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FILED: 8/13/14

NOTE: CHANGES MADE BY THE COURT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SPECULATIVE PRODUCT DESIGN, LLC, a California Limited Liability Company d/b/a SPECK PRODUCTS,

Plaintiff,

v.

GMB LOGISTICS, INC., a California Corporation d/b/a DS COVERS; and DOES 1-10, Inclusive,

Defendants.

Case No.: CV14-01992 ABC (AJWx)

[PROPOSED] PERMANENT INJUNCTION AGAINST DEFENDANT GMB LOGISTICS, INC. D/B/A DS COVERS AND DISMISSAL OF ENTIRE ACTION

The Court, pursuant to the Stipulation for Entry of Permanent Injunction (“Stipulation”), between Plaintiff SPECULATIVE PRODUCT DESIGN, LLC (“Plaintiff”), on the one hand, and Defendant GMB LOGISTICS, INC. (“Defendant”), on the other hand, hereby ORDERS, ADJUDICATES and DECREES that a permanent injunction shall be and hereby is entered against Defendant as follows:

1. **PERMANENT INJUNCTION.** Defendant and any person or entity acting in concert with, or at its direction, including any and all agents, servants,

1 employees, partners, assignees, distributors, suppliers, resellers and any others
2 over which it may exercise control, are hereby restrained and enjoined, pursuant to
3 15 United States Code (“U.S.C.”) §1116(a) and 17 U.S.C. §502, from engaging in,
4 directly or indirectly, or authorizing or assisting any third party to engage in, any
5 of the following activities in the United States and throughout the world:

6 a. importing, exporting, marketing, selling, offering for sale,
7 distributing or dealing in any product or service that uses, or otherwise making
8 any use of, any of Plaintiff’s intellectual properties, including but not limited to
9 Plaintiff’s SPECK® and CANDYSHELL® trademarks, copyrights, patents
10 (“Plaintiff’s Intellectual Properties”) or any intellectual property that is
11 confusingly or substantially similar to, or that constitutes a colorable imitation of,
12 any of Plaintiff’s Intellectual Properties, whether such use is as, on, in or in
13 connection with any trademark, service mark, trade name, logo, design, Internet
14 use, website, domain name, metatags, advertising, promotions, solicitations,
15 commercial exploitation, television, web-based or any other program, or any
16 product or service, or otherwise;

17 b. performing or allowing others employed by or representing it,
18 or under its control, to perform any act or thing which is likely to unlawfully
19 injure Plaintiff, any of Plaintiff’s SPECK® or CANDYSHELL® trademarks,
20 and/or Plaintiff’s business reputation or goodwill, including making untrue
21 disparaging, negative, or critical comments regarding Plaintiff or its products;

22 c. engaging in any acts of federal and/or state trademark
23 infringement, false designation of origin, unfair competition, dilution, copyright
24 infringement, patent infringement or other act which would tend damage or injure
25 Plaintiff; and/or

26 d. using any Internet domain name or website that includes any of
27 Plaintiff’s trademarks, including the SPECK® and CANDYSHELL® marks.

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1 2. Defendant is ordered to deliver immediately for destruction all
2 unauthorized products, including counterfeit cell phone cases using Plaintiff's
3 SPECK® and/or CANDYSHELL® marks and related products, labels, signs,
4 prints, packages, wrappers, receptacles and advertisements relating thereto in its
5 possession or under its control bearing any of Plaintiff's Intellectual Properties or
6 any simulation, reproduction, counterfeit, copy or colorable imitations thereof, to
7 the extent that any of these items are in Defendant's possession.

8 3. This Permanent Injunction shall be deemed to have been served upon
9 Defendant at the time of its execution by the Court.


10 4. The Court finds there is no just reason for delay in entering this
11 Permanent Injunction, and, pursuant to Rule 54(a) of the *Federal Rules of Civil*
12 *Procedure*, the Court directs immediate entry of this Permanent Injunction against
13 Defendant.

14 5. **NO APPEALS AND CONTINUING JURISDICTION.** No
15 appeals shall be taken from this Permanent Injunction, and the parties waive all
16 rights to appeal. This Court expressly retains jurisdiction over this matter to
17 enforce any violation of the terms of this Permanent Injunction.

18 6. **NO FEES AND COSTS.** Each party shall bear its own attorneys'
19 fees and costs incurred in this matter.

20 7. **DISMISSAL OF THE ACTION.** The Court hereby dismisses the
21 action, without prejudice, upon entry of this Permanent Injunction against
22 Defendant.

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24 IT IS SO ORDERED, ADJUDICATED and DECREED this 13th day of
25 August, 2014.

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HON. GEORGE H. KING
Chief United States District Judge
Central District of California