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 8 PATAGONIA, INC.

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

13 PATAGONIA, INC.,  
 14 Plaintiffs,  
 15 v.  
 16 SOCIAL OCTANE, LLC AND  
 17 MADISON LENBERG,  
 18 Defendants.

Case No. 2:21-cv-03844-FMO-KK  
**FINAL JUDGMENT AND  
 PERMANENT INJUNCTION**

19  
 20 Plaintiff Patagonia, Inc. (“Patagonia”) has filed a Complaint alleging  
 21 trademark infringement, trademark dilution, and unfair competition under federal  
 22 and state law; copyright infringement under federal law; and breach of contract  
 23 under state law against co-defendants Social Octane, LLC (“Social Octane”) and  
 24 Madison Lenberg (“Ms. Lenberg”) (collectively, “Defendants”). After Ms.  
 25 Lenberg’s prior company, OC Media, LLC, settled a prior dispute and lawsuit with  
 26 Patagonia about the production, promotion, and sale of PETROGONIA-branded  
 27 product bearing designs that imitate Patagonia’s Fitz Roy Design logo, Defendants  
 28 resumed using the infringing and diluting PETROGONIA name and design.




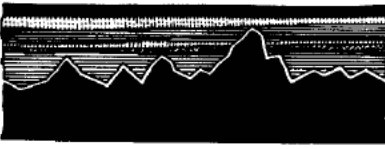
1 Defendants consent to entry of judgment and a permanent injunction.

2 The Court now enters final judgment based upon the following undisputed  
 3 facts. Each party has waived the right to appeal from this final judgment, and each  
 4 party will bear its own fees and costs in connection with this action.


5 **I. FACTS AND CONCLUSIONS**

6 A. This Court has subject matter jurisdiction over this lawsuit and personal  
 7 jurisdiction over Defendants. Venue is proper in this Court.

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

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
	1547469 / July 11, 1989	Men’s, Women’s and Children’s Clothing- Namely, Jackets, Pants, Shirts, Sweaters, Vests, Skirts, Underwear Tops and Bottoms, Socks, Gloves, Mittens, Hats, Face Masks, Balaclava, Gaiters, Suspenders, and Belts	08/1974- 1981



Trademark	Reg. No. / Reg. Date	Goods	Date of First Use
	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/ July 13, 1999	Computerized on-line ordering activities in the field of clothing and acces- sories; Providing informa- tion 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	10/1995
PATAGONIA.COM	2392685/ October 10, 2000	On-line retail store and mail order services featur- ing technical clothing, footwear, and accessories; Computer services in the nature of on-line informa- tion related to the environ- ment and clothing	10/1995
PATAGONIA	2662619/ December 17, 2002	Retail store services featur- ing clothing, footwear, luggage and a wide variety of sporting goods and accessories	06/1986

These registrations are in full force and effect, and 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." Patagonia also owns a registered copyright (Registration No. VA 1-



1 801-788) for the Fitz Roy Design logo. A color image of the Fitz Roy Design logo  
2 follows:



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8 C. Defendants have promoted, offered for sale, and sold – directly and/or  
9 in concert with co-defendant Crude Humor Clothing, Ltd. – products, including  
10 apparel, accessories, and stickers, bearing the PETROGONIA name and brand  
11 together with a design that is nearly identical to the Fitz Roy Design logo (the  
12 “Petrogonia Design”). Examples of products bearing the Petrogonia Design follow:



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1 **II. FINAL JUDGMENT, PERMANENT INJUNCTION, AND AWARD**

2 It is hereby ordered and adjudged as follows:

3 A. Judgment is entered in favor of Patagonia against Defendants.

4 Defendants shall be jointly and severally liable to Patagonia in the amount of  
5 \$25,000.

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

14 1. Manufacturing, producing, sourcing, importing, selling, offering  
15 for sale, distributing, advertising, or promoting any goods or services that bear the  
16 “Petrogonia” name or Petrogonia Design;

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

22 3. Using any word, term, name, symbol, device, or combination  
23 thereof that causes or is likely to cause confusion, mistake, or deception as to the  
24 affiliation or association of Defendants or their products or services with Patagonia,  
25 or as to the origin of Defendants’ goods or services, or any false designation of  
26 origin, false or misleading description or representation of fact, or any false or  
27 misleading advertising;

28 4. Further infringing the rights of Patagonia in and to its



1 PATAGONIA trademarks, or otherwise damaging Patagonia’s goodwill or business  
2 reputation;

3 5. Further infringing Patagonia’s copyright rights, including its  
4 rights in the Fitz Roy Design logo, or otherwise infringing any of Patagonia’s rights  
5 under the Copyright Act and any other source of federal or state law;

6 6. Otherwise competing unfairly with Patagonia in any manner; and

7 7. Assisting, aiding or abetting any person or entity engaging in or  
8 performing any act prohibited by this paragraph.

9 B. This is a final judgment as to all claims asserted against Defendants  
10 related to products bearing the Petrogonia Design, sold prior to the date of entry of  
11 this Final Judgment and Permanent Injunction. Both parties shall bear their own  
12 costs.

13 C. If Patagonia commences an action for enforcement of this Judgment,  
14 the prevailing party shall be awarded reasonable attorneys’ fees and costs from the  
15 other party, for both the action enforcing this Judgment and the underlying  
16 litigation.

17 Dated: July 21, 2021

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Hon. Fernando M. Olguin  
United States District Judge

