

SCHOLASTIC INC. V. STOUFFER*81 Fed. Appx. 396 (2d Cir. 2003)*

The Second Circuit affirmed the dismissal of trademark and copyright claims and the imposition of sanctions on a party who submitted falsified evidence to the court.

Stouffer filed a counterclaim against Scholastic for trademark and copyright violations alleging similarities between her work and Scholastic's *Harry Potter* book. Since the two works were not substantially similar, the court dismissed the copyright infringement claims. After the Federal District Court for the Southern District of New York applied the eight-factor test for trademark confusion as stated in *Polaroid Corp. v. Polaroid Electronics Corp.*, 287 F.2d 492, 495 (2d Cir. 1961), and found that no reasonable juror would be confused as to the source of the two works, the court dismissed Stouffer's trademark infringement claims. Furthermore, the district court imposed sanctions on Stouffer for falsified evidence she submitted in support of her claims.

Upon *de novo* review of the district court's decision, the Second Circuit stated that the district court correctly dismissed the claims. While the district court did not analyze each *Polaroid* factor, the Second Circuit affirmed the decision because the district court correctly stated the law and thoroughly compared the works at issue. The Second Circuit also affirmed the district court's dismissal of the copyright claims because it found no substantial similarities between the works at issue.

Reviewing the district court's decision to impose sanctions under an abuse of discretion standard, the court affirmed the sanctions on Stouffer of \$50,000 along with attorneys fees. The court also awarded Scholastic all attorneys fees and costs incurred on appeal.