UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
219 SOUTH DEARBORN STREET
CHICAGO, ILLINOIS 60604

THOMAS G. BRUTON
CLERK

312-435-5670

Date: 7/15/2016

Judge: Rebecca R. Pallmeyer

Case No.: 1:16-cv-07254

Dear Counsel:

Mediation frequently aids in settling trademark disputes and other Lanham Act cases. For that reason, the District Court for the Northern District of Illinois established its voluntary mediation program in 1996 for Lanham Act cases. The program is Lanham Act case specific and draws on mediators who are specialists in such cases. Since its establishment, the Northern District mediation program has assisted many parties in resolving their disputes without expending the large amounts of time, effort and resources normally involved in full scale litigation.

You will find enclosed materials describing the Court's Lanham Act mediation program. They include a description of the program, the Local Rules and procedures governing it, and a current list of mediators that have been qualified by the Court to mediate Lanham Act disputes. The program has often delivered prompt and economical resolutions to disputes, and the Court strongly encourages you and your client to take advantage of it.

The docket indicates that you are appearing as counsel for one of the parties in this litigation. Pursuant to this Court's Rules and procedures, you are required to provide copies of this letter and all enclosures to each party you represent. If you represent a plaintiff, you also must provide copies of these papers to the attorney for each defendant. The attorney for each defendant then must provide these materials to each party that attorney represents. Within 21 days of the date of receipt of this letter, each attorney is required to file a Certificate with the Court stating that copies of these documents have been provided to the appropriate parties and attorneys.

The Rules also require that the parties file a Notice with the Court stating whether they will participate in the Court's Lanham Act mediation program. This Notice must be filed at the earlier of the first scheduling conference, or 90 days after this case was filed. The Judge to whom this case has been assigned has been notified that you have been sent this letter, and will expect you timely to file the Certificate and Notice.

The experience of the Court shows that the program provides tangible benefits to parties in resolving their disputes. Many lawyers and their clients have expressed satisfaction with the program, and many routinely encourage their clients to submit their disputes to mediation. We urge you and your client to proceed with mediation in this case. The best interests of your client would be served thereby.

Sincerely,

/S/ T. Torres
Deputy Clerk

List of Lanham Act Organizations and Individual Neutrals
Maintained Pursuant to Local General Rule 16.3

A. Individual Neutrals

1) G. Marshall Abbey
836 Skokie Boulevard
Northbrook, Illinois 60062
tel. (847) 291-9995
FX: (847)291-9996
Email: gma@gmabbeylaw.com

2) Louis Altman
Michael Best & Friedrich LLC
401 North Michigan Avenue
Suite 1900
Chicago, Illinois 60611
tel. (312) 222-0800
FX: (312) 222-0818
Email: LAltman@attglobal.net

3) Brett A. August
Pattishall, McAuliffe, Newbury,
Hilliard & Geraldson
311 S. Wacker Dr. Suite 5000
Chicago, Illinois 60606
(312) 554-7962
FX: (312)554-8015
Email: baugust@pattishall.com

4) Marvin N. Benn
Much, Shelist, Freed, Denenberg,
Ament & Rubenstein, P.C.
191 N. Wacker Drive, Ste. 1800
Chicago, IL 60606
tel. (312) 521-2770
FX: (312) 521-2870
Email: mbenn@muchshelist.com

5) Richard B. Biagi
Neal & McDevitt
1776 Ash Street
Northfield, IL 60093
tel. (847) 441-9100
FX: (847) 441-0911
Email: rbiagi@nealmcdevitt.com

6) John W. Cooley
2106 Orrington Avenue
Evanston, Illinois 60201
tel. (847) 328-7285
FX: (847)864-1586
Email: jackwcool@aol.com

7) Champ W. Davis, Jr.
Davis, Mannix & McGrath
125 South Wacker Drive
Suite 1700
Chicago, IL 60606
tel. (312) 332-3033

8) 8homas J. Donovan
Barnes & Thornburg
2600 Chase Plaza
10 South LaSalle Street
Chicago, IL 60603
tel. (312) 357-1313

9) Lee J. Eulgen
Neal, Gerber & Eisenberg
Two N. LaSalle Street
Chicago, Illinois 60602
tel. (312) 269-8000
FX:(312) 578-2807
Email: leulgen@ngelaw.com

10) Robert E. Fitzgerald, Jr.
300 West Washington
Suite 1200
Chicago, IL 60606
tel. (312) 782-3264

11) Allen H. Gerstein
Marshall, O'Toole, et al
233 South Wacker Drive
Chicago, Illinois 60606
tel. (312) 474-6300
FX:(312)474-0448

12) Vickie A. Gillio
Gillio & Associates
8 South Michigan Ave, Ste 810
Chicago, Illinois 60603
tel. (312) 750-1500
FX:(312)750-1505
Email: vickiegillio@worldnet.att.net

