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 9 *and RCRV, Inc. d/b/a Rock Revival*

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14 *Attorneys for Defendants*
 15 *Watch L.A. Jeans & Sportswear*
d/b/a Watch L.A. and Pierre D. Mitri

16 **UNITED STATES DISTRICT COURT**
 17 **CENTRAL DISTRICT OF CALIFORNIA**
 18 **WESTERN DIVISION**

20 SWEET PEOPLE APPAREL, INC.)
 d/b/a MISS ME, a California)
 21 corporation, and RCRV, INC. d/b/a)
 22 ROCK REVIVAL, a California)
 corporation,)

23 Plaintiffs,

24 v.

25 WATCH L.A. JEANS &)
 26 SPORTSWEAR d/b/a WATCH L.A.,)
 a business entity of form unknown,)
 27 PIERRE D. MITRI, an individual, and)
 JOHN AND JANE DOES 1-10,)

28 Defendants.

Case No.: 2:14-cv-07399-RSWL (SHx)

Hon. Ronald S.W. Lew

**ORDER GRANTING STIPULATION
 FOR ENTRY OF CONSENT
 PERMANENT INJUNCTION AND
 VOLUNTARY DISMISSAL OF
 ACTION WITH PREJUDICE**

1 WHEREAS, Plaintiff Sweet People Apparel, Inc. d/b/a Miss Me (“Sweet
2 People”) is the owner of U.S. copyright registrations for its Wing Design (U.S.
3 Copyright Registration No. VA 1-733-502 and Supplementary Registration No. 1-
4 432-644); Double Wing Design (U.S. Copyright Registration No. VA 1-802-210);
5 and Vintage White Wing Design (U.S. Copyright Registration No. VA 1-920-749)
6 (collectively referred to as the “Sweet People Copyrighted Designs”), copies of the
7 registration certificates for and photographs of the Sweet People Copyrighted Designs
8 as used on MISS ME jeanswear, being attached hereto as Exhibit A; and

9 WHEREAS, Plaintiff RCRV, Inc. d/b/a Rock Revival (“RCRV”) is the owner
10 of a federally registered design trademark used on and in connection with its ROCK
11 REVIVAL line of jeanswear products, namely, a distinctive inverted fleur-de-lis
12 pocket design (the “INVERTED FLEUR-DE-LIS DESIGN Trademark”), a copy of
13 the registration certificate for the INVERTED FLEUR-DE-LIS DESIGN Trademark,
14 as well as a photograph of such mark as used on ROCK REVIVAL jeanswear, being
15 attached hereto as Exhibit B; and

16 WHEREAS, on September 22, 2014, Sweet People and RCRV (collectively
17 “Plaintiffs”) filed a complaint against Watch L.A. Jeans & Sportswear d/b/a Watch
18 L.A. (“Watch L.A.”) and Pierre D. Mitri (“Mitri”) (collectively “Defendants”) in this
19 action (the “Civil Action”), seeking injunctive relief and damages for acts of willful
20 copyright infringement, willful trademark infringement and counterfeiting, false
21 designation of origin, and unfair competition, arising out of Defendants’ creation,
22 design, manufacture, purchase, importation, distribution, promotion, offer for sale
23 and/or sale of certain jeanswear products bearing designs (the “Accused Designs”)
24 that, Plaintiffs’ alleged, infringe their rights in and to the Sweet People Copyrighted
25 Designs and RCRV’s INVERTED FLEUR-DE-LIS DESIGN Trademark (the
26 “Accused Products”), photographs of the Accused Products being attached hereto as
27 Exhibit C; and

1 WHEREAS, the parties entering into this Consent Permanent Injunction and
2 Voluntary Dismissal of Action With Prejudice (the “Consent Permanent Injunction”)
3 are Sweet People, RCRV, Watch L.A. and Mitri (each individually a “Party” and
4 collectively the “Parties”); and

5 WHEREAS, the Parties herein having entered into a Settlement Agreement;
6 and

7 WHEREAS, the Parties hereto desire to fully settle all of the claims in this
8 Civil Action among the Parties to this Consent Permanent Injunction without the
9 admission of liability on the part of any Party; and

10 WHEREAS, the Parties have submitted to the Court’s jurisdiction; and

11 WHEREAS, the Parties have been afforded the opportunity to consult with
12 attorneys of their own choice in connection with the settlement of this action; and

13 WHEREAS, the Parties have consented to the entry of this Consent Permanent
14 Injunction in full and final resolution of the Civil Action; and

15 WHEREAS, the Court having jurisdiction over the subject matter of this action
16 and over the Parties, and venue in this action being proper in this judicial district.

