

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Vineyard Vines, LLC,)
)
Plaintiff/Counterclaim-Defendant)
)
v.) Case No. 5:17-cv-242-D
)
Carolina Moon Graphics, LLC,)
dba Moon Street USA,)
)
Defendant/Counterclaim-Plaintiff)

CONSENT JUDGMENT AND PERMANENT INJUNCTION

The parties have settled this lawsuit pursuant to a settlement agreement. In doing so, the parties have agreed to entry of a judgment in the form set forth herein.

NOW, THEREFORE, it is ORDERED, ADJUDGED and DECREED:

1. As consented by Plaintiff/Counterclaim-Defendant, Vineyard Vines, LLC (“Vineyard Vines”), and Defendant/Counterclaim-Plaintiff, Carolina Moon Graphics, LLC dba Moon Street USA (“Carolina Moon”):

- (a) For purposes of this lawsuit, this Court has personal jurisdiction over Vineyard Vines and Carolina Moon; and
- (b) This Court has subject matter jurisdiction over the matters asserted in this lawsuit.

2. As set forth more fully in the *Complaint* filed in this lawsuit, Vineyard Vines has alleged that it has used and federally registered as a trademark and service mark the designation shown below (the “Vineyard Vines Whale Design Trademark”):



3. Vineyard Vines has alleged that Carolina Moon, via its use of the designation shown below (the “Carolina Moon Beer Bottle Trademark”) on clothing goods and otherwise, has unlawfully diluted the distinctiveness of the allegedly famous Vineyard Vines Whale Design Trademark and otherwise committed unlawful acts, the particulars of which allegations also are more fully set forth in the *Complaint* filed in this lawsuit.



4. Carolina Moon has denied the salient allegations of the *Complaint* and, as set forth more fully in its *Answer, Affirmative Defenses and Counterclaims* filed in this lawsuit, has asserted various causes of action against Vineyard Vines, the salient allegations of which Vineyard Vines has denied in *Plaintiff Vineyard Vines’ Answer to Defendant’s Counterclaims*.

5. Each of the parties, without admitting any liability whatsoever, has agreed to enter into this *Consent Judgment and Permanent Injunction*.

6. Defendant Carolina Moon, its officers, agents, servants, employees, and attorneys, and those natural persons and entities in active concert or participation with them who receive actual notice of this *Consent Judgment and Permanent Injunction* by personal service or otherwise, are permanently prohibited and enjoined (except as may be permitted under the


parties' settlement agreement) from using the Carolina Moon Beer Bottle Trademark or any other depiction of a smiling, left-facing whale on or in connection with the manufacturing, packaging, labeling, importation, exportation, advertising, promoting, marketing, offering, selling or distribution of clothing goods and any other goods in or from the United States and its territories.

7. This Court shall retain jurisdiction of the parties and this dispute for the purpose of making any further orders necessary or proper for the interpretation, modification or enforcement of this *Consent Judgment and Permanent Injunction* or the parties' underlying settlement agreement.

8. Otherwise, the parties' claims and counterclaims are hereby dismissed with prejudice.

9. Each party shall bear its own costs and attorneys' fees.

SO ORDERED. This 21 day of December 2017.



JAMES C. DEVER III
Chief United States District Judge Name

/s/ Larry C. Jones

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