Septicairaid LLC v. Holt Doc. 40

> UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

SEPTICAIRAID LLC,

Plaintiff.

Case No. 14CV0172 ٧.

KARL HOLT,

Defendant.

ORDER

On March 18, 2015, I held a status conference in this case to discuss the viability

of plaintiff's claims given my recent decision in Aero-Stream LLC v. Septicairaid LLC, Case No. 12-CV-0190, that the mark "Septicairaid" is not protectable under the Lanham Act. No party disagreed with the proposition that it would be appropriate to dispose of the case

based on the doctrine of issue preclusion. See Cohen v. Bucci, 905 F.2d 1111, 1112 (7th

Cir. 1990) (stating that issue preclusion applies to a question that has been actually

litigated and determined by a valid and final judgment if the determination is essential to

the judgment); Restatement (Second) of Judgments § 27.

THEREFORE, IT IS ORDERED that this case is DISMISSED with prejudice based

on issue preclusion. The Clerk shall enter judgment.

Dated at Milwaukee, Wisconsin, this 18th day of March, 2015.

s/ Lynn Adelman

LYNN ADELMAN

District Judge