

( UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
ENTERED

JAN 27 2000

Michael N. Milby, Clerk of Court

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

SUGARLAND PROPERTIES INCORPORATED, §

Plaintiff, §

*versus* §

AUGUST FARFALLA, DBA FIRST COLONY TV, §

Defendant. §

C. A. No. H-99-3663

**Agreed Permanent Injunction**

1. Defendant shall abide by the terms of the attached Settlement Agreement, which grants a service mark license to defendant until the earliest of (a) August 1, 2001, (b) defendant ceases operating his T.V. repair business, or (c) defendant's existing lease terminates.
2. On or before August 1, 2001, pursuant to 15 U.S.C. § 1118, defendant shall deliver up for destruction to plaintiff's attorneys all literature, signs, labels, prints, packages, wrappers, containers, advertising materials, stationery, any other items in its possession or control which contain the infringing designation "First Colony", either alone or in combination with other words or symbols, and all plates, molds, matrices, masters, and other means of making any of the infringing items.
3. On or before August 1, 2001, defendant shall take the following actions. If "First Colony" is used in a dba, defendant shall (a) file a withdrawal certificate



withdrawing the assumed name which has "First Colony" as part of the name and (b) file a new assumed name certificate which does not have "First Colony" as part of the name. If defendant uses "First Colony" in a corporate name defendant shall (a) change the name of the corporation to delete the term "First Colony", and (b) file amended articles of incorporation with the Texas Secretary of State, indicating the name change. Defendant shall request the telephone directory company to change the name of defendant's business in the alphabetical listings, the topical listings, and in any advertisement in the telephone books. Defendant shall provide SPI's general counsel, and SPI's attorney-in-charge, with a copy of all paperwork associated with the withdrawal certificate, the new assumed name, amended articles of incorporation, the filing of those articles with the Texas Secretary of State, and the requests to the telephone directory companies.

4. Beginning August 1, 2001, defendant and his agents and employees, and all others in concert or participation with them, are enjoined from using (a) "First Colony Area"; or (b) the name "First Colony" as a part of defendant's trade name or in any other manner, except that defendant may use the term "First Colony" as part of an informational statement that defendant serves or has served the "First Colony subdivision", in which statement the word "First Colony" shall appear in the same size, format, color, and type style as the other words in the statement. Defendant shall be in compliance with these provisions no later than August 1, 2001.

5. Defendant shall change his equipment and materials used for printing his invoices, so that by August 1, 2001, his invoices shall be in conformance with this judgment.
6. Effective June 1, 2001, defendant shall not create, order, or contract for any invoices, literature, posters, cards, labels, prints, packages, wrappers, containers, advertising materials, or other items which contain the term "First Colony" in any form, except as specifically permitted in this judgment.
7. On or before August 1, 2001, defendant shall deliver a written certification to SPI's general counsel, with a copy to SPI's attorney-in-charge, as to when all existing advertising contracts expire, and shall further certify that defendant has changed all invoices, listings, advertisements, and signs to be in conformance with this judgment.

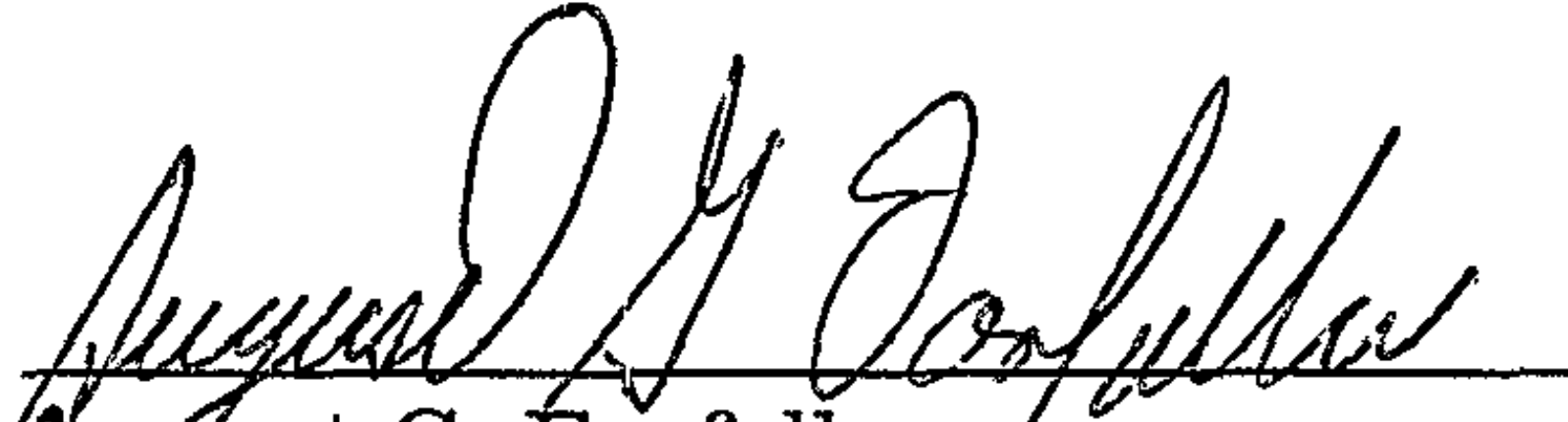
Signed this 26 day of Jan, ~~1999~~ <sup>2000</sup>.



*David Hittner*  
United States District Judge

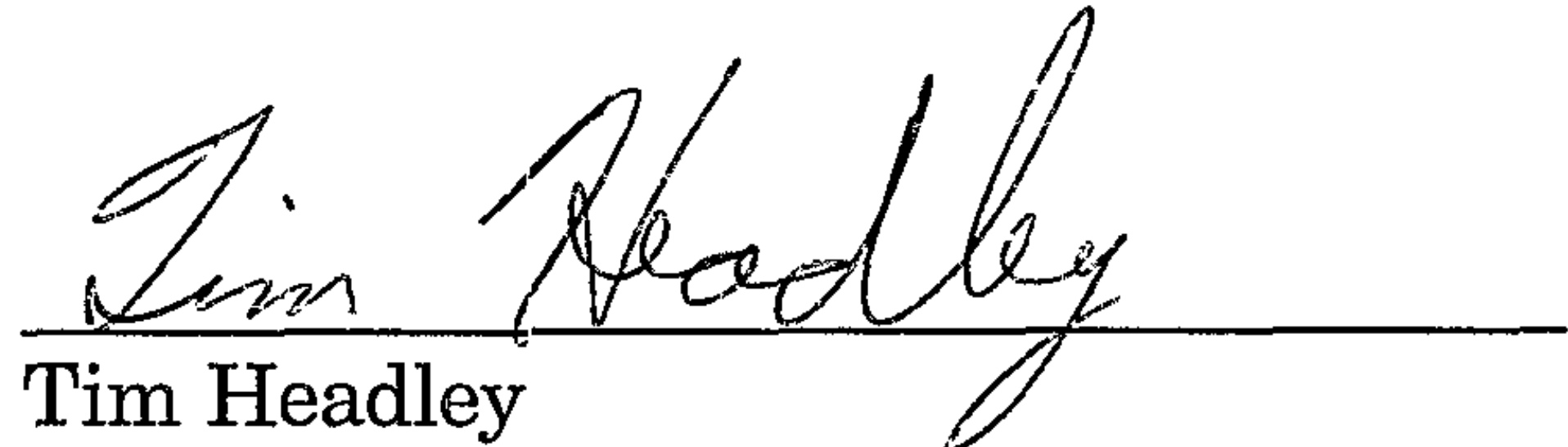


**Approved as to form and substance:**



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