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 8 PATAGONIA, INC.

9 **UNITED STATES DISTRICT COURT**  
 10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
 11 **WESTERN DIVISION – LOS ANGELES**

13 PATAGONIA, INC.,  
 14 Plaintiffs,  
 15 v.  
 16 KAILEY BULLOCK,  
 17 Defendant.

Case No. 2:18-cv-03868  
**FINAL JUDGMENT AND  
 PERMANENT INJUNCTION**

18  
 19  
 20 Plaintiff Patagonia, Inc. (“Patagonia”) has filed a Complaint alleging  
 21 counterfeiting, trademark infringement, unfair competition, and copyright  
 22 infringement under federal law against co-defendant Kailey Bullock. Ms. Bullock  
 23 imported apparel products bearing one or more identical or substantially  
 24 indistinguishable imitations of Patagonia’s federally registered marks (the  
 25 “Counterfeit Products”). Ms. Bullock maintains she was unaware the imported  
 26 apparel was Counterfeit Products at the time she ordered it, but consents to entry of  
 27 judgment and permanent injunction to resolve this matter.

28 The Court now enters final judgment based upon the following undisputed





1 facts. Each party has waived the right to appeal from this final judgment and each  
2 party will bear its own fees and costs in connection with this action.

3 **I. FACTS AND CONCLUSIONS**

4 A. This Court has subject matter jurisdiction over this lawsuit and personal  
5 jurisdiction over Ms. Bullock. Venue is proper in this Court.

6 B. Patagonia owns numerous registrations for the PATAGONIA trade-  
7 mark, and for its distinctive logo depicting the Mt. Fitz Roy skyline (the “Fitz Roy  
8 Design”), for a wide ranging assortment of products. Among these are the  
9 following U.S. trademark registrations:  
10

Trademark	Reg. No. / Reg. Date	Goods	Date of First Use
PATAGONIA	1189402/ February 9, 1982	Men’s and Women’s Clothing-Namely, Sweaters, Rugby Shirts, Walking Shorts, Trousers, Jackets, Mittens, Hoods and Rainwear.	08/1974
	1294523/ September 11, 1984	Men’s, Women’s and Children’s Clothing- Namely, Jackets, Pants, Vests, Gloves, Pullovers, Cardigans, Socks, Sweaters, Underwear, Shirts, Shorts, Skirts and Belts	08/1974- 1981
	1775623/ June 8, 1993	Luggage back packs, and all-purpose sports bags	08/1988
PATAGONIA	1811334/ December 14, 1993	Luggage, back packs, fanny packs and all- purpose sport bags, foot- wear, ski bags and ski gloves	08/1990
PATAGONIA	2260188/ 	Computerized on-line	10/1995



Trademark	Reg. No. / Reg. Date	Goods	Date of First Use
	July 13, 1999	ordering activities in the field of clothing and accessories; Providing information in the field of technical clothing and accessories for use in recreational, sporting and leisure activities; providing information in the field of existing and evolving environmental issues	
<b>PATAGONIA.COM</b>	2392685/ October 10, 2000	On-line retail store and mail order services featuring technical clothing, footwear, and accessories; Computer services in the nature of on-line information related to the environment and clothing	10/1995
<b>PATAGONIA</b>	2662619/ December 17, 2002	Retail store services featuring clothing, footwear, luggage and a wide variety of sporting goods and accessories	06/1986

These registrations for the PATAGONIA mark and logos are in full force and effect. The registrations have become incontestable under 15 U.S.C. § 1065. Collectively, these marks, Patagonia’s other registered trademarks, and its common law marks are referred to as the “PATAGONIA trademarks.” A color image of the Fitz Roy Design follows:



1 C. Ms. Bullock purchased Counterfeit Products from “Wilson Yan Yiwu  
2 Yalindy Imp and Ex Co., Ltd.,” through alibaba.com. While Ms. Bullock intended  
3 to resell the product purchased from Wilson Yan Yiwu Yalindy Imp and Ex Co.,  
4 Ltd. through alibab.com, she has stated that she was unaware at the time the  
5 transaction commenced the counterfeit bore any infringing PATAGONIA  
6 trademarks.

7 **II. PERMANENT INJUNCTION AND AWARD**

8 It is hereby ordered and adjudged as follows:

9 A. Commencing as of the “So Ordered” date of this Final Judgment and  
10 Permanent Injunction, Ms. Bullock, her agents, employees, attorneys, successors,  
11 assigns, affiliates, joint ventures, and any person(s) in active concert or participation  
12 with her, and/or any person(s) acting for, with, by, through, or under her control  
13 who receive actual notice of this Order, are hereby permanently enjoined and  
14 restrained, anywhere in the world, directly or indirectly, from doing, authorizing or  
15 procuring any persons to do any of the following:

16 1. Without Patagonia’s authorization, manufacturing, producing,  
17 sourcing, importing, selling, offering for sale, distributing, advertising, or promoting  
18 any goods or services that bear reproductions of the PATAGONIA Trademarks;

19 2. Manufacturing, producing, sourcing, importing, selling, offering  
20 for sale, distributing, advertising, or promoting any goods or services that display  
21 any words or symbols that so resemble the PATAGONIA trademarks as to be likely  
22 to cause confusion, mistake, or deception, on or in connection with any product that  
23 is not authorized by or for Patagonia;

24 3. With respect to Patagonia products, using any word, term, name,  
25 symbol, device, or combination thereof that causes or is likely to cause confusion,  
26 mistake, or deception as to the affiliation or association of Ms. Bullock or her  
27 products with Patagonia or as to the origin of Ms. Bullock’s goods, or any false  
28



1 designation of origin, false or misleading description or representation of fact, or  
2 any false or misleading advertising;

3 4. Further infringing the rights of Patagonia in and to its  
4 PATAGONIA trademarks, thereby damaging Patagonia's goodwill or business  
5 reputation;

6 5. Further infringing Patagonia's copyright rights, including its  
7 rights in the Fitz Roy Design, or otherwise infringing any of Patagonia's rights  
8 under the Copyright Act and any other source of federal or state law; and

9 6. Assisting, aiding or abetting any person or entity engaging in or  
10 performing any act prohibited by this paragraph.

11 B. This is a final judgment as to all claims asserted against Ms. Bullock  
12 related to the Counterfeit Products, sold prior to the date of entry of this Final  
13 Judgment and Permanent Injunction. Both parties shall bear their own costs.

14 C. If Ms. Bullock is found to be in contempt of this injunction by a court  
15 of law, she agrees that she will pay to Patagonia a liquidated penalty in an amount  
16 no less than \$7,500.00 as liquidated damages, plus any other non-duplicative  
17 penalties or damages arising from the contempt.

18 D. If Patagonia commences an action for enforcement of this Judgment,  
19 the prevailing party shall be awarded reasonable attorneys' fees and costs from the  
20 other party for both the action enforcing this Judgment and the underlying litigation.

21 Dated: August 22, 2018

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24 \_\_\_\_\_/S/\_\_\_\_\_  
25 Hon. Fernando M. Olguin  
26 United States District Judge  
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