

United States District Court
Northern District of Illinois – CM/ECF LIVE, Ver 5.0.3 (Chicago)
CIVIL DOCKET FOR CASE #: 1:99-cv-07183

Baniel v. Feldenkrais Guild
Assigned to: Honorable Suzanne B. Conlon
Demand: \$0
Cause: 28:1338 Trademark Infringement

Date Filed: 11/03/1999
Date Terminated: 10/16/2000
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff

Anat Baniel

represented by **Michael A. Stiegel**
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V.

Defendant

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Counter Claimant

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represented by **Arthur Gollwitzer , III**
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V.

Counter Defendant

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Daniel David Frohling
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Robert Stanley Beiser
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Date Filed	#	Docket Text
11/03/1999	1	COMPLAINT – Civil cover sheet – Appearance(s) of Daniel David Frohling, Robert Stanley Beiser, Michael A. Stiegel and Alisa C. Simmons as attorney(s) for plaintiff (Original and one copy summons(es) issued.) (Documents: 1–1 through 1–3) (eav) (Entered: 11/04/1999)
11/04/1999		MAILED Trademark report to Washington, D.C. (eav) (Entered: 11/04/1999)
11/04/1999		MAILED to plaintiff's counsel Lanham Mediation Program materials. (fce) (Entered: 11/04/1999)
11/15/1999	2	JOINT statement by parties that they will not participate in the Court's mediation program; Statement; Notice of filing (eav) (Entered: 11/16/1999)
11/15/1999	3	RETURN OF SERVICE of summons executed as to defendant Feldenkrais Guild on 11/4/99 (eav) (Entered: 11/16/1999)
11/24/1999	4	ANSWER to plaintiff's complaint for declaratory judgment and cancellation of trademark registration [1–1] and COUNTERCLAIM by defendant against plaintiff; Notice (hp) (Entered: 11/30/1999)
12/01/1999	5	ATTORNEY APPEARANCE for defendant by Kenneth A. Kroot, Mark K. Suri, James Peter Fieweger (eav) (Entered: 12/02/1999)
12/01/1999	6	NOTICE by defendant of filing attorney appearance [5–1] (eav) (Entered: 12/02/1999)
12/06/1999	7	JURY DEMAND by plaintiff; Notice of filing (eav) (Entered: 12/08/1999)
12/10/1999	9	MOTION by plaintiff to reassign or transfer ; Notice of motion (eav) (Entered: 12/20/1999)
12/13/1999	8	ANSWER TO COUNTERCLAIM [4–2] by Anat Baniel; Notice (ar) (Entered: 12/14/1999)
12/14/1999		SCHEDULE set on 12/14/99 by Hon. Wayne R. Andersen : Noticed motion by plaintiff to reassign is set for 9:00 12/16/99 No notice (tsa) (Entered: 12/14/1999)
12/16/1999	10	MINUTE ORDER of 12/16/99 by Hon. Wayne R. Andersen : Plaintiff's motion to reassign is granted. [9–1] No notice (eav) (Entered: 12/20/1999)
12/21/1999	11	REASSIGNMENT ORDER of 12/21/99 Case reassigned to Hon. Judge Suzanne B. Conlon from Hon. Judge Wayne R. Andersen pursuant to local General Rule 40.3(B)(2). (For further detail see order.) Mailed notice (eav) (Entered: 12/22/1999)
01/07/2000		SCHEDULE set on 1/7/00 by Hon. Suzanne B. Conlon : Status hearing set at 9:00 A.M. on 1/18/00 . At the status hearing, the parties are to report on the following: 1. Possibility of settlement in the case; 2. If no possibility of settlement exists, the nature and length of discovery necessary to get the case ready for trial. Plaintiff is directed to advise all other parties of the court's action herein and to forward a copy of the court's procedure guidelines to defendant(s). Mailed notice (fce) (Entered: 01/07/2000)

