

1 J. Andrew Coombs (SBN 123881)
andy@coombspc.com
 2 Nicole L. Drey (SBN 250235)
nicole@coombspc.com
 3 J. Andrew Coombs, A P.C.
 517 East Wilson Avenue, Suite 202
 4 Glendale, California 91206
 Telephone: (818) 500-3200
 5 Facsimile: (818) 500-3201

6 Attorneys for Plaintiffs DC Comics and
 Sanrio, Inc.

7
 8 Daniel S. Mount (SBN 77517)
dmount@mount.com
 Kathryn G. Spelman (SBN 154512)
 9 *kspelman@mount.com*
 Daniel H. Fingerman (SBN 229683)
 10 *dfingerman@mount.com*
 On Lu (SBN 242693)
 11 *olu@mount.com*
 Mount, Spelman & Fingerman, P.C.
 12 RiverPark Tower, Suite 1650
 333 West San Carlos Street
 13 San Jose, California 95110
 Telephone: (408) 279-7000
 14 Facsimile: (408) 998-1473

15 Samuel L. Phillips (SBN 127793)
sphillips@bortonpetrini.com
 16 Borton & Petrini, LLP
 95 South Market Street, Suite 400
 17 San Jose, California 95113
 Telephone: (408) 535-0870
 18 Facsimile: (408) 535-0878

19 Attorneys for BCMini, LLC and
 Miguel Cheng

21 UNITED STATES DISTRICT COURT
 22 NORTHERN DISTRICT OF CALIFORNIA

23)	
24	DC Comics and Sanrio, Inc.,)	Case No. CV12-1967 EMC
)	
25	Plaintiffs,)	PROPOSED CONSENT DECREE
)	PURSUANT TO STIPULATION
26	v.)	
)	
27	BCMini, LLC, et al.,)	
)	
28	Defendants.)	

1
2 The Court, having read and considered the Joint Stipulation for Entry of Consent Decree that
3 has been executed on behalf of Plaintiffs DC Comics and Sanrio, Inc. (collectively “Plaintiffs”), on
4 the one hand, and Defendants BCMini, LLC, and Miguel Cheng, an individual and d/b/a BC Office
5 Products, BC Office, BC USA and Iwako USA (collectively “Defendants”), on the other hand, and
6 good cause appearing therefore, hereby:
7

8 ORDERS that this Consent Decree shall be and is hereby entered in the within action as
9 follows:

10 1) This Court has jurisdiction over the parties to this action and over the subject matter hereof
11 pursuant to 17 U.S.C. § 101 et seq., 17 U.S.C. § 501, 28 U.S.C. §§ 1331 and 1338, and 28 U.S.C. §
12 1367. Service of process was properly made against Defendants, and each of them.

13 2) Plaintiffs are the owners or exclusive licensees of all rights in and to the copyright and
14 trademark registrations listed or depicted in Exhibits “A” through “D,” attached hereto and
15 incorporated herein by this reference, and the copyrights associated with the same (“Plaintiffs’
16 Properties”).
17

18 3) Plaintiffs have expended considerable resources in the creation and commercial exploitation
19 of Plaintiffs’ Properties on merchandise and in the enforcement of their intellectual property rights in
20 Plaintiffs’ Properties.

21 4) Plaintiffs have alleged that Defendants have made unauthorized uses of Plaintiffs’ Properties
22 or substantially similar likenesses or colorable imitations thereof.
23

24 5) Defendants and their agents, servants, employees and attorneys, and all persons in active
25 concert and participation with them who receive actual notice of the injunction are hereby restrained
26 and enjoined from:
27
28

- 1 a) Infringing Plaintiffs’ copyrights and trademarks in Plaintiffs’ Properties, either
2 directly, contributorily, vicariously, or in any manner, including generally, but not limited to,
3 the unauthorized manufacture, importation, distribution, advertising, selling, offering for
4 sale, any product which features any of Plaintiffs’ Properties (“Unauthorized Products”), and,
5 specifically:
6
- 7 i) Importing, manufacturing, distributing, advertising, selling, and/or offering for
8 sale the Unauthorized Products or any other unauthorized products which picture,
9 reproduce, copy or use the likenesses of or bear a confusing similarity to any of
10 Plaintiffs’ Properties;
 - 11 ii) Importing, manufacturing, distributing, advertising, selling, and/or offering for
12 sale in connection thereto any unauthorized promotional materials, labels,
13 packaging or containers which picture, reproduce, copy or use the likenesses of
14 or bear a confusing similarity to any of Plaintiffs’ Properties;
 - 15 iii) Engaging in any conduct that tends falsely to represent that, or is likely to
16 confuse, mislead or deceive purchasers, Defendants’ customers and/or members
17 of the public to believe, the actions of Defendants, the products sold by
18 Defendants, or Defendants themselves are connected with Plaintiffs, are
19 sponsored, approved or licensed by Plaintiffs, or are affiliated with Plaintiffs; or
20
 - 21 iv) Affixing, applying, annexing or using in connection with the importation,
22 manufacture, distribution, advertising, selling, offering for sale, or other use of
23 any goods or services, a false description or representation, including words or
24 other symbols, tending to falsely describe or represent such goods as being those
25 of Plaintiffs.
26
- 27 6) Each side shall bear its own fees and costs of suit.
28

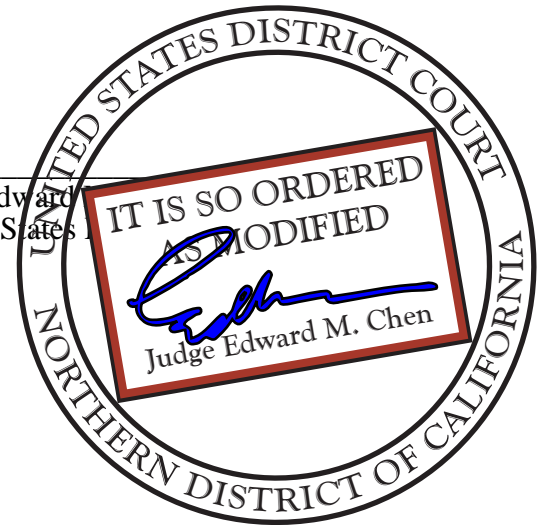
- 1 7) This Consent Decree shall be deemed to have been served upon Defendants at the time of its
2 execution by the Court.
- 3 8) The Court finds there is no just reason for delay in entering this Consent Decree and,
4 pursuant to Rule 54(a) of the Federal Rules of Civil Procedure, the Court directs immediate
5 entry of this Consent Decree against Defendants.
- 6 9) The Court shall retain jurisdiction of this action to entertain such further proceedings and to
7 enter such further orders as may be necessary or appropriate to implement and enforce the
8 provisions of this Consent Decree.
- 9 10) Except as provided herein, all claims alleged in the Complaint with prejudice.

11 The Clerk of the Court is directed to close this matter.

12 12/12/12

13 Dated:

14 Hon. Edward
15 United States



16 Presented By:

17 J. Andrew Coombs, A Prof. Corp.

18 By: /s/ Nicole L. Drey
19 J. Andrew Coombs
20 Nicole L. Drey

21 Attorneys for Plaintiffs DC Comics and
22 Sanrio, Inc.

23 Mount, Spelman & Fingerman, P.C.

24 By: /s/ On Lu
25 Daniel S. Mount
26 Kathryn G. Spelman
27 Daniel H. Fingerman
28 On Lu

Attorneys for Defendants BCMini, LLC and
Miguel Cheng, an individual and d/b/a BC
Office Products, BC Office, BC USA and
Iwako USA