

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action No. 11-cv-03213-CBS

MINI MELTS USA, Inc.,
245 Asylum Street
Norwich, CT 06360
Plaintiff and Cross-Defendant,

MINI MELTS, Inc.,
245 Asylum Street
Norwich, CT 06360
Plaintiff, Counter-Defendant, and Cross-Claimant,

v.

KENDALL WREN d/b/a Colorado Concessions, LLC,
1008 Lochmore Place
Ft. Collins, CO 80524
Defendant and Counter-Plaintiff.

PRELIMINARY INJUNCTION ORDER ON STIPULATED MOTION OF THE PARTIES

This civil action comes before the court on the parties' Stipulated Motion Regarding Mini Melts USA, Inc.'s Motion for Preliminary Injunction (filed September 4, 2012) (Doc. # 42). On March 7, 2012, the above-captioned case was referred to Magistrate Judge Craig B. Shaffer to handle all dispositive matters including trial and entry of a final judgment in accordance with 28 U.S.C. 636(c), Fed. R. Civ. P. 73, and D.C. COLO. LCivR 72.2. (See Doc. # 20). The court has reviewed the Stipulated Motion, the entire case file, and the applicable law and is sufficiently advised in the premises.

Plaintiffs Mini Melts USA, Inc. (Mini Melts USA) and Mini Melts, Inc. (Mini Melts) sued Defendant Kendall Wren d/b/a Colorado Concessions, LLC (Wren) for trademark infringement. Use by Wren of the trademark MINI MELTS® in connection with ice cream products likely constitutes trademark infringement and may constitute irreparable harm to Mini Melts USA and Mini Melts. The balance of the equities and the public interest also favor issuing an injunction.

Accordingly, IT IS ORDERED that:

1. The parties' Stipulated Motion Regarding Mini Melts USA, Inc.'s Motion for Preliminary Injunction (filed September 4, 2012) (Doc. # 42) is GRANTED.

2. Plaintiff Mini Melts USA, Inc.'s Motion for Preliminary Injunction (filed August 20, 2012) (Doc. # 37) is GRANTED IN PART.

3. Defendant Kendall Wren, d/b/a Colorado Concessions, LLC, as well as his officers, agents, servants, employees, and attorneys, and all persons in active concert and participation with them who receive notice of this injunction, are enjoined from: (a) infringing the registered trademark MINI MELTS®, either directly or contributorily, in any manner, including, but not limited to manufacturing, importing, distributing, advertising, promoting, selling, offering for sale, and/or facilitating the sale of any product by using the MINI MELTS® trademark or any mark confusingly similar to the MINI MELTS® trademark; (b) creating, operating, hosting, or otherwise affiliating themselves with any Internet website that uses the MINI MELTS® trademark or any mark confusingly similar to the MINI MELTS® trademark.

4. Kendall Wren, d/b/a Colorado Concessions, LLC shall within twenty-one (21) days of the date of this Order, cause labeling to be placed on required products pursuant to the requirements of 21 CFR § 101.5.

5. The hearing on Plaintiff's Motion for Preliminary Injunction set on Friday, September 7, 2012 at 9:30 a.m. is hereby VACATED.

DATED at Denver, Colorado this 4th day of September, 2012.

s/ Craig B. Shaffer
United States Magistrate Judge