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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
MEDFORD DIVISION

DAREX, LLC,

Case No.: 1:20-cv-2236-MC

Plaintiff,

v.

STIPULATED PERMANENT INJUNCTION

BEACH AUDIO, INC.

Defendants.

THIS MATTER COMES before the Court on a Stipulated Motion of Darex, LLC (“Darex” or “Plaintiff”) and Defendant Beach Audio, Inc. (“BA” or “Defendant”) for entry of this Stipulated Permanent Injunction. The Court having reviewed the Stipulated Motion and being otherwise duly and fully advised in the premises thereof including Plaintiff’s and Defendant’s agreement to the

entry of this Stipulated Permanent Injunction, the Court hereby ORDERS and ADJUDGES as follows:

FINDINGS AND CONCLUSIONS

1. Plaintiff Darex, LLC is a limited liability company organized and existing under the laws of the State of Oregon with a principal place of business at 210 E Hersey St, Ashland, OR 97520.

2. Beach Audio, Inc. is a corporation organized and existing under the laws of the State of California with a principal place of business at 1610 N Sepulveda Blvd #712, Manhattan Beach, CA 90266, doing business on the internet as Beach Audio (www.BeachAudio.com).

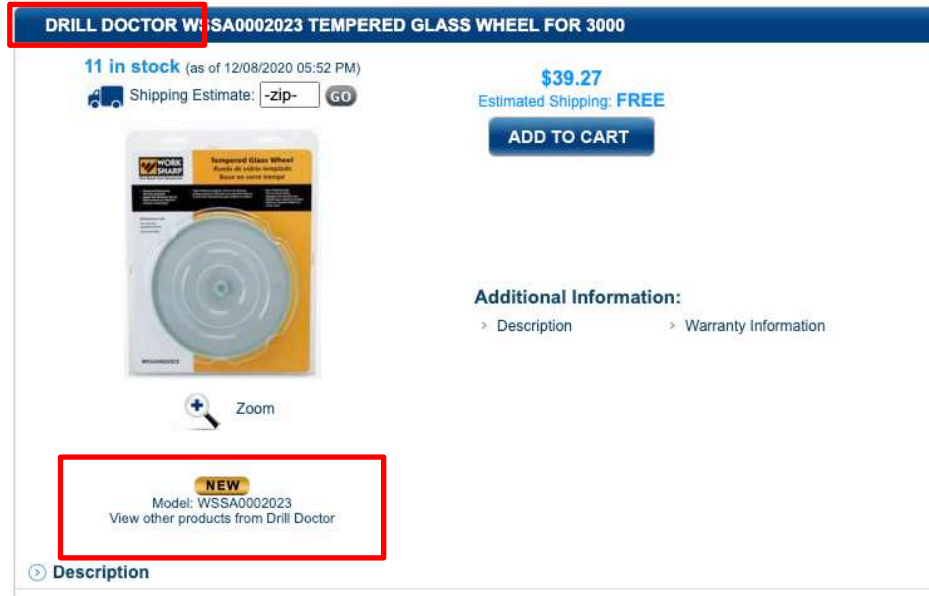
3. Plaintiff and Defendant have stipulated and agreed to the entry of this stipulated permanent injunction order without any admission of wrongdoing or violation of law.

4. The Court has subject matter jurisdiction over the dispute that is the subject of this Stipulated Permanent Injunction.

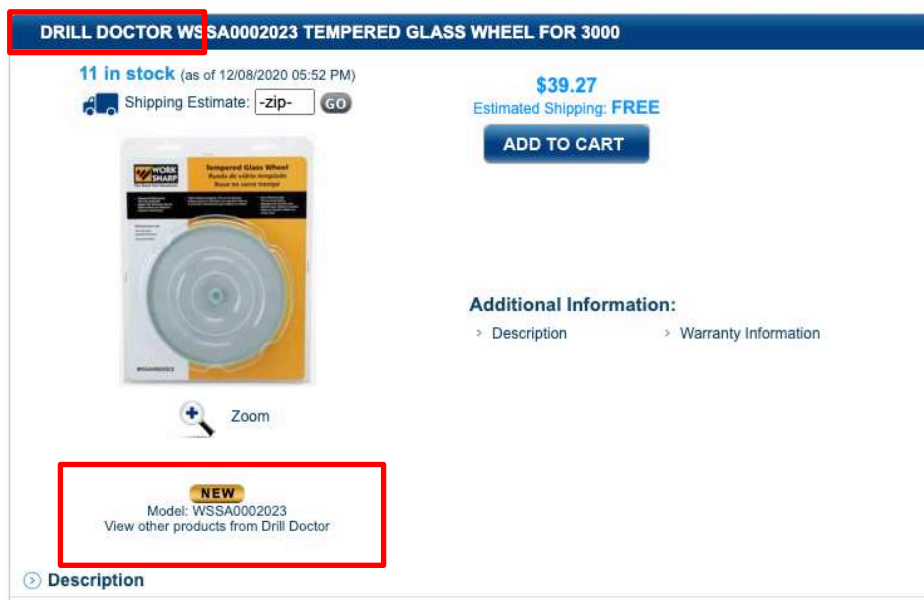
5. The Court has personal jurisdiction over the Defendant BA.

