

1 OTTO O. LEE (SBN 173987)
 olee@iplg.com
 2 KEVIN VIAU (SBN 275556)
 kviau@iplg.com
 3 LEILA N. SOCKOLOV (SBN 282946)
 lsockolov@iplg.com
 4 INTELLECTUAL PROPERTY LAW GROUP
 LLP
 5 1871 The Alameda, Suite 250
 6 San Jose, California 95126
 Telephone: (408) 286-8933
 7 Facsimile: (408) 286-8932

ROSEMARIE T. RING (SBN 110840)
 rose.ring@mto.com
 CAROLYN HOECKER LUEDTKE
 (SBN 207976)
 carolyn.luedtke@mto.com
 AARON D. PENNEKAMP (SBN 290550)
 aaron.pennekamp@mto.com
 MUNGER, TOLLES & OLSON LLP
 560 Mission Street
 Twenty-Seventh Floor
 San Francisco, CA 94105-2907
 Tel.: (415) 512-4000 / Fax: (415) 644-6929

8 Attorneys for Defendants VERSACE 19.69
 9 ABBIGLIAMENTO SPORTIVO S.R.L. and
 10 THEOFANIS PAPADAS

ZACHARY M. BRIERS (SBN 287984)
 zachary.briers@mto.com
 WILLIAM LARSEN (SBN 314091)
 william.larsen@mto.com
 MUNGER, TOLLES & OLSON LLP
 350 South Grand Avenue, Fiftieth Floor
 Los Angeles, California 90071-1560
 Tel: (213) 683-9100 / Fax: (213) 683-4042

Attorneys for Plaintiffs GIANNI VERSACE,
 S.R.L. and VERSACE USA, INC.

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

18 GIANNI VERSACE, S.P.A. and VERSACE
 19 USA, Inc.

20 Plaintiffs,

21 vs.

22 VERSACE 19.69 ABBIGLIAMENTO
 SPORTIVO SRL; THEOFANIS PAPADAS;
 23 VALERO ENTERPRISES, INC; SUSAN
 VALERO; V1969 BH LLC; BRILLIANCE
 24 NEW YORK LLC; V1969 VERSACE SMO
 LLC; V1969 VERSACE HG LLC; AND
 25 V1969 USA LLC,

26 Defendants.

Case No. 4:16-cv-03617-HSG

**STIPULATION FOR ENTRY OF
 JUDGMENT AND ~~PROPOSED~~
 JUDGMENT**

Judge: Hon. Haywood S. Gilliam, Jr.

1 **STIPULATION FOR ENTRY OF JUDGMENT**

2 WHEREAS, on June 27, 2016, Plaintiffs Gianni Versace S.R.L.¹ and Versace USA, Inc.
3 (collectively, “Versace”) filed this action against, *inter alia*, Defendants Theofanis Papadas and
4 Versace 19.69 Abbigliamento Sportivo S.R.L. (collectively, “VAS”) asserting claims for, *inter*
5 *alia*, trademark infringement, false designation of origin, trademark dilution, and unfair
6 competition;

7 WHEREAS, on July 24, 2018, the Court issued an Order granting Versace summary
8 judgment on its claims against VAS for trademark infringement, false designation of origin,
9 trademark dilution, and unfair competition, (ECF No. 261, “Summary Judgment Order”);

10 WHEREAS, the Summary Judgment Order also found that a permanent injunction was
11 warranted and, between October 2018 and November 2018, the Parties submitted briefing to the
12 Court regarding the terms of the permanent injunction, with each side proposing a draft of the
13 permanent injunction for the Court to consider;

14 WHEREAS, on January 2, 2019, the Court entered Versace’s proposed permanent
15 injunction against VAS (ECF No. 275, “Permanent Injunction”);

16 WHEREAS, a trial is currently scheduled to commence on May 13, 2019, for the Court to
17 determine the amount of money VAS owe to Versace in the form of infringer’s profits;

18 WHEREAS, on February 1, 2019, VAS filed a notice of appeal of the Summary Judgment
19 Order and the Permanent Injunction to the United States Court of Appeal for the Ninth Circuit,
20 which is captioned *Gianni Versace, S.p.A., et al. v. Versace 19.69 Abbigliamento Sportivo S.R.L.,*
21 *et al.*, Case No. 19-15188 (“Appeal”);

22 WHEREAS, in order to avoid the risk, cost, and expense of the upcoming trial on
23 monetary relief, VAS agreed to dismiss the Appeal and be bound by the Summary Judgment
24 Order and Permanent Injunction, Versace agreed to release its claims for monetary recovery
25 against VAS set for trial on May 13, 2019, and the Parties agreed to stipulate to entry of the
26 attached [Proposed] Stipulated Judgment;

27 _____
28 ¹ Gianni Versace, S.P.A. recently changed its name to “Gianni Versace S.R.L.”

