

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

AR15.COM LLC,

Plaintiff,

versus

CHRIS BUTTS, DBA C. & H. ARMS

Defendant.

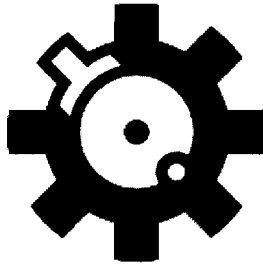
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Civil Action 4:14-cv-1496

Agreed Final Judgment And Permanent Injunction

1. This Court has jurisdiction over the subject matter of this action under 15 U.S.C. § 1121, 28 U.S.C. §§ 1331, 1338(a), 1338(b), and the doctrine of pendent jurisdiction.
2. Since at least as early as January 1, 2007, AR15 has used a logo, which can be described as an AR-15 bolt face logo (the "bolt face logo") as a trademark for the following items that it has offered for sale to the public: firearms, firearm sights, silencers for firearms, cases for firearms, covers for firearms, pouches, namely, shot pouches and cartridge pouches, belts for military equipment, shell belts, woven belts for military equipment, component parts for pistols, rifles and shotguns, firearm hand guards, gun barrels, gun mounts, gun stocks, magazines for weapons, and ammunition.
3. Since at least as early as October 30, 2006, AR15 has used that same bolt face logo as a trademark for the following items that it has offered for sale to the public: appliques in the form of decals; decals; decorative decals for vehicle windows; flags and pennants of paper; and magnetic bumper stickers.

4. Since at least as early as October 9, 2006, AR15 has used that same bolt face logo as a trademark for the following items that it has offered for sale to the public: athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; baseball caps and hats; belts; body shirts; button down shirts; camouflage pants; camouflage shirts; capri pants; cargo pants; clothing, namely, khakis; hats; hunting pants; hunting shirts; jackets; long-sleeved shirts; pants; shirts; shirts and short-sleeved shirts; short-sleeved or long-sleeved t-shirts; sport shirts; sports caps and hats; and ties.
5. The bolt face logo is shown below. It has acquired widespread fame and public recognition in the United States and abroad as designating AR15's products.



6. On July 8, 2008, AR15.com LLC received federal Registration No. 3,461,149 for the bolt face logo mark, as a trademark for firearms, firearm sights, silencers for firearms, cases for firearms, covers for firearms, pouches, namely, shot pouches and cartridge pouches, belts for military equipment, shell belts, woven belts for military equipment, component parts for pistols, rifles and shotguns, firearm hand guards, gun barrels, gun mounts, gun stocks, magazines for weapons, and ammunition. That registration is presently in force.
7. On July 10, 2012, AR15 received federal Registration No. 4,170,316 for that same bolt face logo mark as a trademark for appliques in the form of decals; decals; decorative decals for vehicle windows; flags and pennants of paper; and magnetic bumper stickers, and as a trademark for athletic apparel, namely, shirts, pants, jackets, footwear, hats

and caps, athletic uniforms; baseball caps and hats; belts; body shirts; button down shirts; camouflage pants; camouflage shirts; capri pants; cargo pants; clothing, namely, khakis; hats; hunting pants; hunting shirts; jackets; long-sleeved shirts; pants; shirts; shirts and short-sleeved shirts; short-sleeved or long-sleeved t-shirts; sport shirts; sports caps and hats; and ties. That registration is presently in force.

8. These registrations constitute prima facie evidence of AR15's exclusive right, in the United States, to use the bolt face logo mark for the products listed in those registrations.
9. Although defendant is not in any way affiliated with AR15, he has copied AR15's registered trademark, and is using it as part of one of his trademarks / service marks to advertise his products and services on his web site (<http://www.gotnfa.com>), on his Facebook page (<http://www.facebook.com/CAndHArms>), on a photo website (<http://www.photobucket.com>) and on YouTube (<https://www.youtube.com/watch?v=V7LvMlgcYL0>).
10. Defendant's use of AR15's registered trademark in his trademark is shown below:



11. Defendant has been using his logo to sell firearms, and related services.
12. Defendant's unauthorized use of AR15's registered trademark, as set forth above, is likely to cause confusion as to his affiliation with AR15, or with AR15's products and services.

