

Haynes and Boone Team Secures Appeals Court Win for Textile Client

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Haynes Boone recently secured a win in the U.S. Court of Appeals for the Ninth Circuit, which issued a 2-1 decision in favor of Phoenix Fibers, a textile recycling business.

The plaintiffs, Sweet People Apparel and Rock Revival, sued Phoenix Fibers for alleged trademark infringement and breach of contract. Phoenix Fibers—represented by a Haynes Boone team led by Partner Ken Parker—moved for summary judgment in the district court.

The plaintiffs opposed the motion with inadmissible evidence, prompting Phoenix Fibers to lodge evidentiary objections. The plaintiffs did not respond to those objections, despite having seven months and a supplemental briefing opportunity to do so. The district court granted summary judgment for Phoenix Fibers, reasoning that: the plaintiffs failed to respond to the evidentiary objections; three key categories of evidence that plaintiffs did proffer were inadmissible; and the plaintiffs could not establish a prima facie case for trial without supporting admissible evidence.

On appeal, Partner M.C. Sungaila and Associate Marco Pulido defended the grant of summary judgment for Phoenix Fibers on three overarching grounds. They argued that: the plaintiffs had waived their opportunity to respond to the evidentiary objections and had invited any alleged error in the court's evidentiary rulings; the district court's evidentiary rulings were correct under the current version of Federal Rule of Civil Procedure 56; and any claimed error in the evidentiary rulings was harmless, because Phoenix Fibers was entitled to summary judgment as a matter of law even if all of the plaintiffs' evidence were to be considered.

The court ruled in favor of Phoenix Fibers, with the majority reasoning that the district court did not abuse its discretion when it excluded the plaintiffs' evidence and that the plaintiffs had waived the arguments that they raised on appeal.