

Kave Scholer llp

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**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

CONSUMERINFO.COM, INC., a
California corporation,

Plaintiff,

v.

MONEY MANAGEMENT
INTERNATIONAL, INC., a Texas
corporation; and DOES 1-25,
inclusive,

Defendants.

CASE NO. 2:07-cv-04275-SJO-Ex

STIPULATED FINAL JUDGMENT

(Hon. S. James Otero)

**NOTE CHANGES MADE BY
COURT**

AND RELATED COUNTERCLAIM

1 On September 2, 2008, this Court granted partial summary judgment in favor of
2 Plaintiff/Counter-Defendant ConsumerInfo.com, Inc. (“ConsumerInfo”) and against
3 Defendant/Counter-Plaintiff Money Management International, Inc. (“MMI”) on
4 ConsumerInfo’s First, Second, and Fourth Claims for Relief for Infringement of a
5 Federally Registered Mark, False Designation of Origin/Unfair Competition, and
6 Common Law Trademark Infringement, respectively. The Court also granted partial
7 summary judgment in favor of ConsumerInfo on all of MMI’s Counterclaims.

8 On ____9/16/08__, the Court dismissed ConsumerInfo’s remaining claims
9 consisting of its Third Claim for Dilution of a Federally Registered Mark and its Fifth
10 Claim for Breach of Contract, following a request for voluntary dismissal with
11 prejudice filed by ConsumerInfo on September 16, 2008. ConsumerInfo has waived
12 its right to a trial on its actual damages. The parties stipulate to entry of this Judgment
13 based on the findings and conclusions in the Court’s September 2, 2008, order. MMI
14 reserves the right to appeal the September 2, 2008, order underlying this Judgment.

15 **NOW THEREFORE, it is ORDERED, ADJUDGED AND DECREED that:**

- 16 1. This Court has jurisdiction over the parties and the subject matter.
- 17 2. Plaintiff/Counter-Defendant ConsumerInfo.com, Inc. shall have judgment
18 against Defendant/Counter-Plaintiff Money Management International, Inc.
- 19 3. The Court awards ConsumerInfo the sum of \$1, which represents nominal
20 damages for ConsumerInfo’s First, Second and Fourth Claims for Relief.
- 21 **4. Attorneys’ fees and costs to be determined post judgment pursuant to
22 stipulation of counsel.**
- 23 5. Should a party seek to recover attorneys’ fees as costs or otherwise, then a
24 motion or application for such an award of fees shall be made directly to the
25 Court pursuant to Local Rule 54-12. An application for taxation for all other
26 forms of costs shall be made to the Clerk pursuant to Local Rule 54-3.
- 27 6. The Court **DECLARES** that:
 - 28 a. ConsumerInfo’s Trademark Registration No. 2,934,788 for the mark

PLUS SCORE is good and valid in law.

b. MMI did not make a bona fide use of the mark MY SCORE+ or the mark MY SCORE PLUS in the ordinary course of trade prior to ConsumerInfo's first use in commerce of PLUS SCORE.

c. The marks MY SCORE+ and MY SCORE PLUS so resemble PLUS SCORE as to be likely, when used on or in connection with the goods or services of MMI, to cause confusion, or to cause mistake, or to deceive.

d. The mark MY SCORE+, Registration No. 3,164,586, is not capable of serving as a valid mark for MMI and therefore should be cancelled.

e. The mark MY SCORE PLUS, Serial No. 78,437,896, is not capable of serving as a valid mark for MMI and therefore should not register.

7. The Director of the United States Patent and Trademark Office is **ORDERED**, pursuant to 15 U.S.C. § 1119, to **CANCEL IN WHOLE** the registration for the mark MY SCORE+, Registration No. 3,164,586.

8. Pursuant to 15 U.S.C. § 1119, the Court determines MMI does not have the right to register the mark MY SCORE PLUS, Serial No. 78,437,896, and the Director of the United States Patent and Trademark Office is **ORDERED** to refrain from registering the mark MY SCORE PLUS, Serial No. 78,437,896.

/S/ S. James Otero

Dated: 9/16/08

By: _____
Honorable S. James Otero
United States District Judge