

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

PROFOOT, INC.

Plaintiff,

v.

MSD CONSUMER CARE, INC.,

Defendant.

Civ. No. 11-7079

MEMORANDUM ORDER

THOMPSON, U.S.D.J.

IT IS, on this 16th day of December, 2015,

ORDERED that Plaintiff's Antitrust Claims shall be severed from this action; and it is further

ORDERED that a trial date of May 10, 2016 shall be set for Plaintiff's Trademark Claims; and it is further

ORDERED that Fact Discovery shall close on February 29, 2016; and it is further

ORDERED that the parties shall submit pre-trial memos of no more than ten pages by April 15, 2016, which must include: a list of witnesses, a brief summary of each witness' testimony, a list of exhibits, and discussion of any evidence issues for trial. It is further

ORDERED that should Plaintiff prevail on its Trademark Claims, a separate trial shall be held to determine damages.

/s/ Anne E. Thompson  
ANNE E. THOMPSON, U.S.D.J.