

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

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

**VANS, INC. and VF OUTDOOR, LLC,
Plaintiffs,**

Case No. 8:21-cv-01876-DOC-KES

vs.

**WALMART, INC. AND ACI
INTERNATIONAL,**

Defendants.

**CONSENTED PERMANENT
INJUNCTION**

1 This action, having come on for consideration upon the First Amended
2 Complaint of Plaintiff, Vans, Inc. and VF Outdoor, LLC (“Vans”), is one for
3 infringement of Vans’ trade dress and registered trademarks, unfair competition, and
4 false designation of origin in violation of the Lanham Act, Cal. Bus. & Prof. § 17200,
5 et seq., and common law against Walmart, Inc. and ACI International (collectively,
6 “Defendants”). Pursuant to settlement agreements between Vans and Defendants,
7 having waived the entry of findings of fact and conclusions of law, and without trial,
8 argument, or adjudication of any issue of fact or law, having consented to and
9 stipulated to the entry of this Permanent Injunction under the terms provided herein:

10
11 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

12 1. This Court has original jurisdiction over the subject matter of this action
13 under the laws of the United States pursuant to 15 U.S.C. § 1121(a), as well as 28
14 U.S.C. § 1331 (Federal Question Jurisdiction); 28 U.S.C. § 1337(a) (Commerce
15 Regulations); and 28 U.S.C. § 1338(b) (Trademark and Unfair Competition). This
16 Court has jurisdiction of all pendant state law claims pursuant to 28 U.S.C. § 1367(a)
17 (Supplemental Jurisdiction) because all such claims are based upon the same or
18 substantially the same conduct by the Defendants.

19
20 2. The Court hereby ORDERS as follows:

- 21
22 a) Defendants, their agents, officers, employees, attorneys, and all persons who
23 are in active concert or participation with Defendants, including but not
24 limited to any e-commerce websites who receive actual notice of this order,
25 are enjoined from advertising, marketing, distributing, importing,
26 manufacturing, promoting, offering for sale, distributing, or selling the
27 sneakers shown in Exhibit 1 attached hereto, any other colorways of these
28 same shoe designs, colorable imitations of the shoes shown in Exhibit 1,

1 and/or facilitating, inducing, or assisting any of the foregoing conduct.

2
3 b) Defendants, and their agents, officers, employees, attorneys, and all persons
4 who are in active concert or participation with Defendants are enjoined from
5 using Walmart's side stripe marks depicted on the shoes shown in Exhibit 1,
6 or any mark substantially similar thereto, on or in connection with any of
7 Walmart's shoes or related services.

8 c) Defendants, and their agents, officers, employees, attorneys, and all persons
9 who are in active concert or participation with Defendants, are enjoined from
10 using Vans' Side Stripe Mark, Old Skool Trade Dress, SK8-Hi Trade Dress,
11 Old Skool Toddler Trade Dress, Sk8-Mid Toddler Trade Dress, Checkerboard
12 Trade Dress or any of Vans' registered trademarks shown and defined in
13 Exhibit 2, and/or any trade dress or trademark that is substantially similar
14 thereto, on or in connection with Defendants' shoes or related services.

15
16 d) This Permanent Injunction shall take effect immediately.

17
18 e) The Court retains jurisdiction to enforce the terms of this Permanent
19 Injunction and the terms of the settlement agreements between Vans and
20 Defendants.

21 IT IS SO ORDERED.

22
23 DATED: November 14, 2023



24 DAVID O. CARTER
25 UNITED STATES DISTRICT JUDGE
26
27
28

1 DATED: November 8, 2023

MCGUIREWOODS LLP

2

3

By: /s/ Tanya L. Greene

4

Tanya L. Greene
Lucy Jewett Wheatley
Nicholas J. Hoffman
Claire Hagan Eller

5

6

7

Attorneys for Plaintiffs Vans, Inc.
and VF Outdoor, LLC

8

9

10 DATED: November 8, 2023

Amster, Rothstein & Ebenstein LLP

11

12

By: /s/ Anthony F. Lo Cicero

13

Richard S. Mandaro
Anthony F. Lo Cicero
Brian A. Comack
Thomas Hart

14

15

16

Attorneys for Defendant Walmart, Inc.

17

18

19

20 DATED: November 8, 2023

Ervin Cohen & Jessup LLP

21

By: /s/ Kelly Cunningham

22

Kenneth P. Hsu
Kelly Cunningham
Jason L. Haas
Banu S. Naraghi

23

24

25

Attorneys for Defendant ACI
International

26

27

28

Exhibit 1



Time and Tru Women's Retro Sneakers



Time and Tru Women's Retro Sneakers



Wonder Nation Little & Big Boys Casual Skate Sneaker



Wonder Nation Casual Colorblock Skate Sneaker (Little Boys & Big Boys)



