

## ARTICLE

### Court Allows Laches Defense in Cancellation Case

Published in *Managing Intellectual Property*

September 2018

This article explores the availability of the laches defense to a trademark cancellation action as addressed in the recent case *Pinkette Clothing, Inc. v. Cosmetic Warriors Limited* matter. The US Supreme Court has long held that laches is not an available defense to claims for copyright or patent infringement when brought within the limited periods of time described under each of the Copyright Act and the Patent Act. In *Pinkette Clothing*, however, the Ninth Circuit Court of Appeals affirmed a distinction between available defenses to copyright and patent infringement claims, on the one hand, and trademark infringement claims, on the other hand, holding that laches is an equitable defense to a trademark cancellation action because the Lanham Act has no statute of limitations and expressly makes laches a defense to a cancellation action.

This decision is instructive because it shows that, under certain circumstances, a cancellation action might not be available to a senior user of a mark even if the marks are found to be confusingly similar and the registered mark is not yet incontestable.

Read "[Court Allows Laches Defense in Cancellation Case](#)" in its entirety.

---

## CONTACTS

For more information, contact your Katten attorney or any of the following attorneys.



**Bret J. Danow**

+1.212.940.6365

[bret.danow@katten.com](mailto:bret.danow@katten.com)



**Karen Artz Ash**

+1.212.940.8554

[karen.ash@katten.com](mailto:karen.ash@katten.com)

Attorney advertising. Published as a source of information only. The material contained herein is not to be construed as legal advice or opinion.

©2026 Katten Muchin Rosenman LLP.

All rights reserved. Katten refers to Katten Muchin Rosenman LLP and the affiliated partnership as explained at [katten.com/disclaimer](https://www.katten.com/disclaimer).