13) Lee Hugh Goodman
2201 Center Avenue
Northbrook, IL 60062
tel. (847) 559-9525

14) Russell E. Hattis
1640 Jasmine Court
Highland Park, IL 60035
tel. (847) 831-4404
FX: (847)831-4872

15) Carl F.J. Henninger
2027 Nachtman Court
Wheaton, Illinois 60187
tel. (630) 668-2160

16) Keith L. Hunt
Hunt and Associates
Three 1st Nat'l.Plaza Suite 3750
Chicago, IL 60602
tel. (312) 558-6577
FX: (312)558-9911
Email: klh@huntassoclaw.com

17) Sheldon Karon
Foley & Lardner
330 North Wabsh Ave. #3300
Chicago, IL 60611-3608
tel. (312) 755-2604
FX: (312)755-1925
Email:skaron@foleylaw.com

18) Daniel L. Kegan
79 West Monroe Street #1320
Chicago, Illinois 60603
tel. (312) 782-6495, ext. 21
FX: (312) 782-6494
Email: daniel@keganlaw.com

19) John Adam Kerns, Jr.
187 Brittney Lane
Hartley, Delaware 19953-227887
tel. (302) 492-3445
FX: (302)492-3446
Email: neutraljohn@myfavoritei.com

20) Charles A. Laff
Michael Best & Friedrich LLC
180 N. Stetson Ave.
Suite 2000
Chicago, Illinois 60601
tel. (312) 222-0800
FX: (312) 222-0818
Email: calaff@michaelbest.com

21) Bart A. Lazar
Seyfarth, Shaw, Fairweather &
Geraldson
55 E. Monroe
Chicago, IL 60603
tel. (312) 269-8986
FX: (312)269-8869
Email: blazar@seyfarth.com

22) Floyd A. Mandell
Katten Muchin & Zavis
525 West Monroe Street
Suite 1600
Chicago, Illinois 60661
tel. (312) 902-5200
FX: (312) 577-8982
Email: floyd.mandell@kmz.com

23) Charles R. Mandly, Jr.
Foley & Lardner LLP
321 N. Clark Street, Suite 2800
Chicago, IL 60610-4764
tel. (312) 832-4500
FX: (312) 832-4700
Email: cmandly@foley.com

24) Roger H. Marks
1104 West Barry Street
Chicago, Illinois 60657
tel. (312) 491-3214

25) Kevin J. McDevitt
Neal & McDevitt
1776 Ash Street
Northfield, IL 60093
tel. (847) 441-9100
FX: (847) 441-0911
Email: kmcdevitt@nealmcdevitt.com

26) Frank J. McGarr
Foley & Lardner
One IBM Plaza
330 N. Wabash Suite 3300
Chicago, Illinois 60611
tel. (312) 755 1900

27) William T. McGrath
Davis, Mannix & McGrath
125 S. Wacker Drive Suite 1700
Chicago, Illinois 60606
tel. (312)332-4748
FX: (312) 332-6376
Email: wmcgrath@dmmlaw.com

28) Michael R. McKenna
500 W. Madison Suite 3800
Chicago, Illinois 60661
tel. (312) 321-0123
FX: (312)876-2020
Email: HIPATENT@megsinet.net

29) Antony J. McShane
Neal, Gerber & Eisenberg
Two North LaSalle Street
Chicago, IL 60602
tel. (312) 269-8486
FX: (312) 578-2808
Email: amcshane@ngelaw.com

30) Thomas H. Morsch
Northwestern University
School of Law
357 East Chicago Ave.
Chicago, Illinois 60611
(312) 503-0321
FX: (312) 503-8977
Email: tmorsch@law.northwestern.edu

31) Susan Somers Neal
Neal & McDevitt
1776 Ash Street
Northfield, IL 60201
tel. (847) 441-9100
FX: (847) 441-0911
Email: sneal@nealmcdevitt.com

32) Roy H. Nelson
111 East Wisconsin Ave, Ste 1500
Milwaukee, Wisconsin 53202
tel. (414) 276-0731

33) Robert M. Newbury
Pattishall, McAuliffe, Newbury,
Hilliard & Geraldson
311 S. Wacker Dr. Suite 5000
Chicago, Illinois 60606
tel. (312) 554-7940
FX: (312)554-8015
Email: rnewbury@pattishall.com

34) William L. Niro
Niro, Scavone, Haller & Niro
181 W. Madison St. Suite 4600
Chicago, Illinois 60602
tel. (312) 236-0733
FX: (312) 236-1097
Email: wniro@nshn.com

35) Joseph V. Norvell
Brinks Hofer Gilson & Lione
455 N. Cityfront Plaza Drive
Chicago, IL 60611-5599
tel. (312)321-4712
FX: (312)321-4299
email:jnorvell@brinkshofer.com

36) Mark V.B. Partridge
Partridge IP Law P.C.
161 N. Clark St.
Suite 4700
Chicago, IL 60601
tel. (312) 634-9500/9501
FX:(312) 634-9505
Email: mark@partridgeiplaw.com

