

**United States District Court**  
**Northern District of Illinois – CM/ECF LIVE, Ver 3.2.2 (Chicago)**  
**CIVIL DOCKET FOR CASE #: 1:08-cv-04572**

Jones Day v. BlockShopper.com et al  
Assigned to: Honorable John W. Darrah  
Cause: 15:1114 Trademark Infringement

Date Filed: 08/12/2008  
Jury Demand: Both  
Nature of Suit: 840 Trademark  
Jurisdiction: Federal Question

**Plaintiff**

**Jones Day**  
*a General Partnership,*

represented by **Paul W. Schroeder**  
Jones Day  
77 West Wacker Drive  
Suite 3500  
Chicago , IL 60601-1692  
(312)782-3939  
Email: [pwschroeder@jonesday.com](mailto:pwschroeder@jonesday.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Brent P. Ray**  
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77 West Wacker Drive  
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312 269 1521  
Email: [bpray@jonesday.com](mailto:bpray@jonesday.com)  
**ATTORNEY TO BE NOTICED**

**Irene Savanis Fiorentinos**  
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(312)782-3939  
Email: [ifiorentinos@jonesday.com](mailto:ifiorentinos@jonesday.com)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Brian Timpone**  
*an idnividual,*  
*doing business as*  
BlockShopper.com

represented by **Martin B. Carroll**  
Fox, Hefter, Swibel, Levin & Carroll, LLP  
200 West Madison Street  
Suite 3000  
Chicago , IL 60606  
(312) 224-1200  
Fax: 312/224-1202  
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**LEAD ATTORNEY**

**Adam A Hachikian**  
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**Daniel S. Hefter**

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(312) 224-1200  
Email: [tkatz@fhsllc.com](mailto:tkatz@fhsllc.com)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Edward Weinhaus**  
*an individual,*  
*doing business as*  
BlockShopper.com

represented by **Martin B. Carroll**  
(See above for address)  
*LEAD ATTORNEY*

**Adam A Hachikian**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Daniel S. Hefter**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Tracy Katz Muhl**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**BlockShopper, LLC**  
*doing business as*  
BlockShopper.com

represented by **Martin B. Carroll**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Adam A Hachikian**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Daniel S. Hefter**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Tracy Katz Muhl**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**Public Citizen**

represented by **Paul Alan Levy**  
Public Citizen Litigation Group  
1600 20th Street, N.W.  
Washington , DC 20009  
(202) 588-1000  
Email: [plevy@citizen.org](mailto:plevy@citizen.org)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**The Electronic Frontier Foundation**represented by **Paul Alan Levy**  
(See above for address)  
*ATTORNEY TO BE NOTICED***Amicus****Public Knowledge**represented by **Paul Alan Levy**  
(See above for address)  
*ATTORNEY TO BE NOTICED***Amicus****Citizen Media Law Project**represented by **Paul Alan Levy**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

