

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No: 09-CV-00528-WJM-BNB

B2A, LLC,
a Colorado limited liability company,

Plaintiff,

v.

COMMLOG LLC,
an Arizona limited liability company, and
STEVEN STREIFF, an individual

Defendants.

ORDER GRANTING STIPULATED MOTION AND PERMANENT INJUNCTION

This matter comes before the Court on the parties' Stipulated Motion for Entry of Injunction and Dismissal filed December 2, 2011 (ECF No. 172). The Court, having reviewed the Motion and record, and noting that all parties have agreed to the relief requested therein, FINDS as follows:

1. Plaintiff alleges that Defendants infringed on Plaintiff's rights in two registered trademarks owned by Plaintiff, "Dataworks" (Registration No. 2080678) and "The Manager's Red Book" (Registration No. 3100193) and has raised additional claims, all of which the Defendants have denied;
2. The Parties have settled this matter and jointly request that the Court enter this Order and Permanent Injunction and dismiss this case, with prejudice, each party to bear its or his own attorneys' fees and costs; and

3. Good cause has been shown for entry of the Permanent Injunction.

Therefore, the Court ORDERS as follows:

1. The Stipulated Motion is GRANTED.
2. Defendants Commlog LLC and Steven Streiff are hereby permanently enjoined from infringing on Dataworks' registered trademarks, "Dataworks" (Registration No. 2080678) and "The Manager's Red Book" (Registration No. 3100193), by using these trademarks, including by using either or both of these trademarks to identify, advertise or otherwise promote their products. The injunction shall not prohibit non-infringing uses, as determined by applicable case law as of the time of the alleged infringement, including without limitation, fair use of the marks in comparative advertising or commentary and use of the individual root words manage and Red Book apart from each other in their descriptive sense. However, Commlog and Streiff shall not use the words manage and Red Book together to identify a product or service of Commlog or Steven Streiff;
2. The 5-day jury trial set to begin on December 12, 2011 is hereby VACATED, and all pending motions are DENIED as moot;
3. This case is DISMISSED WITH PREJUDICE, each party shall pay its or his own attorney's fees and costs. This Court shall retain jurisdiction to enforce this Permanent Injunction; and
4. The Clerk shall enter Judgment on this Order of Dismissal.

Dated this 5th day of December, 2011.

BY THE COURT:



William J. Martínez
United States District Judge