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## Trademark case: Cardinal Motors, Inc. v. H&H Sports Protection USA Inc., USA

Saurabh Kashyap (Wolters Kluwer Legal & Regulatory US) · Tuesday, March 11th, 2025

District court erred in dismissing infringement claims for failure to articulate trade dress with precision; unfair competition claims revived as federal claims reinstated.

The U.S. Court of Appeals for the Second Circuit vacated and remanded a federal district court's dismissal of a motorcycle helmet maker's trade dress infringement and unfair competition claims against H&H Sports Protection USA Inc., holding that the district court improperly conflated trade dress articulation with distinctiveness. The appellate court ruled that the plaintiff adequately identified the components of its trade dress and that its federal claims were wrongly dismissed. Because the district court had dismissed the state-law unfair competition claims solely due to the dismissal of the federal claims, the appellate court reinstated them as well (*Cardinal Motors, Inc. v. H&H Sports Protection USA Inc.*, No. 23-7586-cv (2d Cir. Feb. 6, 2025)).

Case date: 06 February 2025

Case number: No. 23-7586-cv

Court: United States Court of Appeals, Second Circuit

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

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