

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 20-cv-61916-BLOOM/Valle

APPLE CORPS LIMITED and SUBAFILMS
LIMITED,

Plaintiffs,

vs.

BAGANI.MOBI, et al.,

Defendants.

CONSENT FINAL JUDGMENT AND PERMANENT INJUNCTION
AS TO THE CONSENT JUDGMENT DEFENDANTS
IDENTIFIED ON SCHEDULE “A” HERETO

THIS CAUSE is before the Court upon Plaintiffs’ Motion for Entry of Consent Final Judgment and Permanent Injunction as to certain Defendants, ECF No. [35] (“Motion”), filed on November 16, 2020. The Court has carefully considered the Motion, the record in this case, the applicable law, and is otherwise fully advised.

Plaintiffs, Apple Corps Limited and Subafilms Limited (“Plaintiffs”), and the Defendants identified on Schedule “A” hereto (collectively, the “Consent Judgment Defendants”), stipulate and consent to the following:

WHEREAS, the Consent Judgment Defendants adopted and began using trademarks in the United States that infringe and dilute the distinctive quality of Plaintiffs’ various registered trademarks identified in Paragraphs 18 and 27 of Plaintiffs’ Amended Complaint, ECF No. [19], (“Plaintiffs’ Marks”);

WHEREAS, each of the Consent Judgment Defendants’ use of names and marks which incorporate one or more of Plaintiffs’ Marks is likely to cause confusion as to source or origin;

WHEREAS, the parties desire to settle and have amicably resolved their dispute to their satisfaction; and

WHEREAS, based upon Plaintiffs' good faith prior use of Plaintiffs' Marks, Plaintiffs have superior and exclusive rights in and to the Plaintiffs' Marks in the United States and any confusingly similar names or marks; it is

ORDERED AND ADJUDGED as follows:

1. Plaintiffs' Motion, **ECF No. [35]**, is **GRANTED**. Judgment is entered in favor of Plaintiffs and against each of the Consent Judgment Defendants.

2. Each of the Consent Judgment Defendants and their respective officers, agents, servants, employees and attorneys, and all persons in active concert and participation with them are hereby permanently restrained and enjoined from intentionally and/or knowingly:

- a. manufacturing or causing to be manufactured, importing, advertising, or promoting, distributing, selling or offering to sell counterfeit and infringing goods bearing and/or using Plaintiffs' Marks;
- b. using Plaintiffs' Marks in connection with the sale of any unauthorized goods;
- c. using any logo, and/or layout which may be calculated to falsely advertise the services or products of the Consent Judgment Defendants as being sponsored by, authorized by, endorsed by, or in any way associated with Plaintiffs;
- d. falsely representing themselves as being connected with Plaintiffs, through sponsorship or association;
- e. engaging in any act which is likely to falsely cause members of the trade

and/or of the purchasing public to believe any goods or services of the Consent Judgment Defendants, are in any way endorsed by, approved by, and/or associated with Plaintiffs;

- f. using any reproduction, counterfeit, copy, or colorable imitation of the Plaintiffs' Marks in connection with the publicity, promotion, sale, or advertising of any goods sold by the Consent Judgment Defendants;
- g. affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent the Consent Judgment Defendants' goods as being those of Plaintiffs, or in any way endorsed by Plaintiffs;
- h. offering such goods in commerce and from otherwise unfairly competing with Plaintiffs;
- i. secreting, destroying, altering, removing, or otherwise dealing with the unauthorized products or any books or records which contain any information relating to the importing, manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, renting or displaying of all unauthorized products which infringe the Plaintiffs' Marks; and
- j. effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (a) through (i).

3. Plaintiffs shall have the right to seek sanctions for contempt, compensatory damages, injunctive relief, attorneys' fees, costs, and such other relief deemed proper in the event of a violation or failure by any of the Consent Judgment Defendants to comply with any of the provisions hereof. The prevailing party in any such proceeding shall be entitled to recover its attorney's fees and costs.

4. This Consent Final Judgment shall be conclusive for purposes of collateral estoppel regarding all issues that have been or could have been brought on the same operative facts.

5. Each party shall bear its own attorney's fees and costs.

6. This Court will retain continuing jurisdiction over this cause to enforce the terms of this Consent Final Judgment.

7. PayPal, Inc. ("PayPal"), SIA Joom, which operates the Joom.com website ("Joom"), and their related companies and affiliates shall (1) disburse the funds of each of the Consent Judgment Defendants restrained pursuant to the Court's Sealed Order Granting Plaintiffs' Ex Parte Application for Entry of Temporary Restraining Order and Setting Hearing on Motion for Preliminary Injunction, dated September 23, 2020, ECF No. [11], as directed by Plaintiffs' counsel; and (2) upon transfer of the funds to Plaintiffs as required herein, PayPal and Joom shall remove any restraints that were placed on the Consent Judgment Defendants' PayPal and Joom accounts pursuant to the Temporary Restraining Order; and (3) return each of the Consent Judgment Defendants' accounts back to an unrestrained status in accordance with PayPal and Joom's operating procedures and contract for services with each of the Consent Judgment Defendants.

DONE AND ORDERED in Chambers at Miami, Florida, on November 16, 2020.

A handwritten signature in black ink, appearing to be 'JB' with a long horizontal stroke extending to the right.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record

SCHEDULE "A"

**CONSENT JUDGMENT DEFENDANTS BY NUMBER, SELLER ID, AND
INDIVIDUAL, PARTNERSHIP, OR UNINCORPORATED ASSOCIATION**

Def. No.	Defendant / Seller ID	Store Number / PayPal Account	Individual, Partnership, or Unincorporated Association
19	lovecharmworld2012	lovecharmworld@gmail.com	Huang Yongjun
35	wybeads-fine-jewelry	wantchange4ever@gmail.com	
37	3 Idiots	5d458ec91436d4030122195c	Nengzhao Xie
38	antelope	5d52835f28fc710301a00a8e	
53	eight octopus	5d5e817f8b2c3703019caf83	
65	Les choristes	5d458edd8b2c370301c36350	
83	Sky of shop	5db81be628fc7103019508de	
89	Titanic	5d458e728b45130301192fcf	
40	Baby dress	1517884686413800174-140-5-709-2672229233	Xiaowei Yuan