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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 THACH VU

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 is  
hereby awarded final judgment on its claims for relief against Defendant THACH

1 VU in the sum of ~~\$115,000.00~~ <sup>\$160,000</sup> as the prevailing party in this action under Rule  
2 55(b) of the *Fed.R.Civ.P.* and *L.R.* 55-1. Under *L.R.* 55-3, Plaintiff is awarded  
3 attorneys' fees of ~~\$5,600.00~~ <sup>\$4,000</sup>.

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

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

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

28 ii) performing or allowing others employed by or representing

1 Defendant, or under Defendant's control, to perform any act or thing which is  
2 likely to injure Plaintiff, any of Plaintiff's BEACHBODY® and 10 MINUTE  
3 TRAINER® trademarks and copyrights, and/or Plaintiff's business reputation or  
4 goodwill;

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

8 iv) using any Internet domain name or website that includes any  
9 Plaintiff's Trademarks and Copyrights, including the BEACHBODY® and 10  
10 MINUTE TRAINER® marks.

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

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

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26 HON. R. GARY KLAUSNER  
27 United States District Judge  
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