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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Disney Enterprises, Inc.,
Plaintiff,
v.
D & R Dana, Inc., D & R Charis, Inc.,
D & R Dana Clothing, Inc., Woo Taek
Lee and Does 1 – 10, inclusive,
Defendants.

Case No. CV10-7117 CBM (JCx)
INJUNCTION PURSUANT TO
ENTRY OF DEFAULT JUDGMENT
AGAINST DEFENDANTS D & R
DANA, INC. AND D & R CHARIS,
INC.

This cause having come before this Court on the motion of Plaintiff Disney Enterprises, Inc. ("Plaintiff") for entry of default judgment and a permanent injunction against Defendants D & R Dana, Inc. and D & R Charis, Inc. (collectively, "Defendants"); and,

The Court having read and considered the pleadings, declarations and exhibits on file in this matter and having reviewed such evidence as was presented in support of Plaintiff's motion; and,

GOOD CAUSE APPEARING THEREFORE, the Court finds the following facts:

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FACTS

Plaintiff owns or controls the pertinent rights in and to the list of trademarks attached hereto as Exhibit A (collectively, the "Disney Mickey Mouse Trademarks").

All of the Disney Mickey Mouse Trademarks are current and in full force and effect.

As a direct result of Plaintiff's longstanding use, sales, advertising and marketing, the Disney Mickey Mouse Trademarks have acquired secondary and distinctive meaning among the public who have come to identify the Disney Mickey Mouse Trademarks with Plaintiff and its products. Many of the marks have become incontestable pursuant to 15 U.S.C. § 1065.

Defendants engage in the importation, purchase, distribution, offering for sale and/or sale of counterfeit and/or infringing apparel bearing the Disney Mickey Mouse Trademarks to the general public.

Through such active importing, purchasing, distributing, offering of sale and selling of unlicensed and counterfeit apparel, Plaintiff is irreparably damaged through consumer confusion, dilution and tarnishment of its valuable trademarks.

Defendants have caused to be imported, distributed, offered for sale and sold apparel bearing one or more of the Disney Mickey Mouse Trademarks without the authorization of Plaintiff. Defendants import, purchase, distribute, offer for sale and sell apparel and related merchandise bearing the Disney Mickey Mouse Trademarks in California and in interstate commerce. Defendants have and are likely to cause confusion, deception and mistake as to the source and origin of the apparel and related merchandise in that the buying public may conclude that the products sold by Defendants are authorized, sponsored, approved or associated with the Plaintiff.

Defendants' importation and use in commerce of the Disney Mickey Mouse Trademarks in the importation and distribution or sale of apparel and related

1 merchandise is an infringement of Plaintiff's registered trademarks in violation of 15
2 U.S.C. §§ 1114(1) and 1124.

3 Defendants have profited from their unlawful activities. Unless Defendants'
4 conduct is enjoined, Plaintiff and its goodwill and reputation may continue to suffer
5 irreparable injury which cannot be adequately calculated or compensated solely by
6 money damages. Accordingly, Plaintiff seeks preliminary and permanent injunctive
7 relief pursuant to 15 U.S.C. § 1116.

8 Defendants committed the acts alleged in the Complaint by having made
9 unauthorized uses of the Disney Mickey Mouse Trademarks or substantially similar
10 likenesses or colorable imitations thereof.

11 The liability of the Defendants for their acts in violation of Plaintiff's rights is
12 knowing and willful, and as such, the Court expressly finds that there is no just reason
13 for delay in entering the permanent injunction sought herein.

14 Therefore, based upon the foregoing facts, and pursuant to the Court's order and
15 judgment granting Plaintiff Disney Enterprises, Inc.'s entry for default judgment
16 against Defendants D & R Dana, Inc. and D & R Charis, Inc.; and,

17 GOOD CAUSE APPEARING THEREFORE, the Court hereby orders the
18 following Injunction:

19 **INJUNCTION**

20 1) Defendants and their agents, servants, employees and all persons in active
21 concert and participation with them who receive actual notice of the Injunction are
22 hereby restrained and enjoined from:

- 23 a) further infringing the Disney Mickey Mouse Trademarks either directly or
24 contributorily, in any manner, including generally, but not limited to importing,
25 manufacturing, producing, distributing, circulating, selling, marketing, offering
26 for sale, advertising, promoting, displaying or otherwise disposing of any
27 products not authorized by Disney, including, but not limited to apparel and
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1 related merchandise, bearing any simulation, reproduction, counterfeit, copy or
2 colorable imitation of any of the Disney Mickey Mouse Trademarks
3 (“Unauthorized Products”), and, specifically from:

- 4 i) using any simulation, reproduction, counterfeit, copy or colorable imitation
5 of any of the Disney Mickey Mouse Trademarks in connection with the
6 promotion, advertisement, display, sale, offer for sale, importation,
7 manufacture, production, circulation or distribution of Unauthorized
8 Products in such fashion as to relate or connect, or tend to relate or connect,
9 such products in any way to Disney, or to any goods sold, manufactured,
10 sponsored or approved by, or connected with Disney;
- 11 ii) using any false designation of origin or false description, or performing any
12 act, which can or is likely to lead the trade or public, or individual members
13 thereof, to believe that any products manufactured, distributed or sold by
14 Defendants are in any manner associated or connected with Disney, or are
15 sold, manufactured, licensed, sponsored, approved or authorized by Disney;
- 16 iii) engaging in any other activity constituting unfair competition with Disney,
17 or constituting an infringement of any of Disney’s Mickey Mouse
18 Trademarks or of Disney’s rights in, or to use or to exploit, said trademarks,
19 or constituting any dilution of any of Disney’s names, reputations, or good
20 will;
- 21 iv) effecting assignments or transfers, forming new entities or association or
22 utilizing any other device for the purpose of circumventing or otherwise
23 avoiding the prohibitions set forth herein;
- 24 v) secreting, altering, removing or otherwise dealing with the Unauthorized
25 Products or any books or records which may contain any information
26 relating to the importing, manufacturing, producing, distributing, circulating,
27 selling, marketing, offering for sale, advertising, promoting or displaying of
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1 all unauthorized products which infringe any of Disney's Mickey Mouse
2 trademarks; and

3 vi) aiding, abetting, contributing to or otherwise assisting anyone from
4 infringing upon Disney's Mickey Mouse trademarks.

5 2) Defendants are ordered to destroy all Unauthorized Products, including apparel,
6 and labels, signs, prints, packages, dyes, wrappers, receptacles and advertisements
7 relating thereto in their possession or under their control bearing any of the Disney
8 Mickey Mouse Trademarks or any simulation, reproduction, counterfeit, copy or
9 colorable imitations thereof, and all plates, molds, heat transfers, screens, matrices and
10 other means of making the same.

11 3) The Court shall retain jurisdiction of this action to entertain such further
12 proceedings and to enter such further orders as may be necessary or appropriate to
13 implement and enforce the provisions of this Injunction.
14

15 **IT IS SO ORDERED.**

16
17 Dated: June 29, 2012

By: 

18 HONORABLE CONSUELO B. MARSHALL
19 United States District Judge
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EXHIBIT A

DISNEY MICKEY MOUSE TRADEMARKS

| Trademark | Mark Drawing Code | Trademark Registration No. | Trademark Registration Date |
|--------------------------|--------------------------|---------------------------------------|------------------------------------|
| Mickey Mouse | Typed Drawing | 78,976,959 | n/a |
| Mickey Mouse | Standard Character Mark | Serial Number 77,130,011 | n/a |
| Mickey Mouse | Typed Drawing | 3,006,349 | 10/11/05 |
| Mickey Mouse | Typed Drawing | 315,056 | 7/17/34 |
| Mickey Mouse | Standard Character Mark | 77,130,201 | n/a |
| Mickey Mouse | Typed Drawing | 1,115,389 | 4/28/81 |
| Mickey Mouse | Design Only | 3,580,903 | 2/24/09 |
| Mickey Mouse | Design Only | 3,580,904 | 2/24/09 |
| Mickey Mouse | Typed Drawing | 1,152,389 | 4/28/81 |
| Mickey Mouse | Design Only | 2,704,887 | 4/8/03 |
| Mickey Mouse Head Device | Design Only | 2,781,693 (Serial Number 78637100) | 11/11/03 |