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15 Attorneys for Defendants,  
16 MELROSE.COM, LLC and KRISHAN AGARWAL  
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1 Plaintiff Rolex Watch U.S.A., Inc. (“Rolex”) and Defendants Krishan  
2 Agarwal (“Mr. Agarwal”) and Melrose.com, LLC (“Melrose”) consent and  
3 agree to the terms and conditions of this Final Consent Judgment and Permanent  
4 Injunction.

5 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS**  
6 **FOLLOWS:**

7 1. The Court has personal jurisdiction over each of the parties to this  
8 action. The Court also has subject matter jurisdiction over this action pursuant  
9 to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338(a).

10 2. Rolex is a New York Corporation having a place of business at 665  
11 Fifth Avenue, New York, New York 10022.


12 3. Melrose is a Nevada limited liability company having a place of  
13 business at 655 S. Hill Street, Los Angeles, California 90014.

14 4. Mr. Agarwal is a United States citizen having a residence at 2576  
15 Nichols Canyon Road, #204, Los Angeles, California 90046.

16 5. On July 26, 2012, Rolex filed this lawsuit against Mr. Agarwal and  
17 Melrose (collectively, “Defendants”) for Trademark Counterfeiting under 15  
18 U.S.C. § 1114, Trademark Infringement under 15 U.S.C. § 1114, False  
19 Designation of Origin, False Descriptions, and Unfair Competition under 15  
20 U.S.C. § 1125, and Federal Anti-Cybersquatting (Anti-Cyberpiracy) under 15  
21 U.S.C. § 1125(d)(1)(A). On January 4, 2013, Defendants filed their Answer to  
22 Rolex’s Complaint.

23 6. Rolex is the exclusive importer and distributor of Rolex watches in  
24 the United States.


25 7. Rolex is the owner of the following trademarks registered in the  
26 U.S. Patent and Trademark Office (hereinafter collectively referred to as the  
27 “Rolex Registered Trademarks”):  
28

| <b><u>Trademark</u></b>  | <b><u>Reg. No.</u></b> | <b><u>Date</u></b> | <b><u>Goods</u></b>   |
|--|------------------------|--------------------|---|
| <b>ROLEX</b>   | 0,101,819              | 1/12/1915          | Watches, clocks, parts of watches and clocks, and their cases.  |
| <b>OYSTER</b>  | 0,239,383              | 3/6/1928           | Watches, movements, cases, dials, and other parts of watches.   |
| <b>PRESIDENT</b>   | 0,520,309              | 1/24/1950          | Wristbands and bracelets for watches made wholly or in part or plated with precious metals, sold separately from watches. |
| <br><b>Crown Design</b> | 0,657,756              | 1/28/1958          | Timepieces of all kinds and parts thereof.  |
| <b>DATEJUST</b>  | 0,674,177              | 2/17/1959          | Timepieces and parts thereof.   |
| <b>GMT-MASTER</b>  | 0,683,249              | 8/11/1959          | Watches.  |
| <b>COSMOGRAPH</b>  | 0,733,081              | 6/19/1962          | Watches and chronometers.   |
| <b>SEA-DWELLER</b>   | 0,860,527              | 11/19/1968         | Watches, clocks and parts thereof.  |
| <b>MILGAUSS</b>  | 0,875,616              | 8/26/1969          | Watches [and clocks,] and parts thereof.  |
| <b>OYSTER PERPETUAL</b>  | 1,105,602              | 11/7/1978          | Watches and parts thereof.  |
| <b>YACHT-MASTER</b>  | 1,749,374              | 1/26/1993          | Watches.  |
| <b>SUBMARINER</b>  | 1,782,604              | 7/20/1993          | Watches.  |
| <b>ROLEX DAYTONA</b>   | 1,960,768              | 3/5/1996           | Watches.  |
| <b>DAYTONA</b>   | 2,331,145              | 3/21/2000          | Watches.  |
| <b>EXPLORER II</b>   | 2,445,357              | 4/24/2001          | Watches.  |
| <b>EXPLORER</b>  | 2,518,894              | 12/18/2001         | Watches.  |
| <b>PEARLMASTER</b>   | 2,547,630              | 3/12/2002          | Watches.  |
| <b>AIR-KING</b>  | 2,953,542              | 5/17/2005          | Watches and parts thereof.  |
| <b>GMT-MASTER II</b>   | 2,985,308              | 8/16/2005          | Watches and parts thereof.  |

8. The Rolex Registered Trademarks are in full force and effect and are incontestable pursuant to 15 U.S.C. § 1065.

9. Melrose operates an on-line jewelry business through its website (currently [www.melrose.com](http://www.melrose.com) and previously [www.melrosejewelers.com](http://www.melrosejewelers.com)). Mr. Agarwal is the president and owner of Melrose.

