

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

**CASE NO.: 1:10-cv-23241-JLK**

SWATCH S.A. a/k/a SWATCH A.G.; and  
THE SWATCH GROUP (U.S.) Inc.,

Plaintiffs,

v.

TICK TOCK, INC., INTERNATIONAL TIME,  
INC., THE PFEFFER GROUP LLC, JACOB  
PFEFFER, JOSE PFEFFER, ERIC PFEFFER,  
TERESA PFEFFER, CARLA PFEFFER, JOHN  
and JANE DOE 1-10, and JOHN DOE  
CORPORATIONS 1-10,  
all whose true names are unknown

Defendants.

**FINAL JUDGMENT AND PERMANENT INJUNCTION ON CONSENT**

This matter, having come for consideration upon the Plaintiffs Swatch S.A. a/k/a Swatch A.G. (“Swatch”) and The Swatch Group (U.S.) Inc.’s (“TSG”) (collectively “Plaintiffs”) Complaint for trademark infringement, copyright infringement, patent infringement and related causes of action based on Defendants Tick Tock, Inc., International Time, Inc., The Pfeffer Group LLC, Jacob Pfeffer, Jose Pfeffer, Eric Pfeffer, Teresa Pfeffer, and Carla Pfeffer’s (“Defendants”) alleged acts of unlawful importation, material alteration and offering for sale and sale of infringing SWATCH-branded goods, and the Parties now having represented to this Court that they have settled their differences, individually and collectively hereby agree to entry of the within Final Judgment and Permanent Injunction on Consent (“Consent Judgment”), **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

1. This Court has jurisdiction over each of the parties to this Consent Judgment, and over the subject matter in issue. Venue is proper in this Court.

2. The Plaintiffs have alleged that the Defendants, individually and collectively, have infringed and/or have induced or and/or contributed to infringement of one or more of the rights owned by Plaintiffs, including the registrations attached hereto as Exhibit 1 (“Plaintiffs’ Intellectual Property”).

3. The Defendants, individually and collectively, have elected not to litigate the Plaintiffs’ allegations.

4. The Defendants, individually and collectively, and their parents, affiliates, subsidiaries, agents, servants, employees, partners, business entities, attorneys, and/or persons controlled directly or indirectly by the Defendants or acting on their behalf or in concert with them and all those person in active concert or participation with them or any one of them are **HEREBY ENJOINED** from the sale, transfer, importation, offering for sale, advertisement (including online advertisement via the Internet), movement, distribution and/or marketing of any products constituting, embodying or bearing the Plaintiffs’ Intellectual Property and/or rendering of any assistance whatsoever in the sale, transfer, importation advertisement, movement, modification, manufacture or distribution of such products or products colorably resembling any of Plaintiffs’ Intellectual Property, unless expressly authorized by Swatch and TSG.

5. The Defendants, individually and collectively, **REPRESENT** that they do not possess any timepieces or other goods constituting, embodying or bearing any of the Plaintiffs’ Intellectual Property.

6. The Defendants, individually and collectively, represent that they have **PERMANENTLY CEASED and DESISTED** from importing, selling, distributing, advertising, and/or promoting timepieces or other goods constituting, embodying or bearing any of the Plaintiffs' Intellectual Property and further warrant and represent that they have ceased and desisted all activities enabling such activities listed above.

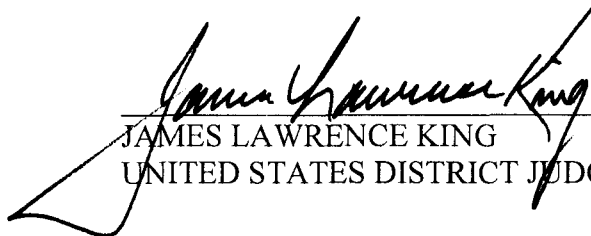
7. This Consent Judgment shall be **BINDING ON** and **INURE TO** the benefit of the executors, administrators, personal representatives, heirs, successors and assigns of each party.

