

O

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

CARTER BRYANT, an individual,
Plaintiff,

vs.

MATTEL, INC., a Delaware
corporation,
Defendant.

CASE NO. CV 04-09049 SGL (RNBx)
Consolidated with
Case Nos. CV 04-09059 & CV 05-2727

**ORDER GRANTING MATTEL'S
MOTION FOR CONSTRUCTIVE
TRUST AND FOR FINDING
LIABILITY AND INJUNCTIVE
RELIEF PURSUANT TO CAL. BUS. &
PROF CODE § 17200**

AND CONSOLIDATED ACTIONS

ORDER

1
2 Having considered Mattel, Inc.’s (“Mattel”) Motion for Constructive
3 Trust and for a Finding of Liability and Injunctive Relief Pursuant to California
4 Business & Professional Code § 17200, and all other papers and arguments
5 submitted in connection therewith, as well as the evidence admitted at trial and the
6 jury’s verdicts in the Phase 1 trial, the Court hereby GRANTS the Motion against
7 MGA Entertainment Inc. (“MGA”), MGA Entertainment (HK) Ltd. (“MGA Hong
8 Kong”), and Isaac Larian (“Larian”) (collectively the “MGA Defendants”):

9 1. A constructive trust in favor of Mattel on all rights to trademarks,
10 service marks and domain names held by MGA or Larian, or any person or entity
11 acting on their behalf or for their benefit, anywhere in the world that include the
12 terms “Bratz” or “Jade,” including all such trademark registrations and trademark
13 applications (including, without limitation, United States Trademark Registrations
14 identified by Registration Nos. 3206114, 3327385, 3150045, 3087710, 3055465,
15 3072141, 3127890, 3024713, 2989052, 2911097, 3080450, 2921772, 3071614,
16 2803235, 2848386, 2795675, 2776558, 2848281, 2751890, 2671473, 2787942,
17 2789216 and 2836780 and United States Trademark Applications identified by
18 Serial Nos. 78530196, 78571028, 78706504, 78706502, 78819868, 78857100,
19 78490324, 77443372 and 77575881), and the good will inhering therein, as well as
20 all such domain name registrations, is HEREBY ORDERED and all rights therein
21 are ORDERED transferred to Mattel.

22 2. MGA and Larian are HEREBY ORDERED to (a) identify all
23 trademark registrations and applications held by them, or any person or entity acting
24 on their behalf or for their benefit, anywhere in the world that include the terms
25 “Bratz” or “Jade,” (b) identify all marks that include the terms “Bratz” or “Jade” in
26 which they, or any person or entity acting on their behalf or for their benefit, claim
27 to own trademark rights, whether or not such marks are subject to existing
28 trademark registrations or pending trademark applications, (c) identify all domain

1 names and domain name registrations held by them, or any person or entity acting
2 on their behalf or for their benefit, anywhere in the world that include the terms
3 “Bratz” or “Jade,” and (d) execute any and all documents necessary to effect the
4 transfer and/or assignment of such marks and domain names and associated
5 applications and registrations to Mattel. MGA shall fully comply with (a), (b) and
6 (c) of this paragraph within fourteen (14) calendar days of the date of this Order.

7 3. The Court HEREBY FINDS that the MGA Defendants violated
8 California Business and Professions Code § 17200 and are liable to Mattel on its
9 twelfth claim for relief for unfair competition.

10 4. The MGA Defendants, along with their respective officers,
11 directors, principals, agents, representatives, servants, employees, affiliates,
12 successors or assigns, and any person or entity acting on their behalf or in concert or
13 participation with them, are HEREBY PERMANENTLY ENJOINED from (a)
14 using the terms “Bratz” or “Jade,” either alone or in combination and whether as a
15 trademark, domain name or otherwise, in connection with the manufacture,
16 promotion, advertising, distribution, offering for sale or sale of any goods or
17 services anywhere in the world and (b) taking any action to preclude Mattel from
18 using the terms “Bratz” or “Jade” in any such manner, including without limitation
19 as a mark in connection with goods and services.

20 **IT IS SO ORDERED.**

21
22 DATED: December 3, 2008



23 Hon. Stephen G. Larson
24 United States District Judge