

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

L. L. BEAN, INC., )  
 )  
 Plaintiff, )  
 )  
 v. ) Civil No. 2:04-CV-100-P-C  
 )  
 GEVALIA KAFFE, )  
 )  
 Defendant. )

**CONSENT DECREE**

In order to resolve all issues in the above-captioned matter, the plaintiff, L. L. Bean, Inc. (“L. L. Bean”), and the defendant, Gevalia Kaffe (“Gevalia”), consent to the entry of the following order.

**RECITALS**

1. On May 17, 2004, L. L. Bean filed the above-captioned matter against Gevalia, alleging that through the use of software provided by Claria Corporation, formerly known as The Gator Corporation (“Claria”), Gevalia was violating L. L. Bean’s intellectual property rights through its placement of Gevalia’s pop-up advertisements on L. L. Bean’s web site, [www.llbean.com](http://www.llbean.com).

2. When Gevalia’s senior management became aware of this litigation, it immediately took action to resolve this matter without further litigation.

3. Gevalia expressly denies any wrongdoing in connection with the pop-up advertisements in question. Gevalia alleges that it had not directed or suggested to Claria

that its advertisements appear on L. L. Bean's web site Gevalia regrets that pop-up advertisements for Gevalia appeared on L. L. Bean's web site, [www.llbean.com](http://www.llbean.com).

4. Gevalia has directed all firms that provide services to it in connection with its web site not to engage in practices which would cause Gevalia pop-up ads to appear on L. L. Bean's web site.

5. Gevalia has agreed to make a separate, confidential payment to L. L. Bean as part of this resolution.

### **ORDER**

Upon consent of the parties, the court enters the following order:

1. Gevalia, including its officers, directors, agents, servants, and employees, and all those in active concert or participation with them are ordered not to direct or permit any unauthorized advertisement to appear on, over, or under any part of any web page of L. L. Bean's web site, [www.llbean.com](http://www.llbean.com), and if any such unauthorized advertisements nevertheless appear, upon becoming aware or informed of such unauthorized advertisements, Gevalia shall take all necessary actions to halt such advertisements, including such actions as may be directed by the court pursuant to its continuing jurisdiction.

2. Gevalia is directed to provide this order to Claria and to instruct Claria to take all actions to prevent any advertisement on behalf of Gevalia from appearing on, over, or under any part of any web page of L. L. Bean's web site, [www.llbean.com](http://www.llbean.com).

3. This court shall retain jurisdiction over this matter to enforce its terms. Subject to this court's retention of jurisdiction to enforce this matter, and subject to the payment of the agreed-upon amount described above, all claims asserted against Gevalia

in the above-captioned matter, and any asserted, foreseen or unforeseen claims which have been or could be asserted (by intervention or otherwise) by or on behalf of L. L. Bean arising from or related to the pop-up advertising of Gevalia's products or services on L. L. Bean's web site, [www.llbean.com](http://www.llbean.com), are dismissed in their entirety on the merits, with prejudice, and defendant Gevalia is hereby released from all claims, actions, causes of action and liabilities, whether known or unknown, suspected or unsuspected, which have or may have existed, presently exist, or may arise in the future, or could be asserted by or on behalf of L. L. Bean, of every nature whatsoever, which relate in any way to such advertising.

SO ORDERED.

Dated: 6/21/04

/S/ Gene Carter  
Gene Carter,  
Senior United States District Judge

WE CONSENT.

Dated: June \_\_\_\_, 2004

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Dated: June \_\_\_\_, 2004

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