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NOTE CHANGES MADE BY COURT

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

BEACHBODY, LLC, a California  
Limited Liability Company,

Plaintiff,

vs.

STEPHANIE JOHANNES, an  
Individual, et al.,

Defendant.

Case No.: CV11-01148 PSG (RZx)

~~[PROPOSED] JUDGMENT~~

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

Plaintiff BEACHBODY, LLC, is hereby awarded final judgment on its  
claims for relief against Defendant STEPHANIE JOHANNES in the sum of  
~~\$2,150,000.00~~ <sup>\$105,000.00</sup> (15 U.S.C. §1117(c)(2) and 17 U.S.C. §504(c)(2)), as the prevailing  
party in this action, pursuant to Rule 55(b) of the *Federal Rules of Civil Procedure*

1 and under Local Rule 55-1. Under Local Rule 55-3, Plaintiff is awarded attorneys'  
 2 fees of \$5,600.00. Plaintiff is further awarded costs, pursuant to the *Trademark Act*  
 3 and *Copyright Act*, 17 U.S.C. §504(c), to be determined by the Notice of  
 4 Application to the Clerk to Tax Costs within fifteen (15) days after the entry of  
 5 judgment. Furthermore, Defendant is permanently enjoined and restrained from  
 6 the following activities and conduct and ordered as follows:

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

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

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


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1           iii) engaging in any acts of federal and/or state trademark and/or  
2 copyright infringement, false designation of origin, unfair competition, dilution, or  
3 other act which would tend damage or injure Plaintiff; and/or

4           iv) using any Internet domain name or website that includes any  
5 Plaintiff's Trademarks and Copyrights, including the BEACHBODY® and P90X®  
6 marks.

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

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16           IT IS SO ORDERED, ADJUDICATED and DECREED this 12<sup>th</sup> day of  
17 August, 2011.

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21           HON. PHILIP S. GUTIERREZ  
22           United States District Judge

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