37) Donald Paull
7201 N. Lincoln Ave., #214
Lincolnwood, IL 60712
tel. (847) 763-1663
FX: (847763-1665

38) Gary M. Ropski
Brinks Hofer Gilson & Lione
NBC Tower, Suite 3600
455 N. Cityfront Plaza Drive
Chicago, IL 60611-5599
Phone: 312/321-4216
Fax: 312/321-4299
EMail: gropski@brinkshofer.com

39) Larry L. Saret
Michael Best & Friedrich LLC
180 N. Stetson Ave
Suite 2000
Chicago, Illinois 60601
tel. (312)222-0800
fax.(312)222-0818

40) Thomas G. Scavone
Niro, Scavone, Haller & Niro
181 W. Madison Suite 4600
Chicago, Illinois 60602
tel. (312) 236-0733
FX: (312) 236-3137
Email: scavone@NSHN.com

41) Thomas E. Smith
209 South LaSalle St. Suite 410
Chicago, Illinois 60604
(312) 368-6643

42) Kevin C. Trock
Michael Best & Friedrich, LLC
401 N. Michigan Ave., Suite 1700
Chicago, IL 60611
tel. (312)661-2120
Email: kctrock@mbf-law.com

43) Robert E. Wagner
Wallenstein & Wagner, Ltd.
311 South Wacker Dr. 53rd Floor
Chicago, Illinois 60606
FX: (312)554-3301
Email:rwagner@wallywag.com

44) Joseph N. Welch II
Pattishall, McAuliffe,
Newbury, Hilliard & Geraldson
311 S. Wacker Dr. Suite 5000
Chicago, IL 60606
tel. (312) 554-8000
FX: (312)554-8015
Email: jwelch@pattishall.com

45) Stuart M. Widman
Much, Shelist, Freed, Denenberg
Ament, Bell & Rubenstein
200 North LaSalle Suite 2100
Chicago, Illinois 60601
tel. (312) 346-3100
FX: (312)621-1750
Email: swidman@muchlaw.com

46) Jeffery A. Handelman
Brinks Hofer Gilson & Lione
NBC Tower, Suite 3600
455 North Cityfront Plaza Dr.
Chicago, Illinois 60611-5599
tel. (312) 321-4236
Email: jhandelman@brinkshofer.com

(47) Michael B. Getty
1560 North Sandburg Terrace
#1104
Chicago, IL 60610
tel. (312) 943-5410
Email: mbgetty@aol.com

48) Jay G. Taylor
IceMiller LLP
One American Square
Suite 3100
Indianapolis, IN 46282-0200
tel. (317) 235-2100
Email: Jay.Taylor@icemiller.com

B. Individual Organizations

US. Arbitration and Mediation of the Northeast, Inc.
P.O. Box 451
Bensalem, Pennsylvania 19020
tel. (800) 354 - 2478
Alvora Varin-Hommen
P.O. Box 451
Bensalem, Pennsylvania 19020
tel. (800) 354 - 2478
FX: (215)750-6367
Email: usamne@aol.com

INTA/CPR

CPR Institute for Dispute Resolution
366 Madison Avenue
New York, NY 10017
tel. (212)949-6490
FX:(212)949-8859
Contact: Lisa Stigliano

International Trademark Association
1133 Avenue of the Americas
New York, NY 10036
tel. (212) 768-9887
FX: (212)768-7796
Contact: Lisa Stigliano

1) Miles J. Alexander
Kilpatrick Stockton LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309-4530
tel. (404) 815-6410
FX:(404) 815-6555
Email:
malexander@kilpatrickstockton.com

2) James M. Amend
Kirkland & Ellis
200 East Randolph Dr.
5300
Chicago, IL 60601
Tel. (312) 861-2154
FX: (312) 861-2200
Email: james_amend@kirkland.com

3) Richard M. Berman
9804 St. John's Road
Minnetonka, MN 55305
Tel.(952) 938-4911
FX:(952) 938-4682
Email: cberman643@aol.com

4) Guy M. Blynn
R.J. Reynolds Tobacco Company
401 North Main Street, 9th Floor
P.O. Box 2959
Winston-Salem, NC 27102-2959
Tel.(336) 741-7508
FX:(336) 741-7598
Email: blynng@rjrt.com

5) Margaret A. Boulware
Jenkens & Gilchrist, P.C.
1100 Louisiana
Suite 1800
Houston, TX 77002
Tel.(713) 951-3375
FX:(713) 951-3314
Email: mboulware@jenkens.com

6) Edward T. Colbert
Kenyon & Kenyon
1500 K Street, N.W.
Suite 700
Washington, DC 20005
Tel.(202) 220-4280
FX:(202) 220-4201
Email: ecolbert@kenyon.com

