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Trademark case: Quincy Bioscience LLC v. Elishbooks, USA

Deirdre Kennedy (Wolters Kluwer Legal & Regulatory US) · Monday, August 3rd, 2020

Seller's appeal of district court's judgment against it was frivolous because its arguments had virtually no likelihood of success, and the appeal seemingly was pursued for purposes of delay.

In a trademark infringement suit between the maker of the dietary supplement Prevagen against an Internet seller for the unauthorized and unlawful sale of Prevagen products, the defending seller was subject to sanctions for pursuing a frivolous appeal of the district court's entry of default judgement, award of damages and grant of injunctive relief, the U.S. Court of Appeals in Chicago has decided. Not only did appellee's arguments have virtually no likelihood of success because the seller had waived them, but its actions in bringing the appeal were found to be a tactic to draw out the proceedings as long as possible while knowing that it had no viable substantive defense (Quincy Bioscience, LLC v. Elishbooks, June 5, 2020, per curiam).

Case date: 5 June 2020

Case number: No. 19-1799

Court: United States Court of Appeals, Seventh Circuit

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

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