

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 6 2023

FOR THE NINTH CIRCUIT

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

OCTAVIO SANCHEZ, DBA Weedmenu,

No. 22-55233

Plaintiff-Appellant,

D.C. No.

v.

8:19-cv-00442-PSG-KES

GHOST MANAGEMENT GROUP, LLC,
DBA Weedmaps, a Delaware limited liability
company; VIRTUAL SUPPORT, LLC,

MEMORANDUM*

Defendants-Appellees.

Appeal from the United States District Court
for the Central District of California
Philip S. Gutierrez, Chief District Judge, Presiding

Submitted July 5, 2023**

Before: WALLACE, O'SCANNLAIN, and SILVERMAN, Circuit Judges.

Octavio Sanchez appeals from the district court's dismissal of Ghost
Management Group, LLC from this action. We have jurisdiction pursuant to 28

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

** The panel unanimously concludes this case is suitable for decision
without oral argument. *See* Fed. R. App. P. 34(a)(2).

U.S.C. § 1291. We review de novo, *Bonelli v. Grand Canyon Univ.*, 28 F.4th 948, 951 (9th Cir. 2022), and affirm.

The district court properly dismissed the claims alleged against Ghost Management in the second amended complaint. For the breach of contract claim, Sanchez failed to allege that Ghost Management opposed his future application for trademark registration. For the trademark and unfair business practices claims, Sanchez failed to allege sufficient facts to support his conclusory belief that Ghost Management was secretly acting in concert with Virtual Support to operate a competing website in 2018. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1040-41 (9th Cir. 2011) (conclusory allegations, without supporting facts, do not state a claim that “is plausible on its face”) (internal quotation marks omitted). Because Sanchez cannot state a claim for trademark infringement, the district court properly dismissed the cancellation claims. *See San Diego Cnty. Credit Union v. Citizens Equity First Credit Union*, 65 F.4th 1012, 1037 (9th Cir. 2023) (cancellation of a trademark registration is merely a remedy for trademark infringement, not a separate cause of action).

The district court did not abuse its discretion by dismissing with prejudice. The court may deny leave to amend if amendment would be futile. *Cervantes*, 656 F.3d at 1041. The court also has “particularly broad” discretion to deny leave to amend where a plaintiff has already had an opportunity to amend. *Chodos v. W.*

Publ'g Co., 292 F.3d 992, 1003 (9th Cir. 2002) (internal quotation marks omitted).

AFFIRMED.