

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

ASHLEY FURNITURE INDUSTRIES,)	
INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 10 C 5413
)	
VALUE CITY FURNITURE, INC.,)	
)	
Defendant.)	

MEMORANDUM ORDER

Ashley Furniture Industries, Inc. ("Ashley") has just filed this action against Value City Furniture, Inc. ("Value City"), charging trademark infringement and adding a host of other theories that target Value City's aggressive competitive advertising. Although this Court is concurrently issuing its customary initial scheduling order, this memorandum order calls upon Ashley's counsel to address an obvious legal question up front.

There was a time when the use of a competitor's name in advertising was verboten. But anyone who turns on a television set these days is immediately confronted with commercials that not only do just that but that may also depict an example of a competitor's wares in juxtaposition to those of the advertiser (automobile advertising is perhaps the most ubiquitous example of such comparative advertising).

This Court has not researched the subject--that is really the function of a plaintiff's lawyer in exercising his or her

obligations imposed by Fed. R. Civ. P. 11(b). Accordingly this Court orders Ashley's counsel to file, on or before September 15, 2010, a brief memorandum that can be short on argument but that must cite some principal authorities supporting the viability of Ashley's claims. That memorandum, when served on Value City in conjunction with the service of process, can help to facilitate addressing the case at the initial status hearing.



Milton I. Shadur
Senior United States District Judge

Date: August 31, 2010