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 9 NEUROTECH FORTY, INC.
 40 YEARS, INC., and DAVE ASPREY

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 13 **THE UNITED STATES DISTRICT COURT**
 14 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

<p>16 NEUROTECH FORTY, INC., a 17 Canadian corporation, 40 YEARS, 18 INC. D/B/A 40 YEARS OF ZEN, a Delaware corporation, and DAVE ASPREY, an individual,</p> <p style="text-align: center;">19 Plaintiffs,</p> <p style="text-align: center;">20 v.</p> <p>21 BIOCYBERNAUT INSTITUTE 22 INC., a California corporation, and 23 BIOCYBERNAUT INSTITUTE OF ARIZONA, LLC, an Arizona 24 limited liability company, and JAMES HARDT, an individual,</p> <p style="text-align: center;">25 Defendants.</p>	}	<p>Civil Action No. 2:19-cv-09410-FMO- DFM</p> <p>Hon. Fernando M. Olguin</p> <p>CONSENT JUDGMENT, PERMANENT INJUNCTION, AND ORDER OF DISMISSAL</p>
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1 Neurotech Forty, Inc., 40 Years, Inc. D/B/A 40 Years of Zen, and Dave
2 Asprey (collectively “Plaintiffs”) and Defendants Biocybernaut Institute Inc.,
3 Biocybernaut Institute of Arizona, LLC, and James Hardt (collectively
4 “Defendants”) have agreed to enter into a final settlement agreement regarding
5 this Litigation. The Parties hereby consent and agree to the terms and conditions
6 of this Final Consent Judgment and Permanent Injunction.

7 The Court, upon the consent and request of the parties, hereby
8 acknowledges the following Consent Judgment and, upon due consideration,
9 issues the following Order.

10 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

11 1. This Court has personal jurisdiction over each of the Parties to this
12 action. The Court also has subject matter jurisdiction over this action pursuant to
13 28 U.S.C. §§ 1331, 1338, and 1367(a). Venue is proper in this Judicial District
14 pursuant to 28 U.S.C. § 1391(b).

15 2. Neurotech Forty, Inc. is a corporation organized and existing under
16 the laws of Canada, having a principal place of business in Cobble Hill Victoria,
17 British Columbia, Canada (“Neurotech”).

18 3. 40 Years, Inc., doing business as 40 Years of Zen, is a Delaware
19 corporation, having a principal place of business at 16527 74th Ave NE,
20 Kenmore, Washington 98028 (“40 Years”).

21 4. Dave Asprey is an individual residing in British Columbia, Canada.

22 5. Biocybernaut Institute, Inc. is a California corporation, having a
23 principal place of business at 395 Jordan Road, Sedona, Arizona 86336 (“BII”).

24 6. Biocybernaut Institute of Arizona, LLC is an Arizona limited
25 liability company, having a principal place of business at 395 Jordan Road,
26 Sedona, Arizona 86336 (“BIA”).

27 7. James Hardt is an individual residing in Arizona.

28 8. Plaintiffs brought this action against Defendants for trademark

1 infringement, false designation of origin, false advertising, misappropriation of
2 right of publicity, and unfair competition (the “Litigation”). In particular,
3 Plaintiffs asserted claims for the infringement of Neurotech’s U.S. Trademark
4 Registration No. 5,007,452 for the mark 40 YEARS OF ZEN, as well as false
5 designation of origin, false advertising, misappropriation of Asprey’s right of
6 publicity, and unfair competition (“Claims”). Defendants answered Plaintiffs’
7 complaint and asserted counterclaims against Plaintiffs for declaratory judgment
8 of no false advertising, declaratory judgment of non-infringement of Neurotech’s
9 U.S. Trademark Registration No. 5,007,452 for the mark 40 YEARS OF ZEN, as
10 well as trademark infringement and false designation of origin, false advertising,
11 and violation of the Defend Trade Secrets Act (“Counterclaims”).

12 9. Defendants recognize and acknowledge Plaintiffs’ respective and
13 exclusive trademark rights in the marks “DAVE ASPREY” and “40 YEARS OF
14 ZEN” and recognize and acknowledge that those marks are valid and enforceable,
15 and that U.S. Trademark Registration No. 5,007,452 is valid, enforceable, and
16 owned by Neurotech.

17 10. Defendants and their parents, subsidiaries, affiliates, officers, agents,
18 servants, employees, attorneys, and those persons in active concert or
19 participation with any of them, who receive actual notice of this injunction by
20 personal service or otherwise are permanently restrained and enjoined from:

- 21 a. using the marks “DAVE ASPREY,” “40 YEARS OF ZEN,” “21
22 to 40 Years of Zen,” and “BIOHACKED” (collectively “the
23 Marks”) or any other marks confusingly similar thereto in any
24 way, including but not limited to in connection with the
25 manufacture, use, display, advertisement, marketing, promotion,
26 sale, or offer for sale of any product or service, and from aiding
27 or abetting in any way or inducing or contributing to the use or
28 infringement of any of the Marks. For the avoidance of doubt,

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this includes the use of any of the Marks or any other marks confusingly similar thereto as part of Defendants’ website metadata, in Google Adwords, any other type of search engine optimization, any paid or unpaid social media postings, email campaigns, or any other marketing or advertising;

- b. adopting, using, or seeking registration for the Marks or any other mark that is confusingly similar to any of the Marks; and
- c. disputing or contesting, directly or indirectly, Plaintiffs’ exclusive rights and titles to the DAVE ASPREY or 40 YEARS OF ZEN marks or the validity thereof in the courts or any administrative agency or body of the United States or any analogous institutions of foreign nations;

11. This is a final judgment against Defendants. All of the Parties’ Claims, Counterclaims, and any and all remaining claims related to this Litigation, are dismissed with prejudice.

12. Each party shall bear its own fees, costs, and expenses.

13. The Clerk of the Court is directed to enter this Consent Judgment and Dismissal Order forthwith.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 6, 2020

By: /s/ Ali S. Razai
Paul A. Stewart
Ali S. Razai
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Nicole R. Townes

Attorneys for Plaintiffs