| Date Filed | #         | Docket Text  |
|------------|-----------|--|
| 08/12/2008 | <u>1</u>  | COMPLAINT filed by Plaintiff Jones Day; Jury Demand: (Attachments: #(1) Exhibits A through F). Filing fee \$350.00.(ar, ) (Entered: 08/13/2008)  |
| 08/12/2008 | <u>2</u>  | CIVIL Cover Sheet. (ar, ) (Entered: 08/13/2008)  |
| 08/12/2008 | <u>3</u>  | NOTICE by Plaintiff Jones Day of claims involving service mark pursuant to Local Rule 3.4. (ar, ) Modified on 8/13/2008 (ar, ). (Entered: 08/13/2008)  |
| 08/12/2008 | <u>4</u>  | MOTION by Plaintiff Jones Day for temporary restraining order; Memorandum in support (Attachments: #(1) Exhibits A, 1, B, 1, C, D, E and F). (ar, ) (Entered: 08/13/2008)  |
| 08/12/2008 | <u>5</u>  | ATTORNEY Appearance for Plaintiff Jones Day by Paul W. Schroeder. (ar, ) (Entered: 08/13/2008)   |
| 08/12/2008 | <u>7</u>  | SUMMONSES Issued, three originals, as to Defendants BlockShopper.com, Brian Timpone, Edward Weinhaus. (ar, ) (Entered: 08/13/2008)   |
| 08/13/2008 | <u>9</u>  | DECLARATION of Kristy Posch ( <i>Supplemental</i> ) in support of Motion for Temporary Restraining Order (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Schroeder, Paul) (Entered: 08/13/2008)  |
| 08/13/2008 | <u>10</u> | ATTORNEY Appearance for Plaintiff Jones Day by Paul W. Schroeder of Irene S. Fiorentinos (Schroeder, Paul) (Entered: 08/13/2008)   |
| 08/13/2008 | <u>11</u> | NOTICE of Motion by Paul W. Schroeder for presentment of motion for temporary restraining order <u>4</u> before Honorable John W. Darrah on 8/19/2008 at 09:45 AM. (Attachments: # <u>1</u> Motion for Temporary Restraining Order and Memorandum in Support, # <u>2</u> Exhibits A-F to the Motion for Temporary Restraining Order, # <u>3</u> Supplemental Declaration of Kristy Posch in support of Motion for Temporary Restraining Order (including Exhibits 1 and 2))(Schroeder, Paul) (Entered: 08/13/2008)   |
| 08/13/2008 | <u>12</u> | CERTIFICATE of Service by Plaintiff Jones Day to BlockShopper.com of (1) Complaint and Jury Demand (with Exhibits A-F), (2) Motion for Temporary Restraining Order and Memorandum in Support (with Exhibits A-F), (3) Notice of Motion, and (4) Supplemental Declaration of Kristy Posch in support of the Motion for Temporary Restraining Order (including Exhibits 1 and 2) (Schroeder, Paul) (Entered: 08/13/2008)   |
| 08/14/2008 | <u>13</u> | REQUEST for Clerk of Court to refund filing fee in the amount of \$350.00, receipt no. 3014350, for duplicate payment (Schroeder, Paul) (Entered: 08/14/2008)  |
| 08/15/2008 | <u>14</u> | NOTICE of Motion by Paul W. Schroeder for presentment of motion for temporary restraining order <u>4</u> before Honorable John W. Darrah on 8/19/2008 at 09:45 AM. (Attachments: # <u>1</u> Motion for Temporary Restraining Order, # <u>2</u> Memorandum in Support of Motion for Temporary Restraining Order, # <u>3</u> Exhibits A-F to Memorandum in Support of Motion for Temporary Restraining Order, # <u>4</u> Supplemental Declaration of Kristy Posch in support of Motion for Temporary Restraining Order)(Schroeder, Paul) (Entered: 08/15/2008) |

