

## Winston Represented Health Brands Company in Trademark Infringement Case

DECEMBER 28, 2022

Represented Kiva Health Brands, LLC, a Hawaii-based company that sells natural supplements and food products under the KIVA mark in a trademark infringement action against Kiva Brands, Inc., a California-based company that sells cannabis-infused edibles also under the KIVA mark. Kiva Brands counterclaimed against Kiva Health for infringement of Kiva Brands' California state trademark registration for the KIVA mark. The case presented a number of novel trademark issues relating to Kiva Brands' attempted enforcement of its trademark rights for products that are illegal under federal law and the narrowing gap between the cannabis and CBD market and the health food and supplements market. Kiva Health defeated Kiva Brands' laches defense following an evidentiary hearing with witness testimony, after which the judge agreed with Kiva Health that any delay in taking action against Kiva Brands was reasonable in light of Kiva Brands' progressive encroachment into Kiva Health's market. The case settled favorably for the client shortly thereafter.

1 Min Read

### Related Capabilities

Intellectual Property

Trademark Litigation, Prosecution & Brand Protection

Food & Beverage

### Related Professionals

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Diana Leiden



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