
Kluwer Trademark Blog

Trademark case: Motus, LLC v. CarData Consultants Inc., USA

Donielle Tigay Stutland (Wolters Kluwer Legal & Regulatory US) · Tuesday, February 22nd, 2022

First Circuit affirmed a decision to dismiss a trademark suit brought by Motus LLC against CarData Consultants Inc. for a lack of personal jurisdiction, and because alleged trademark infringement was not shown to be an intentional tort within the forum state.

The U.S. Court of Appeals for the First Circuit affirmed the dismissal of a trademark infringement case brought by a U.S. company that provides employee expense reimbursement tools against a Canadian company that used an alleged protected phrase in its website's meta data. The court found that Motus LLC (Motus) failed to prove that personal jurisdiction over CarData Consultants, Inc. (CarData), a Canadian corporation, was proper in Massachusetts. CarData had not taken any action to "purposefully avail" itself of doing business in the forum, when there was no proof of any Massachusetts customers or revenue. The court indicated that more than just a website was required for jurisdiction. The court also rejected Motus' argument of an intentional tort of trademark infringement occurred within the state of Massachusetts, indicating that there was no evidence that CarData was even aware that Motus existed, let alone that Motus was based in Massachusetts, or that the alleged protected phrase was associated with Motus in dismissing the case (Motus, LLC v. CarData Consultants Inc., January 18, 2022, Selya, B.).

Case date: 18 January 2022

Case number: No. 21-1226

Court: United States Court of Appeals, Fifth Circuit

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

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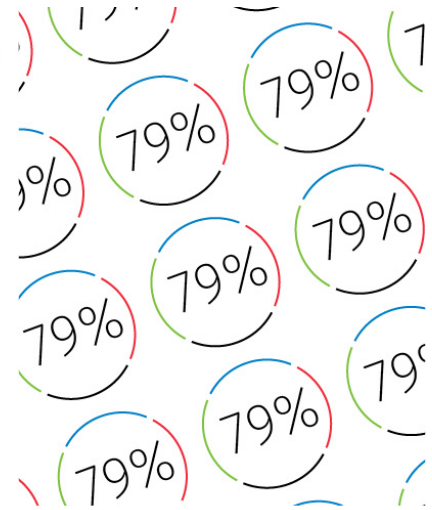
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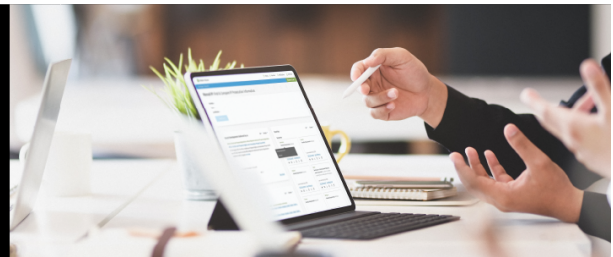


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