	Case 3:17-cv-00314-LB Document 4	Filed 01/23/17 Page 1 of 3
1 2 3 4 5 6 7 8 9 10 11 12 13	DAVID C. SHONKA Acting General Counsel JANET M. EVANS (DC Bar No. 358467) ELIZABETH JONES SANGER (WI Bar No. 108044 Federal Trade Commission 600 Pennsylvania Avenue, NW Mail Drop CC-10528 Washington, DC 20580 (202) 326-2125, -2757 (Tel.) (202) 326-3259 (Fax) jevans@ftc.gov; esanger@ftc.gov Attorneys for Plaintiff FEDERAL TRADE COMMISSION UNITED STATES DIST NORTHERN DISTRICT C SAN FRANCISCO	RICT COURT F CALIFORNIA
14	FEDERAL TRADE COMMISSION, Plaintiff,	Case No. <u>3:17-cv-314-LB</u>
15 16 17 18 19	v. BREATHOMETER, INC., a corporation, and CHARLES MICHAEL YIM, individually and as Chief Executive Officer of Breathometer,	MOTION FOR ENTRY OF STIPULATED FINAL JUDGMENT AND ORDER FOR PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF
<ul><li>20</li><li>21</li><li>22</li></ul>	Inc., Defendants.	
23 24 25 26 27 28	Plaintiff, the Federal Trade Commission ("FT for Permanent Injunction and Other Equitable Relief Michael Yim ("Defendants"), pursuant to Section 13 ("FTC Act"), 15 U.S.C. § 53(b), alleging unfair or de advertisements in violation of Sections 5(a) and 12 of Page 1 of 2 Motion for Er	against Breathometer, Inc. and Charles (b) of the Federal Trade Commission Act ceptive acts or practices and false f the FTC Act, 15 U.S.C. §§ 45(a) and 52.

## Case 3:17-cv-00314-LB Document 4 Filed 01/23/17 Page 2 of 3

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
	1

Prior to the complaint filing, the FTC and Defendants agreed to the attached Stipulated Final Judgment and Order for Permanent Injunction and other Equitable Relief, which resolves all matters in dispute in the action between them. This stipulated order has been approved by the FTC. Plaintiff FTC respectfully moves the Court to approve and enter the Stipulated Final Judgment and Order for Permanent Injunction and other Equitable Relief. Counsel for defendants do not oppose this motion. A word-processing version of the proposed Stipulated Final Judgment and Order will also be submitted by email. Respectfully submitted, Dated January 23, 2017 s/ Elizabeth Jones Sanger ELIZABETH JONES SANGER Bar Number: WI 1080449 JANET M. EVANS Bar Number: DC 358467 Federal Trade Commission 600 Pennsylvania Avenue, NW Mail Drop CC-10528 Washington, DC 20580 Tel.: 202-326-2757, -2125 Fax: 202-326-3259 Email: esanger@ftc.gov; jevans@ftc.gov Attorneys for Plaintiff FEDERAL TRADE COMMISSION Page 2 of 3 Case No. 3:17-cv-314-LB Motion for Entry of Stipulated Final Judgment and Order