01/12/2000	12	AGREED MOTION by plaintiff, defendant to reset status hearing ; Notice of motion (eav) (Entered: 01/20/2000)
01/18/2000	13	MINUTE ORDER of 1/18/00 by Hon. Suzanne B. Conlon : Plaintiff's agreed motion [12-1] to reset status hearing from 1/18/2000 at 9:00 a.m. to 1/25/2000 at 9:00 a.m. is granted. Mailed notice (eav) (Entered: 01/20/2000)
01/25/2000	14	MINUTE ORDER of 1/25/00 by Hon. Suzanne B. Conlon : Status hearing held. Parties to comply with Federal Rules Civil Procedure 26(a)(1) by 2/8/2000. Disclosure of experts pursuant to Federal Rules Civil Procedure 26(a)(2) by 5/24/2000. Discovery cut-off and filing of dispositive motion with supporting memoranda set for 7/25/2000. Joint pre-trial order and agreed jury instructions submission set for 8/15/2000 at 9:00 a.m. Plaintiff's draft to be submitted to defendant by 8/8/2000 case is placed on the September trial calendar. Firm dates. Mailed notice (eav) (Entered: 01/27/2000)
05/12/2000	15	MOTION by defendant for leave to file amended appearance (Attachment); Notice (hp) (Entered: 05/22/2000)
05/18/2000	16	ATTORNEY APPEARANCE for defendant by Kenneth A. Kroot, Norman M. Hirsch and Arthur Gollwitzer, III (hp) (Entered: 05/22/2000)
05/18/2000	<u>17</u>	MINUTE ORDER of 5/18/00 by Hon. Suzanne B. Conlon : Defendant's motion to file amended appearance is granted. [15-1] Kenneth Kroot and Norman Hirsch are granted leave to file additional appearances. Mailed notice (hp) (Entered: 05/22/2000)
07/07/2000	18	MOTION by plaintiff to modify scheduling order ; Notice (hp) (Entered: 07/21/2000)
07/13/2000	<u>19</u>	MINUTE ORDER of 7/13/00 by Hon. Suzanne B. Conlon : Plaintiff's motion to modify briefing scheduling is granted. [18-1] Discovery cut - off and filing of dispositive motions with supporting memorandum extended to 08/08/00. Joint pretrial order and agreed jury instructions submission reset on 08/29/00 a.m. Plaintiff's draft to be submitted to defendant by 08/22/00. Case is placed on the September trial calendar. No further extensions. Mailed notice (hp) (Entered: 07/21/2000)
07/24/2000	20	MOTION by defendant to hold a status conference ; Notice (hp) (Entered: 07/28/2000)
07/24/2000	21	MOTION by defendant for leave to amend affirmative defenses and counterclaim (Attachment); Notice (hp) (Entered: 07/28/2000)
07/27/2000	<u>22</u>	MINUTE ORDER of 7/27/00 by Hon. Suzanne B. Conlon : Defendant's motion for leave to amend affirmative defenses and counterclaim [21-1] is taken under advisement. Plaintiff's response by 07/31/00; defendant's reply, if any by 08/02/00. Defendant's motion to hold a status conference is granted. [20-1] Trial is set on 09/11/00 at 9:00 a.m. All other previously set dates stand. Mailed notice (hp) (Entered: 07/28/2000)
07/31/2000	23	STIPULATION regarding defendant's motion for leave to amend affirmative defenses and counterclaim by parties (hp) Modified on 08/01/2000 (Entered: 08/01/2000)
07/31/2000	<u>24</u>	MINUTE ORDER of 7/31/00 by Hon. Suzanne B. Conlon : Pursuant to stipulation, defendant's motion for leave to amend its affirmative defenses and counterclaim [21-1] is moot. Mailed notice (hp) (Entered: 08/01/2000)
08/04/2000	35	JOINT MOTION by parties to set a briefing schedule ; Notice (hp) (Entered: 08/15/2000)
08/08/2000	25	MOTION by plaintiff for summary judgment ; Notice (hp) (Entered: 08/09/2000)
08/08/2000	26	MEMORANDUM by plaintiff in support of its motion for summary judgment [25-1] (hp) (Entered: 08/09/2000)
08/08/2000	27	RULE 56.1(a)(3) Statement of material facts as to which there is no genuine issue and that entitles plaintiff to a judgment as a matter of law by plaintiff (hp)

