
Kluwer Trademark Blog

Trademark case: Window World International LLC v. O’Toole, USA

Matthew Hersh (Wolters Kluwer) · Wednesday, February 9th, 2022

Although the federal court stayed its action to allow a state court to determine the scope of certain licenses, the stay could not be reviewed on appeal because it did not effectively end the federal court litigation.

A federal court’s decision to temporarily stay a trademark lawsuit in order to allow a state court to decide the scope of certain licenses central to the case could not be reviewed on appeal, a divided panel of the U.S. Court of Appeals for the Eighth Circuit has held. The court, wading into the often labyrinthine doctrine of federal court abstention and the related Colorado River “wise judicial administration doctrine,” held that the stay could not be reviewed on appeal because resolution of the earlier state court proceeding would not effectively deprive the federal court of jurisdiction to determine the trademark claims once the stay was lifted (*Window World International, LLC v. O’Toole*, January 7, 2022, Loken, J.).

Case date: 07 January 2022

Case number: No. 21-1108

Court: United States Court of Appeals, Eighth Circuit

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

To make sure you do not miss out on regular updates from the Kluwer Trademark Blog, please [subscribe here](#).

Kluwer IP Law

The **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

Learn how **Kluwer IP Law** can support you.

79% of the lawyers think that the importance of legal technology will increase for next year.

Drive change with Kluwer IP Law.

The master resource for Intellectual Property rights and registration.



2022 SURVEY REPORT

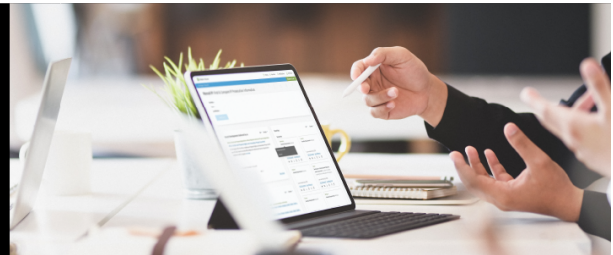
The Wolters Kluwer Future Ready Lawyer

Leading change

Experience how the renewed **Manual IP** enables you to work more efficiently



[Learn more →](#)



This entry was posted on Wednesday, February 9th, 2022 at 10:40 am and is filed under [Case law](#), [Jurisdiction](#), [United States](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. You can leave a response, or [trackback](#) from your own site.