1   CERTIFICATE OF SERVICE     2   I HEREBY CERTIFY that on January 23, 2017, I served a true and correct copy of the     3   foregoing Motion for Entry Of Stipulated Final Judgment And Order For Permanent Injunction And     3   Other Equitable Relief on the following counsel for Defendants via electronic mail:     4   5   JENNIFER M. THOMAS     5   JOHN R. FLEDER     6   Hyman, Phelps & McNamara, P.C.     7   700 13th Street, NW     Washington, DC 20005   8     8   Tel.: 202-737-4280, -4580     9   Email: jthomas@hpm.com; jfleder@hpm.com     10   COUNSEL FOR BREATHOMETER, INC.     11   JOHN GRAUBERT     12   BRANDON MYERS     13   One CityCenter     14   850 Tenth Street, NW     Washington, DC 20001   15     15   Tel.: 202-662-5938, -5132     16   Email: graubert@cov.com; bmyers@cov.com     17   OUNSEL FOR MR. YIM     18   /s Elizabeth Jones Sanger     19   /s Elizabeth Jones Sanger     10   Street for the fore conv.com; bmyers Sanger
2   IHEREBY CERTIFY that on January 23, 2017, I served a true and correct copy of the     3   foregoing Motion for Entry Of Stipulated Final Judgment And Order For Permanent Injunction And     4
foregoing Motion for Entry Of Stipulated Final Judgment And Order For Permanent Injunction And Other Equitable Relief on the following counsel for Defendants via electronic mail:     4     5   JENNIFER M. THOMAS     6   Hyman, Phelps & McNamara, P.C.     7   700 13th Street, NW     washington, DC 20005     8   Tel.: 202-737-4280, -4580     9   Email: jthomas@hpm.com; jfleder@hpm.com     10   COUNSEL FOR BREATHOMETER, INC.     11   JOHN GRAUBERT     12   BRANDON MYERS     13   One CityCenter     14   850 Tenth Street, NW     Washington, DC 20001   15     15   Tel.: 202-737-9329     9   Email: jthomas@hpm.com; jfleder@hpm.com     10   COUNSEL FOR BREATHOMETER, INC.     11   JOHN GRAUBERT     12   BRANDON MYERS     13   One CityCenter     14   850 Tenth Street, NW     Washington, DC 20001   15     15   Tel.: 202-662-5938, -5132     16   Email: jgraubert@cov.com; bmyers@cov.com     17   COUNSEL FOR MR. YIM     18   /s Elizabeth Jones Sanger
5   Other Equitable Relief on the following counsel for Defendants via electronic mail:     4     5   JENNIFER M. THOMAS JOHN R. FLEDER     6   Hyman, Phelps & McNamara, P.C.     7   700 13th Street, NW Washington, DC 20005     8   Tel.: 202-737-4280, -4580     Fax: 202-737-4280, -4580     Fax: 202-737-9329     9   Email: jthomas@hpm.com; jfleder@hpm.com     10   COUNSEL FOR BREATHOMETER, INC.     11   JOHN GRAUBERT     12   BRANDON MYERS     13   One CityCenter     14   850 Tenth Street, NW     Washington, DC 20001   Tel.: 202-662-5938, -5132     15   Tel.: 202-662-5938, -5132     16   Email: jgraubert@cov.com; bmyers@cov.com     17   COUNSEL FOR MR. YIM     18   /s Elizabeth Jones Sanger     19   Lizabeth Jones Sanger
5JENNIFER M. THOMAS JOHN R. FLEDER6Hyman, Phelps & McNamara, P.C.7700 13th Street, NW Washington, DC 200058Tel.: 202-737-4280, -4580 Fax: 202-737-93299Email: jthomas@hpm.com; jfleder@hpm.com COUNSEL FOR BREATHOMETER, INC.10011JOHN GRAUBERT12BRANDON MYERS Covington & Burling LLP One CityCenter14850 Tenth Street, NW 
'Washington, DC 200058Tel.: 202-737-4280, -4580Fax: 202-737-93299Email: jthomas@hpm.com; jfleder@hpm.com10COUNSEL FOR BREATHOMETER, INC.11JOHN GRAUBERT12BRANDON MYERS13Covington & Burling LLP14850 Tenth Street, NWWashington, DC 2000115Tel.: 202-662-5938, -513216Email: jgraubert@cov.com; bmyers@cov.com17COUNSEL FOR MR. YIM18/s Elizabeth Jones Sanger
8   Tel.: 202-737-4280, -4580     9   Fax: 202-737-9329     9   Email: jthomas@hpm.com; jfleder@hpm.com     10   COUNSEL FOR BREATHOMETER, INC.     11   JOHN GRAUBERT     12   BRANDON MYERS     13   Covington & Burling LLP     14   850 Tenth Street, NW     15   Tel.: 202-662-5938, -5132     16   Email: jgraubert@cov.com; bmyers@cov.com     17   COUNSEL FOR MR. YIM     18   /s Elizabeth Jones Sanger     19   /s Elizabeth Jones Sanger
9   Email: jthomas@hpm.com; jfleder@hpm.com     10   COUNSEL FOR BREATHOMETER, INC.     11   JOHN GRAUBERT     12   BRANDON MYERS     13   One CityCenter     14   850 Tenth Street, NW     Washington, DC 20001   Tel.: 202-662-5938, -5132     15   Tel.: 202-662-5938     16   Email: jgraubert@cov.com; bmyers@cov.com     17   COUNSEL FOR MR. YIM     18   /s Elizabeth Jones Sanger     19   /s Elizabeth Jones Sanger
10     11   JOHN GRAUBERT     12   BRANDON MYERS     13   Covington & Burling LLP     14   850 Tenth Street, NW     Washington, DC 20001   15     15   Tel.: 202-662-5938, -5132     Fax: 202-778-5938   Fax: 202-778-5938     16   Email: jgraubert@cov.com; bmyers@cov.com     17   COUNSEL FOR MR. YIM     18   /s Elizabeth Jones Sanger     19   /s Elizabeth Jones Sanger
JOHN GRAUBERT12BRANDON MYERS13Covington & Burling LLP14S50 Tenth Street, NW14Washington, DC 2000115Tel.: 202-662-5938, -513216Fax: 202-778-593816Email: jgraubert@cov.com; bmyers@cov.com17COUNSEL FOR MR. YIM18/s Elizabeth Jones Sanger19Elizabeth Jones Sanger
12   BRANDON MYERS     13   Covington & Burling LLP     14   S50 Tenth Street, NW     14   850 Tenth Street, NW     15   Tel.: 202-662-5938, -5132     16   Email: jgraubert@cov.com; bmyers@cov.com     17   COUNSEL FOR MR. YIM     18   /s Elizabeth Jones Sanger     19   Ísabeth Jones Sanger
13   One CityCenter     14   850 Tenth Street, NW     Washington, DC 20001     15   Tel.: 202-662-5938, -5132     Fax: 202-778-5938     16   Email: jgraubert@cov.com; bmyers@cov.com     17   COUNSEL FOR MR. YIM     18   /s Elizabeth Jones Sanger     19   Elizabeth Jones Sanger
14Washington, DC 2000115Tel.: 202-662-5938, -5132Fax: 202-778-593816Email: jgraubert@cov.com; bmyers@cov.com17COUNSEL FOR MR. YIM18
15Tel.: 202-662-5938, -5132Fax: 202-778-593816Email: jgraubert@cov.com; bmyers@cov.com171819
16   Email: jgraubert@cov.com; bmyers@cov.com     17   COUNSEL FOR MR. YIM     18
17 18 19 <u>/s Elizabeth Jones Sanger</u> 19 Elizabeth Jones Sanger
19 /s Elizabeth Jones Sanger   19 Elizabeth Jones Sanger
19 Elizabeth Jones Sanger
20
21
22
23
24
25
26
27
28 Page 3 of 3
Case No. 3:17-cv-314-LB
Motion for Entry of Stipulated Final Judgment and Order