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Attorneys for Plaintiff/Counter-Defendant
HALLMARK HARDWOODS, INC., and
Counter-Defendants TONY PAN, ALICE PAN,
UNITED WOOD FLOOR CORPORATION, and
LONGUST DISTRIBUTING, INC.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

HALLMARK HARDWOODS, INC.

Plaintiff,

vs.

OMNI WOOD PRODUCT, LLC; FIRST
COUNTRY INC., a.k.a. FIRST COUNTRY
LLC, a.k.a. FIRST COUNTRY WOOD; NEW
HARBORS AMERICA, INC.; COUNTRY
WIDE HARDWOOD PRODUCTS, INC.;
CALIBER FLOORING, INC.; HALLMARK
WOOD AMERICA, INC.; MINGJIE YU, a.k.a.
MIKE YU; FEI LI; OLD MASTER
PRODUCTS, INC.; SHAUL DINA;
SOUTHWEST HARDWOOD
DISTRIBUTORS, LLC; TIMOTHY
KENDZLIC; UNIVERSAL DYNAMICS, INC.
and CHUNGSTINE, INC. d/b/a EXPERT
HARDWOOD FLOORING,

Defendants.

Case No. 2:10-CV-05896-SJO-JCG

**STIPULATED PERMANENT
INJUNCTION BETWEEN PLAINTIFF
HALMARK HARDWOODS, INC., AND
DEFENDANTS OMNI WOOD
PRODUCT, LLC; FIRST COUNTRY
INC., a.k.a. FIRST COUNTRY LLC, a.k.a.
FIRST COUNTRY WOOD; NEW
HARBORS AMERICA, INC.; COUNTRY
WIDE HARDWOOD PRODUCTS, INC.;
CALIBER FLOORING, INC.;
HALLMARK WOOD AMERICA, INC.;
MINGJIE YU, a.k.a. MIKE YU; FEI LI**

JUDGE: Hon. S. James Otero

1 OMNI WOOD PRODUCT, LLC,
et al.

2 Counter-Claimants,

3 vs.

4 HALLMARK HARDWOODS, INC.,
et al.

5 Counter-Defendants,
6

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8 Plaintiff/Counter-Defendant HALLMARK HARDWOODS, INC., and Defendants
9 OMNI WOOD PRODUCT, LLC; FIRST COUNTRY INC., a.k.a. FIRST COUNTRY LLC,
10 a.k.a. FIRST COUNTRY WOOD; NEW HARBORS AMERICA, INC.; COUNTRY WIDE
11 HARDWOOD PRODUCTS, INC.; CALIBER FLOORING, INC.; HALLMARK WOOD
12 AMERICA, INC.; MINGJIE YU, a.k.a. MIKE YU and FEI LI (collectively, "Defendants"), by
13 and through their respective undersigned counsel, hereby stipulate to the following Permanent
14 Injunction:

15 1. Defendants, their respective officers, directors, employees, agents, subsidiaries,
16 distributors, dealers, and all persons in active concert or participation with any of them are
17 hereby permanently enjoined and restrained:

18 a. from using the stylized Hallmark Hardwoods® word mark, the "Hallmark
19 Hardwoods H" word mark, or the "H" mark (Registration No. 3,289,376;
20 Registration No. 3,289,349; and Registration No. 3,200,275) (collectively "the
21 Hallmark Hardwoods trademarks") or any other mark confusingly similar to these
22 Hallmark Hardwoods trademarks, whether used along or in combination with any
23 word or words, in any manner that suggests in any way that Defendants' products
24 come from or are somehow sponsored by, affiliated with or endorsed by Hallmark
25 Hardwoods, or are manufactured in the same factory or factories or by the same
26 people as, the products of Hallmark Hardwoods;

27 b. from using the names Hallmark or Hallmark Hardwoods as a source-identifier for
28 any of their product lines, or from stating or suggesting that they have the ability

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to procure, distribute, or sell any Hallmark Hardwoods products.

c. from stating or suggesting that Hallmark Hardwood products can be obtained from any source other than Hallmark Hardwoods, Inc. or its authorized dealers.

2. Defendants will cease any use of the following product line names on any brochure, sample, display rack, website or any other marketing or advertising materials, and on any products: Heirloom, Silverado.

3. Six (6) months after the entry of this order, Defendants shall destroy or surrender, at their expense, any and all inventory, marketing materials, product literature, labels, display racks, warranty sheets, maintenance guides, or any other promotional, sales, advertising or customer service materials that bear the Hallmark Hardwoods trademarks in its possession, or they shall repackage or relabel all such items to remove any of the Hallmark Hardwoods trademarks.

4. Within thirty (30) days of the parties' execution of this stipulated injunction, Defendants shall remove from Internet web sites they own, operate, or control any Hallmark Hardwoods trademark, and also shall transfer to Hallmark Hardwoods, at defendants' expense, the domain name www.hallmarkwoodfloor.com.

5. Defendants shall replace the name of Hallmark Wood America, Inc., and the name of any active business registration that contains the word "Hallmark," including any fictitious business names, with a non-infringing name.

DATED: March 16, 2012

By: _____
Hallmark Hardwoods, Inc.

DATED: March 16, 2012

By: _____
Omni Wood Product, LLC

1 DATED: March 16, 2012 By: _____
2 Mingjie Yu aka Mike Yu
3
4 DATED: March 16, 2012 By: _____
5 Fei Li
6
7 DATED: March 16, 2012 By: _____
8 First Country, Inc. aka First Country, LLC aka
9 First Country Wood
10
11 DATED: March 16, 2012 By: _____
12 New Harbors America, Inc.
13
14 DATED: March 16, 2012 By: _____
15 Country Wide Hardwood Products, Inc.
16
17 DATED: March 16, 2012 By: _____
18 Caliber Flooring, Inc.
19
20 DATED: March 16, 2012 By: _____
21 Hallmark Wood America, Inc.
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1 APPROVED AS TO FORM:

2
3 DATED: March 16, 2012 CHAPIN FITZGERALD SULLIVAN & BOTTINI LLP

4 By: _____
5 Kenneth M. Fitzgerald, Esq.
6 Douglas J. Brown, Esq.

7 Attorneys for Plaintiff/Counter-Defendant
8 HALLMARK HARDWOODS, INC., and
9 Counter-Defendants TONY PAN, ALICE PAN,
UNITED WOOD FLOOR CORPORATION and
LONGUST DISTRIBUTING, INC.

10 DATED: March 16, 2012 FOX ROTHSCHILD, LLP

11 By: _____
12 Jeffrey S. Kravitz, Esq.
13 Thomas T. Chan, Esq.
14 Steven S. Hanagami, Esq.
15 Samuel Alberstadt, Esq.

16 Attorneys for Defendants OMNI WOOD
17 PRODUCT, LLC; FIRST COUNTRY INC.,
18 a.k.a. FIRST COUNTRY LLC, a.k.a. FIRST
19 COUNTRY WOOD; NEW HARBORS
20 AMERICA, INC.; COUNTRY WIDE
21 HARDWOOD PRODUCTS, INC.; CALIBER
22 FLOORING, INC.; HALLMARK WOOD
23 AMERICA, INC.; MINGJIE YU, a.k.a. MIKE
24 YU; FEI LI
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ORDER

1. Thus, the Stipulated Injunction is GRANTED as stated above.

IT IS SO ORDERED.

March 16, 2012.

Dated: _____



United States District Judge