

1 KARIN G. PAGNANELLI (SBN 174763)
 kgp@msk.com
 2 MITCHELL SILBERBERG & KNUPP LLP
 11377 West Olympic Boulevard
 3 Los Angeles, CA 90064-1683
 Telephone: (310) 312-2000
 4 Facsimile: (310) 312-3100

JS-6

5 MICHAEL G. KELBER (*pro hac vice*)
 mkelber@ngelaw.com
 6 MIKE R. TURNER (*pro hac vice*)
 mturner@ngelaw.com
 7 NEAL, GERBER & EISENBERG LLP
 Two North LaSalle Street, Suite 1700
 8 Chicago, IL 60602-381
 Telephone: (312) 269-8000

9 Attorneys for Plaintiffs
 10 G.I. SPORTZ INC., and
 GI SPORTZ DIRECT LLC

11 ASIM DESAI (SBN 175402)
 adesai@grsm.com
 12 A. LOUIS DORNY (SBN 212054)
 ldorny@grsm.com
 13 GORDON & REES LLP
 14 633 West Fifth Street
 52nd Floor
 15 Los Angeles, CA 90071
 Telephone: (213) 576-5000
 16 Facsimile: (213) 680-4470

17 Attorneys for Defendant
 APX GEAR, LLC

18
 19 UNITED STATES DISTRICT COURT
 20 CENTRAL DISTRICT OF CALIFORNIA - SOUTHERN DIVISION
 21

22 G.I. SPORTZ INC., and GI SPORTZ
 DIRECT LLC,

CASE NO. 8:16-cv-02038-AG-KES

23 Plaintiffs,

Honorable Andrew J. Guilford

24 v.

~~PROPOSED~~ JUDGMENT

25 APX GEAR, LLC (a/k/a APX PAINT
 26 CO.),

27 Defendant.

1 The parties, having entered into the Settlement Agreement, and having
2 entered into a Stipulation for Entry of Judgment,
3

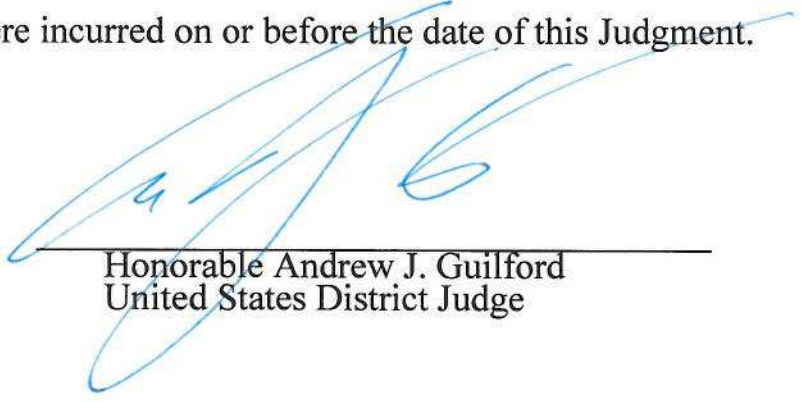
4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

- 5 1. As a full and final resolution of all claims and defenses asserted in this
6 action, Judgment shall be entered against Defendant in favor of
7 Plaintiff.
8
- 9 2. All parties irrevocably and fully waive any and all rights to appeal this
10 Judgment, to have it vacated or set aside, to seek or obtain a new trial
11 thereon, or otherwise to attack in any way, directly or collaterally, its
12 validity or enforceability.
13
- 14 3. This Court has jurisdiction over the parties and subject matter hereto,
15 and venue is proper in this District.
16
- 17 4. Defendant APX acknowledges that (a) Plaintiff GI Sportz Direct LLC
18 is the sole and exclusive owner of the GI Trade Dress (embodied by
19 its paintballs branded under its "Marballizer" brand and covered by
20 U.S. Trademark Reg. No. 3,049,101 ("GI Trade Dress"); (b) the GI
21 Trade Dress and U.S. Trademark Reg. No. 3,049,101, are valid and
22 enforceable; and (c) the Infringing Paintballs infringed the GI Trade
23 Dress and U.S. Trademark Reg. No. 3,049,101.
24
- 25 5. Defendant APX shall never again offer, either directly or through an
26 affiliate, any products bearing the GI Trade Dress or any colorable
27 imitation of the GI Trade Dress.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 6. This Judgment is binding upon the parties, as well as upon their respective successors, assigns, subsidiaries, and divisions.
- 7. The parties have voluntarily consented to have this Court enter this Judgment.
- 8. Each party shall bear its own attorneys' fees and costs relating to this litigation that were incurred on or before the date of this Judgment.

DATED: Oct 4, 2017



Honorable Andrew J. Guilford
United States District Judge