

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
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HELLS ANGELS MOTORCYCLE CORPORATION,

Plaintiff,

v.

HEADGEAR, INC.,

Defendant.

Case No. CV-08-2119-JL

~~PROPOSED~~ PERMANENT INJUNCTION AGAINST DEFENDANT HEADGEAR, INC.

Having considered the Stipulation for Entry of Permanent Injunction filed herein by Plaintiff HELLS ANGELS MOTORCYCLE CORPORATION (“Plaintiff HAMC”) and Defendant HEADGEAR, INC. (“Defendant HEADGEAR”), and good cause appearing therefor,

It is hereby ORDERED, ADJUDGED and DECREED that:

1. This court has jurisdiction over the subject matter and the parties pursuant to 28 U.S.C. §§ 1331 and 1338.
2. Venue is proper in this District as to Defendant HEADGEAR.
3. The First Amended Complaint against Defendant HEADGEAR states a claim

1 upon which relief may be granted under 15 U.S.C. § 1125(d).

2 4. Plaintiff HAMC and Defendant HEADGEAR have waived all rights to appeal
3 or otherwise challenge or contest the validity of this judgment and order.

4 5. The facts alleged in the First Amended Complaint shall be taken as true for the
5 purpose of a non-dischargeability complaint in any bankruptcy proceeding.

6 6. The claims of Plaintiff HAMC arising prior to the entry of this order for
7 permanent injunction shall be, and hereby are, dismissed with prejudice.


8 7. Defendant HEADGEAR shall be permanently enjoined from using the
9 HELLS ANGELS Marks, or any confusingly similar marks or designs, on or in connection
10 with any item of apparel or merchandise. For purposes of this order and injunction,
11 “HELLS ANGELS Marks” shall include the word mark “HELLS ANGELS” and any design
12 incorporating the words “HELLS ANGELS”.

13 8. Defendant HEADGEAR shall affirm and keep in force its previously
14 announced recall policy regarding its products that were distributed in commerce with the
15 HELLS ANGELS Marks, that all such products should be returned to Defendant
16 HEADGEAR for equal merchandise credit; all such returned items shall be destroyed.

17 9. Jurisdiction shall be retained for the purpose of enabling any party to this
18 judgment to apply to the Court at any time for such further orders or directions as may be
19 necessary or appropriate for the carrying out of this judgment, for the resolution of any
20 dispute or for the modification or termination of any of the injunctive provisions herein, for
21 the enforcement of compliance therewith, and the punishment of violation thereof.

22
23
24
25
26
27
28

Dated: July 7, 2009


James Larson
United States Magistrate Judge