

1 Michael K. Friedland (SBN 157,217)
 mfriedland@kmob.com
 2 Paul N. Conover (SBN 192,358)
 pconover@kmob.com
 3 Ali S. Razai (SBN 246,922)
 ali.razai@kmob.com
 4 KNOBBE, MARTENS, OLSON & BEAR, LLP
 2040 Main Street, Fourteenth Floor
 5 Irvine, CA 92614
 Telephone: (949) 760-0404
 6 Facsimile: (949) 760-9502

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7 Attorneys for Plaintiffs Oakley, Inc. and Eye Safety Systems, Inc.

8 NOTE: CHANGES MADE BY THE COURT

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 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 12 SOUTHERN DIVISION

<p>14 OAKLEY, INC., a Washington corporation; EYE SAFETY SYSTEMS, 15 INC., a Delaware corporation</p> <p style="text-align: center;">16 Plaintiffs,</p> <p style="text-align: center;">17 v.</p> <p style="text-align: center;">18 KH MOUNTAIN, a Hong Kong company,</p> <p style="text-align: center;">19 Defendant.</p>) Case No.) SACV 10-cv-01978 CJC (PLAx)) [PROPOSED] REVISED FINAL) JUDGMENT; PERMANENT) INJUNCTION
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1 Per the Court's request Plaintiffs Oakley, Inc. and Eye Safety Systems,
2 Inc. submit this Revised Proposed Judgment and Order Regarding Plaintiffs'
3 Motion for Default Judgment Against Defendant Pursuant to Federal Rule of
4 Civil Procedure 55(b)(2), and all documents in support of Plaintiffs' Motion for
5 Default Judgment, as well as any other evidence and arguments submitted by
6 the parties, and good cause being shown, HEREBY ORDERS:

7 1. Defendant and its officers, agents, employees, and all those persons
8 in active concert or participation with them who receive actual notice of this
9 order by personal service or otherwise, are hereby permanently enjoined and
10 restrained from directly or indirectly infringing Eye Safety Systems, Inc.'s
11 ("ESS") U.S. Patent No. 6,047,410 ("the '410 patent") in violation of 35 U.S.C.
12 § 271 by making, using, selling, offering for sale and/or importing products
13 which are covered by one or more claims of the '410 patent, including but not
14 limited to KH Mountain's ("KHM") "Tactical ESS Fan Goggle" and "Oakley
15 Style Military Polycarbonate Protection Glasses" products ("Accused
16 Products");

17 2. Defendant and its officers, agents, and employees and all those
18 persons in active concert or participation with them who receive actual notice of
19 this order by personal service or otherwise, are hereby permanently enjoined
20 and restrained from directly or indirectly infringing ESS's United States Patent
21 No. D510,378 patent ("the D378 patent") in violation of 35 U.S.C. § 271 by
22 making, using, selling, offering for sale and/or importing products which are
23 covered by one or more claims of the D378 patent or are merely a colorable
24 variation thereof, including but not limited to the Accused Products;

25 3. Defendant and its officers, agents, employees, and all those persons
26 in active concert or participation with them who receive actual notice of this
27 order by personal service or otherwise, are hereby permanently enjoined and
28 restrained from:

1 A. Using, copying, simulating, or in any other way infringing
2 Plaintiffs' federally registered and common law service marks, trade names, and
3 trade dress reflected in Federal Trademark Registration Nos. 1,521,599,
4 1,356,297 and 2,449,579 ("Plaintiffs' Marks");

5 B. Manufacturing, importing, exporting, distributing, shipping,
6 introducing into commerce, offering for sale, selling, returning, disposing of,
7 packaging, repackaging, marketing, advertising, or supplying any goods which
8 bear, embody, display or affix Plaintiffs' Marks, including but not limited to the
9 Accused Products;

10 C. Diluting and infringing any of Plaintiffs' Marks or any other
11 trademarks owned by Plaintiffs and damaging Plaintiffs' goodwill, reputation,
12 and businesses;

13 4. This Court retains jurisdiction over this matter for the purpose of
14 making any further orders necessary or proper for the construction of this
15 Judgment, the enforcement thereof and the punishment of any violations
16 thereof.

17 5. Plaintiffs are entitled to \$20,650.33 in attorneys' fees.

18 ~~6. Defendant shall immediately destroy, or cause to be destroyed all~~
19 ~~sunlasses, goggles and any other goods which bear Plaintiffs' marks or any~~
20 ~~mark confusingly similar to Plaintiffs' marks.~~

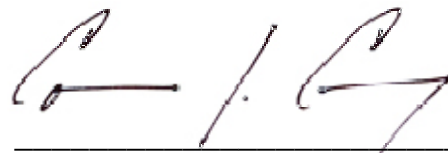
21 7. After this Default Judgment has been entered by the Court,
22 Plaintiffs shall promptly serve a copy of it on Defendant, and Plaintiffs shall file
23 with the Court a proof of service thereof within 10 days thereafter.

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25 **IT IS SO ORDERED**

26 Date: November 01, 2011

By:



The Honorable Cormac J. Carney
United States District Judge

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