

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

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

File No. 21-cv-01599 (SRN/HB)

Plaintiff,

v.

**ORDER FOR PERMANENT
INJUNCTION**

The Lumberjack Company, Inc., and Sara
Jespersen

Defendants.

Chad A. Snyder and Michael H. Frasier, Rubric Legal LLC, 111 Third Avenue South, Suite 110, Minneapolis, MN 55401 for Plaintiff WRB, Inc. d/b/a Hammer-Shlagen.

Bryant D. Tchida and Christopher Ferreira, Moss & Barnett, 150 South Fifth Street, Suite 1200, Minneapolis, MN 55402 for Defendants The lumberjack Company, Inc. and Sara Jespersen.

This matter is before the Court upon the Stipulation for Permanent Injunction filed by the parties on August 12, 2021 [Doc. No. 16]. Based on the Stipulation, the Court makes the following Findings and Order:

FINDINGS

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).

2. WRB’s intellectual property identified above is valid and enforceable and WRB is obligated to protect its rights to it.
3. The Lumberjack Company licensed the rights to use WRB’s intellectual property.
4. The Lumberjack Company’s license terminated in February 2021.
5. The Lumberjack Company used WRB’s trademark Hammer-Schlagen after the license expired.
6. The Lumberjack Company used WRB’s trade dress Stump after the license expired.
7. The Lumberjack Company’s post-license use was unauthorized.
8. The Lumberjack Company’s post-license use was likely to cause confusion.
9. The Lumberjack Company’s post-license use caused actual confusion.
10. 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), and Minn. Stat. § 325D.44 alleging trademark infringement.
11. 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 and the laws of the State of Minnesota as related to trademark infringement.

12. 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.

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.

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 12, 2021

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge