

Name & Address:
Mark A. Serlin
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FILED

2010 JUL 28 P 1:18

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Entrepreneur Media, Inc.,
a California corporation,

CV 10

CASE No.

80188

MISC. WORKING COURT
JF

CV 98-3607 FMC (CTx)

Plaintiff(s)

v.

Scott Smith,
dba Entrepreneurpr,

Defendant(s)

CERTIFICATION OF JUDGMENT FOR
REGISTRATION IN ANOTHER DISTRICT

HRL

I Terry Nafisi, Clerk of this United States District Court certify that the attached judgment is a true and correct copy of the original judgment entered in this action on July 10, 2003

Date

as it appears in the record of this court, and that* (see below)

an appeal was taken from this judgment and this judgment was affirmed by mandate of the Court of Appeals issued on July 2, 2004.

IN TESTIMONY WHEREOF, I sign my name and affix the seal of this Court on 14 JUL 2010

Date

TERRY NAFISI
CLERK, U.S. DISTRICT COURT

By: Shira Berger
Deputy Clerk

* Insert the appropriate language:

"No notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed."

"No notice of appeal from this judgment has been filed, any motions of the kind s listed in Rule 4(a) of the Rules of Appellate Procedure [*] have been disposed of, the latest order disposing of such a motion having been entered on [date]."

"An appeal was taken from this judgment and this judgment was affirmed by mandate of the Court of Appeals issued on [date]."

"An appeal was taken from this judgment and the appeal was dismissed by order entered on [date]."

[NOTE: The motions listed in Rule 4(a), Federal Rules of Appellate Procedure are: judgment notwithstanding the verdict; amend or make additional findings of fact; alter or amend the judgment; new trial; and extension of time for filing a notice of appeal.]

1 LATHAM & WATKINS LLP
Perry J. Viscounty (State Bar No. 132143)
2 Mark A. Finkelstein (State Bar No. 173851)
650 Town Center Drive, Suite 2000
3 Costa Mesa, California 92626
Telephone: (714) 540-1235
4 Facsimile: (714) 755-8290
5 Attorneys for Plaintiff
ENTREPRENEUR MEDIA, INC.

FILED
JSB
Send
FILED
CLERK, U.S. DISTRICT COURT
JUL - 9 2003
CENTRAL DISTRICT OF CALIFORNIA
BY *[Signature]*
DEPUTY

LODGED

2003 JUL - 9 PM 3: 04
COURT
CLERK

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ENTERED
CLERK, U.S. DISTRICT COURT
JUL 10 2003
CENTRAL DISTRICT OF CALIFORNIA
BY *[Signature]*
DEPUTY

11 ENTREPRENEUR MEDIA, INC.,
a California corporation,
12
13 Plaintiff,
14 vs.
15 SCOTT SMITH
dba ENTREPRENEURPR,
16 Defendant.

Case No. 98-3607 FMC (CTx)

~~RECORDED~~ JUDGMENT AND
PERMANENT INJUNCTION
FOLLOWING COURT TRIAL

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1 This case was tried by the Court sitting without a jury on April 29,
2 April 30, and May 2, 2003. Based upon the Findings of Facts and Conclusions of Law
3 adopted by the Court, and having considered all of the evidence and argument presented
4 at trial by the parties and in the written closing arguments, IT IS HEREBY ORDERED,
5 ADJUDGED, AND DECREED that plaintiff Entrepreneur Media, Inc. be awarded
6 Judgment and a permanent injunction in this action against defendant Scott Smith dba
7 EntrepreneurPR as follows:

8 1. Defendant Scott Smith dba EntrepreneurPR, and his officers, agents,
9 servants, employees, and attorneys, and all persons in active concert or participation with
10 them, must immediately cease, and are permanently enjoined from, using the marks
11 ENTREPRENEUR, ENTREPRENEURPR, ENTREPRENEUR ILLUSTRATED, and/or
12 ENTREPRENEURPR.COM, or any other mark, trade name, or domain name that is a
13 colorable imitation thereof or likely to cause confusion therewith, in commerce or in
14 connection with the sale, offering for sale, distribution, and/or advertising of (1) paper
15 goods and printed matter, and/or (2) advertising and business services, including online
16 services. This permanent injunction specifically includes, but is not limited to, the
17 "public relations" activities that Scott Smith dba EntrepreneurPR has previously provided
18 under the marks referenced above.

19 2. Defendant Scott Smith dba EntrepreneurPR, and his officers, agents,
20 servants, employees, and attorneys, and all persons in active concert or participation with
21 them, are hereby ordered to immediately surrender to Entrepreneur Media, Inc. all
22 advertising, publications, goods, labels, signage, packages, and any other materials that
23 contain the marks ENTREPRENEUR, ENTREPRENEURPR, ENTREPRENEUR
24 ILLUSTRATED, and/or ENTREPRENEURPR.COM, or any other mark that is a colorable
25 imitation thereof or likely to cause confusion therewith.

