27

28

1 2 3 4 CLERK, U.S. DISTRICT COURT 5 OCT 2 5 2011 6 CENTRAL DISTRICT OF CALIFORNIA UNITED STATES DISTRICT COUNTY 8 CENTRAL DISTRICT OF CALIFORNIA 9 WESTERN DIVISION 10 11 Case No. CV08-4310 CBM (PLAx) JIPC MANAGEMENT, INC., 12 Plaintiff, 13 FINAL JUDGMENT v. 14 INCREDIBLE PIZZA CO., INC., 15 INCREDIBLE PIZZA FRANCHISE GROUP, LLC; CJM RACING, LLC.; 16 Defendants. 17 The above-entitled matter came on regularly for trial on liability and damages 18 on March 16, 2010 and continued through March 30, 2010 in Courtroom 2 of the 19 United States District Court, Central District of California, the Honorable Consuelo 20 B. Marshall presiding. Plaintiff JIPC Management, Inc. ("Plaintiff") appeared by 21 and through its attorneys, Edward C. Duckers and Steven E. Klein of Stoel Rives 22 LLP; Defendants Incredible Pizza Co., Inc. and Incredible Pizza Franchise Group, 23 LLC ("Defendants") appeared by and through their attorneys, Fredric A. Cohen of 24 Cheng Cohen LLC and David M. Anderson of Bacal Law Group. 25 A jury was regularly impaneled and sworn. Witnesses were sworn and 26

testified and evidence was introduced and admitted. After hearing the evidence and

arguments of counsel, the jury was instructed by the Court and the matters being tried submitted to them with directions to return a verdict on special issues.

In addition, following the jury's return of a verdict, the above-entitled matter came on regularly for a bench trial on Plaintiff's claims for injunctive relief and Defendants' affirmative defenses on April 18 and 19, 2011 in Courtroom 2 of the United States District Court, Central District of California, the Honorable Consuelo B. Marshall presiding. Witnesses were sworn and testified and evidence was introduced and admitted. After hearing the evidence and arguments of counsel, the Court took the matter under submission and rendered a decision.

that, by reason of the parties' stipulations of fact, the exhibits received, the testimony at trial, the jury's special verdict, and the further findings of this Court, judgment is hereby entered in favor of Plaintiff and against Defendants on Plaintiff's First Claim for Federal Trademark Infringement, Plaintiff's Second Claim for Federal Unfair Competition, Plaintiff's Third Claim for violation of California Business and Professions Code §§ 14245 and 14250, and on Plaintiff's Sixth Claim for violation of California Business and Professions Code §§ 14402 and 14145. Defendants' profits attributable to its willful infringement of Plaintiff's trademarks are awarded in favor of Plaintiff and against Defendants, jointly and severally, in the amount of \$112,500 as found by the jury.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, by reason of this Court's orders dated June 24, 2009 and June 29, 2009, and other findings of this Court, judgment is hereby entered: 1) in favor of Defendants and against Plaintiff on Defendants' Sixth Counterclaim for declaratory judgment and on Plaintiff's Sixth Count for attorney's fees, and 2) in favor of Plaintiff and against Defendants on Defendants' First Counterclaim for declaration of noninfringement; Defendants' Second Counterclaim for cancellation of U.S. Trademark Registration No. 3,099,682; Defendants' Third Counterclaim for cancellation of U.S. Trademark

1	Registration No. 3,061,612; Defendants' Fourth Counterclaim for cancellation of
2	U.S. Trademark Registration No. 3,058,427; Defendants' Fifth Counterclaim for
3	cancellation of U.S. Trademark Registration No. 3,025,377; and Defendants'
4	Seventh Counterclaim for attorney's fees.
5	IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, by
6	reason of this Court's order dated September 29, 2011, and other findings of this
7	Court, Plaintiff is the prevailing party and entitled to its taxable costs pursuant to
8	Fed. R. Civ. P. 54(d) and Local Rule 54.
9	IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, by
10	reason of this Court's order dated October 15, 2008, defendant CJM Racing, LLC is
11	dismissed from this action without prejudice.
12	IT IS SO ORDERED, ADJUDGED AND DECREED.
13	DATED: October 25, 2011
14	Ce p. 22
15	
15	United States District Judge
16	United States District Judge
16 17	United States District Judge
16 17 18	United States District Judge
16 17 18 19	United States District Judge
16 17 18 19 20	United States District Judge
16 17 18 19 20 21	United States District Judge
16 17 18 19 20 21 22	United States District Judge
16 17 18 19 20 21 22 23	United States District Judge
16 17 18 19 20 21 22 23 24	United States District Judge
16 17 18 19 20 21 22 23 24 25	United States District Judge
16 17 18 19 20 21 22 23 24	United States District Judge