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 7 *Coach, Inc. and Coach Services, Inc.*

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

11 COACH, INC., a Maryland Corporation;  
 12 COACH SERVICES, INC., a Maryland  
 13 Corporation,

13 Plaintiffs,

14 vs.

15 ELAINE ZHU, an individual dba RED  
 16 LANTERN GIFTS SHOP; FASHION  
 17 BAGS & GIFTS, INC., a California  
 18 Corporation; and DOES 1-10, inclusive,

18 Defendants

) CASE NO. 12-CV-04326-RMW  
 ) **STIPULATION AND ~~[PROPOSED]~~**  
 ) **CONSENT JUDGMENT AND ORDER**  
 ) **OF DISMISSAL WITH PREJUDICE**

20 **STIPULATION**

21 The undersigned parties, by and through their respective counsel, do hereby  
 22 stipulate as follows:

23 **WHEREAS**, Plaintiffs Coach, Inc. and Coach Services, Inc. (“Plaintiffs” or  
 24 “Coach”) have filed a Complaint in this action charging, *inter alia*, Defendants Elaine  
 25 Zhu and Fashion Bags & Gifts, Inc., with federal trademark infringement and related  
 26 claims with regards to Coach’s federally registered trademarks;

1           **WHEREAS**, the parties herein having simultaneously entered into a Settlement  
2 Agreement and Mutual Release (the “Settlement Agreement”), and desiring to fully  
3 settle all of the claims in this action pursuant to the Settlement Agreement; and

4           **WHEREAS**, the Settlement Agreement calls for the entry of a Stipulated  
5 Consent Judgment and Order of Dismissal With Prejudice.

6           **ACCORDINGLY, IT IS HEREBY STIPULATED AND JOINTLY**  
7 **REQUESTED** that the Court enter the attached Consent Judgment and Order of  
8 Dismissal.

9  
10 Dated: January 10, 2014

BLAKELY LAW GROUP

11  
12 By: /s/ Michael Marchand  
13 Brent H. Blakely  
14 Michael Marchand  
15 *Attorneys for Plaintiffs*  
16 *Coach, Inc. and Coach Services, Inc.*

17  
18 Dated: January 12, 2014

19 TINGLEY LAW GROUP, PC

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21 By: /s/ Kevin O'Brien  
22 Kevin O'Brien  
23 *Attorneys for Defendants*  
24 *Red Lantern Gift Shop, Fashion Bags*  
25 *& Gifts, and Elaine Zhu*





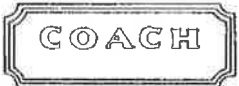
1 ~~PROPOSED~~ CONSENT JUDGMENT AND ORDER OF DISMISSAL



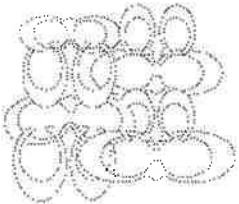
2 The Court enters this Consent Judgment and Order of Dismissal, based on the  
3 stipulation of the parties, Plaintiffs Coach, Inc. and Coach Services, Inc. (collectively  
4 “Plaintiffs”), on the one hand, and Defendants Elaine Zhu and Fashion Bags & Giftsm  
5 Inc. (collectively “Defendants”), on the other hand, and finds as follows:

6 1. This Court has jurisdiction over the parties to this Consent Judgment and  
7 has jurisdiction over the subject matter hereof pursuant to 28 U.S.C. § 1331, 1338.

8 2. Coach is the worldwide owner of the trademark “COACH” and various  
9 composite trademarks and assorted design components (collectively “Coach Marks”).  
10 Coach Marks include but are not limited to the following marks:

11

12 Mark	U.S. Registration No(s).	Registration Date
13 “COACH”	751, 493	06/25/1963
14	1,071,000	08/09/1977
15	2,088,706	08/19/1997
16	3,157,972	10/17/2006
17 	3,413,536	04/15/2008
18 	3,251,315	06/12/2007
19 	3,441,671	06/03/2008
20		
21 	2,252,847	06/15/1999
22	2,534,429	01/29/2002
23		
24 	1,309,779	12/18/1984
25	2,045,676	03/18/1997
26	2,169,808	06/30/1998
27		
28		

 Signature "C" Logo	2,592,963 2,626,565 2,822,318 2,832,589 2,822,629 3,695,290	07/09/2002 09/24/2002 03/16/2004 04/13/2004 03/16/2004 10/13/2009
 Coach "Op Art" Mark	3,696,470	10/13/2009
	3,012,585	11/08/2005

3. Plaintiffs have alleged that Defendants' purchase and sale of products which infringe upon the Coach Marks constitutes trademark infringement, trade dress infringement, false designations of origin and false descriptions, federal trademark dilution, unfair business practices in under California Law, copyright infringement, and common law unfair competition.

**NOW, THEREFORE, IT IS ORDERED** that Defendants and their agents, servants, employees and all persons in active concert and participation with them who receive actual notice of this Consent Judgment are hereby permanently restrained and enjoined from infringing upon the Coach Marks, either directly or contributorily, in any manner, including but not limited to:

(a) Manufacturing, importing, purchasing, distributing, advertising, offering for sale, and/or selling any products which bear designs identical, substantially similar, and/or confusingly similar to the Coach Marks;

1 (b) Using the Coach Marks or any reproduction, counterfeit, copy or  
2 colorable imitation thereof in connection with the manufacture, importation,  
3 distribution, advertisement, offer for sale and/or sale of merchandise;

4 (c) Passing off, inducing or enabling others to sell or pass off any  
5 products or other items that are not Plaintiffs' genuine merchandise as genuine Coach  
6 merchandise;

7 (d) Committing any other acts calculated to cause purchasers to believe  
8 that Defendants' products are Coach's genuine merchandise unless they are such;

9 (e) Shipping, delivering, holding for sale, distributing, returning,  
10 transferring or otherwise moving, storing or disposing of in any manner items falsely  
11 bearing the Coach Marks, or any reproduction, counterfeit, copy or colorable imitation  
12 thereof; and

13 (f) Assisting, aiding or attempting to assist or aid any other person or  
14 entity in performing any of the prohibited activities referred to in Paragraphs 4(a) to  
15 4(g) above.

16 **IT IS FURTHER ORDERED** that judgment is entered against Defendants  
17 Elaine Zhu and Fashion Bags and Gifts, Inc., jointly and severally, in the amount of  
18 \$100,000.

19 **IT IS FURTHER ORDERED** that the execution of this Consent Judgment  
20 shall serve to bind and obligate the parties hereto.

21 **IT IS FURTHER ORDERED** that this action be and hereby is dismissed with  
22 prejudice, with all parties to bear their own attorneys' fees and costs.

23 **IT IS FURTHER ORDERED THAT** the jurisdiction of this Court is retained  
24 for the purpose of making any further orders necessary or proper for the construction  
25 or modification of this Consent Judgment, the enforcement thereof and the punishment  
26 of any violations thereof.

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**IT IS SO ORDERED.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.



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Honorable Ronald M. Whyte  
United States District Judge