8. The Clerk shall **CLOSE** this case and **DENY** as moot all pending motions.

9. This Court **RETAINS** over the parties and the subject matter for the purpose of enforcing compliance with the terms stated herein and for enabling the parties to apply to this Court for further orders and to remediate violations hereof. Upon finding a party to be in violation of a provision of this Consent Judgment, the Court will issue an order directing the violating party to comply with the violated provisions. Any such application to enforce the terms hereof may be served on the parties' respective counsel by reputable overnight courier at counsel's address existing at such time. In the event that any of the Defendants is found by the Court to have violated or to be in default of paragraph 4 of the Consent Judgment then the Court shall also assess liquidated damages of \$300.00 per unit of product, and award reasonable attorneys fees and costs for the enforcement of the Order, including investigative fees and expenses. In the event that any of the Defendants is found by the Court not to have violated or to be in default of paragraph 4 of the Consent Judgment, the Court shall award reasonable attorneys' fees and costs for defending against the alleged violation or default, including investigative fees and expenses.

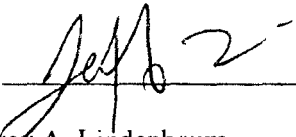
10. This Consent Judgment **RESOLVES** all claims in the above-styled matter. This Consent Judgment shall be entered **WITHOUT** the taxation of costs, damages or attorneys fees.

**DONE AND ORDERED** in Chambers, at the James Lawrence King Federal Justice Building and United States Courthouse in Miami, Florida, this 5th day of August, 2011.

  
\_\_\_\_\_  
JAMES LAWRENCE KING  
UNITED STATES DISTRICT JUDGE

CONSENTED TO:

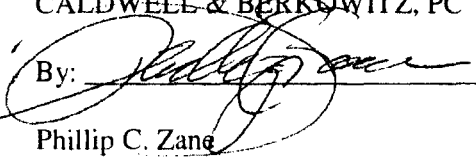
COLLEN IP

By: 

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COLLEN IP  
The Holyoke-Manhattan Building  
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Ossining, New York 10562  
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*Attorneys for Plaintiffs*

Dated: ~~February~~ <sup>July</sup> 12, 2011

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, PC

By: 

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Baker, Donelson, Bearman, Caldwell &  
Berkowitz, PC  
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202.508.3490 (tel)  
202.220.2290 (fax)  
pzane@bakerdonelson.com  
*Attorneys for Defendants*

Dated: ~~February~~ <sup>July</sup> 12, 2011

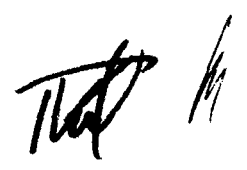
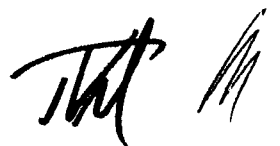


EXHIBIT 1

EXHIBIT 1

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**Int. Cl.: 14**

**Prior U.S. Cl.: 27**

**United States Patent and Trademark Office**

**Reg. No. 1,356,512**

**Registered Aug. 27, 1985**

**TRADEMARK  
PRINCIPAL REGISTER**

**swatch**

**ETA S.A. FABRIQUES D'EBAUCHES (SWIT-  
ZERLAND CORPORATION)  
GRENCHEN, SWITZERLAND 2540**

**OWNER OF U.S. REG. NOS. 1,227,436 AND  
1,252,863.**

**FOR: WATCHES AND PARTS THEREOF, IN  
CLASS 14 (U.S. CL. 27).**

**SER. NO. 506,848, FILED 11-2-1984.**

**FIRST USE 5-31-1982; IN COMMERCE  
5-31-1982.**

**ROBERT PEVERADA, EXAMINING ATTOR-  
NEY**

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USPTO Assignments on the Web

Page 1 of 1



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Assignments on the Web > Trademark Query

### Trademark Assignment Abstract of Title

**Total Assignments: 2**

Serial #: 73506848 Filing Dt: 11/02/1984 Reg #: 1256512 Reg. Dt: 08/27/1985

Registrant: ETA S.A. FABRIQUES D'EBAUCHES

Mark: SWATCH

**Assignment: 1**

Reel/Frame: 0505/0269 Received: Recorded: 09/13/1985 Pages: 2

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: ETA S.A. FABRIQUES D'EBAUCHES

Exec Dt: 08/15/1985

Entity Type: CORPORATION

Citizenship: SWITZERLAND

Entity Type: CORPORATION

Citizenship: SWITZERLAND

Assignee: SWATCH S.A.

