Beachbody, LLC v. Thomas Smith Jr. et al Doc. 20

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relief against Defendants, jointly and severally, in the sum of $575,000.

II. Plaintiff is further awarded attorneys' fees in the amount of $5,600 plus 2% of the amount over $100,000 pursuant to the Schedule of Attorneys' Fees set forth in L.R. 55-3 totaling $15,100.

III. Furthermore, Defendants are permanently enjoined and restrained pursuant to 15 U.S.C. § 1116(a) and 17 U.S.C. § 502 from engaging in, directly or indirectly, or authorizing or assisting any third party to engage in, any of the following activities in the United States and throughout the world:

1) copying, manufacturing, importing, exporting, marketing, selling, offering for sale, distributing or dealing in any product or service that uses, or otherwise making any use of, any of Plaintiff's BEACHBODY®, P90X3®, FOCUS T25® and/or INSANITY® MAX:30 trademarks and copyrights, and/or any intellectual property that is confusingly or substantially similar to, or that constitutes a colorable imitation of, any of Plaintiff's BEACHBODY®, P90X3®, FOCUS T25® and/or INSANITY® MAX:30 trademarks and copyrights, whether such use is as, on, in or in connection with any trademark, service mark, trade name, logo, design, Internet use, website, domain name, metatags, advertising, promotions, solicitations, commercial exploitation, television, web-based or any other program, or any product or service, or otherwise;

2) performing or allowing others employed by or representing him, or under his control, to perform any act or thing which is likely to injure Plaintiff, any of Plaintiff's BEACHBODY®, P90X3®, FOCUS T25® and/or INSANITY® MAX:30 trademarks and copyrights, and/or Plaintiff's business reputation or goodwill;

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

4) using any Internet domain name or website that includes any Plaintiff's trademarks and copyrights, including the BEACHBODY®, P90X3®, FOCUS T25® and/or INSANITY® MAX:30 trademarks and copyrights.

IV. Furthermore, Defendants are ordered to deliver immediately to Plaintiff for destruction all counterfeit and unauthorized BEACHBODY®, P90X3®, FOCUS T25® and/or INSANITY® MAX:30 products and materials relating thereto in their possession or under their control bearing any of Plaintiff's intellectual property or any simulation, reproduction, counterfeit, copy or colorable imitations thereof, to the extent that any of these items are in Defendants' possession.

IT IS SO ORDERED, ADJUDICATED and DECREED this 6th day of September, 2016.

HON. R. GARY KLAUSNER
United States District Judge
Central District of California