

LAW OFFICES
SIDEMAN & BANCROFT LLP
ONE EMBARCADERO CENTER, 22ND FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3711

1 JEFFREY C. HALLAM (State Bar No. 161259)
E-Mail: *jhallam@sideman.com*
2 ZACHARY J. ALINDER (State Bar No. 209009)
E-Mail: *zalinder@sideman.com*
3 PETER M. COLOSI (State Bar No. 252951)
E-Mail: *pcolosi@sideman.com*
4 REBECCA K. FELSENTHAL (State Bar No. 303476)
E-Mail: *rfelsenthal@sideman.com*
5 SIDEMAN & BANCROFT LLP
One Embarcadero Center, Twenty-Second Floor
6 San Francisco, California 94111-3711
Telephone: (415) 392-1960
7 Facsimile: (415) 392-0827

8 Attorneys for Plaintiff
FITBIT, INC.

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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FITBIT, INC., a Delaware Corporation,

Case No. 3:17-cv-00079 EMC

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Plaintiff,

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v.

**STIPULATION AND ~~PROPOSED~~
ORDER RE ENTRY OF PRELIMINARY
INJUNCTION AS TO DEFENDANT CALI
RESOURCES**

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LAGUNA 2, LLC, a New Jersey Limited
Liability Company; JOEL BLANK, an
17 individual; CALI RESOURCES, INC., a
California Corporation; CARLOS KELVIN,
18 an individual; and DOES 3-30, inclusive,

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Defendants.

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1 Plaintiff Fitbit, Inc. (“Fitbit”) and Defendant Cali Resources, Inc. (“Defendant Cali
2 Resources,” and together with Fitbit, the “Parties”), by and through their counsel of record, hereby
3 stipulate, and request that the Court order, as follows.

4 **STIPULATION**

5 WHEREAS, the Court in the above-captioned Action entered a temporary restraining order
6 (“TRO”) against Defendants Laguna 2, LLC and Joel Blank (the “L2 Defendants”) on January 18,
7 2017 (Dkt. No. 24), which was expanded, as set forth in the Court’s Civil Minutes dated February
8 2, 2017 (Dkt. No. 41);

9 WHEREAS, among other things, the additional terms of the TRO required “that any sale
10 of goods in question must be screened by Fitbit first; no re-sale during time of TRO if the items
11 had previously been designated as scrap, nor shall any counterfeit charging cable be sold by
12 Laguna 2. Fitbit shall expeditiously review any merchandise Laguna 2 seeks to clear. Fitbit shall
13 provide Laguna 2 with documentation of such.” Dkt. No. 41;

14 WHEREAS, following a further hearing, the Court in the above-captioned Action entered
15 an order, converting “the TRO previously issued (including the expanded scope) into a
16 preliminary injunction” against the L2 Defendants on February 24, 2017 (the “February 24th
17 Order”). Dkt. No. 52;

18 WHEREAS, in the February 24th Order, the Court set a briefing and hearing schedule for
19 Fitbit to move to extend the coverage of the preliminary injunctive relief to also apply to
20 Defendant Cali Resources;

21 WHEREAS, Defendant Cali Resources represents that it has no current inventory of Fitbit
22 products (with the exception of certain items in possession of U.S. Customs, as discussed by the
23 Parties), and is therefore prepared to stipulate to the entry of the same preliminary injunctive relief
24 as the Court ordered against the L2 Defendants in the February 24th Order; and,

25 WHEREAS, the Parties agree that it is preferable to focus their time and resources
26 discussing the possibility of an early resolution rather than on motion practice.

27 Accordingly, the Parties, by and through their counsel, hereby **STIPULATE** as follows:

28 1. Defendant Cali Resources has no objection to the Court extending the preliminary

1 injunctive relief entered against the L2 Defendants in the February 24th Order, Dkt. No. 52, to
 2 cover and apply equally to Defendant Cali Resources;

3 2. The Parties therefore jointly request that the Court enter this stipulated order,
 4 expanding the scope of the preliminary injunctive relief in the February 24th Order, Dkt. No. 52,
 5 to cover and apply equally to Defendant Cali Resources; and,

6 3. The Parties enter this stipulation reserving all rights, and without prejudice to the
 7 rights, of the Parties to make any further motion, request or application to the Court as necessary
 8 to add, subtract, modify, or change any of the terms described above, for good cause shown.

9 **IT IS SO STIPULATED.**

10 DATED: February 28, 2017 SIDEMAN & BANCROFT LLP

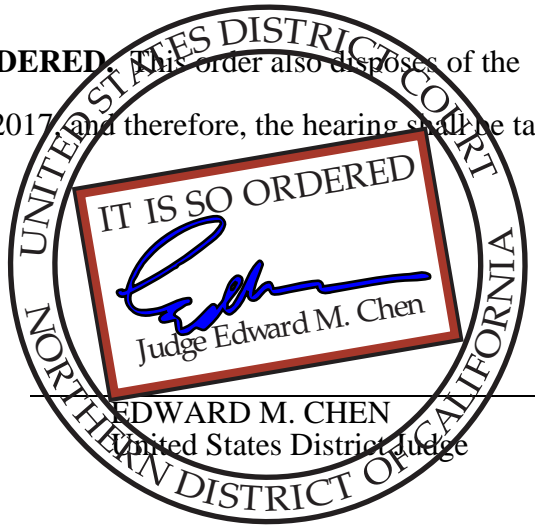
11 By: */s/ Zachary J. Alinder*
 12 *Zachary J. Alinder*
 13 *Attorneys for Plaintiff*
 14 *FITBIT, INC.*

15 DATED: February 28, 2017 ONE LLP

16 By: */s/ Stephen M. Lobbin*
 17 *Stephen M. Lobbin*
 18 *Attorneys for Defendants*
 19 *CALI RESOURCES and CARLOS KELVIN*

20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** This order also disposes of the
 21 motion set to be heard at 10:30 a.m. on March 29, 2017, and therefore, the hearing shall be taken
 22 off calendar.

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 25 Dated: March 1, 2017



26 EDWARD M. CHEN
 27 United States District Judge

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ATTESTATION OF CONCURRENCE

I hereby attest pursuant to Civil Local Rule 5-1(i)(3) that concurrence in the electronic filing of this document has been obtained from the other signatory.

DATED: February 28, 2017

SIDEMAN & BANCROFT, LLP

By: /s/ Zachary J. Alinder
Zachary J. Alinder, Esq.