

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.

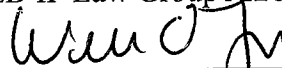
15 7. All claims in the above-entitled lawsuit between Plaintiff Topline and Defendant
16 Spoiled Rotten are hereby dismissed without prejudice.

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

18 _____
19 UNITED STATES DISTRICT JUDGE

20 **CONSENTED AND STIPULATED TO:**

21 SEED IP Law Group PLLC



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

Spoiled Rotten LLC



Irene Zakar, Owner

21 4-12-07
22 _____
23 Date

26 4-03-07
27 _____
Date

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.

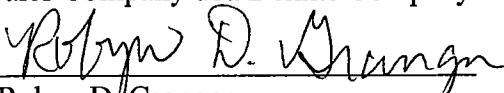
17 William L. Buus, Esq.
18 BUUS KIM KUO & TRAN LLP
19 Email: bbuus@bkktlaw.com

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
28 Spoiled Rotten LLC
29 3330 Cameron Park Drive, Suite 100
30 Cameron Park, California 95682
31 Email: steve.zakar@worldnet.att.net

32 Douglas C. Lewis, Esq.
33 BROWN LEWIS JANHUNEN & SPENCER
34 Post Office Box 111
35 Montesano, Washington 98563
36 Email: doug.lewis@lawbljs.com
37 Attorneys for Dennis Sales Company dba Dennis Company

38 
39 Robyn D. Granger