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JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AMERICAN AUTOMOBILE
ASSOCIATION, INC., a Connecticut
corporation,

Plaintiff,

vs.

LUIS LOPEZ, an individual; and DOES
1 through 10, Inclusive,

Defendants.

CASE NO. 2:16-CV-08730-SVW (SKX)
ASSIGNED FOR ALL PURPOSES TO
THE HON. STEPHEN V. WILSON

~~PROPOSED~~ JUDGMENT AND
PERMANENT INJUNCTION

[Filed concurrently with Notice of Motion
and Motion for Default Judgment;
Declarations of James G. Brehm and
Michael D. Adams]

Date: June 5, 2017
Time: 1:30 p.m.
Place: Courtroom 10A

Date Action Filed: November 22, 2016

Defendant Luis Lopez (“Defendant”) failed to respond to the Complaint in this action. The Clerk of this Court entered default against Defendant on March 13, 2017. The Court, having considered the papers filed in support of plaintiff American Automobile Association, Inc.’s (“Plaintiff” or “AAA”) Motion for Entry of Default Judgment, hereby ORDERS, ADJUDGES, and DECREES as follows:

- 1. This Court has jurisdiction over the parties and the subject matter.
- 2. Plaintiff’s service mark Registration No. 2,693,460 (the “AAA Mark”)

is good and valid in law.

1 3. The AAA Mark has become famous because of long, extensive,
2 continuous, and exclusive use by Plaintiff in connection with emergency road
3 services, such fame occurring long before Defendant's adoption and use of the AAA
4 Mark in connection with his business.

5 4. Defendant has infringed the AAA Mark by using the AAA Mark in
6 conducting and promoting his business, including, without limitation, displaying the
7 AAA Mark on at least one of his emergency roadside service vehicles.

8 5. Defendant has falsely designated and represented services sold in
9 commerce in violation of 15 U.S.C. § 1125(a) and has otherwise used the good will
10 of Plaintiff to sell Defendant's own services and has otherwise competed unfairly
11 with Plaintiff.

12 6. Defendant's acts have lessened the capacity of the AAA Mark to
13 identify and distinguish services provided by or affiliated with AAA.

14 7. Defendant, his agents, servants, employees, attorneys, and any and all
15 persons in active concert or participation with any of them, are permanently
16 enjoined from engaging in any of the following acts:

17 a. Using the AAA Mark, or any other name, mark, or design
18 incorporating the AAA Mark, either alone or in combination with other words or
19 symbols, in marketing, sales, distribution, promotion, advertising, identification, or
20 in any other manner in connection with any emergency roadside services and other
21 related services at any locality in the United States;

22 b. Using the AAA Mark, or any other name, mark, or design
23 incorporating the AAA Mark, in any form or manner that would tend to identify or
24 associate Defendant's businesses or services with Plaintiff in marketing, sales,
25 distribution, promotion, advertising, identification, or in any other manner in
26 connection with any business;

27 c. Representing (either orally or in writing) that their businesses are
28 affiliated with, or approved by, Plaintiff in any way in marketing, sales, distribution,

1 promotion, advertising, identification, or in any other manner in connection with any
2 business;

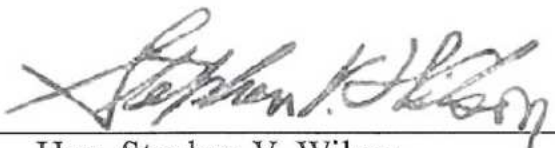
3 8. Defendant, pursuant to 15 U.S.C. § 1118, shall deliver to Plaintiff's
4 attorney within thirty (30) days after issuance of this Judgment, to be impounded or
5 destroyed by Plaintiff, all literature, signs, labels, prints, packages, wrappers,
6 containers, advertising materials, stationery, and any other items in his possession or
7 control that contain the AAA Mark, or any other name, mark, or design
8 incorporating the AAA Mark, either alone or in combination with other words and
9 symbols;

10 9. Defendant is further ordered to remove from his vehicle(s), business
11 premises and website, within thirty (30) days after issuance of this Judgment, all
12 instances of the AAA Mark, or any other name, mark, or design incorporating the
13 AAA Mark, and to destroy all molds, plates, masters, or means of creating the
14 infringing items;

15 10. Defendant is further ordered to instruct, within thirty (30) days after
16 issuance of this Judgment, any print directory, Internet directory, or website that he
17 has caused to carry the AAA Mark, or any other name, mark, or design
18 incorporating the AAA Mark, to cease using such marks at the earliest possible date;

19 11. Within thirty (30) days after issuance of this Judgment, Defendant is
20 ordered to file with the Clerk of this Court and serve Plaintiff, a report in writing,
21 under oath, setting forth in detail the manner and form in which Defendants have
22 complied with the foregoing injunction.

23 Dated: May 30, 2017



Hon. Stephen V. Wilson
Judge, United States District Court

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