



HOACERTS.COM

2005 | Cited 0 times | S.D. California | December 1, 2005

STIPULATED JUDGMENT

Having reviewed the parties' Stipulation for Entry of Judgment and good cause appearing therefore,

IT IS HEREBY ORDERED that plaintiff's Complaint for Declaratory Relief is hereby dismissed with prejudice, with the parties to bear their own respective attorneys' fees and costs.

IT IS FURTHER ORDERED that CondoCerts.com, Inc. ("CondoCerts") is granted a final judgment and permanent injunction against HOACerts.com, Inc., Mark Farhood and Michael Hunter (collectively "Counterdefendants"), jointly and severally, as follows:

1. Enjoining Counterdefendants, and their respective agents, servants, and employees, and any other persons or entities acting on behalf of or in concert with them, from using or authorizing the use of the term CondoCerts or any other similar term, including but not limited to CondoCerts's trade name, trademarks, service marks, logos, and other similar identification symbols, or any colorable imitation thereof, in connection with the advertising, sale, or promotion of real estate document or information delivery services or products.
2. Enjoining Counterdefendants and their respective agents, servants, and employees, and any other persons or entities acting on behalf of or in concert with them, from registering or owning, directly or indirectly, any Internet domain name containing the words "CondoCerts" "Condocert," "CondosCert," or any other similar designation for CondoCerts, or authorizing any person or entity to register or own any domain name "CondoCerts" "Condocert," "CondosCert," or any other similar designation for CondoCerts.
3. Enjoining Counterdefendants and their respective agents, servants, and employees, and any other persons or entities acting on behalf of or in concert with them, from accepting any new customer orders or fulfilling any existing customer orders that arises from or relates in any way to HOACerts's review, use, or copying of any materials from CondoCerts's website, regardless of when Counterdefendants obtained those materials from CondoCerts's website.
4. Enjoining Counterdefendants and their respective agents, servants, and employees, and any other persons or entities acting on behalf of or in concert with them, from making any false or misleading statement to any existing or prospective customer regarding their ability to provide real estate document and information delivery services and products from CondoCerts.



5. Enjoining Counterdefendants and their respective agents, servants, and employees, and any other persons or entities acting on behalf of or in concert with them, from registering as a user on CondoCerts's website or otherwise seeking to access or obtain CondoCerts's materials or information on CondoCerts's website, including any materials or information Counterdefendants obtained from CondoCerts's website prior to the date of this Order, for any reason.

6. Directing Counterdefendants to transfer to CondoCerts within seven (7) days of this Order any and all domain names containing "CondoCerts" "Condocert," "CondosCert," or any other similar designation for CondoCerts currently or formerly owned or registered by or on behalf of Counterdefendants, or by anyone currently or formerly associated with or authorized by Counterdefendants to make such a registration.

7. Directing Counterdefendants to turn over to counsel for CondoCerts, within seven (7) days of this Order, all materials available on the CondoCerts website, as well as all documents (including copies) containing any information obtained from CondoCerts or CondoCerts's website that is in their possession.

IT IS FURTHER ORDERED that all of CondoCert's claims are dismissed with prejudice to the extent that those claims seek compensatory or punitive damages, with the Parties to bear their own respective attorneys' fees and costs.

IT IS FURTHER ORDERED that this Court hereby retains jurisdiction to enforce the terms of this permanent injunction. IT IS FURTHER ORDERED AND ADJUDGED that this Judgment shall be final as to all claims actually asserted in this lawsuit.