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UNITED STATES DISTRICT COURT

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CENTRAL DISTRICT OF CALIFORNIA

10 BMW OF NORTH AMERICA, LLC, a
11 Delaware limited liability company;
12 BAYERISCHE MOTOREN WERKE
13 AG, a German corporation,

14 Plaintiffs,

15 v.

16 JEFF BROWN, an individual doing
17 business as PRORACINGSHOP.COM,
18 JACKETHUT.COM, and
19 EMBROIDERYLOGIC.COM; LEITH
20 CROSSEN, an individual doing business
21 as PRORACINGSHOP.COM,
22 JACKETHUT.COM, and
23 EMBROIDERYLOGIC.COM; and
24 DOES 1-10, Inclusive,

25 Defendants.

CV 14-5037 PA (MANx)

JUDGMENT AND PERMANENT
INJUNCTION

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22 Pursuant to this Court's June 29, 2015 Minute Order granting the Motion for Default
23 Judgment filed by plaintiffs BMW of North America, LLC and Bayerische Motoren Werke
24 AG (collectively, "Plaintiffs") against defendants Jeff Brown and Leith Crossen, doing
25 business as proracingshop.com, jackethut.com, and embroiderylogic.com (collectively,
26 "Defendants"), it is hereby ORDERED, ADJUDGED, AND DECREED:

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1. Defendants shall pay Plaintiffs damages in the amount of \$20,000.00;

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2. Defendants shall pay Plaintiffs attorneys' fees in the amount of \$3,600;

1 3. Plaintiffs shall recover their costs of suit in the amount of \$1,730.25; and

2 It is further ORDERED, ADJUDGED, and DECREED that Defendants and their
3 agents, employees, officers, directors, owners, attorneys, representatives, successor
4 companies, related companies, and all persons acting in concert or participation with
5 Defendants are permanently restrained, enjoined, and prohibited from:

6 (a) The import, export, making, manufacture, reproduction, assembly, use,
7 acquisition, purchase, offer, sale, transfer, brokerage, consignment,
8 distribution, shipment, licensing, development, display, delivery, marketing,
9 advertising or promotion of the counterfeit BMW-branded products identified
10 in the Complaint and any other unauthorized BMW-branded products, or
11 products bearing Plaintiffs' Trademarks (including any non-genuine
12 reproduction, counterfeit, copy or colorable imitation thereof);

13 (b) The import, export, making, manufacture, reproduction, assembly, use,
14 acquisition, purchase, offer, sale, transfer, brokerage, consignment,
15 distribution, shipment, licensing, development, display, delivery, marketing,
16 advertising or promotion of the infringing and diluting product identified in
17 the Complaint and any other product which infringes or dilutes any of
18 Plaintiffs' Trademarks, trade name and/or trade dress including, but not
19 limited to, any of Plaintiffs' Trademarks at issue in this action;

20 (c) The unauthorized use, in any manner whatsoever, of any of Plaintiffs'
21 Trademarks, trade name and/or trade dress including, but not limited to, the
22 Plaintiffs' Trademarks at issue in this action, any variants, colorable
23 imitations, translations and/or simulations thereof and/or any items that are
24 confusingly similar thereto, including specifically:

- 25 i. on or in conjunction with any product or service; and
- 26 ii. on or in conjunction with any advertising, promotional materials,
27 labels, hangtags, packaging, or containers;

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- (d) The use of any trademark, trade name, or trade dress that falsely represents, or is likely to confuse, mislead or deceive purchasers, customers, or members of the public to believe that unauthorized product imported, exported, manufactured, reproduced, distributed, assembled, acquired, purchased, offered, sold, transferred, brokered, consigned, distributed, stored, shipped, marketed, advertised and/or promoted by Defendants originates from Plaintiffs, or that said merchandise has been sponsored, approved, licensed by, or associated with Plaintiffs or is, in some way, connected or affiliated with Plaintiffs;
- (e) Engaging in any conduct that falsely represents that, or is likely to confuse, mislead, or deceive purchasers, customers, or members of the public to believe that Defendants are connected with, or are in some way sponsored by or affiliated with Plaintiffs, purchases product from or otherwise has a business relationship with Plaintiffs; and
- (f) Affixing, applying, annexing, or using in connection with the manufacture, distribution, advertising, sale, and/or offering for sale or other use of any goods, a false description or representation, including words or symbols, tending to falsely describe or represent such goods as being those of Plaintiffs.

DATED: July 17, 2015



Percy Anderson
UNITED STATES DISTRICT JUDGE