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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BMW OF NORTH AMERICA, LLC and)
BAYERISCHE MOTOREN WERKE AG,)
Plaintiffs,)
v.)
AUTO WAUNE, LLC and JAMSHID)
SADRI,)
Defendants.)

No. 3:08-cv-05725-BHS

DEFAULT JUDGMENT

This action having been commenced on December 3, 2008 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been validly and personally served on Defendants Auto Waune, LLC and Jamshid Sadri on February 4, 2009, affidavits of service having been filed on February 19, 2009, and Defendants not having answered the Complaint, and the time for answering the Complaint having expired;

It is ORDERED, ADJUDGED AND DECREED: that Plaintiffs BMW of North America, LLC and Bayerische Motoren Werke AG have judgment against Defendants finding that:

- a.) Defendants have engaged in willful trademark infringement under the Lanham Act, 15 U.S.C. §1114 of a United States trademark belonging to Plaintiffs (the “Roundel logo”);

[PROPOSED] DEFAULT JUDGMENT - 1

1 b.) Defendants have engaged in willful unfair competition under the Lanham Act,
2 15 U.S.C. §1125(a), with regard to BMW's Roundel logo;

3 c.) Defendants have engaged in actions that constitute trademark infringement and
4 unfair competition and unjust enrichment in violation of Washington common
5 law and, the Washington Consumer Protection Act, Rev. Code Wash. §
6 19.86.020, with regard to BMW's Roundel logo; and

7 It is further ORDERED, ADJUDGED AND DECREED that:

8 1. Defendants, their agents, servants, employees, attorneys, and all others in
9 active concert or participation with any of them, be and are hereby:

10 (a) ordered immediately and permanently to remove the version of BMW's
11 Roundel logo depicted below from Defendants' business location, from
12 Defendants' business vehicles, and anywhere else in connection with
13 Defendants' business;



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17 (b) permanently enjoined from using BMW's Roundel logo, or any
18 colorable imitations thereof, and any other name or mark that is
19 confusingly similar to this mark or any other mark or designation of
20 BMW or its affiliates;

21 (c) doing any other act or thing likely to confuse, mislead, or deceive
22 others into believing that Defendants, or their products, are connected
23 with, sponsored by or approved by, BMW.

24 2. Plaintiffs shall recover, pursuant to Lanham Act § 35, 15 U.S.C. § 1117(a),
25 their reasonable attorneys' fees and costs incurred in this action, such attorneys' fees to be
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[PROPOSED] DEFAULT JUDGMENT - 2

1 determined following submission of the amount of such fees to this Court following entry of
2 this Judgment.

3 3. Defendants, in accordance with Section 34(a) of the Lanham Act, 15 U.S.C. §
4 1116(a), shall file with the Court, and serve upon Plaintiffs, within thirty (30) days after the
5 entry and service on Defendants of an injunction, a report in writing and under oath, setting
6 forth in detail the manner and form in which Defendants have complied with the terms of
7 this Default Judgment.

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9 IT IS SO ORDERED.

10 Dated: 5/28/09

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14 BENJAMIN H. SETTLE
15 United States District Judge

16
17 Presented by:

18 LANE POWELL PC

19
20 By: /s/ Kenneth R. Davis, II
21 Kenneth R. Davis, II, WSBA No. 21928
22 Lane Powell PC
23 601 SW Second Avenue, Suite 2100
24 Portland, OR 97204-3158
503.778.2100
503.778.2200 (facsimile)
E-mail: davisk@lanepowell.com
Attorneys for Plaintiffs

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26 [PROPOSED] DEFAULT JUDGMENT - 3

CERTIFICATE OF SERVICE

Pursuant to RCW 9.A.72.085, the undersigned certifies under penalty of perjury under the laws of the State of Washington, that on the 22nd day of May, 2009, the document attached hereto was presented to the Clerk of the Court for filing and uploading to the CM/ECF system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing to the following persons:

N/A

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Auto Waune, LLC
c/o Jamshid Sadri
Registered Agent
14613 Sherman Drive NW
Gig Harbor, WA 98332

Jamshid Sadri
14613 Sherman Drive NW
Gig Harbor, WA 98332

Executed on this 22nd day of May, 2009, at Portland, Oregon.

s/ Kenneth R. Davis, II
Signature of Attorney
WSBA #: 21928
Typed Name: Kenneth R. Davis, II
Address: 601 SW 2nd Avenue, Suite 2100
Portland, OR 97204-3158
Telephone: 503.778.2100
Fax: 503.778.2200
E-mail: davisk@lanepowell.com
Attorney(s) For: Plaintiffs

CERTIFICATE OF SERVICE - 1