

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

COLDWELL BANKER REAL ESTATE, LLC,)
)
 Plaintiff,)
)
 vs.)
)
 DEREK M. LARSON,)
)
 Defendant.)
)
)
)
)
)

Civil Action No. 14-cv-206

**STIPULATION AND ORDER CONSENTING TO ENTRY OF
JUDGMENT**

Plaintiff Coldwell Banker Real Estate, LLC (“Plaintiff”) has filed a Complaint alleging that Derek M. Larson (“Defendant”) has been infringing and diluting Plaintiff’s trademarks and breaching the parties’ contract since the parties’ franchise relationship ended. Defendant has not denied Plaintiff’s allegations, and on May 19, 2014, the Court entered an Order preliminarily enjoining Defendant from using Plaintiff’s trademarks during the pendency of the litigation. (dkt. #19.) The parties have now settled the disputes between them in relation to the above-captioned litigation and stipulate to the entry of an order with the following terms:

Defendant Derek M. Larson is permanently enjoined from using in any manner the trademarks registered at 4,400,923; 4,175,759; 4,175,758; 3,254,878; 3,179,803; 3,179,802; 3,100,659; 2,745,034; 2,453,334; and 2,058,501 (“the Coldwell Banker Marks”) in connection with defendant’s real estate brokerage business and services on signage, advertising, websites, metatags, and real estate listings, including (without limitation) on defendant’s website, www.cblarsonrealty.com, at defendant’s office located at 1114 4th Avenue S (Hwy 13), Park

Falls, WI 54552, and on third-party websites where defendant has profiles and listings related to his real estate business and services, such as:

1. <http://www.homefinder.com/broker/Coldwell-Banker-Larson-Realty---Pf-4308032d/>
2. <http://www.trulia.com/profile/derek-larson-agent-park-falls-wi-1453617/>
3. http://www.realtor.com/realestateagents/Derek-Larson_Park-Falls_WI_879174_43735990
4. <http://www.countryhomesofmichigan.com/member/38597>
5. <http://www.realestatebook.com/agents/usa/wi/phillips/dereklarson-id7522051>
6. <http://www.homes.com/real-estate-agents/derek-larson/id-5180945/>
7. <http://www.lakehousesofwisconsin.com/member/51880/about>

(collectively "Third Party Sites.")

Defendant is also permanently enjoined from using in any manner the Coldwell Banker Marks in connection with defendant's business or services in such a manner as to make it likely to create the erroneous belief that his business or services are authorized by, sponsored by, licensed by or in some way associated with Coldwell Banker.

STIPULATED TO AND APPROVED AS TO FORM AND SUBSTANCE BY:

/s/ Derek M. Larson
Derek M. Larson
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/s/ Melinda S. Giftos
Melinda S. Giftos
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Attorney for Plaintiff

Entered this ___ day of May, 2015.

ORDER

BASED UPON THE ABOVE STIPULATION by and between the parties herein, it appearing that grounds for such order exists,

IT IS HEREBY ORDERED

The foregoing stipulation is hereby adopted as the order of this Court.

BY THE COURT:

Barbara B. Crabb

BARBARA B. CRABB

United States District Court Judge

May 22, 2015