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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

BMW OF NORTH AMERICA, LLC,
et al.

Plaintiffs,

v.

ISAIAH JIMENEZ, et al.

Defendants.

Case No.: 5:24-cv-02665 KK (SHKx)

**PERMANENT INJUNCTION
AGAINST DEFENDANT ISAIAH
JIMENEZ AND DISMISSAL OF
ENTIRE ACTION, WITH
PREJUDICE**

The Court, pursuant to the Stipulation for Entry of a Permanent Injunction and Dismissal of Entire Action, with Prejudice, filed by Plaintiffs BMW of North America, LLC and Bayerische Motoren Werke AG (“Plaintiffs”) and Defendant Isaiah Jimenez (“Defendant”), hereby ORDERS, ADJUDICATES, and DECREES that a permanent injunction shall be and hereby is entered against Defendant in the above-referenced matter as follows:

1 1. **PERMANENT INJUNCTION.** Defendant is hereby restrained and
2 enjoined, pursuant to 15 United States Code (“U.S.C.”) § 1116(a), from engaging
3 in, directly or indirectly, or authorizing or assisting any third party to engage in, any
4 of the following activities in the United States and throughout the world:

5 i. unlawfully copying, manufacturing, importing, exporting,
6 purchasing, marketing, advertising for sale, offering for sale, selling, transporting,
7 distributing or otherwise dealing in any product or service that unlawfully uses, or
8 otherwise makes any unlawful, unauthorized use of, any of BMW’s trademarks,
9 including but not limited to the **BMW®** (U.S.P.T.O. Reg. Nos. 0,611,710;
10 0,613,465; 1,450,212; 5,333,863; 5,333,865; 5,333,900; 6,604,537; 6,829,651;
11 6,952,002), and/or **BMW M®** (U.S.P.T.O. Reg. No. 3,526,899; 4,541,350;
12 3,767,662; 3,767,663; 5,522,663; 6,025,777; 6,641,554; 6,655,742) marks
13 (collectively “BMW Trademarks”), and/or any intellectual property that is
14 unlawfully confusingly or substantially similar to, or that constitutes an unlawful
15 colorable imitation of, any BMW Trademarks, whether such use is as, on, in or in
16 connection with any trademark, service mark, trade name, logo, design, Internet
17 use, website, domain name, metatags, advertising, promotions, solicitations,
18 commercial exploitation, television, web-based or any other program, or any
19 product or service, or otherwise;

20 ii. advertising or displaying images and/or photographs of
21 infringing or non-genuine BMW products using BMW Trademarks;

22 iii. using BMW Trademarks, including but not limited to the
23 **BMW®** and/or **BMW M®** trademarks in advertising to suggest that non-genuine
24 BMW products being advertised are sponsored by, endorsed by, or are otherwise
25 affiliated with BMW and/or advertising non-genuine BMW automotive parts using
26 descriptions that imply that the products are genuine BMW products. Defendant
27 may, however, use “BMW” or other BMW wordmarks to advertise non-BMW
28 products for sale with fair use descriptions such as ‘for BMW automobiles’ or ‘fits

1 BMW model _____,' or similar language, provided that "BMW" or any other
2 BMW wordmarks that are used are in the identical font, format, size, and color as,
3 and no more prominently displayed than the surrounding text. In no event may any
4 BMW and/or BMW M logo, design mark, or other graphical BMW Trademarks be
5 used by Defendant under this exception for;

6 iv. performing, or allowing others employed by Defendant or under
7 Defendant's control to perform, any unlawful act or thing which is likely to injure
8 Plaintiffs, any BMW Trademarks, and/or BMW's business reputation or goodwill.

9 v. engaging in any acts of trademark infringement, false
10 designation of origin, dilution, unfair business practices under California law, or
11 other act which would tend damage or injure Plaintiffs; and/or

12 vi. using any Internet domain name, URL, or online seller name/ID
13 that includes any BMW Trademarks.

14 2. Defendant is ordered to deliver to Plaintiffs immediately for
15 destruction all infringing or non-genuine products bearing BMW Trademarks to the
16 extent that any of these items are in Defendant's possession, custody, or control.

17 3. This Permanent Injunction shall be deemed to have been served upon
18 Defendant at the time of its execution by the Court.

19 4. The Court finds there is no just reason for delay in entering this
20 Permanent Injunction against Defendant, and, pursuant to Rule 54(a) of the *Federal*
21 *Rules of Civil Procedure*, the Court directs immediate entry of this Permanent
22 Injunction against Defendant.

23 5. **CONTINUING JURISDICTION BY THE COURT.** The Court
24 shall retain jurisdiction over this matter to enforce any violation of the terms of this
25 Permanent Injunction against Defendant.

26 6. **NO APPEALS.** No appeals shall be taken from this Permanent
27 Injunction against Defendant, and Plaintiffs and Defendant waive all rights to
28 appeal.

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7. **NO FEES AND COSTS.** Plaintiffs and Defendant shall bear their own attorneys' fees and costs incurred in this matter.

8. **DISMISSAL.** Upon entry of this Permanent Injunction against Defendant, the case shall be dismissed in its entirety, with prejudice, pursuant to Fed. R. Civ. P. 41(a)(2).

IT IS SO ORDERED, ADJUDICATED, and DECREED this 10th day of March, 2025.



Kenly Kiya Kato
United States District Judge