

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

BODUM USA, INC.,)	
)	
Plaintiff,)	
)	Case No. 1:16-cv-02916
v.)	
)	Honorable Matthew F. Kennelly
A TOP NEW CASTING INC.,)	
)	
Defendant.)	
)	

**DEFENDANT’S RENEWED FRCP RULE 50 MOTION FOR JUDGMENT AS A
MATTER OF LAW**

Defendant, A Top New Casting Inc. (hereinafter “A Top” or “Defendant”), through its attorneys Tetzlaff Law Offices, LLC, hereby moves the Court under Federal Rules of Civil Procedure Rule 50, for judgment as a matter of law in favor of Defendant and against the Plaintiff, for dismissal of all claims of Plaintiff’s Complaint.

In support of its motion, Defendant shows the Court:

1. Trial was held March 28th through April 3rd, 2018. At the conclusion of Plaintiff’s case on April 2nd, Defendant moved the Court by oral motion for judgment as matter of law in its favor on the grounds that Plaintiff had abandoned its trade dress claim as a matter of law by the issuance of an unsupervised or “naked” license to a third party; and had failed as a matter of law to prove non-functionality of the elements of its claimed trade dress.

2. Defendant hereby renews its motion for judgment as a matter of law on the grounds recited above, as more specifically set forth in its accompanying brief in support of its motion, filed contemporaneously herewith and incorporated herein by reference.

WHEREFORE, for all the above reasons as more fully explained and set forth in the accompanying brief in support of the Motion filed contemporaneously herewith, Defendant moves the Court under Federal Rules of Civil Procedure Rule 50, for judgment as a matter of law, for dismissal of all claims of Plaintiff's Complaint, and for such other and further relief as the Court deems appropriate in the circumstances.

Dated: May 1, 2018

Respectfully submitted,

A TOP NEW CASTING INC.

By: /s/ James D. Benak
One of Its Attorneys

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CERTIFICATE OF SERVICE

I, James D. Benak, an attorney, hereby certify that on May 1, 2018, the foregoing **DEFENDANT’S RENEWED FRCP RULE 50 MOTION FOR JUDGMENT AS A MATTER OF LAW** was filed with the Clerk of the Court using the CM/ECF system, which will send notification to all counsel of record.

/s/ James D. Benak
TETZLAFF LAW OFFICES, LLC

Attorney for A Top New Casting, Inc.