Wonder Nation Little Girl & Big Girl Casual Canvas Skate Shoe



Wonder Nation Little & Big Boys Casual Skate High Top Shoe



Wonder Nation Little Girl & Big Girl Casual Canvas Skate Shoe



Wonder Nation Toddler Boys Casual Skate Sneaker



Wonder Nation Baby Boy Casual Skate Shoes



Wonder Nation Little & Big Boys Casual Skate Sneaker



No Boundaries Women's Retro Casual Sneakers



Wonder Nation Toddler Boys Casual Skate Shoes



Wonder Nation Boys Casual Skate Shoes



Wonder Nation Little & Big Boys Casual Skate Sneaker



“Wonder Nation” Toddler Shoe



No Boundaries Men's Low Retro Lace-up Casual Sneakers



No Boundaries Men's Low Retro Lace-up Casual Sneakers



No Boundaries Men's Low Retro Lace-up Casual Sneakers



No Boundaries Men's Low Retro Lace-up Casual Sneakers



No Boundaries Mens Retro Sneakers



No Boundaries Men's Mid Retro Lace-up Casual Sneakers



No Boundaries Men's Mid Retro Lace-up Casual Sneaker



No Boundaries Men's Mid Retro Lace-up Casual Sneakers



No Boundaries Men's Mid Retro Lace-up Casual Sneakers



“Wonder Nation” Boys’ Shoe



“Wonder Nation” Boys’ Shoe



“Wonder Nation” Childrens’ Shoe



“Wonder Nation” Boys’ Shoe



“Wonder Nation” Boys’ Shoe



“Wonder Nation” Boys’ Shoe



No Boundaries Men's Low-Top Shoe



No Boundaries Men's Low-Top Shoe



Wonder Nation Toddler Boys Casual Skate Shoe



Doll Maker Slip-On



Doll Maker Skate Shoe



WISPR Toddler Shoes



Wonder Nation Girls' Shoe



Wonder Nation Girls' Shoe



Wonder Nation Girls' Shoe



Wonder Nation Girls' Shoe



Tredsafe High Top Resistant Shoe



Tredsafe Unisex Deacon Slip Resistant Shoe





Exhibit 2

Old Skool Trade Dress

The Old Skool trade dress consists of a distinctive combination of source-identifying elements, including: (1) the Vans Side Stripe Mark on the shoe upper; (2) a rubberized sidewall with a consistent height around the perimeter of the shoe; (3) the uppermost portion of the sidewall having a three-tiered or grooved appearance; (4) a textured toe box outer around the front of the sidewall; (5) visible stitching, including where the eyestay meets the vamp; and (6) the placement and proportion of these elements in relation to one another.

By way of example, the following are embodiments of the Old Skool trade dress:



Old Skool Toddler Trade Dress

The Old Skool Toddler trade dress consists of a distinctive combination of source-identifying elements, including: (1) the Vans Side Stripe Mark on the shoe upper; (2) a rubberized sidewall with a consistent height around the perimeter of the shoe; (3) the uppermost portion of the sidewall having a three-tiered or grooved appearance; (4) a textured toe box outer around the front of the sidewall; (5) visible stitching; and (6) the placement and proportion of these elements in relation to one another.

By way of example, the following are embodiments of the Old Skool Toddler trade dress:



Sk8-Hi Trade Dress

The Sk8-Hi trade dress consists of a distinctive combination of source-identifying elements, including: (1) the Vans Side Stripe Mark on the shoe upper; (2) a rubberized sidewall with a consistent height around the perimeter of the shoe; (3) the uppermost portion of the sidewall having a three-tiered or grooved appearance; (4) a textured toe box outer around the front of the sidewall; (5) a ribbed collar formation that encircles the uppermost part of the shoe; (6) visible stitching, including separating the individual ankle collar corrugations; and (7) the placement and proportion of these elements in relation to one another.

By way of example, the following are embodiments of the Sk8-Hi trade dress:



Sk8-Mid Toddler Trade Dress

The Vans' SK8-MID Toddler trade dress consists of a distinctive combination of source-identifying elements, including: (1) the Vans Side Stripe Mark on the shoe upper; (2) a rubberized sidewall with a consistent height around the perimeter of the shoe; (3) the uppermost portion of the sidewall having a three-tiered or grooved appearance; (4) a textured toe box outer around the front of the sidewall; (5) a ribbed collar formation that encircles the uppermost part of the shoe; (6) visible stitching, including separating the individual ankle collar corrugations; and (7) the placement and proportion of these elements in relation to one another.

By way of example, the following are embodiments of the Sk8-Mid Toddler trade dress:



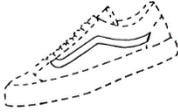
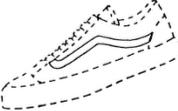
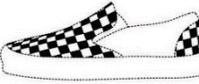
Checkerboard Slip-On Trade Dress

The Checkerboard Slip-On trade dress consists of a distinctive combination of source-identifying elements, including: (1) checkerboard pattern on the upper portion of a twin-gore slip-on shoe, including on the vamp; (2) a rubberized sidewall with a consistent height around the perimeter of the shoe; (3) the uppermost portion of the sidewall having a three-tiered or grooved appearance; (4) a textured toe box outer around the front of the sidewall; and (5) the placement and proportion of these elements in relation to one another.

By way of example, the following are embodiments of the Checkerboard Slip-On trade dress:



Vans Trademark Registrations

Mark	Reg. No.	Goods and Services
	2,177,772	Footwear
	2,170,961	Footwear
	2,172,482	Footwear
	1,583,727	Shoes
	5,070,471	Footwear, namely, twin-gore slip-on shoes
	5,070,470	Footwear, namely, twin-gore slip-on shoes
	5,320,384	Footwear
	6,451,279	Footwear
	6,436,779	Footwear