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| 08/18/2008 | <u>15</u> | ATTORNEY Appearance for Defendants Brian Timpone, Edward Weinhaus by Martin B. Carroll (Carroll, Martin) (Entered: 08/18/2008)   |
| 08/18/2008 | <u>16</u> | ATTORNEY Appearance for Defendants Brian Timpone, Edward Weinhaus by Adam A Hachikian (Hachikian, Adam) (Entered: 08/18/2008)  |
| 08/19/2008 | <u>17</u> | ATTORNEY Appearance for Plaintiff Jones Day by Paul W. Schroeder of Brent P. Ray (Schroeder, Paul) (Entered: 08/19/2008)   |
| 08/19/2008 | <u>18</u> | Corporate Disclosure Statement by Jones Day (Schroeder, Paul) (Entered: 08/19/2008)  |
| 08/19/2008 | <u>19</u> | MINUTE entry before the Honorable John W. Darrah: Plaintiff's motion for temporary restraining order <u>4</u> is withdrawn without prejudice with leave to re-file. Enter Stipulation and Order. Settlement conference set for 9/26/08 at 2:00 p.m. Mailed notices (gcy, ) (Entered: 08/21/2008) |
| 08/19/2008 | <u>20</u> | STIPULATION and ORDER Signed by the Honorable John W. Darrah on 8/19/2008:(gcy, ) (Entered: 08/21/2008)  |
| 08/22/2008 | <u>21</u> | ATTORNEY Appearance for Plaintiff Jones Day by Irene Savanis Fiorentinos (Fiorentinos, Irene) (Entered: 08/22/2008)  |
| 08/26/2008 | <u>22</u> | MINUTE entry before the Honorable John W. Darrah: Settlement conference held on 8/26/08. Status hearing set for 9/3/08 at 9:00 a.m. Mailed notice(maf, ) (Entered: 08/27/2008)   |
| 08/28/2008 | <u>23</u> | AMENDED complaint by Jones Day against all defendants (Attachments: # <u>1</u> Exhibit A-F)(Fiorentinos, Irene) (Entered: 08/28/2008)  |
| 08/28/2008 | <u>24</u> | CERTIFICATE of Service by Plaintiff Jones Day regarding amended complaint <u>23</u> (Fiorentinos, Irene) (Entered: 08/28/2008)   |
| 09/02/2008 | <u>25</u> | ATTORNEY Appearance for Plaintiff Jones Day by Brent P. Ray (Ray, Brent) (Entered: 09/02/2008)   |
| 09/03/2008 | <u>26</u> | ALIAS Summons Issued as to Brian Timpone and Edward Weinhaus. (gcy, ) (Entered: 09/04/2008)  |
| 09/03/2008 | <u>27</u> | MINUTE entry before the Honorable John W. Darrah: Motion to dismiss to be filed by 9/19/08, response by 10/3/08, reply by 10/10/08. Status hearing set for 11/13/08 at 9:00 a.m. Bench Trial set for 3/30/2009 at 09:00 a.m. Mailed notices (gcy, ) (Entered: 09/04/2008)                        |
| 09/03/2008 | <u>28</u> | SUMMONS Issued as to Defendant BlockShopper.com. (gcy, ) (Entered: 09/04/2008)   |
| 09/04/2008 | <u>29</u> | ATTORNEY Appearance for Defendants Brian Timpone, Edward Weinhaus by Daniel S. Hefter and Defendant BlockShopper, LLC (Hefter, Daniel) (Entered: 09/04/2008)   |
| 09/10/2008 | <u>30</u> | ATTORNEY Appearance for Defendant BlockShopper, LLC by Martin B. Carroll (Carroll, Martin) (Entered: 09/10/2008)   |
| 09/10/2008 | <u>31</u> | ATTORNEY Appearance for Defendant BlockShopper, LLC by Adam A Hachikian (Hachikian, Adam) (Entered: 09/10/2008)  |
| 09/10/2008 | <u>32</u> | MOTION by Defendant BlockShopper, LLC for leave to file excess pages (Hachikian, Adam) (Entered: 09/10/2008)   |
| 09/10/2008 | <u>33</u> | NOTICE of Motion by Adam A Hachikian for presentment of motion for leave to file excess pages <u>32</u> before Honorable John W. Darrah on 9/18/2008 at 09:00 AM. (Hachikian, Adam) (Entered: 09/10/2008)  |
| 09/12/2008 | <u>34</u> | MINUTE entry before the Honorable John W. Darrah: Defendant Blockshopper's Motion for leave to file excess pages [32,33] is granted. Mailed notices (gcy, ) (Entered: 09/15/2008)  |
| 09/15/2008 | <u>35</u> | ATTORNEY Appearance for Defendants Brian Timpone, Edward Weinhaus, BlockShopper, LLC by Tracy Katz Muhl (Muhl, Tracy) (Entered: 09/15/2008)  |
| 09/18/2008 | <u>36</u> | ATTORNEY Appearance (Attachments: # <u>1</u> Certificate of Service)(Libman, Robert) (Entered: 09/18/2008)   |

