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**THE HONORABLE THOMAS ZILLY  
HEARING DATE:**

76/295,335

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

SMITH & PARTNERS, LLC )  
)  
)  
Plaintiff, )  
)  
v. )  
)  
JASON JACOBS and JANE DOE JACOBS, )  
and the marital community composed thereof )  
)  
STEVEN ZIMICK and JANE DOE ZIMICK, )  
and the marital community composed thereof )  
)  
Defendants. )

NO. C02-2384Z

**ORDER, FINAL JUDGMENT  
AND PERMANENT INJUNCTION**

(Clerk's Action Required)

**JUDGMENT SUMMARY**

The Clerk is hereby directed to establish a judgment in accordance with the following summary:

- 1. Judgment Creditor: Smith & Partners, a Washington Limited Liability Company
- 2. Judgment Debtors: Jason Jacobs and Jane Doe Jacobs and the marital community composed thereof.
- 3. Non-monetary Relief:
  - 1. Injunction;
  - 2. Declaration of Rights

ORDER ENTERING JUDGMENT/JUDGMENT - 1

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14205 SE 36th Suite 100  
Bellevue, WA 98006  
Tel: (425) 519-3650; Fax: (425) 519-3651

- 1           4.     Total Monetary Judgment:           \$25,000.00
- 2
- 3           5.     Post Judgment Interest:           12% per Annum
- 4           6.     Attorney for Judgment Debtor:       Pro Se
- 5           7.     Attorney for Judgment Creditor:    Gregory P. Cavagnaro

**ORDER ENTERING JUDGMENT**

7           THIS MATTER, having come before the Court upon Plaintiff's Motion for an Order  
8 Granting Judgment against the Defendants Jacobs following the Court's Order granting  
9 Plaintiff's Motion for Default entered on August 15, 2002, and the Court having reviewed  
10 Plaintiff's Motion and the Declaration of Plaintiff's counsel and the exhibits attached thereto,  
11 and having further reviewed the records and documents contained in the court file and having  
12 considered Defendant's response, if any, the Court enters findings, and judgment as follows:

**FINDINGS**

**THE COURT HEREBY FINDS:**

- 15           1. The Defendant, Jason Jacobs ("Defendant Jacobs") has failed to file and/or serve an  
16 Answer in this matter.
- 17
- 18           2. Defendant Jacobs has failed to file or serve responses to Plaintiff's Requests for  
19 Admissions, and as a result, is deemed to have admitted all allegations contained therein.
- 20           3. Based on his intentional, consistent, and unauthorized use, in commerce, of Plaintiff's  
21 trademarks, Defendant Jacobs intentionally and knowingly infringed upon Plaintiff's trademark  
22 "SILVER STAG", "SILVER STAG SKINNERS", and reasonable extensions thereof in violation  
23 of 15 U.S.C. § 1125, et al.
- 24           4. Defendant Jacobs has fraudulently misrepresented his right to use and register the  
25 trademark SILVER STAG SKINNERS in U.S. Trademark Application Serial No. 76/295335,

ORDER ENTERING JUDGMENT/JUDGMENT - 2

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1 and consequently, delayed processing and granting of Plaintiff's U.S. Trademark Application  
2 Serial No. 76/299511 to register the trademark SILVER STAG.

3 5. Based on Defendant Jacobs' infringement upon Plaintiff's valuable intellectual  
4 property rights in connection with its trademarks, Defendant Jacobs has violated the Washington  
5 Consumer Protection Act codified at RCW §19.86, et seq.

6 6. Based on Defendant's intentional interference with Plaintiff's existing customers and  
7 suppliers, Plaintiff has lost revenue and future profits.

8 7. Plaintiff is entitled to Judgment against Defendant Jacobs consisting of: Injunctive,  
9 Declaratory, and Monetary relief as alleged in Plaintiff's Complaint, as set forth below.

10 **ORDER and JUDGMENT**

11  
12 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Plaintiff shall be  
13 awarded: (1) Injunctive Relief against Defendants Jacobs; (2) Declaratory Relief against  
14 Defendants Jacobs; and (3) Monetary Judgment against Defendants Jacobs.