7) John M. Cone
Akin, Gump, Strauss, Hauer & Feld, L.L.P.
1700 Pacific Avenue
Suite 4100
Dallas, TX 75201
Tel.(214) 969-4214
FX:(214) 969-4343
Email: jcone@akingump.com

8) John J. Cummins
LeRivage #19 South
4351 Gulf Shore Blvd. North
Naples, FL 34103
Tel.(941) 649-7356
FX:(941) 649-1038
Email: john07c@aol.com

9) Joan L. Dillon
Kilpatrick Stockton LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309-4530
Tel.(404) 815-6533
FX:(404) 815-6555
Email: jdillon@kilpatrickstockton.com

10) Marie V. Driscoll
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
6th Floor
New York, NY 10017
Tel.(212) 813-5939
FX:(212) 813-5901
Email: mdriscoll@frosszelnick.com

11) Sandra Edelman
Dorsey & Whitney LLP
250 Park Avenue
New York, NY 10177
Tel.(212) 415-9269
FX:(212) 953-7201
Email: edelman.sandra@dorseylaw.com

12) William A. Finkelstein
Alschuler Grossman Stein & Kahan
The Water Garden
1620 26th Street, 4th Floor,
North Tower
Santa Monica, CA 90404-4060
Tel.(310) 255-9114
FX:(310) 907-2000
Email: wfinkelstein@agsk.com

13) Anthony L. Fletcher
Fish & Richardson, P.C.
45 Rockefeller Plaza
Suite 2800
New York, NY 10111
Tel.(212) 641-2291
FX:(212) 258-2291
Email: fletcher@fr.com

14) Kenneth B. Germain
Thompson Hine LLP
312 Walnut Street
Suite 1400
Cincinnati, OH 45202
Tel.(513) 352-6527
FX:(513) 241-4771
Email: ken.germain@thompsonhine.com

15) Jerome Gilson
Brinks Hofer Gilson & Lione
NBC Tower, Suite 3600
455 North Cityfront Plaza Dr.
Suite 3600
Chicago, IL 60611-5599
Tel.(312) 321-4205
FX:(312) 321-4299
Email: jgilson@brinkshofer.com

16) Vito T. Giordano
Von Maltitz, Derenberg, Kunin, Janssen & Giordano
60 East 42 Street Room 4410
New York, NY 10165
Tel.(212) 661-1400
FX:(212) 370-1819
Email: vtgiordano@vonmaltitz.com

17) Arthur J. Greenbaum
Cowan, Liebowitz & Latman
1133 Avenue of the Americas
35th Floor
New York, NY 10036-6799
Tel.(212) 790-9240
FX:(212) 575-0671
Email: ajg@cll.com

18) David C. Gryce
Arent Fox Kintner Plotkin & Kahn, PLLC
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5339
Tel.(202) 775-5797
FX:(202) 857-6395
Email: gryced@arentfox.com

19) Dolores K. Hanna
Bell, Boyd & Lloyd, LLC
70 W. Madison Street
Suite 3300
Chicago, IL 60602
Tel.(312) 807-4403
FX:(312) 827-1276
Email: dhanna@bellboyd.com

20) Roslyn S. Harrison
McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, NJ 07101-0652
Tel.(973) 639-7963
FX:(973) 624-7070
Email: rharrison@mccarter.com

21) Laurence R. Hefter
Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.
1300 I Street, N.W., Suite 700
Washington, DC 20005-3315
Tel.(202) 408-4053
FX:(202) 408-4400
Email: larry.hefter@finnegan.com

22) David C. Hilliard
Pattishall, McAuliffe, Newbury, Hilliard & Geraldson
311 South Wacker Drive
Suite 5000
Chicago, IL 60606
United States
Tel.(312) 554-7950
FX:(312) 554-8015
Email: dhilliard@pattishall.com

23) Nancy V. Hoyt
University of Minnesota
Office of the General Counsel
360 McNamara Alumni Center
200 Oak Street S.E.
Minneapolis, MN 55455-2006
Tel.(612) 624-4100
FX:(612) 626-9624
Email: nancyhoyt@mail.ogc.umn.edu

24) Anne S. Jordan
PeopleSoft, Inc.
4305 Hacienda Drive
Pleasanton, CA 94588
Tel.(925) 694-8863
FX:(925) 694-5550
Email: anne_jordan@peoplesoft.com

25) Siegrun D. Kane
Morgan & Finnegan, L.L.P.
345 Park Avenue
New York, NY 10154-0053
Tel.(212) 415-8778
FX:(212) 751-6849
Email: skane@morganfinnegan.com

26) Bruce P. Keller
Debevoise & Plimpton
919 Third Avenue
New York, NY 10022
Tel.(212) 909-6118
FX:(212) 909-6836
Email: bpkeller@debevoise.com

27) David J. Kera
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
1755 Jefferson Davis Highway
Fourth Floor
Arlington, VA 22202
Tel.(703) 412-6456
FX:(703) 413-2220
Email: dkera@oblon.com

