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JS-6

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

SPECULATIVE PRODUCT DESIGN,  
INC.,

Plaintiff,

v.

VICTOR G. GOMEZ, et al.,

Defendant.

Case No.: CV11-01597 DSF (RZx)

**FINAL JUDGMENT, INCLUDING  
PERMANENT INJUNCTION,  
AGAINST DEFENDANT VICTOR  
G. GOMEZ**

The Court, pursuant to the Stipulation For Entry of Final Judgment, Including Permanent Injunction (“Stipulation”), between Plaintiff SPECULATIVE PRODUCT DESIGN, INC. (“Plaintiff”) on the one hand, and Defendant VICTOR G. GOMEZ (“Defendant”), on the other, hereby ORDERS, ADJUDICATES and DECREES that final judgment, including permanent injunction, shall be and hereby is entered on the Complaint in the above-referenced matter as follows:

1           1.     **PERMANENT INJUNCTION.** Defendant and any person or entity  
2 acting in concert with, or at the direction of him, including any and all agents,  
3 servants, employees, partners, assignees, distributors, suppliers, resellers and any  
4 others over which he may exercise control, are hereby restrained and enjoined,  
5 pursuant to 15 U.S.C. §1116, from engaging in, directly or indirectly, or  
6 authorizing or assisting any third party to engage in, any of the following activities  
7 in the United States and throughout the world:

8           a.     importing, exporting, marketing, selling, offering for sale,  
9 distributing or dealing in any product or service that uses, or otherwise making any  
10 use of, any of Plaintiff's SPECK® and CANDYSHELL® trademarks, and/or any  
11 intellectual property that is confusingly or substantially similar to, or that  
12 constitutes a colorable imitation of, any of Plaintiff's SPECK® and  
13 CANDYSHELL® trademarks, whether such use is as, on, in or in connection with  
14 any trademark, service mark, trade name, logo, design, Internet use, website,  
15 domain name, metatags, advertising, promotions, solicitations, commercial  
16 exploitation, television, web-based or any other program, or any product or service,  
17 or otherwise;

18           b.     performing or allowing others employed by or representing him,  
19 or under his control, to perform any act or thing which is likely to injure Plaintiff,  
20 any of Plaintiff's SPECK® and CANDYSHELL® trademarks, and/or Plaintiff's  
21 business reputation or goodwill;

22           c.     engaging in any acts of federal and/or state trademark  
23 infringement, false designation of origin, unfair competition, dilution, or other act  
24 which would tend damage or injure Plaintiff; and/or

25           d.     using any Internet domain name or website that includes any of  
26 Plaintiff's trademarks, including the SPECK® and CANDYSHELL® marks.

27           2.     Defendant is ordered to deliver immediately for destruction all  
28 unauthorized products, including counterfeit SPECK® and CANDYSHELL®

1 products and related products, labels, packages, wrappers and advertisements  
2 relating thereto in his possession or under his control bearing any of Plaintiff's  
3 intellectual property or any simulation, reproduction, counterfeit, copy or colorable  
4 imitations thereof.

5 3. This Final Judgment shall be deemed to have been served upon  
6 Defendant at the time of its execution by the Court.

7 4. The Court finds there is no just reason for delay in entering this  
8 Permanent Injunction and, pursuant to Rule 54(a) of the *Federal Rules of Civil*  
9 *Procedure*, the Court directs immediate entry of this Permanent Injunction against  
10 Defendant.

11 5. Plaintiff is entitled to recover from Defendant the sum of One Million  
12 Dollars (\$1,000,000.00) on Plaintiff's Complaint for Damages and Declaratory  
13 Relief against Defendant subject to the terms of a separate Confidential Settlement  
14 Agreement entered into by and between Plaintiff and Defendant.

15 6. **NO APPEALS AND CONTINUING JURISDICTION.** No  
16 appeals shall be taken from this Final Judgment, Including Permanent Injunction,  
17 and the parties waive all rights to appeal. This Court expressly retains jurisdiction  
18 over this matter to enforce any violation of the terms of this Final Judgment,  
19 Including Permanent Injunction, and the Permanent Injunction herein.

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7. **NO FEES AND COSTS.** Each party shall bear his/its own attorneys' fees and costs incurred in this matter.

IT IS SO ORDERED, ADJUDICATED and DECREED this 27th day of December, 2011.



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HON. DALE S. FISCHER  
United States District Judge  
Central District of California