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Attorneys for Plaintiff
 VALE NATIONAL TRAINING CENTER, INC.

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT CALIFORNIA
 FRESNO DIVISION

VALE NATIONAL TRAINING CENTER,
 INC.

Plaintiff,

vs.

REX A. EASLEY, d/b/a, RAE AUDIT AND
 CONSULTING and d/b/a, VALE TECH
 ONLINE,

Defendant.

Case No.: 1:09-CV-01947-LJO-DLB

AGREED ORDER GRANTING
 PERMANENT INJUNCTION AND
 DISMISSAL

UPON REPRESENTATION TO THE COURT that:

- (1) Plaintiff Vale National Training Center, Inc. (“Vale”) and Defendant Rex. A. Easley (“Easley”) have fully and finally compromised and settled all matters in controversy;
- (2) As part of their final compromise and settlement, Easley, having not yet answered the Complaint, hereby makes an appearance in this case and has agreed to consent to the personal jurisdiction by the United States District Court for the Eastern District of California, Fresno Division for purpose of enforcement of this Settlement Agreement and the Permanent Injunction ordered herein;
- (3) Vale and Easley hereby stipulate to the following facts:
 - a. Vale is the owner of all right, title, and interest in and to the trademarks VALE NATIONAL & design® (U.S. Reg. No. 2,255,689), VALE TRAINING SOLUTIONS™, VALE TRAINING SOLUTIONS & design™, and VALE ONLINE™ (collectively, the “Vale Marks”);
 - b. Without Vale’s authorization, Easley adopted and began using the trademarks VALE TECH and VALE TECH ONLINE (collectively, the “Infringing Marks”), which are confusingly similar to the Vale Marks, in connection with training and educational courses in the field of auto damage appraisal;
 - c. Easley’s adoption and use of the Infringing Marks in violation of Vale’s rights in the Vale Marks constitutes federal trademark infringement under 15 U.S.C. § 1114(1), federal false designation of origin under 15 U.S.C. § 1125(a), unfair competition under Cal. Bus. & Prof. Code § 17200, *et seq.*, and common law unfair competition; and

d. Easley's adoption and use of the Infringing Marks has caused and will continue to cause, absent an injunction, irreparable harm to Vale for which Vale has no adequate remedy at law;

(4) Each party shall bear its own costs and attorneys' fees; and

(5) Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), Vale and Easley hereby stipulate to dismissal of the case, without prejudice; and hereby respectfully request such dismissal from the Court,

and the Court finding that the parties' joint stipulation of dismissal without prejudice is well taken and should be and hereby is GRANTED.

IT IS THEREFORE ORDERED that Easley and all persons acting on his behalf, as of the date of this Order, are required to remove permanently from the world wide web any and all content, domain names, uniform resource locators, and/or metadata using or incorporating the trademarks VALE TECH and VALE TECH ONLINE or any other reproduction, counterfeit, copy or colorable imitation of the trademarks VALE NATIONAL & design® (U.S. Reg. No. 2,255,689), VALE TRAINING SOLUTIONS™, VALE TRAINING SOLUTIONS & design™, and VALE ONLINE™ (collectively, the "Vale Marks"), including, but not limited to, the uniform resource locator <http://www.estimateaudit.com/valetech.htm>, the content located at <http://www.estimateaudit.com/valetech.htm>, the domain name vatechonline.com, and the content located at vatechonline.com.

IT IS FURTHER ORDERED that Easley and all persons acting on his behalf, as of the date of this Order, are permanently enjoined from:

(1) Using the trademarks VALE TECH and VALE TECH ONLINE, or any other reproduction, counterfeit, copy or colorable imitation of Vale Marks or any of

them, in connection with the advertising, offering for sale, or sale of services the same or similar to those offered by Vale;

- (2) Using the trademarks VALE TECH and VALE TECH ONLINE, or any reproduction, counterfeit, copy or colorable imitation of the Vale Marks, or any of them, in any manner likely to cause confusion, to cause mistake or to deceive;
- (3) Selling or passing off, inducing, or enabling others to sell or pass off any services used in the insurance adjustment and automotive industries and other related industries or any other similar to those offered by Vale;
- (4) Committing any acts, including, but not limited to, marketing activities, which are calculated to cause purchasers to believe that Easley's services are Vale's services in whole or in part unless they are entirely such;
- (5) Otherwise competing unfairly with Vale in any manner, including, but not limited to, use of the trademarks VALE TECH and VALE TECH ONLINE;
- (6) Destroying, altering, disposing of, concealing, tampering with or in any manner secreting any and all business records, invoices, correspondence, books of account, receipts or other documentation relating or referring in any manner to the providing, advertising, sale or offer for sale of any services in connection with the trademarks VALE TECH and VALE TECH ONLINE and all other trademarks that are confusingly similar to the Vale Marks;
- (7) From engaging in acts constituting unfair competition in violation of California Business and Professions Code §§ 17200 *et seq.*; and
- (8) From attempting, causing or assisting in any of the above-described acts to occur.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of the Parties for the purposes of enforcing the Settlement Agreement between the Parties and the Permanent Injunction ordered herein.

SO ORDERED, this 24th day of February, 2010.

/s/ LAWRENCE J. O'NEILL
DISTRICT JUDGE

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AGREED AS TO FORM AND SUBSTANCE:

COUNSEL FOR
PLAINTIFF VALE NATIONAL TRAINING
CENTER, INC.

/s/

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DEFENDANT REX A. EASLEY, d/b/a, RAE
AUDIT AND CONSULTING and d/b/a VALE
TECH ONLINE

/s/

Rex. A. Easley