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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PLOOM, INC.,)	Case No. 13-cv-05813 SC
)	
Plaintiff,)	<u>DEFAULT JUDGMENT</u>
)	
v.)	
)	
IPLOOM, LLC, and ANTHONY MARINO,)	
)	
Defendants.)	
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In accordance with the Court's concurrently filed Order granting Plaintiff's Motion for Entry of Default Judgment, it is hereby ORDERED, ADJUDGED, and DECREED that Default Judgment in this action shall be entered in favor of PLAINTIFF Ploom, Inc. ("Ploom") and against DEFENDANTS iPloom, LLC and Anthony Marino ("Defendants"). Defendants are jointly and severally liable to Ploom in the amount of \$350,000 plus Ploom's costs, pursuant to 15 U.S.C. §§ 1117(a), 1117(c), and 1117(d).

As referred to in this Judgment:

- 1. the "PLOOM" mark refers to registered trademark 3,823,299, shown in Exhibit A of Ploom's Complaint;

- 1 2. the "PLOOM (stylized)" mark refers to registered
- 2 trademarks 4,209,479 and 4,281,580, shown in Exhibits B
- 3 and C of Ploom's Complaint;
- 4 3. the "PAX" mark refers to registered trademarks 4,437,217
- 5 and 4,437,218, shown in Exhibits D and E of Ploom's
- 6 Complaint;
- 7 4. the "X Design" mark is shown in Exhibit F of Plaintiff's
- 8 Complaint;
- 9 5. the "PAX (stylized)" mark refers to the topmost mark
- 10 depicted in the second image following paragraph 31 of
- 11 Ploom's Complaint;
- 12 6. the "PAX Trade Dress" refers to the trade dress depicted
- 13 in the two images following Paragraph 31 of Plaintiff's
- 14 Complaint;
- 15 7. the "iPloom Pax Trade Dress" refers to the trade dress
- 16 depicted in the right-hand image of the two images
- 17 following Paragraph 41 of Plaintiff's Complaint; and
- 18 8. the "Counterfeit Pax Trade Dress" refers to the trade
- 19 dress depicted in the image following Paragraph 46 of
- 20 Plaintiff's Complaint.

21 Defendants and their agents, officers, partners, servants, and

22 employees, and any others acting in participation with them, are

23 permanently restrained and enjoined from:

- 24 1. selling any products and offering any services under the
- 25 trademarks PLOOM, or PAX; the PLOOM (stylized) mark, the
- 26 PAX (stylized) mark, or the X Design mark; the PAX Trade
- 27 Dress, the iPloom Pax Trade Dress, or the Counterfeit Pax
- 28 Trade Dress; the domain iploom.com; or any confusingly

1 similar variations thereof in or as part of the title or
2 name of (i) any business or service or commercial
3 activity, Internet domain name, or website, that (ii) is
4 related to vaporizers, electronic cigarettes, tobacco,
5 nicotine, or vapor-producing liquid solutions for use in
6 electronic cigarettes or vaporizers;

7 2. using the trademarks PLOOM, or PAX; the PLOOM (stylized)
8 mark, the PAX (stylized) mark, or the X Design mark; the
9 PAX Trade Dress, the iPloom Pax Trade Dress, or the
10 Counterfeit Pax Trade Dress; the domain iploom.com; or
11 any confusingly similar variations thereof in or as part
12 of the title or name of (i) any business or service or
13 commercial activity or as any part of the description of
14 a website or in any request to list or register any
15 Internet website in any search engine index, that (ii) is
16 related to vaporizers, electronic cigarettes, tobacco,
17 nicotine, or vapor-producing liquid solutions for use in
18 electronic cigarettes or vaporizers;

19 3. using the trademarks IPLOOM, PLOOM, or PAX; the PLOOM
20 (stylized) mark, the PAX (stylized) mark, or the X Design
21 mark; the PAX Trade Dress, the iPloom Pax Trade Dress, or
22 the Counterfeit Pax Trade Dress; the domain name
23 iploom.com; or any other identical or confusingly similar
24 mark, word or name for any products or services related
25 to vaporizers, electronic cigarettes, tobacco, nicotine,
26 or vapor-producing liquid solutions for use in electronic
27 cigarettes or vaporizers, or as any trademark or service
28 mark, trade name or corporate name or Internet domain

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name or in any manner likely to cause confusion, mistake or deception; and

4. filing or pursuing any application for registration of the trademarks IPLOOM, PLOOM, or PAX; the PLOOM (stylized) mark, the PAX (stylized) mark, or the X Design mark; the PAX Trade Dress, the iPloom Pax Trade Dress, or the Counterfeit Pax Trade Dress; or the domain name iploom.com as a trademark or service mark or trade name or Internet domain name in any jurisdiction in the United States.

Defendants are directed within fourteen (14) days of entry of this Judgment to:

1. remove from the Defendants' place(s) of business and website(s) all references to trademarks IPLOOM, PLOOM, or PAX; the PLOOM (stylized) mark, the PAX (stylized) mark, or the X Design mark; the PAX Trade Dress, the iPloom Pax; and
2. transfer the domain name iploom.com to Ploom, pursuant to 15 U.S.C. § 1125(d)(1)(c), and provide all documentation, passwords, authorization codes, and approvals necessary to effect the transfer.

IT IS SO ORDERED, ADJUDGED, AND DECREED.

Dated: May 12, 2014


UNITED STATES DISTRICT JUDGE