1           10. Melrose offers for sale and sells, among other items, altered Rolex  
2 watches that bear one or more of the Rolex Registered Trademarks. Melrose's  
3 altered Rolex watches contain one or more non-genuine components (i.e.  
4 components not manufactured by Rolex), including, for example, non-genuine  
5 bezels, bracelets, and/or dials.

6           11. Melrose's altered Rolex watches have non-genuine bracelets that  
7 bear counterfeit copies of Rolex's CROWN DESIGN (  ) and/or ROLEX  
8 marks.

9           12. Melrose's altered Rolex watches include refinished dials (some  
10 with diamonds added) from which one or more of Rolex's Registered  
11 Trademarks have been removed and reapplied.

12           13. Melrose's altered Rolex watches include non-genuine bezels (some  
13 with diamonds added). The bezel of the watch is designed to create a sealed  
14 pressure-proof environment for the watch movement. If the bezel is not of the  
15 precise measurement and does not fit properly, outside elements such as water,  
16 moisture, and dust can penetrate the watch case and damage the movement.  
17 Rolex examined altered Rolex watches purchased from Melrose and determined  
18 that the non-genuine bezels on the watches had insufficient fittings and did not  
19 protect against the penetration of moisture into the watch movement.

20           14. Melrose's unauthorized use of marks identical to or substantially  
21 indistinguishable from one or more of the Rolex Registered Trademarks on  
22 altered Rolex watches and in connection with the marketing and sale of altered  
23 Rolex watches is likely to cause confusion, mistake, or deception among  
24 consumers and the public. Such unauthorized use is likely to cause consumers  
25 and the public to mistakenly believe that Melrose's altered Rolex watches are  
26 genuine Rolex watches or are authorized, sponsored, or approved by Rolex,  
27 when, in fact, they are not.

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1           15. Melrose’s unauthorized use of the Rolex Registered Trademarks in  
2 connection with its altered Rolex watches constitutes trademark counterfeiting  
3 under 15 U.S.C. § 1114, trademark infringement under 15 U.S.C. § 1114, and  
4 false designation of origin, false description, and unfair competition under 15  
5 U.S.C. § 1125.

6           16. All of the foregoing acts have caused or will cause, and unless  
7 restrained by this Court will continue to cause, serious and irreparable injury for  
8 which Rolex has no adequate remedy at law.

9           17. Melrose was also previously the owner of various domain names  
10 and websites, including, but not limited to: [rolexgiveaway.ca](http://rolexgiveaway.ca),  
11 [rolexblogsite.com](http://rolexblogsite.com), [rolexblogsite.net](http://rolexblogsite.net), [rolexwatchforum.com](http://rolexwatchforum.com),  
12 [rolexwatchforum.net](http://rolexwatchforum.net), [rolexwatchforums.com](http://rolexwatchforums.com), and [rolexwatchforums.net](http://rolexwatchforums.net)  
13 (hereinafter collectively referred to as the “Parking Sites”). Each of the Parking  
14 Sites incorporates the famous ROLEX trademark.

15           18. Melrose’s registration of the Parking Sites, which incorporate the  
16 famous ROLEX trademark, violated the Anti-Cybersquatting Consumer Act, 15  
17 U.S.C. § 1125(d)(1)(A)(ii)(II), and constituted Cybersquatting (Cyberpiracy) in  
18 violation of 15 U.S.C. § 1125(d)(1)(A). Rolex obtained ownership of the  
19 Parking Sites after this lawsuit was filed.

20 **NOW, THEREFORE, IT IS FURTHER ORDERED, ADJUDGED, AND**  
21 **DECREED, AS FOLLOWS:**

22           A. Final judgment is entered in favor of Rolex and against Defendants  
23 on Rolex’s claims for: (i) Trademark Counterfeiting under 15 U.S.C. § 1114, (ii)  
24 Trademark Infringement under 15 U.S.C. § 1114, (iii) False Designation of  
25 Origin, False Descriptions, and Unfair Competition under 15 U.S.C. § 1125, and  
26 (iv) Federal Anti-Cybersquatting (Anti-Cyberpiracy) under 15 U.S.C. §  
27 1125(d)(1)(A).

