

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NEWBORN BROS. CO., INC.,

Plaintiff,

1:12-cv-02999-NLH-AMD

v.

ORDER

ALBION ENGINEERING COMPANY,

Defendant.

For the reasons expressed in the Court's Opinion filed today,

IT IS on this 29th day of February, 2024, the finding of the Court that Plaintiff Newborn Bros. Co., Inc. ("Newborn") is entitled to disgorgement of Defendant Albion Engineering Company's ("Albion") profits in the amount of \$2,148,004 and permanent injunctive relief is warranted; and it is further

ORDERED that within ninety days of this order, Albion shall mail a letter and a copy of this order to each distributor it has sold a caulking gun to within the past five years, with the letter stating that it is acting pursuant to this Court's order; requesting the return to Albion of any samples, displays, other materials referencing "Phila. PA." or referring to Albion caulking guns as being "Made in USA," and any physical B-Line guns, whether operative or not, which contain labeling

describing Albion as an American manufacturer; and offering to replace such materials at its cost; and it is further

ORDERED that each letter shall further be accompanied by notices - printed on durable cardboard or plastic and sized at least eight inches by ten inches - in sufficient quantity to be placed at each location Albion products are displayed at the distributor, and which shall read:

NOTICE REGARDING COUNTRY OF ORIGIN OF ALBION
ENGINEERING CAULKING GUN PRODUCTS

A judge of the United States District Court for the District of New Jersey has ruled that Albion Engineering Corp. has previously misrepresented that certain products were "Made in USA," through product mismarking and statements in advertising, promotional materials, websites, and to customers. Newborn Brothers Co. Inc. v. Albion Engineering Co., No. 12-Civ-2999 (NLH).

The Court has ordered Albion to comply with all applicable country-of-origin marking and disclosure requirements. The Court has ordered Albion to provide to its distributors copies of this notice so that they may be displayed at all distributor sales locations.

; and it is further

ORDERED that within 120 days of this order, Albion shall file on the docket a list of distributors to whom letters, orders, and notices were sent; the dates they were sent; and the number of notices sent to each distributor; and it is further

ORDERED that, until such time that Albion seeks and receives confirmation from United States Customs and Border Protection as to the marking requirements of its specific

manufacturing processes, the packaging of each Albion caulking gun with any foreign component shall list each component of the caulking gun and its country of origin; and it is further

ORDERED that any application by Newborn for attorney's fees pursuant to 15 U.S.C. § 1117(a) shall be made within thirty days of this order; and it is further

ORDERED that Albion shall file any opposition to Newborn's application within thirty days of its filing.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.