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7 Attorneys for Plaintiff
 AIRWAIR INTERNATIONAL LTD.
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9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**
 11

*Bryan Cave LLP
 560 Mission Street, Suite 2500
 San Francisco, CA 94105*

12 AIRWAIR INTERNATIONAL LTD., a
 13 company of the United Kingdom,

14 Plaintiff,

15 vs.

16 UNIVERSALITY & CHANGE LIMITED
 PARTNERSHIP D/B/A 24 FOOTWEAR, a
 17 company of Japan; ESH INTERNATIONAL,
 INC., a California corporation; and DOES 1-
 18 50,

19 Defendants.
 20

Case No. 3:13-cv-06002-SI

**CONSENT JUDGMENT AND
 PERMANENT INJUNCTION**

Date Action Filed: December 31, 2013
 Judge: Honorable Susan Illston

Bryan Cave LLP
560 Mission Street, Suite 2500
San Francisco, CA 94105

1 The parties hereto having agreed to a settlement of the claims between them, and having
2 stipulated to entry of this consent judgment, it is hereby ORDERED, ADJUDGED AND
3 DECREED:

4 1. This Court has jurisdiction over defendants UNIVERSALITY & CHANGE
5 LIMITED PARTNERSHIP d/b/a 24 FOOTWEAR, a company of Japan ("24 FOOTWEAR") and
6 ESH INTERNATIONAL, INC., a California corporation ("ESH INTERNATIONAL"), and over
7 the subject matter at issue in this action. 24 FOOTWEAR and ESH INTERNATIONAL consent
8 to jurisdiction of this Court for the purpose of executing and enforcing this Consent Judgment and
9 Permanent Injunction, and the Court retains jurisdiction for this purpose.

10 2. Plaintiff AIRWAIR INTERNATIONAL LTD. ("AIRWAIR") is the owner of the
11 Dr. Martens® trade dress for footwear and is the owner of several U.S. registrations for its trade
12 dress in the United States Patent and Trademark Office, including "the combination of yellow
13 stitching in the welt area and a two-tone grooved sole edge" (Reg. No. 2,437,751, attached as
14 Exhibit 1), the yellow "welt stitch located around the perimeter of footwear" (Reg. No. 2,437,750,
15 attached as Exhibit 2), its DMS undersole design mark (Reg. No. 2,102,468, attached as Exhibit 3,
16 the "DMS Design Mark"), "the design of an sole edge including longitudinal ribbing, and a dark
17 color band over a light color" (hereafter "two tone grooved sole edge") (Reg. No. 2,104,349,
18 attached as Exhibit 4), and "longitudinal ribbing and a dark color band over a light color on the
19 outer sole edge, welt stitching, and a tab at the top back heel of footwear" (Reg. No. 2,341,976,
20 attached as Exhibit 5) (individually and collectively "AIRWAIR Trade Dress Marks").
21 AIRWAIR has the exclusive right to use each and all of the AIRWAIR Trade Dress Marks in
22 commerce, on or in connection with footwear.

23 3. 24 FOOTWEAR and ESH INTERNATIONAL acknowledge the validity of the
24 trademark registrations attached as Exhibits 1-5 and agree not to contest the validity of such
25 trademarks or AIRWAIR's ownership rights therein, including in any future proceedings between
26 the Parties.

27 4. 24 FOOTWEAR and ESH INTERNATIONAL have distributed, offered for sale
28 and sold shoes and boots that contain contrast stitching in the welt area, a two tone grooved sole

1 edge, and an undersole bearing the DMS Design Mark, as shown in Exhibit 6 (referred to
2 collectively as "Infringing Footwear").

3 5. 24 FOOTWEAR and ESH INTERNATIONAL represent and warrant that they sold
4 700 pairs of the Infringing Footwear, with sales revenue totaling \$32,609.18. 24 FOOTWEAR
5 and ESH INTERNATIONAL further represent that they had 281 pairs of Infringing Footwear
6 remaining in their possession and/or control, and that all such footwear has been destroyed.

7 6. 24 FOOTWEAR and ESH INTERNATIONAL represent and warrant that as of the
8 date of this Agreement, they have discontinued and are not currently manufacturing, licensing,
9 distributing, purchasing or selling the Infringing Footwear. 24 FOOTWEAR and ESH
10 INTERNATIONAL further represent and warrant that they will not in the future manufacture,
11 distribute, sell or offer for sale any other footwear styles that contain the identified trade dress
12 described in the trademark registrations attached as Exhibits 1-5, worldwide.

