

ESTTA Tracking number: **ESTTA438955**

Filing date: **11/02/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD


Proceeding	92052908
Party	Defendant Joseph J. Norton
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Submission	Other Motions/Papers
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Date	11/02/2011
Attachments	92052908 CIVIL ACTION INFORMATION ON PENDING FEDERAL LITIGATION.pdf ( 5 pages )(156117 bytes )



to modify the Final Judgment on Consent and Permanent Injunction at issue in the above-captioned cancellation proceeding and is now barred as a matter of law from contesting the terms of the Final Judgment on Consent and Permanent Injunction. The Final Judgment on Consent and Permanent Injunction bars Great Lakes Bottling Company from further infringement of the Bug Juice bottle design covered by U.S. Registration No. 3,323,848, which is the subject of the above-captioned cancellation proceeding.

Dated: New York, New York  
November 2, 2011

By:

  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 2, 2011, a true and correct copy of the foregoing Civil Action Information on Pending Federal Litigation was duly served on counsel of record for Petitioner by U.S. first class pre-paid mail in an envelope addressed as follows:

Camille M Miller, Esq.  
Cozen O'Connor, PC  
1900 Market Street  
Philadelphia, PA 19103



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Denise Bolden

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

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**BUG JUICE BRANDS, INC. and  
JOSEPH J. NORTON,**

**Plaintiffs,**

Civil Action No. 1:10-CV-229 (PLM)

v.

Honorable Paul L Maloney, Chief Judge

**GREAT LAKES BOTTLING  
COMPANY,**

**Defendant.**

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*Attorneys for Plaintiffs*

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**STIPULATION AND ORDER OF DISMISSAL OF PLAINTIFFS' MOTION FOR  
CONTEMPT AND DEFENDANT'S MOTION TO MODIFY CONSENT DECREE**

Under the terms of the Settlement Agreement dated October 7, 2011, the parties stipulate that Plaintiffs' Motion for Contempt (Dkt. #106) is dismissed without prejudice and Defendant's Motion to Modify the Consent Decree (Dkt. #161) is dismissed with prejudice and without costs or attorneys' fees against any party. This Court shall retain exclusive jurisdiction of this case to enforce the obligations of the parties under the terms of the Settlement Agreement and the Final Judgment on Consent (Dkt. #47).

MILLER JOHNSON  
*Attorneys for Plaintiffs*

Dated: October 14, 2011

By /s/ David J. Gass  
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Dated: October 14, 2011

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**ORDER**

IT IS SO ORDERED.

/s/ Paul L. Maloney  
Hon. Paul L. Maloney  
U.S. District Court Judge

Dated: October 17, 2011