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JS-6

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

BMW OF NORTH AMERICA, LLC  
and BAYERISCHE MOTOREN  
WERKE AG,

Plaintiffs,

v.

HAMLET SAHAKYAN, d/b/a  
HAMLET'S BMW SERVICE,

Defendant.

Case No. 2:15-cv-03690-AB-JPR

DEFAULT JUDGMENT AND  
PERMANENT INJUNCTION

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

The Court, having considered the Motion for Default Judgment (“Motion”) of Plaintiffs BMW of North America, LLC and Bayerische Motoren Werke AG (collectively, “BMW” or “Plaintiffs”) against Defendant Hamlet Sahakyan, d/b/a Hamlet’s BMW Service, and good cause appearing therefore, IT IS HEREBY ORDERED that Plaintiffs’ Motion is **GRANTED**, and this Judgment shall be and is hereby entered against Defendant in the above-captioned action as follows:

1. This Court has jurisdiction over Defendant and over the subject matter in issue based on 28 U.S.C. §§ 1331, 1338(a), 1338(b), and 1367(a), as well as 15 U.S.C. § 1121. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b).

ORDER RE PLAINTIFFS’ MOTION FOR  
DEFAULT JUDGMENT  
Case No. 2:15-cv-03690-AB-JPR

1 This Court further has continuing jurisdiction to enforce the terms and provisions of  
2 this Judgment.

3 2. The Court finds that Defendant committed the acts referred to in  
4 Plaintiffs' Motion and that Defendant's acts constitute:

5 a.) Breach of contract under California common law regarding the  
6 February 2013 and May 18, 2015 written agreements Defendant signed with BMW;

7 b.) Willful trademark infringement under the Lanham Act, 15 U.S.C.  
8 §1114, of federally registered United States trademarks belonging to Plaintiffs, the  
9 "Roundel" logo and "BMW" word mark;

10 c.) Willful unfair competition under the Lanham Act, 15 U.S.C. §1125(a),  
11 with regard to Plaintiffs' Roundel logo and "BMW" word mark; and

12 d.) Unfair competition under Cal. Bus. & Prof. Code §§ 17200 *et seq.* and  
13 trademark infringement and unfair competition under the common law of California  
14 with regard to Plaintiffs' Roundel logo and "BMW" word mark.

15 3. Defendant, his agents, distributors, suppliers, business partners, related  
16 companies, servants, employees, attorneys, successors, assigns, and all others in  
17 active concert or participation with any of them, be enjoined and restrained, during  
18 the pendency of this action, and permanently thereafter, from:

19 (a) using BMW's Roundel logo, or any other name or mark that is  
20 confusingly similar to this mark, or any other mark or  
21 designation of BMW or its affiliates, including, but not limited  
22 to, use of these marks on signs, flags, banners, websites,  
23 photographs, advertisements, coupons, marketing materials,  
24 stationery, business cards, and in oral and written  
25 communications;

- 1 (b) making any trademark use of the “BMW” mark, including but  
2 not limited to the trade names Hamlet’s BMW Service,  
3 Hamlet’s BMW, Hamlet BMW Inc., and Hamlet BMW;  
4 (c) making any use of any other BMW logos, or trademark use of  
5 any other BMW trademarks, or colorable imitations thereof; and  
6 (d) doing any other act or thing likely to confuse, mislead, or  
7 deceive others into believing that Defendant, or his products or  
8 services, come from, or are connected with, sponsored by, or  
9 approved by, BMW.

10 4. Plaintiffs shall recover, pursuant to Lanham Act § 35, 15 U.S.C. §  
11 1117(a), their reasonable attorneys’ fees and costs incurred in this action, in the  
12 amount of \$23,878.00 in attorneys’ fees and \$1,421.28 in costs, for a total of  
13 \$25,299.28.

14 5. The Court finds there is no just reason for delay in entering this  
15 Judgment and, pursuant to Fed. R. Civ. P. 54(a), directs immediate entry of this  
16 Judgment.

17 6. The Court shall retain jurisdiction of this action to entertain such  
18 further proceedings and to enter such further orders as may be necessary or  
19 appropriate to implement and enforce the provisions of this Judgment; and

20 7. Violation of this judgment shall expose Defendant and all other  
21 enjoined parties to all applicable penalties and further orders, including contempt of  
22 Court.

23  
24 IT IS SO ORDERED:

25 Dated: December 17, 2015



26 THE HON. ANDRÉ BIROTTE JR.