13 7. 24 FOOTWEAR and ESH INTERNATIONAL represent and warrant that all point-
14 of-sale materials, labels, signs, boxes, prints, catalogs, line sheets, marketing materials, internet
15 web pages, metatags, packages, papers, other trade dress, and advertisements in the possession of
16 24 FOOTWEAR and ESH INTERNATIONAL bearing images, illustrations, or representations of
17 the enjoined shoes and boots, trade dress and undersole patterns have been destroyed.

18 8. 24 FOOTWEAR and ESH INTERNATIONAL, and each of their agents, servants,
19 employees, subsidiaries, affiliates, successors and/or other related companies, and persons in
20 active concert or participation with 24 FOOTWEAR and ESH INTERNATIONAL who receive
21 actual notice of this order by personal service or otherwise, are permanently enjoined from
22 manufacturing, importing, exporting, distributing, licensing, selling, marketing, advertising,
23 promoting or offering for sale any footwear or any component part thereof that utilizes the
24 AIRWAIR Trade Dress Marks, including but not limited to yellow stitching in the welt area, a two
25 tone grooved sole edge, or an undersole bearing the DMS Design Mark.

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IT IS SO ORDERED.

Dated: 12/30/14



Honorable Susan Illston
Judge of the District Court
Northern District of California

BRYAN CAVE LLP

Dated: December 30, 2014

By: 

Stephanie A. Blazewicz
Attorneys for Plaintiff
AIRWAIR INTERNATIONAL LTD.

HALEY AUSTIN LAW

Dated: November 2, 2014

By: 

R. Haley-Austin
Attorney for Defendants
UNIVERSALITY & CHANGE LIMITED
PARTNERSHIP and ESH INTERNATIONAL,
INC.

Bryan Cave LLP
560 Mission Street, Suite 2500
San Francisco, CA 94105

EXHIBIT 1

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 2,437,751

Registered Mar. 27, 2001

**TRADEMARK
PRINCIPAL REGISTER**



R. GRIGGS GROUP LIMITED (UNITED KING-
DOM CORPORATION)
COBBS LANE, WOLLASTON, WELLINGBOROUGH
NORTHANTS NN8 7SW, UNITED KINGDOM

FOR: FOOTWEAR, IN CLASS 25 (U.S. CL. 39).

FIRST USE 4-1-1960; IN COMMERCE 0-0-1984.

THE DRAWING OF THE WELT STITCH IS LINED
FOR THE COLOR YELLOW, AND CLAIM IS MADE
TO COLOR.

THE MARK CONSISTS OF THE COMBINATION
OF YELLOW STITCHING IN THE WELT AREA
AND A TWO-TONE GROOVED SOLE EDGE.

SEC. 2(F).

SER. NO. 74-494,466, FILED 2-25-1994.

CATHERINE KAISER KREBS, EXAMINING AT-
TORNEY

EXHIBIT 2

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 2,437,750

Registered Mar. 27, 2001

TRADEMARK
PRINCIPAL REGISTER



R.GRIGGS GROUP LIMITED (UNITED KING-
DOM CORPORATION)
COBBS LANE, WOLLASTON
WELLINGBOROUGH, NORTHANTS NN8 7SW,
UNITED KINGDOM

FOR: FOOTWEAR, IN CLASS 25 (U.S. CL. 39).

FIRST USE 4-1-1960; IN COMMERCE 0-0-1984.

THE DRAWING OF THE WELT STITCH IS LINED
FOR THE COLOR YELLOW AND CLAIM IS MADE
TO COLOR.

THE MARK CONSISTS OF A WELT STITCH
LOCATED AROUND THE PERIMETER OF FOOT-
WEAR. THE PHANTOM LINING IS NOT A PART
THE MARK, BUT MERELY INDICATES THE POSI-
TION OF THE MARK.

SEC. 2(F).

SER. NO. 74-494,463, FILED 2-25-1994.

CATHERINE KAISER KREBS, EXAMINING AT-
TORNEY

EXHIBIT 3

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,102,468

United States Patent and Trademark Office

Registered Oct. 7, 1997

TRADEMARK
PRINCIPAL REGISTER



R. GRIGGS GROUP LIMITED (UNITED KING-
DOM CORPORATION)
COBBS LANE, WOLLASTON, WELLINGBOR-
OUGH
NORTHANTS NN8 7SW, UNITED KINGDOM

FOR: FOOTWEAR, IN CLASS 25 (U.S. CLS. 22
AND 39).