28) Richard J. Leighton
Keller and Heckman LLP
1001 G Street N.W.
Suite 500 West
Washington, DC 20001
Tel.(202) 434-4220
FX:(202) 434-4646
Email: leighton@khlaw.com

29) George F. Long
Huff, Poole & Mahoney P.C.
4705 Columbus Street
Virginia Beach, VA 23462
Tel.(757) 518-2392
FX:(757) 552-6016
Email: glong@hpmlaw.com

30) Leslie J. Lott
Lott & Friedland, P.A.
Post Office Drawer 141098
355 Alhambra Circle, Suite 1100
Coral Gables, FL 33134
Tel.(305) 448-7089
FX:(305) 446-6191
Email: ljlott@lott-friedland.com

31) Gregory A. Madera
Fish & Richardson, P.C.
225 Franklin Street
Suite 3100
Boston, MA 02110-2804
Tel.(617) 521-7809
FX:(617) 542-8906
Email: madera@fr.com

32) Paul Maki
Edmunds Maki Verga & Thorn
Davies Pacific Center
841 Bishop Street, Suite 2104
Honolulu, HI 96813
Tel.(808) 524-2000
FX:(808) 528-3585
Email: pmaki@emvt.com

33) Floyd A. Mandell
Katten Muchin Zavis Rosenman
525 West Monroe Street
Suite 1600
Chicago, IL 60661-3693
Tel.(312) 902-5235
FX:(312) 577-8982
Email: floyd.mandell@kmzr.com

34) Susan Somers Neal
Neal & McDevitt
1776 Ash Street
Northfield, IL 60093
Tel.(847) 441-9100
FX:(847) 441-0911
Email: sneal@nealmcdevitt.com

35) Melville Owen
Owen, Wickersham & Erickson, P.C.
455 Market Street
19th Floor
San Francisco, CA 94105
Tel.(415) 882-3206
FX:(415) 882-3232
Email: mowen@owe.com

36) Louis T. Pirkey
Fulbright & Jaworski L.L.P.
600 Congress Ave
Suite #2400
Austin, TX 78701-3248
Tel.(512) 536-3001
FX:(512) 536-4598
Email: lpirkey@fulbright.com

37) Manny D. Pokotilow
Caesar, Rivise, Bernstein,
Cohen & Pokotilow, Ltd.
Seven Penn Center
1635 Market Street, 12th Floor
Philadelphia, PA 19103-2212
Tel.(215) 567-2010
FX:(215) 751-1142
Email: mpokotilow@crbcp.com

38) Edward M. Prince
Alston & Bird LLP
601 Pennsylvania Avenue NW
North Building, 10th Floor
Washington, DC 20004-2601
Tel.(202) 756-3358
FX:(202) 756-3333
Email: eprince@alston.com

39) Susan Progoff
Fish & Neave
1251 Avenue of the Americas
New York, NY 10020
Tel.(212) 596-9152
FX:(646) 728-2656
Email: sprogoff@fishneave.com

40) William D. Raman
Thompson & Knight LLP
1200 San Jacinto Center
98 San Jacinto Blvd.
Austin, TX 78701-4039
Tel.(512) 469-6132
FX:(512) 469-6180
Email: ramanw@tklaw.com

41) W. Whitaker Rayner
Watkins Ludlam Winter & Stennis, P.A.
P.O. Box 427
633 North State Street
Jackson, MS 39205-0427
Tel.(601) 949-4724
FX:(601) 949-4804
Email: wrayner@watkinsludlam.com

42) Albert Robin
Robin, Blecker & Daley
330 Madison Avenue
New York, NY 10017
Tel.(212) 682-9640
FX:(212) 682-9648
Email: arobin@rbd-law.com

43) Richard D. Rochford Jr.
Nixon Peabody LLP
P.O. Box 31051
Clinton Square
Rochester, NY 14603-1051
Tel.(585) 263-1000
FX:(585) 263-1600
Email: rrochford@nixonpeabody.com

44) Seymour Rothstein
Olson & Hierl, Ltd.
20 North Wacker Drive
36th Floor
Chicago, IL 60606
Tel.(312) 580-1180
FX:(312) 580-1189
Email: srothstein@olsonhierl.com

45) Jeffrey M. Samuels
University of Akron
School of Law
150 University Avenue
Akron, OH 44325-2901
Tel.(330) 972-7898
FX:(330) 258-2343
Email: samuels@uakron.edu

46) Sandra A. Sellers
Technology Mediation Services, LLC
6510 Heather Brook Court
McLean, VA 22101
Tel.(703) 734-1810
FX:(703) 734-1810
Email:
ssellers@technologymediation.com

47) Howard J. Shire
Kenyon & Kenyon
One Broadway
New York, NY 10004
Tel.(212) 908-6205
FX:(212) 425-5288
Email: hshire@kenyon.com

