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9 **IN THE UNITED STATES DISTRICT COURT**
 10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

11 JOHN RIGBY & CO. (GUNMAKERS),
 12 Inc., a California corporation,

Plaintiff,

v.

16 JOHN RIGBY & CO. (GUNMAKERS), Ltd.

Defendant.

Case No.: CV 096429 VBF (SSX)

~~PROPOSED~~
PERMANENT INJUNCTION

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 27 ///
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1 The Court finds that:

2 1. The Court has jurisdiction over the Parties and subject matter of this action;

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4 2. Plaintiff John Rigby & Co. (Gunmakers), Inc. ("Plaintiff") and its
5 predecessors in interest have for almost three centuries, have manufactured, sold,
6 distributed, advertised and licensed various types of rifles, shotguns and
7 ammunition under its renowned JOHN RIGBY & CO. line of trademarks including
8 the following U.S. Federally Registered trademarks, among others: No. 1386739
9 for the mark JOHN RIGBY & CO. which was registered with the USPTO on
10 March 18, 1986 for Rifles, Shotguns and Ammunition in International Class 13;
11 No. 1411231 for the mark RIGBY'S which was registered with the USPTO on
12 September 30, 1986 for Rifles, Shotguns and Ammunition in International Class
13 13; and No. 3500785 for the mark JR EST. 1735, which was registered with the
14 USPTO on September 16, 2008 for the following goods: Rifles, Shotguns and
15 Ammunition in International Class 13.

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17 3. The words John Rigby & Co. do not describe any attribute of the products,
18 nor are they descriptive or suggestive of the products in any way. The mark is used
19 by Plaintiff to distinguish its product from others.

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21 4. By virtue of the John Rigby & Co. Mark's inherent distinctiveness and
22 acquired secondary meaning; Plaintiff's long duration and worldwide usage of the
23 John Rigby & Co. Mark; Plaintiff's extensive advertising and publicity of the John
24 Rigby & Co. Mark; and the extremely high degree of recognition of the marks in
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1 the trading areas and channels of trade used by Plaintiff; the John Rigby & Co.
2 Mark is valid and protectable.

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4 5. Defendant John Rigby & Co. (Gunmakers), Ltd (“Defendant”) is
5 manufacturing, offering for sale and selling competing guns worldwide and in the
6 United States under a virtually identical mark to Plaintiff, namely John Rigby &
7
8 Co.

9 6. Defendant’s unlawful activities injure the public by depriving the public of
10 the right to be free of confusion in the marketplace.

11
12 7. Defendant’s unlawful activities result in irreparable injury and damage to
13 Plaintiff.

14 8. Defendant has not received any authority from Plaintiff to use the John Rigby
15 & Co. Mark or anything confusingly similar thereto for any purpose and
16 Defendant’s unauthorized use of the John Rigby & Co. Mark is likely to cause
17 confusion, and indeed, did cause actual confusion as to the source or sponsorship of
18 Defendant’s activities and Defendant’s actions are likely to deceive the public into
19 believing that Defendant’s activities are sponsored by or authorized by Plaintiff
20 when, in fact, they are not.

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24 9. Defendant’s unauthorized activities have caused Plaintiff irreparable injury,
25 will continue to cause Plaintiff irreparable injury absent the issuance of this
26 injunction, and Plaintiff does not have an adequate remedy at law.
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1 10. A Permanent Injunction is also warranted to protect the public from
2 confusion and deception.

3
4 NOW THEREFORE, THE COURT ORDERS AS FOLLOWS:

5 1. Defendant John Rigby & Co. (Gunmakers), Ltd., its co-owners, partners,
6 officers, directors, managing agents, subsidiaries, parents, affiliated entities, heirs,
7 successors, assigns, employees, attorneys, and each of them, and all others in active
8 concert or participation with them, or those who are acting at their request or
9 insistence who receive actual notice by personal service or otherwise, and each of
10 them, are hereby permanently enjoined:
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13 (A) From infringing upon the John Rigby & Co. Mark, or the Rigby Mark or
14 anything confusingly similar thereto, including but not limited to Plaintiff's U.S.
15 Federal Registrations for JOHN RIGBY & CO. , RIGBY'S or JR EST. 1735;

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17 (B) From manufacturing, distributing, marketing, selling and/or offering for sale,
18 any goods or services which bear the John Rigby & Co. Mark, the Rigby Mark or
19 anything confusingly similar thereto, or any reproduction, copy, or colorable
20 imitation thereof;
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22
23 (C) From using any reproduction, copy, or colorable imitation of the John Rigby
24 & Co. Mark or the Rigby Mark, or anything confusingly similar thereto, including
25 but not limited to its current infringing John Rigby & Co. (Gunmakers), Ltd, in
26 connection with the advertising, promoting, and/or selling or offering to sell any
27 product or service, including but not limited to guns, rifles or ammunition;
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1 (D) From making any statement or representation whatsoever, using any false
2 designation of origin or false description and/or performing any act which can or is
3 likely to lead the general public or ultimate purchaser to believe that any of
4 Defendant's merchandise or services are in any manner associated or connected
5 with Plaintiff, or sold, produced, licensed, sponsored, authorized and/or approved
6 by Plaintiff;
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8

9 (E) From engaging in any other activities constituting trademark counterfeiting,
10 trademark infringement, trade dress infringement, false designation of origin, unfair
11 competition and deceptive trade practices in violation of any of Plaintiff's
12 intellectual property rights; and
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14 (F) That the domain name www.johnrigbylondon.com be immediately cancelled and
15 terminated, such that no further infringing activity shall occur thereon.
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17 IT IS SO ORDERED:
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19 Dated: November 29, 2010



21 Honorable Valerie
22 United States District Court Judge
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