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NOTE: CHANGES MADE BY THE COURT

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

MAG INSTRUMENT, INC.,  
Plaintiff,  
v.  
VINSY TECHNOLOGY LIMITED,  
Defendant.

Case No. EDCV 13-0359 ABC (OPx)

**[PROPOSED] ORDER GRANTING  
MAG INSTRUMENT, INC.'S MOTION  
FOR PARTIAL SUMMARY  
JUDGMENT; PERMANENT  
INJUNCTION**

Date: June 16, 2014  
Time: 10:00 a.m.  
Location: Courtroom 680

Hon. Audrey B. Collins

NOTE: CHANGES MADE BY THE COURT

1 Plaintiff Mag Instrument, Inc.'s Motion for Partial Summary Judgment having  
2 been considered by this Court, and good cause having been shown, IT IS HEREBY  
3 ORDERED AND ADJUDGED:

4 1. That defendant Vinsy Technology Limited, as MAG Technology Co.,  
5 Ltd.'s assignee, has breached, and continues to breach, the January 18, 1996  
6 Settlement Agreement between Mag Instrument, Inc. and MAG Technology Co.,  
7 Ltd. (as modified, on March 7, 1996, to apply in all countries throughout the world)  
8 by its maintenance of United States Trademark Registration No. 3,500,264 and its use  
9 of the mark MAG (stylized) and all other marks that contain the term "MAG" or any  
10 confusingly similar mark in connection with the following goods: ELECTRONIC  
11 PUBLICATIONS, NAMELY, BOOKS FEATURING THE SUBJECT MATTER OF  
12 ELECTRONIC WHITEBOARDS RECORDED ON COMPUTER MEDIA; VIDEO  
13 CAMERAS; DIGITAL CAMERAS; TELEVISION MONITORS FOR CLOSED-  
14 CIRCUIT TELEVISION; COMPACT DISK PLAYERS; MULTIMEDIA  
15 PLAYERS, NAMELY, CD PLAYERS, DIGITAL AUDIO PLAYERS, DIGITAL  
16 VIDEO PLAYERS; TELEVISION APPARATUS FOR PROJECTION PURPOSES;  
17 PROJECTION SCREENS; TELEVISION RECEIVERS; TV SETS; SATELLITE  
18 RECEIVERS; MP3 PLAYERS; LIQUID CRYSTAL DISPLAY TELEVISIONS;  
19 TELEVISION SETS AND PARTS THEREOF; AUDIO SPEAKERS AND PARTS  
20 THEREFOR; MULTIMEDIA TEACHING APPARATUS, NAMELY, AUDIO-  
21 VISUAL RECEIVERS; ELECTRIC STORAGE BATTERIES; ELECTRICAL  
22 STORAGE BATTERIES; LITHIUM BATTERIES; TELEPHONE APPARATUS,  
23 NAMELY, INTERCOMS; VIDEOPHONES; VIDEO CONFERENCE  
24 EQUIPMENT, NAMELY, VIDEO MONITORS, MICROPHONES, AUDIO  
25 SPEAKERS, AND CAMERAS; ELECTRIC COILS; and TUNER BOXES USED  
26 FOR TUNING AND SELECTING THE CHANNELS OF A TV SYSTEM.

27 2. That defendant Vinsy Technology Limited, as MAG Technology Co.,  
28 Ltd.'s assignee, has breached, and continues to breach, the January 18, 1996

1 Settlement Agreement between Mag Instrument, Inc. and MAG Technology Co., Ltd.  
2 (as modified, on March 7, 1996, to apply in all countries throughout the world) by its  
3 maintenance of United Kingdom Trademark Registration No. 2562408 and its use of  
4 the mark MAG (stylized) and all other marks that contain the term "MAG" or any  
5 confusingly similar mark in connection with the following goods: TELEVISION  
6 APPARATUS; CAMERAS [PHOTOGRAPHY]; CAMCORDERS; SET-TOP  
7 BOXES; GRAPH PLOTTERS; NAVIGATIONAL INSTRUMENTS; AUTOMATIC  
8 ADVERTISING MACHINES; DIGITAL PHOTO FRAMES FOR DISPLAYING  
9 DIGITAL PICTURES; and VIDEO CLIPS AND MUSIC.

