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THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

SAFEWORKS, LLC, a Washington limited liability company,

Plaintiff,

v.

TEUPEN AMERICA, LLC; EXTREME ACCESS SOLUTIONS, INC; THE SPIDERLIFT COMPANY, INC.; AND LEONARDO POLONSKI,

Defendants.

NO. 08-1219 TSZ

PERMANENT INJUNCTION

This matter came on for trial on May 10, 2010, before the Court, sitting without a jury. The Court entered its Findings of Fact and Conclusions of Law on June 1, 2010.

The Court now enters a Permanent Injunction, as follows:

IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. As outlined in the Court’s Findings of Fact and Conclusions of Law of June 1, 2010, docket no. 96, Plaintiff SafeWorks, LLC is entitled to a Permanent

PERMANENT INJUNCTION - 1

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1 Injunction against Defendants Teupen America, LLC, Extreme Access Solutions, Inc.,
2 The Spiderlift Co., Inc. and Leonardo Polonski under the Lanham Act. In addition, a
3 separate money judgment will be entered against Defendants Teupen America, LLC and
4 Extreme Access Solutions, Inc.

5 2. This Permanent Injunction is narrowly tailored to address the specific harm
6 that is suffered by SafeWorks and to remedy actual and likely consumer confusion
7 caused by Defendants' acts. In entering this Permanent Injunction, the Court has relied
8 upon the Defendants sworn representations contained in the Report in accordance with
9 the Court's Findings of Fact and Conclusions of Law, docket no. 104, filed on June 30,
10 2010.

11 3. Except where otherwise noted, each paragraph of this Permanent
12 Injunction applies to all Defendants, and each of their officers, agents, servants,
13 employees and attorneys, and those persons acting in concert or participation with them
14 who receive actual notice of this Permanent Injunction by personal service or otherwise.
15

16 4. All Defendants, and each of their officers, agents, servants, employees and
17 attorneys, and those persons acting in concert or participation with them who receive
18 actual notice of this Permanent Injunction by personal service or otherwise, are
19 permanently enjoined from using the term "spiderlift" in connection with the advertising,
20 promotion, marketing, sale or rental of any hoists, lifts, or other mechanical devices or
21 methods used to deliver people or materials above or below ground level, including but
22 not limited to machinery used in the construction industry, building repair or maintenance
23 industry, tree trimming industry or any similarly related industry.

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1 5. All Defendants, and each of their officers, agents, servants, employees,
2 attorneys, dealers, distributors, and subdealers, and any other affiliate or person acting in
3 concert or participation with them who receive actual notice of this Permanent Injunction
4 by personal service or otherwise are permanently enjoined from using in connection with
5 their activities, products or services the designation “spider” or “spiderlift”, or any
6 confusingly similar variations thereon, or any false or deceptive designation,
7 representation or description of Plaintiff’s incontestable SPIDER® marks or of its
8 products, services, or activities, whether by words, symbols, statements, or internet
9 domain names.

10 6. Within twenty (20) days of entry of this Permanent Injunction, Defendants
11 and each of their officers, agents, servants, employees and attorneys, and those persons
12 acting in concert or participation with them shall transfer the domain name
13 www.spiderlifts.com, to Plaintiff.

14 7. Within twenty (20) days of entry of this Permanent Injunction, Defendants
15 are ordered to transmit a copy of this Permanent Injunction to each of their distributors,
16 sellers, retailers, agents, customers, licensees, assigns and any person or entity who
17 Defendants know has acquired or distributed Defendants’ products or services using the
18 designation “spiderlift” (or any variation thereof) over the two years preceding the entry
19 of this Permanent Injunction and to demand that each such distributor, seller, retailer,
20 agent, customer, licensee, assign and person immediately cease using the term
21 “spiderlift” (or any variation thereof) to refer to any products or services and cease all
22 related advertising and marketing.
23

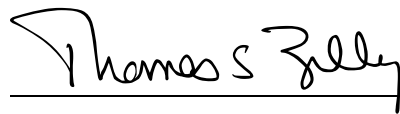
PERMANENT INJUNCTION - 3

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1 8. Upon entry of this Permanent Injunction, Defendants and each of their
2 officers, agents, servants, employees and attorneys, and those persons acting in concert or
3 participation with them who receive actual notice of this Permanent Injunction by
4 personal service or otherwise shall take no action to assist in, induce, encourage,
5 instigate, aid, abet or contribute to any act of federal, state, or common law trademark
6 infringement, service mark infringement, unfair competition or misappropriation related
7 to any designation, representation or description of SPIDER® or of its products, services,
8 or activities.

9 9. Within thirty (30) days from the date of this Permanent Injunction,
10 Defendants shall file with this Court and serve on Plaintiff a report in writing, under oath,
11 describing in detail the manner and form in which Defendants and their affiliates,
12 officers, agents, servants, employees, attorneys, distributors, licensees, and all other
13 persons in active concert or participation with any of them have fully complied with the
14 Court's Permanent Injunction.
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16 DATED this 1st day of July, 2010.

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19 Thomas S. Zilly
20 United States District Judge
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Presented by:

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