

IN THE SUPREME COURT OF THE UNITED STATES

No. 22-148

JACK DANIEL'S PROPERTIES, INC., PETITIONER

v.

VIP PRODUCTS LLC, RESPONDENT

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MOTION OF RESPONDENT VIP PRODUCTS LLC
FOR LEAVE TO FILE TEN SILLY SQUEAKERS®
"BAD SPANIELS" DOG TOYS

Respondent VIP Products LLC respectfully moves for leave to file with the Court ten Silly Squeakers® Bad Spaniels dog toys. VIP submits that having the physical toy will assist the Court far more than a picture in understanding the nature of the toy; appreciating its texture, weight, feel, and sound; and evaluating how it would be viewed by reasonable consumers.

VIP originally filed a Silly Squeakers® Bad Spaniels dog toy as a physical exhibit in the district court. Dist. Ct. Dkt. 158-

1. That exhibit was released to VIP after the bench trial and the court's entry of its findings of fact and conclusions of law. Dist. Ct. Dkt. 254. The Bad Spaniels toy filed as an exhibit included the hang tag depicted on pages 7 and 8 of the Brief of Respondent. VIP changed its hang tag for the "Bad Spaniels" toy since its filing of the exhibit in district court, and the toy is no longer available with the original hang tags. VIP proposes to submit the "Bad Spaniels" toys without any hang tag.

Having conferred as required by Rule 21.1, Petitioner Jack Daniel's Properties, Inc. has informed VIP that Petitioner takes no position on the motion.

Respectfully submitted,

/s/ Bennett Evan Cooper
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