

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

THOMAS A. SIMONIAN,)	
)	
Plaintiff,)	
)	
v.)	C.A. No.: 1:10-cv-01615
)	
MAYBELLINE LLC,)	
)	
Defendant.)	

NOTICE OF SUPPLEMENTAL AUTHORITY

Defendant Maybelline LLC (“Maybelline”), by and through its undersigned counsel, respectfully submits this Notice of Supplemental Authority. Since the recent briefing on Maybelline’s Motion to Dismiss [dkt. no. 19], a court in this District in *Thomas A. Simonian v. Cisco Systems, Inc.*, Case No. 10-cv-1306, dismissed plaintiff’s false marking complaint for failure to comply with Fed.R.Civ.P. 9(b). A copy of the opinion is attached hereto as Exhibit A.

Respectfully submitted,

/s/Jeffrey M. Drake
Jeffrey M. Drake
Wood Phillips
500 West Madison Street
Suite 3800
Chicago, IL 60661-2562
Ph: (312) 876-1800
jmdrake@woodphillips.com.

Of Counsel:

Francis DiGiovanni
Geoffrey A. Zelle
Connolly Bove Lodge & Hutz LLP
1007 N. Orange Street
Wilmington, Delaware 19899
Ph: (302) 658-9141
fdigiovanni@cblh.com
gzelle@cblh.com

Attorneys for Defendant Maybelline LLC

CERTIFICATE OF SERVICE

I, Jeffrey M. Drake, caused to be served a copy of the foregoing:

NOTICE OF SUPPLEMENTAL AUTHORITY

by filing same with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to all counsel of record:

/s/ Jeffrey M. Drake