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

BEACHBODY, LLC,
Plaintiff,
v.
VIVANTE, INC., et al.,
Defendants.

Case No.: 2:16-cv-08799 JAK (GJSx)

**PERMANENT INJUNCTION
AGAINST DEFENDANTS
VIVANTE, INC., VITALIY
POTSELUEV AND NATALIYA
POTSELUEVA AND DISMISSAL**

[JS-6]

Pursuant to the Stipulation for Entry of Permanent Injunction against Defendants Vivante, Inc., Vitaliy Pospeluev and Nataliya Pospelueva (“Defendants”), by and between Plaintiff Beachbody, LLC (“Plaintiff”) and Defendants, the Court hereby ORDERS, ADJUDICATES and DECREES that a permanent injunction shall be and hereby is entered against Defendants in the above-referenced matter as follows:

1 1. **PERMANENT INJUNCTION.** Pursuant to 15 United States Code
2 (“U.S.C.”) §1116, Defendants are hereby restrained and enjoined from engaging in,
3 directly or indirectly, or authorizing or assisting any third party to engage in, any
4 of the following activities in the United States and throughout the world:

5 i. copying, manufacturing, importing, exporting, marketing,
6 selling, offering for sale, distributing or dealing in any product or service that uses,
7 or otherwise making any use of, any of Plaintiff’s BEACHBODY®, P90X®,
8 P90X2®, P90X3®, BRAZIL BUTT LIFT®, CIZE®, INSANITY®, FOCUS
9 T25®, 21 DAY FIX® and/or THE MASTER’S HAMMER AND CHISEL®
10 trademarks and copyrights, and/or any intellectual property that is confusingly or
11 substantially similar to, or that constitutes a colorable imitation of, any of
12 Plaintiff’s BEACHBODY®, P90X®, P90X2®, P90X3®, BRAZIL BUTT LIFT®,
13 CIZE®, INSANITY®, FOCUS T25®, 21 DAY FIX® and/or THE MASTER’S
14 HAMMER AND CHISEL® trademarks and copyrights, whether such use is as, on,
15 in 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 ii. performing or allowing others employed by or representing
20 them, or under their control, to perform any act or thing which is likely to injure
21 Plaintiff, any of Plaintiff’s BEACHBODY®, P90X®, P90X2®, P90X3®,
22 BRAZIL BUTT LIFT®, CIZE®, INSANITY®, FOCUS T25®, 21 DAY FIX®
23 and/or THE MASTER’S HAMMER AND CHISEL® trademarks and copyrights,
24 and/or Plaintiff’s business reputation or goodwill;

25 iii. engaging in any acts of trademark infringement, copyright
26 infringement, false designation of origin, dilution, unfair competition, or other act
27 which would tend damage or injure Plaintiff; and/or
28

1 iv. using any Internet domain name or website that includes any of
2 Plaintiff's Trademarks and Copyrights, including the BEACHBODY®, P90X®,
3 P90X2®, P90X3®, BRAZIL BUTT LIFT®, CIZE®, INSANITY®, FOCUS
4 T25®, 21 DAY FIX® and/or THE MASTER's HAMMER AND CHISEL® marks
5 or works.

6 2. **FORFEITURE.** Defendants are ordered to deliver to Plaintiff
7 immediately for destruction all counterfeit BEACHBODY®-branded exercise kits
8 and DVDs in their possession, custody or control, including but not limited to
9 P90X®, P90X2®, P90X3®, BRAZIL BUTT LIFT®, CIZE®, INSANITY®,
10 FOCUS T25®, 21 DAY FIX® and/or THE MASTER's HAMMER AND
11 CHISEL® exercise kits and DVDs, to the extent that any of these items are in
12 Defendants' possession, custody or control.

13 3. **ENTRY AND SERVICE.** The Court finds there is no just reason for
14 delay in entering this Permanent Injunction, and, pursuant to Rule 54(a) of the
15 Federal Rules of Civil Procedure, the Court directs immediate entry of this
16 Permanent Injunction against Defendants. This Permanent Injunction shall be
17 deemed to have been served upon Defendants at the time of its execution by the
18 Court. Plaintiff is hereby ordered to serve Defendants with a copy of this
19 Permanent Injunction within five (5) calendar days of entry.

20 4. **NO APPEALS AND CONTINUING JURISDICTION.** No
21 appeals shall be taken from this Permanent Injunction, and the parties waive all
22 rights to appeal. This Court expressly retains jurisdiction over this matter to
23 enforce any violation of the terms of this Permanent Injunction by Defendants.

24 5. **NO FEES AND COSTS.** Each party shall bear their own attorneys'
25 fees and costs incurred in this matter.

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6. **DISMISSAL.** Upon entry of this Permanent Injunction against Defendants this case is hereby dismissed in its entirety, with prejudice.

IT IS SO ORDERED, ADJUDICATED and DECREED this 25th day of May, 2017.



HON. JOHN A. KRONSTADT
United States District Judge