

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:24-CV-00868-FDW-SCR**

**POWER PROBE GROUP, INC.,** )  
 )  
 **Plaintiff,** )  
 )  
 v. )  
 )  
 **TOOLSMART LIMITED,** )  
 )  
 **Defendant.** )  
 )  
 \_\_\_\_\_ )

**CONSENT JUDGMENT**

**THIS MATTER** is before the Court on Plaintiff’s Motion for Entry of Consent Judgment, (Doc. No. 13). For the reasons set forth below, Plaintiff’s Motion is GRANTED and judgment is entered as follows.

WHEREAS, pursuant to the Stipulation for Entry of Consent Judgment between Plaintiff Power Probe Group, Inc. (“Power Probe”), on the one hand, and Defendant Toolsmart Limited (“Defendant” or “Toolsmart”), on the other, (the “Stipulation”), (Doc. No. 13-1), the Court finds that the parties have resolved the matters in controversy between them and have agreed to entry of this Consent judgment by the Court.

WHEREAS, the parties have stipulated to this Consent Judgment in such a manner as to effectuate the mutual release of all claims that were or could have been brought in this litigation, whether known or unknown.

Based on the foregoing, the Court hereby ORDERS, ADJUDICATES and DECREES that judgment shall be and hereby is entered on the Complaint in the above-referenced matter in favor of Plaintiff Power Probe and against Defendant Toolsmart as follows:

1. It is ORDERED that Defendant has acknowledged the validity, ownership, and enforceability of Plaintiff's patent, copyright, and trade dress rights, as demonstrated in the following U.S. registrations: U.S. Patent No. 7,184,899; U.S. Trademark Reg. No. 7,430,617; U.S. Trademark Reg. No. 7,451,659; and U.S. Copyright Reg. No. TX 9-076-677.

2. It is ORDERED that Defendant, its officers, directors, agents, servants, employees, affiliates, attorneys, all others acting in privity or in concert with them, and their parents, subsidiaries, divisions, successors and assigns shall be permanently enjoined from making, using, selling and/or offering for sale products that infringe Plaintiff's U.S. Patent No. 7,184,899.

3. It is ORDERED that Defendant, its officers, directors, agents, servants, employees, affiliates, attorneys, all others acting in privity or in concert with them, and their parents, subsidiaries, divisions, successors and assigns shall be permanently enjoined from making, marketing, selling, or offering for sale any products that are likely to be confused with Plaintiff's U.S. Trademark Reg. No. 7,430,617 or U.S. Trademark Reg. No. 7,451,659.

4. It is ORDERED that Defendant, its officers, directors, agents, servants, employees, affiliates, attorneys, all others acting in privity or in concert with them, and their parents, subsidiaries, divisions, successors and assigns shall be permanently enjoined from reproducing, preparing derivative works, distributing copies, or displaying publicly any work substantially similar to the copyrighted work registered as Plaintiff's U.S. Copyright Registration No. TX 9-076-677.

5. This Consent Judgment is a final judgment that fully resolves all outstanding claims. No appeals shall be taken from this Final Judgment, and the parties waive all rights to appeal.

**IT IS SO ORDERED.**

**IT IS THEREFORE ORDERED** that Plaintiff's Motion for Entry of Consent Judgment and Permanent Injunction, (Doc. No. 13), is GRANTED and judgment is entered for Plaintiff as set forth in this Order. The Clerk of Court is respectfully directed to close the case.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Temporary Restraining Order, (Doc. No. 2), is DENIED as MOOT.

**IT IS SO ORDERED.**

Signed: October 1, 2024

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
United States District Judge