6. Venue is proper in this Court.

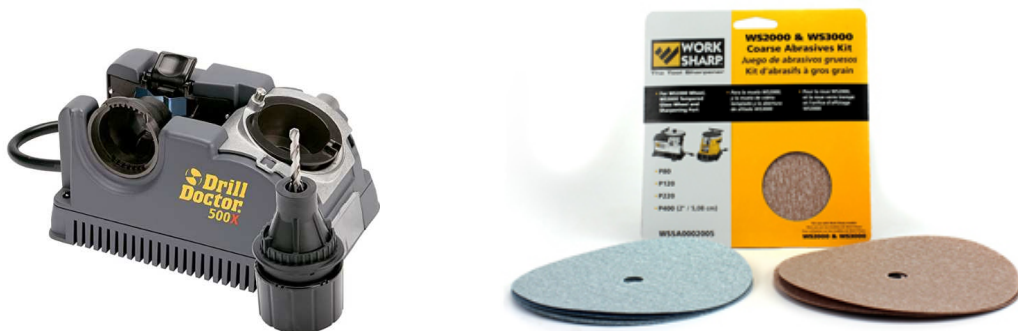
7. Darex is the owner of the DRILL DOCTOR trademark with United States Trademark Registration Nos. 2,083,587 (the “’587 Trademark”) and 6,077,987 (the “’987 Trademark”) (collectively, the “Darex Trademarks”). Beach Audio has used the Darex Trademarks in connection with other products in a way that is confusing and misleading to customers.



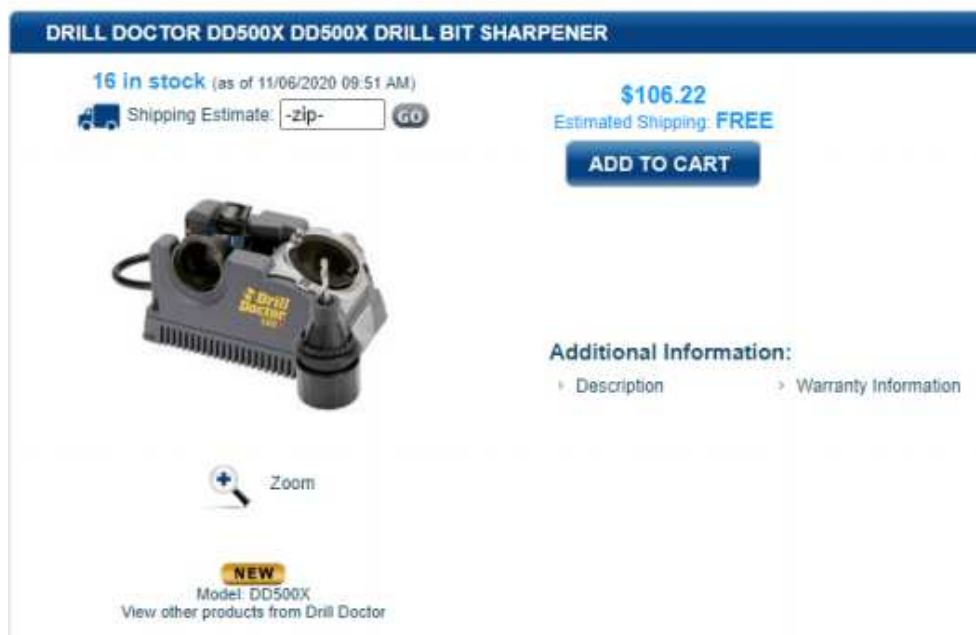
8. Darex is the owner of the WORK SHARP trademark with United States Trademark Registration Nos. 3,407,214 (the “214 Trademark”); 4,026,814 (the “814 Trademark”); and 6,077,986 (the “986 Trademark”) (collectively, the “Work Sharp Trademarks”). Beach Audio has used the Work Sharp Trademarks in connection with other products in a way that is confusing and misleading to customers.



9. Darex is the owner of U.S. Copyright Registration Number: VA 2-223-798 (“798 Copyright”) and Registration Number: VA 2-224-250 (“250 Copyright”) for the product images shown below.



10. BA used the Darex copyrighted images without authorization in advertising at www.BeachAudio.com:





PERMANENT INJUNCTION

11. Defendant, its officers, agents, servants, employees, and all persons acting in active concert or participation with it who receives actual notice of this injunction by personal service or otherwise, are hereby permanently enjoined as follows:

- a. Defendant is enjoined from using any trademark owned by Darex or any confusingly similar mark in connection with any product, packaging, product listing, domain name, business name, or any other form of product identification, and from selling any product that contains any Darex Trademark, including any Darex product.
- b. Defendant is enjoined from producing, reproducing, distributing, copying, or using any graphic or pictorial representation protected by any copyright owned by Darex or any substantially similar variation thereof in connection with any product, packaging, product listing, or any other product sale.

12. The Court shall maintain jurisdiction over this action for purposes of enforcement of this Stipulated Permanent Injunction between Plaintiff and Defendant.

13. All parties shall bear their respective attorneys' fees and costs.

IT IS SO ORDERED.

s/Michael J. McShane

MICHAEL J. McSHANE
UNITED STATES DISTRICT COURT