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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

GOLDEN EYE MEDIA USA, INC., a) Case No.: 3:18-cv-02109-BEN-LL
California corporation,)

Plaintiff,) **JUDGMENT**

v.)

TROLLEY BAGS UK LTD, a)
corporation of the United Kingdom,)

Defendant.)

TROLLEY BAGS UK LTD, a)
corporation of the United Kingdom,)

Counterclaimants,)

v.)

GOLDEN EYE MEDIA USA, INC., a)
California corporation; FARZAN)
DEHMOUBED, an individual; and)
JENNIFER DUVALL, an individual,)

Counterdefendants.)

Following resolution by the Court of the parties' motions for summary judgment and Joint Motion (1) to Dismiss Certain Claims, (2) for a Consent Judgment, (3) to Certify Final Judgment Under Rule 54(b) of the Federal Rules of Civil Procedure, and (4) to Stay

1 Proceedings (the “Joint Motion”), the issues have been heard by the Court and a decision
2 has been rendered.

3 **IT IS HEREBY ORDERED AND ADJUGED:**

4 1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and as to
5 Counterdefendants Jennifer Duvall, Farzan Dehmoubed, and GOLDEN EYE MEDIA
6 USA, INC., a California corporation (“Plaintiff” or “Golden Eye”), the following
7 Counterclaims of Defendant/Counterclaimant TROLLEY BAGS UK LTD, a corporation
8 of the United Kingdom (“Defendant” or “Trolley Bags”), have been dismissed *with*
9 *prejudice*: (1) Sixth Counterclaim for Relief for Unfair Competition pursuant to 15 U.S.C.
10 § 1125 and (2) Seventh Counterclaim for Relief for Unfair Competition brought pursuant
11 to the common law and California’s unfair competition law, CAL. BUS. & PROF. CODE §
12 17200 (the “UCL”).

13 2. Pursuant to the parties’ Stipulation, Trolley Bags has waived any right to
14 appeal the dismissal of the Sixth and Seventh Counterclaims for Relief. Golden Eye has
15 waived any right to appeal the dismissal of its (a) Fifth Claim for Relief for Unfair
16 Competition, 15 U.S.C. § 1125; (b) Sixth Claim for Relief for State Law Unfair
17 Competition, Cal. Bus. & Prof. Code § 17200; and (c) Seventh Claim for Relief for
18 Common Law Unfair Competition.

19 3. Pursuant to the parties’ Joint Motion for a Consent Judgment, Trolley Bags is
20 the prevailing party as to its Third Counterclaim for Declaratory Judgment of Invalidity of
21 Plaintiff Golden Eye’s U.S. Design Patent No. D835,912 for reusable shopping bags (the
22 “912 Patent”).

23 4. Having disposed of all federal claims, either through summary judgment, the
24 parties’ Joint Motion, the Court declines to exercise supplemental jurisdiction over the
25 remaining State Law Claims and dismisses the following claims *without prejudice*: (1)
26 Golden Eye’s (a) Third Claim for Relief for interference with prospective of contractual
27 economic relations and (b) Fourth Claim for Relief for negligent misrepresentation as well
28 as (2) Trolley Bags’ (a) Fourth Counterclaim for Relief for interference with prospective

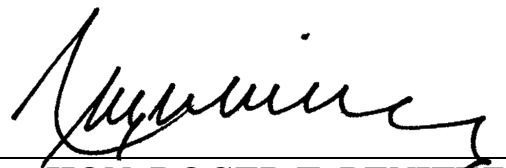
1 of contractual economic relations and (b) Fifth Counterclaim for Relief for negligent
2 misrepresentation.

3 5. Having concluded that Defendant's U.S. Design Patent No. D779,828 (the
4 "828 Patent") is invalid, and even if the 828 Patent was valid, it has not been infringed
5 because the 828 Patent design and Plaintiff's 912 Patent design (as well as the product
6 itself) are dissimilar in light of the prior art, Plaintiff is the prevailing party as to (1)
7 Plaintiff's First Claim for Relief for declaratory judgment of non-infringement of the 828
8 Patent and Defendants' related First Counterclaim for infringement of the 828 Patent as
9 well as (2) Plaintiff's Second Claim for Relief seeking a declaratory judgment of non-
10 infringement of the Trademark and Defendants' related Second Counterclaim, for common
11 law trademark infringement.

12 6. Having concluded that the evidence fails to create a genuine issue of fact with
13 respect to Plaintiff's claims for common law unfair competition under the Lanham Act,
14 unfair competition under California's Unfair Competition Law, Cal. Bus. & Prof. Code §
15 17200, *et seq.*, and common law unfair competition under California law, Defendant is the
16 prevailing party as to those three claims for relief, which the Court dismisses *with*
17 *prejudice*.

18 **IT IS SO ORDERED.**

19 DATED: May 25, 2021



HON. ROGER T. BENITEZ
United States District Judge