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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEVI STRAUSS & COMPANY,

Plaintiff,

No. 07-03752 JSW

v.

ABERCROMBIE & FITCH TRADING
COMPANY,

Defendants.

**ORDER GRANTING IN PART
AND DENYING IN PART EX
PARTE APPLICATION FOR
ORDER REGARDING POST-
TRIAL BRIEFING**

Now before the Court for consideration is the Ex Parte Application for Order Regarding Post-Trial Briefing filed by Plaintiff Levi Strauss & Company (“LS&CO”). Defendant Abercrombie & Fitch Trading Company (“Abercrombie”) has filed an opposition thereto.

LS&CO requests that the Court permit the parties to submit proposed findings of fact and conclusions of law on its claim for trademark dilution and memoranda of points and authorities in support of the proposed findings so that final judgment may be entered and the time for post-trial briefing triggered.

Abercrombie does not oppose LS&CO’s suggestion of submitting proposed findings of fact and conclusions of law. Indeed, it submitted its proposal with its opposition to LS&CO’s ex parte application. Abercrombie argues, however, that additional briefing on the dilution issue is unnecessary in light of the fact that each party is likely to file “significant post-trial briefing and argument on other issues.” (Abercrombie Opp. at 1:4-5.)

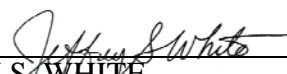
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The Court recognizes that the parties may disagree on what facts were or were not established at trial on this claim and that they may differ in their views over the legal conclusions to be drawn from those facts. However, the Court also expects that there will be some facts to which the parties can stipulate. Accordingly, having considered the parties' positions, it is HEREBY ORDERED that the parties shall meet and confer *in person* to discuss proposed findings of fact and conclusions of law on the dilution claim, based on the evidence presented at trial. The parties are FURTHER ORDERED to file a joint submission to the Court with those proposed findings of fact and conclusions of law. Where the parties cannot come to agreement on a particular finding of fact or conclusion of law, they may separately address their respective proposals with citations to supporting evidence (*e.g.*, Exhibit number and page and line citations in the transcript) and a one to two paragraph argument addressing the relevant legal authority.

It is FURTHER ORDERED that the parties' joint submission shall be due by no later than January 23, 2009.

IT IS SO ORDERED.

Dated: January 9, 2009



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE