

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

WRB, Inc. d/b/a Hammer-Schlagen,
Plaintiff,

Civil No. 20-2521 (JRT/TNL)

v.

PERMANENT INJUNCTION

Schram Haus Brewing, LLC, Aaron Schram,
and ASHLEY SCHRAM,

Defendants.

Chad A Snyder, Michael H Frasier, **RUBRIC LEGAL LLC**, 111 Third Avenue South, Suite 110, Minneapolis, MN 55401, for plaintiff.

Steven J Sheridan, **FISHER BREN & SHERIDAN, LLP**, 920 2nd Avenue South, Suite 975, Minneapolis, MN 55402, for defendants.

The parties filed a Stipulation for Permanent Injunction on February 24, 2021. (ECF No. 11) Based on the Stipulation, the Court makes the following Findings and Order:

FINDINGS OF FACT

1. WRB, Inc. owns the following intellectual property (collectively “WRB Intellectual Property”):
 - a. WRB, Inc. is the owner of the following trademarks and service marks:
 - i. The Hammer-Schlagen Logo (Reg. No. 2,405,337);
 - ii. “Get Hammered” (Reg. No. 4,918,202)
 - iii. “Get Nailed” (Reg. No. 4,798,570)

- iv. “Hammer-Schlagen” (Reg. No. 4,804,117)
 - b. WRB, Inc. is the owner of the trade dress identified as the HammerSchlagen Stump (Reg. No. 5,548,112).
 - c. WRB, Inc. owns the registered copyright to the “Hammer-Schlagen Rules” (Reg. No. TX-8-092-585).
2. WRB’s intellectual property identified above is valid and enforceable and WRB is obligated to protect its rights to it.
 3. WRB brought claims under federal and state law against the Defendants in the above-captioned action, pursuant to the Lanham Act (15 U.S.C. §§ 1114, 1125.), the Copyright Act (17 U.S.C. § 106 et. seq), and Minn. Stat. § 325D.44 alleging trademark and copyright infringement.
 4. Entry and enforcement of this Stipulated Permanent Injunction against Defendants is within the authority of this Court, as it will achieve the purposes of the Lanham Act, the Copyright Act, and the laws of the State of Minnesota as related to trademark and copyright infringement.

BASED ON THE FOREGOING, IT IS HEREBY ORDERED:

1. Defendants, along with their officers, agents, servants, employees, representatives, successors and assignees, and all other persons or entities acting in concert or participation with them as provided in Fed. R. Civ. P. 65, shall be and are each hereby **PERMANENTLY ENJOINED** and **RESTRAINED** from:

- a. Using WRB Intellectual Property in connection with any advertising, promotion, or sale of any goods or services;
 - b. Using any trademarks, service marks, or trade dress in a manner likely to cause mistake or confusion with WRB Intellectual Property;
 - c. Making representations by any means, directly or indirectly, that are likely to cause confusion, mistake, or to deceive consumers about the ownership, origin, or validity of WRB Intellectual Property.
2. The Court shall retain jurisdiction to entertain and resolve such future disputes and proceedings and to enter such further orders as may be appropriate to implement and enforce the provisions of this Stipulated Permanent Injunction, whereupon proof of any violation, the Court shall be authorized to enjoin any future violation, award damages, and other relief available at law or in equity, including the recovery of reasonable attorney's fees and costs associated with enforcing this Stipulated Permanent Injunction, if allowable under Minnesota.
3. Notwithstanding anything to the contrary herein, this Stipulated Permanent Injunction will only remain in effect as long WRB maintains its registration of the trademarks and service marks referenced herein.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 1, 2021
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court