

UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

**HARLEY-DAVIDSON MOTOR COMPANY, INC.
and H-D MICHIGAN, LLC**

Plaintiffs,

vs.

**ELWORTH'S HARLEY-DAVIDSON SALES &
SERVICE, INC. and GREGORY J. ELWORTH,**

Defendants.

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) Civil Action No. 8:10CV86
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ORDER FOR PERMANENT INJUNCTION AND DISMISSAL

Upon the stipulation of the parties, based upon the entire record in this action, and for good cause shown,

IT IS HEREBY ORDERED:

1. Defendants and their employees, agents, partners, officers, directors, owners, shareholders, principals, subsidiaries and related companies, and all persons in active concert or participation with any of them, are permanently enjoined and restrained from: (a) using the Harley-Davidson Trademarks, including the Harley-Davidson name and Bar & Shield Logo, and any other trademarks and logos that are confusingly similar to or dilutive of those marks, in any unauthorized manner including, but not limited to, on indoor and outdoor signage, banners, flags, floor mats, decals, advertising and promotional materials, posters, displays, fixtures, business cards, letterhead, stationery, forms, clothing and apparel, websites, and trailers, as business

names, as domain names, as e-mail addresses, as URLs, as metatags, or as any other identifiers; and, (b) from representing by any means whatsoever, directly or indirectly, that defendants, any products or services offered by defendants, or any activities undertaken by defendants, are associated or connected in any way with plaintiffs, including continuing to represent or imply that either defendant is an authorized Harley-Davidson dealer. No bond shall be necessary in connection with the entry of this permanent injunction, and it shall no longer be necessary for plaintiffs to maintain the security bond posted in connection with the issuance of the preliminary injunction in this matter.

2. The remainder of plaintiffs' complaint, including plaintiffs' claims for damages, attorney's fees and costs, is dismissed with prejudice, except that this court shall retain jurisdiction to enforce its preliminary and permanent injunctions and plaintiffs are not waiving or relinquishing any claims they may have with respect to enforcement and/or any future failure to comply with these orders

3. All of the defendants' counterclaims, including all claims for declaratory relief, damages, attorneys' fees and costs, are dismissed with prejudice.

DATED this 8th day of June, 2010.

BY THE COURT:

/s/ Lyle E. Strom

Lyle E. Strom, Senior Judge
United States District Court