

DOUGLAS C. SMITH (SBN 160013)
dsmith@smitlaw.com
SMITH LAW OFFICES, LLP
4204 Riverwalk Parkway, Suite 250
Riverside, California 92505
Telephone: (951) 509-1355
Facsimile: (951) 509-1356

CHRISTOPHER W. MADEL (MN #230297)
cmadel@madellaw.com
JENNIFER M. ROBBINS (MN #387745)

jrobbins@madellaw.com
CASSANDRA B. MERRICK (MN #396372)
cmerrick@madellaw.com

MADEL PA
800 Hennepin Avenue
800 Pence Building
Minneapolis, MN 55403
Telephone: (612) 605-0630
Facsimile: (612) 326-9990
Continued on next page

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

MONSTER ENERGY COMPANY,
a Delaware corporation,

Plaintiff,

v.

INTEGRATED SUPPLY
NETWORK, LLC, a Florida limited
liability company,

Defendant.

Case No. 5:17-CV-00548-CBM-RAO
**INTEGRATED SUPPLY
NETWORK'S NOTICE OF
CROSS-APPEAL TO THE UNITED
STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Hon. Consuelo B. Marshall

1 JEFFREY S. STANDLEY (OH # 0047248)

jstandley@standleyllp.com

2 MELISSA A. ROGERS MCCURDY (OH #0084102)

3 mmccurdy@standleyllp.com

F. MICHAEL SPEED, JR. (OH #0067541)

4 mspeed@standleyllp.com

5 Standley Law Group LLP

6300 Riverside Drive

6 Dublin, Ohio 43017

7 Telephone: (614) 792-5555

Fax: (614) 792-5536

8 Attorneys for Defendant

9 INTEGRATED SUPPLY NETWORK, LLC

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 TO THE COURT, ALL PARTIES, AND THEIR COUNSEL:

2 PLEASE TAKE NOTICE THAT Defendant Integrated Supply Network
3 (“ISN”) hereby cross-appeals to the United States Court of Appeals for the Ninth
4 Circuit from the below orders and judgment entered in the above-captioned action
5 by the United States District Court for the Central District of California:

6 (1) Order Re: Plaintiff’s Motion in Limine No. 2 To Preclude Integrated
7 Supply Network, LLC From Offering Evidence Or Argument That Energy
8 Drinks Cause Harm To Consumers [ECF No. 313], entered on August 23,
9 2018, and attached hereto as Exhibit A;

10 (2) Order refusing Defendant’s proposed jury instruction and questions for the
11 verdict form regarding “injury and causation” [ECF 397], entered on
12 October 19, 2018, and attached hereto as Exhibit B;

13 (3) Order Re: Defendant’s Rule 50(A) Motion For Judgment As A Matter Of
14 Law, Rule 50(B) Renewed Motion For Judgment As A Matter Of Law, Or
15 Alternative Rule 59 Motion For Remittitur Of Damages, Or A New Trial;
16 And Plaintiff’s Motion For A New Trial On Damages And Willfulness,
17 And A Conditional New Trial On Its Rights In The Unregistered Mark
18 “Monster” [ECF No. 539], entered on July 2, 2019, and attached hereto as
19 Exhibit C;

20 (4) Judgment [ECF No. 542], entered on July 2, 2019, and attached hereto as
21 Exhibit D.

22
23 Respectfully submitted,
24 MADEL PA

25 Dated: July 12, 2019

26 By: /s/
27 Christopher W. Madel
28 Jennifer M. Robbins
Cassandra B. Merrick

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Attorneys for Defendant,
INTEGRATED SUPPLY NETWORK, LLC

NINTH CIRCUIT RULE 3-2 REPRESENTATION STATEMENT

Pursuant to Rule 12(b) of the Federal Rules of Appellate Procedure and Circuit Rule 3-2(b), Plaintiff Monster Energy Company hereby submits its Representation Statement.

Defendant Integrated Supply Network, LLC is represented by the following counsel:

Douglas C. Smith (SBN 160,013)
dsmith@smitlaw.com
SMITH LAW OFFICES, LLP
4204 Riverwalk Parkway, Suite 250
Riverside, California 92505
Telephone: (951) 509-1355
Facsimile: (951) 509-1356

Christopher W. Madel (*pro hac vice*)
cmadel@madellaw.com
Jennifer M. Robbins (*pro hac vice*)
jrobbins@madellaw.com
Cassandra B. Merrick (*pro hac vice*)
cmerrick@madellaw.com
MADEL PA
800 Hennepin Avenue
800 Pence Building
Minneapolis, MN 55403
Telephone: (612) 605-0630
Facsimile: (612) 326-9990

Plaintiff Monster Energy Company is represented by the following counsel:

Joseph R. Re
joe.re@knobbe.com
Lynda J. Zadra-Symes
lynda.zadrasymes@knobbe.com
Marko R. Zoretic
marko.zoretic@knobbe.com

1 Jason A. Champion
jason.champion@knobbe.com
2 KNOBBE, MARTENS, OLSON & BEAR, LLP
3 2040 Main Street, 14th Floor
Irvine, CA 92614
4 Telephone: 949-760-0404
5 Facsimile: 949-760-9502

6 Brian C. Horne
brian.horne@knobbe.com
7 KNOBBE, MARTENS, OLSON & BEAR, LLP
8 1925 Century Park East, Suite 600
9 Los Angeles, CA 90067
Telephone: (310) 551-3450
10 Facsimile: (310) 601-1263

11
12 Respectfully submitted,
13 MADEL PA

14
15 Dated: July 12, 2019

By: /s/
Christopher W. Madel
Jennifer M. Robbins
Cassandra B. Merrick

16
17
18 Attorneys for Defendant,
19 INTEGRATED SUPPLY NETWORK, LLC
20
21
22
23
24
25
26
27
28