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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

PACIFIC SUNWEAR OF CALIFORNIA, INC., a California corporation,

Plaintiff,

v.

KIRA PLASTININA STYLE, LTD., a Russian limited liability entity, and KP FASHION COMPANY, a Delaware corporation,

Defendants.

Case No. SACV 08-1141-JVS(ANx)

**ORDER GRANTING  
PRELIMINARY INJUNCTION**

Plaintiff PACIFIC SUNWEAR OF CALIFORNIA, INC. (“Pac Sun”) having brought on its Motion for Preliminary Injunction (“Motion”) regularly for hearing, by which it has demonstrated a probability of success on the merits of its claims, as set forth in its Complaint in this case, and the potential for irreparable injury resulting from Defendants’ conduct, as set forth in such Motion, and,

Defendants KIRA PLASTININA STYLE, LTD. and KP FASHION COMPANY (collectively, “Defendants”) having appeared by their counsel, the motion for the issuance of a preliminary injunction having been fully briefed and the Court having duly considered the papers from both parties, the oral arguments and

1 evidence presented at the hearing on the motion, and the Court being otherwise  
2 duly advised in the premises; and,

3 **GOOD CAUSE APPEARING THEREFOR,**

4 **IT IS HEREBY ORDERED** that Pac Sun's Motion is **GRANTED**; and,

5 **IT IS FURTHER ORDERED** that Defendants and their employees, ser-  
6 vants, agents, affiliates, distributors, dealers, attorneys, successors and/or assigns,  
7 and all persons in active concert or participation with any of them, are, pending  
8 trial on the merits and/or otherwise until further order of court, preliminarily en-  
9 joined from:

- 10 a. using "KIRA" or "KIRA PLASTININA" as a trademark, trade name,  
11 or service mark for the retail and/or Internet sale of apparel, accesso-  
12 ries, perfume, sunglasses, or footwear or in connection with any store  
13 branding or naming, product branding or naming, advertising, promo-  
14 tions, solicitations or Internet use for such stores, business, services, or  
15 goods, or any confusingly similar mark, or any colorable imitations  
16 thereof.
- 17 b. using "KIRA" or "KIRA PLASTININA" in any audible advertise-  
18 ments, media promotions, or in any Internet postings containing audio  
19 over which Defendants have control, including but not limited to You-  
20 Tube.com video postings;
- 21 c. (i) opening any new stores or other commercial or corporate locations  
22 bearing the name or signage "KIRA" or "KIRA PLASTININA" or any  
23 similar mark; (ii) using the marks "KIRA" or "KIRA PLASTININA"  
24 inside any new stores, on displays or otherwise; (iii) selling in any  
25 new stores any goods bearing the marks "KIRA" or "KIRA  
26 PLASTININA"; or (iv) advertising or publicizing any new stores us-  
27 ing the marks or words "KIRA" or "KIRA PLASTININA";
- 28 d. performing or allowing any act or thing which may to dilute by tar-

1 nishment the distinctive quality of Pac Sun’s trademarks for “KIRRA”  
2 registered with the United States Patent and Trademark Office, includ-  
3 ing but not limited to Trademark Registrations for the KIRRA word  
4 mark, Nos. 2,893,488; 2,986,176; and 2,841,810 (“KIRRA Marks”).1  
5

6 Nothing herein shall prevent Defendants from the use of the trademark,  
7 trade name or service mark “PLASTININA” by itself; the use of the name  
8 “PLASTINA” by itself in any audible advertisements, media promotions,  
9 or in any Internet postings containing audio over which Defendants have  
10 control, including but not limited to YouTube.com video postings; or the  
11 use of the name “PLASTINA” by itself in connection with any of the ac-  
12 tivities described in paragraph (c) above.  
13

14 Notwithstanding the foregoing, Defendants may use the phrase “Kira  
15 Plastinina” (but not the single word “Kira”) in written displays, advertisements, or  
16 Internet pages to identify the actual designer of Defendants’ goods, as opposed to  
17 identification of the company, business, stores, goods, and services offered by De-  
18 fendants. Such words shall be in a noticeably smaller and less distinctive font and  
19 overall presentation than any non-infringing words or marks used to identify De-  
20 fendants’ goods, services, or business, and shall be accompanied by a **disclaimer**  
21 in a font of the same size and design as that of the words “Kira Plastinina” stating  
22 “Kira Plastinina is not affiliated with Pacific Sunwear of California,” or words to  
23 that effect. “Kira” shall be in the same typestyle as “Plastinina” and in the same  
24 or smaller font size.  
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26 **IT IS SO ORDERED.**

27 DATED: April 16, 2009

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JUDGE OF THE UNITED STATES  
DISTRICT COURT

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