

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EXPERIENCE HENDRIX, LLC., a
Washington Limited Liability Company; and
AUTHENTIC HENDRIX, LLC., a
Washington Limited Liability Company,

Plaintiffs,

vs.

ELECTRIC HENDRIX, LLC., a Washington
Limited Liability Company; ELECTRIC
HENDRIX APPAREL, LLC., a Washington
Limited Liability Company; ELECTRIC
HENDRIX LICENSING LLC., a Washington
Limited Liability Company; and CRAIG
DIEFFENBACH, an individual,

Defendants.

NO. C07-0338 TSZ

JUDGMENT AND
PERMANENT
INJUNCTION

This matter came before the Court upon cross-motions for summary judgment. The
issues have been heard and a decision has been rendered.

IT IS ORDERED, ADJUDGED AND DECREED as follows:

JUDGMENT AND PERMANENT

INJUNCTION - 1

1. Judgment is entered in favor of the Plaintiffs and against Defendants as to liability as outlined in the Court's Order of August 7, 2008, docket no. 104, and the following Permanent Injunction is hereby entered.
2. Defendants, and each of them, and each of their officers, agents, servants and employees, and other persons in active concert or participating with them who receive actual notice of this Permanent Injunction by personal service or otherwise, are forever permanently enjoined from using the Plaintiffs' Incontestable Marks in the sale, offering for sale, distribution or advertising of posters, clothing, and alcoholic beverages including but not limited to vodka and in providing online or entertainment services and other goods and services covered by Plaintiff's Incontestable Marks.
3. Defendants, and each of them, and each of their officers, agents, servants and employees, and other persons in active concert or participating with them who receive actual notice of this Permanent Injunction by personal service or otherwise, are permanently enjoined from using the words JIMI HENDRIX ELECTRIC, JIMI HENDRIX ELECTRIC VODKA, HENDRIX ELECTRIC, HENDRIX ELECTRIC VODKA; and the design headshot logo containing JIMI HENDRIX ELECTRIC or HENDRIX ELECTRIC, both with and without Jimi's signature, in the sale, offering for sale, distribution or advertising of posters, clothing, and alcoholic beverages including vodka.

- 1 4. Defendants, and each of them, and each of their officers, agents, servants and
2 employees, and other persons in active concert or participation with them who
3 receive actual notice of this Permanent Injunction by personal service or
4 otherwise, are permanently enjoined from using the words JIMI HENDRIX
5 ELECTRIC, JIMI HENDRIX ELECTRIC VODKA, HENDRIX ELECTRIC,
6 HENDRIX ELECTRIC VODKA; and the design headshot logo containing JIMI
7 HENDRIX ELECTRIC or HENDRIX ELECTRIC, both with and without Jimi's
8 signature in providing online services.
- 11 5. Within ten (10) days of entry of this Permanent Injunction, Defendants, and each
12 of them, and each of their officers, agents, servants and employees, and all those
13 persons in active concert or participation with them who receive actual notice of
14 this Permanent Injunction by personal service or otherwise, shall withdraw or
15 abandon each and every application for trademark registration before the United
16 States Patent and Trademark Office or similar State office for the following
17 marks: United States Patent and Trademark Office Applications Serial No.
18 77/003,454 (headshot logo, for distilled spirits, excluding gin); Serial No.
19 78/781,875 (HENDRIX ELECTRIC, for distilled spirits, excluding gin); Serial
20 No. 78/781,902 (HENDRIX ELECTRIC and headshot logo, for distilled spirits,
21 excluding gin); Serial No. 78/722,859 (HENDRIX ELECTRIC VODKA, for
22 vodka); Serial No. 78/895,439 (JIMI HENDRIX ELECTRIC, for distilled spirits,
23 excluding gin); Serial No. 78/895,409 (JIMI HENDRIX ELECTRIC and logo, for
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1 distilled spirits, excluding gin); and Serial No. 78/895,427 (JIMI HENDRIX
2 ELECTRIC VODKA, for distilled spirits, excluding gin).

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- 4 6. Within ten (10) days of entry of this Permanent Injunction, Defendants and their
5 officers, agents, servants, contractors, website operators, and employees, and
6 other persons in active concert or participation with them are ordered to cease all
7 advertising containing infringing marks and to remove from their web sites all
8 files, images, and electronic materials causing to be displayed the marks held by
9 this Court to infringe Plaintiffs' Incontestable Marks.
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- 11 7. Within ten (10) days of entry of this Permanent Injunction, Defendants are
12 ordered to transmit a copy of this Permanent Injunction to each of their
13 distributors, sellers, retailers, agents, customers, licensees, assigns and each
14 person who, directly or indirectly, has acquired posters, clothing, and alcoholic
15 beverages including vodka, bearing the Infringing Marks, or licensed or acquired
16 the Infringing Marks from Defendants, over the 2 years preceding the entry of this
17 Permanent Injunction and to demand that each such distributor, seller, retailer,
18 agent, customer, licensee, assign and person immediately withdraw the infringing
19 products from the market and cease all related advertising and marketing.
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- 21 8. Upon entry of this Permanent Injunction, Defendants, and each of them, and each
22 of their officers, agents, servants and employees, and all those persons in active
23 concert or participation with them who receive actual notice of this Permanent
24 Injunction by personal service or otherwise, shall take no action to assist in, apply
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1 for, maintain or seek the registration of any mark in the United States found to
2 infringe Plaintiffs' Incontestable Marks.

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4 9. Within thirty (30) days after issuance of this Permanent Injunction, Defendants,
5 and each of them, shall individually file and serve a report, under oath, describing
6 in detail the manner in which each Defendant has fully complied with this
7 Permanent Injunction.

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9 10. This Permanent Injunction shall have no effect outside the United States and its
10 Territories.

11 DATED this 16th day of October, 2008.

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13 s/ Thomas S. Zilly

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15 Thomas S. Zilly
16 United States District Judge
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