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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

Matthew R. Swanson,

Plaintiff,

v.

Justin R. Harrison, et al.,

Defendants.

No. 1:23-cv-00006-KJM-KJN

ORDER

(ECF Nos. 32, 46.)

On January 17, 2024, the magistrate judge filed findings and recommendations (ECF No. 46), which were served on the parties, which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. No objections were filed.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . .”). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The findings and recommendations (ECF No. 46) are ADOPTED IN FULL;
- 3 2. Defendants and each of their agents, representatives, employees, officers, attorneys,  
4 successors, assigns, and affiliates (including any persons in privity or active concert or  
5 participation with any of them from) are permanently enjoined from:
  - 6 a. using in any manner the DUMBLE IP, or colorable imitations thereof, in the  
7 manufacturing, distributing, importing, exporting, offering for sale, selling, or  
8 advertising any and all of goods, including but not limited to Defendants' Goods,  
9 the DUMBLE Goods, or any goods or services that are related thereto;
  - 10 b. expressly or impliedly representing that any goods manufactured, distributed,  
11 imported, exported, offered for sale, sold, or advertised by Defendants are  
12 sponsored, authorized, or licensed by Plaintiff by use of copies or colorable  
13 imitations of the DUMBLE IP, or otherwise;
  - 14 c. doing any act, including but not limited to using in any manner the DUMBLE  
15 Marks or the OVERDRIVE SPECIAL Mark, that would in any way dilute or be  
16 likely to dilute Plaintiff's famous DUMBLE Marks and famous OVERDRIVE  
17 SPECIAL Mark;
  - 18 d. prosecuting or maintaining any applications for registration, or registrations of,  
19 any of the DUMBLE IP; and
  - 20 e. opposing, challenging, or otherwise contesting Plaintiff's rights in, or the validity  
21 or enforceability of, the DUMBLE IP, including but not limited to contesting with  
22 any trademark office any registrations of, or pending or future applications or  
23 registrations by or of, Plaintiff to register the DUMBLE Marks, the OVERDRIVE  
24 SPECIAL Mark, or DUMBLE Trade Dress;
- 25 3. Defendants are directed to file with the court and serve on plaintiff within thirty (30) days  
26 of the filed date of this order a report in writing and under oath setting forth in detail the  
27 manner and form in which defendants have complied with the foregoing injunction,  
28 pursuant to 15 U.S.C. § 1116(a);

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- 4. Judgment is entered against all defendants pursuant to Rule 54(a) of the Federal Rules of Civil Procedure; and
- 5. The court retains jurisdiction of this action to entertain such further proceedings and to enter such further orders as may be necessary or appropriate to implement and enforce the provisions of this judgment.

DATED: March 25, 2024.

  
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CHIEF UNITED STATES DISTRICT JUDGE