

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BIG DADDY GAMES, LLC,

Plaintiff,

v.

OPINION AND ORDER

12-cv-449-bbc

REEL SPIN STUDIOS, LLC;
GAME MANAGEMENT CORP.;
JAMES L. DONKER; DAVID E. GROND;
PATRICK YOUNG; WILLIAM STIMAC;
MICHAEL LINDEMAN; RHODY R. MALLICK;
DALE CEBULA; KATHLEEN MALONEY;
MATTHEW BARRETT; ROBERT L. DIENER;
THE LYONS DEN DL, LLC; NIGL'S, INC.;
GAMEDAY SPORTS BAR, INC.;
ANTLERS SPORTS BAR & GRILL, LLC;
OSHKOSH LANES LLC; BACK AGAIN
STADIUM BAR, INC.; MR. D'S TWO, LLC;
SUSIE'S TRACKSIDE LLC; LAST HURRAH LLC;
HOTEL PUB, L.L.P.; WOOD SHED, INC.;
GEORGE SIMONIS; Q GAME TECHNOLOGIES
PTY LTD; and NICK MCLEOD,

Defendants.

Plaintiff Big Daddy Games, LLC, has moved for reconsideration of the order entered in this case on August 24, 2012. Dkt. #77. Plaintiff objects to the court's dismissal of plaintiff's trademark infringement claim under the Lanham Act against defendants Reel Spin Studios, LLC, Game Management Corporation, James L. Donker, David E. Grond, Patrick Young, William Stimac and Michael Lindeman.

Plaintiff has had two opportunities to plead a viable claim of trademark infringement: once in this case and once in a previous case against many of the same defendants (case no. 11-cv-600-bbc). In the older case, plaintiff had an opportunity to replead its trademark infringement claim after I dismissed it; it filed an amended complaint re-alleging the claim. However, when defendants moved again to dismiss the claim, it chose to dismiss the entire case voluntarily and re-file it in the District Court for the Eastern District of Wisconsin. That court transferred the case to this court on defendants' motion.

Plaintiff raised a claim of trademark infringement in the complaint it filed in the Eastern District. After the case was transferred here, defendants moved to dismiss the claim. Their motion was granted in the August 24 order. I decline to give it any further consideration. Plaintiff has shown no good reason why the court should explain for the third time why plaintiff's allegations of a Lanham Act violation fail to state a claim against defendants.

ORDER

IT IS ORDERED that the motion filed by plaintiff Big Daddy Games LLC for reconsideration of this court's dismissal of its Lanham Act claims, dkt. #96, is DENIED.

Entered this 25th day of October, 2012.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge

