

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00863-WYD-MJW

DENVER METRO CHAMBER OF COMMERCE,

Plaintiff,

v.

COLORADO CANNABIS CHAMBER OF COMMERCE,

Defendant.

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FINAL JUDGMENT

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Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order, filed on May 29, 2015, by the Honorable Wiley Y. Daniel, Senior United States District Judge, and incorporated herein by reference as if fully set forth, it is hereby

ORDERED that the Plaintiff and Defendant stipulate that:

1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. 133(8) and (b), 15 U.S.C. § 1121, and 15 U.S.C. § 1116.

2. This Court has personal jurisdiction over the parties.

3. Venue is proper under 28 U.S.C. § 1391(b) and (c).

4. Denver Metro Chamber of Commerce is the owner of the service mark U.S. Reg. No. 3729134 (the "Registered Mark").

5. Plaintiff and Defendant have consented to entry of a permanent injunction pursuant to 15 U.S.C. § 1116.

6. The parties have resolved this case pursuant to a written settlement agreement.

7. As part of the settlement agreement, the parties request that the Court enter this Stipulated Order.

8. Permanent Injunction. Defendant, with no admission of liability, along with its respective officers, agents, servants, employees, attorneys, and all persons, corporations, business entities, who are in concert with Defendant, shall be PERMANENTLY ENJOINED AND RESTRAINED from:

- a. using, and/or displaying the logo (contained in Stipulated Permanent Injunction Order and Order of Dismissal [ECF Doc. No. 18], filed May 26, 2015):  
("Prior Logo");
- b. using and/or displaying the Registered Mark or any confusing similar variations thereof;
- c. using the Registered Mark or any confusingly similar variations thereof or Plaintiff's name in connection with any services or activities likely to deceive individuals into believing that Defendant's services are associated with, affiliated with, connected to, approved by, or sponsored by Plaintiff. This language is not intended to prevent Defendant from operating as a chamber of commerce; and
- d. filing any opposition proceeding and/or cancellation proceeding seeking to oppose or cancel the Registered Mark.

9. To the extent Defendant has not already done so, Defendant must destroy any materials in its possession, custody, or control bearing the Prior Logo and any confusingly similar variations of the Registered Mark and remove and destroy the Prior Logo and any confusingly similar variations of the Registered Mark from any electronic mediums, such as websites or social media pages, in its possession, custody, or control. Upon written notice from Plaintiff of any remaining Prior Logo in any medium, Defendant shall in good faith act to remove the Prior Logo within 3 business days.

10. Should Defendant become aware of any use or display of the Prior Logo by a third-party, Defendant will, within 3 business days, demand in writing that the third-party stop using or displaying the Prior Logo.

11. Within five calendar days of issuing this Stipulated Order, Colorado Cannabis Chamber must cancel the March 13, 2015 registration of the Prior Logo as trademark with the Colorado Secretary of State (the "Colorado Trademark Registration").

12. **Survival.** This Stipulated Order shall be binding upon and shall inure to the benefit of the parties and their successors and assigns. It shall bind Defendant and their corporate affiliates, successors, assignees, officers, directors, employees, agents, servants, representatives, and shareholders.

13. **Non-Appealability.** This Stipulated Order is a permanent injunction without an admission of liability and may not be appealed by either party.

14. **Dismissal.** Plaintiff's claims against Defendant are hereby dismissed, with prejudice, except the Court shall retain jurisdiction to enforce this Stipulated Order. Each party to bear their own attorneys' fees and costs unless otherwise indicated in the parties' Settlement Agreement.

15. **Fed. R. Civ. P. 65.** This Stipulated Order applies to and binds all parties who are in active concert or participation with Defendant, as provided in Fed. R. Civ. P. 65(d).

DATED at Denver, Colorado this 1st day of June, 2015.

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

*/s/ Robert R. Keech*  
Robert R. Keech,  
Deputy Clerk