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

SKELL, INC.,

Plaintiff,

vs.

DAVID FUTRELL, an individual;
DOES 1 – 10, inclusive,

Defendants.

Case No. 2:17-cv-06239-ODW (PLAx)

**JUDGMENT AND PERMANENT
INJUNCTION**

1 Whereas Plaintiff, Skell, Inc. (“Plaintiff”) and Defendant David Futrell
2 (“Defendant”) have stipulated to entry of the following Judgment and Permanent
3 Injunction and have agreed to a compromise and settlement of this action and all
4 claims, defenses, and counterclaims that were or could have been raised herein:

5 IT IS HEREBY, ORDERED, ADJUDGED AND DECREED THAT:

6 1. The Court enters Judgment on the Complaint in favor of Plaintiff and
7 against Defendant and enters a permanent injunction as follows:

8 Defendant and his respective agents, servants, employees and attorneys, and all
9 persons in active concert and participation with him are hereby permanently enjoined
10 from:

- 11 A. manufacturing or causing to be manufactured, importing,
12 advertising, or promoting, distributing, selling or offering to sell
13 counterfeit and infringing goods bearing any of the following
14 trademarks: (1) BUG-A-SALT, (U.S. Trademark Registration Nos.
15 4353779 and 4202717); FIRE YOUR FLY SWATTER (U.S.
16 Trademark Registration No. 4350005); A KILLER COMPANY
17 (U.S. Trademark Registration No. 4351333); THE
18 ORIGINAL SALT GUN (U.S. Trademark Registration No.
19 4423289); MR. PINCH (U.S. Trademark Registration No.
20 4353776); an image of Mr. Pinch (U.S. Trademark Registration No.
21 4353778); PITY THE FLY along with an image of a fly in
22 crosshairs (U.S. Trademark Registration No. 4612446) (collectively
23 the “Skell Marks”);
- 24 B. using the Skell Marks in connection with the sale of any
25 unauthorized goods;
- 26 C. using any reproduction, counterfeit, copy, or colorable imitation of
27 the Skell Marks in connection with the publicity, promotion, sale,
28 or advertising of any goods sold by the Defendant;


1 2. Plaintiff shall have the right to seek sanctions for contempt, compensatory
2 damages, injunctive relief, attorneys' fees, costs, and such other relief deemed proper in
3 the event of a violation or failure to comply with any of the provisions hereof. The
4 prevailing party in any such proceeding shall be entitled to recover its attorneys' fees
5 and costs.

6 3. Except as expressly set forth above, Plaintiff shall take nothing by way of
7 the Complaint, and all claims in the Complaint are dismissed with prejudice.

8 4. The parties' respective attorney's fees and costs incurred in connection
9 with this action shall be borne as per the agreement of the individual parties in their
10 Settlement Agreement.

11 5. This Court will retain continuing jurisdiction over this cause to enforce the
12 terms of this Consent Final Judgment and the Settlement Agreement between the
13 parties.

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16 Dated: October 13, 2017



Honorable Otis D. Wright II
UNITED STATES DISTRICT JUDGE

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