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12 *Attorneys for Plaintiff*
 13 *Deckers Outdoor Corporation*

14 UNITED STATES DISTRICT COURT
 15 CENTRAL DISTRICT OF CALIFORNIA

16 DECKERS OUTDOOR)
 17 CORPORATION, a Delaware)
 18 Corporation,)
 19)
 20 Plaintiff,)
 21)
 22 v.)
 23)
 24 SUMMER RIO CORP., a California)
 25 Corporation; and DOES 1-10, inclusive)
 26)
 27 Defendant.)
 28)

CASE NO. CV 15-07026-DDP (MRWx)

**ORDER RE CONSENT JUDGMENT
 INCLUDING PERMANENT
 INJUNCTION AND VOLUNTARY
 ACTION OF DISMISSAL WITH
 PREJUDICE**

1 **Plaintiff Deckers Outdoor Corporation** (“Deckers” or “Plaintiff”) having filed
2 a Complaint in this action charging **Defendant Summer Rio Corp.** (“Defendant”)
3 with Trademark Infringement, Patent Infringement, and Unfair Competition arising
4 from Defendant’s manufacture, distribution, promotion, advertisement, offering for
5 sale, and/or sale of footwear, the design of which Deckers has alleged infringes upon
6 its UGG® Sun Mark (defined below) and ‘638 Patent (defined below). The “Accused
7 Products” which Deckers has alleged infringe upon its UGG® Sun Mark and ‘638
8 Patent are identified by the Style Number “BC1111” (hereinafter “Accused Products”);
9 an example of which is shown below:



20 **WHEREAS**, Deckers is the owner of registered UGG® Sun Mark (U.S. Reg.
21 Nos. 3,624,595 for footwear; 3,636,029 for leather bags; and 3,825,543 for coats,
22 jackets, vests, ponchos, gloves, mittens, headwear, wraps, scarves, and sweaters); and

23 **WHEREAS**, Deckers is the owner of design patent U.S. Patent No. D594,638
24 (issued on June 23, 2009) (hereinafter “ ‘638 Patent”); and

25 **WHEREAS**, the parties hereto desiring to fully settle all of the claims in this
26 action among the parties to this Final Consent Judgment; and

27 **WHEREAS**, the parties herein have simultaneously entered into a Settlement
28 Agreement and Mutual Release,

1 **IT IS HEREBY ORDERED** that Defendant has agreed to the below terms of a
2 consent judgment:

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

5 2. Defendant and its agents, servants, employees and all persons in active
6 concert and participation with them who receive actual notice of this Final Consent
7 Judgment are hereby permanently restrained and enjoined from:

8 (a) Challenging the validity, enforceability, or Deckers' ownership of
9 the UGG® Sun Mark and/or '638 Patent;

10 (b) Manufacturing, purchasing, producing, distributing, circulating,
11 selling, offering for sale, importing, exporting, advertising, promoting, displaying,
12 shipping, marketing and/or incorporating in advertising or marketing the Accused
13 Products and/or any products that infringe upon the UGG® Sun Mark and/or '638
14 Patent;

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

19 (d) Knowingly assisting, aiding or attempting to assist or aid any other
20 person or entity in performing any of the prohibited activities referred to in Paragraphs
21 2(a) to 2(c) above.

22 3. Plaintiff and Defendant shall bear their own costs and attorneys' fees
23 associated with this action.

24 4. The execution of this Final Consent Judgment shall serve to bind and
25 obligate the parties hereto. However, dismissal with prejudice of this action shall not
26 have preclusive effect on those who are not a party to this action or who are not
27 specifically released in the parties' written settlement agreement, all claims against
28 whom Plaintiff expressly reserves.

1 5. The jurisdiction of this Court is retained for the purpose of making any
2 further orders necessary or proper for the construction or modification of this Final
3 Consent Judgment, the enforcement thereof and the punishment of any violations
4 thereof. Except as otherwise provided herein, this action is fully resolved with
5 prejudice.

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7 **IT IS SO ORDERED.**

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9 DATED: October 11, 2016



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Hon. Dean D. Pregerson
United States District Judge