

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WM. WRIGLEY JR. COMPANY, a Delaware corporation,

Plaintiff,

v.

TERPHOGZ, LLC, a California limited liability company, and JOHN DOES 1-5,

Defendants.

Case No. 21-CV-02357

Judge Jeremy C. Daniel

Mag. Judge Young B. Kim

TERPHOGZ, LLC, a California limited liability company,

Counterclaimant,

v.

WM. WRIGLEY JR COMPANY, a Delaware Corporation,

Counterdefendant.

**JOINT MOTION FOR ENTRY OF JUDGMENT AND
PERMANENT INJUNCTION**

Plaintiff/Counterdefendant Wm. Wrigley Jr. Company (“Wrigley”) and Defendant/Counterclaimant Terphogz, LLC (“Terphogz”) jointly file this motion requesting entry of judgment and permanent injunction against Terphogz.

In support of this Motion, the Parties state as follows:

1. In 2021, candy manufacturer Wrigley commenced this action against Terphogz, alleging claims for trademark infringement, false designation of origin, unfair competition, trademark dilution, under federal and Illinois state law, and violation of the Federal Anti-Cybersquatting Consumer Protection Act and the Illinois Uniform Deceptive Trade Practices Act regarding certain acts related to Wrigley’s

SKITTLES, TASTE THE RAINBOW and S trademarks. Terphogz denied the allegations in Wrigley's Complaint and First Amended Complaint and asserted certain counterclaims.

2. Over the last year, the Parties have been diligently working towards a settlement that would dispose of this litigation and sought multiple extensions of time from Honorable Sara Ellis to allow the Parties to finalize their settlement discussion.

3. On May 22, 2023, the Honorable Sara Ellis issued a Minute Order (Dkt. No. 55) requiring that the Parties file a status report by June 28, 2023 on the status of settlement or filing the necessary dismissal papers.

4. As of June 28, 2023, the Parties fully executed a settlement agreement, which included a provision whereby the parties agreed to entry of the proposed Judgment and Permanent Injunction against Terphogz to be entered by this Court. The proposed Judgment and Permanent Injunction is attached hereto as Exhibit A.

5. On June 28, 2023, the Parties filed a Joint Status Report advising the Court that the matter had been settled and that the Parties would be filing a Joint Motion for Entry of Judgment and Permanent Injunction.

6. The proposed Judgment and Permanent Injunction sets forth in detail the requirements of the injunction under Rule 65(d) of the Federal Rules of Civil Procedure.

7. The Parties believe that the proposed Judgment and Permanent Injunction is in compliance with the Seventh Circuit's case law on retention of jurisdiction for enforcement of settlement agreements.

8. Entry of the proposed Judgment and Permanent Injunction will fully dispose of this action as the claims and counterclaims are dismissed with prejudice under Rule 41(a)(1)(A)(ii) of the Federal Rule of Civil Procedure.

Dated: July 3, 2023

Respectfully submitted,

Respectfully submitted,

/s/ Joseph T. Kucala, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing JOINT MOTION FOR ENTRY OF JUDGMENT AND PERMANENT INJUNCTION was filed electronically using the Court's CM/ECF system. Notice of this filing will be sent to all attorneys of record by operation of that system.

/s/ Joseph T. Kucala, Jr.