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NOTE: CHANGES MADE BY THE COURT

JS-6

6 Attorneys for Plaintiff
 7 Promotional Design Concepts, Inc., dba
 8 Promotional Design Group, dba Creative Inflatables
 Adam Melendez

9 **UNITED STATES DISTRICT COURT**
 10 **CENTRAL DISTRICT OF CALIFORNIA**

12 PROMOTIONAL DESIGN CONCEPTS,
 13 INC. dba Promotional Design Group, dba
 14 Creative Inflatables, a California
 15 corporation, and ADAM MELENEDEZ, an
 individual.

Case No. CV-11-10785 JFW (RZx)

ORDER FOR ENTRY OF JUDGEMENT
 OF PERMANENT INJUNCTION, AND
 PERMANENT INJUNCTION, AS
 AGAINST DEFENDANTS ROBERT
 RUIZ, JR. and PROMOTIONAL DESIGN
 CONCEPTS.COM

16 Plaintiff,

17 v.

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 19 ROBERT RUIZ, JR., an individual
 20 PROMOTIONAL DESIGN
 21 CONCEPTS.COM, entity status unknown,
 and Does 1 through 10.

22 Defendants.

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 24 The within matter having come regularly before the court upon the stipulated
 25 agreement for permanent injunction by and between the Parties, and each of them,
 26 and good cause appearing therefore, the court hereby orders that judgment be
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1 entered herein as against said Defendants and that a permanent injunction be
2 entered as against Defendants as follows:

3 Defendants, and each of them, including said Defendants' employees,
4 principals, officers, directors, agents, representatives, trustees, successors, heirs
5 and assigns, and each of them, and all those in active concert, privity, and/or
6 participation with any of them, who shall receive actual notice of this Order, and
7 each of there, are hereby PERMANENTLY ENJOINED from engaging in the
8 following activities, or in any of them, to wit:

9 1) Directly or indirectly infringing upon or otherwise in any manner using the
10 mark "Promotional Design Concepts" or "Creative Inflatables" or
11 "Promotional Design Group" or directly or indirectly infringing upon the
12 goodwill associated with Plaintiffs' mark, "Promotional Design Concepts"
13 or "Creative Inflatables" or "Promotional Design Group." For purposes of
14 this injunction, "infringe," "infringing" or "infringement" shall be deemed
15 to expressly include the commercial use, in any manner, in any media now
16 known or hereafter created, of any name or descriptive phrase used in
17 advertisements, marketing, promotion or solicitation which uses the mark(s):
18 "Promotional Design Concepts" or "Creative Inflatables" or "Promotional
19 Design Group" or any substantially similar trade name, unless otherwise
20 approved by Plaintiff in writing. Defendant can use
21 "PromotionalInflatables.com".

22 2) Directly or indirectly infringing upon trade dress associated with the mark,
23 including Plaintiffs' general advertising color schemes, layout and graphics,
24 photographs, drawings, branding and design set, which copies or emulates
25 Plaintiffs' website, business cards, promotional flyers, or other advertising,
26 including, but not limited to Plaintiff's graphics, color branding and design,
27 set forth on Exhibit A;

- 1 3) Engaging in any conduct that tends to falsely represent, or which is likely to
2 confuse, mislead or deceive customers, purchasers, vendors and/or other
3 members of the public to believe that Defendants, or any of them, are
4 affiliated with, approved by, endorsed by or otherwise associated with
5 Plaintiffs;
- 6 4) Publish or communicate in any manner defamatory statements about
7 Plaintiffs' business or about Plaintiff, Adam Melendez;
- 8 5) Diluting and/or infringing upon the trade names "Promotional Design
9 Concepts" or "Creative Inflatables" or "Promotional Design Group"
- 10 6) To immediately cease sending offensive and/or insulting communications to
11 Plaintiff, whether by telephone, text, voicemail, e-mail or otherwise,
12 whereby Defendants, and each of them, shall communicate with Plaintiff
13 only through counsel, or if counsel is unavailable only by way of written
14 business correspondence;
- 15 7) Further, Defendants, including said Defendant's employees, principals,
16 officers, directors, agents, representatives, trustees, successors, heirs, and
17 assigns, and each of them, and all those in active concert and/or participation
18 with any of them, are hereby ORDERED to cease use of, abandon, or
19 deliver, in good order, to Plaintiff's counsel, D. Burgundy Morgan, Esq. 468
20 North Camden Drive, Suite 200, Beverly Hills, CA 90210, within ten (10)
21 days of the date of this Order, assignments of the domain name,
22 www.promotionaldesignconcepts.net,
23 www.promotionaldesignconcepts.com, and any other domain name
24 registered or obtained by Defendants that uses, in any manner, the Plaintiffs'
25 trade names, "Promotional Design Concepts" or "Creative Inflatables" or
26 "Promotional Design Group"; to immediately cease use of any website or
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1 URL that uses, in any manner, the Plaintiffs’ trade names, “Promotional
2 Design Concepts” or “Creative Inflatables” or “Promotional Design Group”;
3 and to immediately cease the use of any search engine technology, search
4 engine optimization, or other technology that uses the keywords
5 “Promotional Design Concepts,” “Creative Inflatables” or “Promotional
6 Design Group” to divert any the “web traffic” (as that term is commonly
7 understood) of any vendor, customer or other member of the public to
8 Defendants website(s) instead of Plaintiffs’ website.

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10 8) Further, Defendants, including said Defendant’s employees, principals,
11 officers, directors, agents, representatives, trustees, successors, heirs, and
12 assigns, and each of them, and all those in active concert and/or participation
13 with any of them, are hereby ORDERED to destroy or to deliver, in good
14 order, to Plaintiff’s counsel, D. Burgundy Morgan, Esq. 468 North Camden
15 Drive, Suite 200, Beverly Hills, CA 90210, within thirty (30) days of the
16 date of this Order, and in no event later than thirty (30) days from receipt of
17 actual notice of this Order, any and all materials in their possession, custody,
18 or control, which materials come within those described by or covered in
19 paragraphs 7 above;

20 9) Defendants, including said Defendant’s employees, principals, officers,
21 directors, agents, representatives, trustees, successors, heirs, and assigns,
22 and each of them, and all those in active concert and/or participation with
23 any of them, are hereby ORDERED to immediately cease using, and to
24 destroy, or alternatively, deliver in good order, to Plaintiff’s counsel, D.
25 Burgundy Morgan, Esq. 468 North Camden Drive, Suite 200, Beverly Hills,
26 CA 90210, within thirty (30) days of the date of this Order, and in no event
27 later than thirty (30) days from receipt of actual notice of this Order, any and
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1 all materials in their possession, custody, or control that contained any
2 unauthorized promotional and advertising material, labels, announcements,
3 signs, and any other unauthorized items which reproduce, copy, imitate, or
4 bear the trade name(s) "Promotional Design Concepts" or "Creative
5 Inflatables" or "Promotional Design Group" or any similar incarnation or
6 derivative of that trade name;

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8 10) Pursuant to Fed.R.Civ.P. 54(b), the court hereby makes an express
9 determination that there is no just reason for delay, and expressly directs
10 entry of this judgment of permanent injunction, forthwith.

11 STIPUTATED AND AGREED at Los Angeles, California, this 4th day of
12 June, 2012.

13 IT IS SO ORDERED.

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17 Hon. John F. Walter

18 Date: June 19, 2012

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NOTE: CHANGES MADE BY THE COURT