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# Kluwer Trademark Blog

## Trademark case: Avco Corp. v. Turn and Bank Holdings, LLC, USA

Robert Margolis (Wolters Kluwer Legal & Regulatory US) · Wednesday, September 18th, 2024

District court did not abuse its discretion in determining that defendants' profits did not result from use of infringing marks for airplane engine fuel injection systems.

Though aircraft fuel-injector servo manufacturer Precision Airmotive, LLC, proved that defendants Avco Corporation and AVStar Fuel Systems, Inc., willfully infringed Precision's federally registered trademark, it was not entitled to recover lost profits, the more than \$10 million in disgorgement damages it sought, or exemplary damages of any kind (including attorney fees). The U.S. Court of Appeals Philadelphia, in a non-precedential decision, affirmed the remedies ruling of a Pennsylvania federal district court, which awarded \$264,818, or just 2% of the more than \$10 million in disgorgement damages sought; \$0 for lost profits; and no exemplary damages. The district court properly exercised its discretion because evidence showed that Avco's purchases of AVStar's infringing products were motivated by reasons other than use of infringing trademarks, and Precision provided no evidence to support exemplary remedies (*Avco Corp. v. Turn and Bank Holdings, LLC*, Nos. 23-1609 and 23-1705 (3d Cir. July 17, 2024)).

Case date: 17 July 2024

Case number: No. 23-1609 and No. 23-1705

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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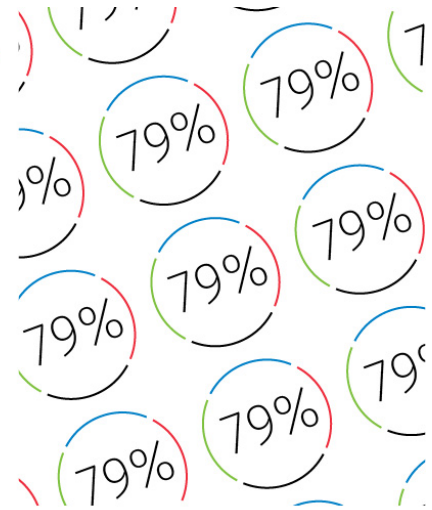
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