

JS-6

1 GREENBERG TRAUIG, LLP
 2 GREGORY A. NYLEN (SBN 151129)
 3 DANIELLE N. DECOU (SBN 208809)
 2450 COLORADO AVENUE, SUITE 400E
 4 Santa Monica, California 90404
 Telephone: (310) 586-7700
 5 Facsimile: (310) 586-7800
 Email: nyleng@gtlaw.com; decoud@gtlaw.com

6 BEN D. TOBOR (*admitted pro hac vice*)
 ANTHONY F. MATHENY (*admitted pro hac vice*)
 7 GREENBERG TRAUIG, LLP
 1000 Louisiana, Suite 1800
 8 Houston, TX 77002
 Telephone: (713) 374-3500
 9 Facsimile: (713) 374-3505
 Email: toborb@gtlaw.com; mathenya@gtlaw.com

10 Attorneys for Plaintiff
 11 FAROUK SYSTEMS, INC.

12 **UNITED STATES DISTRICT**
 13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
 14 **SOUTHERN DIVISION**

15 FAROUK SYSTEMS, INC.,
 16 Plaintiff,

17 v.
 18

19 PRINCESS SILK, L.L.C.; CINDY VIRK
 20 d/b/a/ PRINCESS SILK; LADOU STYLE,
 21 INC.; PAUL VIRK,
 22 Defendants.

CASE NO. SACV07-1190 JVS (MLGx)

**[FILED UNDER SEAL PURSUANT
 TO 15 U.S.C. § 1116]**

**FINAL JUDGMENT AND
 PERMANENT INJUNCTION ON
 CONSENT**

1 Plaintiff, FAROUK SYSTEMS, INC., (“Plaintiff”) having commenced this action
2 for an injunction and other relief against, *inter alia*, and defendants PRINCESS SILK,
3 L.L.C.; CINDY VIRK, individually and d/b/a/ PRINCESS SILK; LADOU STYLE,
4 INC.; and PAUL VIRK (collectively “Settling Defendants”), pursuant to the Lanham
5 Act, 15 U.S.C. § 1051, *et seq.*, as amended by the Trademark Counterfeiting Act of 1984,
6 Public Law 98-473, and under the laws of the State of California, for the reason that
7 Settling Defendants are alleged to be engaged in manufacturing, importing, distributing,
8 offering for sale, and/or selling, among other things, of products that bear counterfeits
9 and/or imitations of Plaintiff’s trademarks as described and defined in the First Amended
10 Complaint (the “FSI Trademarks”); and

11 Settling Defendants, having entered into a Settlement Agreement with Plaintiff and
12 having stipulated to entry of an Agreed Final Judgment and Permanent Injunction; and
13 the parties, having indicated below their consent to the form and entry of this Agreed
14 Final Judgment and Permanent Injunction on Consent (the “Judgement”),

15 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

16 1. The Court has subject matter jurisdiction over this matter and personal
17 jurisdiction over Settling Defendants.

18 2. The Court shall retain jurisdiction over Settling Defendants for purposes of
19 interpretation and enforcement of this provisions of this Judgment, including any future
20 questions of its violation by one or more of the Settling Defendants.

21 3. Plaintiff’s claims against Defendant PAUL VIRK are dismissed with
22 prejudice.

23 4. Defendants PRINCESS SILK L.L.C., CINDY VIRK, individually and doing
24 business as PRINCESS SILK, and LADOU STYLE, INC. are permanently enjoined
25 from advertising, promoting, representing, offering for sale, or selling any hair care
26 product bearing, displaying, or advertising under: (a) the trademark CHI; (b) the
27 trademark CHI of U.S. Trademark Registration No. 2,660,257; U.S. Trademark
28 Registration No. 3,107,769; U.S. Trademark Application Serial No. 78/524,660; and/or

1 of U.S. Trademark Application Serial No. 76/512,597; (c) the trademark ULTRA CHI of
2 U.S. Trademark Application Serial No. 78/622,448; (d) the trademark CHI NANO of
3 U.S. Trademark Application Serial No. 77/055,581; or (e) and (d) the word mark
4 BIOCHI shown in U.S. Trademark Application Serial No. 77/265,353 (collectively the
5 “Farouk Systems Trademarks), unless such hair care products are obtained by
6 Defendants PRINCESS SILK L.L.C., CINDY VIRK, individually and doing business as
7 PRINCESS SILK, and LADOU STYLE, INC. from Farouk Systems, Inc.

