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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
3 Distributing, Inc. (“Office Star”) of trade dress infringement and dilution of Herman Miller’s
4 Eames 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 substantially upholding the Jury’s Verdict, but ordering
11 that Herman Miller either accept a remittitur of the dilution damages to \$3 million, or request
12 a new trial on dilution damages. On August 8, 2017, Herman Miller accepted a remittitur of
13 the dilution damages to \$3 million. The Court’s August 1 Order also approved a permanent
14 injunction against further infringement by Office Star in the United States and Canada, and
15 ordered an accounting of Office Star’s infringing profits earned since September 9, 2016 (the
16 last date up until which profits had previously been reported).

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

26 Separately, by order dated October 10, 2018 the Court adopted the Magistrate Judge’s
27 Report and Recommendations as to an award of attorneys’ fees and costs to Herman Miller in
28

1 the amount of \$264,436.26 stemming from the discovery disputes raised in Herman Miller's
2 motion.

3 The Court now enters FINAL JUDGMENT and PERMANENT INJUNCTION as
4 follows:

5
6 JUDGMENT AS TO AERON

7 (1) Judgment is entered against Herman Miller and in favor of Office Star as to the
8 unprotectability of the asserted registered and unregistered Aeron chair trade dresses, except
9 that the Court is without subject matter to enter judgment as to the Posture Fit version of the
10 Aeron chair trade dress.

11 (2) Judgment is entered against Herman Miller and in favor of Office Star as to the
12 validity of U.S. Trademark Registration No. 2,754,826.

13 (3) The Jury's Verdict as to lack of secondary meaning is vacated, and judgment is
14 entered in Herman Miller's favor as to secondary meaning.

15
16 DAMAGES WITH RESPECT TO EAMES

17 1) Judgment is entered against Office Star and in favor of Herman Miller as to validity
18 and infringement of U.S. Trademark Reg. No. 3,105,591 under 15 U.S.C. § 1114, and as to
19 validity and infringement of the asserted unregistered Eames trade dresses under 15 U.S.C.
20 § 1125(a), in the amount of \$3,378,966, which reflects \$3.3 million awarded by the Jury for
21 the time period up until September 9, 2016, as well as \$78,966 in additional infringing profits
22 earned by Office Star since that time. The Court retains jurisdiction to amend this Judgment
23 as necessary to account for any additional damages.

24 (2) Judgment is entered against Office Star and in favor of Herman Miller for trade
25 dress dilution under 15 U.S.C. § 1125(c) in the amount of \$3 million.

26 (3) Office Star shall be liable to Herman Miller for post-judgment interest in the
27 amount set by statute pursuant to 28 U.S.C. § 1961.
28

1 PERMANENT INJUNCTION WITH RESPECT TO EAMES

2 (1) Office Star is permanently enjoined in the United States and Canada from selling,
3 marketing, advertising, promoting, shipping, transferring, distributing – or otherwise
4 inducing or contributing to the foregoing activities – any of the following model numbers of
5 chairs identified in the Jury Verdict, or any colorable imitations thereof:

6 73631, 73633, 73632, 73638, 73639, 74613LT, 74123LT, 74612LT,
7 74618LT, 73129LT, 74603LT, 74023LT, 74602LT, 74608LT, 73029LT,
8 74653, 74523, 74652, 74658, 73529, 73603, 73023, 74023, 74123, 74603,
9 74613, 7360M, 7361M, 7360MLT, 7361MLT, 78603LT, 78023LT,
10 EC39890C-EC3, EC39891C-EC3, EC39895C-EC3

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

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

20 (4) The Court shall retain jurisdiction to administer the Injunction and ensure
21 compliance therewith, whether by contempt proceedings or as otherwise necessary.
22

23 JUDGMENT AS TO DISCOVERY SANCTIONS

24 Judgment is entered against Office Star and in favor of Herman Miller for discovery
25 sanctions in the amount of \$264,436.26.

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1 Combined with the other amounts recited above, the total award to Herman Miller on
2 this judgment is \$6,643,402.26.

3 IT IS SO ORDERED.

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6 Dated: October 29, 2018



7 JOHN A. KRONSTADT
8 UNITED STATES DISTRICT JUDGE
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Appendix to Final Judgment

**HERMAN MILLER
EAMES CHAIRS**

(Source: Trial Exhibit 1314)

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EAMES

Thin Pad Management Chair



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3 **Thin Pad Management Chair**
4 **(color variant examples)**



1 **HermanMiller**

2 **EAMES**

3 **Thin Pad Management Chair**
4 **("Cygnus" Upholstery)**



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 **Herman Miller**

EAMES

Thin Pad Cygnus Management Chair (black frame)





EAMES Thin Pad Side Chair



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EAMES Thin Pad Side Chair (white)



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EAMES Thin Pad Executive Chair



1 **HermanMiller**

EAMES

2 **Thin Pad Executive Chair (white)**





EAMES

Thin Pad Executive Chair
("Cygnus" Upholstery)



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1 **HermanMiller**

2 **EAMES**

3 **Thin Pad Executive Chair (black frame)**



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 **Herman Miller**

EAMES
Thin Pad Lounge Chair





EAMES

Soft Pad Management Chair



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EAMES

Soft Pad Management Chair (white)



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EAMES Soft Pad Side Chair



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EAMES

Soft Pad Side Chair (white)



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EAMES Soft Pad Executive Chair





EAMES

Soft Pad Executive Chair (white)



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EAMES Soft Pad Lounge Chair

