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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AIRWAIR INTERNATIONAL LTD.,

Plaintiff,

v.

ITX USA LLC,

Defendant.

Case No. [19-cv-07641-SI](#)

**JUDGMENT & PERMANENT
INJUNCTION**

Re: Dkt. No. 201

On August 9, 2021, a jury entered a verdict finding defendant infringed plaintiff’s trade dress. Dkt. No. 183. On November 15, 2021, the Court granted plaintiff’s motion for a permanent injunction. Dkt. No. 201. Pursuant to Federal Rule of Civil Procedure 58, the Court hereby ENTERS judgment in favor of plaintiff and against defendant, and enters the permanent injunction as detailed below. The Clerk of Court shall close the file in this matter.

1. The permanent injunction provisions of this Judgment and Order apply to defendant ITX, as well as all of its respective officers, servants, employees, attorneys, successors, assigns, and all persons (including directors, representatives, partners, joint venturers, affiliates, and related entities) in active concert or privity or in participation with ITX and who have or receive actual notice of this Judgment and Order (collectively, “Enjoined Parties”).

2. The Enjoined Parties are hereby permanently enjoined and restrained from directly or indirectly doing any of the following:

- a. designing, manufacturing, importing, exporting, distributing, licensing, selling, marketing, advertising, promoting or offering for sale in the United States the ITX Accused Footwear or any footwear that uses any of the following trade dress (“Dr. Martens Trade

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Dress”):

i. Registration No. 2,437,751 (a combination of yellow stitching in the welt area, and a two-tone grooved sole edge);

ii. Registration No. 5,067,689 (a sole edge including longitudinal ribbing, and a dark color band over a light color);

iii. Registration No. 5,067,692 (longitudinal ribbing and a dark color band over a light color on the outer sole edge, welt stitching, and a tab located at the top back heel of footwear); and

iv. The overall visual impression of welt stitching, a grooved sole edge, an angled heel, a platform sole, the “Quad” cleat pattern, and a heel loop (the “Jadon Design”); and/or

b. designing, manufacturing, importing, shipping, delivering, selling, marketing, displaying, advertising, or promoting footwear in the United States that is a colorable imitation of or confusingly similar to the Dr. Martens Trade Dress; and/or

c. representing or implying, to retailers, customers, distributors, licensees, or any other customers or potential customers of the products of ITX or any corporate affiliate of ITX (collectively, “ITX Products”) that ITX Products originate with, are sponsored, endorsed, or licensed by, or are otherwise associated or affiliated with AirWair or Dr. Martens.

IT IS SO ORDERED AND ADJUDGED.

Dated: November 18, 2021



SUSAN ILLSTON
United States District Judge