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# Kluwer Trademark Blog

## Trademark case: Nichino America Inc. v. Valent U.S.A. LLC, ISA

Patricia K. Ruiz (Wolters Kluwer Legal & Regulatory) · Monday, March 13th, 2023

The district court erred in considering the failure to produce evidence of actual confusion at this preliminary stage, but the error did not affect the outcome.

The U.S. District Court for the District of Delaware correctly denied a preliminary injunction after it concluded that the trademark holder failed to provide evidence of irreparable harm in the absence of the requested injunction, held the U.S. Court of Appeals for the Third Circuit. The circuit court detailed the steps courts should take in considering motions for preliminary injunction under the Trademark Modernization Act of 2020 (TMA) and found only minor errors in the district court's process (*Nichino America Inc. v. Valent U.S.A. LLC*, August 12, 2022, Matey, P.).

Case date: 12 August 2022

Case number: No. 21-1850

Court: United States Court of Appeals, Third Circuit

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

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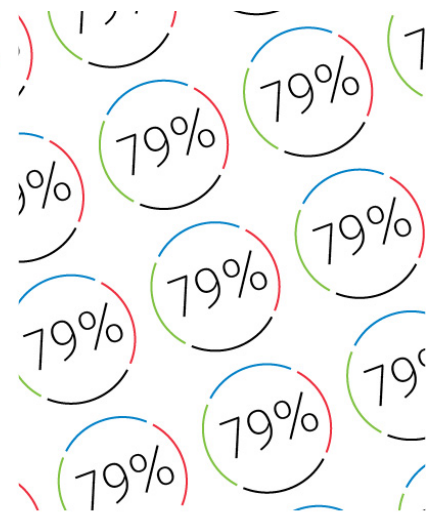
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