

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DECKERS OUTDOOR CORPORATION, a Delaware Corporation,

Plaintiff,

v.

LUCY AVENUE, INC., a Utah Corporation; EAST LION CORPORATION, LLC; and DOES 1-10, inclusive,

Defendants.

CASE NO.: 2:20-cv-04385-FMO-AFM

**ORDER GRANTING  
STIPULATION TO ENTRY OF  
PERMANENT INJUNCTION AND  
VOLUNTARY DISMISSAL OF  
ACTION WITH PREJUDICE**

**Hon. Fernando M. Olguin**

Upon consideration and for good cause shown, the Court hereby GRANTS Plaintiff **Deckers Outdoor Corporation** (“Plaintiff” or “Deckers”) and Defendants **Lucy Avenue, Inc.** (“Lucy Avenue”) and **East Lion Corporation, LLC** (“East Lion”) (collectively, “Defendants”) Stipulation to Entry of a Permanent Injunction against Defendants and Voluntary Dismissal of this Action with Prejudice by as follows:

WHEREAS, on May 14, 2020, Plaintiff filed its Complaint against Defendant Lucy Avenue in this Action ([Dkt. No. 1](#));

WHEREAS, on August 24, 2020, Plaintiff filed its First Amended Complaint (“FAC”) naming East Lion as a defendant along with Lucy Avenue ([Dkt. No. 14](#));

1           WHEREAS, Plaintiff is the owner of U.S. Design Patent No. D866,941, a copy  
2 of which is attached as Exhibit A to its FAC, and the “Fluff Yeah Trade Dress,” an  
3 inherently distinctive visual design comprising of the non-functional elements  
4 identified in ¶ 22 of the FAC, and examples of the overall appearance of which are  
5 shown in ¶ 23 of the FAC and reproduced below for reference:



11           WHEREAS, Plaintiff’s FAC asserts causes of action against Defendants for  
12 infringement of Deckers’ Fluff Yeah Trade Dress and unfair competition under the  
13 Lanham Act, [15 U.S.C. § 1051](#) *et seq.*, patent infringement of U.S. Pat. No. D866,941  
14 (“the ’941 Patent”), and similar claims corresponding to its federal claims under the  
15 statutory and common law of California, allegedly arising from Defendants’  
16 manufacture, importation, distribution, advertisement, marketing, offer for sale, and sale of  
17 certain footwear products identified as “Cari-01 Sandals” (the “**Accused Products**”),  
18 an example of which is pictured in ¶ 18 of Deckers’ FAC and reproduced below for  
19 reference:



27           WHEREAS, Plaintiff and Defendants (together, the “Parties”) have entered into  
28 a written Settlement Agreement that fully resolves all claims in this Action and disputes

1 among the Parties arising from the Accused Products;

2 WHEREAS, pursuant to the terms of the Settlement Agreement, Defendants have  
3 agreed to, and the Parties STIPULATED to entry of a Permanent Injunction and  
4 Voluntary Dismissal of this Action under the following conditions;

5 THEREFORE, it is **HEREBY ORDERED** that:

6 1. The Court has personal jurisdiction over Defendants and subject matter  
7 jurisdiction in this Action at least pursuant to 15 U.S.C. § 1121.

8 2. Entry of this Stipulation to Entry of a Permanent Injunction and Voluntary  
9 Dismissal with Prejudice, as well as any related Order that may follow this Stipulation,  
10 shall serve to bind and obligate each of the Parties hereto.

11 3. Dismissal of this Action with Prejudice, however, shall not have any  
12 preclusive effect on any parties who are not specifically released in the written  
13 Settlement Agreement, and Plaintiff expressly reserves the right to pursue any claims  
14 against non-released parties.

15 4. Defendants, including each of their respective employees, servants,  
16 successors and assigns, are permanently restrained and enjoined from manufacturing,  
17 importing into the U.S., advertising, marketing, offering for sale, or selling in the U.S.  
18 the Accused Products.

19 5. The Court shall retain jurisdiction for the purpose of making any further  
20 orders necessary or proper for the enforcement, construction, or modification of  
21 Permanent Injunction entered by this Stipulation.

22 6. Each Party shall bear its own attorneys' fees and costs associated with the  
23 Action and Settlement Agreement, with no Party deemed as a prevailing party for any  
24 purposes.

25 7. Except as otherwise provided herein, this Action, including all claims  
26 asserted against Defendants in this Action, are hereby dismissed *with prejudice*.

1 **IT IS SO ORDERED.**

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Dated: October 13, 2020

By:

/s/

**Hon. Fernando M. Olguin**  
**United States District Judge**

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