48) Virginia S. Taylor
Kilpatrick Stockton LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309-4530
Tel.(404) 815-6373
FX:(404) 815-6555
Email: vtaylor@kilpatrickstockton.com

49) Paul C. Van Slyke
Locke Liddell & Sapp LLP
600 Travis Street
Suite 3400
Houston, TX 77002-3095
Tel.(713) 226-1406
FX:(713) 223-3717
Email: pvanslyke@lockeliddell.com

50) Vernon F. Venne
Ashland Inc.
5200 Blazer Parkway
Dublin, OH 43017
Tel.(614) 790-3975
FX:(614) 790-4268
Email: vfvenne@ashland.com

51) Maxim H. Waldbaum
Salans
620 Fifth Avenue
New York, NY 10020
Tel.(212) 632-8435
FX:(212) 307-3399
Email: mwaldbaum@salans.com

52) Richard A. Wallen
Christie, Parker & Hale, LLP
350 West Colorado Boulevard
Suite 500
Pasadena, CA 91105
Tel.(626) 795-9900
FX:(626) 577-8800
Email: richard.wallen@cph.com

53) W. Mack Webner
Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037
Tel.(202) 663-7495
FX:(202) 293-4308
Email: mwebner@sughrue.com

54) Steven M. Weinberg
Greenberg Traurig, LLP
2375 East Camelback Road
Suite 700
Phoenix, AZ 85016
(602)445-8376
(602)445-8100
Email: weinbergs@gtlaw.com

55) David A. Weinstein
Law Offices of David A. Weinstein
1600 Broadway
Suite 2600
Denver, CO 80202
Tel.(303) 863-8818
FX:(303) 863-8820
Email: tmcopylaw@aol.com

LR16.3. Voluntary Mediation Program

(a) PROGRAM ESTABLISHED. A program for voluntary mediation is established for cases arising under the Federal Trademark Act of 1946, 15 U.S.C. §§ 1051-1127 ("the Lanham Act").

(b) PROCEDURES. The voluntary mediation program shall follow the procedures approved by the Executive Committee. The procedures outline the responsibilities of counsel and the parties in cases that are eligible for the mediation program. Copies of the procedures may be obtained from the clerk.

(c) CONFIDENTIALITY All mediation proceedings, including any statement made by any party, attorney or other participant, shall, in all respects, be privileged and not reported, recorded, placed in evidence, made known to the trial court or jury, or construed for any purpose as an admission. No party shall be bound by anything done or said at the conference unless a settlement is reached, in which event the settlement shall be reduced to writing and shall be binding upon all parties.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
PROCEDURES FOR VOLUNTARY MEDIATION PROGRAM
FOR LANHAM ACT CASES
Adopted Pursuant to Local Rule 16.3(b)

I. Screening and Assignment of Cases.

A. Pursuant to Local Rule 16.3, cases that are filed under the Federal Trademark Act of 1946, 15 U.S.C. §§ 1051-1127 (the "Lanham Act"), shall be assigned to the program of court-annexed mediation (Program). Cases that are filed under seal pursuant to local General Rule 10L and cases that are under seal pursuant to court order shall not be assigned to the Program during the time they remain under seal. Any time periods specified in these procedures shall be adjusted to exclude periods when cases are under seal.

B. Cases shall be assigned to the Program on the basis of information recorded in the Integrated Case Management System (ICMS). The information used for this purpose will be the nature of suit and cause of action recorded for each civil case.1 A computer program will be run on a weekly basis to identify all civil cases filed during the previous week where the cause of action entered in ICMS is a Lanham Act citation or the nature of suit code entered in ICMS is 840 (i.e., the nature of suit code for trademark cases).

C. A member of the staff of the Clerk of Court will check the complaint for each case identified by the weekly computer program to verify that the complaint indicates that the case has been filed pursuant to the Lanham Act.

II. Notice of Assignment

A. For a case assigned to the Program, the Clerk shall provide notice of the assignment to the attorney who filed the action. If the case was commenced by a party filing *pro se*, the notice will be provided to the party. The notice will include a description of the Program. Along with the notice the Clerk will send a List of Lanham Act Organizations and Neutrals.

B. The Clerk will notify the judge that the case has been assigned to the Program.

C. Upon receiving the notice and accompanying material from the Clerk, each attorney notified as provided for in section II.A above must promptly provide a copy of the notice and accompanying descriptive material to that attorney's client and to the attorney for each defendant, if known, or to each defendant, if the attorney is not known. Defense attorneys must promptly provide copies of the material they receive to each party they represent.

III. List of Lanham Act Organizations and Neutrals

A. Maintenance by the Clerk of a List of Lanham Act Organizations and Neutrals

The clerk of the Court shall maintain and make available to the public a List of Lanham Act Organizations and Neutrals consisting of the name, address, and telephone numbers of each organization and person who has filed with the clerk the certificate specified by section C of this rule, and whose name has not been withdrawn or removed pursuant to section E of this rule. The clerk shall further maintain and make available to the public a file containing the certificates filed by those persons whose names are included on the list of mediators. Inclusion on the list does not constitute certification by the Court of the qualifications of the organization or neutral.

