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14
 15 **UNITED STATES DISTRICT COURT**
 16
 17 **CENTRAL DISTRICT OF CALIFORNIA**

18 PRODUCT PARTNERS, LLC, a
 19 California Limited Liability Company,

Case No.: CV10-04881 DMG (JCx)

20 Plaintiff,

~~[PROPOSED]~~ JUDGMENT

21 vs.

22 H&E INTERNATIONAL, LLC, a
 23 Florida Limited Liability Company, et
 24 al.,

25 Defendants.

26 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

27 Plaintiff PRODUCT PARTNERS, LLC, is hereby awarded final judgment
 28 on its claims for relief against Defendant H&E INTERNATIONAL, LLC in the
 sum of Twenty-Five Thousand Dollars (\$25,000.00) (15 U.S.C. §1117(c)(2) and 17

1 U.S.C. §504(c)(2)), as the prevailing party in this action, pursuant to Rule 55(b) of
2 the *Federal Rules of Civil Procedure* and under Local Rule 55-1. Plaintiff is also
3 awarded attorneys' fees of One Thousand Five Hundred Dollars (\$1,500.00).
4 Furthermore, Defendant is permanently enjoined and restrained from the following
5 activities and conduct and ordered as follows:

6 a) Defendant and any person or entity acting in concert with, or at the
7 direction of it, including any and all agents, servants, employees, partners,
8 assignees, distributors, suppliers, resellers and any others over which it may
9 exercise control, are hereby restrained and enjoined, pursuant to 15 U.S.C. § 1116,
10 from engaging in, directly or indirectly, or authorizing or assisting any third party
11 to engage in, any of the following activities in the United States and throughout the
12 world:

13 i) copying, manufacturing, importing, exporting, marketing,
14 selling, offering for sale, distributing or dealing in any product or service that uses,
15 or otherwise making any use of Plaintiff's BEACHBOYD® and P90X®
16 trademarks and copyrights, and/or any intellectual property that is confusingly or
17 substantially similar thereto, or that constitutes a colorable imitation of any of
18 Plaintiff's BEACHBODY® and P90X® trademarks and copyrights, in connection
19 with any trademark, service mark, trade name, logo, design, Internet use, website,
20 domain name, metatags, advertising, promotions, solicitations, commercial
21 exploitation, television, web-based or any other program, or any product or
22 service;

23 ii) performing or allowing others employed by or representing it,
24 or under its control, to perform any act or thing which is likely to injure Plaintiff,
25 Plaintiff's BEACHBODY® and P90X® trademarks and copyrights, and/or
26 Plaintiff's business reputation or goodwill;

27 iii) engaging in any acts of federal and/or state trademark and/or
28 copyright infringement, false designation of origin, unfair competition, dilution, or

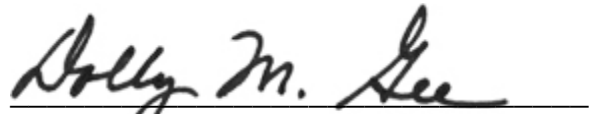
1 other act which would tend to damage or injure Plaintiff; and/or

2 iv) using any Internet domain name or website that includes
3 Plaintiff's BEACHBODY® and P90X® marks.

4 b) Defendant is ordered to deliver immediately for destruction all
5 unauthorized products, including counterfeit P90X® products and related products,
6 labels, signs, prints, packages, wrappers, receptacles and advertisements relating
7 thereto in its possession or under its control bearing any of Plaintiff's
8 BEACHBODY® and P90X® marks or any simulation, reproduction, counterfeit,
9 copy or colorable imitations thereof, and all plates, molds, heat transfers, screens,
10 matrices and other means of making the same, to the extent that any of these items
11 are in Defendant's possession.

12 The Court shall retain jurisdiction of this action to entertain such further
13 proceedings and to enter such further orders as may be necessary or appropriate to
14 implement and enforce the provisions of the Judgment.

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16 IT IS SO ORDERED, ADJUDGED and DECREED this 17th day of
17 December, 2010.

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20 DOLLY M. GEE
21 United States District Judge
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