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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

OPI PRODUCTS INC, a California corporation,

Plaintiff,

v.

PAUL SUTTON, individually and dba BALL BEAUTY PRODUCTS AND SUPPLIES; and DOES 1 through 10, inclusive,

Defendant.

CASE No. CV09-07452 MMM (SSx)

[PROPOSED] STIPULATED FINAL JUDGMENT AND PERMANENT INJUNCTION

Assigned for All Purposes:
Hon. Margaret M. Morrow
Courtroom 780

Trial Date: None

Based upon the Stipulation signed by counsel for Plaintiff OPI Products, Inc. (“OPI”) and counsel for Defendant Paul Sutton dba Ball Beauty Products and Supplies (“Ball Beauty”) for a final resolution of this action, the Court believes this is a proper action to make a Final Judgment including a Permanent Injunction as part of a comprehensive settlement.

1 Therefore, IT IS ORDERED that:

2

3 1. Defendant Paul Sutton dba Ball Beauty Products and Supplies (“BALL
4 BEAUTY”) and its owners, officers, agents, servants, employees, attorneys, suppliers,
5 distributors, those who provide marketing, promotional, distribution, and selling
6 services for BALL BEAUTY through its Internet website, www.ballbeauty.com or
7 otherwise, and all those in active concert or participation with any of them, are
8 permanently restrained and enjoined from:

9

10 a. Using on its Internet website, www.ballbeauty.com, or
11 using on any other website operated by, controlled by, or
12 affiliated with BALL BEAUTY (including without
13 limitation, eBay.com, Amazon.com or similar third party
14 website) anywhere in the world any reproduction,
15 counterfeit, copy, or colorable imitation of the OPI
16 Trademarks or OPI Copyrights, or otherwise, for so long as
17 any of the OPI Trademarks or OPI copyrights are being used
18 by OPI or any successor-in-interest, by itself or in
19 connection with any other word, symbol or alphanumeric
20 characters, in connection with the sale, offering for sale,
21 distribution, or advertising of any goods or services;

22

23 b. Using on an Internet website such as,
24 www.ballbeauty.com, or any other website operated by,
25 controlled by or affiliated with BALL BEAUTY (including
26 without limitation, eBay.com, Amazon.com or similar third
27 party website) anywhere in the world any false designation
28 of origin or false representation of any OPI products, OPI

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Trademarks, or OPI Copyrights, or otherwise for so long as the OPI Trademarks, or OPI Copyrights are being used by OPI or any successor-in-interest;

c. Using any advertisement, label, package, sign, written solicitation, printed material, electronic media, television broadcast or video broadcast featuring the OPI Trademarks, the OPI Copyrights, or any counterfeit, copy, reproduction, or colorable imitation of the OPI Trademarks or the OPI Copyrights anywhere in the world so long as any of the OPI Trademarks or OPI Copyrights are being used by OPI or any successor in interest;

d. Acquiring, purchasing, receiving, storing, advertising, selling or transferring OPI Products anywhere in the world including at a store located at 416 North Fairfax Avenue, Los Angeles, California, or any other stores now owned or controlled, or subsequently owned or controlled by BALL BEAUTY; and

e. Soliciting, assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in the above Sub-Paragraphs 1 (a), 1(b), 1(c) and 1(d).

2. The Court shall retain jurisdiction to enforce the terms of the Settlement Agreement and the Permanent Injunction in this matter.

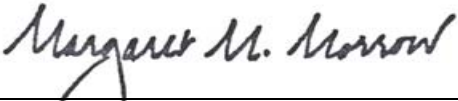
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3. All remaining claims between the parties are dismissed with prejudice.

4. Final judgment is hereby entered, with no award of monetary damages, and with each party responsible for its own costs and attorney fees.

So Ordered.

Dated: August 9, 2010



Honorable Margaret M. Morrow
U.S. District Court Judge

Respectfully submitted by
Conkle, Kremer & Engel, PLC

s/William C. Conkle/s
William C. Conkle
Attorneys for Plaintiff OPI Products,
Inc.