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JS-6

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

ARCONA, INC., a California
corporation,

Plaintiff,

v.

FARMACY BEAUTY, LLC, a New
Jersey limited liability company,
DAVID C. CHUNG, an individual, and
MARK VEEDER, an individual,

Defendants.

CASE NO. 2:17-cv-07058 ODW (JPRx)

JUDGMENT

The Hon. Otis D. Wright II

AND RELATED COUNTERCLAIMS

1 This Action arises from Plaintiff Arcona, Inc.’s First Amended Complaint
2 (ECF No. 34) against Defendants Farmacy Beauty, LLC, David C. Chung, and
3 Mark Veeder (collectively, “Defendants”) for: 1) Trademark Counterfeiting of
4 Arcona’s U.S. Trademark Registration No. 4,706,079 (“Arcona’s ‘079 Trademark
5 Registration”); 2) Infringement of Arcona’s ‘079 Trademark Registration; 3)
6 Violation of Federal Unfair Competition; 4) Unfair Competition under California
7 Business and Professions Code section 17200 *et seq.*; and 5) California Common
8 Law Unfair Competition. Defendants have asserted counterclaims seeking a
9 declaration of non-infringement and cancellation of Arcona’s ‘079 Trademark
10 Registration.

11 On March 19, 2019, the Court granted summary judgment for Defendants on
12 Plaintiff’s claim for counterfeiting having found, *inter alia*, that “no reasonable jury
13 could find that Defendants’ EYE DEW product is a counterfeit of Plaintiff’s EYE
14 DEW products.” (ECF No. 129.)

15 On April 22, 2019, the Court granted Plaintiff’s request pursuant to Federal
16 Rule of Civil Procedure 41(a)(2) to dismiss its remaining claims with prejudice and
17 Defendants’ counterclaims without prejudice. (ECF No. 136.)

18 Accordingly, **IT IS HEREBY ORDERED, ADJUDGED, AND**
19 **DECREED** that:

- 20 1. Pursuant to the Court’s Order Granting Defendants’ Motion for Partial
21 Summary Judgment (ECF No. 129), and Order on Plaintiff’s Request
22 (ECF No. 136), judgment is entered in favor of Defendants and against
23 Plaintiff on Plaintiff’s First Cause of Action for Trademark
24 Counterfeiting of Arcona’s ‘079 Trademark Registration pursuant to
25 the Trademark Counterfeiting Act of 1984;
- 26 2. Plaintiff’s Second, Third, Fourth, and Fifth causes of action for
27 trademark infringement of Arcona’s ‘079 Trademark Registration and
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unfair competition (Federal and State Law), respectively, all of which are hereby **DISMISSED WITH PREJUDICE**;

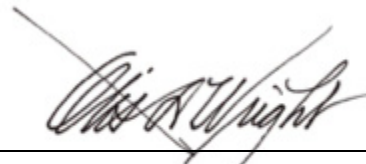
3. Pursuant to the Court’s Order on Plaintiff’s Request (ECF No. 136), Defendants’ counterclaims for non-infringement and cancellation of Arcona’s ‘079 Trademark Registration are hereby **DISMISSED WITHOUT PREJUDICE**;

4. All other dates and deadlines in this case are hereby **VACATED**; and

5. The Clerk of the Court shall close the case.

IT IS SO ORDERED, ADJUDGED, AND DECREED.

Dated: May 8, 2019



Hon. Otis D. Wright II
United States District Judge