

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOHNSON & JOHNSON, et al.,)	
)	
Plaintiffs,)	
)	Case No. 1:20-cv-03471
v.)	
)	Judge John Robert Blakey
ADVANCED INVENTORY)	
MANAGEMENT, INC., et al.,)	
)	
Defendants.)	

DEFAULT JUDGMENT AND PERMANENT INJUNCTION ORDER

This matter has come before the Court on Plaintiffs Johnson & Johnson, Ethicon, Inc., Ethicon US, LLC and Johnson & Johnson Health Care Systems, Inc.’s (together, “Ethicon”) Motion for Default Judgment Against Defendant Mudassar Shah (“Shah”) [399] and Supporting Memorandum of Law [400], all Parties have received proper notice, and it is hereby ORDERED, ADJUDGED, AND DECREED:

WHEREAS, on July 31, 2020, Ethicon filed its First Amended Complaint asserting claims for, among other things, federal and state trademark infringement, false description and designation of origin in commerce, federal false advertising, federal and state trademark dilution, state deceptive and unfair trade practices, common law unfair competition, common law unjust enrichment, common law tortious interference with contract, and breach of settlement agreement, and alleging that Defendant Shah without authorization from Ethicon, purchased, marketed, advertised, distributed, sold, offered for sale, and otherwise used in commerce in the

United States counterfeit Ethicon surgical devices, all of which claims, Ethicon has alleged, have given rise to significant damages;

WHEREAS, Defendant Shah has entirely failed to plead, or otherwise defend in this action, despite being properly served by Ethicon;

WHEREAS, Ethicon filed a motion requesting the entry of default against Defendant Shah, [377], and Defendant Shah's default was entered on the docket on February 17, 2021 [384];

WHEREAS, Shah filed a motion to vacate the default, which the Court denied on March 29, 2022 [395], finding that Shah had failed to establish good cause for his default or that he had a meritorious defense to the action;

WHEREAS, Ethicon moved the Court for the entry of a default judgment and a permanent injunction against Defendant Shah on November 8, 2022 [399] and provided Defendant Shah with email notification of the motion and the hearing date for the motion (even though Defendant Shah also receives notification of filings via the Court's ECF system);

WHEREAS, this Court held a hearing on Ethicon's motion for entry of default judgment and permanent judgment against Defendant Shah on December 20, 2022;

WHEREAS, despite receiving proper notice, Defendant Shah failed to appear at the hearing on Ethicon's motion for entry of default judgment and a permanent injunction against Defendant Shah on December 20, 2022;



NOW THEREFORE:

Ethicon's Motion for Default Judgment Against Defendant Mudassar Shah [399] is GRANTED.

Judgment is entered in favor of Ethicon and against Defendant Shah on all Claims for Relief in the First Amended Complaint in the amount of \$18,000,000 in statutory damages, with interest accruing at the current per annum legal rate, for which sum let execution issue.

Defendant Shah is permanently enjoined from:

1. Purchasing, selling, distributing, marketing, manufacturing, or otherwise using any of the ETHICON Marks (as defined herein) on any counterfeit or authentic product, or any marks confusingly similar thereto in connection with any products. The “ETHICON Marks” are defined as the following:

- Ethicon’s “Ethicon” trademark, registered on the Principal Register of the United States Patent and Trademark Office on June 3, 1958, as U.S. Registration No. 662658.
- Ethicon’s **ETHICON** trademark, registered on the Principal Register of the United States Patent and Trademark Office on December 14, 1954, as U.S. Registration No. 599432.
- Ethicon’s  ETHICON ENDO-SURGERY trademark, registered on the Principal Register of the United States Patent and Trademark Office on October 29, 1996, as U.S. Registration No. 2011413.
- Ethicon’s  Ethicon Endo-Surgery trademark, registered on the Principal Register of the United States Patent and Trademark Office on January 7, 2014, as U.S. Registration No. 4462925.

- Ethicon’s “SURGICEL” trademark, registered on the Principal Register of the United States Patent and Trademark Office on August 4, 1959, as U.S. Registration No. 682773.
- Ethicon’s “LIGACLIP” trademark, registered on the Principal Register of the United States Patent and Trademark Office on August 13, 1974, as U.S. Registration No. 0990939.

2. Using any logo, trade name or trademark confusingly similar to any of the ETHICON Marks which may be calculated to falsely represent or which has the effect of falsely representing that the services or products of any or all of the defendants or of others are sponsored by, authorized by or in any way associated with Plaintiffs;

3. Infringing any of the ETHICON Marks;

4. Otherwise unfairly competing with Ethicon in the manufacture, sale, offering for sale, distribution, advertisement, or any other use of any ETHICON Marks (an “Ethicon Product”);

5. Falsely representing himself as being connected with Plaintiffs or sponsored by or associated with Plaintiffs or engaging in any act which is likely to cause the trade, retailers and/or members of the purchasing public to believe that he is associated with Plaintiffs;

6. Using any reproduction, counterfeit, copy, or colorable imitation of any of the ETHICON Marks in connection with the publicity, promotion, sale, or advertising of any Ethicon Product;

7. Affixing, applying, annexing, or using in connection with the sale of any goods, a false description or representation including words or other symbols tending to falsely describe or represent such goods as being Ethicon Products and from offering such goods in commerce;


8. Diluting any of the Ethicon Marks; and

9. Assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs (1) through (8) above.

The Court retains jurisdiction to enforce this Default Judgment and Permanent Injunction.

Dated: July 21, 2023

Entered:


John Robert Blakey
United States District Judge