

JS-6

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

BMW OF NORTH AMERICA, LLC, a
Delaware Limited Liability Company,
and BAYERISCHE MOTOREN
WERKE AG, a German Corporation,

Plaintiff,

v.

MICHAEL CHAMBERS a/k/a MIKE
CHAMBERS, an Individual; and DOES
1-10, inclusive,

Defendants.

Case No.: 2:17-cv-00846-FMO-JC

**PERMANENT INJUNCTION
AND DISMISSAL WITH
PREJUDICE**

HON. FERNANDO M. OLGUIN

The Court, pursuant to the Stipulation for Entry of Permanent Injunction against Defendants and Dismissal (“Stipulation”) by and between BMW OF NORTH AMERICA, LLC, and BAYERISCHE MOTOREN WERKE AG (collectively “BMW”), and Defendants MICHAEL CHAMBERS a/k/a MIKE CHAMBERS (“Defendant”), filed concurrently herewith, hereby ORDERS,

1 ADJUDICATES and DECREES that a permanent injunction shall be and is
2 hereby entered against Defendant in the above-referenced matter as follows:

3 1. **PERMANENT INJUNCTION.** Defendant and any person or entity
4 acting in concert with, or at the direction of him, including any and all agents,
5 servants, employees, partners, assignees, distributors, suppliers, resellers and any
6 others over which Defendant may exercise control, are hereby restrained and
7 enjoined, pursuant to 15 U.S.C. § 1116, from engaging in, directly or indirectly, or
8 authorizing or assisting any third party to engage in, any of the following activities
9 in the United States and throughout the world:

10 a. copying, manufacturing, purchasing, importing, exporting,
11 marketing, selling, offering for sale, distributing or dealing in any product or
12 service that uses, or otherwise making any use of, any of BMW's trademarks,
13 including but not limited to, the BMW® word and design marks, the M® word
14 and design marks, the MINI® word and design marks, and/or any intellectual
15 property that is confusingly or substantially similar to, or that constitutes a
16 colorable imitation of, any of BMW's trademarks (collectively "BMW's
17 Trademarks"), whether such use is as, on, in or in connection with any trademark,
18 service mark, trade name, logo, design, Internet use, website, domain name,
19 metatags, advertising, promotions, solicitations, commercial exploitation,
20 television, web-based or any other program, or any product or service, or
21 otherwise;

22 b. performing or allowing others employed by, under control of,
23 or representing Defendant, or under his control, to perform any act or thing which
24 is likely to injure BMW or any of BMW's Trademarks, specifically including but
25 not limited to the BMW®, M®, and MINI® marks;

26 c. engaging in any acts of federal and/or state trademark
27 infringement, false designation of origin, unfair competition, dilution, or other act
28 which would tend damage or injure BMW;

1 d. owning, possessing, and/or controlling any Internet domain
2 name that includes any of BMW's Trademarks, including but not limited to
3 BMW®, M®, and MINI®; and

4 e. using any website that includes any unauthorized depictions of
5 BMW's Trademarks, including but not limited to the BMW® word and design
6 marks, the M® word and design marks and the MINI® word and design marks.

7 2. Defendant is immediately ordered to deliver to counsel for BMW for
8 destruction all unauthorized products, including counterfeit BMW®, M®-,
9 MINI®-branded products, apparel, stickers, labels, signs, prints, packages,
10 wrappers, receptacles and/or advertisements relating thereto in his possession or
11 under his control bearing any of BMW's Trademarks or any simulation,
12 reproduction, counterfeit, copy or colorable imitations thereof, and all plates,
13 molds, heat transfers, screens, matrices and other means of making the same, to
14 the extent that any of these items are in Defendant's possession.

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

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

21 5. Defendant will be making an agreed-upon payment to BMW, as more
22 particularly described in a separate Confidential Settlement Agreement.

23 6. **NO APPEALS AND CONTINUING JURISDICTION.** No
24 appeals shall be taken from this Permanent Injunction, and the parties waive all
25 rights to appeal. This Court expressly retains jurisdiction over this matter to
26 enforce any violation of the terms of this Permanent Injunction by Defendant.

7. **NO FEES AND COSTS.** BMW and Defendant shall bear their own attorneys' fees and costs incurred in this matter.

8. **DISMISSAL WITH PREJUDICE.** Upon entry of this Permanent Injunction against Defendant, this case shall be dismissed with prejudice.

IT IS SO ORDERED, ADJUDICATED and DECREED this 22nd day of
May, 2017.

_____/s/_____
HONORABLE FERNANDO M. OLGUIN
United States District Court Judge Central
District of California