

1 JOHNSON & PHAM, LLP
 Christopher D. Johnson, SBN: 222698
 2 E-mail: cjohnson@johnsonpham.com
 Christopher Q. Pham, SBN: 206697
 3 E-mail: cpham@johnsonpham.com
 Marcus F. Chaney, SBN: 245227
 4 Email: mchaney@johnsonpham.com
 Nicole L. Drey, SBN: 250235
 5 E-mail: ndrey@johnsonpham.com
 Hung Q. Pham, SBN: 276613
 6 E-mail: ppham@johnsonpham.com
 6355 Topanga Canyon Boulevard, Suite 326
 7 Woodland Hills, California 91367
 Telephone: (818) 888-7540
 8 Facsimile: (818) 888-7544

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9 Attorneys for Plaintiff
 FOSSIL GROUP, INC.

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

13 FOSSIL GROUP, INC., a Delaware
 14 Corporation,

Case No.: 2:16-cv-02599 R (JEMx)

15 Plaintiffs,

**PERMANENT INJUNCTION AND
 DISMISSAL**

16 v.

17 ELIOT ANDREU, an Individual; and
 18 DOES 1-10, inclusive,

19 Defendants.

21 The Court, pursuant to the Stipulation for Entry of Permanent Injunction
 22 and Dismissal (“Stipulation”) by and between Plaintiff FOSSIL GROUP, INC.
 23 (“FOSSIL”), through its counsel of record, and Defendant ELIOT ANDREU
 24 (“Defendant”), in pro se, filed concurrently herewith, hereby ORDERS,
 25 ADJUDICATES, and DECREES the following:

26 WHEREAS, Defendant is an individual residing and conducting business
 27 from Moultrie, Georgia.

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1 WHEREAS, Defendant conducts business utilizing www.ebay.com seller
2 ID “fashionstation2015,” and utilizing www.paypal.com ID/Email
3 “eliotandreu@outlook.com.”

4 WHEREAS, FOSSIL is the exclusive worldwide authorized licensee for the
5 DIESEL®-related family of marks as applied to watches for the Italian
6 corporation Diesel S.p.A., the trademark owner of the DIESEL®-related family of
7 marks. FOSSIL has the power of attorney from Diesel S.p.A to enforce Diesel
8 S.p.A’s intellectual property rights related to watches.

9 WHEREAS, FOSSIL’s exclusive license of the DIESEL® mark as applied
10 to watches, includes, but is not limited to, numerous federal trademarks registered
11 with the United States Patent and Trademark Office (“Diesel Trademarks”):

- 12 a. DIESEL®: Reg. No.: 1,989,390, registered July 30, 1996;
- 13 b. DIESEL ONLY THE BRAVE®: Reg. No. 1,939,141,
14 registered December 5, 1995;
- 15 c. DIESEL BLACK GOLD®: Reg. No. 3,956,724, registered
16 May 10, 2011;
- 17 d. Stylized D®: Reg. No. 3,225,322, registered April 3, 2007;
18 and
- 19 e. Stylized D®: Reg. No. 2,376,399, registered August 15, 2000.

20 Permanent injunction shall be and is hereby entered against Defendant in
21 the above-referenced matter as follows:

22 1. **PERMANENT INJUNCTION.** Defendant and any person or entity
23 acting in concert with, or at the direction of Defendant, including any and all
24 agents, servants, employees, partners, assignees, distributors, suppliers, resellers
25 and any others over which Defendant may exercise control, are hereby restrained
26 and enjoined, pursuant to 15 United States Code § 1116, from engaging in,
27 directly or indirectly, or authorizing or assisting any third party to engage in, any
28 of the following activities in the United States and throughout the world:

1 a. copying, manufacturing, purchasing, importing, exporting,
2 marketing, selling, offering for sale, distributing or dealing in any product or
3 service that uses, or otherwise making any use of any Diesel Trademarks,
4 including but not limited to, DIESEL®-related word and design marks, and/or any
5 intellectual property that is confusingly or substantially similar to, or that
6 constitutes a colorable imitation of any Diesel Trademarks, whether such use is as,
7 on, in or in connection with any trademark, service mark, trade name, logo,
8 design, Internet use, website, domain name, metatags, advertising, promotions,
9 solicitations, commercial exploitation, television, web-based or any other
10 program, or any product or service, or otherwise;

11 b. performing or allowing others employed by, under control of,
12 or representing Defendant, or under his control, to perform any act or thing which
13 is likely to injure FOSSIL, any Diesel Trademarks, including but not limited to
14 DIESEL®-related word and design marks;

15 c. engaging in any acts of federal and/or state trademark
16 infringement, false designation of origin, unfair competition, dilution, or other act
17 which would tend damage or injure FOSSIL; and/or

18 d. using, owning, possessing, and/or controlling any Internet
19 domain name or website that includes any Diesel Trademarks including but not
20 limited to DIESEL®-related word and design marks.

21 2. Defendant is immediately ordered to deliver to counsel for FOSSIL
22 for destruction all unauthorized products, including counterfeit DIESEL®-related
23 branded products, prints, packages, wrappers, receptacles and/or advertisements
24 relating thereto in his possession or under his control bearing any Diesel
25 Trademarks or any simulation, reproduction, counterfeit, copy or colorable
26 imitations thereof, and all plates, molds, heat transfers, screens, matrices and other
27 means of making the same, to the extent that any of these items are in Defendant's
28 possession.

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

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

7 5. **NO APPEALS AND CONTINUING JURISDICTION.** No
8 appeals shall be taken from this Permanent Injunction, and the parties waive all
9 rights to appeal. This Court expressly retains jurisdiction over this matter to
10 enforce any violation of the terms of this Permanent Injunction by Defendant.

11 6. **NO FEES AND COSTS.** FOSSIL and Defendant shall bear their
12 own attorneys' fees and costs incurred in this matter.

13 7. **DISMISSAL.** Upon entry of this Permanent Injunction against
14 Defendant, this case shall be dismissed in its entirety.

15 IT IS SO ORDERED, ADJUDICATED and DECREED this 9th day of
16 August, 2016.

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HONORABLE MANUEL L. REAL
United States District Court Judge
Central District of California