

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-1645-RPM-CBS

HEALTH GRADES, INC., a Delaware corporation,

Plaintiff,

v.

AMERICAN REGISTRY, LLC, a limited liability company,

Defendant.

ORDER OF PRELIMINARY AND PERMANENT INJUNCTION

THIS MATTER is before the Court on the Stipulation for Order of Preliminary and Permanent Injunction (“Stipulation”) filed by the Plaintiff, Health Grades, Inc. ("Health Grades") and Defendant American Registry, LLC (“American Registry” or "Defendant"). Based on the Stipulation, and being otherwise duly advised in the premises, the Court hereby finds that the Stipulation provides for a fair, just, and expeditious preliminary and permanent resolution of the claims asserted by the Plaintiff to date against the Defendant.

THEREFORE, IT IS ORDERED:

1. The Court has jurisdiction over the Defendant and the subject matter of this action.
2. The Defendant, and those persons in active concert or participation with it who receive actual notice of this injunctive order through personal service or otherwise, are hereby permanently restrained and enjoined from actively engaging in any of the following acts:

a. infringing or otherwise using any trademark or copyrighted materials of Health Grades in any manner, including, but not limited to, in any recognition materials, plaques, trophies, solicitations, advertising, press releases, website(s), marketing materials, or publishing any document or information to any third party, which infringes, contains, uses or refers to any trademark and/or copyrighted material of Health Grades, without Health Grades' written consent and authorization. As used herein, the Health Grades copyrighted materials are all information, including healthcare provider ratings, made and published by and identified therein as Health Grades, now or in the future, including but not limited to the copyrighted materials more particularly set forth in the Limited License agreement marked as Exhibit A to the Complaint and Jury Demand filed in this action. As used herein, the Health Grades trademarks are (i) the name "Health Grades", as registered with the United States Patent and Trademark Office under Registration Number 2,483,194 and (ii) the trademark/service mark described as a check mark, oval and star design, as registered with the United States Patent and Trademark Office under Registration Number 3,138,409.

b. using the terms "Health Grades" or "Health Grades, Inc." or "Healthgrades.com," whether in small or large case, on any website (except in connection with any permitted description or reference to the caption or case name of this Lawsuit); in any advertising; in any solicitation; or in any recognition materials, including but not limited to, plaques, trophies, marquees, banners, counter displays, or crystals.

3. In any proceeding that alleges that the Defendant has violated the preceding paragraphs in any manner after the date of this Order and after Defendant was given notice of its violation with an opportunity to cure within five (5) days of Defendant's receipt of such notice, the prevailing party shall be entitled to recover from the other party the attorney's fees, expert witness fees and costs it incurs in litigating this Order, if any.

4. This Order is a permanent Order of the Court that may be enforced through the Federal Rules of Civil Procedure, including but not limited to contempt proceedings.

Dated this 12th day of March, 2010.

s/Richard P. Matsch

Richard P. Matsch, Senior Judge