

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

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION

CROSSFIT, LLC, a Delaware limited liability company,	}	CASE NO. 5:23-cv-00460-FMO-KK
Plaintiff,		FINAL JUDGMENT
v.	}	Complaint Filed: March 16, 2023
MARTY SCARBERRY, an individual;		District Judge: Fernando M. Olguin
LEGENDS BARBELL, a California corporation,	}	Courtroom: 6D
Defendants.		Magistrate Judge: Kenly Kiya Kato
	}	Courtroom: 3 or 4, 3rd Floor

1 **FINAL JUDGMENT AND PERMANENT INJUNCTION**

2 This Court, having made the following findings of fact and conclusions of
3 law pursuant to the parties’ stipulation:

4 Plaintiff CrossFit, LLC (“CrossFit”) and Defendants Marty Scarberry and
5 Legends Barbell (collectively, “Legends”) have agreed to entering into the
6 stipulated judgment as set forth herein. Good cause appearing, therefore, IT IS
7 HEREBY ORDERED THAT:

8 For the purposes of binding preclusive effect on Legends, as to future
9 disputes between Legends and CrossFit, Legends admits the following:

- 10 a. CrossFit is now, and has been at all times since the dates of issue, the
11 owner of U.S. Trademark Reg. No. 3,007,458; U.S. Trademark Reg.
12 No. 4,049,689; U.S. Trademark Reg. No. 4,053,443; U.S. Trademark
13 Reg. No. 4,895,992; and U.S. Trademark Reg. No. 5,045,737
14 (collectively, “Registrations”).
- 15 b. Legends admits to the validity of the Registrations.

16 Legends, and those acting on their behalf—including their agents, servants,
17 employees, independent contractors, companies, and partners—are permanently
18 enjoined from using the term “CrossFit” and confusingly similar terms to sell,
19 offer to sell, or otherwise advertise their products or services (the “Injunction”).

20 Legends is bound by the Injunction regardless of whether CrossFit assigns
21 or licenses its intellectual property rights to another, for so long as such trademark
22 rights are valid, subsisting, and enforceable. The Injunction shall inure to the
23 benefit of CrossFit’s successors, assignees, and licensees as appropriate.

24 CrossFit and Legends waive any rights to appeal this stipulated judgment—
25 including, without limitation, the Injunction.

26 IT IS SO ORDERED.

27 Date: July 31, 2023

28 _____/s/
Hon. Fernando M. Olguin
United States District Judge