

1 WHEREAS, plaintiff CamCal Enterprises, LLC dba BottleKeeper
2 ("BottleKeeper") and defendant Corlay, LLC ("Corlay") have agreed in a separate
3 agreement to settlement of the matters in issue between them and to entry of this
4 Consent Judgment and Permanent Injunction, it is hereby ORDERED, ADJUDGED,
5 AND DECREED THAT:

6 1. This is an action for patent infringement under the patent laws of the
7 United States, Title 35, United States Code.

8 2. This Court has jurisdiction over all of the parties in this action and over
9 the subject matter in issue based on 28 U.S.C. §§1331 and 1338(a). This Court
10 further has continuing jurisdiction to enforce the terms and provisions of this
11 Consent Judgment and Permanent Injunction. Venue is also proper in this Court
12 pursuant to 28 U.S.C. §1400(b).

13 3. BottleKeeper is a limited liability company organized under the laws
14 of the State of Arizona and has a place of business at 1600 Rosecrans Avenue,
15 Media Center, 4th Floor, Manhattan Beach, California 90266.

16 4. Corlay is a limited liability company organized under the laws of the
17 State of California and has its principal place of business at 10001 Nita Avenue,
18 Chatsworth, California 91311.

19 5. Corlay has manufactured, used, imported, offered for sale, and/or sold
20 certain bottle enclosures in/into the United States under the name "Stainless Steel
21 Bottle Koozie" (hereinafter the "Corlay bottle enclosures"). Select pages from the
22 Corlay Internet website (www.corlayliving.com) illustrating the Corlay bottle
23 enclosures are attached hereto as **Exhibit 1**.

24 6. BottleKeeper is, by assignment, the owner of all right, title, and
25 interest in United States Patent No. 9,505,527 (hereinafter referred to as "the '527
26 patent") and United States Patent No. 9,637,270 (hereinafter referred to as "the '270
27 patent"). Copies of the '527 patent and the '270 patent are attached hereto as
28 **Exhibits 2 & 3**, respectively.

1 7. The '527 patent, issued on November 29, 2016, ~~is valid and~~
2 ~~enforceable, and~~ has been infringed by Corlay's manufacture, use, importation,
3 offer for sale and/or sale of the Corlay bottle enclosures in/into the United States.

4 8. The '270 patent, issued on May 2, 2017, ~~is valid and enforceable, and~~
5 has been infringed by Corlay's manufacture, use, importation, offer for sale and/or
6 sale of the Corlay bottle enclosures in/into the United States.

7 9. Corlay will not directly or indirectly aid, assign, or participate in any
8 action contesting the validity of the '527 patent and/or the '270 patent.

9 10. Corlay, its officers, directors, agents, servants, employees, attorneys,
10 confederates, and all persons and/or entities acting for, with, by, through, and/or in
11 concert and participation with them or any of them, are hereby permanently
12 enjoined from engaging in any of the following activities:

13 (a) manufacturing, using, importing, offering for sale, and/or selling
14 the Corlay bottle enclosures in/into the United States;

15 (b) manufacturing, using, importing, offering for sale, and/or selling
16 any bottle enclosure that infringes the '527 patent and/or the '270 patent; and

17 (c) inducing or enabling each other or others to manufacture, use,
18 import, offer to sell, and/or sell any bottle enclosure that infringes the '527 patent
19 and/or the '270 patent.

20 11. Service by first class mail upon Corlay, addressed to Mitchell F.
21 Ducey, Masserman & Ducey, LLP, 15260 Ventura Boulevard, Suite 100, Sherman
22 Oaks, California 91403, of a copy of this Consent Judgment and Permanent
23 Injunction entered by the Court is deemed sufficient notice under Federal Rule of
24 Civil Procedure 65. It shall not be necessary for Corlay to sign any form of
25 acknowledgement of service.

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12. The parties shall bear their own attorneys' fees and costs.

IT IS SO ORDERED:

Dated: July 19, 2017



Hon. R. Gary Klausner
United States District Judge