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GRUPO ANDREA S.A. DE C.V.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

GRUPO ANDREA S.A. DE C.V.,
a Mexican Corporation,

Plaintiff,

v.

**PRIVACY PROTECTION
SERVICE, INC.**, a Texas
Corporation dba Oakwood Services,
Inc., and

OVERSEE.NET, a California
Corporation,

Defendants.

Case No. CV 08-5589 SJO (VBKx)

**FINAL JUDGMENT AND ORDER
FOR PERMANENT INJUNCTION
(BY CONSENT)**

The parties having (i) entered into a settlement agreement resolving this
dispute and (ii) jointly moved for entry of this Consent Judgment terminating this

1 proceeding, and for good cause shown, it is hereby ORDERED, ADJUDGED,
2 AND DECREED that:

3 1. This court has subject matter jurisdiction over Plaintiff's claims
4 for trademark counterfeiting, trademark and trade name infringement, trademark
5 and trade name dilution, cybersquatting and other acts of unfair competition arising
6 under the statutes of the United States, 15 U.S.C. § 1051 et. seq.), and the common
7 law.

8 2. This Court has court has jurisdiction over the subject matter of
9 the federal claims asserted by Plaintiff under Section 39 of the Trademark Act of
10 1946, 15 U.S.C. § 1121 and under the Judicial Code, 28 U.S.C. § § 1331, 1332 and
11 1338.

12 3. The court has supplemental jurisdiction over the state and
13 common law pursuant to 28 U.S.C. § 1367.

14 4. Plaintiff Grupo Andrea S.A. de C.V. ("Grupo") is a corporation
15 organized and existing under the laws of the Mexico with its principal place of
16 business address at Juan Alonso de Torres, No. 106, Fracc. San Jeronimo, Leon,
17 GTO Mexico C.P. 37204 and with offices in this jurisdiction in Bell Gardens and
18 Panorama City, California.

19 5. Defendant Privacy Protection Service, Inc. is a Texas
20 corporation doing business as Oakwood Services, Inc. ("Privacy"), which has
21 addresses at 1721 S. Interstate Highway 35 E, Apt. 15208, Waxahachie, TX 75165-
22 3140 and at 18352 Dallas Parkway #136, Dallas, Texas 75287, and which is doing
23 business in the State of California within this judicial district.

24 6. Former defendant Oversee.net ("Oversee") is a California
25 corporation, which has a principal place of business at 515 S. Flower St., Suite
26 4400, Los Angeles, California, within this judicial district.

27 7. Grupo is the owner of a family of trademarks, service marks,
28

1 and trade names containing the word ANDREA, including ANDREA, ANDREA &
2 Design, ANDREA COLECCION, and MIA DE ANDREA (the “ANDREA Marks”
3 or “Marks”). These Marks have been widely used in connection with the sale and
4 advertising of shoes and clothing in California and other locations throughout the
5 United States.

6 8. Privacy is the registrant of the domain name andrea.com, which
7 is confusingly similar to the ANDREA Marks, and Ondova Limited Company LLC
8 d/b/a BudgetNames.com is the registrar.

9 9. In early 2008, Privacy used or allowed others to use the
10 andrea.com domain name at a website containing confusingly similar imitations of
11 Grupo’s well known federally registered trademark ANDREA. This website was
12 used to advertise and sell shoes and other products offered by Grupo’s competitors.

13 10. On August 26, 2008 Grupo filed its Complaint against Privacy
14 and Oversee.net, alleging trademark counterfeiting in violation of federal law,
15 trademark and trade name infringement in violation of federal and common law,
16 trademark and trade name dilution in violation of federal and state law,
17 cybersquatting in violation of federal law, and other acts of unfair competition
18 arising under the statutes of the United States various claims arising under the
19 Lanham Act, 15 U.S.C. § 1051, *et seq.* (including claims under the
20 Anticybersquatting Consumer Protection Act (“ACPA”), at 15 U.S.C. § 1125(d))
21 and California law.

22 11. Judgment is entered against Privacy and in favor of Grupo on
23 each of the causes of action pled in the Complaint.

24 12. Pursuant to 15 U.S.C. § 1167, the laws of the State of California,
25 the common law, and the parties’ settlement agreement, Privacy and its agents,
26 servants, employees, attorneys, successors, assigns, and all others in privity or
27 acting in concert or participation with Privacy, are hereby PERMANENTLY
28

1 ENJOINED from:

2 (A) Directly or indirectly using the names or marks that contain with word
3 ANDREA, or any domain name or mark that consists of or incorporates ANDREA,
4 and any other domain name or mark confusingly similar to the ANDREA Marks;

5 (B) Directly or indirectly using in any manner any service mark,
6 trademark, trade name, domain name, trade dress, word, numbers abbreviations
7 design, color, arrangement, collocation, or any combinations thereof, that would
8 imitate, resemble or suggest the ANDREA Marks;

9 (C) Otherwise infringing Grupo's trademarks, service marks, and trade
10 names;

11 (D) Directly or indirectly using, registering or reserving any domain name,
12 trademark, service mark or trade name that includes the mark ANDREA, or is
13 confusingly similar to any of the ANDREA Marks.

14 13. It is further ordered that Verisign, Inc. as the registry of the
15 domain name andrea.com is Directed to change the registrar of record for the
16 domain name andrea.com from the current registrar to a registrar selected by Grupo
17 Andrea S.A. de C.V., including without limitation Network Solutions LLC, which
18 subsequently will register the domain name andrea.com in the name of Grupo
19 Andrea S.A. de C.V.

20 14. Privacy shall take all actions necessary to cause the andrea.com
21 domain name be transferred to Grupo, including execution of any necessary transfer
22 documentation required by the current registrar for the domain name or by
23 Verisign, Inc. as the registry of the domain name andrea.com.

24 15. Within thirty (30) days from the entry of this Final Judgment
25 and Order, Privacy shall pay to Grupo the amount of \$600,000 (six hundred
26 thousand) U.S. dollars to cover costs and attorneys' fees and damages incurred by
27 Grupo.

1 16. This Final Judgment and Order shall be final and binding on all
2 parties hereto.

3 17. Except as provided herein, each party shall bear its own costs
4 and attorneys fees.

5 18. The Court hereby retains jurisdiction over this matter for
6 purposes of enforcing the settlement agreement between the parties and this
7 Consent Judgment.

8
9 **IT IS SO ORDERED.**

10 10-27-09

S. James Otew

11 _____
12 **Dated**

UNITED STATES DISTRICT JUDGE

13
14 **AGREED:**

15
16 **Arent Fox LLP**

Fox Rothschild LLP

17
18 By _____
19 **Jerrold Abeles**
20 **Attorney for Plaintiff**
Grupo Andrea S.A. de C.V.

By _____
Jeffrey S. Kravitz
Attorney for Defendant
Privacy Protection Service, Inc.

21
22 **Grupo Andrea S.A. de C.V.**

Privacy Protection Service, Inc.

23
24 By _____
25 Title: _____

By _____
Title: _____