

JS-6

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

j2 CLOUD SERVICES, LLC, AND
ADVANCED MESSAGING
TECHNOLOGIES, INC.

Plaintiffs,

v.

FAX87, FARJAD FANI, MATT
JOHNSON FINANCE, INC., ONE
VOIX, MIRALUNA CABERTE
YARDAN, STEVEN THONG WAY
SEN, ROBERT BEAULIEU,
ONLINEFAXES, SOLIDFAX,
FAXVISION, EFAX4LESS,
MYPHONEFAX, RESELLFAX,
AND DOES 1-10

Defendants.

Case No. 13-cv-05353-DDP (AJWx)

FINAL JUDGMENT

[PROPOSED] FINAL JUDGMENT

1 The Court, having considered (i) the Joint Stipulated Final Judgment submitted
2 by Plaintiffs and Defendants Farjad Fani and Steven Thong Way Sen, as well as (ii)
3 the Stipulated Accord and Satisfaction re December 15, 2016 Judgment submitted by
4 Plaintiffs and Defendants Matt Johnson Finance, Inc. MyPhoneFax, Fax87,
5 OnlineFaxes, SolidFax, FaxVision, ResellFax, OneVoix and Miraluna Caberte
6 Yardan, hereby enters Final Judgment as follows:

7 1. Each of the patents asserted by Plaintiffs is valid and enforceable,
8 including U.S. Patent Nos. 6,208,638, 8,310,699 and 8,675,220 (collectively, the
9 “Asserted Patents”).

10 2. Each of the trademarks asserted by Plaintiffs is valid, enforceable and
11 not generic, including the following: EFAX® and E-FAX®, which hold Registration
12 Nos. 3930343 and 3930341, respectively (collectively, the “Asserted Trademarks”).

13 3. Defendants Fani and Thong are enjoined and restrained from making,
14 using, selling, offering for sale, or importing into the United States any products or
15 services covered by any unexpired Asserted Patents.

16 4. Nothing in paragraph 3 shall diminish, expand, modify or otherwise
17 affect any rights granted under the confidential license agreement identified in
18 Sections A.4 of the parties’ confidential Settlement Agreement (“Third-Party
19 License”), subject to the terms and scope thereof, and subject to that licensee’s
20 compliance with its obligations under the Third-Party License; provided that (A) such
21 rights do not directly or indirectly benefit any Defendants other than Steven Thong,
22 and (B) Defendants other than Steven Thong are not in any way involved in or
23 assisting the exercise of such rights.

24 5. Defendants Fani and Thong are enjoined and restrained in the United
25 States and in any manner that substantially affects commerce in the United States
26 from using Plaintiffs’ Asserted Trademarks, including EFAX® and E-FAX®, in any
27 form or stylization, or any other similar mark that is likely to cause confusion,
28

1 deception or mistake as to source, sponsorship or affiliation with Plaintiffs, their
2 affiliates and/or successors.

3 6. Nothing in paragraphs 3 or 5 shall preclude Defendants Fani and Thong
4 from performing obligations under the Transition Services Agreement, entered as of
5 June 30, 2017, between Plaintiff j2 Cloud Services, LLC and Defendant
6 MyPhoneFax and certain affiliates thereof.

7 7. Except as set forth in paragraphs 1-3 and 5, all claims, counterclaims
8 and defenses asserted by or against Defendants Farjad Fani and Steven Thong are
9 dismissed with prejudice.

10 8. All claims asserted by Plaintiffs against Defendant Robert Beaulieu are
11 dismissed without prejudice.

12 9. The December 15, 2016 Judgment (Dkt. 197) remains in force, subject
13 to the terms of the parties' Stipulated Accord and Satisfaction. Any stay of the
14 injunctive relief ordered therein is hereby lifted.

15 10. All other pending motions in this case have been withdrawn, and the
16 Court directs the Clerk to close the case.

17 11. The bond (as reflected in Dkt. No. 227) posted by Defendant
18 MyPhoneFax.com, LLC shall be released back to Defendant MyPhoneFax.com,
19 LLC.

20
21 **SO ORDERED.**

22
23 DATED: July 19, 2017

By:



Hon. Dean D. Pregerson
United States District Court Judge

CERTIFICATE OF SERVICE

I certify that I caused to be served counsel of record on June 30, 2017 with the [PROPOSED] FINAL JUDGMENT via CM/ECF.

Executed on June 30, 2017 in Los Angeles, California.

By: /s/ Guy Rutenberg
GUY RUTTENBERG

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28