10 3. That defendant Vinsy Technology Limited, as MAG Technology Co.,  
11 Ltd.'s assignee, has breached, and continues to breach, the January 18, 1996  
12 Settlement Agreement between Mag Instrument, Inc. and MAG Technology Co., Ltd.  
13 (as modified, on March 7, 1996, to apply in all countries throughout the world) by its  
14 maintenance of New Zealand Trademark Registration No. 832620 and its use of the  
15 mark MAG (stylized) and all other marks that contain the term "MAG" or any  
16 confusingly similar mark in connection with the following goods: TELEVISION  
17 APPARATUS; CAMERAS [PHOTOGRAPHY]; CAMCORDERS; SET-TOP  
18 BOXES; GRAPH PLOTTERS; NAVIGATIONAL INSTRUMENTS; AUTOMATIC  
19 ADVERTISING MACHINES; DIGITAL PHOTO FRAMES FOR DISPLAYING  
20 DIGITAL PICTURES; and VIDEO CLIPS AND MUSIC.

21 4. That defendant Vinsy Technology Limited, its officers, directors,  
22 employees, attorneys, and all persons and/or entities acting for, with, by, through,  
23 or in active concert or participation with it, be enjoined preliminarily and  
24 permanently from:

25 (a) Maintaining United States Trademark Registration No. 3,500,264  
26 with respect to any of the following goods: ELECTRONIC PUBLICATIONS,  
27 NAMELY, BOOKS FEATURING THE SUBJECT MATTER OF ELECTRONIC  
28 WHITEBOARDS RECORDED ON COMPUTER MEDIA; VIDEO CAMERAS;

1 DIGITAL CAMERAS; TELEVISION MONITORS FOR CLOSED-CIRCUIT  
2 TELEVISION; COMPACT DISK PLAYERS; MULTIMEDIA PLAYERS,  
3 NAMELY, CD PLAYERS, DIGITAL AUDIO PLAYERS, DIGITAL VIDEO  
4 PLAYERS; TELEVISION APPARATUS FOR PROJECTION PURPOSES;  
5 PROJECTION SCREENS; TELEVISION RECEIVERS; TV SETS; SATELLITE  
6 RECEIVERS; MP3 PLAYERS; LIQUID CRYSTAL DISPLAY TELEVISIONS;  
7 TELEVISION SETS AND PARTS THEREOF; AUDIO SPEAKERS AND PARTS  
8 THEREFOR; MULTIMEDIA TEACHING APPARATUS, NAMELY, AUDIO-  
9 VISUAL RECEIVERS; ELECTRIC STORAGE BATTERIES; ELECTRICAL  
10 STORAGE BATTERIES; LITHIUM BATTERIES; TELEPHONE APPARATUS,  
11 NAMELY, INTERCOMS; VIDEOPHONES; VIDEO CONFERENCE  
12 EQUIPMENT, NAMELY, VIDEO MONITORS, MICROPHONES, AUDIO  
13 SPEAKERS, AND CAMERAS; ELECTRIC COILS; and TUNER BOXES USED  
14 FOR TUNING AND SELECTING THE CHANNELS OF A TV SYSTEM;

15 (b) Using or seeking to register, anywhere in the world, the mark that  
16 is the subject of United States Trademark Registration No. 3,500,264 or any other  
17 mark that contains the term "MAG" or any confusingly similar mark, in association  
18 with or for any of the following goods: ELECTRONIC PUBLICATIONS,  
19 NAMELY, BOOKS FEATURING THE SUBJECT MATTER OF ELECTRONIC  
20 WHITEBOARDS RECORDED ON COMPUTER MEDIA; VIDEO CAMERAS;  
21 DIGITAL CAMERAS; TELEVISION MONITORS FOR CLOSED-CIRCUIT  
22 TELEVISION; COMPACT DISK PLAYERS; MULTIMEDIA PLAYERS,  
23 NAMELY, CD PLAYERS, DIGITAL AUDIO PLAYERS, DIGITAL VIDEO  
24 PLAYERS; TELEVISION APPARATUS FOR PROJECTION PURPOSES;  
25 PROJECTION SCREENS; TELEVISION RECEIVERS; TV SETS; SATELLITE  
26 RECEIVERS; MP3 PLAYERS; LIQUID CRYSTAL DISPLAY TELEVISIONS;  
27 TELEVISION SETS AND PARTS THEREOF; AUDIO SPEAKERS AND PARTS  
28 THEREFOR; MULTIMEDIA TEACHING APPARATUS, NAMELY, AUDIO-

