

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-61833-CIV-COHN-SELTZER

THE STEPHAN CO.,

Plaintiff,

vs.

MEXICAN SUPERMARKET, INC., and  
IMPORT MEX DISTRIBUTORS, INC.,

Defendants.

\_\_\_\_\_ /

**STIPULATED ORDER OF PERMANENT INJUNCTION AGAINST  
DEFENDANT IMPORT MEX DISTRIBUTORS, INC.**

\_\_\_\_\_ THIS CAUSE came before the Court upon the stipulation of Plaintiff, The Stephan Co. (“Stephan”), and Defendant, Import Mex Distributors, Inc. (“Import Mex”): (i) that Stephan has filed a complaint against Import Mex seeking, among other things, preliminary and permanent injunctive relief, (ii) that Import Mex admits that the Court has jurisdiction over it and the subject matter of this action, (iii) that Import Mex waives the right to entries of findings of fact and conclusions of law under Rule 52 of the Federal Rules of Civil Procedure, (iv) that Import Mex consents to the entry of the following order granting a permanent injunction against it, and (v) that Import Mex understands this Stipulated Order of Permanent Injunction constitutes the final judgment in this matter and that it waives any and all right to appeal this judgment. Having considered this matter, and pursuant to Federal Rule of Civil Procedure 65 and 15 U.S.C. §1116, it is hereby

ORDERED and ADJUDGED that a permanent injunction be and hereby is granted in favor of Stephan and against Import Mex as follows:

1. This Court has jurisdiction over Stephan and Import Mex in connection with this matter.

2. Import Mex, its officers, directors, agents, servants, employees, attorneys, representatives, and its successors and assigns and all persons, entities, firms, or corporations in active concert or participation with Import Mex shall be and hereby are permanently enjoined and restrained from:

- a. directly or indirectly infringing Stephan's federally registered marks in Wildroot in any manner, including, but not limited to engaging in distributing, advertising, selling or offering for sale and distribution of any goods or services which infringe said marks or bear said marks;
- b. using marks, trade names, logos or designs that tend falsely to represent, or are likely to confuse, mislead, or deceive purchasers, Import Mex's customers, or members of the public, that goods offered by Import Mex originate from Stephan, or that said goods have been sponsored, approved, or licensed by or associated with Stephan or are in some way connected or affiliated with Stephan;
- c. engaging in any conduct that tends falsely to represent that, or is likely to confuse, mislead, or deceive purchasers, Import Mex's customers, or other members of the public to believe that the actions of Import Mex is connected with Stephan, is sponsored, approved or licensed by Stephan, or in some way connected or affiliated with Stephan;
- d. affixing, applying, annexing or using in connection with the Wildroot being offered for sale by Import Mex, a false description or representation, including words or other symbols, tending to falsely describe or represent such goods as being those offered or sold by Stephan;
- e. otherwise competing unfairly with Stephan in any manner;
- f. diluting and infringing the aforementioned trademarks and damaging Stephan's goodwill, reputation, and business; and
- g. assisting, aiding or abetting any other person or entity in

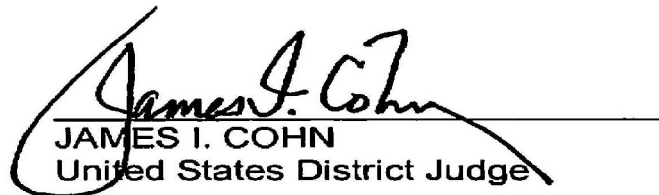
engaging in or performing any of the activities referred to in subparagraphs (a) through (f) above.

3. Import Mex shall deliver for destruction to Stephan's counsel all copies and reproductions in its possession or under its control of any goods and promotional and advertising material, and any other unauthorized items which reproduce, copy, counterfeit, imitate, bear or use the Wildroot marks.

4. Import Mex shall report in writing to Stephan under oath within thirty (30) days hereof in detail the manner and form in which it has complied with this injunction.

5. The Clerk may terminate Import Mex as a defendant in this case.

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida,  
this 26th day of January, 2009.

  
JAMES I. COHN  
United States District Judge

Copies furnished to:

Curtis Carlson, Esq. (counsel for Plaintiff)

Counsel for Plaintiff shall forward this order to counsel for Import Mex, who has not filed a Notice of Appearance in this case