

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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High Point Design, LLC,

Plaintiffs,

11 **CIVIL** 4530 (KBF)

-against-

JUDGMENT

Buyer's Direct Inc.,

Defendant.

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Buyer's Direct Inc.,

Counterclaim Plaintiff/
Third-Party Plaintiff,

-against-

High Point Design, LLC,

Counterclaim Defendant,

MEIJER, INC., SEARS HOLDINGS CORPORATION,
AND WAL-MART STORES, INC.,

Third-Party Defendants.

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Whereas Plaintiff and Third-Party Defendants having moved for summary judgment or dismissal of BDI's claims pursuant to Fed. R. Civ. P. 12(c) and 56(d) (Doc. # 74) on November 25, 2013; and

Whereas Defendant BDI having moved for leave to amend its trade dress claim pursuant to Rules 15(a) and 16(b) (Doc. # 78) on November 25, 2013; and

Whereas Plaintiff and Third-Party Defendants having moved for summary judgment of anticipation and non-infringement (Doc. # 79) on November 25, 2013; and

Whereas Defendant BDI having moved for discovery pursuant to Rule 56(d) of the Fed. R. Civ. P. (Doc. # 98) on December 20, 2013; and

The matter having come before the Honorable Katherine B. Forrest, United States

District Judge, and the Court, thereafter, having issued its Opinion & Order (Doc. # 121) on March 26, 2014, granting summary judgment to Plaintiff and Third-Party Defendants, denying Defendant's motion for discovery pursuant to Rule 56(d), denying Defendant's motion to amend its trade dress claim, and directing the Clerk of the Court to enter judgment for Plaintiff and Third-Party Defendants on all claims, and to close the case, it is:

ORDERED, ADJUDGED AND DECREED: that for the reasons stated in the Court's Opinion & Order, dated March 26, 2014, Plaintiff High Point and third-party defendants' motions for summary judgment on invalidity due to anticipation and non-infringement are GRANTED; Plaintiff and third-party defendants' motion for dismissal of the trade dress claim is GRANTED; Defendant's motions for discovery and for leave to amend are DENIED; accordingly, the case is closed.

Dated: New York, New York
March 31, 2014

RUBY J. KRAJICK

Clerk of Court

BY:

Deputy Clerk