1 VISUAL RECEIVERS; ELECTRIC STORAGE BATTERIES; ELECTRICAL  
2 STORAGE BATTERIES; LITHIUM BATTERIES; TELEPHONE APPARATUS,  
3 NAMELY, INTERCOMS; VIDEOPHONES; VIDEO CONFERENCE  
4 EQUIPMENT, NAMELY, VIDEO MONITORS, MICROPHONES, AUDIO  
5 SPEAKERS, AND CAMERAS; ELECTRIC COILS; and TUNER BOXES USED  
6 FOR TUNING AND SELECTING THE CHANNELS OF A TV SYSTEM;

7 (c) Maintaining United Kingdom Trademark Registration No.  
8 2562408 with respect to any of the following goods: TELEVISION APPARATUS;  
9 CAMERAS [PHOTOGRAPHY]; CAMCORDERS; SET-TOP BOXES; GRAPH  
10 PLOTTERS; NAVIGATIONAL INSTRUMENTS; AUTOMATIC ADVERTISING  
11 MACHINES; DIGITAL PHOTO FRAMES FOR DISPLAYING DIGITAL  
12 PICTURES; and VIDEO CLIPS AND MUSIC;

13 (d) Using or seeking to register, anywhere in the world, the mark that  
14 is the subject of United Kingdom Trademark Registration No. 2562408 or any other  
15 mark that contains the term "MAG" or any confusingly similar mark, in association  
16 with or for any of the following goods: TELEVISION APPARATUS; CAMERAS  
17 [PHOTOGRAPHY]; CAMCORDERS; SET-TOP BOXES; GRAPH PLOTTERS;  
18 NAVIGATIONAL INSTRUMENTS; AUTOMATIC ADVERTISING MACHINES;  
19 DIGITAL PHOTO FRAMES FOR DISPLAYING DIGITAL PICTURES; and  
20 VIDEO CLIPS AND MUSIC;

21 (e) Maintaining New Zealand Trademark Registration No. 832620  
22 with respect to any of the following goods: TELEVISION APPARATUS;  
23 CAMERAS [PHOTOGRAPHY]; CAMCORDERS; SET-TOP BOXES; GRAPH  
24 PLOTTERS; NAVIGATIONAL INSTRUMENTS; AUTOMATIC ADVERTISING  
25 MACHINES; DIGITAL PHOTO FRAMES FOR DISPLAYING DIGITAL  
26 PICTURES; and VIDEO CLIPS AND MUSIC;

27 (f) Using or seeking to register, anywhere in the world, the mark that  
28 is the subject of New Zealand Trademark Application No. 832620 or any other mark

1 that contains the term "MAG" or any confusingly similar mark, in association with or  
2 for any of the following goods: TELEVISION APPARATUS; CAMERAS  
3 [PHOTOGRAPHY]; CAMCORDERS; SET-TOP BOXES; GRAPH PLOTTERS;  
4 NAVIGATIONAL INSTRUMENTS; AUTOMATIC ADVERTISING MACHINES;  
5 DIGITAL PHOTO FRAMES FOR DISPLAYING DIGITAL PICTURES; and  
6 VIDEO CLIPS AND MUSIC; and

