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

BEACHBODY, LLC, et al.,  
  
Plaintiff,  
  
v.  
  
BARRERA ANDRE, et al.,  
  
Defendant.

Case No.: CV11-10232 RGK (MRWx)  
  
**[PROPOSED] FINAL  
JUDGMENT, INCLUDING  
PERMANENT INJUNCTION,  
AGAINST DEFENDANT  
COMMERCIAL LABRAT, LLC**

The Court, pursuant to the Stipulation for Entry of Final Judgment, including Permanent Injunction (“Stipulation”) by and between Plaintiff BEACHBODY, LLC (“Plaintiff”), on the one hand, and Defendant COMMERCIAL LABRAT, LLC (“Defendant”), on the other, hereby ORDERS, ADJUDICATES and DECREES that final judgment, including permanent

1 injunction, shall be and hereby is entered on the Complaint in the above-referenced  
2 matter as follows:

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

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

21 b. performing or allowing others employed by or representing it,  
22 or under its control, to perform any act or thing which is likely to injure Plaintiff,  
23 any of Plaintiff's BEACHBODY®, P90X®, INSANITY®, and BRAZIL BUTT  
24 LIFT® trademarks and copyrights, and/or Plaintiff's business reputation or  
25 goodwill;

26 c. engaging in any acts of federal and/or state trademark and/or  
27 copyright infringement, false designation of origin, unfair competition, dilution, or  
28 other act which would tend damage or injure Plaintiff; and/or

1           d.     using any Internet domain name or website that includes any of  
2 Plaintiff's Trademarks and Copyrights, including the BEACHBODY®, P90X®,  
3 INSANITY®, and BRAZIL BUTT LIFT® marks.

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

12           3.     This Final Judgment shall be deemed to have been served upon  
13 Defendant at the time of its execution by the Court.

14           4.     The Court finds there is no just reason for delay in entering this  
15 Permanent Injunction and, pursuant to Rule 54(a) of the Federal Rules of Civil  
16 Procedure, the Court directs immediate entry of this Permanent Injunction against  
17 Defendant.

18           5.     Plaintiff is entitled to recover and Defendant shall pay to Plaintiff the  
19 sum of Two Hundred Thirty Thousand Dollars (\$230,000.00) on Plaintiff's  
20 Complaint for Damages.

21           6.     **NO APPEALS AND CONTINUING JURISDICTION.** No  
22 appeals shall be taken from this Final Judgment, including Permanent Injunction,  
23 and the parties waive all rights to appeal. This Court expressly retains jurisdiction  
24 over this matter to enforce any violation of the terms of this Final Judgment,  
25 including Permanent Injunction, and the Permanent Injunction herein.

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7. **NO FEES AND COSTS.** Each party shall bear its own attorneys' fees and costs incurred in this matter.

IT IS SO ORDERED, ADJUDICATED and DECREED this 17th day of January, 2013.



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HON. R. GARY KLAUSNER  
United States District Judge  
Central District of California