
Kluwer Trademark Blog

Trademark case: Simon Property Group L.P. v. Taylor, USA

Deirdre Kennedy (Wolters Kluwer Legal & Regulatory US) · Tuesday, November 2nd, 2021

A party that was voluntarily dismissed from an ordinary trademark infringement case was not the “prevailing” party and was not entitled to attorney fees under the Lanham Act or Florida law.

The U.S. Court of Appeals in Atlanta has affirmed a Florida district court’s decision that a defunct bus service company that had been voluntarily dismissed from a trademark infringement case was not entitled to attorney fees because the bus service was not the “prevailing party” in the litigation, as the Lanham Act and state law required. The shopping mall operator plaintiff prevailed on every significant issue, and the case failed to satisfy the Lanham Act’s requirement that a case be “exceptional” before fees could be awarded (Simon Property Group, L.P. v. Taylor, September 27, 2021, per curiam).

Case date: 27 September 2021

Case number: No. 20-14374

Court: United States Court of Appeals, Eleventh Circuit

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

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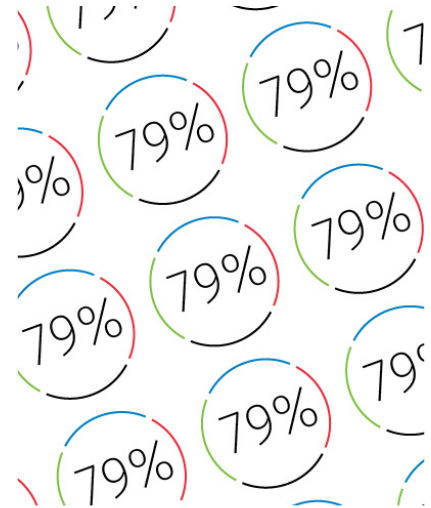
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