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1 B. Defendants, and their officers, agents, servants, employees,  
2 attorneys, and those persons in active concert or participation with them who  
3 receive actual notice of this injunction by personal service or otherwise, and  
4 including Krishan Agarwal personally, and his agents, servants, employees,  
5 attorneys, and those persons in active concert or participation with him who  
6 receive actual notice of this injunction by personal service or otherwise, are  
7 permanently restrained and enjoined from:

8 1. Using the Rolex Registered Trademarks and any other  
9 trademark of Rolex (hereinafter the “Rolex Marks”), and/or any  
10 other reproduction, counterfeit, copy, or colorable imitation of  
11 the Rolex Marks, and/or any marks likely to cause confusion  
12 with the Rolex Marks, in connection with the advertisement,  
13 promotion, offering for sale, or sale of:

14 a. any watches or watch products, including, but not limited  
15 to, genuine Rolex watches, and altered Rolex watches  
16 that have been reconstructed with non-genuine parts  
17 consisting of cases, bezels, bracelets, and/or dials  
18 (including but not limited to original Rolex dials that  
19 have been altered by the addition of diamonds and/or  
20 refinishing);

21 b. individual parts or components for watches, including,  
22 but not limited to, genuine Rolex parts or components,  
23 and non-genuine parts or components designed to fit  
24 Rolex watches, e.g. cases, bezels, bracelets, and/or dials;  
25 or

26 c. services resulting in the manufacture, conversion,  
27 modification, repair, servicing, maintenance,  
28 reconditioning, refurbishing, certification, appraisal,

1 evaluation, or valuation of any Rolex watch products,  
2 including, but not limited to, the addition or substitution  
3 of non-genuine parts consisting of cases, bezels,  
4 bracelets, and/or dials.

5 2. Advertising, promoting, offering for sale, or selling genuine or  
6 non-genuine Rolex watches and/or watch parts.

7 3. Engaging in any course of conduct likely to cause confusion,  
8 deception, or mistake, or injure Rolex's business reputation or  
9 dilute the distinctive quality of the Rolex Marks.

10 4. Using any false description or representation including words or  
11 other symbols tending to falsely describe or represent  
12 Defendants' goods as being those of Rolex or sponsored by or  
13 associated with Rolex or misrepresenting the nature or qualities  
14 of Rolex's or Defendants' goods and from offering goods in  
15 commerce.

16 C. Defendants are ordered to immediately and permanently take down  
17 the [www.melrose.com](http://www.melrose.com) website, and any other website containing the term  
18 "Melrose." Defendants are further ordered to immediately transfer to Rolex the  
19 [www.melrose.com](http://www.melrose.com) domain name and any and all right, title, and interest that  
20 Defendants may have in any other domain names that contain the term  
21 "Melrose", which include at least the following domain names: [www.](http://www.melrose.co.uk)  
22 [melrose.co.uk](http://melrose.co.uk), [www.melrosejewelers.com](http://www.melrosejewelers.com), [www.melrosejewelers.co.uk](http://www.melrosejewelers.co.uk),  
23 [www.merlosejewelers.ca](http://www.merlosejewelers.ca), [www.melrose.co.in](http://www.melrose.co.in), [www.melrose.com.mx](http://www.melrose.com.mx),  
24 [www.melrosejewelers.co.in](http://www.melrosejewelers.co.in), [www.melrosejewelers.co.kr](http://www.melrosejewelers.co.kr),  
25 [www.melrosejewelers.com.mx](http://www.melrosejewelers.com.mx), [www.melrosejewelers.de](http://www.melrosejewelers.de),  
26 [www.melrosejewellers.ca](http://www.melrosejewellers.ca), [www.melrosejewellery.ca](http://www.melrosejewellery.ca), [www.melrosegems.co.uk](http://www.melrosegems.co.uk),  
27 [www.melrosejewelers.es](http://www.melrosejewelers.es), [www.melrosediamonds.ca](http://www.melrosediamonds.ca), [www.melrosegems.ca](http://www.melrosegems.ca),  
28 [www.melrosejewelers.ae](http://www.melrosejewelers.ae), [www.melrosejewelers.jp](http://www.melrosejewelers.jp), [www.melrosegems.com](http://www.melrosegems.com),