9, ROUTE DE BOUJÉAN  
2502-BIENNE, SWITZERLAND

Correspondent: MCGLEW AND TUTTLE

28 WEST 44TH ST.  
NEW YORK, NY 10036

**Assignment: 2**

Reel/Frame: 0517/0992 Received: Recorded: 02/18/1986 Pages: 3

Conveyance: ATTESTATION BY SUPERINTENDANT OF THE JOINT STOCK COMPANY, BIENNE, COMMERCIAL REGISTER SHOWING CHANGE OF ADDRESS ON NOV. 18, 1985 (IN FRENCH WITH ENGLISH TRANSLATION ATTACHED)

Assignor: SWATCH SA (SWATCH SA) (SWATCH LTD.)

Exec Dt: 12/11/1985

Entity Type: UNKNOWN

Citizenship: NONE

Entity Type: UNKNOWN

Citizenship: NONE

Assignee: SWATCH SA (SWATCH SA) (SWATCH LTD.)

94 RUE JACOB STAEMPFLE

Correspondent: MCGLEW AND TUTTLE

28 WEST 44TH ST.  
NEW YORK, NY 10036

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Search Results as of: 08/11/2009 08:41 PM  
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**Int. Cl.: 42**

**Prior U.S. Cl.: 101**

**United States Patent and Trademark Office** **Reg. No. 1,849,657**  
**Registered Aug. 9, 1994**

**SERVICE MARK  
PRINCIPAL REGISTER**

**swatch**

**SWATCH SA (SWITZERLAND CORPORATION)  
94, RUE JAKOB STAMPELI  
501 BIENNE, SWITZERLAND**

**FOR: RETAIL STORE SERVICES; NAMELY,  
RETAIL SHOPS FEATURING, SUNGLASSES  
AND ELECTRONICS, IN CLASS 42 (U.S. CL.  
101).**

**FIRST USE 11-26-1993; IN COMMERCE  
11-26-1993.**

**OWNER OF U.S. REG. NOS. 1,490,111,  
1,611,076, AND OTHERS.**

**SN 74-248,413, FILED 2-21-1992.**

**SASHA CARTER, EXAMINING ATTORNEY**

*TH*



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*M*  
*TM*

Int. Cl.: 14

Prior U.S. Cl.: 27

**United States Patent and Trademark Office**

Reg. No. 1,671,076

Registered Jan. 7, 1992

**TRADEMARK  
PRINCIPAL REGISTER**

**SWATCH**

SWATCH S.A. (SWITZERLAND CORPORATION)  
94 RUE JAKOB STAMPELLI  
BIENNE, SWITZERLAND

FIRST USE 11-12-1981; IN COMMERCE  
11-12-1981.

SER. NO. 74-079,220, FILED 7-17-1990.

FOR: WATCHES, CLOCKS AND PARTS  
THEREOF, IN CLASS 14 (U.S. CL. 27).

ALICE SUE CARRUTHERS, EXAMINING ATTORNEY

*MA*  
*THA*



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**Int. Cl.: 14**

**Prior U.S. Cls.: 2, 27, 28 and 59**

**United States Patent and Trademark Office**

**Reg. No. 2,752,980**

**Registered Aug. 19, 2003**

**TRADEMARK  
PRINCIPAL REGISTER**

**SWATCH**

**SWATCH S.A. (SWATCH A.G.) (SWATCH LTD.)  
(SWITZERLAND CORPORATION)  
94, RUE JAKOB STAMPELI  
BIENNE, SWITZERLAND CH-2501**

**OWNER OF U.S. REG. NOS. 1,356,512, 2,217,468  
AND OTHERS.**

**FOR: JEWELRY, NAMELY, EARRINGS, NECK-  
LACES, PENDANTS, BRACELETS AND RINGS IN  
CLASS 14 (U.S. CLS. 1, 2, 11, 12 AND 13)**

**SER. NO. 78-124,477, FILED 4-26-2002.**

**FIRST USE 8-0-2000, IN COMMERCE 8-0-2000.**

**APRIL L. RADEMACHER, EXAMINING ATTOR-  
NEY**





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*M*

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Prior U.S. Cl.: 27

**United States Patent and Trademark Office** **Reg. No. 1,664,054**  
**Registered Nov. 12, 1991**

TRADEMARK  
PRINCIPAL REGISTER

SWATCH SCUBA 200

SWATCH SA (SWITZERLAND CORPORATION)  
94, RUE JAKOB STAMPELI  
BIENNE, SWITZERLAND

FOR: WATCHES, THEIR PARTS AND ACCESSORIES, IN CLASS 14 (U.S. CL. 27).

