

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE TOPLINE CORPORATION, a Washington Corporation,

Plaintiff,

v.

FLURT FOOTWEAR, a California Company; JIA JENCHEN aka JEFFREY JIA, an individual d/b/a FLURT FOOTWEAR; C MERIT USA, INC., a California Corporation; CONTINENTAL MERIT (XIAMEN) FOOTWEAR CO., LTD., a Chinese Company; RETRO VIVA INC., a Washington Corporation d/b/a/ RETRO VIVA; POWDER ROOM, INC., a Washington Corporation d/b/a/ THE POWDER ROOM; PARIS TEXAS LLC, a Washington Limited Liability Company d/b/a PARIS TEXAS; DENNIS SALES COMPANY, a Washington Corporation d/b/a DENNIS & COMPANY and DENNIS COMPANY; GENESCO INC., a Tennessee Corporation d/b/a/ UNDERGROUND STATION SHOE STORE; SPOILED ROTTEN LLC, a Connecticut Limited Liability Company d/b/a SPOILED ROTTEN BOUTIQUE; and HOUSER SHOES, INCORPORATED, a North Carolina Corporation d/b/a as HOUSER SHOES,

Defendants.

Civil Action No. 07-CV-00318 RSL

**[PROPOSED] CONSENT
DECREE AND DISMISSAL**

Pursuant to stipulation between Plaintiff The Topline Corporation (“Topline”) and Defendant Spoiled Rotten LLC (“Spoiled Rotten”), who have agreed to the entry of this Consent Decree,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment be entered against Spoiled Rotten as follows:

1 1. This Court has jurisdiction over the subject matter over this action, and has *in*
2 *personam* jurisdiction over Plaintiff Topline and Defendant Spoiled Rotten.

3 2. Spoiled Rotten hereby acknowledges and agrees that the FLURT shoes it
4 purchased, offered for sale, and sold are an infringement of Plaintiff Topline's registered FLIRT
5 trademark, U.S. Registration No. 2283566.

6 3. Spoiled Rotten is hereby enjoined from purchasing, selling or marketing footwear
7 bearing the marks FLURT, GOTTA FLURT, or other colorable imitations of Plaintiff's FLIRT
8 trademark.

9 4. Topline and Spoiled Rotten shall each bear its own costs and expenses, including
10 attorneys' fees, arising out of this litigation.

11 5. This Judgment shall be effective and enforceable to the fullest extent possible
12 under the laws of the United States of America.

13 6. This Court shall retain jurisdiction of this action to enforce this Judgment and the
14 Settlement Agreement entered into between Topline and Spoiled Rotten.

15 7. All claims in the above-entitled lawsuit between Plaintiff Topline and Defendant
16 Spoiled Rotten are hereby dismissed without prejudice.

17 **SO ORDERED** this _____ day of _____, 2007.

18 _____
19 UNITED STATES DISTRICT JUDGE

20 **CONSENTED AND STIPULATED TO:**

21 _____
22 4-12-07
23 Date

24 SEED IP Law Group PLLC
25 _____
26 William O. Ferron, Jr., WSBA #11831
27 Timothy L. Boller, WSBA #29079
701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Telephone: (206) 622-4900
Attorneys for THE TOPLINE CORPORATION

28 _____
29 4-03-07
30 Date

31 Spoiled Rotten LLC
32 _____
33 Irene Zakar, Owner

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 12th day of April, 2007, a copy of the foregoing **[PROPOSED]**
3 **CONSENT DECREE AND DISMISSAL** was served on counsel for the Defendants who have
4 appeared in this action by electronic filing upon the following attorneys registered to receive
5 service by email through the Western District of Washington Electronic Case Filing System:

6 LuAnne Perry, Esq.
7 The Johnson Law Group
8 Email: lap@akjlaw.com

9 Attorney for Defendants POWDER ROOM, INC. and
10 RETRO VIVA INC.

11 Kris R. Jensen, Esq.
12 Jensen Legal
13 Email: krisjensen@jensenlegal.com

14 Attorneys for Defendants Flurt Footwear, Jia Jenchien a/k/a Jeffrey
15 Jia, CMERIT USA, INC. AND CONTINENTAL MERIT (XIAMEN)
16 FOOTWEAR CO. LTD.

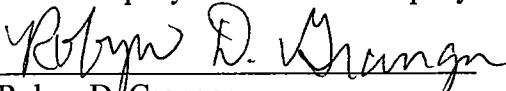
17 William L. Buus, Esq.
18 BUUS KIM KUO & TRAN LLP
19 Email: bbuus@bkktlaw.com

20 Attorneys for Defendants Flurt Footwear, Jia Jenchien a/k/a Jeffrey Jia,
21 CMERIT USA, INC. AND CONTINENTAL MERIT (XIAMEN) FOOTWEAR CO.
22 LTD.

23 I further certify that on this 12th day of April, 2007, a copy of the foregoing **[PROPOSED]**
24 **CONSENT DECREE AND DISMISSAL** was served on Spoiled Rotten LLC, and counsel for Dennis
25 Sales Company dba Dennis Company by email, with confirmation copy by U.S. first-class mail,
26 postage prepaid, at the following addresses:

27 Ms. Irene Zakar, owner
Spoiled Rotten LLC
3330 Cameron Park Drive, Suite 100
Cameron Park, California 95682
Email: steve.zakar@worldnet.att.net

Douglas C. Lewis, Esq.
BROWN LEWIS JANHUNEN & SPENCER
Post Office Box 111
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Attorneys for Dennis Sales Company dba Dennis Company


Robyn D. Granger