1	KAEMPFER CROWELL			
2	Robert McCoy, No. 9121 1980 Festival Plaza Drive			
3	Suite 650 Las Vegas, Nevada 89135			
4	Telephone: (702) 792-7000 Facsimile: (702) 796-7181			
5	Email: rmccoy@kcnvlaw.com			
6	Attorneys for Plaintiff NextHome, Inc.			
7	UNITED STATES DISTRICT COURT			
	DISTRICT OF NEVADA			
8	NEXTHOME, INC.,	Case No. 2:18-cv-01989-GMN-NJK		
9	Plaintiff,			
10	v.	CONSENT DECREE		
11	ADOPTANAGENT LLC, GEORGE BUDD,			
12	and OURNEXTHOME.COM,			
13	Defendants.			
14	It now appearing to the Court, as evidenced by the stipulation of the parties below, that			
15	Plaintiff, NextHome, Inc. ("NextHome"), and Defendants, AdoptAnAgent LLC		
16	("AdoptAnAgent"), George Budd ("Budd"), and OurNextHome.com ("OurNextHome.com,"			
17	jointly, "Defendants"), desire to settle all matters in issue between them, including those raised			
18	in the Complaint and that could have been raised as a counterclaim, and the Court, being duly			
19	advised that the parties wish to resolve this matter pursuant to a consent decree and this Order, IT			
		IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:		
20	IS THEREFORE ORDERED, ADJUDGED AN	ND DECREED THAT:		
2021		ND DECREED THAT: y of entry of this Decree and this Decree shall be		
		of entry of this Decree and this Decree shall be		
21	1. There is no just reason for delay	of entry of this Decree and this Decree shall be		
21 22	1. There is no just reason for delay	of entry of this Decree and this Decree shall be		

KAEMPFER CROWELL 1980 Festival Plaza Drive Suite 650 Las Vegas, Nevada 89135

2. The Court has jurisdiction over the subject matter of this action and the parties hereto. The Court has personal jurisdiction over Defendants and over Plaintiff for purposes of this matter.

PARTIES

- 3. NextHome is a Delaware corporation with a principal place of business in Pleasanton, California. NextHome is the owner of the intellectual property at issue in this case.
- 4. AdoptAnAgent is a Nevada limited liability company with a principal place of business in Las Vegas, Nevada. Budd is a managing agent of AdoptAnAgent and has authority to enter this consent decree on behalf of AdoptAnAgent.
- 5. Budd is a citizen and resident of California but does business in Nevada and does not contest the personal jurisdiction of this Court over him in regard to this dispute.
- 6. OurNextHome.com is a domain name owned by Budd and the website at that domain is operated by Budd. The website targets customers or clients in Nevada. Budd has authority to enter into this consent decree on behalf of OurNextHome.com.

NEXTHOME'S BUSINESS AND INTELLECTUAL PROPERTY

- 7. NextHome offers real estate brokerage and mortgage brokerage services, directly and through franchisees.
- 8. NextHome has adopted and used the NEXTHOME® mark for its real estate and mortgage brokerage services.
- 9. In addition to its own use of the NEXTHOME® mark, NextHome has been assigned all rights in that mark and the goodwill that accompanies the mark by Next Home, Inc. ("Assignor").
- 10. Assignor began use of the NEXTHOME® mark in interstate commerce in connection with financial services, namely real estate brokerage services, as early as September 1997.

///

1

2

3 4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

ORDER

- 1. Defendants, their officers, directors, members, agents, employees, and all persons in active concert or participation with them who receive actual notice of this Order, by personal service, are permanently enjoined from doing, abiding, causing or abetting any of the following, except as authorized by NextHome:
- (a) infringing the NEXTHOME® mark, including using any mark, domain name or business name including both the words "next" and "home," or contributing to the infringement of that mark, unless such mark has been previously agreed upon by NextHome;
- (b) placing content on or allowing content to be placed or remain on the website located at www.ournexthome.com that relates to or concerns the sale, offer for sale, rental, maintenance, construction, or renovation of real estate, or the business of real estate agencies, the promotion of leads or listings for real estate professionals, or the real estate profession, unless such use has previously been agreed upon by NextHome;
- (c) engaging in any acts or activities calculated to infringe NextHome's NEXTHOME® mark;
- (d) using NEXTHOME, NEXT HOME, or any mark including both the words "next" and "home," or any similar mark thereto, in selling, offering for sale, promoting, advertising, marketing or distributing of Defendants' products or services, advertisements or marketing materials, including but not limited to use as part of a domain name, unless previously agreed upon by NextHome; and
- using NEXTHOME, NEXT HOME, or both the words "next" and (e) "home," in a business or corporate name, unless such business or corporate name has previously been agreed upon by NextHome.

- 2. If NextHome believes that any Defendant is in violation of the terms of this Consent Decree, NextHome shall give written notice to such Defendant, identifying the nature of the violation that has occurred or is occurring, and a minimum of ten (10) business days from date such written notice is delivered to address and cure the identified violation(s) before taking any further action to enforce this Consent Decree.
- 3. Defendants will, within thirty (30) days of entry of this Consent Decree, assign to NextHome the domain name www.ournnexthome.com, and will cooperate in taking the actions needed to perfect that assignment.
 - 4. Each party shall bear its own fees and costs.
- 5. This Court shall retain jurisdiction over the parties, and retains exclusive jurisdiction to resolve disputes arising out of this Consent Decree and to enforce the terms of the Consent Decree.

IT IS SO ORDERED.

Dated this 13 day of December, 2018.

Gloria M. Navarro, Chief Judge

UNITED STATES DISTRICT COURT

1	The entry of the above Consent Decree in this case is consented to and approved by each	
2	party hereto as acknowledged by the signature	of each party below.
3	NEXTHOME, INCDocuSigned by:	ADOPTANAGENT LLC
4	By: James Duiggins 1040B301B38A445	By:Bull
5	Name: James Dwiggins	Name: George Budd
6	Title: President	Title: Manager
7		OURNEXTHOME.COM
8		By: Long & Bull
9		By:
10		Title: Owner
		CEORCE DUDD
11		GEORGE BUDD
12		Jung & Bull
13		The state of the s
14		
15	APPROVED AS TO FORM:	
16	Van-	Ryan Dile
	Robert McCoy, No. 9121	Ryan Gile, No. 8807
17	1980 Festival Plaza Drive Suite 650	Gile Law Group Ltd. 10655 Park Run Drive, Suite 230
18	Las Vegas, Nevada 89135	Las Vegas, Nevada 89144
19	Attorneys for Plaintiff, NextHome, Inc.	Attorneys for Defendants
20		
21		
22		
23		