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Facsimile: (626) 577-8800
Attorneys for Plaintiff,
Tacori Enterprises

## UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

TACORI ENTERPRISES,
Plaintiff,
vs.
NERCES FINE JEWELRY,
Defendant.
vs.
CLASSIQUE CREATIONS, LLC,
Third Party Defendant.
TACORI ENTERPRISES,
Plaintiff,
vs.
CLASSIQUE CREATIONS, LLC,
MORDECAI GURARY, LEAH GURARY AND CHAIM GURARY,

Defendants.

Case No. CV12 - 02753 DSF (VBKx)
CONSENT JUDGMENT AND PERMANENT INJUNCTION
AGAINST CLASSIQUE
CREATIONS, LLC, MORDECAI GURARY, LEAH GURARY, AND CHAIM GURARY

Plaintiff, Tacori Enterprises ("Tacori"), and Defendants, Classique Creations, LLC, Mordecai Gurary, Leah Gurary and Chaim Gurary (collectively "Defendants"), having settled this action on the terms and conditions stated herein, it is ORDERED, ADJUDGED, and DECREED as follows:

1. This case is a civil action arising under the Copyright Act, 17 U.S.C. §§ 101, et seq., the Lanham Act of 1946 as amended, 15 U.S.C. §§ 1051, et seq., and California statutory and common laws. This Court has jurisdiction over these claims under 15 U.S.C. § 1121, 17 U.S.C. § 501, and 28 U.S.C. §§ 1331, 1338(a) and 1367(a).
2. Venue is proper in this court pursuant to 28 U.S.C. §§ 1391(b) and 1400(a).
3. Tacori is a California corporation with its principal place of business at 1736 Gardena Avenue, Glendale, California.
4. Classique Creations, LLC ("Classique") has its principal place of business at 48 W. 48th St., Suite 402, New York, NY 10036-1703.
5. Mordecai Gurary, Leah Gurary, and Chaim Gurary are the owners, officers, directors, or managing agents of Classique.
6. At all relevant times, Tacori complied in all respects with the Copyright Act, 17 U.S.C. § 101, et seq., and secured the exclusive rights and privileges in and to the copyrights of ring styles HT 2229, HT 2229A, HT 2326, HT 2510 and 2620 (collectively the "Five Tacori Copyrights"). The Five Tacori Copyrights and other copyrights for jewelry owned by Tacori shall be referred to in this Consent Judgment collectively as the Tacori Copyrights. Copies of the Certificates of Registration for the Tacori Copyrights are attached to this Consent Judgment as Exhibit A.
7. The Tacori Copyrights are strong, valid, and enforceable.
8. Tacori owns a United States trademark registration for the Tacori Crescent Trade Dress, Registration No. 3,728,425. The Tacori Crescent Trade Dress, as it applies to rings and some pieces of jewelry, is defined as ". . . the appearance of portions of two essentially concentric rings, with one of the rings having a larger diameter than the other. Embedded between the rings are repeating semi-circles or arcs which appear contiguous to each other. A space is created between the contiguous semi-circles or arcs." A copy of the Registration Certificate for this registration is attached to this Consent Judgment as Exhibit B.
9. The Tacori Crescent Trade Dress is valid and enforceable.
10. Tacori owns a United States trademark registration for the Tacori Reverse Crescent Trade Dress, Registration No. 4,024,320. The Tacori Reverse Crescent Trade Dress, as it applies to rings and some pieces of jewelry, is defined as ". . . the appearance of two generally concentric ring portions, with one ring portion having a larger diameter than the other ring portion. Located between the two generally concentric ring portions are two semicircular arches forming crescent-shaped openings that appear to be adjacent to each other and are oriented with their apexes closer to the larger diameter ring portion. Located between each crescent-shaped opening is a stone." A copy of the Registration Certificate for this registration is attached to this Consent Judgment as Exhibit C.
11. The Tacori Reverse Crescent Trade Dress is valid and enforceable.
12. Judgment shall be entered in favor of Tacori and against Defendants Mordecai Gurary and Chaim Gurary on the Complaint in the amount of \$1,100,000, which reflects a reimbursement of Tacori's attorney's fees, Tacori's lost profits and statutory damages for Defendants selling rings which infringe the Five Tacori Copyrights, the Tacori Crescent Trade Dress, and the Tacori Reverse Crescent Trade Dress.
13. Defendants and Defendants' shareholders, officers, directors, employees, representatives, agents, successors-in-interest, parent corporations, subsidiary corporations, affiliated companies, and all other persons, firms or entities acting in concert or participating with them, are permanently enjoined, directly or indirectly, from:
(a) imitating, copying or making unauthorized use of, or engaging in any unauthorized distribution of products protected by the Tacori Copyrights, the Tacori Crescent Trade Dress, and the Tacori Reverse Crescent Trade Dress;
(b) selling, distributing, advertising, manufacturing, or purchasing Classique Ring Style Nos. R-4238, R-6805, R-9579, R-A026. Pictures of these Classique ring styles are attached to this Consent Judgment as Exhibit D;
(c) selling, distributing, advertising, manufacturing, or purchasing any piece of jewelry substantially similar to the Tacori Copyrights;
(d) selling, distributing, advertising, manufacturing, or purchasing any piece of jewelry confusingly similar to the Tacori Crescent Trade Dress or the Tacori Reverse Crescent Trade Dress;
(e) engaging in any other activity constituting an infringement of the Tacori Copyrights, the Tacori Crescent Trade Dress, or the Tacori Reverse Crescent Trade Dress; and
(f) knowingly assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs 13(a) through 13(e) above.
14. The parties waive notice of entry of this Consent Judgment and Permanent Injunction and the right to appeal therefrom or to test its validity and consent to its immediate entry in accordance with its terms. This Court expressly
retains jurisdiction over this matter to enforce, implement or construe this Consent Judgment and Permanent Injunction.