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| 09/18/2008 | <u>41</u> | MINUTE entry before the Honorable John W. Darrah: Enter Initial Scheduling Order. (gcy, ) (Entered: 09/22/2008)  |
| 09/18/2008 | <u>42</u> | INITIAL SCHEDULING ORDER Signed by the Honorable John W. Darrah on 9/18/2008:(gcy, ) (Entered: 09/22/2008)   |
| 09/19/2008 | <u>37</u> | MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752000000003121323. (Levy, Paul) (Entered: 09/19/2008)   |
| 09/19/2008 | <u>38</u> | MOTION by Unknown Unknown Party for leave to file -- <i>MOTION OF ELECTRONIC FRONTIER FOUNDATION, PUBLIC CITIZEN, PUBLIC KNOWLEDGE, AND CITIZEN MEDIA LAW PROJECT FOR LEAVE TO FILE BRIEF AS AMICI CURIAE SUPPORTING DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S TRADEMARK CLAIMS</i> (Attachments: # <u>1</u> Appendix Proposed Brief of Public Citizen, Electronic Frontier Foundation, Public Knowledge, and Citizen Media Law Project as Amici Curiae in Support of Defendants' Motion to Dismiss, # <u>2</u> Certificate of Service)(Libman, Robert) (Entered: 09/19/2008)  |
| 09/19/2008 | <u>39</u> | NOTICE of Motion by Robert S Libman for presentment of motion for leave to file,, <u>38</u> before Honorable John W. Darrah on 10/7/2008 at 09:00 AM. (Libman, Robert) (Entered: 09/19/2008)   |
| 09/19/2008 | <u>40</u> | MOTION by Defendants Brian Timpone, Edward Weinhaus, BlockShopper, LLC to dismiss <i>Amended Complaint</i> (Attachments: # <u>1</u> Exhibit Group Exhibit A, # <u>2</u> Notice of Filing)(Carroll, Martin) (Entered: 09/19/2008)   |
| 09/22/2008 | <u>43</u> | MOTION by Defendants Brian Timpone, Edward Weinhaus, BlockShopper, LLC to dismiss <i>Amended Complaint</i> (Attachments: # <u>1</u> Exhibit 1)(Hachikian, Adam) (Entered: 09/22/2008)  |
| 09/22/2008 | <u>44</u> | NOTICE by all defendants re MOTION by Defendants Brian Timpone, Edward Weinhaus, BlockShopper, LLC to dismiss <i>Amended Complaint</i> <u>43</u> (Hachikian, Adam) (Entered: 09/22/2008)   |
| 09/23/2008 | <u>45</u> | RESPONSE by Jones Day in Opposition to MOTION by Unknown Unknown Party for leave to file -- <i>MOTION OF ELECTRONIC FRONTIER FOUNDATION, PUBLIC CITIZEN, PUBLIC KNOWLEDGE, AND CITIZEN MEDIA LAW PROJECT FOR LEAVE TO FILE BRIEF AS AMICI CURIAE SUPPORTING DEFENDANT'S MOTION TO DISMISS PLAIN_38</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Schroeder, Paul) (Entered: 09/23/2008)  |
| 09/24/2008 | <u>46</u> | REPLY by Unknown Unknown Party to motion for leave to file,, <u>38</u> -- <i>REPLY MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO FILE BRIEF AS AMICI CURIAE</i> (Attachments: # <u>1</u> Certificate of Service)(Libman, Robert) (Entered: 09/24/2008)  |
| 09/25/2008 | <u>47</u> | TRANSCRIPT OF PROCEEDINGS held on 08/19/08 before the Honorable John W. Darrah. Court Reporter Contact Information: Mary M. Hacker, (312) 435-5564, Mary_Hacker@ilnd.uscourts.gov.<br><br>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.<br><br>Redaction Request due 10/16/2008. Redacted Transcript Deadline set for 10/27/2008. Release of Transcript Restriction set for 12/24/2008. (Hacker, Mary) (Entered: 09/25/2008) |
| 09/25/2008 | <u>48</u> | TRANSCRIPT OF PROCEEDINGS held on 09/03/08 before the Honorable John W. Darrah. Court Reporter Contact Information: Mary M. Hacker, (312) 435-5564, Mary_Hacker@ilnd.uscourts.gov.<br><br>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court   |

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|            |           | <p>Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at <a href="http://www.ilnd.uscourts.gov">www.ilnd.uscourts.gov</a> under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 10/16/2008. Redacted Transcript Deadline set for 10/27/2008. Release of Transcript Restriction set for 12/24/2008. (Hacker, Mary) (Entered: 09/25/2008)</p> |
| 09/26/2008 | <u>49</u> | MINUTE entry before the Honorable John W. Darrah: Motion by attorney Paul Alan Levy for leave to appear pro hac vice for defendants Public Citizen, The Electronic Frontier Foundation. Public Knowledge and Citizens Media Law Project is granted. Mailed notices (gcy, ) Modified on 10/14/2008 (gcy, ). (Entered: 09/29/2008)  |
| 10/03/2008 | <u>50</u> | RESPONSE by Jones Day in Opposition to MOTION by Defendants Brian Timpone, Edward Weinhaus, BlockShopper, LLC to dismiss <i>Amended Complaint 43</i> (Schroeder, Paul) (Entered: 10/03/2008)  |
| 10/10/2008 | <u>51</u> | REPLY by Defendants Brian Timpone, Edward Weinhaus, BlockShopper, LLC to motion to dismiss <u>43</u> [in support thereof] (Attachments: # <u>1</u> Exhibit Group Exhibit A, part 1, # <u>2</u> Exhibit Group Exhibit A, part 2, # <u>3</u> Exhibit Group Exhibit A, part 3, # <u>4</u> Notice of Filing)(Carroll, Martin) (Entered: 10/10/2008)   |
| 10/20/2008 | <u>52</u> | ATTORNEY Appearance for Amicus Parties Public Citizen, The Electronic Frontier Foundation, Public Knowledge by Paul Alan Levy and <i>Citizen Media Law Project</i> (Attachments: # <u>1</u> Certificate of Service)(Levy, Paul) (Entered: 10/20/2008)   |
| 10/23/2008 | <u>53</u> | OBJECTIONS by Jones Day to reply, <u>51</u> opposing Defendants' <i>FRE 201 request to take judicial notice</i> (Schroeder, Paul) (Entered: 10/23/2008)   |