

# Saleh v. Sulka Trading Ltd., et al.

Case No. 19-2461 (2d Cir. 2020)

The Second Circuit affirmed the S.D.N.Y.'s dismissal of a declaratory judgment action brought by Plaintiff Abdul Rehman Karim Saleh against our clients, Sulka Trading Ltd. and A. Sulka and Company Limited (together, "Sulka"). Sulka filed its motion to dismiss based on the ground that there was no actual controversy between the parties sufficient to create subject matter jurisdiction under the Declaratory Judgment Act because Saleh showed no evidence of an intent and ability to use the SULKA mark in an infringing manner in the U.[More](#)

Case No. 19-2461 (2d Cir. 2020)

The Second Circuit affirmed the S.D.N.Y.'s dismissal of a declaratory judgment action brought by Plaintiff Abdul Rehman Karim Saleh against our clients, Sulka Trading Ltd. and A. Sulka and Company Limited (together, "Sulka"). Sulka filed its motion to dismiss based on the ground that there was no actual controversy between the parties sufficient to create subject matter jurisdiction under the Declaratory Judgment Act because Saleh showed no evidence of an intent and ability to use the SULKA mark in an infringing manner in the U. S. In dismissing the action, the S.D.N.Y. agreed that our clients rightly objected to plaintiff's attempt to use a declaratory judgment action to determine what activities he could engage in that he did not have any intent or ability to pursue, adding that Saleh was not entitled to jurisdictional discovery because he had failed to show any colorable claim to jurisdiction.

Saleh has re-filed his suit, alleging that he is now doing business in the U.S., and Sulka has again moved to dismiss the case. That motion is pending.