15 1. **PERMANENT INJUNCTION**

16 NOW THEREFORE, the Court finds the Plaintiff's statement of proof of damages set  
17 forth in Plaintiff's Motion to Enter Judgment constitutes an adequate, just, and equitable basis for  
18 entering this Order, and specifically enters judgment and Orders that the following permanent  
19 injunction be entered against Defendant Jason Jacobs and Jane Doe Jacobs (collectively,  
20 Defendant Jacobs), as follows:

21 (1) Defendant Jacobs, and his agents, family, partners, employees, corporations or other  
22 entity, assigns, representatives, and attorneys or other third parties or entities acting in  
23 concert or at the direction or request of Defendant Jacobs, are hereby ENJOINED and shall  
24 immediately cease and desist from:  
25

ORDER ENTERING JUDGMENT/JUDGMENT - 3

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1 (i) Claiming, advertising, asserting, or representing to third party individuals and or entities  
2 that Defendant Jacobs, any individual or entity associated thereto owns, controls, or has an  
3 interest in the "SILVER STAG" or "SILVER STAG SKINNERS" trademarks, Plaintiff's  
4 custom knives, and associated intellectual property including but not limited to Plaintiff's  
5 trademark and advertising logos, graphic design, artwork, and electronic media as may exist  
6 now or in the future;

7 (ii) Using and/or utilizing, in commerce, the words "SILVER STAG" or "SILVER STAG  
8 SKINNERS", or any combination or single term thereof for any commercial purposes  
9 whatsoever, including but not limited to claiming an ownership interest thereof and/or to  
10 disparage, harass, annoy, and/or inflict further harm to Plaintiff by way of Defendant Jacobs'  
11 actions with respect to the "SILVER STAG" and/or "SILVER STAG SKINNERS" brand  
12 names;

13 (iii) Featuring, displaying, copying for any reason or purpose whatsoever, or otherwise  
14 making commercial use of Plaintiff's trademark, "Silver Stag", "Silver Stag Skinners", or  
15 other combination thereof in any form of communication medium, media, and/or commercial  
16 and/or personal web-site or similar virtual domain on the world-wide-web or similar virtual  
17 medium including but not limited to the internet websites <http://www.silverstagskinners.com>  
18 and <http://www.westlandcountry.com>;

19 (iv) Representing, selling, promoting, advertising, or claiming ownership or an ownership  
20 interest in, Plaintiff's: business, trademarks and trade names, products, craftsmanship, source  
21 of supplies and/or suppliers, and intellectual property by and or through oral  
22 communications, personal communications, written correspondence, electronic mail, or any  
23 communication medium now existing or to be in existence in the future;  
24  
25

ORDER ENTERING JUDGMENT/JUDGMENT - 4

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1 (v) Manufacturing, distributing, promoting, marketing, advertising, copying, and or  
 2 otherwise selling any products bearing the trademarks "SILVER STAG", "SILVER STAG  
 3 SKINNERS", or other confusingly similar marks.

4 (2) Defendant Jacobs is further enjoined from pursuing the trademark "SILVER STAG  
 5 SKINNERS" with the United States Patent and Trademark Office, and is correspondingly  
 6 ordered to immediately withdraw his Silver Stag trademark application therefrom.

7 To this end, Defendant Jacobs is ordered to file a notice of abandonment of U.S. Trademark  
 8 Application, Serial No. 76/295335 with the U.S Patent and Trademark Office within ten (10)  
 9 days after this judgment has been entered, and to serve Plaintiff's counsel a copy thereof as proof  
 10 that such notice has been filed.

11 **2. DECLARATORY JUDGMENT**

12 NOW THEREFORE, the Court finds the Plaintiff's statement of proof of damages  
 13 constitutes an adequate, just, and equitable basis for entering this Order, and specifically awards  
 14 the Plaintiff Judgment as follows:

15 (1) Under Lanham Act §35(a) codified at 15 USC §1052, et al, the Plaintiff is hereby declared  
 16 and adjudged to be the rightful, exclusive, and legal owner of all rights, title, and interest to, and  
 17 associated with, the commercial trade name and corresponding trademarks: "SILVER STAG"  
 18 and "SILVER STAG SKINNERS".