		(Entered: 08/09/2000)
08/08/2000	28	APPENDIX by plaintiff to 56.1(a)(3) statement of material facts as to which there is no genuine issue and that entitle the plaintiff to a judgment as a matter of law and memorandum in support of her motion for summary judgment [26-1] [27-1] (two volumes 28-1 and 28-2) (hp) (Entered: 08/09/2000)
08/08/2000	29	MOTION by defendant for summary judgment ; Notice (hp) (Entered: 08/09/2000)
08/08/2000	30	MEMORANDUM by defendant in support motion of its for summary judgment [29-1] (hp) (Entered: 08/09/2000)
08/08/2000	31	STATEMENT of undisputed material facts in support of its motion for summary judgment by defendant (hp) (Entered: 08/09/2000)
08/08/2000	32	APPENDIX by defendant of exhibits to defendant the Feldenkrais Guild's statement of undisputed material facts in support of its motion for summary judgment [31-1] (two volumes 32-1 and 32-2) (hp) (Entered: 08/09/2000)
08/08/2000	33	MOTION by plaintiff in limine to exclude the declaration, opinion and testimony of Edward Epstein ; Notice (hp) (Entered: 08/09/2000)
08/08/2000	34	BRIEF by defendant in support of its motion in limine to exclude the declaration, opinion and testimony of Edward Epstein [33-1] (Attachment) (hp) (Entered: 08/09/2000)
08/09/2000	<u>37</u>	MINUTE ORDER of 8/9/00 by Hon. Suzanne B. Conlon : Defendant's motion to set a briefing schedule is granted. [35-1] Responses to cross motions for summary judgment are due 08/29/00; replies, if any, are due 09/06/00. [25-1] [29-1] Defendant's response to plaintiff's motion in limine is due 08/18/00. [33-1] Mailed notice (hp) (Entered: 08/15/2000)
08/11/2000	38	MOTION by defendant to strike plaintiff's jury demand (Attachment); Notice (hp) (Entered: 08/18/2000)
08/14/2000	36	AMENDED affirmative defenses and COUNTERCLAIM [4-2] by defendant; Notice (hp) (Entered: 08/15/2000)
08/16/2000	<u>39</u>	MINUTE ORDER of 8/16/00 by Hon. Suzanne B. Conlon : Defendant's uncontested motion to strike plaintiff's jury demand is granted. [38-1] No notice (hp) (Entered: 08/18/2000)
08/18/2000	40	RESPONSE TO defendant's AMENDED COUNTERCLAIM [36-1] by plaintiff-counter-defendant Anat Baniel; Notice (hp) (Entered: 08/21/2000)
08/18/2000	41	RESPONSE by defendant to plaintiff's motion in limine to exclude the declaration, opinion and testimony of Edward Epstein [33-1] (Attachment); Notice (hp) (Entered: 08/22/2000)
08/21/2000	<u>42</u>	MINUTE ORDER of 8/21/00 by Hon. Suzanne B. Conlon : The minute order of 08/09/00 is amended to add the following: submission of the joint final pretrial order on 08/29/00 and trial on 09/11/00 are vacated pending disposition of the summary judgment motion. Mailed notice (hp) (Entered: 08/22/2000)
08/29/2000	43	MEMORANDUM by defendant in opposition to plaintiff's motion for summary judgment [25-1] (hp) (Entered: 08/31/2000)
08/29/2000	44	RESPONSE by defendant to plaintiff's 56.1(a)(3) statement of allegedly material facts [27-1]; Notice (hp) (Entered: 08/31/2000)
08/29/2000	45	APPENDIX filed by defendant to response to plaintiff's 56.1(A)(3) statement of material facts as to which there is no genuine issue and that entitles plaintiff to judgment as a matter of law [44-1] (one volume) (hp) (Entered: 08/31/2000)
08/29/2000	46	MEMORANDUM by plaintiff opposing defendant's motion for summary judgment [29-1]; Notice (hp) (Entered: 08/31/2000)
08/29/2000	47	LOCAL RULE 56.1(b)(3) RESPONSE by plaintiff to the defendant's statement of undisputed facts and plaintiff's statement of additional facts that require the denial of summary judgment [31-1] (hp) (Entered: 08/31/2000)