FIRST USE 5-9-1990; IN COMMERCE 5-9-1990.

OWNER OF SWITZERLAND PAT. NO. 378412, DATED 4-12-1990, EXPIRES 4-12-2010.

OWNER OF U.S. REG. NOS. 1,252,863, 1,356,512, AND 1,435,443.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SCUBA", APART FROM THE MARK AS SHOWN.

SER. NO. 74-051,641, FILED 4-23-1990.

ALICE SUE CARRUTHERS, EXAMINING ATTORNEY





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*M*  
7/28/2010  
*[Signature]*



**Int. Cl.: 14**

**Prior U.S. Cls.: 2, 27, 28 and 50**

**United States Patent and Trademark Office** **Reg. No. 1,938,930**  
**Registered Nov. 28, 1995**

**TRADEMARK  
PRINCIPAL REGISTER**

**IRONY**

**SWATCH AG (SWATCH SA) (SWATCH LTD.)  
(SWITZERLAND CORPORATION)  
94, RUE JAKOB STAMPELI  
2500 BIENNE, SWITZERLAND**

**FIRST USE 11-29-1994; IN COMMERCE  
11-29-1994.**

**SER. NO. 74-611,210, FILED 3-10-1995.**

**FOR: WATCHES AND THEIR PARTS, IN  
CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).**

**JERI J. FICKES, EXAMINING ATTORNEY**





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7/28/2010

Int. Cl.: 14

Prior U.S. Cls.: 2, 27, 28 and 50

**United States Patent and Trademark Office** **Reg. No. 1,942,870**  
**Registered Dec. 19, 1995**

TRADEMARK  
PRINCIPAL REGISTER

swatch  
IRONY

SWATCH AG (SWATCH SA) (SWATCH LTD.)  
(SWITZERLAND CORPORATION)  
94, RUE JAKOB STAMPFLI  
2500 BIENNE, SWITZERLAND

PRIORITY CLAIMED UNDER SEC. 44(D) ON  
SWITZERLAND APPLICATION NO. 5835.1994.I,  
FILED 8-26-1994, REG. NO. 413479, DATED  
8-26-1994, EXPIRES 8-26-2004.

FOR: WATCHES AND THEIR PARTS, IN  
CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 11-29-1994; IN COMMERCE  
11-29-1994.

SER. NO. 74-628,211, FILED 2-1-1995.

JFRI L. FICKES, EXAMINING ATTORNEY



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*TVA*  
9/28/2010



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Dépôts publiés selon l'Acte de 1960 /  
Deposits Published Under the 1960 Act

(11)

DM/058481

(15)

14.01.2002

(18)

14.01.2012

(73)

SWATCH AG (SWATCH SA) (SWATCH LTD.), 94, Rue Jakob Stämpfli, CH-2502 BIENNE

(CH)

(86)

(87)

(88)

CH

(74)

THE SWATCH GROUP SA (THE SWATCH GROUP AG) (THE SWATCH GROUP LTD.)

Faubourg du Lac 6, CH-2502 BIENNE (CH)

(28)

1

(54)

Boîte de montre /

*Watch case*

(51)

Cl. 10-07

(81)

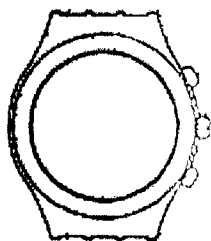
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RO, RS, SI

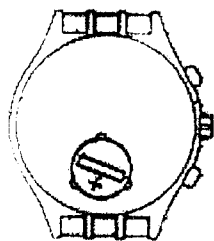
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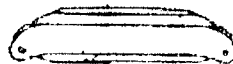
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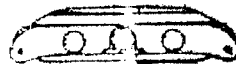
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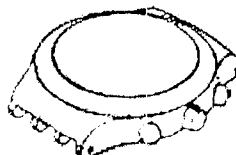
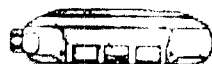


