

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>THE OHIO STATE UNIVERSITY,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	<b>Case No. 2:10-CV-00890</b>
<b>v.</b>	:	
	:	<b>Judge Watson</b>
	:	
<b>MAPLE STREET PRESS, LLC,</b>	:	<b>Magistrate Judge Preston Deavers</b>
	:	
<b>Defendant.</b>	:	

**FINAL CONSENT JUDGMENT AND PERMANENT INJUNCTION**

Plaintiff The Ohio State University (hereinafter collectively referred to as either "OSU" or "Ohio State" or "Plaintiff") and Defendant Maple Street Press, LLC (hereinafter referred to as "Maple Street" or "Defendant"), having reached a settlement of all claims and having agreed to a Permanent Injunction as set forth in this Final Consent Judgment Granting Permanent Injunction and final Dismissal of All Other Claims for Relief ("Consent Judgment"), it is hereby:

**ORDERED, ADJUDGED and DECREED that:**

1. The term "Ohio State Trademark Registrations" shall mean U.S. trademark Registration Nos. 1,152,683, 1,267,035, 2,437,954, 1,294,114, 1,152,682, 1,121,595, 1,294,115, 2,689, 612 and any Ohio State Trademark Registrations now existing or hereafter registered, as applied to the services and goods in such registrations.
2. The "Ohio State Trademarks" shall mean both the Ohio State Trademark Registrations (set out in paragraph 1, above) and the common law trademarks BUCKEYE, BUCKEYES, BUCKEYE BATTLE CRY, BLOCK "O", BLOCK "O" with Buckeye Leaves,

OHIO STATE, OSU, OHIO STATE UNIVERSITY, the trade dress of Ohio State football uniforms and helmets, the school colors and font styles, school song and other symbols and indicia which point to and indicate origin in Ohio State.

3. Prior to the acts of Defendant complained of herein, Plaintiff, as the owner of the Ohio State Trademarks, has extensively used, advertised, marketed and sold products and services throughout the United States under its distinctive Ohio State Trademarks.

4. Ohio State has objected to Maple Street's publication, without permission or license, of a magazine devoted to Ohio State football, currently called "Buckeye Battle Cry," which uses many of the Ohio State Trademarks.

Plaintiff and Defendant have reached a settlement of all claims asserted by Plaintiff in the Lawsuit (the "Settlement Agreement") and have agreed to a Permanent Injunction as set forth in this Final Consent Judgment and Permanent Injunction, without any admission of liability.

#### **PERMANENT INJUNCTION**

1. Defendant, each of its related and affiliated entities, corporations, partnerships, agents, servants, employees, officers, directors, shareholders, assigns, representatives, successors, and all persons in active concert or participation with Defendants, are hereby ORDERED:

- a. To not use the Ohio State Trademarks, as defined in this Agreement, in any commercial way;
- b. to permanently refrain from doing any other act or thing, or encouraging or permitting any third party from doing any other act or thing that might suggest or induce the belief that Maple Street's businesses, services or products are in any way connected with, sponsored, affiliated, licensed or endorsed by Ohio State;

- c. to not use the Ohio State Trademarks or any other words or signs or symbols or device that suggest an affiliation, approval, license, connection, sponsorship or endorsement with Ohio State on the front or back cover of any publication, whether print or electronic; and
- d. to not use the Ohio State Trademarks or any other words or signs or symbols or device that suggest an affiliation, approval, license, connection, sponsorship or endorsement with Ohio State as the title of any publication, whether print or electronic; and
- e. to permanently refrain from producing, advertising, selling or giving away the publication "Buckeye Battle Cry" whether print or electronic, and
- f. to take all legal and equitable measures to regain possession of all copies of publications containing any of the Ohio State Trademarks, including but not limited to the publication "Buckeye Battle Cry," and to surrender all copies of print publications that include any of the Ohio State Trademarks, including but not limited to the publication "Buckeye Battle Cry" for destruction.

**IT IS FURTHER ORDERED:**

1. That this Court has personal jurisdiction over the parties to and subject matter of this action;

2. That jurisdiction over this cause is retained by this Court for the sole purpose of enforcement of compliance with both this Final Consent Judgment and Permanent Injunction and the Settlement Agreement (attached hereby as Exhibit A) between Plaintiff and Defendant, for further orders and directions as may be necessary or appropriate for the

construction and effectuation of the terms of the Final Consent Judgment and Permanent Injunction and Settlement Agreement;

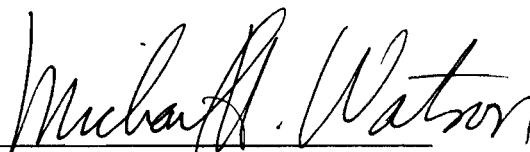
3. That, except for the relief herein granted, the above-identified civil action, including all claims, counterclaims, and affirmative defenses which Plaintiff or Defendant have, could have or should have asserted therein, is hereby dismissed with prejudice;

4. That Plaintiff and Defendant have waived notice of the entry of this Final Consent Judgment and Permanent Injunction and the right to appeal therefrom or to test its validity;

5. That the parties shall pay their own attorney's fees and costs


Dated:

Nov. 16, 2010

  
MICHAEL H. WATSON  
United States District Court Judge


APPROVED AS TO FORM:

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