

1 Brent H. Blakely (SBN 157292)
 2 bblakely@blakelylawgroup.com
 3 Cindy Chan (SBN 247495)
 4 cchan@blakelylawgroup.com
 5 **BLAKELY LAW GROUP**
 6 1334 Parkview Avenue, Suite 280
 7 Manhattan Beach, California 90266
 8 Telephone: (310) 546-7400
 9 Facsimile: (310) 546-7401
 10 *Attorneys for Plaintiff*
 11 *Deckers Outdoor Corporation*

8 UNITED STATES DISTRICT COURT
 9 CENTRAL DISTRICT OF CALIFORNIA

11 DECKERS OUTDOOR CORPORATION, 12 a Delaware Corporation, 13 14 Plaintiff, 15 16 v. 17 BGSD, INC. dba Luxury Lane, a 18 Pennsylvania Corporation; MOMO 19 BABY, INC., a Pennsylvania Corporation; 20 and DOES 1-10, inclusive, 21 22 Defendants.) CASE NO. 2:17-cv-02901-AB-SK)) [PROPOSED] ORDER RE) PERMANENT INJUNCTION AND) VOLUNTARY DISMISSAL OF) ACTION
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19 **WHEREAS Plaintiff Deckers Outdoor Corporation** (“Deckers” or
 20 “Plaintiff”) having filed a Complaint in this action charging **Defendants BGSD, Inc.**
 21 **dba Luxury Lane and Momo Baby, Inc.** (“Defendants”) Trade Dress Infringement,
 22 Patent Infringement, and Unfair Competition arising from Defendants’ manufacture,
 23 distribution, advertising, marketing, offering for sale, and sale of footwear, identified
 24 by Style Name “Girls Daisy Shearling Boot” (exemplar shown below and hereinafter
 25 “Involved Products”) that Deckers has alleged infringe upon or otherwise violate
 26 Deckers’ rights in the “Bailey Button Boot Trade Dress” and the “Bailey Button
 27 Design Patent” (U.S. Reg. No. D599,999):



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7 **WHEREAS**, the parties hereto desiring to fully settle all of the claims in this
8 action; and

9 **WHEREAS**, the parties herein have simultaneously entered into a confidential
10 Settlement Agreement and Mutual Release,

11 **WHEREAS** the parties have agreed to the below terms of a permanent
12 injunction:

13 1. This Court has jurisdiction over the parties herein and has jurisdiction
14 over the subject matter hereof pursuant to 15 U.S.C. § 1121.

15 2. Deckers is the owner of U.S. Patent No. D599,999 and the “Bailey Button
16 Boot” Trade Dress, which consists of a combination of what Deckers alleges to be the
17 following non-functional elements:

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- 19 • Classic suede boot styling made famous by the UGG® brand;
 - 20 • Overlapping of front and rear panels on the lateral side of the boot shaft;
 - 21 • Curved top edges on the overlapping panels;
 - 22 • Exposed fleece-type lining edging the overlapping panels and top of the boot shaft; and
 - 23 • One or more buttons (depending on the height of the boot) prominently featured on the lateral side of the boot shaft adjacent the overlapping panels.
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7 3. Defendants are hereby immediately and permanently restrained and
8 enjoined from:

9 (a) Manufacturing, purchasing, producing, distributing, circulating,
10 selling, offering for sale, importing, exporting, advertising, promoting, displaying,
11 shipping, marketing and/or incorporating in advertising or marketing the Involved
12 Products , except as otherwise permitted in the parties’ confidential settlement
13 agreement;

14 (b) Challenging the validity, enforceability, and/or Deckers’ ownership
15 of U.S Patent No. D599,999 and the “Bailey Button Boot” Trade Dress as defined
16 above;

17 (c) Knowingly assisting, aiding or attempting to assist or aid any other
18 person or entity in performing any of the prohibited activities referred to in Paragraphs
19 1(a) through 1(b) above.

20 4. The execution of this stipulation shall serve to bind and obligate the
21 parties hereto. Plaintiff and Defendants shall bear their own costs and attorneys’ fees
22 associated with this action.

23 5. The jurisdiction of this Court is retained for the purpose of making any
24 further orders necessary or proper for the construction or modification of this
25 Stipulation/Order as well as the parties’ confidential settlement agreement in
26 connection with this action.

1 6. Except as otherwise provided herein, this action is fully resolved and
2 dismissed with prejudice.

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4 **IT IS SO ORDERED.**

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7 DATED: July 27, 2017



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Hon. André Birotte Jr.
United States District Judge
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