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

BEACHBODY, LLC, et al.,

Plaintiff,

v.

BARRERA ANDRE, et al.,

Defendants.

Case No.: CV11-10232 RGK (MRWx)

**[PROPOSED] PERMANENT
INJUNCTION AGAINST
DEFENDANT RICHARD BAO**

The Court, pursuant to the Stipulation for Entry of Permanent Injunction (“Stipulation”), and separate Confidential Settlement Agreement between Plaintiff BEACHBODY, LLC (“Plaintiff”), on the one hand, and Defendant RICHARD BAO (“Defendant”), on the other, hereby ORDERS, ADJUDICATES and DECREES that a permanent injunction shall be and hereby is entered against Defendant in the above-referenced matter as follows:

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

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

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

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

26 d. using any Internet domain name or website that includes any
27 Plaintiff's Trademarks and Copyrights, including the BEACHBODY®,
28 INSANITY®, and BRAZIL BUTT LIFT® marks.

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

9 3. This Permanent Injunction shall be deemed to have been served upon
10 Defendant at the time of its execution by the Court.

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

15 5. Defendant will be making agreed-upon payments to Plaintiff, as more
16 particularly described in a separate Confidential Settlement Agreement.

17 6. **NO APPEALS AND CONTINUING JURISDICTION.** No
18 appeals shall be taken from this Permanent Injunction, and the parties waive all
19 rights to appeal. This Court expressly retains jurisdiction over this matter to
20 enforce any violation of the terms of this Permanent Injunction.

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

IT IS SO ORDERED, ADJUDICATED and DECREED this 1st day of February, 2012.



HON. R. GARY KLAUSNER
United States District Judge