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OF 9/17/08**

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20 BEN PIKE

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

23 GURU DENIM, INC., a California
24 Corporation,

25 Plaintiff,

26 v.

27 Ben Pike, an Individual, and Does 1-
28 10, Inclusive,

Defendants.

Case No.: CV07-5811 ODW (Ex)

**CONSENT JUDGMENT AND
PERMANENT INJUNCTION**

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1 Plaintiff GURU DENIM, INC. and Defendant BEN PIKE having consented
2 to entry of this Consent Judgment and Permanent Injunction, it is hereby
3 ORDERED, ADJUDGED AND DECREED as follows:

4 Judgment is hereby entered in favor of Plaintiffs and against Defendant on
5 Plaintiff's First Claim for Federal Trademark Infringement [15 U.S.C.
6 §1114/*Lanham Act* §43(a)]; on Plaintiff's Second Claim for Federal Copyright
7 Infringement [17 U.S.C. §501(a)]; on Plaintiff's Third Claim for False Designation
8 of Origin [15 U.S.C. §1125(a)]; on Plaintiff's Fourth Claim for Trademark Dilution
9 [15 U.S.C. §1125(c); *California Business & Professions Code* §14330]; on
10 Plaintiff's Fifth Claim for Common Law Copyright Infringement [*California Civil*
11 *Code* §980]; on Plaintiff's Sixth Claim for Unfair Business Practices [*California*
12 *Business & Professions Code* §17200]; and on Plaintiff's Seventh Claim for Unjust
13 Enrichment.

14 **STIPULATED FACTS**

15 Plaintiffs and Defendant, as well as their agents, servants, employees,
16 attorneys, successors and assigns, and all those persons in active concert or
17 participation with them hereby stipulate to the following facts as true and correct:

18 (a) Plaintiff owns a registered United States trademark for the "True
19 Religion Brand Jeans World Tour Fashion for the Senses Section Row Seat" label
20 and corresponding artwork under U.S. Reg. No. 2,917,187, registered January 11,
21 2005.

22 (b). Plaintiff owns registered United States trademarks in the pocket
23 stitching pattern that appears on True Religion Brand Jeans pants and the overall
24 stitching pattern on the front of True Religion Brand Jeans pants under U.S. Reg.
25 No. 3,147,244, registered September 16, 2006, and under U.S. Reg. No. 3,219,110,
26 registered March 13, 2007.

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1 (c). Plaintiff owns 4 registered United States trademarks in the word mark
2 “True Religion Brand Jeans,” (hereinafter, “the Mark) with assorted designs,
3 characters and artwork (hereinafter, “the Designs”) under the following registration
4 numbers: U.S. Reg. No. 2,761,793, registered September 9, 2003; U.S. Reg. No.
5 3,120,797, registered July 25, 2006; U.S. Reg. No. 3,120,798, registered July 25,
6 2006; U.S. Reg. No. 3,282,490, registered August 21, 2007.

7 (d). Plaintiff owns registered United States trademarks in the word mark
8 “True Religion,” under U.S. Reg. No. 3,162,615, registered October 24, 2006; and
9 under U.S. Reg. No. 3,162,614, registered October 24, 2006.

10 (e). Plaintiff owns two United States Copyrights for the True Religion
11 Brand Jeans Designs under Certificate of Registration number VA 1-192-834,
12 effective date of February 6, 2003, and Certificate of Registration number VA 1-
13 301-845, effective date of April 13, 2005.

14 (f) Plaintiff owns an additional United States Copyright in the
15 “truereligionbrandjeans.com” website under Certificate of Registration number TX
16 6-236-806, effective date of June 1, 2005.

17 (g) Plaintiff owns a United States Design Patent for the stitch pattern
18 applied to True Religion Brand Jeans pants under United States Patent No.
19 D547530, issued July 31, 2007.

20 (h) Plaintiff also owns registered trademarks in the True Religion Brand
21 Jeans Mark and Designs in the following foreign countries or territories: Canada,
22 United Kingdom, European Union, Germany, Australia, Japan, Korea, Mexico,
23 Colombia, Hong Kong, Korea, Norway, Russia, South Africa and Paraguay.

24 (i) Defendant Ben Pike is a registered seller with an online storefront
25 which marketed and retailed True Religion Brand Jeans apparel utilizing the web
26 address of <http://www.ebay.com> (“Ebay”), the seller identification name of
27 “choicegz,” and the email address of futuregu@ptd.net. Plaintiff contends the True
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1 Religion Brand Jeans that were offered for sale by Defendant were counterfeit.

2 (j) On August 9, 2007, Defendant sold True Religion Brand Jeans denim
3 pants from Defendant's Ebay account bearing Ebay item number 320146071626
4 which Plaintiff contends were counterfeit.

5 **PERMANENT INJUNCTION**

6 Defendant, as well as his agents, servants, employees, attorneys, successors
7 and assigns, and all those persons in active concert or participation with them
8 hereby are permanently enjoined from engaging in, committing, or performing,
9 directly or indirectly, all of the following acts:

10 a. using in any manner in connection with Defendant's business or in
11 connection with any other advertising, promotions, solicitations or use for such
12 business, services, or goods bearing the trademarks, trade names, and the
13 Copyrights of Plaintiffs, unless said goods are verified as genuine;

14 b. performing or allowing any act or thing which is likely to injure
15 Plaintiffs' business reputation or good will;

16 c. engaging in federal or state copyright and trademark infringement, false
17 designation of origin, unfair competition, and dilution by tarnishment, which would
18 damage or injure Plaintiffs; and

19 d. using the Internet, world wide web, or any other domain name to
20 advertise, promote, or sell items bearing the trademarks, trade names, and the
21 Copyrights of Plaintiffs, unless said items are genuine non counterfeit items, or any
22 confusingly similar mark such as the names, marks, and/or trade dress relating to
23 the trademarks, trade names, and the Copyrights of Plaintiffs or any colorable
24 imitations thereof.

25 **MONETARY JUDGMENT**

26 Defendant shall be liable to Plaintiffs for the monetary judgment of Four
27 Thousand Dollars (\$4,000.00), which shall be payable and delivered to "Gareeb
28 Pham, LLP" within 5 business days from the mutual execution of the Judgment and

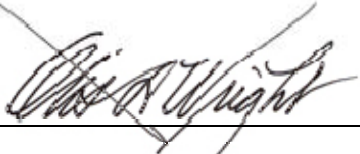
1 corresponding Release Agreement.

2 Except as set forth in any separate written agreement between the parties,
3 each party shall bear its own costs, expenses, disbursements and attorneys' fees
4 incurred to date.

5 The Central District of California shall reserve and retain jurisdiction as to
6 any and all disputes arising out of this Consent Judgment and Permanent Injunction
7 by and between Plaintiffs and Defendant.

8 **IT IS SO ORDERED, ADJUDGED AND DECREED.**

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10 Dated: November 19, 2008

By: 
Honorable Otis D. Wright, II

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