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Trademark case: OTR Wheel Engineering Inc. v. West Worldwide Services Inc., USA

Cheryl Beise (Wolters Kluwer Legal & Regulatory US) · Thursday, May 20th, 2021

Tire maker entitled to recover on injunction bond for wrongful prohibition on sale of certain brand tires.

The federal district court in Yakima, Washington, correctly ruled—on remand and in accordance with a prior instruction—that leaving a preliminary injunction in effect after trial was wrongful, the U.S. Court of Appeals in San Francisco has held. However, the court erred in ruling that tire maker West Worldwide was properly enjoined from selling its “Extremelift” brand tires pending trial. When plaintiff OTR Wheel Engineering’s trade dress and trade secret claims failed at trial, it became clear that there was no reason to have enjoined West from making commercial use of its Extremelift tires. On remand, the district court was instructed to allow discovery for the full period of the injunction to address the entirety of West’s damages evidence for the purposes of recovering on OTR’s injunction bond. Writing separately, Circuit Judge Rawlinson said she would have affirmed the district court’s decision (OTR Wheel Engineering, Inc. v. West Worldwide Services, Inc., March 26, 2021, per curiam).

Case date: 26 March 2021

Case number: No. 19-35925

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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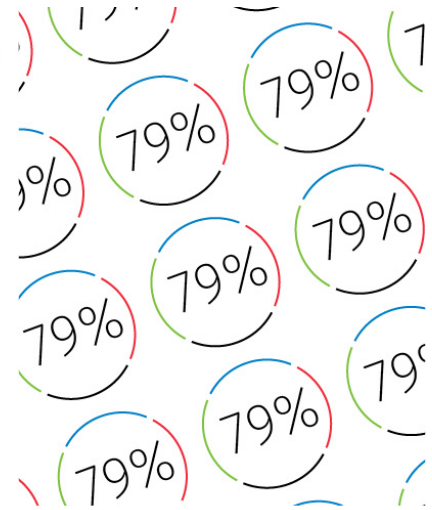
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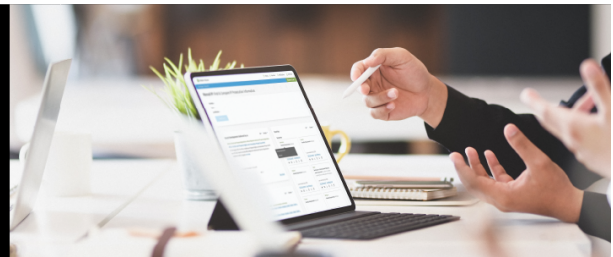


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