26 3. Plaintiff Entrepreneur Media, Inc. is awarded damages in the amount
27 of \$669,656, which includes damages of \$12,500 incurred after February 11, 2002.

28 4. Because this is an exceptional case, in that defendant Scott Smith

1 dba EntrepreneurPR intentionally and willfully infringed Entrepreneur Media, Inc.'s
2 trademark, plaintiff Entrepreneur Media, Inc. is awarded its attorneys' fees in the amount
3 of _____.

4 5. Plaintiff Entrepreneur Media, Inc. is awarded its costs in the amount
5 of _____.

6 6. To the extent that defendant Scott Smith dba EntrepreneurPR
7 asserted any rights or claims against plaintiff Entrepreneur Media, Inc., such rights and
8 claims are denied.

9 IT IS SO ORDERED, ADJUDGED, AND DECREED.

10
11 DATED: July 9, 2003

Florence-Marie Cooper
12 Honorable Florence-Marie Cooper
13 District Court Judge

14 Presented By:
15 LATHAM & WATKINS LLP

16 By: *MAF*
17 Mark A. Finkelstein
18 Attorneys for Plaintiff
19 Entrepreneur Media, Inc.

20
21
22 I hereby attest and certify on 7-14-10
23 that the foregoing document is a full, true
24 and correct copy of the original on file in
25 my office, and in my legal custody.

26 CLERK U.S. DISTRICT COURT
27 CENTRAL DISTRICT OF CALIFORNIA

MM
28 DEPUTY CLERK



PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to this action. My business address is Latham & Watkins, 650 Town Center Drive, Suite 2000, Costa Mesa, CA 92626-1925.

On July 3, 2003, I served the following document described as:

**[PROPOSED] JUDGMENT AND PERMANENT INJUNCTION
FOLLOWING COURT TRIAL**

by serving a true copy of the above-described document in the following manner:

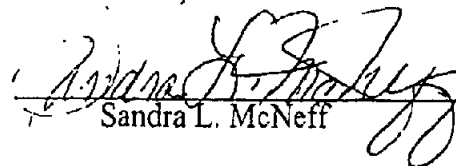
BY U.S. MAIL

I am familiar with the office practice of Latham & Watkins LLP for collecting and processing documents for mailing with the United States Postal Service. Under that practice, documents are deposited with the Latham & Watkins LLP personnel responsible for depositing documents with the United States Postal Service; such documents are delivered to the United States Postal Service on that same day in the ordinary course of business, with postage thereon fully prepaid. I deposited in Latham & Watkins LLP's interoffice mail a sealed envelope or package containing the above-described document and addressed as set forth below in accordance with the office practice of Latham & Watkins LLP for collecting and processing documents for mailing with the United States Postal Service:

Jeffrey S. Kravitz
Kravitz Law Office
2728 J. Street, Suite 204
Sacramento, CA 95816

I declare that I am employed in the office of a member of the Bar of, or permitted to practice before, this Court at whose direction the service was made and declare under penalty of perjury that the foregoing is true and correct.

Executed on July 3, 2003, at Costa Mesa, California.


Sandra L. McNeff

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SCANNED

ENTREPRENEUR MEDIA, INC., a
California Corporation,

Plaintiff - Appellee,

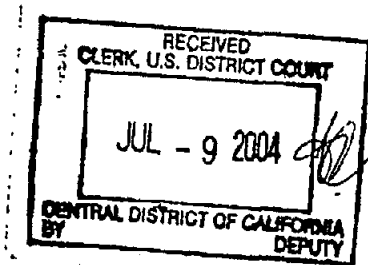
v.

SCOTT SMITH, an individual
EntrepreneurPR,

Defendant - Appellant.

No. 03-56431
D.C. No. CV-98-03607-FMC

JUDGMENT



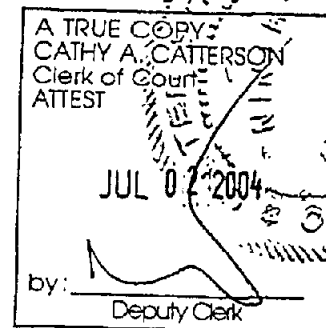
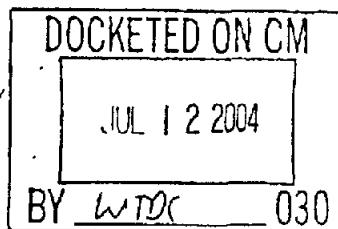
Appeal from the United States District Court for the Central District of California, Los Angeles.

This cause came on to be heard on the Transcript of the Record from the United States District Court for the Central District of California, Los Angeles and was duly submitted.

On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said District Court in this cause be, and hereby is

AFFIRMED.

Filed and entered July 2, 2004



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