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NO JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PHILIP MORRIS USA INC.,

Plaintiff,

vs.

YANJUN JI, et al.,

Defendants.

Case No. CV 05-09011 DDP (AJWx)

**CONSENT JUDGMENT AND
PERMANENT INJUNCTION AS TO
DEFENDANT CHING YU GUO
A/K/A MICHAEL GUO ONLY**

Hon. Dean D. Pregerson

1 Pursuant to an agreement between the parties, Final Judgment is hereby entered
2 in favor of Plaintiff Philip Morris USA Inc. (“Philip Morris USA”) and against
3 Defendant Ching Yu Guo, also known as Michael Guo (“Defendant”) on Philip
4 Morris USA’s claims for violation of the Lanham Act, 15 U.S.C. §§ 1114(1), 1124 &
5 1125(a) and the Tariff Act, 19 U.S.C. § 1526, and California common law unfair
6 competition. Pursuant to this Final Judgment, it is hereby ORDERED, ADJUDGED
7 and DECREED as follows:
8

9 1. Defendant, his officers, agents, servants, employees, and attorneys, and all
10 persons in active concert or participation with him, are hereby permanently
11 enjoined from:

- 12 a. Manufacturing, importing, exporting, distributing, selling, offering to
13 sell, possessing, or otherwise using in commerce any cigarettes in
14 packaging bearing any Philip Morris USA trademark, including but
15 not limited to the MARLBORO® and MARLBORO LIGHTS®
16 trademarks, or any facsimile, copy or counterfeit thereof; and
17 b. Assisting, aiding or abetting any other person or entity in
18 manufacturing, importing, exporting, distributing, selling, offering to
19 sell, possessing, or otherwise using in commerce any cigarettes in
20 packaging bearing any Philip Morris USA trademark, including but
21 not limited to the MARLBORO® and MARLBORO LIGHTS®
22 trademarks, or any facsimile, copy or counterfeit thereof.

23 2. Pursuant to 15 U.S.C. § 1117(c), statutory damages in the amount of
24 \$4,000,000 are hereby awarded against Defendant and in favor of Philip
25 Morris USA, as a remedy for Philip Morris USA’s claims under the
26 Lanham Act and under the Tariff Act.

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1 The individuals executing this Judgment represent or confirm that they are duly
2 authorized to do so, and are similarly authorized to bind each of the signatories to this
3 Judgment.

4
5 CONSENTED TO:

6 DATED: _____, 2009

DATED: _____, 2009

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8
9 _____
10 ARNOLD & PORTER LLP
11 John C. Ulin
12 Telephone: (213) 243-4000
13 Facsimile: (213) 243-4199

Defendant Ching Yu Guo
a/k/a/ Michael Guo

14
15
16 Counsel for Plaintiff Philip Morris
17 USA Inc.

18
19 Submitted by:

20 ARNOLD & PORTER LLP

21 By: _____
22 John C. Ulin

23
24 Attorneys for Plaintiff
25 PHILIP MORRIS USA INC.
26
27
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