

JS-6

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

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

ZUMBA FITNESS, LLC, a Florida
Limited Liability Company,

Plaintiff,

vs.

WALTER PERISSUTTI, an Individual,
and Does 1-10, Inclusive,

Defendant.

Case No.: CV11-05347 RSWL (FMOx)

JUDGMENT

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

Plaintiff ZUMBA FITNESS, LLC, is hereby awarded final judgment on its claims for relief against Defendant WALTER PERISSUTTI in the sum of \$430,000.00 under 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*

1 *Procedure* and under Local Rule 55-1. Under Local Rule 55-3, Plaintiff is
2 awarded attorneys' fees of \$5,600.00. Plaintiff is further awarded costs, pursuant
3 to the *Trademark Act* and *Copyright Act*, 17 U.S.C. §504(c), in the amount of
4 \$669.31. Furthermore, Defendant is permanently enjoined and restrained from the
5 following 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 him, including any and all agents, servants, employees, partners,
8 assignees, distributors, suppliers, resellers and any others over which he 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, sale,
14 offering for sale, distributing or dealing in any product or service that uses, or
15 otherwise making any use of, any of Plaintiff's Zumba® and Zumba Fitness®
16 trademarks and copyrights, and/or any intellectual property that is confusingly or
17 substantially similar to, or that constitutes a colorable imitation of, any of
18 Plaintiff's Zumba® and Zumba Fitness® trademarks and copyrights, whether such
19 use is as, on, in or in connection with any trademark, service mark, trade name,
20 logo, design, Internet use, website, domain name, metatags, advertising,
21 promotions, solicitations, commercial exploitation, television, web-based or any
22 other program, or any product or service, or otherwise;

23 ii) performing or allowing others employed by or representing him,
24 or under his control, to perform any act or thing which is likely to injure Plaintiff,
25 any of Plaintiff's Zumba® and Zumba Fitness® 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 damage or injure Plaintiff; and/or

2 iv) using any Internet domain name or website that includes any of
3 Plaintiff's Trademarks and Copyrights, including the Zumba® and Zumba
4 Fitness® marks.

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

13 IT IS SO ORDERED, ADJUDICATED and DECREED this 9th day of
14 November, 2011.

15
16
 RONALD S.W. LEW
17
18 HON. RONALD S. W. LEW
Senior, U.S. District Court Judge
19