## SO ORDERED.

Dated: 12/29/14


Hon. Dale S. Fischer United States District Judge

The individuals executing this Consent Judgment and Permanent Injunction represent or confirm that they are duly authorized to do so, and are similarly authorized to bind each of the signatories to this Consent Judgment and Permanent Injunction.

## CONSENTED TO:

Respectfully submitted,

DATED: December $\qquad$ 2014

TACORI ENTERPRISES

DATED: December $\qquad$ 2014

CLASSIQUE CREATIONS, LLC

DATED: December $\qquad$ 2014

$$
{ }^{\text {By }}
$$

${ }^{\text {By }}$ Leah Gurary

Mordecai Gurary

DATED: December $\qquad$ 2014

DATED: December $\qquad$ 2014

Chaim Gurary

## EXHIBIT A



This Certificate issued under the seal of the Copyright Office in accordance with title 17 , United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.


Register of Copyrights, United States of America

## Registration Number

VA 1-813-795
Effective date of registration:

March 22, 2012

Title

$$
\text { Title of Work: } 37-2 \text { RD } 6.5
$$

## Completion/ Publication

Year of Completion: 2011
Date of Is Publication: October 1, 2011 Nation of 1st Publication: United States

## Author

- Author: Tacori Enterprises

Author Created: jewelry design

Work made for hire: Yes
Citizen of: United States
Domiciled in: United States

- Author: Anais Designs, Inc.

Author Created: jewelry design
Work made for hire: Yes
Citizen of: United States Domiciled in: United States

## Copyright claimant

Copyright Claimant: Tacori Enterprises
1736 Garden Ave., Glendale, CA, 91204, United States
Transfer Statement: By written agreement

## Certification

Name: Armand Andonian
Date: March 22, 2012


## Exhibit A



Exhibit A


This Certificate issued under the seal of the Copyright
Office in accordance with title 17 , United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.


Register of Copyrights, United States of America

## Registration Number

 VA 1-889-074Effective date of registration:

November 6,2013

Title
Title of Work: 300-2 1/2

## Completion/Publication

Year of Completion: 2013
Date of 1st Publication: October 7,2013
Nation of 1st Publication: United States

## Author

- Author: Tacori Enterprises

Author Created: jewelry design
Work made for hire: Yes
Citizen of: United States Domiciled in: United States

- Author: Anais Designs, INC.

Author Created: jewelry design

Work made for hire: Yes
Citizen of: United States Domiciled in: United States

## Copyright claimant

Copyright Claimant: Tacori Enterprises
1736 Gardena Avenue, Glendale, CA, 91204, United States
Transfer Statement: By written agreement

## Certification

Name: Armand Andonian
Date: November 6,2013


## Exhibit A

Page 14


## Exhibit A

Page 15

## Certificate of Registration



This Certificatepissued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.


Register of Copyrights, United States of America

## Registration Number:

VA 1-667-591

Effective date of registration:

April 24, 2009

Title
Title of Work: 656 R 2S Tacori Men's "Crescent Silhouette" Ring Design Completion/ Publication

Year of Completion: 2008
Date of 1st Publication: February 6, 2009 Nation of 1st Publication: United States
Author

- Author: Anas Design, Inc.

Author Created: jewelry design
Work made for hire: Yes
Citizen of: United States Domiciled in: United States

- Author: Tacori Enterprises

Author Created: jewelry design
Work made for hire: Yes
Citizen of: United States Domiciled in: United States

## Copyright claimant

Copyright Claimant: Tacori Enterprises
1736 Gardena Ave., Glendale, CA, 91204, United States
Transfer Statement: By written agreement

Certification
Name: Armand Andonian
Date: April 24, 2009



## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17 , United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

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## Exhibit A



## Exhibit A

Page 21


## Exhibit A

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## 2565B



## Exhibit A

Page 24

Case 2:12-cv-02753-DSF-VBK Document 346-2 Filed 12/23/14 Page 17 of 100 Page ID Certificate of Registration

This Certificate issued under the seal of the Copyright Office in accordance with title 17 , United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.



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## Exhibit A

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## Exhibit A

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Exhibit A
Page 29


HT 2569 B

## Exhibit A

## Certificate of Registration



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Register of Copyrights, United States of America
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## Exhibit A

## Page 33



Exhibit A


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## Exhibit A



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has

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Register of Copyrights, United States of America
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HT 2573 B
Exhibit A
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HT 2573 B

Exhibit A
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## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17 , United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.



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## Exhibit A

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## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17 , United States Code, attests that registration has been made for the work identified below. The information on this certificate has
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Tacon Enterprises
1736 Gardena Ave Glendale, CA 91204

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Armand Andonian Date June 20, 2008



## Exhibit A



## Exhibit A

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