8 5. Defendants PRINCESS SILK L.L.C., CINDY VIRK, individually and doing
9 business as PRINCESS SILK, and LADOU STYLE, INC. are permanently enjoined
10 from advertising, promoting, representing, offering for sale, or selling any hair care
11 product as being sponsored by, associated with, affiliated with, or connected to Farouk
12 Systems, Inc., unless such hair care products are obtained by Defendants PRINCESS
13 SILK L.L.C., CINDY VIRK, Individually and doing business as PRINCESS SILK, and
14 LADOU STYLE, INC. from Farouk Systems, Inc.

15 6. Defendants PRINCESS SILK L.L.C., CINDY VIRK, individually and doing
16 business as PRINCESS SILK, and LADOU STYLE, INC. are permanently enjoined
17 from representing to the public that PRINCESS SILK L.L.C., CINDY VIRK,
18 individually and doing business as PRINCESS SILK, and/or LADOU STYLE, INC. are
19 authorized by Farouk Systems, Inc. to promote, advertise, sell, or offer for sale any hair
20 care product bearing, displaying, or advertised under the Farouk Systems Trademarks.

21 7. Defendants PRINCESS SILK L.L.C., CINDY VIRK, individually and doing
22 business as PRINCESS SILK, and LADOU STYLE, INC. are permanently enjoined
23 from advertising, promoting, selling, offering for sale, or in any other way representing to
24 the public that any hair care products, not originating from Farouk Systems, Inc., are
25 associated with, sponsored by, connected with, or affiliated with Farouk Systems, Inc.

26 8. The portion of the Preliminary Injunction on Consent as to Defendants
27 PRINCESS SILK, L.L.C. and CINDY VIRK d/b/a PRINCESS SILK entered October 17,
28 2007, and the portion of the Temporary Restraining Order, Seizure Order, Order

1 Restraining Transfer of Assets, Order to Show Cause for Preliminary Injunction, Order
2 for Expedited Discovery and Order Sealing File entered October 9, 2007, enjoining
3 Defendants, their corporate parents, subsidiaries, directors, officers, agents, servants,
4 employees, representatives, confederates, and affiliates and any other persons or entities
5 acting in concert or participation with Defendants, and any banks, savings and loan
6 associations or other financial institutions (including, without limitation, Washington
7 Mutual), or agencies which engage in the transfer of real property, or anyone who
8 receives actual notice of this order from transferring, disposing of, or secreting any
9 money derived from Defendants' counterfeiting activities pending the disposition of this
10 action is hereby lifted, and that all bank accounts previously frozen, including, without
11 limitation, Defendants' Washington Mutual accounts, shall be unfrozen and Defendants
12 shall disperse the funds from Defendants' previously frozen bank accounts in accordance
13 with the Settlement Agreement between the Parties.

14 9. The corporate surety bond, cash or certified check in the amount of twenty
15 thousand dollars (\$20,000) posted by Plaintiff as required by the Temporary Restraining
16 Order, Seizure Order, Order Restraining Transfer of Assets, Order to Show Cause for
17 Preliminary Injunction, Order for Expedited Discovery and Order Sealing File entered
18 October 9, 2007, is hereby released.

19 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that:

20 Plaintiff shall be entitled to recover the Settlement Amount of eleven thousand
21 three hundred thirty-nine dollars and seven cents (\$11,339.07) by release of the monies
22 currently restrained at Washington Mutual Bank (Account No. 30900001002928 in the
23 name of Princess Silk LLC in the amount of \$1352.20; Washington Mutual Bank
24 Account No. 30900004523210 in the name of Princess Silk LLC in the amount of
25 \$318.06; and Washington Mutual Bank Account No. 30900004523442 in the name of
26 Cindy Virk in the amount of 9,668.81).

27 ///

28 ///


1 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that:

2 Final judgment is entered against Defendants PRINCESS SILK L.L.C., CINDY
3 VIRK, individually and doing business as PRINCESS SILK, and LADOU STYLE, INC.
4 in the amount of eighty-eight thousand six hundred and sixty dollars and ninety-three
5 cents (\$88,660.93) (the “Judgment Amount”) as damages awardable under 15 U.S.C. §
6 1117, and that Defendants PRINCESS SILK L.L.C., CINDY VIRK, individually and
7 doing business as PRINCESS SILK, and LADOU STYLE, INC. are jointly and severally
8 liable to Plaintiff for the Judgment Amount.

9 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that:

10 This Judgment is binding on Defendants PRINCESS SILK L.L.C., CINDY VIRK,
11 Individually and doing business as PRINCESS SILK, and LADOU STYLE, INC. their
12 representatives, successors, and assigns.

13
14 Dated: September 30, 2008

By: 

Honorable James V. Selna
United States District Judge

15
16
17 Respectfully submitted by:

18 GREENBERG TRAURIG, LLP

19
20 By: /s/ Gregory A. Nylen
21 Gregory A. Nylen

22 Attorneys for Plaintiff
23 FAROUK SYSTEMS, INC.