FIRST USE 8-0-1992, FIRST USED IN AN-
OTHER FORM IN 1978; IN COMMERCE

9-0-1992, FIRST USED IN COMMERCE IN AN-
OTHER FORM IN 1984.

THE PHANTOM LINING IS NOT A PART OF
THE MARK, BUT MERELY INDICATES THE
POSITION OF THE MARK.

THE MARK CONSISTS OF THE DESIGN OF
AN UNDERSOLE.

SER. NO. 74-502,418, FILED 3-21-1994.

JEFFREY LOOK, EXAMINING ATTORNEY

EXHIBIT 4

Int. Cl.: 25

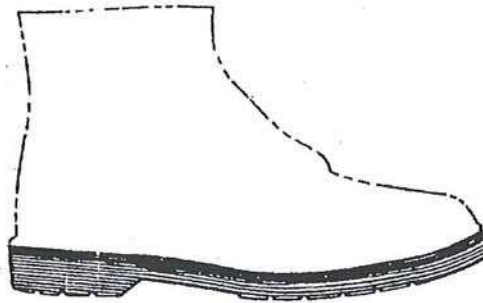
Prior U.S. Cls.: 22 and 39

Reg. No. 2,104,349

United States Patent and Trademark Office

Registered Oct. 7, 1997

**TRADEMARK
SUPPLEMENTAL REGISTER**



R. GRIGGS GROUP LIMITED (UNITED KING-
DOM CORPORATION)
COBBS LANE, WOLLASTON
WELLINGBOROUGH, NORTHANTS NN8 7SW,
UNITED KINGDOM

FOR: FOOTWEAR, IN CLASS 25 (U.S. CLS. 22
AND 39).
FIRST USE 4-1-1960; IN COMMERCE
0-0-1984.

THE PHANTOM LINING IS NOT A PART OF
THE MARK, BUT MERELY INDICATES THE
POSITION OF THE MARK.

THE MARK CONSISTS OF THE DESIGN OF
AN SOLE EDGE INCLUDING LONGITUDI-
NAL RIBBING, AND A DARK COLOR BAND
OVER A LIGHT COLOR.

SER. NO. 74-494,464, FILED P.R. 2-25-1994;
AM. S.R. 5-30-1997.

CATHERINE KAISER KREBS, EXAMINING
ATTORNEY

EXHIBIT 5

Int. Cl.: 25

Prior U.S. Cl.: 39

Reg. No. 2,341,976

United States Patent and Trademark Office

Registered Apr. 11, 2000

**TRADEMARK
SUPPLEMENTAL REGISTER**



R. GRIGGS GROUP LIMITED (UNITED KING-
DOM CORPORATION)
COBBS LANE, WOLLASTON
WELLINGBOROUGH, NORTHANTS NN8 7SW,
UNITED KINGDOM

FOR: FOOTWEAR, IN CLASS 25 (U.S. CL. 39).
FIRST USE 0-0-1960; IN COMMERCE
0-0-1984.

THE MARK CONSISTS OF LONGITUDINAL
RIBBING AND A DARK COLOR BAND OVER

A LIGHT COLOR ON THE OUTER SOLE
EDGE, WELT STITCHING, AND A TAB LO-
CATED AT THE TOP BACK HEEL OF FOOT-
WEAR.

SER. NO. 74-494,465, FILED P.R. 2-25-1994;
AM. S.R. 3-11-1999.

CATHERINE KAISER KREBS, EXAMINING
ATTORNEY

EXHIBIT 6

HOME

OUR SHOP

Check out from here

Cart: \$0



Wildfowl

\$98.00

Size

M

+ ADD TO CART

Overview

Details

Foil finish on the boa fabric. This very experimental pair has a shiny nox color that will blend in with many styles...



← 3/5 →



\$95.00

HOME

OUR SHOP

Check out from here

Cart: \$0



Yozakura

\$98.00

Size

S M L

ADD TO CART

Overview

Details

Again make sure it say 2 layers of cotton. This customized piece is made at the kimonos workshop in Kyoto, Japan.. Very intelligent piece. Cherry Print on the black fabric will remind you of Yozakura,(the cherry blossoms at night)
Shoe lace : Light Gray



