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NOTE: CHANGES MADE BY THE COURT

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

CREE, INC., a North Carolina Corporation,

Plaintiff,

v.

GEARXS, INC., an Illinois Corporation Doing Business in California; REFAEL YITZHAKI, an Individual d/b/a GEARXS, INC.; WEST COAST IMPORTS, INC., a California Corporation; and DOES 1-10, Inclusive,

Defendants.

Case No.: 2:16-cv-04515-JFW-PLAx

**PERMANENT INJUNCTION AND
DISMISSAL, WITH PREJUDICE,
AGAINST DEFENDANTS
GEARXS, INC. AND REFAEL
YITZHAKI**

Honorable John F. Walter

The Court, pursuant to the Stipulation for Entry of Permanent Injunction and Dismissal, between Plaintiff Cree, Inc. (“Plaintiff”), on the one hand, and Defendants GearXS, Inc. and Refael Yitzhaki (collectively “Defendants”), on the other hand, hereby ORDERS, ADJUDICATES and DECREES that a permanent injunction shall be and hereby is entered against Defendants as follows:

1. PERMANENT INJUNCTION. Defendants and any person or entity acting in concert with, or at their direction, including any and all agents, servants, employees, partners, assignees, distributors, suppliers, resellers and any others over which he may exercise control, is hereby restrained and enjoined,

1 pursuant to 15 United States Code (“U.S.C.”) § 1116(a), from engaging in,
2 directly or indirectly, or authorizing or assisting any third party to engage in, any
3 of the following activities:

4 (i) copying, manufacturing, importing, exporting, purchasing,
5 marketing, advertising, offering for sale, selling, receiving, storing, fulfilling,
6 distributing or dealing in any product or service that uses, or otherwise making
7 any use of, any of Plaintiff’s intellectual properties, including but not limited to,
8 the **CREE®** word and design trademarks (Reg. Nos. 2,440,530; 2,452,761;
9 3,935,628; 3,935,629; 3,938,970; 4,026,756; 3,935,630; 3,935,631; 3,938,971;
10 2,922,689; 3,998,141; 3,998,142; 4,233,855; 4,234,124; 4,641,937; 4,597,310;
11 4,597,311; 4,767,107; 4,771,402; 4,787,288), **CREE LEDS®** word and design
12 trademarks (Reg. Nos. 3,360,315; 4,558,924), **CREE LED LIGHT®** word and
13 design trademarks (Reg. No. 3,327,299), **CREE LED LIGHTING®** word and
14 design trademarks (Reg. Nos. 3,891,756; 3,891,765), **CREE LED LIGHTING**
15 **SOLUTIONS®** word and design trademarks (Reg. No. 3,526,887), **CREE**
16 **TRUEWHITE®** word and design trademarks (Reg. Nos. 4,029,469; 4,091,530),
17 and **CREE TRUEWHITE TECHNOLOGY®** word and design trademarks
18 (Reg. Nos. 4,286,398; 4,099,381) affixed to Plaintiff’s First Amended Complaint
19 for Damages and Declaratory Relief as **Exhibits “A” - “EE”** (ECF Dkt. 30, ¶21,
20 Pages 6-11) (collectively, “Plaintiff’s Intellectual Properties”);

21 (ii) using, advertising or displaying Plaintiff’s Intellectual
22 Properties to suggest that non-genuine led light products, including flashlights
23 being advertised are manufactured, sponsored or endorsed by Plaintiff; and/or

24 (iii) owning or controlling any Internet domain name or website
25 that uses any of Plaintiff’s Intellectual Properties.

26 **2.** This Permanent Injunction shall be deemed to have been served upon
27 Defendants at the time of its execution by the Court.

28 **3.** The Court finds there is no just reason for delay in entering this

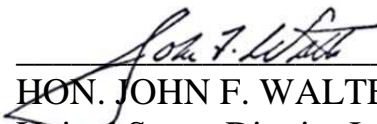
1 Permanent Injunction against Defendants, and the Court directs immediate entry
2 of this Permanent Injunction against Defendants.

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

8 **5. NO FEES AND COSTS.** Plaintiff and Defendants shall bear their
9 own attorneys' fees and costs incurred in this matter.

10 **6. DISMISSAL.** Upon entry of this Permanent Injunction against
11 Defendants, *only* Defendants GearXS, Inc. and Refael Yitzhaki shall be dismissed
12 from the action, with prejudice.

13 IT IS SO ORDERED, ADJUDICATED and DECREED this 21st day of
14 February, 2017.

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17 HON. JOHN F. WALTER
18 United States District Judge
19 Central District of California
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