

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

3M COMPANY,

Plaintiff,

vs.

ZACHARY PUZNAK,
ZENGER LLC d/b/a
ZEROAQUA, and
JOHN DOE 1 THROUGH 10,
all of whose true names are unknown.

Defendants.

CASE NO. 1:20-cv-1287-RLY-TAB

JURY TRIAL DEMANDED

CONSENT JUDGMENT AND PERMANENT INJUNCTION

WHEREAS Defendant Zachary Puznak (“Defendant”) and Plaintiff 3M Company (“3M”) (collectively, the “Parties”), have agreed to finally resolve the claims against Defendant in the above-caption litigation (the “Litigation”), and any potential claim by Plaintiff for attorneys’ fees and costs incurred to date in connection with the Litigation; and

WHEREAS the Defendant and Plaintiff have agreed to entry of a Consent Judgment and Permanent Injunction on the following terms, and the Defendant has agreed not to appeal any part of this stipulated Consent Judgment and Permanent Injunction;

WHEREAS Plaintiff intends to file an amended complaint based on information provided by Defendant;

NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

A. Pursuant to 15 U.S.C. § 1116, Defendant and all persons and entities in active concert and participation with him are permanently enjoined from:

1. Using the 3M Marks (or any other mark(s) confusingly similar thereto) for, on, and/or in connection with the manufacture, distribution, advertising, promoting, offering for sale, and/or sale of any goods or services, including, without limitation, 3M-brand N95 respirator Marks; and

2. Falsely representing themselves as being distributors, authorized retailers, and/or licensees of 3M and/or any of 3M's products (including, without limitation, 3M-brand N95 respirator) and/or otherwise falsely representing to have an association or affiliation with, sponsorship by, and/or connection with, 3M and/or any of 3M's products.

B. Pursuant to 15 U.S.C. § 1118, Defendant will promptly and immediately destroy any unauthorized goods and materials within the possession, custody, and control of Defendant that bear, feature, and/or contain any copy or colorable imitation of 3M's Marks.

C. The Defendant has waived notice and service of entry of the Consent Judgment and Permanent Injunction, and have agreed that violation of the Consent Judgment and Permanent Injunction will expose the Defendant to all penalties provided by law. Defendant also agrees not to appeal or otherwise attack the validity or enforceability of the Consent Judgment and Permanent Injunction.

D. Any claims for attorneys' fees and costs related to this Litigation and incurred through the date of entry of this Consent Judgment and Permanent Injunction have been resolved between the parties and are hereby disposed of by this Order. Nothing herein will be construed to prohibit 3M from seeking its attorneys' fees and costs in connection with any actions taken to enforce this Consent Judgment and Permanent Injunction in the future.

E. Plaintiff intends to file an amended complaint naming certain parties listed as "John Doe" defendants in the current complaint.

F. The Court will maintain continuing jurisdiction over this action for the purpose of enforcing this Consent Judgment and Permanent Injunction. 3M is authorized to seek to enforce the terms of this Consent Judgment and Permanent Injunction, and 3M will be entitled to its reasonable attorneys' fees and costs incurred for any action to enforce the terms of this Consent


Judgment and Permanent Injunction based on the Defendant' failure to comply, in any way, with their obligations set forth within.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: 7/07/2020

Roger A.G. Sharpe, Clerk

BY: Sina M. Dafe
Deputy Clerk, U.S. District Court


RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

The foregoing Consent Judgment and Permanent Injunction has been agreed and consented to by the parties:

Plaintiff 3M COMPANY

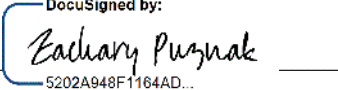
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DATED:

and

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Defendant ZACHARY PUZNAK

BY:  DocuSigned by:
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DATED: 6/30/2020