B. Minimum Criteria

No organization or person may file a certificate pursuant to paragraph C below or be included in the List of Lanham Act Organizations and Neutrals unless such person or organization meets the following minimum criteria:

(1) For Organizations:

a. A minimum of three years involvement with alternative dispute resolution in providing, sponsoring or training neutrals; and

b. Affiliation with two or more individuals who meet the minimum criteria set forth below.

(2) For Individuals:

a. Five years or more experience in the practice of Lanham Act law; or

b. Three years or more experience as a neutral (not necessarily in Lanham Act law).

C. Certificates

An organization may be included in the List of Lanham Act Organizations and Neutrals by filing with the Clerk of this Court a certificate containing the following information:

(1) For Organizations:

a. Name, address, and nature and duration of involvement in alternative dispute procedures and activities;

b. procedures and programs for training individuals in techniques of mediation and arbitration;

c. experience in training such individuals in connection with disputes under the Lanham Act;

d. experience in providing neutrals to mediate or arbitrate disputes under the Lanham Act;

e. names and addresses of individuals the organization represents are qualified by experience or training, or both, to mediate or arbitrate disputes under the Lanham Act, together with copies of their curricula vitae; and

f. representative cases (including citations to published decisions) in which the organization has participated, including the names and addresses of counsel and parties (unless such information is deemed confidential).

(2) For Individuals:

a. Name, address, and academic and legal education credentials;

b. years in the practice of Lanham Act law, including trademark and unfair competition law and false advertising law;

c. experience in mediating or arbitrating disputes under the Lanham Act, other intellectual property law disputes, or general commercial disputes;

d. a summary of Law School or C.L.E. courses in Lanham Act subject matter taken or taught, including seminars or meetings of the American Bar Association, ALI-ABA, American Intellectual Property Law Association, International (formerly The United States) Trademark Association, Practicing Law Institute, Chicago Bar Association, or other groups or organizations;

e. membership and committee activity in professional organizations dealing with intellectual property law, including the Lanham Act;

f. publications on Lanham Act or other intellectual property law subject matter;

g. Any other experience, including litigation experience, he or she believes relevant to serving as a neutral;

h. representative cases (including citations to published decisions) in which the individual has participated as a mediator or arbitrator, including the names and addresses of counsel and parties (unless such information is deemed confidential); and

i. a copy of his or her curriculum vitae.

D. Amendment and Updating.

Any organization and individual who files a certificate with the Clerk shall promptly file amendments to the certificates, whenever necessary or appropriate, to disclose any substantial change in the information provided in the certificate. In addition, each such organization or individual shall file a complete, updated certificate at no more than five year intervals.

E. Withdrawal and Removal from the List of Lanham Act Organizations and Neutrals

Any organization or neutral may voluntarily withdraw from the List of Lanham Act organizations and neutrals at any time by providing written notification to the clerk of the Court, who shall thereupon remove the name of the organization or neutral from said List and remove that organization or neutral's certificate from the file of such certificates. If an organization or neutral fails to update his, her or its certificate pursuant to section D of this rule, or for good cause as certified to the clerk by the Chief Judge, the clerk shall remove the name of that organization or neutral from said List and remove that organization or neutral's certificate from the file of certificates.

IV. Attorney Certification

As soon as practicable but in no event later than 21 days after receiving the notice provided pursuant to section II.A, each attorney for a party shall file with the Clerk a certificate stating that the attorney has mailed or otherwise provided a copy of the notice and all information about the Program to each party that the attorney represents in the action, or to the guardian or representative of each party.

V. Notice of Participation or Non-Participation

A. Nothing in these Procedures shall be construed to affect the time within which a party is to answer or otherwise plead to a complaint. If a pleading in lieu of answer, or a motion for a temporary restraining order or a preliminary injunction is filed before the notice of participation or non-participation required by subsection B of this section has been filed, the court may fix a new time by which the parties must file the joint notice, or may find that the case is not appropriate for the program and excuse the parties from filing the joint notice, or may enter such other order as may be appropriate. Such action by the court shall be in writing, or on the record.

The parties in cases assigned to the Program are not required to participate in the Program but are strongly encouraged to do so. At the earliest of the first scheduling conference, or 90 days from filing of the complaint, the parties in cases assigned to the Program will file a jointly written notice indicating one of the following:

(1) that they wish to participate in the Program;
(2) that they do not wish to participate in the Program; or
(3) that they are already participating in some other mediation program.

B. If the notice indicates that the parties do not wish to participate in the Program, a brief statement of the reason or reasons must be included in the notice. Such a statement shall not disclose the position of any individual party concerning participation in the Program. If the notice indicates that the parties are participating in some other mediation program, the notice must provide a brief description of the nature of the program.

