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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Monster Energy Company,

Plaintiff,

v.

Beastup LLC,

Defendant.

No. 2:17-cv-01605-KJM-JDP

ORDER

Plaintiff Monster Energy Company moves *in limine* for an order prohibiting defendant Beastup LLC from offering at trial any evidence or argument that Monster is a “trademark bully” and from using other similar disparaging labels. *See generally* Mot., ECF No. 70; Mem., ECF No. 71. The matter is fully briefed. *See generally* Opp’n, ECF No. 74; Reply, ECF No. 76. As discussed at the status conference on December 2, 2021, the motion is **granted without prejudice** to the use of such evidence or arguments in a post-trial motion for attorneys’ fees. *See, e.g.*, 15 U.S.C. § 1117(a); *Lahoti v. Vericheck, Inc.*, 708 F. Supp. 2d 1150, 1171 (W.D. Wash. 2010) (awarding fees in response to motion raising similar arguments), *aff’d*, 636 F.3d 501, 510–11 (9th Cir. 2011). This order resolves ECF No. 70.

IT IS SO ORDERED.

DATED: December 2, 2021.


CHIEF UNITED STATES DISTRICT JUDGE