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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 CW

11 ARTFUL DODGER, LLC, a Delaware
 12 Limited Liability Company; BESTFORD
 13 USA INC., a Delaware Corporation dba
 14 EVISU; and CHRISTIAN CASEY LLC, a
 15 New York Limited Liability Corporation
 16 dba SEAN JOHN,

15 Plaintiffs,

16 vs.

17 OAKLAND FAMILY OUTLET, an
 18 unknown business entity; KIL CHA LEE,
 an individual; and DOES 1-10, inclusive,

) **CASE NO. C 08-3159 ~~HRL~~**
)
) **~~[PROPOSED]~~ ORDER RE**
) **CONSENT JUDGMENT**
) **INCLUDING A PERMANENT**
) **INJUNCTION; VOLUNTARY**
) **DISMISSAL OF CASE WITH**
) **PREJUDICE**

19 Plaintiffs Artful Dodger LLC, Bestford USA Inc., dba Evisu, and Christian
 20 Casey LLC dba Sean John (hereinafter collectively “Plaintiffs”) and Defendants
 21 Oakland Family Outlet and Kil Cha Lee aka Cindy Lee (hereinafter collectively
 22 “Defendants”) have entered into a Settlement Agreement and Mutual Release as to the
 23 claims in the above referenced matter. Defendants, having agreed to consent to the
 24 below terms, it is hereby:

25 ORDERED, ADJUDGED, and DECREED as among the parties hereto that:

26 1. This Court has jurisdiction over the parties to this Final Judgment and has
 27 jurisdiction over the subject matter hereof pursuant to 15 U.S.C. § 1121.

1 2. Plaintiffs have alleged that Defendants' purchase and sale of apparel
2 falsely bearing Plaintiffs' Respective Trademarks constitutes trademark infringement
3 and unfair competition under the Lanham Trademark Act, 15 U.S.C. § 1051, et seq.
4 and under the common law.

5 3. Defendants and their agents, servants, employees and all persons in active
6 concert and participation with it who receive actual notice of this Final Judgment are
7 hereby permanently restrained and enjoined from infringing upon Plaintiffs'
8 Respective Trademarks, either directly or contributorily, in any manner, including
9 generally, but not limited to manufacturing, importing, distributing, advertising, selling
10 and/or offering for sale any unauthorized product bearing Plaintiffs' Respective
11 Trademarks, or marks confusingly similar to or constituting a colorable imitation
12 thereof, and, specifically from:

13 (a) using Plaintiffs' Respective Trademarks or any reproduction,
14 counterfeit, copy or colorable imitation of same in connection with the manufacture,
15 importation, distribution, advertisement, offer for sale and/or sale of merchandise
16 comprising not the genuine products of Plaintiffs, or in any manner likely to cause
17 others to believe that the counterfeit products are connected with Plaintiffs or
18 Plaintiffs' genuine merchandise;

19 (b) passing off, inducing or enabling others to sell or pass off any
20 products or other items that are not Plaintiffs' genuine merchandise as and for
21 Plaintiffs' genuine merchandise;

22 (c) committing any other acts calculated to cause purchasers to believe
23 that Defendant's products are Plaintiffs' genuine merchandise unless they are such;

24 and

25 (d) shipping, delivering, holding for sale, distributing, returning,
26 transferring or otherwise moving, storing or disposing of in any manner items falsely
27 bearing Plaintiffs' Respective Trademarks, or any reproduction, counterfeit, copy or
28 colorable imitation of same.

1 4. Plaintiffs and Defendants shall bear their own costs associated with this
2 action.


3 5. The execution of this Final Judgment by Counsel for the parties shall
4 serve to bind and obligate the parties hereto.

5 6. The jurisdiction of this Court is retained for the purpose of making any
6 further orders necessary or proper for the construction or modification of this Final
7 Judgment, the enforcement thereof and the punishment of any violations thereof.
8 Except as otherwise provided herein, this action is fully resolved with prejudice.

9 7. This Final Judgment shall be deemed to have been served upon Defendant
10 at the time of its execution by the Court.

11
12 IT IS SO ORDERED.

13 July 14
14 DATE: _____, 2009

By: 

Hon. Claudia Wilken
United States District Judge