

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION

Vive Health LLC,

Civ. No. 2:19-513-FtM-JLB-NPM

Plaintiff,

v.

ORDER

Andrew Hirschfeld,

Defendant.

This matter is before the Court on the parties' Joint Motion regarding Defendant's expenses. (Docket No. 46.) Under 15 U.S.C. § 1071(b)(3), a party challenging a decision of the Trademark Trial and Appeal Board in a federal district court must pay "all the expenses of the proceeding . . . whether the final decision is in favor of [the] party or not."

The parties have agreed that Defendant's reasonable expenses are \$25,000.

Accordingly, **IT IS HEREBY ORDERED that:**

1. Defendant's Motion for Reimbursement (Docket No. 43) is **DENIED as moot;**
2. The Joint Motion for Reimbursement (Docket No. 46) is **GRANTED;** and
3. Within 30 days of the date of this Order, Plaintiff shall pay \$25,000 to the USPTO for expenses incurred in defense of this action.

Dated: May 4, 2021

s/Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge