

MADE JS-6

**UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA**

FOREVER 21, INC., a California
Corporation,

Plaintiff,

v.

HI FASHION, INC., a California
Corporation, et al.,

Defendants.

Case No.: CV11-01931 GW (FMOx)

**FINAL JUDGMENT, INCLUDING
PERMANENT INJUNCTION,
AGAINST DEFENDANT HI FASHION,
INC.**

The Court, pursuant to the Stipulation for Entry of Final Judgment, Including Permanent Injunction (“Stipulation”), between Plaintiff FOREVER 21, INC. (“Plaintiff”), and Defendant HI FASHION, INC. (“Defendant”), hereby ORDERS, ADJUDICATES, and DECREES that final judgment, including permanent

injunction, shall be and hereby is entered on the Complaint in the above-referenced matter as follows:

1. **FINDINGS OF FACTS.**

A. FOREVER 21 is the owner of numerous trademarks which it uses in connection with the manufacture, distribution, sale and promotion of a wide range of products, including clothing and accessories. FOREVER 21 owns all rights in and to a family of FOREVER 21 federally registered trademarks which include the following, among others (federally registered trademarks collectively, “FOREVER 21 Trademarks”):

<u>Trademark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
FOREVER 21	2,583,457	June 18, 2002
FOREVER 21	2,836,546	April 27, 2004
FOREVER 21	2,913,132	December 21, 2004
FOREVER 21	2,067,637	June 3, 1997
XXI	2,873,174	August 17, 2004
XXI	2,914,810	December 28, 2004
XXI	2,842,184	May 18, 2004
HERITAGE 1981	3,447,097	June 10, 2008
FORLOVE21	3,140,565	September 5, 2006
FORLOVE21	3,140,561	September 5, 2006
LOVE & BEAUTY	3,794,963	May 25, 2010
LOVE 21	3,775,903	April 13, 2010
TWELVE BY TWELVE	3,518,050	October 14, 2008
FOREVER STATIONERY	3,689,946	September 29, 2009
FOREVER XXI	2,889,536	September 28, 2004
FOREVER XXI	2,940,346	April 12, 2005
FASHION 21	2,848,238	June 1, 2004
F21	3,900,668	January 4, 2011

1	HTG81	3,836,163	December 17, 2010
2	FAITH 21	3,865,236	October 19, 2010
3	I LOVE H81	3,882,470	September 14, 2010
4	LIFE IN PROGRESS	3,887,094	December 7, 2010
5	2.1 DENIM	3,848,716	September 14, 2010

6 Further, Plaintiff also owns all rights in and to a family of Forever 21
7 common law trademarks which include the following:

8 TWENTY ONE and Bird Design

9 XXI and BIRD

10 21

11 JOY 21

12 I ♥ H81

13 PEACE 21

14 CEREAL

15 B. Consumers and/or purchasers of FOREVER 21's clothing and related
16 accessories have come to know and recognize Plaintiff's FOREVER 21
17 Trademarks, and Plaintiff has acquired a valuable reputation and goodwill among
18 the public as result of such association, innovation, and substantial investment in its
19 branding. Indeed, Forever 21 Trademarks are famous in the United States and
20 abroad.

21 C. Defendant acknowledges and does not dispute FOREVER 21's
22 exclusive rights in and to the FOREVER 21 Trademarks, including the exclusive
23 right to distribute products utilizing such Trademarks.

24 D. Defendant has willfully and intentionally distributed and sold clothing
25 products bearing and/or utilizing one or more FOREVER 21 Trademarks without
26 the authorization from Plaintiff.

27 E. Defendant acknowledges that its sale of the clothing products included
28 the sale of products which displayed one or more FOREVER 21 Trademarks; that

1 its activities were not authorized by Plaintiff; and that its conduct and activities are
2 claimed by Plaintiff to constitute federal Trademark Infringement, False
3 Designation of Origin/Unfair Competition, Dilution, Unfair Business Practices
4 under California law, and other violations of various state and federal statutory and
5 common law.

6 2. **MONETARY JUDGMENT.** Plaintiff is entitled to a judgment in its
7 favor and against Defendant in the sum of One Million Dollars (\$1,000,000.00) on
8 Plaintiff's Complaint for Damages.

9 3. **PERMANENT INJUNCTION.** The Court finds there is no reason
10 for delay in entering this Permanent Injunction and, pursuant to Rule 54(a) of the
11 *Federal Rules of Civil Procedure*, the Court directs immediate entry of this
12 Permanent Injunction against Defendant. Defendant and any person or entity acting
13 in concert with, at direction of, or authorizing or assisting any third party engaging
14 in, including any and all agents, servants, employees, partners, assignees,
15 distributors, suppliers, resellers and any other parties or individuals over which
16 Defendant may exercise control, are hereby restrained and permanently enjoined,
17 pursuant to 15 U.S.C. §1116(a), from engaging in any of the following activities in
18 the United States and throughout the world:

19 a. copying, manufacturing, exporting, marketing, displaying,
20 selling, offering for sale, reproducing, brokering, consigning, shipping, licensing,
21 developing, delivering, or distributing any product or service that uses, or
22 otherwise makes any use of, Plaintiff's Forever 21 Trademarks, and/or any
23 intellectual property that is confusingly or substantially similar to, or that
24 constitutes a colorable imitation of Plaintiff's Forever 21 Trademarks in connection
25 with internet use, website, domain name, metatags, advertising, promotions,
26 solicitations, commercial exploitation, television, web-based or any other program,
27 or any product or service, or otherwise;
28

1 b. performing or allowing others employed by or representing it, or
2 under its control, to perform any act which is likely to injure Plaintiff's rights in the
3 Forever 21 Trademarks; and

4 c. engaging in any acts of federal and/or state trademark
5 infringement, false designation, unfair competition, and dilution, which would
6 damage or injure Plaintiff's rights in its Forever21 Trademarks.

7 4. **FOREFEITURE.** Defendant is ordered to deliver immediately to
8 Plaintiff for destruction all unauthorized products labels, tags, signs, prints,
9 packages, wrappers, receptacles, and advertisements relating thereto in its
10 possession or under its control bearing any of Plaintiff's Forever 21 Trademarks or
11 any simulation, reproduction, copy or colorable imitation thereof to the extent that
12 any of these items are in Defendant's possession or control.

13 5. **SCOPE OF ENFORCEABILITY.** This Final Judgment shall only
14 apply to present claims of Plaintiff FOREVER 21, INC. to the date of execution by
15 the Court, and *does not include any future unknown claims that may arise*
16 *thereafter.*

17 6. **NO APPEALS and CONTINUING JURISDICTION.** No appeals
18 shall be taken from this Final Judgment, Including Permanent Injunction, and the
19 parties waive all rights to appeal. This Court expressly retains jurisdiction over this
20 matter to enforce any violation of the terms of this Final Judgment, Including
21 Permanent Injunction, herein.

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7. **NO FEES and COSTS.** Each party shall bear its own attorneys' fees and costs incurred in this matter.

IT IS SO ORDERED, ADJUDICATED, and DECREED this 14th day of
December, 2011.

George H. W.

HON. GEORGE H. WU,
United States District Court Judge for the
Central District of California