

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

OMAHA STEAKS INTERNATIONAL,
INC., a Nebraska corporation,

Plaintiff,

vs.

FRONTIER CHOICE STEAKS, L.L.C.,
a Mississippi limited liability company,
d/b/a OMAHA BEEF SUPPLYING
FRONTIER STEAKS, CHAD DAVIS,
an individual, and ARKIN TERRELL, an
individual,

Defendants.

No. C 13-4095-MWB

**CONSENT JUDGMENT AS TO ALL
REMAINING DEFENDANTS AND
ORDER FOR ENTRY OF FINAL
JUDGMENT**

This trademark infringement action is before me on the February 25, 2014, Motion For Entry Of A Consent Judgment As To Remaining Defendants (docket no. 47), signed by plaintiff Omaha Steaks International and “Remaining Defendants” Frontier Choice Steaks, L.L.C., d/b/a Omaha Beef Supplying Frontier Steaks, Chad Davis, and Arkin Terrell, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure. In the Motion, the parties indicate that they have stipulated to the entry of a Consent Judgment that will resolve all claims pending against the Remaining Defendants and formally resolve this matter in its entirety. I have carefully reviewed the parties’ proposed Consent Judgment. I find the proposed Consent Judgment reasonable. I find, further that, in the circumstances of this case, including the nature of the claims, the conduct of the parties as demonstrated by the record, and the resolution by settlement of all claims against all other defendants, that there is no just reason for delay of the entry of judgment against the Remaining Defendants nor to delay the entry of final judgment in this case.

IT IS THEREFORE ORDERED, as follows:

1. Remaining Defendants Frontier Choice Steaks, L.L.C., d/b/a Omaha Beef Supplying Frontier Steaks, Chad Davis, and Arkin Terrell, along with any and all affiliated or related entities, agents, officers, employees, representatives, successors, assigns, attorneys, and all other persons acting for, with, by, through, or under authority from him/her/them, or in concert or participation with him/her/them, directly or indirectly, are hereby permanently enjoined from:

a. using the Trademarks encompassed in U.S. Trademark Registration Nos. 3,768,691 and 3,768,690 HEARTLAND QUALITY OMAHA STEAKS SINCE 1917 & Design and Registration Nos. 1,458,802; 1,515,602; 1,674,686; and 3,774,260 OMAHA STEAKS (collectively “the OMAHA STEAKS Trademarks”), and any other marks confusingly similar to the OMAHA STEAKS Trademarks in connection with the Remaining Defendants’ business or products, including but not limited to the advertising of the Remaining Defendants’ products and services or any other use of the OMAHA STEAKS Trademarks whether as a trade name, service mark or trademark, and whether alone or in association with other words or symbols; and

b. using any trademark, service mark, name, logo, or source designation of any kind that is a copy, reproduction, colorable imitation, or simulation of or confusingly similar to, or in any way similar to, the trademarks, service marks, or logos, of Omaha Steaks, or that is likely to cause confusion, mistake, deception, dilution, or public misunderstanding that the Remaining Defendants’ business or products are the business or products of Omaha Steaks, or are sponsored by, affiliated with, or in any way related to Omaha Steaks.

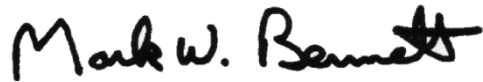
2. The Remaining Defendants shall, in accordance with 15 U.S.C. § 1118, deliver up to Omaha Steaks for destruction all items which in any way or manner depict

the OMAHA STEAKS Trademarks and/or any marks substantially similar to the OMAHA STEAKS Trademarks, whether such items are used alone or in association with other words or symbols, and the Remaining Defendants shall show this Court proof of the same within 10 days of the issuance of this Consent Judgment or subsequent Order requiring such proof.

3. Final judgment shall enter accordingly.

IT IS SO ORDERED.

DATED this 27th day of February, 2014.



MARK W. BENNETT
U.S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA