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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

RCRV, INC. d/b/a ROCK REVIVAL,  
a California corporation,

Plaintiffs,

v.

RUE21, INC., and HNW  
INDUSTRIES, INC. d/b/a FLYP  
SPORTSWEAR

Defendants.

RUE21, INC.,

Counterclaimant,

v.

RCRV, INC.,

Counterdefendant.

RUE21, INC.,

Crossclaimant,

v.

HNW INDUSTRIES, INC. d/b/a FLYP  
SPORTSWEAR

Crossdefendant.

Case No. CV-11-1217 CBM (AGRx)

**JUDGMENT AND PERMANENT  
INJUNCTION**

1           Whereas, plaintiff RCRV, Inc., d/b/a Rock Revival (“RCRV”) and defendant  
2           HNW Industries, Inc. d/b/a Flyp Sportswear (“Flyp”) have stipulated to the entry of  
3           judgment and a permanent injunction, as set forth in their concurrently filed  
4           Stipulation for Entry of Consent Judgment and Permanent Injunction.

5           The Court having reviewed and considered the parties’ Stipulation, which is  
6           incorporated herein in full, finds that it has jurisdiction over the subject matter of this  
7           action and over the Parties, and venue in this action being proper in this judicial  
8           district, and for reasons set forth in the parties’ Stipulation, upon good cause shown,  
9           the Court grants the parties’ Stipulation.

10          Whereas, RCRV is the owner of federal and/or common law trademarks for  
11          certain designs it uses on and in connection with its Rock Revival line of jeanswear  
12          products, including an Inverted Fleur-de-lis Design embroidered onto the rear pocket  
13          of Rock Revival jeanswear (the “INVERTED FLEUR-DE-LIS DESIGN Trademark”  
14          – U.S. Trademark Registration No. 3,581,968), a copy of the registration certificate  
15          for the INVERTED FLEUR-DE-LIS DESIGN Trademark being attached to this  
16          Order as Exhibit A; and

17          Whereas, Flyp has designed, advertised, promoted, purchased, offered for sale  
18          and/or sold certain jeanswear products bearing a design (the “Accused Design”) that  
19          RCRV alleges infringes its rights in and to the INVERTED FLEUR-DE-LIS  
20          DESIGN Trademark (the “Accused Products”), photographs of the Accused Products  
21          being attached to this Order as Exhibit B, and has sold such products to defendant  
22          rue21, Inc.;

23           **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:

24           1.     Defendant Flyp and its affiliates, divisions, parents, subsidiaries and  
25           related companies, as well as its agents, officers, directors, shareholders, principals,  
26           servants, employees, attorneys and all natural or legal persons acting on their behalf,  
27           or in concert with any of them, shall be PERMANENTLY ENJOINED and  
28           RESTRAINED from the date of this Consent Judgment and Permanent Injunction

1 from attempting to do or causing to be done, directly or indirectly, by any means,  
2 method, or device whatsoever, or by any person or persons whomsoever, the  
3 following acts:

4 (a) designing, manufacturing, importing, exporting, distributing,  
5 advertising, purchasing, offering for sale, selling, promoting, or marketing of any of  
6 the Accused Products; and

7 (b) designing, manufacturing, importing, exporting, distributing,  
8 advertising, purchasing, offering for sale, selling, promoting, or marketing of any  
9 jeanswear products that contain the Accused Design; and


10 (c) designing, manufacturing, importing, exporting, distributing,  
11 advertising, purchasing, offering for sale, selling, promoting, or marketing of any  
12 jeanswear products that contain any design or combination of design elements that is  
13 confusingly similar to RCRV's INVERTED FLEUR-DE-LIS DESIGN Trademark.

14 2. The Court retains jurisdiction of this action for the purpose of enforcing  
15 the provisions of this Consent Judgment and Permanent Injunction by way of  
16 contempt motion or otherwise, and is enforceable against the Parties' affiliates,  
17 subsidiaries, parents, related companies, successors and assigns to the extent  
18 permitted by law.

19 3. The parties waive any right to appeal this Consent Judgment and  
20 Permanent Injunction.

21 4. The parties shall each bear their own costs and attorneys' fees related to  
22 this action.

23 Dated: June 09, 2011

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25 CONSUELO B. MARSHALL  
26 United States District Judge  
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