

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 04-1358 WDK (SSx)	Date	July 9, 2008
Title	PerfumeBay.com, Inc. v. eBay, Inc.		

Present: The Honorable	William D. Keller, United States District Judge		
Patricia Gomez	Not Present	N/A	
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		
Not Present	Not Present		

**Proceedings:** (IN CHAMBERS) Order Amending Judgment; Order Requesting Further Briefing by Parties

The Court has reviewed the opinion of the Court of Appeals and the joint submission of the parties regarding the disposition of issues remaining after appeal.

The Court does not believe that it is appropriate to allow PerfumeBay further use of www.perfumebay.com as a general forwarding address. PerfumeBay has had two years and eight months since this Court’s initial judgment and eight months since the issuance of the opinion of the Court of Appeals to make accommodations to cease use of the www.perfumebay.com address. As such, PerfumeBay is to cease use of the www.perfumebay.com address within 10 days of this order.

The Court previously struck PerfumeBay’s motion to modify the permanent injunction. While the joint submission of the parties references PerfumeBay’s intention to refile its motion, it has not done so. If and when the motion is refiled, the Court will consider it. However, based on the description of the motion in the joint submission, the Court is not currently inclined to grant the relief requested.

The Court’s judgment in this matter is amended to strike page 3, line 20 through page 4, line 2 consistent with the opinion of the Court of Appeals reversing this Court’s finding on the issue of PerfumeBay’s clean hands defense.

In its opinion, the Court of Appeals found that there was dilution of the eBay mark with no need for further action by this Court. The Court does not anticipate any further violation of the law by PerfumeBay. Accordingly, without evidence of infringing or diluting use by PerfumeBay the issue is moot.

IT IS SO ORDERED.

\_\_\_\_\_ 0 : \_\_\_\_\_ 0  
 Initials of Preparer  
 \_\_\_\_\_