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**(11)**

**DM/067074**

**(15)**

**14.10.2005**

**(18)**

**14.10.2010**

**(22)**

**14.10.2005**

**(73)**

**SWATCH AG (SWATCH SA) (SWATCH LTD.), 94, Rue Jakob Stämpfli, CH-2502 BIENNE**

**(CH)**

**(86)**

**(87)**

**(88)**

**(85)**

**CH**

**(85)**

**CH**

**(74)**

**THE SWATCH GROUP SA (THE SWATCH GROUP AG) (THE SWATCH GROUP LTD.)**

**Faubourg du Lac 6, CH-2502 BIENNE (CH)**

**(72)**

**Alfredo BELLAVEGLIA, SWATCH SA, rue Jakob Stämpfli 94, CH-2502 BIENNE**

**(28)**

**1**

**(51)**

**Cl. 10-02**

**(54)**

**Montre-bracelet /**

***Wristwatch***

**(81)**

I. AN, ID, TN. II. BG, BX, BZ, DE, FR, GR, IT, KP, MA, MC, ME, MK, MN, RS. III. CH, EE, EG, ES, GE, HR, HU, KG, LI, MD, SG, SI, TR, UA

(45)

30.11.2005

1







(12) **United States Design Patent** (10) Patent No.: **US D477,235 S**  
 El Kadiri (45) Date of Patent: **\*\* Jul. 15, 2003**

(54) WATCH CASE

(75) Inventor: **Hakim El Kadiri, St-Blaise (CH)**

(73) Assignee: **Swatch AG (Swatch SA) (Swatch LTD.), Bienne (CH)**

(\*\*) Term: **14 Years**

(21) Appl. No.: **29/163,783**

(22) Filed: **Jul. 12, 2002**

(30) Foreign Application Priority Data

Jan. 14, 2002 (WO) ..... DM00/011

(51) LOC (7) Cl. .... 13-02

(52) U.S. Cl. .... 1-121

(58) Field of Search ..... D10/10, 12, 13, 368/280-282, 276-277, 285, 291-295

(56) References Cited

**U.S. PATENT DOCUMENTS**

- D286,077 S • 12/1977 Inaba ..... D10/39
- D283,941 S • 4/1986 Lung ..... D10/39
- 4,621,741 A • 11/1986 Meek et al. .... 8/287
- D323,986 S • 2/1992 Nakawawa ..... D10/39
- D327,023 S • 6/1992 Dizier ..... D10/39
- D357,345 S • 6/1992 Fujihara ..... D10/39
- D357,321 S • 4/1995 Tsukada ..... D10/39
- D413,916 S • 9/1999 Schiavo et al. .... D10/39
- D439,045 S • 10/2001 Ando ..... D10/39

D457,818 S • 5/2002 Avranches ..... D10/39  
 2002/0064099 A1 • 5/2002 Wyssbrod ..... 368/113

**OTHER PUBLICATIONS**

Swiss Watch & Jewelry Journal—1987—p. 709—Swatch watches at bottom-right.\*  
 Bloomingdales Cat.—Jun. 1994—p. 22—Swatch watches.\*  
 European Jeweler (DGZ)—May 1997—p. 42-5 watches at middle.\*  
 Jeweler's Circular—Keystone—Aug. 1985—p. 53-2 watches at center-left.\*

Primary Examiner

Primary Examiner—**Melvin C. Holtje**

(74) Attorney, Agent, or Firm—**Collen IP; Donald J. Ranft**

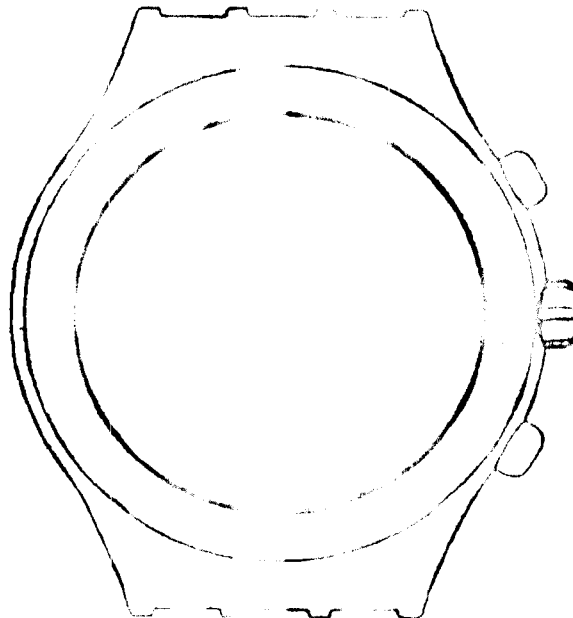
(57) **CLAIM**

The ornamental design for a watch case, as shown and described.

