

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>PLIXER INTERNATIONAL, INC.,</b>	)	
	)	
<b>PLAINTIFF</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL No. 2:16-cv-578-DBH</b>
	)	
<b>SCRUTINIZER GMBH,</b>	)	
	)	
<b>DEFENDANT</b>	)	

**REPORT OF PRE-FILING CONFERENCE UNDER LOCAL RULE 56**

A Local Rule 56 pre-filing conference was held on November 25, 2019.

The plaintiff has asserted a trademark infringement claim under the federal trademark statute, 15 U.S.C. § 1111, et seq., alleging that the defendant has infringed the plaintiff’s rights to the SCRUTINIZER mark it uses in connection with its computer services and software. The plaintiff has agreed to withdraw its dilution claim, which was Count II of its amended complaint. Pl.’s Pre-Filing Conf. Mem. at 2 (ECF No. 90).

The defendant will move for summary judgment on the remaining trademark infringement claim. The parties agree that the plaintiff bears the burden of proof on its claim and that the eight Pignons factors apply in determining the likelihood of confusion. See Pignons S.A. de Mecanique de Precision v. Polaroid Corp., 657 F.2d 482, 487 (1st Cir. 1981). The parties believe that they can stipulate to many of the underlying facts, but they disagree on the likelihood of confusion.

The following deadlines and page limits were established by agreement:

By December 3, 2019, both parties shall agree to any stipulated facts.

By December 6, 2019, the defendant shall file its motion for summary judgment. The memorandum shall not exceed 30 pages.

By January 24, 2020, the plaintiff shall file its opposition, not to exceed 30 pages.

By February 7, 2020, the defendant shall file its reply, not to exceed seven pages.

If the plaintiff believes it needs to file a sur-reply, it may move for leave to do so following submission of the defendant's reply.

**SO ORDERED.**

**DATED THIS 25<sup>TH</sup> DAY OF NOVEMBER, 2019**

/s/D. BROCK HORNBY  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**