UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Jump Rope Systems, LLC,

Plaintiff,

v.

Coulter Ventures, LLC, *doing business as* Rogue Fitness,

Defendant.

Case No. 2:18-cv-731

Judge Michael H. Watson

Magistrate Judge Vascura

CONSENT JUDGMENT

The parties recently filed a joint status report. ECF No. 46. Therein, they represented that, based on a recent ruling and mandate from the Federal Circuit, they believed that *XY, LLC v. Trans Ova Genetics, L.C.*, 890 F. 3d. 1282, 1294 (Fed. Cir. 2018) "is controlling if not distinguished and very likely requires dismissal" of this action. *Id.* at 2. That said, Plaintiff disagrees with *XY, LLC*, and thinks it is inapposite, while Defendant believes it is dispositive of this case. *Id.* In the interest of efficiency, however, the parties have agreed to a proposed judgment entry, which Plaintiff plans to appeal. *Id.*

The Sixth Circuit has previously instructed that there is a "long-standing rule that a party may not appeal a judgment to which it consented." *Innovation Ventures, LLC v. Custom Nutrition Lab'ys, LLC*, 912 F.3d 316, 327 (6th Cir. 2018) (citation omitted). As with many rules, of course, there are exceptions. *See, e.g.*, *id.* at 327–32. Plaintiff, apparently, believes this to be one of those

exceptions. The Court has no opinion as to whether an appeal will be possible in this case.

On stipulation of the parties, the Court **ENTERS JUDGMENT** for Defendant on all claims, Plaintiff takes nothing as against Defendant in this action. Each party shall bear its own costs and fees.

IT IS SO ORDERED.

/s/ Michael H. Watson
MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT