

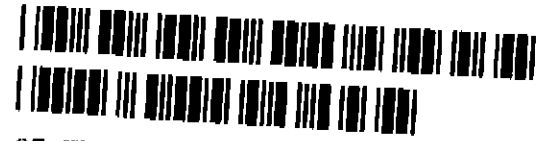
Honorable Robert S. Lasnik

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY



07-CV-00318-ORD

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 Houser Shoes, Incorporated d/b/a Houser Shoes ("Houser Shoes"), who have agreed to the entry of this Consent Decree,

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

~~PROPOSED~~ CONSENT DECREE AND DISMISSAL
(Case No. 07-CV-00318-RSL)- 1

SEED IP LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE, WASHINGTON 98104
(206) 622-4900

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

3 2. Houser Shoes 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. Houser Shoes 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 Houser Shoes 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 Houser Shoes.

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

17 **SO ORDERED** this 4th day of April, 2007.

MA S Casnik

UNITED STATES DISTRICT JUDGE

18
19 **CONSENTED AND STIPULATED TO:**

20 SEED IP Law Group PLLC

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Attorneys for THE TOPLINE CORPORATION

Houser Shoes, Incorporated d/b/a Houser Shoes

26 By: Gary E Houser

GARY E HOUSER
27

(print or type name and title)

21 4/3/07

Date

26 3/30/07

Date