

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 FEIYA COSMETICS, LLC,
9 Plaintiff, No. C 10-0967 PJH
10 v.
11 BEYOND BEAUTY INTERNATIONAL, LLC,
et al.,
12 Defendants.
**ORDER ADOPTING REPORT AND
RECOMMENDATION; ORDER
GRANTING MOTION FOR DEFAULT
JUDGMENT (DOC. 90); DENYING
MOTION FOR DEFAULT JUDGMENT
(DOC. 89)**

14 The court has reviewed Magistrate Judge Spero's report and recommendation re
15 plaintiffs' motions for default judgment as to defendants Beyond Beauty International
16 ("Beyond Beauty"), Jenny Tran, and Alex Savastano (Doc. 90), and defendants Quynh Dao
17 Video and Hung Tran (Doc. 89). After filing the motions for default judgment, plaintiff
18 submitted a notice of dismissal of the claims against defendant Alex Savastano, and served
19 a copy of the report and recommendation on defendants Beyond Beauty and Jenny Tran,
20 who filed no objection to the report. Plaintiff did not serve a copy of the report and
21 recommendation on defendants Quynh Dao Video and Hung Tran.

22 The court finds the report correct, well-reasoned and thorough, and adopts it in
23 every respect. Accordingly, the motion for default judgment as to defendants Quynh Dao
24 Video and Hung Tran is DENIED, based on lack of personal jurisdiction; and the motion for
25 default judgment as to Beyond Beauty and Jenny Tran is GRANTED.

26 The court awards the following amounts against those two defendants: 1) statutory
27 damages in the amount of \$400,000; 2) attorneys' fees in the amount of \$23,369.50; and 3)
28 costs in the amount of \$683.20.

1 In addition, a permanent injunction is hereby entered against Beyond Beauty and
2 Jenny Tran as follows:

3 Beyond Beauty, Jenny Tran, their officers, agents, servants, attorneys, employees,
4 privies, successors, and assigns, and all persons in active concert or participation with any
5 of them are enjoined from:

6 a. Using, displaying, advertising, copying, registering, imitating, counterfeiting or
7 infringing upon the Feiya Mark;

8 b. Using or displaying the Feiya Mark or name or colorable imitations thereof as
9 a business name, domain name, or mark in any written, oral or electronic advertisements,
10 including on any website owned and/or controlled by Beyond Beauty or Jenny Tran;

11 c. Using the word "Feiya" or any other word that is confusingly similar to Feiya
12 as or as part of any trademark, service mark, brand name, trade name, or other business
13 or commercial designation, in connection with the sale, offering for sale, distribution,
14 advertising or promotion of any product or service;

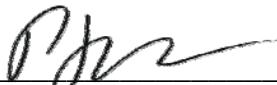
15 d. Making representations that products or services sold by Beyond Beauty or
16 Jenny Tran are in any way sponsored, approved, authorized or affiliated with Feiya; or

17 e. Otherwise infringing upon the "Feiya" name or the Feiya Mark.

18 Beyond Beauty and Jenny Tran shall transfer custody of all products bearing the
19 Feiya name or Feiya Mark in their possession, custody, or control to Feiya.

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21 **IT IS SO ORDERED.**

22 Dated: September 29, 2011

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25 PHYLLIS J. HAMILTON
26 United States District Judge
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