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 11 PUSHEEN CORPORATION

12 **UNITED STATES DISTRICT COURT**  
 13 **CENTRAL DISTRICT OF CALIFORNIA**

14  
 15 PUSHEEN CORPORATION, an  
 16 Illinois corporation,

17 Plaintiff,

18 v.

19 MINISO DEPOT CA, INC., a  
 20 California corporation; and USA  
 21 MINISO DEPOT INC., a Delaware  
 corporation,

22 Defendants.

Case No. 2:20-cv-01400 FMO (GJSx)

PERMANENT INJUNCTION  
 AGAINST DEFENDANTS MINISO  
 DEPOT CA, INC. AND USA MINISO  
 DEPOT INC.

Complaint filed: February 12, 2020

1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

2 **FINDINGS AND CONCLUSION**

3 1. This is an action brought by Plaintiff Pusheen Corporation (“Pusheen  
4 Corp.”) against Defendants Miniso Depot CA, Inc. (“Miniso Depot CA”) and USA  
5 Miniso Depot Inc. (“USA Miniso Depot”) (collectively, “Defendants” or  
6 “Miniso”), in which Pusheen Corp. alleges that certain merchandise created,  
7 manufactured, distributed and/or sold by Miniso infringed on Pusheen’s  
8 copyrighted “Pusheen the cat” character and copyrighted works embodying that  
9 character.

10 2. Defendants do not admit to liability with regards to the creation,  
11 manufacturing, distribution and/or sale of any merchandise infringing on Pusheen’s  
12 copyrighted “Pusheen the cat” character or any copyrighted works embodying that  
13 character.

14 3. The Court has original subject matter jurisdiction over this copyright  
15 infringement action under 28 U.S.C. §§ 1331 and 1338. Venue is proper in this  
16 Court under 28 U.S.C. § 1391(b).

17 4. The parties have resolved this lawsuit and, without any admission of  
18 liability or fault, have stipulated to entry of the following Permanent Injunction  
19 against Defendants.

20 **INJUNCTION**

21 1. For purposes of this Permanent Injunction, the following definitions  
22 apply:

23 (a) “Copyrighted Work” shall mean any work, or portion thereof,  
24 whether now in existence or later created, in which Pusheen Corp., or a parent,  
25 subsidiary or affiliate of Pusheen Corp., owns or controls a valid and subsisting  
26 exclusive right under the Copyright Act, 17 U.S.C. § 101 *et seq.* as it relates to  
27 “Pusheen the cat.”

28 (b) “Infringing Work” shall mean any unauthorized scan, copy,

1 reproduction, counterfeit, derivative work or other colorable imitation of a  
2 Copyrighted Work, or any part thereof.

3 (c) "Days" means calendar days, unless otherwise specified.

4 2. Defendants and their agents, servants, employees, assigns, and all  
5 those in active concert or participation with any of them ("Enjoined Parties"), who  
6 receive actual notice of this Permanent Injunction by personal service or otherwise  
7 are ORDERED and ENJOINED as follows:

8 (a) Effective immediately upon entry of this Permanent Injunction,  
9 the Enjoined Parties are permanently enjoined from infringing the Copyrighted  
10 Work, either directly or contributorily, including generally but not limited to, by  
11 copying, reproducing, displaying, promoting, marketing, advertising, offering for  
12 sale or otherwise disposing of or distributing any Infringing Work.

13 (b) Effective immediately upon entry of this Permanent Injunction,  
14 the Enjoined Parties shall cease any and all distribution, marketing, advertising, or  
15 other promotional activity with respect to any Infringing Work.

16 (c) Effective immediately upon the entry of this Permanent  
17 Injunction, the Enjoined Parties are permanently enjoined from inducing, aiding,  
18 abetting, contributing to, or otherwise assisting anyone in infringing upon any  
19 Copyrighted Work.

20 (d) Within seven (7) business days of the entry of this Permanent  
21 Injunction, the Enjoined Parties shall remove all advertisements or online  
22 promotion for any Infringing Work.

23 (e) Within thirty (30) days of the entry of this Permanent  
24 Injunction, the Enjoined Parties shall destroy each and every piece of Infringing  
25 Work that is in their possession, custody or control.

26 (f) Within thirty (30) days of the entry of this Permanent  
27 Injunction, the Enjoined Parties shall provide an affidavit to Pusheen Corp., signed  
28 under penalty of perjury, certifying that to the extent that any Infringing Work

1 exists in their possession, custody or control, they have complied with the removal  
2 and destruction of any Infringing Work as ordered herein.

3 3. If Pusheen Corp. believes that Defendants have violated any provision  
4 of this Permanent Injunction, Pusheen Corp. will provide Defendants with written  
5 notice of the alleged violation and Defendants will have five (5) business days after  
6 receipt of the notice to cure the alleged violation. If the alleged violation is not  
7 cured by the expiration of this 5-day period, Pusheen Corp. may pursue any and all  
8 actions and relief in connection with the alleged violation.

9 **BINDING EFFECT**

10 IT IS FURTHER ORDERED that this Permanent Injunction shall be binding  
11 upon and inure to the benefit of the parties and all successors, assigns, parent  
12 entities, subsidiaries, officers, directors, members, shareholders, distributors, agents,  
13 affiliates, and all other persons who are in active concert or participation with  
14 anyone described herein, who receive actual notice of this Permanent Injunction by  
15 personal service or otherwise.

16 **RETENTION OF JURISDICTION**

17 IT IS FURTHER ORDERED that the Court shall retain jurisdiction of this  
18 action for purposes of construing, modifying, and enforcing this Permanent  
19 Injunction.

20 IT IS SO ORDERED.

21 Dated this 17<sup>th</sup> day of February, 2021.

22  
23 /s/

24 \_\_\_\_\_  
Fernando M. Olguin  
United States District Judge