

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CLEMENS FRANEK,

Plaintiff,

v.

WALMART STORES, INC. and  
TARGET CORPORATION,

Defendants.

Civil Action No. 08-Civ-0058

Judge Robert M. Dow, Jr.

*JURY DEMAND*

JAY FRANCO & SONS, INC.,

Plaintiff,

v.

CLEMENS FRANEK,

Defendant.

Civil Action No. 08-Civ-1313

Judge Robert M. Dow, Jr.

*JURY DEMAND*

**PLAINTIFF JAY FRANCO & SONS, INC.'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

Plaintiff Jay Franco & Sons, Inc. hereby moves this Court pursuant to Fed. R. Civ. P. 56 for an Order granting summary judgment on Count II of its Complaint For Declaratory Judgment and Other Relief filed March 5, 2008 ("Complaint") and Counts I through IV of Defendant Clemens Franek's Counterclaims Against Jay Franco & Sons, Inc. for Trademark Infringement, False

Designation of Origin, Deceptive Trade Practices, and Fraud filed on May 2, 2008 ("Franek's Counterclaims") for the reasons more fully set forth in Plaintiff Jay Franco & Sons, Inc.'s Memorandum in Support of its Partial Summary Judgment Motion filed simultaneously herewith.

Dated: May 16, 2008

JAY FRANCO & SONS, INC.

By: 

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