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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91162466
Party	Defendant Tovar, Dorothy L. Tovar, Dorothy L. 5541 Ralston Way Placerville, CA 95667
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EXHIBIT A

AO 450 (Rev. 5/85) Judgment in a Civil Case ⊕

UNITED STATES DISTRICT COURT

***** DISTRICT OF NEVADA

R&R PARTNERS, INC. and
LAS VEGAS CONVENTION AND
VISITORS AUTHORITY,

Plaintiffs,

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 3:04-cv-00145-LRH-PAL

V.

DOROTHY TOVAR and
ADRENALINE SPORTS, INC.,

Defendants.

— **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

— **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

 x **Decision by Court.** This action came to be considered before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

that LVCVA is awarded damages in the amount of \$81,258.90, and costs in the amount of \$33,228.32. Pursuant to 28 U.S.C. § 1961, LVCVA is awarded post-judgment interest at the rate of 4.93% per annum until the judgment is satisfied.

IT IS FURTHER ORDERED that, pursuant to 15 U.S.C. § 1116, Defendants, their successors, officers, parents, subsidiaries, affiliates, agents, assigns and employees, and anyone acting in concert with or at the behest or direction of Defendants, jointly and severally, are hereby PERMANENTLY ENJOINED AND RESTRAINED from the following:

(a) Distributing, displaying, marketing, promoting, offering for sale, and/or selling any goods or services using the What Happens in Vegas Stays in Vegas mark, including any similar phrase linking Defendants to any gaming and tourism location or activity;

- (b) Affixing the WHIVSIV mark on any products, promotional materials, advertisements, point of sale materials, signage or other materials containing or incorporating the WHIVSIV mark, or any other similar name, mark, or designation linking Defendants to any gaming and tourism location or activity;
- (c) Disseminating any products, promotional materials, advertisements, point of sale materials, signage or other materials containing or incorporating the WHIVSIV mark, or any other similar name, mark, or designation linking Defendants to any gaming and tourism location or activity;
- (d) Representing directly or indirectly in any form or manner whatsoever, that Defendants' products or services are in fact the same as or related to any services or products of LVCVA, or are in any manner associated with, sponsored, or approved by LVCVA, or taking any action likely to cause confusion, mistake or deception on the part of purchasers as to the source, origin, sponsorship, approval or affiliation of Defendants' products or service or LVCVA's services and products;
- (e) Registering domain names which include the WHIVSIV mark, or any variation linking Defendants to any gaming and tourism location or activity; and
- (f) Registering and/or applying for any trademark registration for the WHIVSIV mark, or any similar variation linking Defendants to any gaming and tourism location or activity.

IT IS FURTHER ORDERED that, within thirty (30) days of the date this Order becomes effective, Defendants their successors, officers, parents, subsidiaries, affiliates, agents, assigns and employees, and anyone acting in concert with or at the behest or direction of Defendants, shall recall and/or remove from all retailers, including online retailers, all products, promotional materials, advertisements, point of sale materials, signage or other materials containing or incorporating any WHIVSIV mark, or any other similar designation linking Defendants to any gaming and tourism location or activity.

IT IS FURTHER ORDERED that, within thirty (30) days of the date this Order becomes effective, Defendants shall provide written confirmation to counsel for LVCVA that neither they nor their successors, officers, parents, subsidiaries, affiliates, agents assigns and employees, and anyone acting in concert with or at the behest or direction of Defendants, are displaying the WHIVSIV mark. This includes displays of the WHIVSIV mark on any medium, including automobiles.

IT IS FURTHER ORDERED that, within thirty (30) days of the date this Order becomes effective, Defendants submit all necessary papers to complete a transfer of all domain names which include the WHIVSIV mark, or any variation thereof, to LVCVA.

IT IS FURTHER ORDERED that, within thirty (30) days of the date this Order becomes effective, Defendant Dorothy Tovar ("Tovar") shall expressly abandon applications to register the WHIVSIV mark filed after the instant action as follows: Application Serial Nos. 78/869,270, 78/869,267, 78/869,265, 78/869,261, 78/869,257, and 78/869,232.

IT IS FURTHER ORDERED that, within thirty (30) days of the date this Order becomes effective, Defendants, their successors, officers, parents, subsidiaries, affiliates, agents, assigns and employees, and anyone acting in concert with or at the behest or direction of Defendants, shall expressly abandon all other federal or state applications to register the WHIVSIV mark, if any.

IT IS FURTHER ORDERED that Defendants' Counterclaims, dated August 17, 2005, are hereby DISMISSED.

IT IS FURTHER ORDERED that, pursuant to 15 U.S.C. §§ 1119 add 1052(d), Federal Registration Nos. 2,930,998 and 2,986,162 are hereby CANCELLED, and Application Serial Nos. 78/453,025, 78/231,585, 78/398,294, 78/398,277, and 78/311,277 are hereby deemed ABANDONED based on the finding that Tovar does not have the right to register the WHIVSIV mark. In addition, Tovar's state trademark registrations for the WHIVSIV mark in Nevada, California, and any other state in which Tovar may have such registration, are hereby CANCELLED. The court is currently aware of at least one Nevada state registration, issued April 22, 2003, and one California state registration, No. 110197.

May 17, 2007

LANCE S. WILSON

Clerk

/s/ Jennifer Womack
Deputy Clerk