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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 WILLIAM JOINER,  
JR.,**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

Pursuant to 15 U.S.C. §1117(c)(1) and 17 U.S.C. §504(c)(1), Plaintiff  
BEACHBODY, LLC ("Plaintiff") is hereby awarded final judgment on its claims  
for relief against Defendant WILLIAM JOINER, JR. ("Defendant") in the sum of

~~\$60,000~~  
1 ~~\$230,000.00~~ as the prevailing party in this action under Rule 55(b) of the  
2 *Fed. R. Civ.P.* and *L.R.* 55-1. Under *L.R.* 55-3, Plaintiff is awarded attorneys' fees  
3 of ~~\$8,200.00~~ ~~\$4,000~~.

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

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

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

27 ii) performing or allowing others employed by or representing  
28 him, or under his control, to perform any act or thing which is likely to injure

1 Plaintiff, any Plaintiff's BEACHBODY®, P90X®, P90X ONE-ON-ONE®  
2 trademarks and copyrights, and/or Plaintiff's business reputation or goodwill;

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

6 iv) using any Internet domain name or website that includes any  
7 Plaintiff's Trademarks and Copyrights, including the BEACHBODY®, P90X®,  
8 P90X ONE-ON-ONE® marks.

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

17 IT IS SO ORDERED, ADJUDICATED and DECREED this 20<sup>th</sup> day of  
18 March, 2013.

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22 HON. GARY KLAUSNER  
23 United States District Judge  
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