

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

J. MARCUS WHOLESALERS, INC. and	)	
THE PARADIES SHOPS, INC.,	)	
	)	
Plaintiffs,	)	Civil Action No. 07-00129
	)	
v.	)	Jury Trial Demanded
	)	
LOUIS VUITTON MALLETIER, S.A.	)	
	)	
Defendant.	)	

**ORDER**

J. Marcus Wholesalers, Inc. and The Paradies Shops, Inc., having brought the Civil Action against Louis Vuitton Malletier, S.A. ("Louis Vuitton") seeking a declaratory judgment that their light and dark brown checkerboard designed bags (the "Checkerboard Items") did not infringe Louis Vuitton's United States Trademark Registration No. 2,421,618 (the "'618 Registration") for Louis Vuitton's Damier branded bags., and Louis Vuitton having filed a Counterclaim against Marcus and Paradies for, *inter alia*, infringement of its '618 Registration, unfair competition and dilution, and the parties desiring to settle the controversy between them, the parties hereto agree:

i) This Court has jurisdiction over the parties to this action and over the subject matter hereof pursuant to 15 U.S.C. §§ 1116(a) and 1121; 28 U.S.C. § 1331, and § 1338(a) and (b); and 28 U.S.C. § 1367. Venue in this district is proper pursuant to 28 U.S.C. §§ 1400(a) and 1391 (b), and (c).

ii) Louis Vuitton is organized and existing under the laws of France, with its principal place of business in Paris, France. Louis Vuitton is the sole and exclusive distributor in the United States of goods bearing the Louis Vuitton Trademark (defined in section iii), which are exclusively manufactured in France, Spain and San Dimas, California.

iii) Louis Vuitton is the owner of all rights in and to numerous federal trademark applications and registrations including without limitation, the following Damier Trademark, United States Trademark Registration No. 2,421,618 (the "'618 Registration"). True and correct copies of printouts evidencing the above-referenced federal registrations of the Louis Vuitton Trademark are attached hereto and identified as **Exhibit A**.

iv) The Louis Vuitton Trademark is in full force and effect; and the trademark thereof, and the goodwill of Louis Vuitton's businesses in connection with which the trademark is used has never been abandoned. J. Marcus Wholesalers, Inc. and The Paradies Shops, Inc. hereby acknowledge that Louis Vuitton is the exclusive owner of the '618 Registration, that the '618 Registration is valid. Marcus and Paradies agree not to challenge, directly or indirectly, contest or interfere with Louis Vuitton's ownership, use or registration of those rights.

v) J. Marcus Wholesalers, Inc. and The Paradies Shops, Inc., deny that they have infringed upon any of Louis Vuitton's trademarks but nevertheless, for purposes of this settlement, J. Marcus Wholesalers, Inc. and The Paradies Shops, Inc., and their officers, directors, employees, attorneys, partners, agents, subsidiaries, successors, assigns, affiliates and any and all persons and entities under their direction or control, or in active concert or participation with any of them, agree to be and are permanently enjoined and restrained throughout the world from:

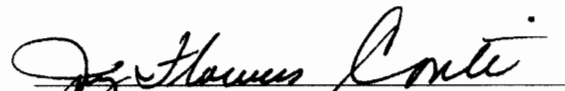
- a) importing, marketing, advertising, distributing, and selling or aiding or abetting others to import, market, advertise, distribute or sell the Checkerboard Items;
- b) affixing, applying, annexing, or using any designation that is substantially similar to the "'618 Registration" and/or using any reproduction, copy or colorable imitation of the "'618 Registration" to identify any goods not authorized by Louis Vuitton;
- c) using any designation that is substantially similar to the "'618 Registration" and/or using any reproduction, copy or colorable imitation of the Louis Vuitton Trademark in any manner that tends falsely to represent that, or is likely to confuse, mislead, or deceive purchasers, J. Marcus Wholesalers, Inc. and The Paradies Shops, Inc.'s customers, and/or members of the public to believe that, the actions of Marcus Wholesalers, Inc. and The Paradies Shops, Inc., the products sold by Marcus Wholesalers, Inc. and The Paradies Shops, Inc., or Marcus Wholesalers, Inc. and The Paradies Shops, Inc., themselves are connected with Louis Vuitton, are sponsored, approved, or licensed by Louis Vuitton, or are in some way connected or affiliated with Louis Vuitton;
- d) directly or indirectly causing the dilution, blurring or tarnishment of the "'618 Registration"; and
- e) assisting, aiding or abetting any other person or business entity in engaging in or performing any of the above-described acts.

vi) This Order shall be deemed to have been served upon Louis Vuitton, J. Marcus Wholesalers, Inc. and The Paradies Shops, Inc., at the time of its execution by the Court.

vii) The Court expressly determines that there is no just reason for delay in entering this Judgment, and pursuant to Rule 54(a) of the Federal Rules of Civil Procedure, the Court directs entry of judgment against Counterclaim-Defendants, J. Marcus Wholesalers, Inc. and The Paradies Shops, Inc. The permanent injunction entered pursuant to this Order shall become effective against Counterclaim Defendants on July 31, 2007.

This civil action is hereby Dismissed with prejudice, but the Court shall retain jurisdiction to enforce this Order and the Confidential Settlement Agreement entered into by the parties.

Dated June 28, 2007 Pittsburgh, Pennsylvania.

  
United States District Judge

Presented by:


Thomas C. Wettach, Esq.  
Cohen & Grigsby  
11 Stanwix Street, 15<sup>th</sup> Floor  
Pittsburgh, PA 15222-1319  
Tel: 412-297-4840  
Attorneys for Louis Vuitton Malletier, S.A.

CONSENTS

The undersigned hereby consent to the entry of the Order.

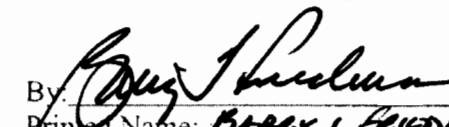
Dated: June 20, 2007

J. MARCUS WHOLESALERS, INC.

By:   
Printed Name: Barry I. Friedman  
Its: ATTORNEY AT LAW

Dated: June 20, 2007

THE PARADIES SHOPS, INC.

By:   
Printed Name: Barry I. Friedman  
Its: ATTORNEY AT LAW