

1 Scott P. Shaw, Bar No. 223592
 2 sshaw@calljensen.com
 3 Deborah A. Gubernick, Bar No. 242483
 4 dgubernick@calljensen.com
 5 Samuel G. Brooks, Bar No. 272107
 6 sbrooks@calljensen.com
 7 CALL & JENSEN
 8 A Professional Corporation
 9 610 Newport Center Drive, Suite 700
 10 Newport Beach, CA 92660
 11 Tel: (949) 717-3000
 12 Fax: (949) 717-3100

13 Attorneys for Plaintiffs

14
 15
 16 **UNITED STATES DISTRICT COURT**
 17
 18 **EASTERN DISTRICT OF CALIFORNIA**
 19

20 **BIGTRUCK BRAND, INC. and GALEN**
 21 **GIFFORD,**
 22
 23 Plaintiffs,
 24
 25 vs.
 26
 27 **KELSEN THOMPSON, individually and**
 28 **doing business as “We the Trees Brand,”**
 Defendants.

Case No. 2:17-cv-01593-KJM-AC

**STIPULATION FOR JUDGMENT BY
 CONSENT AND PERMANENT
 INJUNCTION; ORDER**

Complaint Filed: August 1, 2017
 Trial Date: None Set

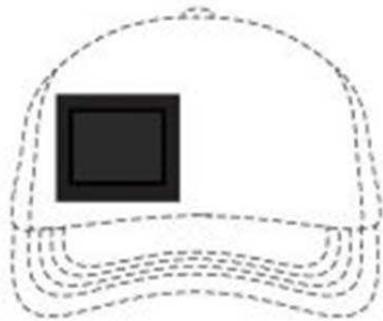


1 Plaintiffs BigTruck Brand, Inc. (“BigTruck”) and Galen Gifford (“Gifford”), on
2 the one hand, and Defendant Kelsen Thompson (“Thompson”) (together, the “Parties”),
3 on the other hand, hereby stipulate and consent to the entry of judgment on the
4 following terms:

5 1. This Court has jurisdiction of the subject matter of this action and the
6 Parties, and shall retain jurisdiction to enforce the terms of this judgment;

7 2. The Parties have decided to compromise and settle their differences in
8 accordance with this judgment pursuant to a Settlement Agreement.

9 3. Pursuant to the Settlement Agreement, Thompson will not oppose
10 BigTruck’s claims of ownership of trade dress in the configuration of patches on hats
11 consisting of a large square patch on the front of a hat to one side, combined with a
12 smaller rectangular patch on the front of the hat to the other side, as shown in the
13 drawings and pictures below:





13 Thompson will also not challenge the validity or ownership of any of the pending or
14 registered trademarks shown in Exhibit A, attached.

15 4. Thompson is hereby permanently enjoined from making, selling, and/or
16 otherwise distributing any hats using or incorporating the registered and pending
17 trademarks shown in Exhibit A attached.

18 5. Thompson is further permanently enjoined from making, selling, and/or
19 otherwise distributing any hats using or incorporating any patch configuration that is
20 confusingly similar to BigTruck's claimed trade dress, including specifically any hat
21 that features a large square patch on the front of the hat on either side of the hat,
22 combined with a smaller rectangular patch on the front of the hat to the other side.
23 Examples of hats that Thompson is enjoined from making, selling, and/or otherwise
24 distributing are shown in the pictures below. These examples are illustrative and not
25 exhaustive.

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. The parties shall bear their own costs and attorney's fees incurred in this action.

IT IS SO STIPULATED.

1 Dated: October 24, 2017

CALL & JENSEN
A Professional Corporation
Scott P. Shaw
Deborah A. Gubernick
Samuel G. Brooks

2
3
4 By: /s/ Deborah A. Gubernick
5 Deborah A. Gubernick

6 Attorneys for Plaintiffs

7
8 Dated: October 24, 2017

MOUNTAINSIDE LAW

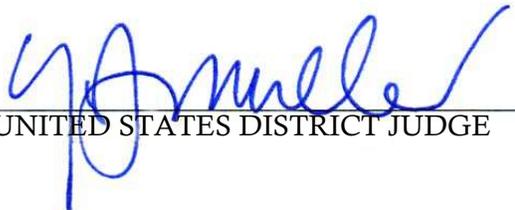
9
10 By: /s/ Alan R. Wechsler (as authorized on
11 10.17.2017)

12 Alan R. Wechsler

13 Attorneys for Defendant

14
15
16
17
18 IT IS SO ORDERED AND ADJUDGED.

19 DATED: October 24, 2017.

20
21 
22 UNITED STATES DISTRICT JUDGE