13. Defendant's unauthorized uses of AR15's registered trademark constitute the use of a misleading representation, or false advertising, in violation of 15 U.S.C. § 1125(a).
14. Defendant's actions, as alleged above, constitute injury to and dilution of AR15's registered trademark, under 15 U.S.C. § 1125(c).
15. Defendant's actions, as alleged above, constitute injury to and dilution of AR15's registered trademark under § 16.29 of the Texas Business & Commerce Code.
16. Defendant's actions, as alleged above, constitute common law trademark infringement and unfair competition under Texas law.
17. Plaintiff has alleged that unless enjoined, defendant will continue his unauthorized use of AR15's registered trademark, resulting in a continuing likelihood of confusion and irreparable injury to AR15, for which AR15 has no adequate remedy at law.
18. Defendant has denied such allegations. In order to stop this litigation, plaintiff and defendant have agreed to this Final Judgment.
19. Defendant and his agents and employees, and all others in concert or participation with them, are permanently enjoined from using the bolt face as part of any logo, to sell his firearms, and firearm-related products, whether on his website, on his Facebook page, on YouTube, or in any other manner in connection with defendant's business.
20. Effective immediately, defendant shall not create, order, or contract for any invoices, literature, posters, cards, labels, prints, packages, wrappers, containers, advertising materials, or other items which contain the bolt face logo in any form.
21. Defendant is ordered, pursuant to 15 U.S.C. § 1118, to deliver within one month of the date of this injunction to plaintiff's counsel, Tim Headley, for destruction, all literature, signs, labels, prints, packages, wrappers, containers, advertising materials, stationery,

and any other items in his possession or control which contain the bolt face logo, either alone or in combination with other words or symbols.

22. Within one month of the date of this injunction, defendant is ordered to deliver up to plaintiff's counsel, Tim Headley, for destruction all plates, molds, matrices, masters, and other means of making any of items containing the bolt face logo.
23. Defendant shall change his equipment and materials used for printing his invoices, so that one month after entry of this judgment, his invoices will be in conformance with this judgment.
24. Defendant is ordered to file with this Court, and to serve on plaintiff's counsel, Tim Headley, within one month after the entry of this injunction, a report in writing, under oath, setting forth in detail the manner and form in which defendant has complied with this injunction. Within ten (10) days after entry of this injunction, defendant must deliver to plaintiff's counsel, Tim Headley, by certified mail or messenger, a cashier's check in the amount of \$2,000., payable to plaintiff's counsel, Tim Headley.
25. Plaintiff is allowed all such writs and processes as may be necessary to enforce this judgment. Further, in the event plaintiff brings contempt proceedings to enforce this judgment, plaintiff shall be entitled to recover all reasonable attorney's fees incurred in any such proceedings.
26. All relief not expressly granted is denied.

Signed this 22nd day of August, 2014.



Melinda Harmon
United States District Judge

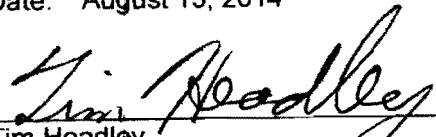
Approved as to BOTH form and substance:

Date: August 16, 2014



Chris Butts
35 Canyon Cove
Heber Springs, Arkansas 72543
Phone: (501) 250-3803
Email: candharms@gmail.com

Date: August 15, 2014



Tim Headley
Attorney-in-Charge for AR15.Com LLC
State Bar No. 09325210
Southern District Bar No. 1003
7941 Katy Freeway, Suite 506
Houston, TX 77024-1924
tim@headleyiplaw.com
www.headleyiplaw.com
Telephone: 713-467-8500
Telecopier: 713-467-8501