1

2

4

5

7

8

. .

10

11 12

13

14

15

1617

18

19

20

21

22

2324

25

2627

28

JS-6

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA SOUTHERN DIVISION

BMW OF NORTH AMERICA, LLC, and BAYERISCHE MORTEN WERKE AG,

Plaintiffs,

VS.

DENNIS NGUYEN, an Individual doing business as DRIFT-GEAR.COM,

Defendant.

Case No.: SACV 13-00400-CJC(MLGx)

FINAL JUDGMENT, INCLUDING PERMANENT INJUNCTION, AGAINST DEFENDANT DENNIS NGUYEN D/B/A DRIFT-GEAR.COM

IT IS HEREBY ORDERED, ADJUDICATED, AND DECREED:

Plaintiffs BMW OF NORTH AMERICA, LLC and BAYERISCHE MOTOREN WERKE AG ("Plaintiffs"), are hereby awarded final judgment on their claims for relief against Defendant DENNIS NGUYEN d/b/a DRIFT-GEAR.COM ("Defendant") as set forth in Plaintiffs' Complaint as the prevailing parties in this action in the sum of \$200,000.00 pursuant to Federal Rule of Civil Procedure 55(b) and Local Rule 55-1. Under Local Rule 55-3, Plaintiffs are awarded attorneys' fees of \$5,600.00. Pursuant to 15 U.S.C. § 1117(a), Plaintiffs are entitled to judgment against Defendant

3

4 5 6

7 8

9

10 11

13

14

12

15 16

17 18

19

20

21

22 23

24 25

26

27

28

for recovery of total costs Plaintiffs have incurred in this action due to Defendant's violation of 15 U.S.C. §1125(a), and willful violation of 15 U.S.C. §1125(c) in the amount of \$695.09.

Furthermore, IT IS HEREBY ORDERED that Defendant and his agents, employees, officers, directors, owners, attorneys, representatives, successor companies, related companies, and all persons acting in concert or participation with him, and each of them, shall be permanently restrained from:

- The import, export, making, manufacture, reproduction, assembly, use, a. acquisition, purchase, offer, sale, transfer, brokerage, consignment, distribution, shipment, licensing, development, display, delivery, marketing, advertising, or promotion of the counterfeit BMW-branded products identified in the Complaint and any other unauthorized BMW-branded product, or products, bearing Plaintiffs' trademarks (including any non-genuine reproduction, counterfeit, copy or colorable imitation thereof).
- b. The import, export, making, manufacture, reproduction, assembly, use, acquisition, purchase, offer, sale, transfer, brokerage, consignment, distribution, shipment, licensing, development, display, delivery, marketing, advertising, or promotion of the infringing and diluting product identified in the Complaint and any other product which infringes or dilutes any of Plaintiffs' trademarks, trade name, and/or trade dress including, but not limited to, any of Plaintiffs' trademarks at issue in this action.
- c. The unauthorized use, in any manner whatsoever, of any of Plaintiffs' trademarks, trade name and/or trade dress including, but not limited to, the Plaintiffs' trademarks at issue in this action, any variants, colorable imitations, translations, and/or simulations thereof and/or any items that are confusingly similar thereto, including specifically:
 - i. on or in conjunction with any product or service; and
 - ii. on or in conjunction with any advertising, promotional materials, labels, hangtags, packaging, or containers.

- d. The use of any trademark, trade name, or trade dress that falsely represents, or is likely to confuse, mislead or deceive purchasers, customers, or members of the public to believe that an unauthorized product imported, exported, manufactured, reproduced, distributed, assembled, acquired, purchased, offered, sold, transferred, brokered, consigned, distributed, stored, shipped, marketed, advertised and/or promoted by Defendant originates from Plaintiffs, or that said merchandise has been sponsored, approved, licensed by, or associated with Plaintiffs or is, in some way, connected or affiliated with Plaintiffs.
- e. Engaging in any conduct that falsely represents that, or is likely to confuse, mislead, or deceive purchasers, customers, or members of the public to believe that Defendant is connected with, or is in some way sponsored by or affiliated with Plaintiffs, purchases products from or otherwise has a business relationship with Plaintiffs.
- f. Affixing, applying, annexing, or using in connection with the manufacture, distribution, advertising, sale, and/or offering for sale or other use of any goods, a false description or representation, including words or symbols, tending to falsely describe or represent such goods as being those of Plaintiffs.

IT IS SO ORDERED, ADJUDICATED, and DECREED.

DATED: August 15, 2013

CORMAC J. CARNEY

UNITED STATES DISTRICT JUDGE