

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

THE STEPHAN CO.,

Plaintiff,

vs.

MEXICAN SUPERMARKET, INC.,
IMPORT MEX DISTRIBUTORS, INC.,
SECOBASA MEXICAN GROCERIES, LLC and
SOUTH TEXAS GROCERY LLP,Defendants.

**STIPULATED ORDER OF PERMANENT INJUNCTION AGAINST
DEFENDANTS SECOBASA MEXICAN GROCERIES, LLC AND
SOUTH TEXAS GROCERY LLP**

_____ THIS CAUSE came before the Court upon the stipulation of Plaintiff, The Stephan Co. ("Stephan"), and Defendants, Secobasa Mexican Groceries LLC and South Texas Grocery LP (collectively or singularly, the "Defendants") [DE 41]. The parties stipulate (i) that Stephan has filed a complaint against Defendants seeking, among other things, preliminary and permanent injunctive relief, (ii) that Defendants admit that the Court has jurisdiction over them and the subject matter of this action, (iii) that Defendants waive the right to entries of findings of fact and conclusions of law under Rule 52 of the Federal Rules of Civil Procedure, (iv) that Defendants consent to the entry of the following order granting a permanent injunction against it, and (v) that Defendants understand this Stipulated Order of Permanent Injunction constitutes the final judgment in this matter and that they waive 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 Defendants as follows:

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

2. Defendants and their respective officers, directors, agents, servants, employees, attorneys, representatives, and their successors and assigns and all persons, entities, firms, or corporations in active concert or participation with Defendants, including but not limited to Mexican Imports LLC, 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, Defendants' customers, or members of the public, that goods offered by Defendants 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, Defendants' customers, or other members of the public to believe that the actions of Defendants are connected with Stephan, are sponsored, approved or licensed by Stephan, or are in some way connected or affiliated with Stephan;
- d. affixing, applying, annexing or using in connection with the Wildroot being offered for sale by Defendants, 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;

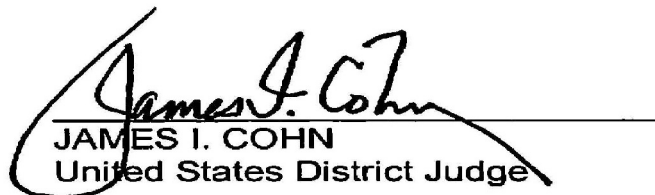
- f. diluting and infringing the aforementioned trademarks and damaging Stephan's goodwill, reputation, and business; and
- g. assisting, aiding or abetting any other person or entity in engaging in or performing any of the activities referred to in subparagraphs (a) through (f) above.

3. Defendants 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. Defendants shall report in writing to Stephan under oath within thirty (30) days hereof in detail the manner and form in which they have complied with this injunction.

5. The Clerk may close this case as relief has been granted as to all Defendants.

DONE AND ORDERED in Chambers in the Southern District of Florida
this 25th day of August, 2009.


JAMES I. COHN
United States District Judge

Copies furnished to:

Curtis Carlson, Esq.
Andrea De Lima-Baez, Esq.