

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

BBY SOLUTIONS, INC.,
Plaintiff,

Civil No. 09-01887-PJS-AJB

v.

Richard Sims d/b/a United
Technologies; Geek Patrol, a division
of United Technologies; and William
Sims d/b/a Certified Technologies
Defendants.

CONSENT JUDGMENT

WHEREAS, Plaintiff BBY Solutions, Inc. (“BBY”), through its attorneys, filed a Complaint in this matter on July 19, 2009 (“Complaint”) against Defendants Richard Sims d/b/a United Technologies; Geek Patrol, a division of United Technologies; and William Sims d/b/a Certified Technologies (“SIMS”) (collectively “the Parties”) alleging that SIMS infringed and continues to infringe BBY’s GEEK SQUAD Marks by using the names Geek Squad, Geek Patrol and Geek Patrol Squad.

WHEREAS, BBY is the owner of trademark Registration Nos. 2,744,658 for the mark GEEK SQUAD®; and 1,943,643 for the mark GEEK SQUAD® (plus design) (collectively the “GEEK SQUAD Marks”).

WHEREAS, the Parties have settled the matter and agree to the entry of this Consent Judgment under the terms herein.

NOW, THEREFORE, in the interest of resolving this matter the Parties hereby stipulate and consent to the entry of this Consent Judgment, under the terms set forth below:

Defendants SIMS agree and consent to the following terms:

- (a) SIMS and their employees, agents, or representatives agree never to use the terms “BEST BUY” or “GEEK SQUAD”, Geek Patrol, or any combination, such as Geek Squad Patrol, or anything confusingly similar to GEEK SQUAD or BEST BUY. However, notwithstanding the above, SIMS may wind down their business through January 31, 2010, but shall not in any way use BEST BUY or GEEK SQUAD in doing so.
- (b) SIMS agrees to identify their company(ies) to callers as something other than GEEK SQUAD or BEST BUY, Geek Patrol, or any combination, such as Geek Squad Patrol, or anything confusingly similar to BEST BUY or GEEK SQUAD.
- (c) SIMS agrees to redirect confused customers to BBY’s Geek Squad.
- (d) SIMS agrees to assist BBY or its attorneys in taking down any listings that affiliate any of SIMS’ phone numbers with Geek Squad, Geek Patrol, Geek Squad Patrol, or anything confusingly similar to BEST BUY or GEEK SQUAD.
- (e) SIMS agrees to liquidated damages of \$50,000 for any breach of this Agreement. SIMS further agrees that the damage to BBY for any breach of this Agreement is not readily ascertainable, but that \$50,000 roughly

approximates the minimum amount of damage BBY will suffer for any breach of this Agreement.

(f) SIMS agrees to transfer to BBY the web domain www.thegeekpatrol.biz by no later than February 5, 2010. SIMS may phase out use of the domain until such transfer.

(g) SIMS agrees to change its toll-free, and any other numbers, to new numbers having no relationship to BEST BUY, GEEK SQUAD, Geek or Squad, Geek Patrol, Geek Squad Patrol or any confusingly similar variation of the forgoing.

RICHARD SIMS d/b/a United Technologies

BBY SOLUTIONS, INC.

Name: Richard Sims

By its attorneys,

Date: 01/07/10

Dated: January 19, 2010

Signature: s/ Richard Sims

s/ Anthony R. Zeuli

WILLIAM SIMS d/b/a Certified Technologies

Anthony R. Zeuli

Thomas J. Leach

MERCHANT & GOULD P.C.

3200 IDS Center

80 South Eighth Street

Minneapolis, Minnesota 55402-2215

Telephone: (612) 332-5300

Facsimile: (612) 332-9081

Name: William Sims

Date: 01/08/10

Signature: s/ William Sims

GEEK PATROL, a division of United Technologies

Name: Richard Sims

Date: 01/08/10

Signature: s/ Richard Sims

LET THE JUDGMENT BE ENTERED ACCORDINGLY.

DATED: 1/19/10

BY THE COURT:

s/Patrick J. Schiltz
Patrick J. Schiltz
United States District Judge