**DESCRIPTION**

FIG. 1 is a front view of my new and ornamental design for a watch case;  
 FIG. 2 is a back view thereof;  
 FIG. 3 is a top view thereof;  
 FIG. 4 is a bottom view thereof;  
 FIG. 5 is a right side view thereof;  
 FIG. 6 is a left side view thereof; and,  
 FIG. 7 is a right front perspective view thereof.

**1 Claim, 7 Drawing Sheets**



U.S. Patent

Jul. 15, 2003

Sheet 1 of 7

US D477,235 S

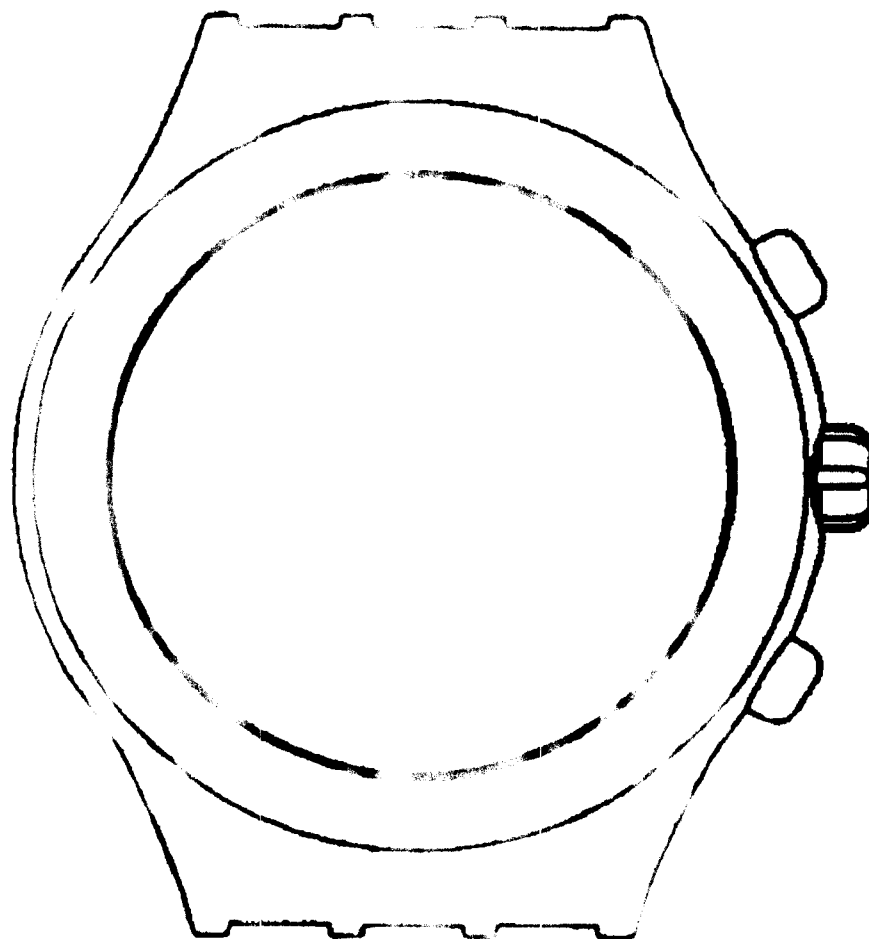


Figure 1

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U.S. Patent

Jul. 15, 2003

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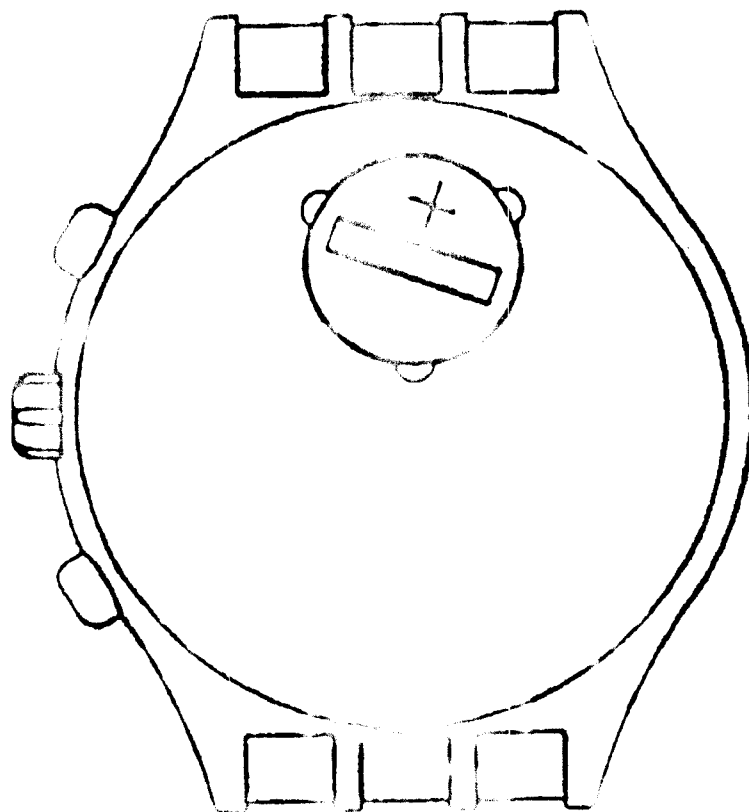


