

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SAINT LOUIS UNIVERSITY,)
a Missouri benevolent corporation,)
)
Plaintiff,)
)
v.)
)
AVIS MEYER,)
)
Defendant.)
)

Case No. 4:07-cv-01733(CEJ)

**DEFENDANT’S MOTION FOR AN AWARD OF
ATTORNEY’S FEES UNDER THE LANHAM ACT**

COMES NOW Defendant Avis Meyer (hereafter “Meyer”), by and through his undersigned attorneys, pursuant to Rule 54 of the Federal Rules of Civil Procedure and 15 U.S.C. § 1117 and moves this Honorable Court for a finding of this case as an exceptional case and to award Meyer his reasonable attorney’s fees. Meyer prevailed on summary judgment on Plaintiff’s trademark infringement, unfair competition and dilution claims (Counts I-VI). (*See* Order, d/e 79, p. 12). This Court granted Meyer summary judgment as to Counts I-VI because Plaintiff presented absolutely no evidence that Meyer had ever used Plaintiff’s alleged marks in commerce, an essential element of trademark infringement and unfair competition under the Lanham Act.

Meyer submits herewith in support of this motion MEMORANDUM IN SUPPORT OF DEFENDANT’S MOTION FOR AN AWARD OF ATTORNEY’S FEES UNDER THE LANHAM ACT.

WHEREFORE, Defendant respectfully moves this Honorable Court to grant his motion and award Meyer his reasonable attorney fees and grant Meyer all such other and further relief as this Court deems just under the circumstances.

Respectfully Submitted,

POLSTER, LIEDER, WOODRUFF & LUCCHESI, L.C.

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2009 the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

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