

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kyle Burns,

Plaintiff,

v.

Connecting Open Time, LLC.,

Defendant.

Case No.:2:17-cv-00840-MHB

CONSENT JUDGMENT

This action for declaratory relief having been brought by Plaintiff Kyle Burns (“Plaintiff”) against Defendant Connecting Open Time, LLC (“Defendant”);

Plaintiff and Defendant have agreed to settle all claims and counterclaims arising out of the pleadings in this action and now consent to this Judgment and Order.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. For purposes of the above-captioned action, this Court has jurisdiction over the Parties and subject matter of this action.
2. Defendant admits that (1) Plaintiff’s registration and use of the domain name “opentime.com” is not unlawful under the ACPA, 15 U.S.C. §1124(d); and (2) Plaintiff’s registration and use of the domain name “opentime.com” does not constitute a bad faith intent to profit from any mark alleged to be owned by Defendant under the ACPA, 15 U.S.C. §1124(d).
3. Plaintiff is not required to transfer to Defendant the registration for the domain name “opentime.com.”

4. Defendant's Counterclaims set forth in Defendant's Answer and Counterclaims are dismissed with prejudice.

5. Except as the Parties have heretofore expressly provided for in writing, by virtue of this Consent Judgment, all claims and demands for relief prayed for by Plaintiff in this action are deemed to be satisfied.

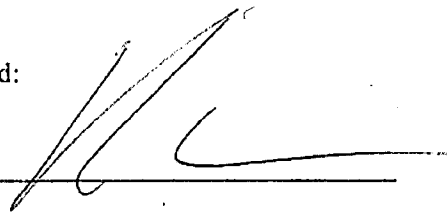
6. Any Protective Order entered by the Court in this action shall remain in full force and effect notwithstanding the conclusion of this action.

7. The Parties waive all right to appeal from this Judgment and Order.

8. Each Party is to bear its own costs, expenses, and attorneys' fees.

Dated:

By:



Attorneys for Plaintiff

By:



Attorneys for Defendant

SO ORDERED

Dated:

July 27, 2018



THE HON. MICHELLE H. BURNS
UNITED STATES MAGISTRATE JUDGE