1 WHEREAS, the Parties have entered into a binding term sheet memorializing, *inter alia*,
2 their agreement to enter judgment as set forth herein (“Agreement”).

3 NOW THEREFORE, the Parties stipulate as follows:

4 1. The Court has jurisdiction to enter judgment in this action.

5 2. The Court already entered the Permanent Injunction, dated January 2, 2019, that
6 remains in effect and is unchanged.

7 3. The Parties consent to the Court having continuing jurisdiction for purposes of
8 enforcing the Parties’ Agreement, the Permanent Injunction and the Judgment, and the Parties
9 irrevocably and fully waive and relinquish any argument that venue or jurisdiction by this Court is
10 improper or inconvenient.

11 4. The Parties request that the Court enter the [Proposed] Judgment attached hereto.

12 5. VAS irrevocably and fully waive notice of entry of the Judgment, and notice and
13 service of the entered Judgment, and understand and agree that violation of either the Judgment or
14 the Permanent Injunction will expose them to all penalties provided by law, including contempt of
15 Court.

16 6. VAS irrevocably and fully waive any and all right to appeal the Summary
17 Judgment Order, the Permanent Injunction, and the Judgment.

18 IT IS SO STIPULATED.

19

20 DATED: April 12, 2019

MUNGER, TOLLES & OLSON LLP

21

By: /s/ Zachary M. Briers

22

ZACHARY M. BRIERS

23

Attorneys for Gianni Versace, S.R.L. and
Versace USA, Inc.

24

25 DATED: April 12, 2019

INTELLECTUAL PROPERTY LAW GROUP

26

By: /s/ Otto O. Lee

27

Otto Lee

28

Attorneys for Defendants Theofanis Papadas and
Versace 19.69 Abbigliamento Sportivo S.R.L.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION OF CONCURRENCE IN FILING

Pursuant to N.D. Cal. L.R. 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from counsel for GIANNI VERSACE, S.r.l. and VERSACE USA, INC.

Dated: April 12, 2019

By: /s/ Otto O. Lee
Otto O. Lee, Esq.
INTELLECTUAL PROPERTY LAW GROUP LLP
1871 The Alameda, Suite 250
San Jose, CA 95126
Telephone: 408-286-8933
Fax: 408-286-8932

*Attorneys for Defendant VERSACE 19.69
ABBIGLIAMENTO SPORTIVO S.R.L., and
THEOFANIS PAPADAS*

1 **~~PROPOSED~~ JUDGMENT**

2 WHEREAS, on June 27, 2016, Plaintiffs Gianni Versace S.R.L. and Versace USA, Inc.
3 (collectively, “Versace”) filed suit against, *inter alia*, Defendants Theofanis Papadas and Versace
4 19.69 Abbigliamento Sportivo S.R.L. (collectively, “VAS”), asserting claims for, *inter alia*,
5 trademark infringement, false designation of origin, trademark dilution, and unfair competition;

6 WHEREAS, on July 24, 2018, the Court issued an Order granting Versace summary
7 judgment on its claims against VAS for trademark infringement, false designation of origin,
8 trademark dilution, and unfair competition, (ECF No. 261, “Summary Judgment Order”).

9 WHEREAS, on January 2, 2019, the Court entered a Permanent Injunction against VAS
10 (ECF No. 275, “Permanent Injunction”);

11 WHEREAS, on February 1, 2019, VAS filed a notice of appeal of the Summary Judgment
12 Order and the Permanent Injunction to the United States Court of Appeal for the Ninth Circuit,
13 which is captioned *Gianni Versace, S.p.A., et al. v. Versace 19.69 Abbigliamento Sportivo S.R.L.,*
14 *et al.*, Case No. 19-15188 (“Appeal”);

15 WHEREAS, in order to avoid the risk, cost, and expense of the upcoming trial on
16 monetary relief, VAS agreed to dismiss the Appeal and be bound by the Summary Judgment
17 Order and Permanent Injunction, Versace agreed to release its claims for monetary recovery
18 against VAS set for trial on May 13, 2019, and the Parties agreed to stipulate to entry of the this
19 Stipulated Judgment;

20 WHEREAS, the Parties have entered into a binding term sheet memorializing, *inter alia*,
21 their agreement to enter judgment as set forth herein (“Agreement”).

22 NOW THEREFORE, Pursuant to the Stipulation for Entry of Judgment filed concurrently
23 herewith, and for good cause shown, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
24 that:

- 25 1. Judgment is entered in favor of Versace, and against VAS, for the reasons stated in
26 the Summary Judgment Order, with neither Party obtaining any damages or monetary award.
27 2. VAS shall remain subject to the Permanent Injunction, which remains effective and
28 unchanged.

