

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

TMI, INC.,

Plaintiff,

versus

JOSEPH M. MAXWELL,

Defendant.

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Civil Action No. H-02-0494

United States Courts
Southern District of Texas
ENTERED

FEB 27 2003

Final Judgment

Defendant's actions constitute:

Michael N. Milby, Clerk of Court

- Cybersquatting under 15 U.S.C. § 1125(d);
- Dilution under 15 U.S.C. § 1125(c);
- Dilution under § 16.29 of the Texas Business & Commerce Code;
- Unfair Competition Under 15 U.S.C. § 1125(a); and
- Common Law Unfair Competition

Defendant is permanently enjoined from using names, marks, and domain names similar to any of the following marks owned by plaintiff:

- AVANTI HOMES
- MOVE UP TO A TRENDMAKER
- SMARTCENTER GARAGE
- SMARTCONSTRUCTION
- SMARTENERGY
- SMARTFEATURES
- SMARTLIVING
- SMARTSUITE
- SMARTTOUCHES

SMARTWIRING

TRENDAKER

TRENDAKER HOMES

TRENDAKER HOMES, THE LEADER IN AFFORDABLE LUXURY

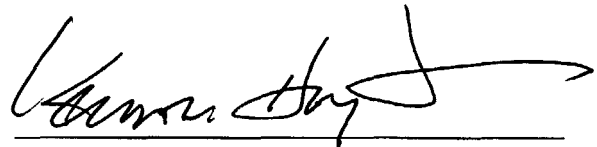
Within 10 days from the date of this Order, defendant shall transfer to plaintiff any domain name owned by defendant that is similar to any of the above-listed marks. Defendant shall bear any cost associated with such transfer.

Pursuant to 15 U.S.C. §§ 1117(d) and 1125(d)(1), the Court awards to plaintiff statutory damages of \$20,000 per each domain name, "trendmakerhome.com" and "trendmakerhome.info", thus totaling \$40,000 in statutory damages. Pursuant to 15 U.S.C. § 1117(a), the Court finds this to be an exceptional case, and thus awards reasonable attorney fees to plaintiff in the amount of \$40,000. Within twenty (20) days after entry of this Order, defendant shall hand-deliver to plaintiff's lawyer a cashier's check in the amount of \$80,000, made payable to TMI, Inc.

Defendant shall file with this Court and serve upon plaintiff within thirty (30) days after entry of this Order a report in writing, under oath, setting forth in detail the manner and form in which defendant has complied with each of the terms of this Order.

It is so ORDERED.

Signed this 26th day of ~~March~~^{February}, 2003.



KENNETH M. HOYT
UNITED STATES DISTRICT JUDGE