1/5



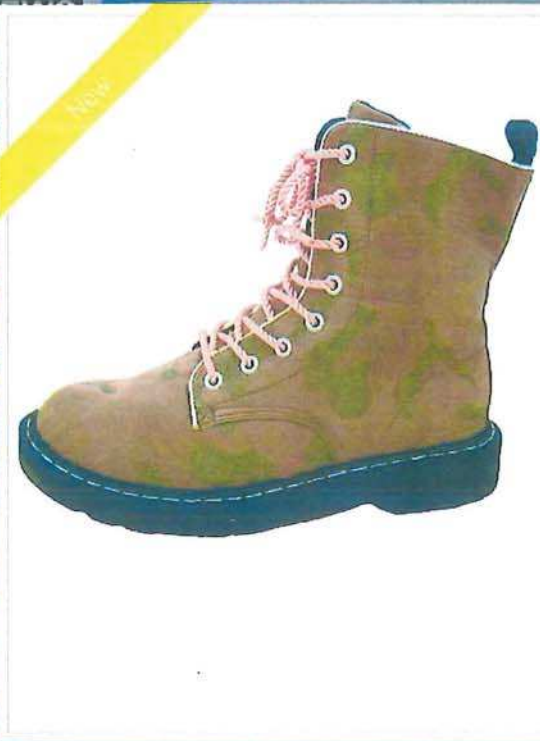
\$85.00

HOME

OUR SHOP

Check out from here

Cart: \$0



Army Jane

\$98.00

Size

S M L XL

+ ADD TO CART

Overview

Details

Army Jane
 Whatever boys can do, girls do it better.
 Silky pink and green army camouflage print
 boot. Perfect look with jeans, shorts or a
 mini skirt.
 shoelace: pink



\$98.00

← 1/5 →

HOME

OUR SHOP

Check out from here

Cart:\$0



NEWS
ABOUT
S
TERM OF
CONT



Chaidenim

\$98.00

Size

| 8 |

+ ADD TO CART

Overview

Details

Original fancy jewelry print on the den m.
Shoe lace - Gold



\$98.00

← 2/5 →

HOME

OUR SHOP

Check out from here

Cart: \$0

Now



Confetti

\$98.00

Size

M L

+ ADD TO CART

Overview

Details

Party time!! Confetti inspired styled boot made with a gray jersey fabric with multicolor specs. The name says it all! shoelace: lavender



← 1/5 →



\$98.00

HOME

OUR SHOP

Check out from here

Cart: \$0



TERM OF
CONT



Mirrorball

\$98.00

Size

S | M | L | LL

+ ADD TO CART

Overview

Details

Quilted laminated Mirror finish fabric,
perfect for your sporty look.
Shoe lace : Black



← 2/5 →



\$98.00

HOME

OUR SHOP

Check out from here

Cart: \$0



TERM OF
CONT



Polka

\$98.00

Size

L

ADD TO CART

Black finishing dots and stripes. Our most popular combination on Sidegore style.



\$98.00

4/5

HOME

OUR SHOP

Check out from here

Cart: \$0



Saloon

\$98.00

Size

M L

+ ADD TO CART

Overview

Details

Quilted illuminated mirror finish fabric, perfect for your sporty look
Shoe lace : Dark Gray



← 4/5 →



\$98.00

HOME

OUR SHOP

Check out from here

Cart:\$0



Snow

\$98.00

Size

M L LL

+ ADD TO CART

Overview

Details

Granulated Gitter.. Yes it is "granulous"!!! this very unusual textile gives you a one of a kind look
All Rock'n Queens, rock with these with a thin black tux jacket...
Sisegore style.



← 4/5 →



\$98.00

HOME

OUR SHOP

Check out from here

Cart: \$0



Stripy

\$98.00

Size

M | L | II

+ ADD TO CART

Overview

Details

flock finishing dots and stripes. Our most popular combination.
Shoe lace : Black silk



← 3/5 →

\$98.00

HOME

OUR SHOP

Check out from here

Cart: \$0



TERM OF
CONT



Sugar

\$98.00

Size

S L M

+ ADD TO CART

Overview

Details

Granulated Gitter.. Yes it is "granulous"!!!
very unusual textile gives you a one of a
kind look. Bubblegum, Popsicle, Cotton
Candy, play with these creamy pastel
colors
Shoe lace : Lavender

← 5/5 →

HOME

OUR SHOP

Check out from here

Cart: \$0



TERM OF
CONT



Waterfowl

\$98.00

Size

L | M | N

+ ADD TO CART

Overview

Details

Foil finish on the boa fabric. This very experimental pair has a shiny copper color that will blend in with many styles...
Waterfowl feather laces.
Shoe lace : Burgundy red



← 3/5 →



\$98.00