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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

OPI PRODUCTS INC, a California corporation,

Plaintiff,

v.

TRANS DESIGN, INC., a Georgia corporation, NGU TRAN, an individual, and DOES 1 through 10, inclusive,

Defendant.

CASE No. CV10-2310 DSF (MANx)

**FINAL JUDGMENT AND
PERMANENT INJUNCTION**

Based upon the Application for Default Judgment submitted by Plaintiff OPI Products, Inc. ("OPI") the Court enters this Final Judgment and Permanent Injunction.

1 The following definitions are used in the Judgment:

2

3 **The OPI Trademarks**

4 (1) The word OPI (USPTO Registration No. 2,300,077, with a first use in
5 commerce date of 1981)

6

7 (2) The bottle design (spherical bottle with rounded sides and cylindrical cap)
8 (USPTO Registration No. 3,569,558 , with a first use in commerce date of
9 January 1, 1992)

10

11 (3) The words OPI NAIL LACQUER (USPTO Registration No. 3,037,202,
12 with a first use in commerce date of 1989)

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14 (4) The word OPI in stylized form within a shaded rectangle with a dot
15 between the O and the P and between the P and the I (USPTO
16 Registration No. 1,813,313, with a first use in commerce date of
17 September 1, 1991)

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19 (5) The word O-P-I in Class 41 for educational services in the field of nail
20 care (USPTO Registration No. 3,164,420, with a first use in commerce
21 date of 1981)

22

23 **The OPI Copyrights**

24 Full Title	Copyright Number	Date
25 Consumer site classic	VA0001173230	2002
26 I'm not really a waitress	TXu001295262	2005
27 Las Vegas collection	VA0001207080	2003

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1	OPI Designer Series Collection	VA0001684003	2009
2	OPI France Collection	VA0001684001	2009
3	OPI India Collection	VA0001683998	2009
4	OPI professional site –	VA0001205188	2003
5	Las Vegas collection		
6	OPI South Beach Collection	VA0001684004	2009
7	Professional site classic	VA0001223858	2002
8	Professional site collection	VA0001208442	2002
9	OPI Designer Series Collection	VA0001696899	2009
10	OPI France Collection	VA0001696893	2009
11	OPI India Collection	VA0001696894	2009
12	OPI biz.oopi.com images	VA0001685382	2009
13	OPI Spain Collection	VA0001705157	2010
14	OPI Hong Kong Collection with	VA0001704440	2010
15	Models		
16	OPI Spain Collection with Displays	VA0001703817	2010

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18 IT IS ADJUDICATED that :

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20 1. Defendant Trans Design Inc. and Ngu Tran (“collectively “Trans Design”)
21 and its owners, officers, agents, servants, employees, attorneys, suppliers, distributors,
22 those who provide marketing, promotional, distribution, and selling services for Trans
23 Design through its Internet website, www.transdesign.com or otherwise, and all those
24 in active concert or participation with any of them, are permanently restrained and
25 enjoined from:

26

27 a. Using on its Internet website, www.transdesign.com,
28 or using on any other website operated by, controlled by, or

1 affiliated with Trans Design (including without limitation,
2 eBay.com, Amazon.com or similar third party website)
3 anywhere in the world any reproduction, copy, or work
4 derivative of the OPI Copyrights anywhere in the world so
5 long as any of the OPI Copyrights are being used by OPI or
6 any successor in interest;

7
8 b. Using on its Internet website, www.transdesign.com,
9 or using on any other website operated by, controlled by, or
10 affiliated with Trans Design (including without limitation,
11 eBay.com, Amazon.com or similar third party website)
12 anywhere in the world any reproduction, counterfeit, copy,
13 or colorable imitation of the OPI Trademarks that could
14 cause a likelihood of confusion with OPI or suggest the
15 sponsorship or endorsement of OPI, for so long as any of the
16 OPI Trademarks are being used by OPI or any successor-in-
17 interest, alone or in connection with any other word, symbol
18 or alphanumeric characters, in connection with the sale,
19 offering for sale, distribution, or advertising of any goods or
20 services;

21
22 c. Using on an Internet website such as,
23 www.transdesign.com, or any other website operated by,
24 controlled by or affiliated with Trans Design (including
25 without limitation, eBay.com, Amazon.com or similar third
26 party website) anywhere in the world any false designation
27 of origin or false representation of any OPI products, OPI
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1 Trademarks, or otherwise for so long as the OPI Trademarks
2 are being used by OPI or any successor-in-interest;

3
4 d. Using any advertisement, label, package, sign, written
5 solicitation, printed material, electronic media, television
6 broadcast or video broadcast that shows, uses, or
7 incorporates any copy, reproduction, or work derivative of
8 the OPI Copyrights anywhere in the world so long as any of
9 the OPI Copyrights are being used by OPI or any successor
10 in interest;

11
12 e. Using any advertisement, label, package, sign, written
13 solicitation, printed material, electronic media, television
14 broadcast or video broadcast that shows, uses, or
15 incorporates any counterfeit, copy, reproduction, or colorable
16 imitation of the OPI Trademarks that could cause a
17 likelihood of confusion with OPI or suggest the sponsorship
18 or endorsement of OPI, anywhere in the world so long as any
19 of the OPI Trademarks are being used by OPI or any
20 successor in interest;

21
22 f. Acquiring, purchasing, receiving, storing, advertising,
23 selling or transferring counterfeit, decoded, or substandard
24 OPI Products anywhere in the world; and

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26 g. Soliciting, assisting, aiding, or abetting any other
27 person or business entity in engaging in or performing any of
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the activities referred to in the above Sub-Paragraphs 1 (a),
1(b), 1(c), 1 (d), 1(e), and 1(f).


2. This judgment does not enjoin the use of Trans Design created or
commissioned images of OPI products in conjunction with the sale of OPI products that
are not counterfeit, decoded, or substandard.

3. The Court shall retain jurisdiction to enforce the terms of the Permanent
Injunction in this matter.

4. All remaining claims between the parties are dismissed with prejudice.

5. Final judgment is hereby entered, with no award of monetary damages,
and with each party responsible for its own costs and attorney fees.

Dated: 1/28/11



Honorable Dale S. Fischer
United States District Judge