

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

YELLOW BOOK USA, INC., et al.,

Plaintiffs,

-v-

STEVEN M. BRANDEBERRY,

Defendant.

Case No. 3:10-CV-025

Judge Thomas M. Rose

POST-APPEAL BRIEFING ORDER

Yellowbook appealed this Court's Entry and Order Granting Brandeberry's Motion for Summary Judgment and Granting In Part and Overruling In Part Yellowbook's Motion for Partial Summary Judgment. (Doc. #61.) Yellowbook also appealed this Court's Entry and Order Overruling Yellowbook's Motion for Attorneys' Fees. (Doc. #109.)

As a result, the Sixth Circuit has determined that Yellowbook is entitled to injunctive relief and damages for trademark infringement. The Sixth Circuit has also remanded the matter for this Court to determine the attorneys' fees, if any, to be awarded to Yellowbook as a result of the Jury verdict returned in Yellowbook's favor on August 24, 2011. *Id.*

The Mandate on the Sixth Circuit's remand was issued on March 22, 2013. Also, Brandeberry's Attorney has been granted leave to withdraw and has not yet been replaced.

Therefore, the Parties are given until not later than twenty-one (21) days following entry of this Order to submit initial briefs not exceeding twenty (20) pages in length that address the injunctive relief and additional damages, if any, that should be awarded and the attorneys' fees that should be awarded. The Parties may then submit simultaneous reply briefs fourteen (14)

days following the submission of the latest-filed initial brief. Following the submission of simultaneous reply briefs, the matters will be at issue.

DONE and ORDERED in Dayton, Ohio this Twenty Sixth day of March, 2013.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Steven M. Brandeberry at his last address of record