

DECEMBER 18, 2018 | NEWS

Hyundai Can't Escape Antitrust Claims According to Federal Judge in North Carolina

CHARLOTTE, NC – The United States District Court for the Western District of North Carolina has denied plaintiffs Hyundai Motor Company's Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim (#36). This means that Defendant DTI, Inc. may proceed with its antitrust, false advertising, and unfair competition counter claims against Hyundai.

As stated in the Order, "Defendant alleges six counterclaims against plaintiffs: (1) illegal restraint of trade in violation of Section 1 of the Sherman Act; (2) illegal monopoly in violation of Section 2 of the Sherman Act; (3) exclusive dealing arrangement in violation of the Clayton Act; (4) false advertising and unfair competition in violation of the Lanham Act; (5) unfair competition in violation of North Carolina's Unfair and Deceptive Trade Practices Act; and (6) unfair competition under North Carolina common law." All of these claims survived dismissal and are sufficient to state a claim.

Throughout this trademark infringement litigation, DTI, Inc. has been represented by W. Thad Adams, III, Kathryn A. Gromlovits, Samuel A. Long, and Christina Davidson Trimmer of Shumaker Loop & Kendrick LLP. The case is Hyundai Motor America, Inc. and Hyundai Motor Company v. Direct Technologies International, Inc., d/b/a DTI, Inc., case number 3:17-cv-732-MOC-DSC, in the U.S. District Court for the Western District of North Carolina Charlotte Division. Any inquiries should be directed to Samuel A. Long, lead counsel for DTI.

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