08/29/2000	48	APPENDIX by plaintiff to 56.1(b)(3) response to defendant's statement of undisputed material facts and plaintiff's additional statement of facts that require the denial of summary judgment [47-1] (one volume) (hp) (Entered: 08/31/2000)
09/06/2000	49	REPLY MEMORANDUM by plaintiff in support of her motion for summary judgment [25-1]; Notice (hp) (Entered: 09/07/2000)
09/06/2000	50	56.1(a)(3) REPLY by plaintiff to defendant's 56.1(b)(3) statement of facts requiring the denial of summary judgment [31-1] (Attachment) (one volume) (hp) (Entered: 09/07/2000)
09/06/2000	51	REPLY by defendant materials in support of its motion for summary judgment [29-1]; Notice of filing (hp) (Entered: 09/07/2000)
09/06/2000	52	REPLY MEMORANDUM by defendant in support of its motion for summary judgment [29-1] (hp) (Entered: 09/07/2000)
09/06/2000	53	REPLY by defendant to plaintiff's 56.1(b)(3) statment of additional facts [27-1] (hp) (Entered: 09/07/2000)
09/06/2000	54	APPENDIX by defendant of exhibits to defendant's reply to plaintiff's 56.1(B) statement of additional facts [53-1] (Attachment) (one volume) (hp) (Entered: 09/07/2000)
09/15/2000	<u>55</u>	MINUTE ORDER of 9/15/00 by Hon. Suzanne B. Conlon : Baniel's motion for summary judgment [25-1] on Count I of the complaint and the Guild's counterclaim is denied, but the motion is granted in part on the Guild's affirmative defenses. The Guild's motion for summary judgment [29-1] on Counts I and II of the complaint and its counterclaim is denied. The parties shall present their modified joint final pretrial order on 10/12/00 at 9:00 a.m.; plaintiff's draft pretrial order shall be given to defendant 10/04/00. Trial is set on 10/26/00 at 9:00 a.m. (Entered Memorandum Opinion and Order.) Mailed notice (hp) (Entered: 09/19/2000)
09/18/2000	<u>56</u>	MINUTE ORDER of 9/18/00 by Hon. Suzanne B. Conlon : Plaintiff's motion in limine to exclude the declaration, opinion and testimony of Edward Epstein is denied without prejudice. [33-1] This will be a bench trial, so the court's "gate-keeper" functions under Daubert v. Merrell Dow Pharmaceuticals, Inc. 509 U.S. 579 (1993) are not implicated. The validity, reliability and probative value, if any, of defendant's survey evidence is best tested in the context of trial. Hawthorne Partners v. ATTEchnologies, Inc., 831 F. Supp. 1398, 1400 (N.D. Ill. 1993). Mailed notice (hp) (Entered: 09/20/2000)
09/19/2000	57	MOTION by plaintiff for leave to file additional appearance of Scott L. D'Angelo ; Notice (hp) (Entered: 09/28/2000)
09/19/2000	58	MOTION by plaintiff for leave to supplement the record (Attachment); Notice (hp) (Entered: 09/28/2000)
09/19/2000	59	ATTORNEY APPEARANCE for plaintiff by Scott L. D'Angelo (hp) (Entered: 09/28/2000)
09/26/2000	<u>60</u>	MINUTE ORDER of 9/26/00 by Hon. Suzanne B. Conlon : Plaintiff's motion for leave to file additional appearance is granted. [57-1] Scott L. D'Angelo is granted leave to file his appearance as additional counsel on behalf of plaintiff. Plaintiff's motion for leave to supplement the record [58-1] is moot. Mailed notice (hp) (Entered: 09/28/2000)
09/28/2000	62	MOTION by defendant to continue trial date Declarations of David Zemach-Bersin, Bonnie Huminston, Michael Purcell, Yvan Joly and Kenneth A. Krott; Notice (hp) (Entered: 10/10/2000)
10/02/2000	61	ATTORNEY APPEARANCE for plaintiff by Laurel A. Haskell (hp) (Entered: 10/04/2000)
10/03/2000	<u>63</u>	MINUTE ORDER of 10/3/00 by Hon. Suzanne B. Conlon : The Feldenkrais Guild's motion to continue trial date [62-1] is moot. Bench trial set for 10/26/00 at 9:00 a.m. Mailed notice (hp) (Entered: 10/10/2000)

10/12/2000		SCHEDULE set on 10/12/00 by Hon. Suzanne B. Conlon: Pretrial order submission hearing held. No notice (srb) (Entered: 10/12/2000)
10/12/2000	64	JOINT final pre-trial order by parties (Attachments). (maf) (Entered: 10/16/2000)
10/16/2000	<u>65</u>	MINUTE ORDER of 10/16/00 by Hon. Suzanne B. Conlon: Parties report case is settled. Case dismissed pursuant to settlement. Trial on 10/26/00 is vacated. Terminating case. Mailed notice (kef) (Entered: 10/20/2000)
10/20/2000		MAILED trademark report with certified copy of minute order dated 10/16/00 to Washington D.C. (kef) (Entered: 10/20/2000)
11/30/2000	66	JOINT MOTION by plaintiff for order of dismissal with prejudice ; Notice (hp) (Entered: 12/08/2000)
12/05/2000	<u>67</u>	MINUTE ORDER of 12/5/00 by Hon. Suzanne B. Conlon : Parties' joint motion for order of dismissal with prejudice is granted. [66-1] (Entered Order.) Mailed notice (hp) (Entered: 12/08/2000)