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Attorneys for Plaintiff
Louis Vuitton Malletier, S.A.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

LOUIS VUITTON MALLETIER, S.A.,

Plaintiff,

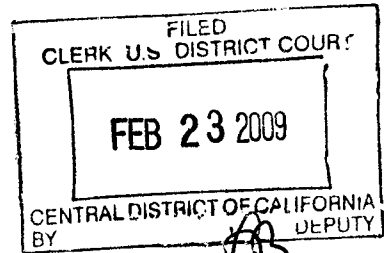
v.

MOB, INC., a California corporation,
TILLY'S, INC., a California corporation,
and JOHN DOES 1-10,

Defendants.

Case No.: SACV 08-736 AG (MLGx)

**FINAL JUDGMENT UPON CONSENT
WITH RESPECT TO DEFENDANTS**



1 Plaintiff, Louis Vuitton Malletier, S.A. (hereinafter “Louis Vuitton” or
 2 “Plaintiff”), having filed a Complaint in this action charging defendants MOB, Inc.
 3 and Tilly’s, Inc., with federal trademark counterfeiting, federal trademark
 4 infringement, federal false designation of origin, federal trademark dilution, state
 5 statutory and common law trademark counterfeiting, infringement and unfair
 6 competition, state statutory unfair competition, state statutory and common law
 7 trademark dilution, and constructive trust, and the parties desiring to settle the
 8 controversy between them, it is

9 **ORDERED, ADJUDGED AND DECREED** as between the parties that:

10 1. This Court has jurisdiction over this matter pursuant to 15 U.S.C. §§
 11 1116(a) and 1121; 28 U.S.C. § 1331, and § 1338(a) and (b); and 28 U.S.C. § 1367.
 12 Venue in this district is proper pursuant to 28 U.S.C. §§ 1391 (b), and (c). Defendants
 13 agree that they have been duly served with notice of this action and do not contest
 14 service or jurisdiction.

15 2. Louis Vuitton is organized and existing under the laws of France, with its
 16 principal place of business in Paris, France. Louis Vuitton is the sole and exclusive
 17 distributor in the United States of goods bearing the Louis Vuitton Trademarks
 18 (defined below).

19 3. Louis Vuitton is the owner of, *inter alia*, all rights in and to the following
 20 trademark applications and registrations:

<u>Mark</u>	<u>Registration / Serial No.</u>	<u>Date of Registration</u>
LV and Design	2,399,161	October 31, 2000
Flower Design	2,181,753	August 18, 1998
Flower Design	2,177,828	August 4, 1998
Flower Design	2,773,107	October 14, 2003

26 The Louis Vuitton’s trademarks above are hereinafter collectively referred to as
 27 the “Louis Vuitton Trademarks.” True and correct copies of the Certificates of
 28

1 Registration issued by the United States Patent and Trademark Office evidencing the
2 above-referenced federal trademark registrations are attached to the Complaint and
3 identified as Exhibit 1.

4 4. The Louis Vuitton Trademarks are in full force and effect; and the
5 trademarks thereof and the goodwill of Plaintiff's businesses in connection with which
6 the trademarks are used have never been abandoned.

7 5. Chad Schoeman represents and warrants that he was and is the owner of,
8 and the conscious, active and driving force dominating and controlling, the defendant
9 identified in the Complaint as MOB Inc., that at all times relevant hereto MOB Inc.
10 was a d/b/a of O C Grease, Inc., that at all times relevant hereto Chad Schoeman d/b/a
11 O C Grease, Inc. and MOB Inc. had been doing business in this judicial district and
12 the State of California from his principal place of business located at 17060 Hidden
13 Trails Lane, Riverside, California 92503 (Chad Schoeman, O C Grease, Inc. and
14 MOB Inc. are hereinafter collectively referred to as "OCG").

15 6. World of Jeans & Tops represents and warrants that it is the party
16 incorrectly identified in the Complaint as Tilly's, Inc., that except for this
17 misidentification World of Jeans & Tops should have been named as the proper
18 defendant in the Complaint, that World of Jeans & Tops has a principal place of
19 business located at 10 Whatney, Irvine, California 92618, that "Tilly's" is a d/b/a or
20 fictitious business entity of World of Jeans & Tops, and that World of Jeans & Tops is
21 and has been doing business at all times relevant hereto as Tilly's in this judicial
22 district and the State of California (World of Jeans & Tops and Tilly's are hereinafter
23 collectively referred to as "Tilly's"). OCG and Tilly's are herein collectively referred
24 to as "Defendants."

25 7. Plaintiff alleges that Defendants have sold merchandise wrongfully
26 bearing counterfeits of the Louis Vuitton Trademarks (the "Offending Goods").
27 Defendants enter into this Judgment without admitting liability.

