

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

In re SLEP-TONE ENTERTAINMENT
CORPORATION consolidated cases.

Civil Action No. 5:11cv32-RS/EMT

CONSENT JUDGMENT

By consent of Plaintiff Slep-Tone Entertainment Corporation (“Slep-Tone”) and Defendant Shawn P. Kelley (“Kelley”), the Court hereby enters judgment for the Plaintiff, Slep-Tone Entertainment Corporation (“Slep-Tone”) on all claims. In support of the judgment, the Court makes the following:

STIPULATED FINDINGS OF FACT

1. Slep-Tone is the owner of U.S. Trademark Registration No. 1,923,448 for the trademark SOUND CHOICE, and of U.S. Trademark Registration No. 2,000,725, for a display trademark as follows:



(together, “the Sound Choice Marks”).

2. Kelley made use of unauthorized duplicates of karaoke accompaniment tracks marked with the Sound Choice Marks to provide karaoke entertainment services to patrons at various times and places.
3. The marks on the unauthorized duplicates are identical to the marks registered as described above and are identical to the marks placed by Slep-Tone on its own goods.
4. Slep-Tone did not authorize Kelley to make or use the unauthorized duplicates for commercial purposes.
5. The Sound Choice Marks are strong trademarks, having been registered and in continuous and substantially exclusive use for a long period of time and having been acknowledged under 15 U.S.C. § 1065 as incontestable.
6. The use of unauthorized duplicate karaoke accompaniment tracks by Kelley to provide commercial karaoke services is likely to cause confusion among the consuming public as to the source of the goods used by Kelley and marked with the Sound Choice Marks.
7. Slep-Tone has suffered significant damage to its property.
8. Slep-Tone has elected to receive an award of statutory damages.
9. The parties have consented to the entry of this judgment.

Based upon the foregoing Stipulated Findings of Fact, the Court makes the following:

CONCLUSIONS OF LAW

1. This Court has personal jurisdiction over the parties in this case, and venue is proper herein.
2. This Court has jurisdiction over the subject matter of this case under 28 U.S.C. § 1331 because the action is founded upon an act of Congress.
3. Kelley's actions constitute trademark infringement involving counterfeiting.
4. Slep-Tone is entitled to a significant damage award of at least \$1,000 and as much as \$2,000,000 per registered mark infringed.
5. A statutory damage award of \$25,000.00 is reasonable in consideration of the economic value of Kelley's infringement and Kelley's consent to its entry, and the amount of the award is sufficient to provide a significant deterrent effect to Kelley and others who would act similarly.
6. Slep-Tone is also entitled to the entry of a permanent injunction against the unauthorized use of the Sound Choice Marks by Kelley.

Accordingly, in view of the foregoing, it is hereby ORDERED, DECREED, and ADJUDGED as follows:

- A. Judgment is hereby entered in favor of Slep-Tone Entertainment Corporation against Shawn P. Kelley in the amount of Twenty-Five Thousand Dollars (\$25,000.00), together with interest thereon at the legal rate until paid.

- B. Kelley and all those acting in privity with him who have actual knowledge of this injunction are hereby ENJOINED from making, copying, sharing, distributing, selling, or otherwise using digitized copies of karaoke accompaniment tracks, commercially or otherwise, which tracks are marked with either the mark in U.S. Trademark Registration No. 1,923,448, for SOUND CHOICE®, or the mark in U.S. Trademark Registration No. 2,000,725, for a display trademark SOUND CHOICE & Design®, without the prior, express written permission of Slep-Tone Entertainment Corporation or its successor-in-interest, if any, to the ownership of those marks.
- C. This Court retains jurisdiction over this matter for the purposes of enforcing paragraph B above.

No costs to either party.

ORDERED on July 23, 2012.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE