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

BLUMENTHAL DISTRIBUTING,
INC. D/B/A OFFICE STAR,

Plaintiff,

v.

HERMAN MILLER, INC.,

Defendant.

Case No: 5:14-cv-01926-JAK-SPx

**FINAL JUDGMENT AND
PERMANENT INJUNCTION**

JS-6

HERMAN MILLER, INC,

Counterclaim-Plaintiff,

v.

BLUMENTHAL DISTRIBUTING,
INC. D/B/A OFFICE STAR;
FRIS OFFICE OUTFITTERS, INC.;
iFURN.com, INC. D/B/A OFFICESTAR-
FURNITURE-DIRECT.COM;
GAMESIS, INC. D/B/A
OFFICESTARSTORE.COM and D/B/A
TSCSHOPS.COM,

Counterclaim-Defendants.

1 On October 7, 2016, the Jury returned a Special Verdict (Dkt. 344, “Verdict”)
2 concerning Herman Miller, Inc.’s (“Herman Miller”) claims against Blumenthal Distributing,
3 Inc. (“Office Star”) of trade dress infringement and dilution of Herman Miller’s Eames
4 Aluminum Group (“Eames”) chair design, and Herman Miller’s Aeron chair design.

5 As to the Eames chair, the Jury found that Office Star had willfully infringed Herman
6 Miller’s asserted registered and unregistered trade dress rights in both the Thin Pad and Soft
7 Pad versions of the chair. The Jury awarded \$3.3 million in infringement damages. The Jury
8 also found that the Eames trade dress was famous and suffered dilution, and awarded an
9 additional \$5.1 million in dilution damages. On August 1, 2017, following post-trial motion
10 practice, the Court issued an Order (Dkt. 396, “August 1 Order”) substantially upholding the
11 Jury’s Verdict, but ordering that Herman Miller either accept a remittitur of the dilution
12 damages to \$3 million, or request a new trial on dilution damages. On August 8, 2017,
13 Herman Miller accepted a remittitur of the dilution damages to \$3 million. The Court’s
14 August 1 Order also approved a permanent injunction against further infringement by Office
15 Star in the United States and Canada, and ordered an accounting of Office Star’s infringing
16 profits earned since September 9, 2016 (the last date up until which profits had previously
17 been reported).

18 The Jury’s Verdict separately found that Herman Miller’s asserted registered and
19 unregistered trade dress rights in the Aeron chair were not protectable on grounds of lack of
20 functionality as to both the asserted registered and unregistered trade dress rights, and lack of
21 secondary meaning as to the asserted unregistered trade dress rights. In the August 1 Order,
22 the Court upheld the Jury’s finding of functionality as to both the asserted registered and
23 unregistered trade dresses, but overturned the Verdict as to secondary meaning of the asserted
24 unregistered trade dress, and found that the Court was without subject matter jurisdiction to
25 pronounce any judgment as to the Posture Fit version of the Aeron chair design.

26 WHEREFORE, the Court now enters FINAL JUDGMENT and PERMANENT
27 INJUNCTION as follows:
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1 73631, 73633, 73632, 73638, 73639, 74613LT, 74123LT, 74612LT,
2 74618LT, 73129LT, 74603LT, 74023LT, 74602LT, 74608LT,
3 73029LT, 74653, 74523, 74652, 74658, 73529, 73603, 73023, 74023,
4 74123, 74603, 74613, 7360M, 7361M, 7360MLT, 7361MLT,
5 78603LT, 78023LT, EC39890C-EC3, EC39891C-EC3, EC39895C-EC3

6 (2) Office Star is permanently enjoined in the United States and Canada from selling,
7 marketing, advertising, promoting, shipping, transferring, distributing – or otherwise inducing
8 or contributing to the foregoing activities – any chair that is a copy or colorable imitation of
9 any Herman Miller Eames Aluminum Group chair, images of which are appended hereto from
10 Trial Exhibit 1314, or other chair products so similar to the Eames chair designs as to be likely
11 to cause confusion, to cause mistake or to deceive or to dilute the distinctive quality of the
12 Eames chair designs.

13 (3) This Injunction shall not apply to any conduct that is expressly authorized by
14 Herman Miller.

15 (4) The Court shall retain jurisdiction to administer the Injunction and ensure
16 compliance therewith, whether by contempt proceedings or as otherwise necessary, as well as
17 to enforce its Order of September 2, 2016 (Dkt. 274), and for any other post-judgment
18 motions.

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20 DATED: September 6, 2017

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23 JOHN A. KRONSTADT
24 UNITED STATES DISTRICT JUDGE
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