

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

BEACHBODY, LLC,

Plaintiff,

v.

SHAUN LANE, et al.,

Defendants.

Case No.: 2:16-cv-08808 BRO (JPRx)

**FINAL JUDGMENT, INCLUDING
PERMANENT INJUNCTION,
AGAINST DEFENDANTS**

Honorable Beverly Reid O’Connell

Pursuant to the Stipulation for Entry of Judgment, including Permanent Injunction, against Defendants Shaun Lane and Troy Lane (“Defendant”), by and between Plaintiff Beachbody, LLC (“Plaintiff”) and Defendants, the Court hereby **ORDERS, ADJUDICATES and DECREES** that Judgment, including permanent injunction, shall be and hereby is entered in favor of Plaintiff and against Defendants in the above-referenced matter as follows:

1. **JUDGMENT.** Plaintiff shall recover and Defendants shall pay to Plaintiff, jointly and severally, the sum of Sixty Thousand Three Hundred Seventy-Seven Dollars Fifty Cents (**\$60,377.50**) on Plaintiff’s Complaint for Damages

1 (ECF Dkt. 1).

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

6 i. copying, manufacturing, importing, exporting, marketing,
7 selling, offering for sale, distributing or dealing in any product or service that uses,
8 or otherwise making any use of, any of Plaintiff’s BEACHBODY® and/or
9 P90X3® trademarks and copyrights, and/or any intellectual property that is
10 confusingly or substantially similar to, or that constitutes a colorable imitation of,
11 any of Plaintiff’s BEACHBODY® and/or P90X3® trademarks and copyrights,
12 whether such use is as, on, in or in connection with any trademark, service mark,
13 trade name, logo, design, Internet use, website, domain name, metatags,
14 advertising, promotions, solicitations, commercial exploitation, television, web-
15 based or any other program, or any product or service, or otherwise;

16 ii. performing or allowing others employed by or representing
17 them, or under their control, to perform any act or thing which is likely to injure
18 Plaintiff, any of Plaintiff’s BEACHBODY® and/or P90X3® trademarks and
19 copyrights, and/or Plaintiff’s business reputation or goodwill;

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

23 iv. using any Internet domain name or website that includes any of
24 Plaintiff’s Trademarks and Copyrights, including the BEACHBODY® and/or
25 P90X3® marks or works.

26 3. **FORFEITURE.** Defendants are ordered to deliver to Plaintiff
27 immediately for destruction all counterfeit BEACHBODY®-branded P90X3®
28 exercise kits and DVDs in their possession or under their control to the extent that

1 any of these items are in Defendants' possession or control.

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

9 5. **NO APPEALS AND CONTINUING JURISDICTION.** No
10 appeals shall be taken from this Judgment, including Permanent Injunction, and the
11 parties waive all rights to appeal. This Court expressly retains jurisdiction over
12 this matter to enforce any violation of the terms of this Judgment and/or Permanent
13 Injunction by Defendants.

14 6. **NO FEES AND COSTS.** Each party shall bear their own attorneys'
15 fees and costs incurred in this matter.

16
17 IT IS SO ORDERED.

18 DATED: March 3, 2017

19
20 By:



21 Honorable Beverly R. O'Connell
22 United States District Court Judge
23
24
25
26
27
28