17 The Parties hereby stipulate to the entry by this Consent Permanent Injunction
18 ordering that:

19 1. Subject to Paragraph 2 herein, Defendants and their agents, affiliates,
20 divisions, parents, subsidiaries, related companies, officers, directors, shareholders,
21 principals, employees, and all natural or legal persons acting on their behalf, or in
22 concert with any of them, shall be PERMANENTLY ENJOINED and
23 RESTRAINED from the date of this Consent Permanent Injunction from attempting
24 to do or causing to be done, directly or indirectly, by any means, method, or device
25 whatsoever, or by any person or persons whomsoever, the following acts:

26 (a) creating, designing, manufacturing, importing, exporting,
27 distributing, supplying, advertising, marketing, promoting, purchasing, offering for
28

1 sale and/or selling any garments bearing any of the Accused Designs, including,
2 without limitation, the Accused Products;

3 (b) creating, designing, manufacturing, importing, exporting,
4 distributing, supplying, advertising, marketing, promoting, purchasing, offering for
5 sale and/or selling any garments bearing any design or combination of design
6 elements that is substantially similar to any of the Sweet People Copyrighted
7 Designs;

8 (c) creating, designing, manufacturing, importing, exporting,
9 distributing, supplying, advertising, marketing, promoting, purchasing, offering for
10 sale or selling any garments that contain any design or combination of design
11 elements that is confusingly similar to RCRV's INVERTED FLEUR-DE-LIS
12 DESIGN Trademark; and

13 (d) engaging in any activity constituting unfair competition with
14 RCRV, or acts and practices that deceive the public and/or the trade, including,
15 without limitation, the use of design elements and designations associated with
16 RCRV.

17 2. Notwithstanding Paragraph 1 above, Defendants shall be permitted to
18 sell-off their remaining inventory of Accused Products (5,559 units) through and
19 including June 1, 2016, but only in Ecuador, Columbia, Venezuela, Curacao and St.
20 Martin and nowhere else.

21 3. Except to the extent relief is granted on Plaintiffs' Complaint through the
22 entry of this Consent Permanent Injunction, this action shall be deemed dismissed
23 with prejudice.

24 4. The Court retains jurisdiction of this action for the purpose of enforcing
25 the provisions of this Consent Permanent Injunction by way of contempt motion or
26 otherwise.

27 5. The Parties waive any right to appeal this Consent Permanent Injunction.
28

1 6. Each Party shall bear its own costs and attorneys' fees related to this
2 action.

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4 IT IS SO ORDERED.

5
6 Dated: 10/07/15

RONALD S.W. LEW

The Honorable Ronald S.W. Lew
Senior United States District Judge

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EXHIBIT A

EXHIBIT A

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.

Marybeth Peters

Register of Copyrights, United States of America

Registration Number VA 1-733-502

Effective date of registration: September 3, 2010

Title Title of Work: WING DESIGN

Completion/Publication Year of Completion: 2008

Date of 1st Publication: August 25, 2008 Nation of 1st Publication: United States

Author Author: Sweet People Apparel, Inc.

Author Created: Artwork Applied To Clothing

Work made for hire: Yes

Citizen of: United States

Copyright claimant Copyright Claimant: Sweet People Apparel, Inc.

4715 S. Alameda Street, Los Angeles, CA 90058, United States

Rights and Permissions Organization Name: Sweet People Apparel, Inc.

Address: 4715 S. Alameda Street

Los Angeles, CA 90058 United States

Certification Name: Brent S. LaBarge

Date: September 3, 2010

Applicant's Tracking Number: 21406.001

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.

Maria A. Pallante

Register of Copyrights, United States of America

Form CA For Supplementary Registration UNITED STATES COPYRIGHT OFFICE VA 1-432-644 [Barcode] TX TXU LPA PAU [X] VAI SR DRU RE EFFECTIVE DATE OF SUPPLEMENTARY REGISTRATION 9 16 2010

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

A Title of Work WING DESIGN Registration Number of the Basic Registration VA 1-733-502 Year of Basic Registration 2010 Name(s) of Author(s) Sweet People Apparel, Inc. Name(s) of Copyright Claimant(s) Sweet People Apparel, Inc.

B Location and Nature of Incorrect Information in Basic Registration Line Number Line Heading or Description Year of Completion and Date of 1st Publication Incorrect Information as it Appears in Basic Registration Year of Completion: 2008; Date of 1st Publication: August 25, 2008 Corrected Information Year of Completion: 2009; Date of 1st Publication: June 5, 2009 Explanation of Correction The original application was inadvertently filed with the incorrect year of completion and first publication dates.

C Location and Nature of Information in Basic Registration to be Amplified Line Number Line Heading or Description Amplified Information and Explanation of Information

MORE ON BACK Complete all applicable spaces (2-6) on the reverse side of this page. See detailed instructions. Align the form at Figure F.

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FUNDS RECEIVED DATE	9/16/10
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CORRESPONDENCE <input type="checkbox"/>	
REFERENCE TO T-10 REGISTRATION ADDED TO BASIC REGISTRATION <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

FOR COPYRIGHT OFFICE USE ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.
Continuation of: Part B or Part C

D

Correspondence: Give name and address to which correspondence about this application should be sent.

