

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

Louis Allis, LLC v. Ideal Electric Power Co. (D/B/A The Ideal Electric Company)

Louis Allis · No. Civil Action No. 23-980-CFC · Decided April 30, 2026

SUMMARY

The United States District Court for the District of Delaware denied Louis Allis, LLC’s motion for summary judgment on Ideal Electric Power Co.’s counterclaims. The court held that disputed evidence concerning ownership and bona fide use of the Louis Allis trademarks created genuine issues of material fact, and it rejected unauthenticated Wayback Machine screenshots while considering other evidence of trademark use.

CASE DETAILS

COURT	United States District Court for the District of Delaware
JURISDICTION	United States District Court for the District of Delaware
DECIDED	April 30, 2026
DOCKET	Civil Action No. 23-980-CFC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for summary judgment on defendant's counterclaims.
STANDARD OF REVIEW	Summary judgment is improper when a genuine dispute exists about a material fact; the court evaluates whether the record could support a reasonable jury's determination for the nonmoving party.
PRECEDENTIAL VALUE	Unknown

TOPICS

- summary judgment
- trademark law
- authentication
- evidence
- commercial litigation

PRACTICE AREAS

- civil procedure
- evidence
- trademark law
- commercial litigation

QUESTIONS PRESENTED

1. Whether Louis Allis was entitled to summary judgment on Ideal Electric's counterclaims when the parties disputed whether the relevant trademarks and goodwill were included in the predecessor's asset

purchase.

2. Whether the evidence submitted by Ideal Electric created a genuine dispute concerning bona fide use of the trademarks in commerce.
3. Whether National Oilwell Varco website screenshots obtained from the Wayback Machine were admissible without testimony or a declaration authenticating the functionality and reliability of the database.

HOLDINGS

1. Summary judgment must be denied where the record contains disputed facts that the moving party identifies as material and a reasonable jury could determine that the challenged trademark use was bona fide.
2. Wayback Machine screenshots are not admissible under Federal Rule of Evidence 901 when they are unsupported by testimony or a declaration explaining the database's functionality and reliability and are accompanied only by counsel's assertion of authenticity.

KEY QUOTATIONS

“holding that summary judgment will not lie if there is a genuine dispute about a material fact” (477 U.S. at 248)

“Here, Ideal has presented evidence of use, and a reasonable jury could determine that the use was bona fide.”

“Because there are disputed facts that Louis Allis has said are material to its motion for summary judgment, I will deny the motion.”

FACTUAL BACKGROUND

Louis Allis's predecessor purchased assets relating to the Louis Allis large A.C. induction motor business from bankruptcy, allegedly including engineering materials, trademarks, and related goodwill. The parties disputed whether the trademarks and goodwill were included because registrations had allegedly been acquired earlier by another entity. They also disputed whether National Oilwell Varco continuously and bona fide used the marks after a 2004 asset purchase agreement, with Ideal relying in part on a brochure and unauthenticated Wayback Machine screenshots.

PROCEDURAL HISTORY

In the pending federal action, Louis Allis moved for summary judgment on Ideal Electric's counterclaims. The court found genuine disputes concerning whether relevant Louis Allis trademarks and goodwill were included in an earlier asset purchase and whether National Oilwell Varco made bona fide use of the marks, and denied the motion.

DISPOSITION

other

CASES CITED

- Gavrieli Brands LLC v. Soto Massini (USA) Corp., 2019 WL 10248462, at *2 n.3 (D. Del. Apr. 19, 2019)
- United States v. Bansal, 663 F.3d 634, 667 (3d Cir. 2011)
- Ritz Hotel, Ltd. v. Shen Mfg. Co., 2009 WL 723394, at *2 (E.D. Pa. Mar. 17, 2009)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)

OPINION

Louis Allis, LLC v. Ideal Electric Power Co. (D/B/A The Ideal Electric Company)

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

LOUIS ALLIS, LLC

Plaintiff, V. Civil Action No. 23-980-CFC IDEAL ELECTRIC POWER CO.

(D/B/A THE IDEAL ELECTRIC

COMPANY),

Defendant.

MEMORANDUM ORDER

Pending before me is Plaintiff Louis Allis, LLC’s Motion for Summary Judgment on Defendant Ideal Electric Power Co.’s Counterclaims. D.J. 311. In its concise statement of material undisputed facts filed in support of its motion, Louis Allis states that “[i]n 1999, Louis Allis’s predecessor, Rotating Specialists, Inc. (‘RSI’), purchased assets relating to the Louis Allis Company’s large A.C. induction motor business out of the Louis Allis Company’s bankruptcy. The assets included engineering drawings and files and the trademarks and related goodwill for the Louis Allis name and LA logo.” D.I. 3144 2. Ideal disputes “that the purchased assets included the trademarks and related goodwill for the Louis Allis name and LA logo” because “[a]t the time of RSI’s purchase, the trademark registrations for the Louis Allis name and LA logo had already been purchased by Louis Allis Hermetics, Inc.” D.I. 336 2. Ideal cites record evidence that appears on its face to support its position. See D.I. 308-7 at 1-2; D.I. 308-11 at 3. Louis Allis also states that “[a]fter the 2004 [Asset Purchase Agreement], [National Oilwell Varco] never used the Louis Allis trademarks on any products.” D.I. 314415. Ideal disputes this assertion, D.I. 336 § 15, and cites record evidence that appears on its face to support its position, see D.I. 26-3 at 62.! Louis Allis argues that Ideal’s proffered evidence does not constitute continuous use of a mark because it does not prove “use” of the trademarks. D.I. 348 at 5. I take Louis Allis’s argument to be that Ideal has not put forth evidence of bona fide use of the marks by National Oilwell. “However, once minimal [evidence] suggests an ongoing program to exploit the mark commercially, the question of

whether a ' Ideal also cites screenshots from the National Oilwell website captured by the "Wayback Machine." D.I. 26-3 at 4-48. The Wayback Machine is a "digital library maintained by the Internet Archive, a nonprofit organization." *Gavrieli Brands LLC v. Soto Massini (USA) Corp.*, 2019 WL 10248462, at *2 n.3 (D. Del. April 19, 2019). Louis Allis argues, and I agree, that the screenshots are not authenticated such that they would be admissible at trial. The Third Circuit has upheld authentication of Wayback Machine screenshots when accompanied by the testimony of someone who could explain the functionality and reliability of the database. See, e.g., *United States v. Bansal*, 663 F.3d 634, 667 (3d Cir. 2011). The screenshots here are not accompanied by such a declaration, but instead by the bald assertion of authenticity by Ideal's attorney, and therefore are not admissible under Federal Rule of Evidence 901. The National Oilwell brochure (D.I. 26-3 at 62) was not accessed via the Wayback Machine, so Louis Allis's evidentiary objection does not apply to that exhibit. trademark's use in commerce is actually 'bona fide' is almost always one of material fact." *Ritz Hotel, Ltd. v. Shen Mfg. Co.*, 2009 WL 723394, at *2 (E.D. Pa. March 17, 2009). Here, Ideal has presented evidence of use, and a reasonable jury could determine that the use was bona fide. Because there are disputed facts that Louis Allis has said are material to its motion for summary judgment, I will deny the motion. See *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986) (holding that summary judgment will not lie if there is a genuine dispute about a material fact). WHEREFORE, at Wilmington on this Thirtieth Day of April in 2026, Plaintiff Louis Allis, LLC's Motion for Summary Judgment (D.I. 311) is DENIED.

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