
APP Group (Canada) Inc. d/b/a Mackage and A.P.P. Group Inc. d/b/a Mackage v. Rudsak USA Inc.

We represented Rudsak USA Inc., the U.S. subsidiary of a Canadian streetwear brand, in its defense against for trade dress infringement, unfair competition, and dilution brought by its rival APP Group (Canada), doing business as Mackage, in the U.S. District Court for the Southern District of New York. [More](#)

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Mackage claimed that Rudsak had infringed two design features on its coats: a fur-lined v-shaped collar, and an asymmetrical zipper for luxury winter coats. Mackage sought monetary damages and injunctive relief.

We moved to dismiss the complaint for failure to state a claim, and succeeded, aided by the discovery of very helpful facts—including unearthing the USPTO's prior rejection of Mackage's application to register the V-shaped collar as trade dress.

The court denied leave to amend and dismissed the complaint with prejudice. Mackage's appeal to the U.S. Court of Appeals for the Second Circuit is pending.