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JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MCINTOSH LABORATORY, INC., a
Delaware corporation,

Plaintiff,

vs.

ACER CAPITAL GROUP, INC., dba
ACG COMPANIES, a California
corporation,

Defendant.

No.: SACV13-848-JST (FFMx)

FINAL JUDGMENT

Hon. Judge Josephine Staton Tucker

Upon consideration of the parties Stipulation for Entry of Consent Judgment and [Proposed] Final Judgment, and good cause appearing therefore, it is **HEREBY ADJUDGED, ORDERED AND DECREED** that final judgment is hereby entered as follows:

1. Plaintiff McIntosh Laboratory, Inc.’s ("Plaintiff") U.S. Trademark Registration Nos. 0656034, 1106001, 2022091, 2035338 2709210 (collectively “the MCINTOSH Marks”) are duly issued, valid and enforceable;

- 1 2. Defendant Acer Capital Group, Inc. dba ACG Companies' ("Defendant")
2 manufacture and sale of audio equipment bearing the trade name and trade
3 mark MACNTOSH ("the MACNTOSH Mark"), and Defendant's
4 advertising of such products on a website at the domain name
5 www.macntoshaudio.com ("the MACNTOSH Domain Name"), as described
6 in Plaintiffs' Complaint filed in the above-captioned action, infringe the
7 MCINTOSH Marks;
- 8 3. Defendant and its partners, officers, agents, servants, employees, owners and
9 representatives, including but not limited to its managing partner Paul A.
10 Garcia in both his corporate and individual capacity, and all other persons,
11 firms or corporations in active concert or participation with it, shall
12 immediately cease and permanently refrain from making (or having made),
13 using, importing, offering for sale, or selling anywhere any products bearing
14 the MACNTOSH Mark or any other mark that is confusingly similar to or a
15 colorable imitation of the MCINTOSH Marks;
- 16 4. Defendant and its partners, officers, agents, servants, employees, owners and
17 representatives, including but not limited to its managing partner Paul A.
18 Garcia in both his corporate and individual capacity, and all other persons,
19 firms or corporations in active concert or participation with it, shall
20 immediately cease and permanently refrain from using the MACNTOSH
21 Domain Name, or any other domain name that is confusingly similar to or a
22 colorable imitation of the MCINTOSH Marks, and shall transfer the
23 MACNTOSH Domain Name URL to McIntosh;
- 24 5. Defendant shall immediately file with the USPTO an express abandonment
25 with prejudice of the '361 Application;
- 26 6. Plaintiff's requests for money damages are dismissed;
- 27 7. All parties shall bear their own attorneys' fees and costs incurred in this
28 action; and

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8. This Court retains jurisdiction to enforce the terms of the parties' settlement agreement, and resolve any disputes regarding compliance with this Final Judgment.

DATED: August 27, 2013



JOSEPHINE STATON TUCKER
United States District Court Judge