Banner & Witcoff Wins on Summary Judgment for Spanish Baby Care Product Client

On Sept. 30, the U.S. District Court for the Western District of Louisiana granted Banner & Witcoff client Groupo Rimar, a/k/a Suavinex, SA's motion for summary judgment and entered judgment in Suavinex's favor. The federal court agreed that Suavinex had not breached its contract with Luv N' Care Ltd., and that Luv N' Care was not entitled to a permanent injunction prohibiting Suavinex from selling its comfort pacifier and baby's first sippy cup with silicone rubber soft top baby products.

Luv N' Care, Ltd., an international seller of baby care products, originally sued Suavinex, a Spanish seller of baby care products, in a Louisiana state court, alleging breach of contract and unfair competition claims on June 6, 2013. The case was dismissed for improper venue, and Luv N' Care filed a suit alleging the same breach of contract and unfair competition claims in the U.S. District Court for the Western District of Louisiana on August 14, 2014.

In its complaint, Luv N' Care alleged that Suavinex, a former distributor of Luv N' Care baby products in Spain, had breached the parties' contract, which terminated the Spanish distributorship agreement, by copying features, functions and product designs of Luv N' Care's orthodontic pacifier and silicone soft top spout baby products.

In ruling on Suavinex's motion for summary judgment, the district court found the terms of the parties' distributorship termination agreement unambiguous and extended only to proprietary information, not publicly-available information such as the features, functions and designs of commercial products. Finding no breach of contract by Suavinex, the district court also entered judgment that Luv N' Care was not entitled to a permanent injunction prohibiting Suavinex's sale of the accused products.

The Court further entered judgment that Luv N' Care had breached the parties' distributorship agreement by improperly filing its original lawsuit in Louisiana state court rather than in federal district court. The total amount of Suavinex's damages for Luv N' Care's breach of contract is yet to be determined.

Suavinex was represented by Banner & Witcoff attorneys Christopher Roth, Adam College, Camille Sauer and lead counsel Robert F. Altherr, Jr. Robert Katz provided assistance with respect to product design issues.

The case is Luv N' Care Ltd. v. Groupo Rimar, a/k/a Suavinex, S.A., No. 3:14-cv-02491, in the U.S. District Court for the Western District of Louisiana.

Posted: October 1, 2015