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 MAD DOGG ATHLETICS, INC.

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Previously
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15 Attorneys for Defendants
 KEVIN LAMAR, LAMAR HEALTH &
 16 FITNESS CONSULTING, LLC and WORLD
 TRIATHALON CORPORATION

17 UNITED STATES DISTRICT COURT
 18 CENTRAL DISTRICT OF CALIFORNIA

19
 20 MAD DOGG ATHLETICS, INC.,
 a California corporation,
 21
 22 Plaintiff,

v.

23 KEVIN LAMAR, LAMAR HEALTH
 24 & FITNESS CONSULTING LLC,
 ALAN COCKRILL, WORLD
 25 TRIATHALON CORPORATION
 d/b/a IRONMAN FITNESS, CIXI E-
 26 TE FITNESS EQUIPMENT CO.,
 LTD., COSTCO WHOLESALE
 27 CORPORATION, and DOES 1-10,
 28 Defendants.

CASE NO. CV 11-0599 JFW (CWX)

Assigned for all Purposes to
 John F. Walter

**CONSENT JUDGMENT AND
 PERMANENT INJUNCTION**

1 WHEREAS plaintiff Mad Dogg Athletics, Inc. (“Mad Dogg”) and
2 defendants, Kevin Lamar, Lamar Health & Fitness Consulting LLC and Albert
3 Cockrill (collectively “Defendants”) have agreed in a separate agreement to
4 settlement of the matter in issue between them and to entry of this judgment, it is
5 ORDERED, ADJUDGED AND DECREED THAT:

6 1. Mad Dogg alleged claims including claims for Patent Infringement and
7 Copyright Infringement.

8 2. The Court has jurisdiction over each of the plaintiff Mad Dogg and the
9 Defendants in this action, by consent or otherwise and over the subject matter in
10 issue based on 28 U.S.C. §§ 1331, 1338(a) and (b), 1367(a) and 15 U.S.C.
11 § 1121(a). The Court further has continuing jurisdiction to enforce the terms and
12 provisions of the Consent Judgment and Permanent Injunction. Venue is proper in
13 this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(a) and (b).

14 3. Mad Dogg is a corporation incorporated under the laws of the State of
15 California, and has its principal place of business at 2111 Narcissus Court, Venice,
16 California 90291.

17 4. Defendant Kevin Lamar (“Lamar”) is an individual residing at 2063
18 Pintail Drive, Longmont, Colorado 80504.

19 5. Defendant Lamar Health & Fitness Consulting LLC (“LHF”) is a
20 Colorado limited liability company having a principal place of business at 2063
21 Pintail Drive, Longmont, CO 80504.

22 6. Defendant Albert Cockrill is an individual residing at 1101 Oak
23 Meadow Blvd., Jonesboro, Arkansas, 72401.

24 7. Defendants have imported, made, used, sold, offered for sale or
25 distributed Ironman IC Summit bikes.

26 8. Mad Dogg has obtained and is the owner of U.S. Patent Nos.
27 6,881,178 and 7,455,627 which are valid and enforceable throughout the United
28

1 States for their remaining term. A copy of those patents are attached hereto as
2 Exhibits 1-2.

3 9. Mad Dogg also owns the copyright for the works set forth in U.S.
4 Copyright Registration Application Serial Nos. 1-532073831 and 1-537192571. A
5 copy of those applications are attached hereto as Exhibits 3-4.

6 10. The manufacture, use, sale, offer for sale or importation of the
7 Ironman IC Summit Bike constitutes infringement of U.S. Patent Nos. 6,881,178
8 and 7,455,627.

9 11. The owner manual and video distributed with the Ironman IC Summit
10 bikes are substantially similar to the works set forth in U.S. Copyright Registration
11 Application Serial Nos. 1-532073831 and 1-537192571, and Defendants' copying
12 or other distribution of the Ironman IC Summit owner manual and video constitutes
13 infringement of these copyrights.

14 12. Defendants, their agents, officers, servants, employees, and attorneys,
15 and all persons in active consent and participation with them who receive actual
16 notice of this Order by personal service or otherwise, are hereby permanently
17 enjoined from engaging in any of the following activities:

18 (a) from infringing, either directly or contributorily and from
19 inducing others to infringe any of Mad Dogg's U.S. Patent Nos. 6,881,178 and
20 7,455,627; and

21 (b) from directly or indirectly infringing Mad Dogg's copyrights in
22 the manual and video that are the subject of U.S. Copyright Registration
23 Application Serial Nos. 1-532073831 and 1-537192571 by using any reproduction,
24 copy or colorable imitation or designation substantially similar thereto, and from
25 inducing others to infringe.

26 13. Service by mail upon Defendants, addressed to David M. Bass, David
27 M. Bass & Associates, Inc., 1900 Avenue of the Stars, Suite 200, Los Angeles,
28 California 90067, of a copy of this Consent Judgment and Permanent Injunction

1 entered by the Court is deemed sufficient notice to Defendants under Rule 65(d) of
2 the Federal Rules of Civil Procedure. It shall not be necessary for Defendants to
3 sign any form of acknowledgment of service.

4 14. The parties shall bear their own attorneys' fees and costs.

5 15. All remaining causes of action against Defendants are hereby
6 dismissed with prejudice.

7 IT IS SO ORDERED.

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9 Dated: __6/21/11



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United States District Judge

Approved as to form and content:

14 MACEIKO IP
15 JONES DAY

16 By: _____
17 Theodore S. Maceiko

18 Attorneys for Plaintiff
19 MAD DOGG ATHLETICS, INC.

20 Dated: _____, 2011

21 FAEGRE & BENSON, LLP

22
23 By: _____
24 Darrell M. Daley

25 Attorneys for Defendants
26 KEVIN LAMAR, LAMAR HEALTH &
27 FITNESS CONSULTING, LLC and
28 ALBERT COCKRILL

Dated: _____, 2011