Figure 2

TVA

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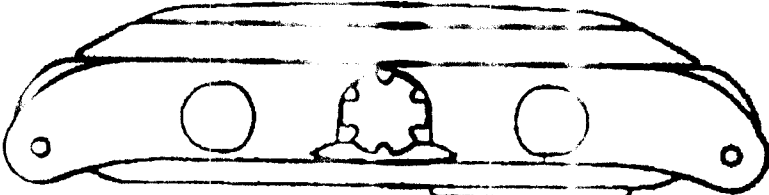


Figure 3

A handwritten signature or set of initials, possibly 'JVC', located in the bottom right corner of the page. The signature is written in a cursive, stylized font.

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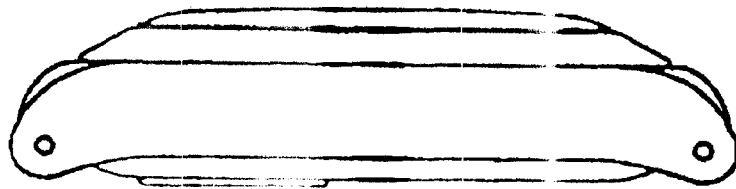


Figure 4

*Handwritten signature or initials*

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**US D477,235 S**

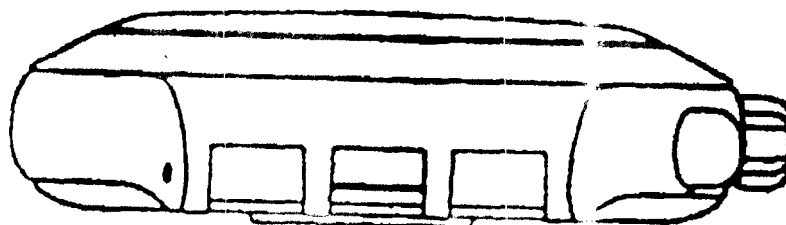


Figure 5

*Handwritten signature or initials*

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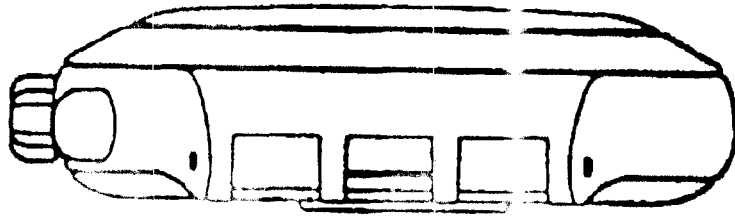


Figure 6

*Handwritten signature or initials*

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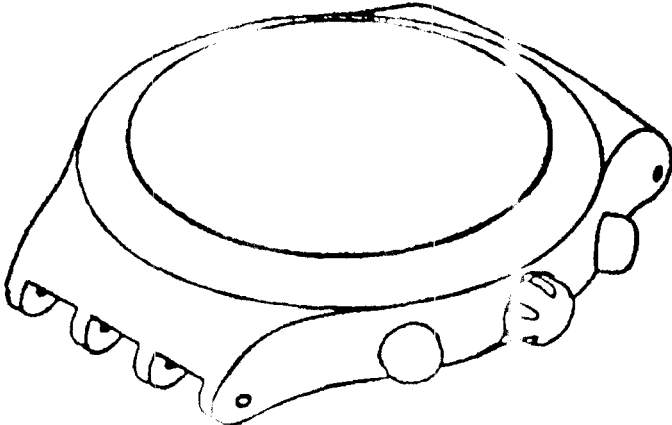


Figure 7

*Handwritten signature or initials*