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5	Attorney for Plaintiff Vietnam Reform Party
	(a/k/a/ Việt Nam Canh Tân Cách Mạng Đảng or Việt Tạn) en unincorporated association
6	Wikidi Viçtiyanı Canın Tanı Cacın İviqing Dang
٠	or Viet Tan), an unincorporated association

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Nam Canh Tân Cách Mạng Đảng or Việt Tan), an unincorporated association,) Case No. 4:17-CV-00291-HSG) ORDER AND JUDGMENT
Plaintiff,))
v.))
VIET TAN - VIETNAM REFORM PARTY, a California nonprofit corporation, et al.,))
Defendants.))

This matter came before the Court on Plaintiff's Application for Entry of a Default Judgment against Defendants, Michelle Duong ("Duong") and Viet Tan – Vietnam Reform Party, a California corporation ("VT Corp") (collectively, "Defendants"), under Rule 55(b)(2) of the Federal Rules of Civil Procedure. (Dkt. No. 86).

On August 26, 2019, the Court granted in part and denied in part Plaintiff's Motion for Default Judgment. (Dkt. No. 90). On September 4, 2019, the court issued an order for Plaintiff to show cause why the remaining claims in this case should not be dismissed for failure to prosecute. (Dkt. No. 91). On September 11, 2019, Plaintiff's counsel advised the Court that Plaintiff will dismiss all remaining claims. (See Dkt. No. 95). On September 13, 2019, Plaintiff dismissed all remaining claims against Defendant Duong. (Dkt. No. 96). On September 27, 2019, Plaintiff dismissed its trademark dilution claim against all Defendants without prejudice. (Dkt. No. 103). For the foregoing reasons, the Court finds as follows:

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- 1. Defendant Duong in not a minor, incompetent person, nor member of the military service of the United States;
 - Defendant Duong did not appear or otherwise defend in this action.

IT IS HEREBY ORDERED that:

As to Defendant VT Corp, the Motion for Entry of Default Judgment is **GRANTED** for its trademark infringement claims under the Lanham Act and California common law, and unfair competition claims under California Business & Professions Code, section 17200, et seq. and California common law; it is

FURTHER GRANTED that Plaintiff's Request for Declaratory Judgment that Plaintiff owns the trademarks "Vietnam Reform Party," "Việt Nam Canh Tân Cách Mạng Đảng," "Việt Tân", and "Viet Tan," and Defendants have infringed on Plaintiff's rights to those Marks. The Court further **GRANTS** Plaintiff's Request for Permanent Injunction, consistent with the language below:

Defendant VT Corp, and all its officers, agents, servants, employees, and attorneys, and all those in active concert or participation with any of them, ARE PERMANENTLY RESTRAINED AND ENJOINED FROM:

- 1. Using "Vietnam Reform Party," "Việt Nam Canh Tân Cách Mạng Đảng," "Việt Tân", and "Viet Tan," (collectively "the Marks"), or any confusingly similar version or variation of the Marks, in any jurisdiction in the United States, except to refer to Plaintiff.
- 2. Representing to any media, person, entity, or the public that Defendant has any rights to the Marks.
 - a. For purposes of the injunction, the term "person" shall be defined as set forth in 15 U.S.C. § 1127, which includes, but is not limited to, Plaintiff's members, the media, or any other person.
- 3. Sending cease-and-desist-letters, or any other communication as defined in 18 U.S.C. § 2510, asserting any right to preclude others, including but not limited to plaintiff, from using the Marks.

Radoslovich | Shapiro, PC Attorneys

IT IS FURTHER ORDERED that:

Upon a showing made to this Court, Plaintiff is entitled to a Judgment against said Defendant for reasonable attorneys' fees and cost incurred in prosecution of this action. Plaintiff shall submit evidence of its reasonable attorneys' fees within 14 days of the date of this Order.

IT IS SO ORDERED.

DATED: 9/30/2019

United States District Court Judge