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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NISSAN MOTOR CO., LTD., a)	Case No. CV 99-12980 DDP (Mcx)
Japanese corporation; NISSAN)	
NORTH AMERICA, INC., a)	JUDGMENT
California corporation,)	
)	
Plaintiffs,)	
)	
v.)	
)	
NISSAN COMPUTER CORPORATION,)	
a North Carolina)	
corporation; THE INTERNET)	
CENTER, INC.,)	
)	
Defendants.)	
)	

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

This Court originally granted a preliminary injunction to Nissan Motor in this action. This Court has granted summary judgment for Nissan Computer on Nissan Motor's Anti-Cybersquatting Consumer Protection Act ("ACPA") claim. This Court has granted summary judgment for Nissan Motor on its trademark infringement and false designation claims, finding that Nissan Computer infringed Nissan Motor's trademark for the 8-10 weeks that Nissan Computer had posted automobile-related advertising, but that it did not

1 infringe the trademark for its other non-automobile-related
2 advertising on the site. Pursuant to its Findings of Fact and
3 Conclusions of Law of September 21, 2007, this Court held that
4 Nissan Computer did not engage in trademark dilution and that
5 Nissan Motor was not entitled to a permanent injunction in this
6 action. The Court then found that there was no prevailing party in
7 this action since both parties prevailed in some respect on their
8 claims or defenses. Finally, the Court determined that Nissan
9 Motor was not entitled to attorneys' fees and that Nissan Computer
10 was entitled to costs under Federal Rule of Civil Procedure 68.

11 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

- 12 1. Neither party is the prevailing party in this action.
- 13 2. Nissan Motor is not entitled to attorneys' fees.
- 14 3. Nissan Computer is entitled to costs incurred after the
15 time of its Rule 68 offer of judgment.

16 The Court ORDERS that such judgment be entered.

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18 IT IS SO ORDERED.

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21 Dated: February 5, 2008

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DEAN D. PREGERSON
United States District Judge