

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge R. Brooke Jackson

Civil Action No 14-cv-00780-RBJ

JABANERO'S MEXICAN GRILL, LLC, a Colorado limited liability company,

Plaintiff,

v.

KOKI'S INC., a Colorado corporation,
TITI'S, INC., a Colorado corporation, and
DAN E. QUISPE, an individual,

Defendants.

CONSENT ORDER

THE COURT, being duly advised in the premises and upon motion of Jabaneros Mexican Grill, LLC ("Jabanero's") and Koki's Inc., Titi's, Inc. and Dan E. Quispe (collectively the "Defendants"), hereby orders, adjudges and decrees the following:

1. Pursuant to 15 U.S.C. § 1116 and Fed. R. Civ. P. 65, the Defendants and each of their respective officers, agents, servants, employees and attorneys, and those persons or entities in active concert or participating with them who receive actual notice of this order by personal service or otherwise are permanently enjoined effective May 1, 2014 from engaging in the following acts:

- a. Using in their advertising and marketing a chili pepper wearing a sombrero or any other hat or with any human characteristics (the "Trademark"). A copy of the Trademark is attached hereto as Exhibit 1.

- b. In particular, the Defendants will cease using the logo attached hereto as Exhibit 2 depicting a chili pepper "J" with a sombrero, mustache and sandaled feet.
 - c. Using in any manner any service mark, trademark, trade name, trade dress, words, numbers, abbreviations, designs, colors, arrangements, collocations or any combination thereof which would imitate, resemble or suggest the Trademark; and
 - d. Diluting the distinctiveness of the Trademark.
- 2. The April 23, 2014 scheduling conference is vacated.
 - 3. Any remaining claims against the Defendants are dismissed with prejudice.

DATED this 22nd day of April, 2014.

BY THE COURT:



R. Brooke Jackson
United States District Judge