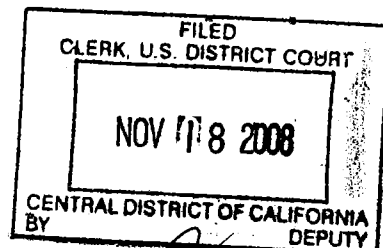


Case 2:08-cv-05525-CBM-FMO

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Attorneys for Plaintiff Fortune Dynamic, Inc.

8 **UNITED STATES DISTRICT COURT**
 9 **CENTRAL DISTRICT FOR THE STATE OF CALIFORNIA**

10 FORTUNE DYNAMIC, INC., a
11 California Corporation.

12 Plaintiff,

13 vs.

14 *Qm*
 15 RED HOT FOOTWEAR,
 16 CORPORATION, a California
 17 Corporation,

18 Defendant.

CASE NO.: CV08-05525 CBM (FMOx)
[The Honorable Consuelo B. Marshall]

~~proposed~~ JUDGMENT OF
PERMANENT INJUNCTION

Complaint Filed: August 22, 2008

18 RELATED CROSS-ACTION

20 **WHEREAS**, plaintiff and cross-defendant Fortune Dynamic, Inc.
 21 (“plaintiff”) and defendant and cross-complainant Red Hot Footwear, Corporation
 22 (“defendant”), the only parties to have appeared in this action, have entered into
 23 and executed a “Settlement Agreement and Release” (the “Settlement”) dated
 24 November 6, 2008 under which plaintiff and defendant settled all of their claims
 25 and disputes alleged in this action;

26 **WHEREAS**, the court has approved the terms of the Settlement;

27 **WHEREAS**, pursuant to the terms of the Settlement, defendant has
 28 stipulated to a judgment of permanent injunction on terms and conditions

1 hereinbelow set forth, and to the dismissal of its counterclaim against plaintiff on
2 file herein;

3 **WHEREAS**, the court, having considered all pleadings and papers filed by
4 the parties in this action, finds good cause for the issuance of this Judgment of
5 Permanent Injunction; and

6 **WHEREAS**, there being no need for findings of fact and conclusions of
7 law by reason of the Settlement executed by the parties herein and the defendant's
8 stipulation to this Judgment of Permanent Injunction,

9 **NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND**
10 **DECREED**

11 1. That defendant's counterclaim is dismissed with prejudice; and

12 2. That effective as of September 29, 2008, Defendant Red Hot
13 Footwear Corporation, its shareholders, directors, officers, partners, agents,
14 employees, representatives, successors, assigns, attorneys, and all other persons in
15 privity of contract with it, including, but without limitation, its purchasers,
16 suppliers, manufacturers, distributors, advertisers, consultants, as well as all
17 persons acting for, with, by, through or under authority of Red Hot Footwear, or in
18 concert or in participation with it, and each of them, be PERMANENTLY
19 restrained and enjoined from

20 a. manufacturing, advertising, distributing, offering for
21 sale, or selling, whether directly or indirectly, garments and other apparel,
22 including footwear, of any kind bearing the mark or name "Delicious," or "Red
23 Delicious," or such other mark or name containing the word "Delicious";

24 b. registering with the United States Patent and Trademark
25 Office, the United States Copyright Office, or any agency or department of the
26 United States, or any state of the United States, any mark, symbol or combination
27 of words and symbols containing or bearing the word "Delicious," without the
28 written consent of plaintiff; and


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c. claiming or representing to any person that it has, or will have, any right, title or interest in or to any mark, symbol, or combination of words and symbols containing or bearing the word "Delicious."

3. All parties shall bear their own costs of the suit and attorneys' fees incurred in this action.

IT IS SO ORDERED.

Dated: 11/14/08



The Honorable Consuelo B. Marshall
United States District Court Judge