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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

TREEMO, INC., a Washington
corporation,

Plaintiff,

v.

FLIPBOARD, INC., a California
corporation,

Defendant.

NO. C13-1218-JPD

PERMANENT INJUNCTION

FLIPBOARD, INC., a California
corporation,

Counter-Claimant,

v.

TREEMO, INC., a Washington
corporation,

Counterclaim-Defendant

This matter came before the Court for a bench trial on September 22, 23 and 29, 2014. For the reasons explained in the Court’s Memorandum Opinion issued on October 15, 2014, (Dkt. 93), the Court finds that Plaintiff and Counter-defendant Treemo, Inc. (“Treemo”)

1 infringed the common-law and statutory trademark rights of Defendant and Counter-claimant
2 Flipboard, Inc. (“Flipboard”) in its FLIPBOARD mark through Treemo’s adoption and use of
3 the mark FLOWBOARD. The Court further finds that a permanent injunction prohibiting
4 Treemo from using the FLOWBOARD mark or any other mark confusingly similar to the
5 FLIPBOARD mark is an appropriate remedy for Treemo’s infringement.

6 Accordingly, IT IS ORDERED AND ADJUDGED:

7 As soon as is practicable, Treemo shall clearly and conspicuously post a disclaimer on
8 the home page of the <www.flowboard.com> website and within the description of the
9 Flowboard app on the (Apple) App Store stating that “The Flowboard app is not affiliated with
10 Flipboard, Inc.” These disclaimers shall remain in place until January 15, 2015.

11 Treemo, its agents and subsidiaries are permanently enjoined from using the mark
12 FLOWBOARD or any other mark that is confusingly similar to the FLIPBOARD mark (a
13 “Prohibited Mark”) beginning on January 15, 2015. The conduct proscribed by this Injunction
14 includes, but is not limited to:

- 15 (i) Distributing any product or service under a Prohibited Mark;
- 16 (ii) Using a Prohibited Mark in connection with any advertising campaign,
17 marketing event or other promotional activity, including in any bulk emails to
18 current or potential users of the Flowboard app;
- 19 (iii) Using a Prohibited Mark in any listing of a Treemo product or service in an
20 online store; and
- 21 (iv) Using a Prohibited Mark in connection with any social media account,
22 including, but not limited to, Twitter and Facebook accounts.

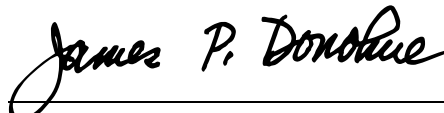
23 In addition to refraining from using any Prohibited Mark after January 15, 2015, Treemo shall
24 take all reasonable steps to erase and/or remove its prior public use of all such marks. No later
25 than January 22, 2015, Treemo shall serve on Flipboard, Inc. a report in writing under oath
26 setting forth in detail the manner in which it has complied with the terms of this Injunction.

1 Notwithstanding the foregoing, Treemo, its agents and subsidiaries may continue to use
2 domain names based on the letter-string “flowboard” until July 15, 2015 for the sole purpose of
3 redirecting Internet traffic to a new URL not based on the letter-string “flowboard.” After July
4 15, 2015, Treemo, its agents and subsidiaries are permanently enjoined from registering and
5 using domain names based on the letter-string “flowboard,” or any confusingly similar
6 variations thereof.

7 The United States Patent and Trademark Office is also directed to cancel and invalidate
8 trademark registration number 4589273 for the mark FLOWBOARD.

9 Treemo’s Alternative Motion to Stay the Injunction Pending Appeal, (Dkt. 96), is
10 DENIED. The Clerk is directed to send a copy of this Permanent Injunction to counsel for
11 both parties.

12 DATED this 4th day of November, 2014.

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15 JAMES P. DONOHUE
16 United States Magistrate Judge
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