NOT FOR PUBLICATION

FILED

MAR 11 2026

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

INKMANGO, INC., a Delaware corporation, Plaintiff - Appellant, v. NAMECHEAP, INC., a Delaware corporation, Defendant - Appellee.	No. 25-3358 D.C. No. 2:25-cv-00171-SPL MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Steven Paul Logan, District Judge, Presiding

Argued and Submitted March 4, 2026
Phoenix, Arizona

Before: HAWKINS, BYBEE, and FRIEDLAND, Circuit Judges.

InkMango, Inc. filed the underlying litigation against its domain name registrar, Namecheap, Inc., in Arizona state court. After Namecheap removed the action to federal court, the district court granted InkMango's motion to remand the action back to state court but denied InkMango's subsequent request for attorney's

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

fees under 28 U.S.C. § 1447(c). We have jurisdiction under 28 U.S.C. § 1291 to review the district court's denial of fees. *Jordan v. Nationstar Mortg. LLC*, 781 F.3d 1178, 1181 (9th Cir. 2015). Reviewing for abuse of discretion, *id.*, we affirm.

"Absent unusual circumstances, courts may award attorney's fees under § 1447(c) only where the removing party lacked an objectively reasonable basis for seeking removal. Conversely, when an objectively reasonable basis exists, fees should be denied." *Martin v. Franklin Cap. Corp.*, 546 U.S. 132, 141 (2005).

Here, InkMango sued Namecheap after Namecheap blocked InkMango's use of a domain name following an order of the High Court of New Delhi in a foreign trademark action. Namecheap removed the case to federal court on the basis that InkMango's state law claims, which involved allegations that Namecheap acted without "a legal basis" and "without lawful court orders," involved embedded federal questions because they necessarily implicated federal trademark law, Indian trademark law, and the propriety of a foreign court's order.

Although the district court ultimately found Namecheap's arguments were not meritorious, the arguments were not clearly foreclosed by governing law. *See Gunn v. Minton*, 568 U.S. 251, 258 (2013) ("[E]ven where a claim finds its origins in state rather than federal law . . . [the Supreme Court has] identified a 'special and small category' of cases in which arising under jurisdiction still lies." (quoting *Empire Healthchoice Assurance, Inc. v. McVeigh*, 547 U.S. 677, 699 (2006))); *see also*

Lussier v. Dollar Tree Stores, Inc., 518 F.3d 1062, 1065 (9th Cir. 2008) ("[R]emoval is not objectively unreasonable solely because the removing party's arguments lack merit."). The district court did not rely on an erroneous view of the law or the facts in reaching its conclusion that Namecheap's decision to remove was not objectively unreasonable and did not abuse its discretion by denying fees on that ground. *See Grancare, LLC v. Thrower*, 889 F.3d 543, 552 (9th Cir. 2018); *Lussier*, 518 F.3d at 1066. Nor did the district court abuse its discretion by concluding that there were no other unusual circumstances warranting an award of fees. *See Martin*, 546 U.S. at 141.

AFFIRMED.