

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JS-6

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

STARBUZZ TOBACCO, INC., a California corporation,)	Case No.: 8:18-cv-794 CJC (DFMx)
)	Honorable Cormac J. Carney
Plaintiff,)	
vs.)	ORDER RE: STIPULATED
)	PERMANENT INJUNCTION
MYST E-CIGS, LLC, a Texas limited liability company; MICHAEL RASOR, an individual, and DOES 1-10, inclusive,)	
)	
Defendants.)	
)	
)	

This matter, having come before the Court upon the stipulation of Plaintiff, Starbuzz Tobacco, Inc. (“Starbuzz”), a California corporation, and Defendants Myst E-Cigs, LLC, (“Myst E-Cigs”), a Texas limited liability company and Michael Razor (“Razor”), an individual residing in the State of Texas (collectively, the “Defendants”) (Starbuzz and Defendants are collectively referred to as

1 “Parties”), the Parties having agreed to the entry of a permanent injunction
2 (“Injunction”), and the Court being otherwise fully advised in the premises.

3 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that
4 Defendants, and their officers, directors, owners, partners, employees, agents,
5 assigns, and representatives, are hereby permanently enjoined from engaging in,
6 committing, or performing, directly or indirectly, any and all of the following
7 conduct:
8
9

10 A. Using any of the marks listed in the attached Exhibit A
11 (“Starbuzz Marks”), or any mark confusingly similar thereto, in connection
12 with the sale, manufacture, distribution, or advertisement of any tobacco or
13 tobacco related products or services including, but not limited to, tobacco,
14 hookah tobacco, pipe tobacco, molasses tobacco, flavored tobacco, cigars,
15 cigarillos, tobacco substitutes, e-cigarettes, vaporizers, electronic cigarette
16 liquid (e-liquid), vape liquid, cartridges filled with propylene glycol or
17 vegetable glycerin for electronic cigarettes and vaporizers, charcoal, any
18 accessories or devices used to consume, ingest, or inhale said products, and
19 hookah lounges (collectively “Tobacco or Tobacco-Related Products or
20 Services”);
21

22 B. Using or registering any trademarks or tradenames consisting of
23 (in whole or in part) “MIST”, where “MIST” is either a root, prefix, and/or
24
25
26
27
28

1 suffix, or any term confusingly similar thereto, in connection with the sale,
2 manufacture, distribution, or advertisement of any Tobacco or Tobacco-
3 Related Products or Services;
4

5 C. Using or registering any trademarks or tradenames consisting of
6 (in whole or in part) “MYST”, or any term confusingly similar thereto, in
7 connection with the sale, manufacture, distribution, or advertisement of any
8 Tobacco or Tobacco-Related Products or Services;
9

10 D. Using or registering any Internet, social media and other online
11 accounts containing, “MIST” or “MYST”, including, but not limited to, any
12 images, usernames, hashtags, AdWords, /or source codes, Facebook,
13 Twitter, Snapchat, or Instagram; and
14

15 E. From assisting, aiding, or abetting any other person or business
16 entity in engaging in or performing, or inducing any other person or business
17 entity to engage or perform, any of the activities referred to herein above.
18

19 **IT IS FURTHER ORDERED** that, notwithstanding the foregoing,
20 Defendants may sell or advertise third party products containing the name
21 “MYST” or “MIST” (“Third Party Products”), but shall not assist, direct, hire,
22 instruct, or otherwise contract with any third parties to manufacture or label any
23 products containing the “MIST” or “MYST” marks.
24
25
26
27
28

1 **IT IS FURTHER ORDERED** that violations of this Injunction shall
2 subject Defendants and all other persons bound by this Injunction to all applicable
3 penalties, including contempt of Court.
4

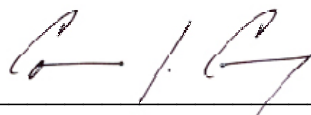
5 **IT IS FURTHER ORDERED** that this Injunction shall be deemed to have
6 been served upon the Defendants and each of them at the time of its execution by
7 the Court.
8

9 **IT IS FURTHER ORDERED** that the Injunction shall become effective as
10 of May 21, 2019, and pursuant to Rule 54(a) of the Federal Rules of Civil
11 Procedure, the Court directs entry of this Injunction against Defendants effective as
12 of May 21, 2019.
13
14

15 **IT IS FURTHER ORDERED** that the Court shall retain jurisdiction of this
16 action to entertain such further proceedings and to enter such further orders as may
17 be necessary or appropriate to implement and enforce the provisions of this
18 Injunction.
19

20 **IT IS SO ORDERED.**

21
22 Dated: August 22, 2018



Honorable Cormac J. Carney
United States District Judge

Exhibit A
Starbuzz Marks

1
2
3 “BLUE MIST” (Reg. Nos. 3,619,407 and 5,230,096)

4 “CITRUS MIST” (Reg. No. 3,695,500)

5
6 “HAWAIIAN MIST” (Reg. No. 4,196,953)

7 “TROPICAL MIST” (Reg. No. 4,196,957)

8
9 “OCEAN MIST” (Reg. No. 4,725,987)

10 “PEACH MIST” (Reg. No. 4,287,968)

11 “MYST” (Reg. Nos. 4,994,722 and 5,080,164)

12
13 “MIST” (Reg. No. 4,839,128)