Arnold & Porter LLP, 555 Twelfth Street, N.W.
Washington, DC 20004
Attn: Brent S. LaBarge

Phone (202) 942-5158 Fax (202) 942-5999 Email brent.labarge@spporter.com

Deposit Account: If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
Name: Arnold & Porter LLP
Account Number: 067822


E

Certification* I, the undersigned, hereby certify that I am (Check only one):

author owner of exclusive right(s)
 other copyright claimant duly authorized agent of Sweet People Apparel, Inc.

Name of author or other copyright claimant, or owner of exclusive right(s) & of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name: Brent S. LaBarge Date: September 16, 2010

Handwritten signature (X): 

F

Certificate will be mailed in window envelope to this address:

Name	Arnold & Porter LLP - Attn: Brent S. LaBarge
Home/Street/Box	555 Twelfth Street, N.W.
City/State/ZIP	Washington, DC 20004

1. Application fee
2. Maintenance fee (if applicable) (check or money order payable to Registrar of Copyright)

Library of Congress
Copyright Office
35 Independence Avenue SE
Washington, DC 20540-4075

G

*IT (LSC 2009a) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 108, or in any written statement filed in connection with the application, shall be fined not more than \$2,000.

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2 Certificate of Registration



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Maria A. Pallante

Register of Copyrights, United States of America

Registration Number
VA 1-802-210

Effective date of
registration:
February 17, 2012

Title _____

Title of Work: Double Wing JP5163B

Completion/Publication _____

Year of Completion: 2010

Date of 1st Publication: October 15, 2010

Nation of 1st Publication: United States

Author _____

▪ Author: Sweet People Apparel, Inc.
Author Created: Artwork applied to clothing

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

Copyright claimant _____

Copyright Claimant: Sweet People Apparel, Inc.
4715 S. Alameda St., Los Angeles, CA, 90058

Rights and Permissions _____

Organization Name: Sweet People Apparel, Inc.
Address: 4715 S. Alameda St.
Los Angeles, CA 90058

Certification _____

Name: Lilly Kim
Date: February 17, 2012

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2 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.

Maia A. Pallante

Register of Copyrights, United States of America

Registration Number
VA 1-920-749

Effective date of
registration:

August 29, 2014

10 **Title** _____

Title of Work: Vintage White Wing JP5330

11 **Completion/Publication** _____

Year of Completion: 2010

Date of 1st Publication: April 18, 2011

Nation of 1st Publication: United States

12 **Author** _____

- 13 ■ Author: Sweet People Apparel, Inc.
- 14 Author Created: Artwork Applied to Clothing

15 Work made for hire: Yes

Citizen of: United States

16 **Copyright claimant** _____

Copyright Claimant: Sweet People Apparel, Inc.

4715 S Alameda St, Los Angeles, CA, 90058, United States

17 **Rights and Permissions** _____

18 Organization Name: Sweet People Apparel, Inc.

19 Address: 4715 S. Alameda St.

Los Angeles, CA 90058

20 **Certification** _____

21 Name: Lilly Kim

22 Date: August 29, 2014

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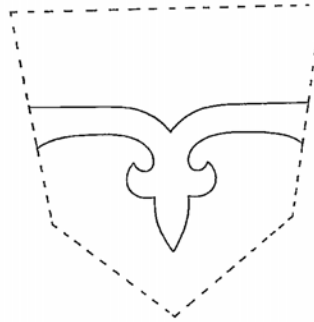
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EXHIBIT B

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EXHIBIT B

United States of America
United States Patent and Trademark Office



Reg. No. 4,248,371

RCRV, INC. (CALIFORNIA CORPORATION)
4715 S. ALAMEDA STREET
LOS ANGELES, CA 90058

Registered Nov. 27, 2012

Int. Cl.: 25

FOR: APPAREL, NAMELY, JEANS, SHORTS AND SKIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

TRADEMARK

FIRST USE 11-23-2005; IN COMMERCE 3-17-2006.

PRINCIPAL REGISTER

THE MARK CONSISTS OF A THREE-DIMENSIONAL DESIGN FEATURE CONSISTING OF A STYLIZED INVERTED FLEUR DE LIS DESIGN STITCHED ON THE BACK POCKET OF A JEANS PRODUCT, DEPICTED IN THE DRAWING AS A SOLID BLACK LINE. THE DOTTED OUTLINE OF THE GOODS IS INTENDED TO SHOW THE POSITION OF THE MARK AND IS NOT PART OF THE MARK AS SHOWN.

SEC. 2(F).

SER. NO. 85-330,951, FILED 5-26-2011.

MARK SPARACINO, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

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EXHIBIT C

EXHIBIT C



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