglyCat Inc. v. Opfer Communications Inc., USA

John W. Scanlan (Wolters Kluwer Legal & Regulatory US) · Monday, April 13th, 2020

There is no per se rule providing that dismissal without prejudice of claims involving a fee-shifting statute such as the Lanham Act necessarily causes a defendant to suffer legal prejudice from being denied an opportunity to seek attorney fees.

Defendants in case brought by a pet toy maker did not suffer legal harm by the dismissal without prejudice of the toy maker's claims under the Lanham Act because their likelihood of prevailing in the suit was merely speculative, the U.S. Court of Appeals for the Eighth Circuit ruled in affirming a lower court's decision. The claims had been brought in good faith and the litigation was still at a very early stage (*SnugglyCat, Inc. v. Opfer Communications, Inc.*, March 17, 2020, Shepherd, B.).

Case date: 17 March 2020

Case number: No. 18-3500

Court: United States Court of Appeals, Eighth Circuit

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

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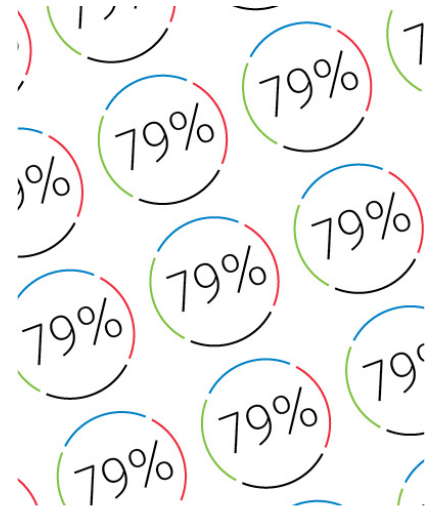
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