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*Attorneys for Plaintiffs JGX, Inc., Nick Bovis,  
 Bovis Foods, LLC, and SMTM Technology, LLC*

12 **UNITED STATES DISTRICT COURT**  
 13 **NORTHERN DISTRICT OF CALIFORNIA**  
 14 **SAN JOSE DIVISION**

14 **JGX, INC., a California corporation;**  
 15 **NICK BOVIS;**  
 16 **BOVIS FOODS, LLC; and**  
 17 **SMTM TECHNOLOGY, LLC, a limited**  
 18 **liability company,**  
 19 **Plaintiffs,**  
 20 **v.**  
 21 **JON HANDLERY;**  
 22 **HANDLERY HOTELS, a California**  
 23 **corporation;**  
 24 **SAM SINGER; and**  
 25 **SINGER ASSOCIATES, INC.,**  
 26 **Defendants.**

Case No. 17-cv-00287-BLF

**STIPULATION AND ~~PROPOSED~~ ORDER  
 BARRING DEFENDANTS FROM USING  
 TRADEMARK "LEFTY O'DOUL'S,"  
 "LEFTY'S," OR ANY SIMILAR NAME OR  
 MARK DURING PENDENCY OF ACTION**

1           WHEREAS, on January 19, 2017, Plaintiffs JGX, Inc., Nick Bovis, Bovis Foods, LLC,  
2 and SMTM Technology, LLC (collectively, "Plaintiffs"), sued Jon Handlery, Handlery Hotels,  
3 Inc., Sam Singer, and Singer Associates, Inc. (collectively, "Defendants"), in the above  
4 captioned matter (the "Complaint");

5           WHEREAS, the Complaint asserts five claims: Trademark Infringement, False  
6 Designation of Origin and False Description (Lanham Act § 43(a)); Dilution (Lanham Act  
7 § 43(c)); Trademark Infringement (Common Law); Dilution (Cal. Bus. & Prof. Code § 14330);  
8 and Unfair Competition (Cal. Bus. & Prof. Code § 17200);

9           WHEREAS, the Complaint alleges, *inter alia*, that Plaintiffs own the name and mark  
10 "LEFTY O'DOUL'S," "LEFTY'S," and any similar name or mark;

11           WHEREAS, the Complaint alleges, *inter alia*, that Defendants infringed and continue  
12 to infringe upon Plaintiffs' trademarks, including the name and mark "LEFTY O'DOUL'S,"  
13 "LEFTY'S," and any similar name or mark;

14           WHEREAS, the Complaint alleges, *inter alia*, that Defendants diluted and continue to  
15 dilute Plaintiffs' trademarks, including the name and mark "LEFTY O'DOUL'S," "LEFTY'S,"  
16 and any similar name or mark;

17           WHEREAS, Defendants dispute all allegations of the Complaint, deny that they have  
18 infringed or diluted the marks at issue, and instead allege, *inter alia*, that JGX, Inc. is a  
19 licensee or sublicensee of the name and mark "LEFTY O'DOUL'S";

20           WHEREAS, renovations at the former location of Lefty O'Doul's restaurant and bar at  
21 333 Geary Street in San Francisco will take at least 12 to 18 months; and

22           WHEREAS, in the interests of judicial and party economy and in order to obviate the  
23 necessity for Plaintiffs to file a Motion for Preliminary Injunction seeking to bar Defendants  
24 from using the name and mark "LEFTY O'DOUL'S," "LEFTY'S," or any similar name or  
25 mark, in connection with Defendants' providing bar and restaurant services, condiments  
26 (namely mustard), hot dogs, energy drinks, or non-alcoholic cocktail mixes, during the  
27 pendency of the above-captioned matter, the Parties agree to stipulate to interim relief.

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NOW, THEREFORE, IT IS HEREBY STIPULATED AS FOLLOWS:

During the pendency of the above-captioned matter, including the duration of any appeals related to the above-captioned matter, Defendants agree not to use or license, and further agree not to cause their agents, principals, partners, attorneys, servants, employees, or representatives to use or license on behalf of Defendants, the name or mark "LEFTY O'DOUL'S," "LEFTY'S," or any similar name or mark, in connection with Defendants providing bar and restaurant services, condiments (namely mustard) or hot dogs, energy drinks, or non-alcoholic cocktail mixes.

Dated: February 10, 2017

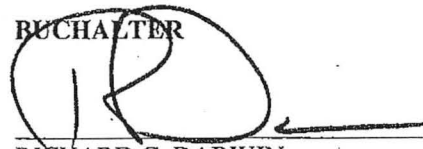
COTCHETT, PITRE & McCARTHY, LLP



CAMILO ARTIGA-PURCELL  
*Attorneys for Plaintiffs JGX, Inc., Nick Bovis, Bovis Foods, LLC, and SMTM Technology, LLC*

Dated: February 9, 2017

BUCHALTER



RICHARD C. DARWIN  
*Attorneys for Defendants Jon Handlery and Handlery Hotels, Inc.*


Dated: February 10, 2017

SAM SINGER



SINGER ASSOCIATES, INC.

Dated: February 10, 2017

By: 

Its: 

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~~PROPOSED~~ ORDER

The Court hereby APPROVES the Parties' STIPULATION BARRING DEFENDANTS FROM USING TRADEMARK "LEFTY O'DOUL'S," "LEFTY'S," OR ANY SIMILAR NAME OR MARK DURING PENDENCY OF ACTION.

Pursuant to the Stipulation, it is SO ORDERED.

Dated: February 10, 2017

  
HON. BETH LABSON FREEMAN