28

all signing ~~the~~ the Consent below

1 8. Defendants and ~~their predecessors and successors in interest, related~~
2 ~~entities and assigns and their respective officers, directors, managers, employees,~~
3 ~~shareholders, agents, representatives and attorneys~~ agree to be contractually enjoined
4 and are immediately and permanently enjoined and restrained throughout the world
5 from:

- 6 (a) using any reproduction, counterfeit, copy or colorable imitation of
7 the Louis Vuitton Trademarks on any goods;
- 8 (b) engaging in any conduct that tends falsely to represent that, or is
9 likely to confuse, mislead, or deceive purchasers, Defendants'
10 customers, and/or members of the public to believe that the actions
11 of Defendants, the products sold by Defendants, or Defendants
12 themselves are connected with Plaintiff, are sponsored, approved,
13 or licensed by Plaintiff, or are in some way connected or affiliated
14 with Plaintiff;
- 15 (c) affixing, applying, annexing, or using in connection with the
16 manufacture, distribution, advertising, sale, and/or offering for sale
17 or other use of any goods or services, a false description or
18 representation, including words or other symbols, tending to
19 falsely describe or represent such goods as being those of Plaintiff;
- 20 (d) infringing the Louis Vuitton Trademarks by manufacturing,
21 importing, producing, distributing, circulating, marketing,
22 advertising, promoting, offering for sale, selling, displaying or
23 otherwise disposing of any products bearing any simulation,
24 reproduction, counterfeit, infringement, copy or colorable imitation
25 of the Louis Vuitton Trademarks;
- 26 (e) using any simulation, reproduction, counterfeit, infringement, copy
27 or colorable imitation of the Louis Vuitton Trademarks in
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connection with the promotion, advertisement, display, sale, offering for sale, manufacture, production, circulation or distribution of any unauthorized products in such fashion as to relate or connect, or tend to relate or connect, such products in any way to Plaintiff, or to any goods sold, manufactured, sponsored or approved by, or connected with Plaintiff;

(f) making any statement or representation whatsoever, or using any false designation of origin or false description, or performing any act, which can or is likely to lead the trade or public; or individual members thereof, to believe that any products manufactured, distributed or sold by Defendants are in any manner associated or connected with Plaintiff, or are sold, manufactured, licensed, sponsored, approved or authorized by Plaintiff;

(g) directly or indirectly causing the dilution, blurring or tarnishment of the Louis Vuitton Trademarks or using any other name or trademark likely to cause dilution, blurring or tarnishment of any of the Louis Vuitton Trademarks;

(h) directly or indirectly copying or appropriating any valid intellectual property rights of Louis Vuitton throughout the world including, but not limited to, trademarks, copyrights, design patents, trade dress or luggage, handbags, shoes, apparel, or accessory designs;

(i) assisting, aiding or abetting any other person or business entity in engaging in or performing any of the above-described acts; and

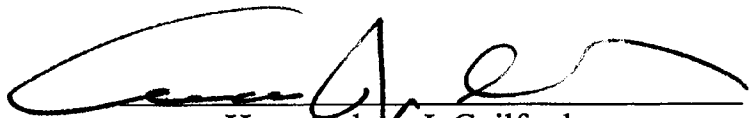
(j) damaging Plaintiff's goodwill, reputation and/or business by engaging in any of the conduct herein enjoined.

1 9. The jurisdiction of this Court is retained for the purpose of making any
2 further orders necessary or proper for the construction or modification of the
3 settlement agreement between the parties, this Judgment, the enforcement thereof and
4 the punishment of any violations thereof.

5 10. This Judgment shall be deemed to have been served upon Defendants at
6 the time of its execution by the Court.

7 11. The Court expressly determines that there is no just reason for delay in
8 entering this Judgment, and pursuant to Rule 54(a) of the Federal Rules of Civil
9 Procedure, the Court directs entry of judgment against Defendant.

10
11 Dated: FEBRUARY 22, 2009 Santa Ana, California.

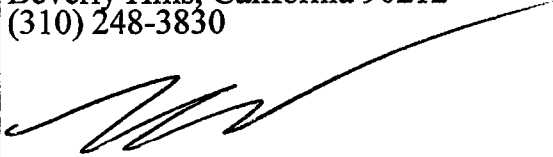
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Hon. Andrew J. Guilford
United States District Judge

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1 Presented by:

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3 DAVID K. CAPLAN
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7 Beverly Hills, California 90212
8 (310) 248-3830



9 Konrad K. Gatiem
10 Attorneys for Plaintiff
11 Louis Vuitton Malletier, S.A.

12 **CONSENTS**

13 The undersigned hereby consent to the entry of the Final Judgment Upon
14 Consent.

15 Dated: December ____, 2008

OCG

17 By: _____

19 Its: _____

21 Dated: December ____, 2008

TILLY'S

23 By: _____

25 Its: _____

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9 Attorneys for Plaintiff
10 Louis Vuitton Malletier, S.A.

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11

CONSENTS

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13 Consent.

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Dated: December 30, 2008

OCG

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By: Chad Shuler

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Its: President

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23

Dated: December ____, 2008

TILLY'S

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By: _____

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27

Its: _____

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1 Presented by:

2 ANTHONY M. KEATS
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4 KONRAD K. GATIEN
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8 Konrad K. Gatien
9 Attorneys for Plaintiff
10 Louis Vuitton Malletier, S.A.

10

11

CONSENTS

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Consent.

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Dated: December ____, 2008

OCG

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By: _____

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Its: _____

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Dated: December 23, 2008

TILLY'S

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By: Bill Langsdorf
BILL LANGSDORF 

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Its: SVP & CFO

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