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7   **UNITED STATES DISTRICT COURT**

8   **DISTRICT OF NEVADA**

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10   MINE O'MINE, INC.,

11   Plaintiff,   Case No. 2:10-CV-00043-KJD-PAL

12   v.   **ORDER**

13   MICHAEL D. CALMESE, *et al*.,

14   Defendants.

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16   Before the Court is Plaintiff's Motion for Judgment (#67). Defendant Calamese filed an

17   opposition (#68) and Plaintiff filed a reply (#69).

18   In its July 12, 2011 Order (#66), the Court entered summary judgment in favor of Plaintiff

19   Mine O'Mine ("MOM") on: (1) its claims for trademark infringement (Claim I) and unfair

20   competition (Claims II and V); and (2) Defendant Calmese's counterclaims for trademark

21   infringement, unfair competition and defamation. The Court also entered summary judgment in

22   favor of Defendant Calmese and True Fan Logo, Inc. on the right of publicity claim (Count VI).[1]

23   The sole remaining claims are MOM's claims for cybersquatting (Count IV) and trademark dilution

24   (Count V). (See Compl. #1.)

25   _____

26   [1] Defendant True Fan Logo, Inc. is a dissolved corporation. To the extent that it exists, Mr. Calamese controls
     and is *pro se* counsel for True Fan Logo.

1 In its Complaint, Plaintiff sought entry of a preliminary and permanent injunction prohibiting

2 the Defendants from using or registering the trademark and domain names at issue in this litigation.

3 They also requested a preliminary and permanent injunction requiring the current domain name

4 registrar or registry to transfer the <shaqtus.net> domain name registration to Plaintiff. Plaintiffs

5 also sought damages, costs, and attorneys' fees.

6 Plaintiff moves the Court for entry of final judgment pursuant to Fed. R. Civ. P. 54(b). Rule

7 54(b) permits the Court to direct entry of final judgment on any claim when the Court determines

8 that there is no just reason for delay.

9 Plaintiff argues that there is no just reason for delay because entry of final judgment would

10 end the litigation and provide the relief it seeks. If final judgment is entered, MOM agrees to forego

11 its remaining claims for cybersquatting and trademark dilution and its claim for damages. MOM

12 would only seek interest, costs, and attorneys' fees by a separate motion.

13 Calamese attempts to argue that the parties should proceed to trial on Plaintiff's two

14 remaining claims. Accordingly to Calamese, trial on Plaintiff's remaining causes of action will allow

15 Calamese to show fraudulent conduct on the part of Plaintiff. Calamese gives no indication of the

16 nature or evidence of the unpled fraudulent conduct he intends to prove.

17 Calamese's argument lacks merit. Because the litigation would be terminated by entry of

18 final judgment, the Court determines that there is no just reason for delay. The Court will direct

19 entry of final judgment as requested by Plaintiff in its [Proposed] Order Entering Final Judgment.

20 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Motion for Entry of Final

21 Judgment (#67) is **GRANTED**.

22 DATED this 21st day of October 2011.

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Kent J. Dawson
26 United States District Judge

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