

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

LARRY MARSHAK and DEJA VU,  
LLC,

Plaintiffs,

v.

Case No. 3:17-cv-1279-J-32JRK

MYLES SAVAGE, NEW WAVE  
SWING, LLC, and STARS  
INTERNATIONAL USA, INC.,

Defendants.

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**ORDER**

This trademark infringement case is before the Court on Plaintiffs' Motion for Preliminary Injunction (Doc. 5). On November 27, 2017, the Court held a hearing on Plaintiffs' Motion for Temporary Restraining Order (Doc. 3), the record of which is incorporated herein (Doc. 23). During that hearing, the Court denied Plaintiff's Motion for Temporary Restraining Order (Doc. 3) because Plaintiffs had failed to demonstrate a likelihood of success on the merits of their trademark infringement claim. (Doc. 23). In particular, the evidence did not establish that Plaintiffs actually have rights to the mark they claim is being infringed. Although it denied the Temporary Restraining Order,

the Court gave Plaintiffs until December 6, 2017 to supplement their Motion for Preliminary Injunction with documentation supporting their claim to rights in the mark THE DRIFTERS. Plaintiffs chose not to file such a supplement.

Accordingly, it is hereby

**ORDERED:**

1. Plaintiffs' Motion for Preliminary Injunction (Doc. 5) is **DENIED**.
2. Not later than **January 12, 2018**, the parties shall file a joint Case Management Report advising the Court on how they intend to proceed in this case.

**DONE AND ORDERED** in Jacksonville, Florida this 12th day of December, 2017.

  
TIMOTHY J. CORRIGAN  
United States District Judge

jb  
Copies to:  
Counsel of record

Attachments:  
Case Management Report form