C. The judge to whom a case eligible for the Program is assigned may impose sanctions for failure to notify clients pursuant to paragraph II.C. and/or failure to file the notice pursuant to paragraphs V.A and B.

VI. Mediation Procedure

A. Mediation is a flexible, nonbinding and confidential dispute resolution process in which an impartial and qualified neutral facilitates negotiations among the parties in an attempt to help them reach settlement.

B. The mediation process does not contemplate testimony by witnesses. The neutral does not review or rule upon questions of fact or law, or render any final decision in the case, but may provide an opinion on questions of fact or law, or on the merits of the case if the case if requested or if desirable.

C. The parties shall select a neutral and obtain the consent of the neutral to act as mediator not more than 14 days after the filing of the joint notice of participation. The parties may request an extension of time for good cause shown. The parties may agree to select a neutral from the List of Lanham Act Organizations and Neutrals provided with the notice of assignment. In the event the parties wish to participate in the Program, but cannot agree on a panel neutral, the parties may contact any organization or individual identified in the List, which or who will assist in selecting a neutral for them.

D. The neutral shall disqualify himself or herself in any case in which the circumstances listed in 28 U.S.C. § 455 exist, and would apply if the neutral were a judge.

E. The neutral shall select a time and a place for the mediation conference, and any adjourned mediation session, that is reasonably convenient for the parties, and shall give them at least 14 days written notice of the initial conference. Except as ordered by the court for good cause shown, the date of the first mediation conference shall be not later than 45 days after the filing of the joint notice of participation and the date of the last conference shall be not more than 30 days following the first conference. If the parties settle the case prior to the mediation conference, they shall promptly advise the neutral and the judge assigned to the case that a settlement has been reached.

F. The neutral may require the parties to submit memoranda, on a confidential basis and not served on the other parties, addressing the strengths and weaknesses in that party's case and the terms that party proposes for settlement.

G. The following individuals shall attend the mediation conference unless excused by the mediator:

(1) each party who is a natural person;

(2) for each party that is not a natural person, either

(a) a representative who is not the party's attorney of record and who has full authority to negotiate and settle the dispute on behalf of that party, or

(b) if the party is an entity that requires settlement approval by a committee, board or legislative body, a representative who has authority to recommend a settlement to the committee, board or legislative body;

(3) the attorney who has primary responsibility for each party's case; and

(4) any other entity determined by the mediator to be necessary for a full resolution of the dispute referred to mediation.

H. Except where a party has been excused as provided for by section VI.H. above, failure of an attorney or a party to attend the mediation conference as required shall be reported to the assigned judge and may result in the imposition of sanctions as the judge may find appropriate.

VII. Reporting on the Program

A. Within 10 days following the conclusion of the mediation session, the neutral shall file a concise report with the court disclosing only whether required parties were present and the disposition of the case, including:

(1) the case settled;

(2) the parties agreed to adjourn for further mediation; or

(3) the neutral determined that the negotiations are at an impasse.

B. All written and oral communications made in connection with the mediation conference, including any statement made by any party, attorney or other participant, shall, in all respects, be privileged and not reported, recorded, placed in evidence, made known to the trial court or jury, or construed for any purpose as an admission. No party shall be bound by anything done or said at the conference unless a settlement is reached, in which event the agreement upon a settlement shall be reduced to writing and shall be binding upon all parties to that agreement. In addition, the parties are free to enter confidentiality agreements covering all information disclosed in memoranda and during the mediation session.

VIII. Costs

A. Absent agreement to the contrary, the parties shall share equally all costs incurred as a result of the mediation, including the costs of the neutral's services, except that each party shall be responsible for its own attorneys' fees.

B. Neutrals shall be reimbursed for the expenses and compensated by the hourly rate disclosed by them during the selection process, or as agreed in writing in advance between the neutral and the parties.

C. Except as provided in section VIII.B., a neutral shall not charge or accept anything of value from any source whatsoever for or relating to his or her duties as a neutral.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

	(	
	(	Case Number:
	(	
	(	
Plaintiff	(	Assigned Judge:
vs.	(	
	(	
	(	Designated
	(	Magistrate Judge:
Defendant	(	

JOINT STATEMENT REGARDING PARTICIPATION IN THE VOLUNTARY MEDIATION PROGRAM FOR LANHAM ACT CASES

Pursuant to Section V.A. of the procedures for the voluntary mediation program, the undersigned parties hereby file this joint statement concerning their participation in the program.

☐ A. The undersigned will participate in the Court's mediation program.

☐ B. The undersigned will not participate in the Court's mediation program because not all all parties agree to take part in the program.

☐ C. The undersigned will not participate in the Court's mediation program for the reasons described in the attached statement.

☐ D. The undersigned will participate in another mediation program. (Note: A brief statement detailing the nature of the program must be attached.)

Signature of Plaintiff's Counsel

Signature of Defendant's Counsel

Date

Date