

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

STEPHENS FRIEDLAND LLP
Todd G. Friedland, Bar No. 187022
Email: todd@sf-lawyers.com
J. Gregory Dyer, Bar No. 218385
Email: greg@sf-lawyers.com
4695 MacArthur Court, Suite 1550
Newport Beach, CA 92660
Telephone: (949) 468-3200 Fax: (949) 468-3201

JS-6

Attorneys for Plaintiff
NIFTY AFTER FIFTY LLC

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

NIFTY AFTER FIFTY LLC, a
California limited liability
company,

Plaintiff,

vs.

OVER FIFTY IS NIFTY, LLC, a
Maryland limited liability company,
and HEALTHY SOLUTIONS,
LLC, a Maryland limited liability
company,

Defendants.

Case No.: SACV11-1203 DOC (MLGx)

**FINAL JUDGMENT AND PERMANENT
INJUNCTION AGAINST DEFENDANT
OVER FIFTY IS NIFTY, LLC**

FINAL JUDGMENT AND PERMANENT INJUNCTION

1 Plaintiff Nifty After Fifty LLC (“NAF”), by its counsel Stephens Friedland
2 LLP, and Defendant Over Fifty Is Nifty, LLC (“OFIN” or “Defendant”) have
3 represented to the Court that they have executed a settlement agreement providing for
4 the final resolution of all claims of relief pending between them and have agreed to
5 the entry of this Final Judgment and Permanent Injunction. Accordingly, upon
6 consent of NAF and Defendant (the “Parties”), it is hereby ORDERED that:

7 1. This Court has jurisdiction over the Parties.

8 2. This Court has subject matter jurisdiction over this matter pursuant to 28
9 U.S.C. §§ 1331 and 1338, and venue is proper in this Judicial District pursuant to 28
10 U.S.C. § 1391.

11 3. Defendant, including any subsidiaries, parent and affiliated companies,
12 successors, assigns, officers, directors, representatives, agents, partners, and
13 employees, and all those acting in concert or participation with Defendant
14 (collectively the “Enjoined Parties”), shall, in connection with the operation of dating,
15 companionship and social network services for seniors, including such online
16 services:

17 a. Cease and desist all current use and hereafter refrain from the use
18 of all marks, words, phrases, or names similar to U.S. Trademark Registration
19 Numbers 3497131 (NIFTY AFTER FIFTY®) and 3462910 (NIFTY
20 PEOPLE®) (collectively referred to herein as the “Nifty Marks”), including,
21 but not limited to, “Over Fifty Is Nifty” or any other marks, words, phrases,
22 pictures, and/or names similar to the Nifty Marks or incorporating the word
23 “nifty”;

24 b. Remove all marks, words, phrases, pictures, logos or names similar
25 to the Nifty Marks, including, but not limited to, “Over Fifty Is Nifty” or any
26 other marks, words, phrases, pictures, or names similar to the Nifty Marks
27 and/or incorporating the word “nifty” from all advertisements, marketing and
28

1 promotional materials, printed materials, and any websites that Defendant
2 controls or maintains, and refrain from such uses in the future;

3 c. Remove all references to “nifty” or any other marks, words,
4 phrases, pictures, or names similar to the Nifty Marks and/or incorporating the
5 word “nifty,” in the metatags of any websites that Defendant controls or
6 maintains, and refrain from such uses in the future;

7 d. Refrain from interfering with NAF’s trademark registration rights
8 and/or trademark applications filed by NAF, or filing or reviving any
9 applications to federally register or register any state(s) trademarks or
10 copyrights comprised of or incorporating “Over Fifty Is Nifty” and/or any other
11 confusingly similar mark to the Nifty Trademarks, including any marks, words,
12 phrases, pictures, or names incorporating the word “nifty”; and

13 e. Cease operating under the name “Over Fifty Is Nifty, LLC.”

14 4. This Final Judgment and Permanent Injunction contained herein shall be
15 binding upon the Enjoined Parties upon entry by the Court without further notice to
16 any party. The Court shall retain jurisdiction of this matter for purposes of
17 enforcement, performance, and modification of this Final Judgment and Permanent
18 Injunction.

19 5. No bond shall be required to secure this Final Judgment and Permanent
20 Injunction.

21 6. The claims in Plaintiff’s Complaint against Defendants that are not
22 adjudicated by this Final Judgment and Permanent Injunction are hereby dismissed
23 without prejudice.


24 7. OFIN waives all rights to appeal this Final Judgment and Permanent
25 Injunction.

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

8. Each party shall bear its own costs and fees incurred in this action up to the entry of the Final Judgment and Permanent Injunction.

IT IS SO ORDERED.

Dated: November 30, 2011



Honorable David O. Carter
U.S. District Court Judge