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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ITG BRANDS, LLC,  
Plaintiff,  
v.  
CAPNA INTELLECTUAL  
Defendant.

Case No. 2:21-cv-00818-ODW-PVC

**Before:** Hon. Otis D. Wright, II


~~PROPOSED~~ ORDER GRANTING  
PLAINTIFF ITG BRANDS LLC'S  
MOTION FOR PRELIMINARY  
INJUNCTION AND PRELIMINARY  
INJUNCTION


**Complaint Filed:** January 28, 2021

This matter is before the Court on Plaintiff ITG Brands LLC's ("ITGB")  
Motion for Preliminary Injunction (the "Motion").


Based upon the papers, argument, and evidence presented to the Court in  
connection with the Motion, the Court hereby **GRANTS** the Motion, subject to the  
terms and limitations set forth below. The Court finds good cause exists for the  
granting of the Motion in that ITGB is likely to succeed on the merits of its claims,  
that ITGB is likely to suffer irreparable harm in the absence of preliminary relief,  
that the balance of equities tips in ITGB's favor, and that an injunction is in the  
public interest.



1 The Court hereby **ORDERS** that pending trial or further order of the Court,  
2 Defendant Capna Intellectual, its agents, and any employees, agents, servants,  
3 officers, representatives, directors, attorneys, successors, affiliates, and entities  
4 owned or controlled by Defendant (collectively, “Defendant”), pending trial on the  
5 merits, proceeds in accordance with the following terms:


6 i. By no later than August 2, 2021, Defendant shall discontinue all use of  
7 ITGB’s Interlocking OO’s logo shown in incontestable U.S. Trademark Registration  
8 Nos. 2,578,658, and 2,617,994, (“ITGB Marks”) or any other mark containing  
9 interlocking OOs and/or circles (collectively “interlocking circles”), including but  
10 not limited to the logos **BLOM**<sup>1</sup> and/or , in any manner (including in solid  
11 colors) in connection with any advertising and promotion (including online  
12 advertising, social media pages on Facebook, Instagram, Twitter, Weed Maps,  
13 YouTube, and any other social media platform), websites, and physical advertising  
14 and promotional materials such as advertisements, brochures, and point of sale  
15 materials. This provision shall apply only to advertising, promotion, websites,  
16 physical advertising, and promotional materials under Defendant’s control. To the  
17 extent any retail distributor not under Defendant’s control possesses point of sale  
18 materials containing interlocking circles, Defendant shall make its best efforts to  
19 ensure that those materials are removed by no later than August 2, 2021.

20 ii. As of the date this preliminary injunction is entered until November 30,  
21 2021, Defendant shall display corrective advertising and/or other notices on its  
22 websites and social media pages informing the general public that Defendant will be  
23 using new logos. The corrective advertisements and/or other notices shall not  
24 include either **BLOM**, , or any other marks or logos which contain interlocking  
25 circles.

26 \_\_\_\_\_  
27 <sup>1</sup> In each case in which this Order refers to the logo **BLOM** as a mark that Defendant is  
28 enjoined from using, it refers only to that stylized logo and not to the word “BLOOM” used  
without the two O’s interlocked.

1       iii.       By no later than November 30, 2021, Defendant shall cease selling or  
2 distributing to retailers any and all products, packaging, advertising, brochures, or  
3 any other physical items in its possession bearing the marks and logos **BLOM**, ,  
4 or these marks and logos in solid colors, or any other marks or logos which contain  
5 interlocking circles (the “Infringing Products”). By no later than December 31,  
6 2021, Defendant shall destroy any and all Infringing Products in its possession, and  
7 Defendant shall verify it has complied with subparagraph (iii) of this preliminary  
8 injunction by providing ITGB a sworn declaration under penalty of perjury from an  
9 officer, director, or manager of Defendant.

10       iv.       By November 15, 2021, Defendant shall send notices approved by  
11 ITGB to all of its retail distributors explaining that in light of the issuance of this  
12 preliminary injunction each retail distributor has the option to return any product in  
13 its possession as of December 1, 2021 bearing the marks and logos **BLOM**, , or  
14 these marks and logos in solid colors, and, if requested by a retail distributor,  
15 Defendant shall exchange such products for an equivalent product that does not bear  
16 the marks and logos **BLOM**, , or these marks and logos in solid colors. By  
17 November 1, 2021, Defendant shall also provide ITGB with a copy of the notice for  
18 review and approval by ITGB prior to Defendant sending any notices to its retail  
19 distributors.

20       v.       During the pendency of this action, Defendant is prohibited from  
21 expanding the promotion or sale of any products bearing the marks and logos  
22 **BLOM**, , or these marks and logos in solid colors, the ITGB Marks or any other  
23 marks or logos which contain interlocking circles. (“Infringing Products”) to new  
24 territories or an increase in total aggregate locations in each state.

25       vi.       During the pendency of this action, Defendant is prohibited from  
26 instructing, assisting, aiding, or abetting any person or entity in engaging in or  
27 performing any of the activities referred to in subparagraph (v). In accordance with  
28 subparagraph (iii) of this preliminary injunction, Defendant’s provision of materials

1 to franchisees in the ordinary course of business from now until November 30, 2021  
2 shall not be considered a violation of this paragraph.

3 vii. During the pendency of this action, on the first business day of each  
4 month beginning with the month of July 2021, Defendant shall provide to ITGB an  
5 accounting regarding Defendant’s inventory levels and forecasted product demand,  
6 and such accounting shall be provided by sworn declaration under penalty of perjury  
7 from an officer, director, or manager of Defendant.

8 viii. Defendant shall notify its distributors and/or retailers of this  
9 preliminary injunction, must prepare such notice within three (3) business days of  
10 the issuance of this injunction, and ITGB has three (3) business days from receipt to  
11 approve the form of the notice. Defendant’s distributors and/or retailers are not  
12 bound in any way by this preliminary injunction, and the notice will state that  
13 Defendant’s distributors and/or retailers are not bound in any way by this  
14 preliminary injunction. Defendant shall not be required to notify its distributors of  
15 the provision in subparagraph (iv) of this preliminary injunction before November  
16 15, 2021.

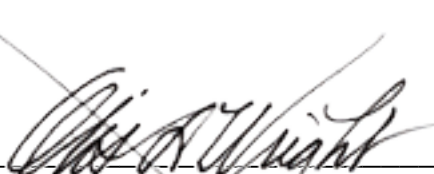
17 ix. No bond shall be required for enforcement of this preliminary  
18 injunction.

19 x. Defendant shall file with the Court within thirty (30) days after entry of  
20 this injunction a report in writing under oath, signed by an officer, director, or  
21 manager of Defendant setting forth in detail the manner and form in which  
22 Defendant has complied with this injunction.

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**IT IS SO ORDERED.**

Dated: \_\_\_June 21, 2021\_\_

  
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Otis D. Wright, II  
United States District Judge