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

BEACHBODY, LLC, a California
Limited Liability Company, et al.,

Plaintiff,

v.

BARRERA ANDRE, an Individual, et
al.,

Defendants.

Case No.: CV11-10232 RGK (MRWx)

~~PROPOSED~~ JUDGMENT AS TO
DEFENDANT KENJERQUIN
HUNTSMAN

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

Pursuant to 15 *United States Code* ("U.S.C.") § 1117(c)(1) and 17 *U.S.C.* § 504(c)(1), Plaintiff BEACHBODY, LLC (hereinafter "Plaintiff"), is hereby

1 awarded final judgment on its claims for relief against Defendant KENJERQUIN
2 HUNTSMAN ("Defendant") in the sum of ~~\$2,150,000.00~~^{\$120,000} as the prevailing party in
3 this action under Rule 55(b) of the *Federal Rules of Civil Procedure*
4 ("*Fed.R.Civ.P.*") and *Local Rule* ("*L.R.*") 55-1. Under *L.R.* 55-3, Plaintiff is
5 awarded attorneys' fees of ~~\$5,600.00~~^{\$6,000}.

6 Plaintiff is further awarded costs against Defendant pursuant to the
7 *Trademark Act* and *Copyright Act*, 17 U.S.C. §504(c), to be determined by the
8 Notice of Application to the Clerk to Tax Costs within fifteen (15) days after the
9 entry of judgment. Furthermore, Defendant is permanently enjoined and restrained
10 from the following activities and conduct and ordered as follows:

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

18 i) copying, manufacturing, importing, exporting, marketing, sale,
19 offering for sale, distributing or dealing in any product or service that uses, or
20 otherwise making any use of, any of Plaintiff's BEACHBODY®, P90X®, P90X
21 ONE-ON-ONE®, INSANITY THE ASYLUM® and 10 MINUTE TRAINER®
22 trademarks and copyrights, and/or any intellectual property that is confusingly or
23 substantially similar to, or that constitutes a colorable imitation of, any of
24 Plaintiff's BEACHBODY®, P90X®, P90X ONE-ON-ONE®, INSANITY THE
25 ASYLUM® and 10 MINUTE TRAINER® trademarks and copyrights, whether
26 such use is as, on, in or in connection with any trademark, service mark, trade
27 name, logo, design, Internet use, website, domain name, metatags, advertising,
28 promotions, solicitations, commercial exploitation, television, web-based or any

1 other program, or any product or service, or otherwise;

2 ii) performing or allowing others employed by or representing him,
3 or under his control, to perform any act or thing which is likely to injure Plaintiff,
4 any of Plaintiff's BEACHBODY®, P90X®, P90X ONE-ON-ONE®, INSANITY
5 THE ASYLUM® and 10 MINUTE TRAINER® trademarks and copyrights,
6 and/or Plaintiff's business reputation or goodwill;

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

10 iv) using any Internet domain name or website that includes any
11 Plaintiff's Trademarks and Copyrights, including the BEACHBODY®, P90X®,
12 P90X ONE-ON-ONE®, INSANITY THE ASYLUM® and 10 MINUTE
13 TRAINER® marks.

14 b) Defendant is ordered to deliver to Plaintiff immediately for
15 destruction all unauthorized products, including counterfeit BEACHBODY®,
16 P90X®, P90X ONE-ON-ONE®, INSANITY THE ASYLUM® and 10 MINUTE
17 TRAINER® products and related products, labels, signs, prints, packages,
18 wrappers, receptacles and advertisements relating thereto in his possession or
19 under his control bearing any of Plaintiff's intellectual property or any simulation,
20 reproduction, counterfeit, copy or colorable imitations thereof, and all plates,
21 molds, heat transfers, screens, matrices and other means of making the same, to the
22 extent that any of these items are in Defendant's possession.

23
24 IT IS SO ORDERED, ADJUDICATED and DECREED this 20th day of
25 MARCH, 2013.

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HON. R. GARY KLAUSNER
United States District Judge