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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

THE MCBRIDE ORGANIZATION,
LLC, a Washington limited liability
company,

Plaintiff,

NO: 2:17-CV-231-RMP

FINAL JUDGMENT AND
PERMENANT INJUNCTION

v.

DOMINIQUE WENGER, an
individual; and PHANTOM
ATHLETICS, a foreign entity doing
business in the United States,

Defendants.

By and with the consent of Plaintiff and Defendant, the Court enters the following final judgment and permanent injunction:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §2201(a), 28 U.S.C. §§1331 and 1338(a), and 15 U.S.C. §1125. This Court has supplemental jurisdiction over Plaintiff’s state law claims pursuant to 28 U.S.C. §1367(a). This Court has personal jurisdiction over the parties, and venue is proper in this District pursuant to 28 U.S.C. §1391(b).

1 2. Good cause exists for the entry of this Final Judgment and Permanent
2 Injunction against Plaintiff.

3 **THEREFORE, IT IS ORDERED AS FOLLOWS:**

4 A. As detailed in the settlement agreement attached as Exhibit A (the
5 “Settlement Agreement”), Plaintiff, its related companies, officers, directors,
6 employees, agents, and all persons in active concert or participation with any of
7 them who receive actual notice of this Judgment by personal service or otherwise
8 are hereby PERMANENTLY ENJOINED from (i) offering Phantom products that
9 are not genuine products obtained from authorized distributors identified by
10 Phantom; (ii) using the PHANTOM ATHLETICS logo, any portions or variations
11 thereof, the PHANTOM ATHLETICS trademark, and/or any other term(s),
12 stylization(s), or design(s) likely to be confused with or to dilute any name or mark
13 owned by Phantom or its related companies (except as needed to sell genuine
14 Phantom products); and (iii) using copyrighted images owned by Phantom without
15 the express written permission of Phantom.

16 B. Plaintiff will have ten (10) business days from the date of the full
17 execution of the Settlement Agreement between the parties to comply with
18 Paragraph 3 of the agreement requiring, among other things, the delivery to
19 Phantom’s counsel in the United States of all remaining non-authentic Phantom
20 products.

21 C. Plaintiff’s claims are dismissed with prejudice.

1 D. The Settlement Agreement entered into between the parties shall be
2 incorporated in and made part of this Judgment.

3 E. This Court retains jurisdiction over any disputes between the parties
4 with respect to the enforcement and/or interpretation of this Judgment and/or the
5 attached settlement agreement.

6 The District Court Clerk is directed to enter this Order, enter Judgment
7 accordingly, provide copies to counsel, and **close this case**.

8 **DATED** August 14, 2017.

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10 *s/ Rosanna Malouf Peterson*
11 ROSANNA MALOUF PETERSON
12 United States District Judge
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