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No Buts About It, North and South Settle, Again

No more butts about it. The faceoff between North Face and South Butt is over—again.

The North Face Apparel Corp. had sued The South Butt, LLC, and several individuals for trademark infringement for offering products with the names South Butt and Butt Face. [See our earlier article on the original case.](#) The original case was settled via a consent decree. The lawsuit was revived this year when North Face filed a motion to find South Butt and the other defendants in contempt of the consent injunction.

Now the parties have filed a new [consent judgment of contempt](#) in which the defendants agreed to a finding that they violated the court's original consent injunction.

The consent judgment for contempt requires the defendants to immediately cease any further communication concerning North Face, South Butt, and Butt Face, to turn over to North Face any domain name or Twitter account that violates the original injunction, and to destroy all goods with the Butt Face marks.

In addition, the defendants are required to disgorge \$65,000 in payments made to them by North Face, but will not have to make any payments to North Face. Instead, the repayment amount will be reduced by \$1,000 per month for every month that the defendants comply with the contempt judgment and by the amount that defendants donate to charity.

The North Face Apparel Corp. v. Williams Pharmacy, Inc., The South Butt, LLC, et al., E.D. Missouri No. 9-CV-02029, filed October 16, 2012.

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