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5 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 EKO BRANDS, LLC,

8 Plaintiff,

9 v.

10 ADRIAN RIVERA MAYNEZ
ENTERPRISES INC. et al.,

11 Defendants.

C17-894 TSZ

MINUTE ORDER

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13 The following Minute Order is made by direction of the Court, the Honorable
Thomas S. Zilly, United States District Judge:

14 (1) Defendants' Motion to Dismiss Plaintiff's Complaint, docket no. 14, is
15 DENIED. Plaintiff's claims in this action for trademark infringement, Lanham Act and
16 Consumer Protection Act violations do not arise from the same transaction or occurrence
17 as the patent infringement claims in *Eko Brand v. ARM, et al.*, Cause No. 15-522RSL
("Prior Litigation"). As a result, plaintiff's claims were not compulsory counterclaims in
the Prior Litigation under Fed. R. Civ. P. 13(a). The Court also concludes that plaintiff's
complaint alleges sufficient facts to state a claim for relief that is plausible on its face
under *Ashcroft v. Iqbal*, 556 U.S. 662 (2009).

18 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
19 record.

20 Dated this 6th day of October, 2017.

21 William M. McCool

Clerk

22 s/Karen Dews

23 Deputy Clerk