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 7 ***Deckers Outdoor Corporation***



8 UNITED STATES DISTRICT COURT
 9 CENTRAL DISTRICT OF CALIFORNIA

<p>11 DECKERS OUTDOOR CORPORATION,) 12 a Delaware Corporation,) 13 Plaintiff,) 14 v.) 15 LUIEE FOOTWEAR, INC., a California) 16 Corporation ; PEIFAN ZHENG; an) 17 individual; VANESSA CHEN, an) 18 individual; JASON CHEN, an individual;) 19 LUNA USA, INC., a California) Corporation; EDWARD SHI, an) individual; and DOES 1-10, inclusive,) Defendants.</p>	<p>CASE NO. 2:14-CV-00210-GAF (ASx)</p> <p>ORDER RE CONSENT JUDGMENT INCLUDING PERMANENT INJUNCTION AND VOLUNTARY DISMISSAL OF ACTION WITH PREJUDICE</p>
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20 WHEREAS **Plaintiff Deckers Outdoor Corporation** having filed a Complaint
 21 in this action charging **Defendants Luiee Footwear, Inc., Peifan Zheng** (also
 22 erroneously sued as “Vanessa Chen”), **Jason Chen, Luna USA, Inc., and Edward Shi**
 23 (collectively “Defendants”) have entered into a Settlement Agreement and Mutual
 24 Release as to the claims in the above referenced matter. Defendants, having stipulated
 25 to the below terms, IT IS HEREBY ORDERED that:

26 1. This Court has jurisdiction over the parties to this Final Consent Judgment
 27 and has jurisdiction over the subject matter hereof pursuant to 15 U.S.C. § 1121.
 28

2. Since acquiring the UGG® trademark and the goodwill of the business in 1995, Deckers has continuously sold footwear, clothing, and accessories under this and its other trademarks (collectively “UGG Marks”). Deckers has built substantial goodwill in its trademarks. Deckers’ UGG Marks include *but are not limited to* the following:

Mark	U.S. Reg. No.	Reg. Date	Class	Goods/Services
“UGG”	3,050,925	01/24/2006	25	Men’s, women’s and children’s footwear, namely, boots, shoes, clogs, slippers; men’s, women’s and children’s clothing, namely, coats, jackets, ponchos; women’s clothing, namely, skirts, muffs; children’s buntings.
	3,360,442	12/25/2007	25	Footwear, namely, sandals; clothing, namely, vests, mittens, scarves, headwear, caps, visors.
	3,624,595	05/19/2009	25	Footwear.
	2,314,853	02/01/2000	25	Footwear.

3. Deckers is the owner of the Bailey Button Boot Trade Dress, which is characterized, inter alia, by

- Classic suede boot styling made famous by the UGG brand;
- Overlapping of front and rear panels on the lateral side of the boot shaft;

- 1 • Curved top edges on the overlapping panels;
2 • Exposed fleece-type lining edging the overlapping panels and top of the
3 boot shaft; and
4 • One or more buttons (depending on the height of the boot) prominently
5 featured on the lateral side of the boot shaft adjacent the overlapping panels.

6 Exemplars of Deckers' UGG® boots that bear the Bailey Button Boot Trade
7 Dress are depicted below.



15 4. Many of Deckers' UGG® footwear designs, including those with the
16 Bailey Button Boot Trade Dress, are also protected by design patents issued by the
17 United States Patent and Trademark Office. Design Patents for UGG® Bailey Button
18 Boot styles include, but are not limited to, U.S. Patent Nos. D599,999 for the “Bailey
19 Button Single” boot (registered on September 15, 2009) and D616,189 for the “Bailey
20 Button Triplet” boot (registered on May 25, 2010) (hereinafter “Bailey Button Design
21 Patents”).

22 5. The claims alleged by Plaintiff in the present lawsuit arise from
23 Defendants' manufacture, distribution, promotion, advertisement, offering for sale,
24 and/or sale of footwear, the designs and/or marks of which Deckers has alleged
25 infringe upon its Bailey Button Boot Trade Dress, Bailey Button Design Patents, and
26 one or more of its UGG Marks (“Disputed Products” shown below).



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7 6. Defendants and their agents, servants, employees and all persons in active
8 concert and participation with it who receive actual notice of this Final Consent
9 Judgment are hereby permanently restrained and enjoined from infringing upon
10 Plaintiff's Bailey Button Boot Trade Dress, Bailey Button Design Patents, and/or UGG
11 Marks either directly or contributorily in any manner, including:

12 (a) Manufacturing, importing, advertising, marketing, promoting,
13 supplying, distributing, offering for sale, or selling the Disputed Products and/or any
14 other products which infringe upon the Bailey Button Boot Trade Dress, Bailey Button
15 Design Patents, and/or any of Deckers' UGG Marks;

16 (b) Delivering, holding for sale, returning, transferring or otherwise
17 moving, storing or disposing in any manner the Disputed Products;

18 (c) Committing any other act which falsely represents or which has the
19 effect of falsely representing that the goods and services of Defendants are licensed by,
20 authorized by, offered by, produced by, sponsored by, or in any other way associated
21 with Plaintiff;

22 (d) Assisting, aiding or attempting to assist or aid any other person or
23 entity in performing any of the prohibited activities referred to in Paragraphs 6(a) to
24 6(c) above.

25 7. Plaintiff and Defendants shall bear their own costs and attorneys' fees
26 associated with this action.

27 8. The execution of this Consent Judgment shall serve to bind and obligate
28 the parties hereto. However, dismissal with prejudice of this action shall not have

1 preclusive effect on those who are not a party to this action, all claims against whom
2 Plaintiff expressly reserves.

3 9. The jurisdiction of this Court is retained for the purpose of making any
4 further orders necessary or proper for the construction or modification of this Final
5 Judgment, the enforcement thereof and the punishment of any violations thereof.
6 Except as otherwise provided herein, this action, including all claims and cross-claims,
7 is fully resolved with prejudice.

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9 **IT IS SO ORDERED.**



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11 Date: August 8, 2014

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13 Honorable Gary A. Feess
14 **United States District Judge**