19 (2) Conversely, Defendant Jacobs is declared to have no right, title, or interest whatsoever to  
 20 "SILVER STAG" and/or "SILVER STAG SKINNERS" trademarks. To that end, Plaintiff is  
 21 entitled to the exclusive commercial use and right to utilize, in commerce, the aforementioned  
 22 trademarks.  
 23  
 24  
 25

ORDER ENTERING JUDGMENT/JUDGMENT - 5

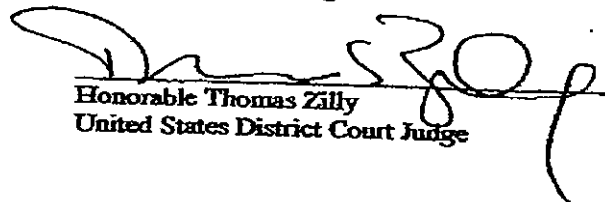
**CAVAGNARO | FOSTER**  
 14205 SE 36th Suite 100  
 Bellevue, WA 98006  
 Tel: (425) 519-3650; Fax: (425) 519-3651

3. MONETARY JUDGMENT

NOW THEREFORE, the Court finds the Plaintiff's statement of proof of damages constitutes an adequate, just, and legal basis for entering this Order, and specifically finds that the Plaintiff's losses are as follows and enters judgment accordingly:

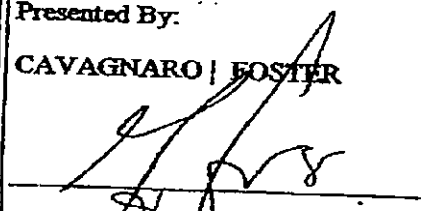
Lost Revenue:	<u>\$20,000.00</u>
Damages to Goodwill:	<u>\$5,000.00</u>
Treble Damages (RCW 19.86.020):	<u>\$Not Requested</u>
Attorney's Fees (RCW 19.86.020):	<u>\$Not Requested</u>
 Total Judgment Amount:	 <u>\$25,000.00</u>

*Dated*  
DONE IN OPEN COURT this 29<sup>th</sup> day of Aug., 2003.

  
Honorable Thomas Zilly  
United States District Court Judge

Presented By:

CAVAGNARO | FOSTER



Gregory P. Cavagnaro, WSBA #17644  
Attorney for Plaintiff

ORDER ENTERING JUDGMENT/JUDGMENT - 6

CAVAGNARO | FOSTER  
14705 SE 36th, Suite 100  
Bellevue, WA 98006  
TEL: (206) 410-0000 FAX: (206) 410-0001

**SMITH & PARTNERS, LLC**

**SILVER STAG**

**12728 NE 15<sup>TH</sup> PLACE**

**Bellevue, WA. 98005**

**Phone (888) 233-7824**

**Fax (425) 467-5627**

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**TO: MILLICENT CANADY**

**From: Brad Smith**

---

**Company: uspto**

**DATE 1-16-04**

---

**Pages:** 8

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**Phone**

*Fx 703 746 6374*

**Sender Reference:**

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**Re: Federal Order**

**CC:**

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**Urgent    For Review    Please Comment    Please Reply**

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**COMMENTS:**

Please review the following Federal Judgment and Permanent Injunction against Jason Jacobs that requires him to abandon Trademark # 2770767.

Jacobs maliciously photocopied our logo and submitted it the USPTO two weeks prior to our registration for the same mark, (Our Trademark serial # 76/299,511)...

I look forward to hearing back from you at your earliest convenience.

Brad Smith

Thank you

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

# 703 308 9300.

Mailed: December 31, 2003

Applicant: Jacobs, Jason  
Serial No.: 76295335  
Filed: 08/03/2001  
Mark: SILVER STAG SKINNERS

Brad Smith  
Smith & Partners, LLC  
12728 NE 15th Place  
Bellevue, WA 98005

**Millicent Canady, Legal Assistant**

The Board has received the notice of opposition filed July 28, 2003 on behalf of Smith & Partners, LLC.

However, the request had not been associated with the file of this case at the time the subject application matured into Registration No. 2770767. The Board regrets this situation, but it is without authority to vacate the issuance of said registration.

The application file is hereby forwarded to the Assistant Commissioner for Trademarks for consideration of the cancellation of the inadvertently issued registration, following which further appropriate action will be taken with respect to notice of opposition.