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8	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON	
9	AT TACOMA	
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11	COLOR ME HOUSE INC.,	CASE NO. C12-5935 RJB
12	Plaintiff,	ORDER ON PENDING MOTIONS
13	V.	
14	DISCOVERY COMMUNICATIONS, INC,	
15	Defendant.	
16	This matter comes before the court on review of the file.	
17	PENDING MOTIONS	
18	There are several pending motions and pleadings that warrant preliminary review and	
19	scheduling:	adings that warrant premining review and
20		of Contournet (DLt 27) This metion was
21	1. Color Me House's Motion for Order of Contempt (Dkt. 37). This motion was	
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23	Discovery in contempt for violating the court's Ma	arch 27, 2013 preliminary injunction.
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2. Defendant's Motion for Leave to File Surreply and Supporting Evidence (Dkt.
 47). This motion was filed on May 16, 2013, and was noted for consideration on the same day.
 Discovery requests leave to file a surreply to address certain factual allegations in Color Me
 House's reply brief in support of its motion for contempt, and to provide evidence in support of
 Discovery's opposition to plaintiff's motion for contempt.

3. Defendant's Motion for Leave to Supplement Surreply and Supporting Evidence
(Dkt. 49). This motion was filed on May 17, 2013, and was noted for consideration on the same
day. Discovery request that it be permitted to provide the court with evidence showing
Discovery's efforts to comply with the court's injunction order. Discovery requests additional
time, until May 23, 2013, "to pursue every avenue to satisfy Plaintiff's concerns and comply
with the Court Order." Dkt. 49, at 2.

4. Color Me House's Motion to Strike Discovery's Improper Additional Filings
 (Dkt. 50). This motion was filed on May 20, 2013, and seeks to strike Discovery's motions
 (Dkt. 47 and 49) because these motions were not properly noted and not authorized by the local
 rules, and because they actually support Color Me House's motion for contempt (Dkt. 37).

DISCUSSION

Discovery requests additional time to show that it is complying with the court's injunction. Discovery's motions (Dkt. 47 and Dkt. 49) are not technically replies to Color Me House's motion for contempt; they are an attempt to introduce evidence that Discovery is attempting to comply with the court's injunction. The relief requested by Color Me House in requesting the injunction, and granted by the court in its injunction, is to prevent Discovery from allegedly ongoing trademark infringement. In the interest of fairness to all parties, the court (1) **DENIES** Color Me House's Motion to Strike Discovery's Improper Additional Filings (Dkt.

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50); GRANTS Defendant's Motion for Leave to File Surreply and Supporting Evidence (Dkt.
 47); and GRANTS Defendant's Motion for Leave to Supplement Defendant's Motion for Leave
 to File Surreply and Supporting Evidence (Dkt. 49). Color Me House should be afforded
 additional time to file a reply, and supporting evidence, to address issues and evidence raised in
 Dkt. 47, Dkt. 49, and any subsequent pleading and evidence filed by Discovery, pursuant to the
 following schedule:

Not later than May 23, 2013, Discovery may file an additional pleading and supporting
evidence in response to Color Me House's Motion an Order of Contempt (Dkt. 37). Not later
than May 31, 2013, Color Me House may file a pleading and supporting evidence, addressing
issues and evidence raised in Dkt. 47, Dkt. 49, and any subsequent pleading filed by Discovery.
Color Me House's Motion for an Order of Contempt (Dkt. 37) is **RENOTED** for consideration
on May 31, 2013.

The parties have requested oral argument on Color Me House's Motion for an Order of Contempt (Dkt. 37). That request is **GRANTED**. The Clerk will schedule the oral argument, and will notify the parties of the date and time. Not later than May 31, 2013, the parties are directed to inform the court whether they request an evidentiary hearing in connection with that oral argument, and the nature of any evidence/testimony.

The court is familiar with the record and with the issues involved in this dispute. The parties may wish to consider whether to engage a neutral party with expertise in the commercial transactions at issue in this case to assist the parties in resolving the issues involved with complying with the court's injunction and/or to facilitate resolution of the case. The parties may request that the court reschedule the pending motion for contempt, if they need additional time related to resolution of that motion.

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1	The Clerk is directed to send uncertified copies of this Order to all counsel of record and	
2	to any party appearing pro se at said party's last known address.	
3	Dated this 21 st day of May, 2013.	
4	ALATE	
5	Naker Dryan	
6	ROBERT J. BRYAN United States District Judge	
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