

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 15-cv-00348-WYD-KLM

CUPID CHARITIES, INC.,

Plaintiff,

v.

The DEW, LLC,

Defendant.

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**ORDER OF JUDGMENT**

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THIS MATTER is before the Court on the Expedited Motion for Entry of Order of Judgment (ECF No. 38). By way of background, a default and default judgment has been entered in favor of Cupid Charities and against The DEW on all claims brought by Cupid Charities. (ECF Nos. 36 and 37). Accordingly, I grant the pending motion (ECF No. 38), and order the following relief as requested in Plaintiff's Amended Complaint (ECF No. 11):

- a) Judgment is entered to reflect that Cupid Charities' use of CUPID'S UNDIS RUN (whether or not capitalized) does not violate § 32 of the Lanham Act, 15 U.S.C. § 1114, or constitute trademark infringement under the Lanham Act or the common law of Colorado, of Defendant's marks, U.S. Registration Nos. 4,615, 907, 4,615, 908, and 4,133,557.

- b) Pursuant to § 14 of the Lanham Act, 15 U.S.C. § 1064, and § 39 of the Lanham Act, 15 U.S.C. § 1119, Defendant's marks, U.S. Registration Nos. 4,615, 907, 4,615, 908, and 4,133,557, are cancelled.
- c) Defendant The DEW, its agents, servants, employees, attorneys are enjoined from interfering with, or threatening to interfere with, use of the mark CUPID'S UNLIE RUN (whether or not capitalized) by Cupid Charities or its agents, employees, representatives, sponsors, beneficiaries, licensees, vendors, customers, successors, or assigns, including Cupid Charities' use of CUPID'S UNLIE RUN (whether or not capitalized) in any social media platforms including but not limited to BuzzFeed, Facebook, Twitter, and Instagram.
- d) Defendant The DEW is ordered to cooperate in the reinstatement of Cupid Charities' social media accounts, including but not limited to its accounts with BuzzFeed, Facebook, Twitter, and Instagram.
- e) It is ordered that Defendant has not suffered any harm and is not entitled to damages or other relief under 15 U.S.C. §1117.
- f) Cupid Charities is entitled to damages in an amount to be proven. Cupid Charities shall file a motion for damages not later than 21 days after the date of this order. Upon the Court's resolution of such motion, Judgment as to the amount of damages, attorney fees, and costs will be entered in favor of Plaintiff and against the Defendant.

Dated: September 29, 2015

BY THE COURT:

*/s/ Wiley Y. Daniel*

WILEY Y. DANIEL,  
SENIOR UNITED STATES DISTRICT JUDGE