7 (g) Using the mark MAG or any mark that contains the term "MAG"  
8 or any confusingly similar mark anywhere in the world, seeking to register the mark  
9 MAG or any mark that contains the term "MAG" or any confusingly similar mark  
10 anywhere in the world, or maintaining a registration for the mark MAG or any mark  
11 that contains the term "MAG" or any confusingly similar mark anywhere in the world  
12 for any goods and services other than computer peripherals and computer-related  
13 goods and services (the following goods, for purposes of this paragraph, being  
14 expressly *excluded* from the definition of "computer peripherals and computer-related  
15 goods and services": ELECTRONIC PUBLICATIONS, NAMELY, BOOKS  
16 FEATURING THE SUBJECT MATTER OF ELECTRONIC WHITEBOARDS  
17 RECORDED ON COMPUTER MEDIA; VIDEO CAMERAS; DIGITAL  
18 CAMERAS; TELEVISION MONITORS FOR CLOSED-CIRCUIT TELEVISION;  
19 COMPACT DISK PLAYERS; MULTIMEDIA PLAYERS, NAMELY, CD  
20 PLAYERS, DIGITAL AUDIO PLAYERS, DIGITAL VIDEO PLAYERS;  
21 TELEVISION APPARATUS FOR PROJECTION PURPOSES; PROJECTION  
22 SCREENS; TELEVISION RECEIVERS; TV SETS; SATELLITE RECEIVERS;  
23 MP3 PLAYERS; LIQUID CRYSTAL DISPLAY TELEVISIONS; TELEVISION  
24 SETS AND PARTS THEREOF; AUDIO SPEAKERS AND PARTS THEREFOR;  
25 MULTIMEDIA TEACHING APPARATUS, NAMELY, AUDIO-VISUAL  
26 RECEIVERS; ELECTRIC STORAGE BATTERIES; ELECTRICAL STORAGE  
27 BATTERIES; LITHIUM BATTERIES; TELEPHONE APPARATUS, NAMELY,  
28 INTERCOMS; VIDEOPHONES; VIDEO CONFERENCE EQUIPMENT,

1 NAMELY, VIDEO MONITORS, MICROPHONES, AUDIO SPEAKERS, AND  
2 CAMERAS; ELECTRIC COILS; and TUNER BOXES USED FOR TUNING AND  
3 SELECTING THE CHANNELS OF A TV SYSTEM).

4 5. That defendant Vinsy Technology Limited is required, within thirty (30)  
5 days after issuance of the injunction herein, to file with this Court and hand-deliver to  
6 Mag Instrument, Inc. a written report, under oath, confirming that Vinsy Technology  
7 Limited and its officers, directors, employees, attorneys, and all persons and/or  
8 entities acting for, with, by, through, or in active concert or participation with it, have  
9 fully complied with Paragraph 4, above, and detailing the manner in which they have  
10 done so.

11 6. That United States Trademark Registration No. 3,500,264 is cancelled  
12 with prejudice pursuant to 15 U.S.C. §1119 – and this Court has **certifies** its decree of  
13 cancellation with prejudice to the Director of the United States Patent and Trademark  
14 Office.

15 7. That Mag Instrument, pursuant to Paragraph 5 of the January 18, 1996  
16 Settlement Agreement between Mag Instrument, Inc. and MAG Technology Co.,  
17 Ltd. (as modified, on March 7, 1996, to apply in all countries throughout the world)  
18 is the "prevailing party" and shall be awarded its attorney fees' and expenses  
19 incurred in connection with the above-captioned action. ~~as well as its attorney fees'~~  
20 ~~and expenses incurred in connection with related Central District of California Case~~  
21 ~~No. CV 12-04038-ABC (OPx).~~

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24 Dated: June 25, 2014

By: Audrey B. Collins  
Hon. Audrey B. Collins  
United States District Court Judge

1 Presented by:  
2 Jerrold B. Reilly (State Bar No. 116,536)  
3 *jreilly@magma.com*  
4 MAG INSTRUMENT, INC.  
5 2001 South Hellman Avenue  
6 Ontario, CA 91761  
7 Telephone: (909) 947-1006  
8 Facsimile: (909) 923-5042  
9 Robert W. Dickerson (State Bar No. 89,367)  
10 *dickersonr@dicksteinshapiro.com*  
11 DICKSTEIN SHAPIRO LLP  
12 2049 Century Park East, Suite 700  
13 Los Angeles, CA 90067-3109  
14 Telephone: (310) 772-8300  
15 Facsimile: (310) 772-8301  
16 Charles A. Kertell (State Bar No. 181,214)  
17 *kertellc@dicksteinshapiro.com*  
18 DICKSTEIN SHAPIRO LLP  
19 2 Park Plaza, Suite 900  
20 Irvine, CA 92614-8561  
21 Telephone: (949) 623-7880  
22 Facsimile: (949) 623-7881  
23 Attorneys for Plaintiff  
24 MAG INSTRUMENT, INC.  
25  
26  
27  
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