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

BEACHBODY, LLC, et al.,
Plaintiffs,
v.
AAF FREIGHT (LA) CORP., et al.,
Defendants.

Case No.: 2:15-cv-06452 FMO (PLAx)

**PRELIMINARY INJUNCTION
AGAINST ALL NAMED
DEFENDANTS**

Hon. Fernando M. Olguin

The Court, pursuant to the Stipulation for Entry of Preliminary Injunction (“Stipulation”), by and between Plaintiffs Beachbody, LLC (“Beachbody”) and Bose Corporation (“Bose”) (collectively, “Plaintiffs”), and Defendants AAF Freight (LA) Corp.; Gels Logistics, Inc.; All Access Express, Inc.; AAE Lax, Inc.; Benson Wai; Xindi “John” Hu; Tom T. Lu; and Juan Xu (collectively, “Defendants”), filed concurrently herewith, hereby ORDERS that a Preliminary Injunction shall be and hereby is entered against Defendants in the above-referenced matter as follows:

1 1. Plaintiffs filed their Complaint naming Defendants, among others,
2 stemming from Defendants’ alleged importation, warehousing, selling and
3 distribution of counterfeit and infringing exercise kits, fitness DVDs, and high
4 definition headphones using Plaintiffs’ federally registered intellectual property.

5 2. With respect to Plaintiff Beachbody, the Complaint alleges that
6 Defendants’ importation, warehousing, selling and distribution of the accused
7 exercise kits and fitness DVDs constitute infringement of this Plaintiff’s registered
8 trademarks in violation of 15 United States Code (“U.S.C.”) §1114 and
9 infringement of Beachbody’s registered copyrights in violation of 17 U.S.C. §501.

10 3. With respect to Plaintiff Bose, the Complaint alleges that
11 Defendants’ importation, warehousing, selling and distribution of the accused
12 high definition headphones constitute infringement of this Plaintiff’s registered
13 trademarks in violation of 15 U.S.C. §1114.

14 4. Plaintiffs and Defendants have stipulated to this Preliminary
15 Injunction without adjudication of any issue of fact or law and without Defendants
16 admitting liability for any of the matters alleged in the Complaint.

17 5. The Court has jurisdiction over the subject matter of this case and the
18 parties hereto.

19 6. Venue in the Central District of California is proper, and Defendants
20 have been properly served with process.

21 **I. Preliminary Injunction**

22 **IT IS ORDERED** that Defendants AAF Freight (LA) Corp.; Gels Logistics,
23 Inc.; All Access Express, Inc.; AAE Lax, Inc.; Benson Wai; Xindi “John” Hu;
24 Tom T. Lu; Juan Xu; and any person or entity acting in concert with, or at the
25 direction of Defendants, including any and all officers, directors, members,
26 agents, servants, employees, partners, corporation, limited liability company,
27 parent company, subsidiary, affiliates, successors, assignees, and any others over
28 which Defendants may exercise control, are hereby restrained and enjoined,

1 pursuant to 15 U.S.C. §1116(a) and 17 U.S.C. §501, from engaging in, directly or
2 indirectly, or authorizing or assisting any third party to engage in, any of the
3 following activities in the United States:

4 (1) copying, manufacturing, importing, exporting, purchasing,
5 marketing, advertising, offering for sale, selling, receiving, storing, fulfilling,
6 distributing or dealing in any product or service that uses, or otherwise making
7 any use of, any of Plaintiffs' intellectual properties, including but not limited to,
8 the **BEACHBODY®** (Reg. Nos. 2665151, 2853244, 2862904, and 2873866),
9 **FOCUS T25®** (Reg. Nos. 4404411 and 4412310), **PIYO®** (Reg. Nos. 4549501
10 and 4629995), **P90X3®** (Reg. No. 4503107), **INSANITY®** (Reg. Nos. 3696777
11 and 4049382), **21 DAY FIX®** (Reg. Nos. 4506354 and 4580177), **BOSE®** (Reg.
12 Nos. 0829402 and 4646414), **ACOUSTIC NOISE CANCELLING®** (Reg. No.
13 2096548), **BOSE FREESTYLE®** (Reg. No. 4646414), **BETTER SOUND**
14 **THROUGH RESEARCH®** (Reg. No. 1767324), **ENGINEERED FOR**
15 **EXERCISE®** (Reg. No. 4428490), **QUIETCOMFORT®** (Reg. No. 2539951),
16 **QC®** (Reg. No. 3355350), **TRIPORT®** (Reg. No. 3060458), **STAYHEAR®**
17 (Reg. No. 3878139) trademarks and/or Beachbody's copyrights in its FOCUS T25
18 KIT (Reg. No. PA0001935094), PIYO (Reg. No. PA0001929038), P90X3 (Reg.
19 No. PA0001902813), INSANITY MAX:30 (Reg. No. PA0001961905), and 21
20 DAY FIX (Reg. No. PA0001890353) exercise kits and DVDs (collectively
21 hereinafter "Plaintiffs' Intellectual Properties");

22 (2) using, advertising or displaying Plaintiffs' Intellectual Properties to
23 suggest that non-genuine exercise kits and DVDs and/or headphones being
24 advertised are manufactured, sponsored or endorsed by Plaintiffs;

25 (3) owning or controlling any Internet domain name or website that uses
26 any of Plaintiffs' Intellectual Properties.

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II. Possession of Current Inventory

IT IS FURTHER ORDERED that Defendants, and any person or entity acting in concert with, or at the direction of Defendants, including any and all officers, directors, members, agents, servants, employees, partners, corporation, limited liability company, parent company, subsidiary, affiliates, successors, assignees, and any others over which Defendants may exercise control, are hereby restrained and enjoined from directly or indirectly selling, shipping, returning, transferring, distributing, or otherwise disposing of any accused exercise kits and DVDs, headphones and/or advertisements relating thereto, in Defendants' possession and/or under their control. The items affected by this paragraph shall include both items currently in Defendants' possession and any items which come into Defendants' possession after the effective date of this Preliminary Injunction.

III. Entry of This Preliminary Injunction

IT IS FURTHER ORDERED that the Court finds there is no just reason for delay in entering this Preliminary Injunction against Defendants, and, the Court directs immediate entry of this Preliminary Injunction against Defendants. This Preliminary Injunction shall be deemed to have been served upon Defendants at the time of its execution by the Court.

IV. No Posting of Bond or Other Security Required

IT IS FURTHER ORDERED that Plaintiffs do not need to give any security for the issuance of this Preliminary Injunction under Rule 65(c) of the Federal Rules of Civil Procedure or otherwise.

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V. Retention of Jurisdiction

IT IS FURTHER ORDERED that this Court expressly retains jurisdiction over this matter to enforce any violation of the terms of this Preliminary Injunction by Defendants during the pendency of the action.

IT IS SO ORDERED this 19th day of February, 2016.

_____/s/_____
HON. FERNANDO M. OLGUIN
U.S. District Judge of the United States
Central District of California