

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 12-cv-01584-MSK-MEH

ZO SKIN HEALTH, INC.,

Plaintiff,

v.

ADVANCED SKIN CARE, LLC; and
TARA K. SALZ,

Defendants.

ORDER GRANTING STIPULATED MOTION FOR PRELIMINARY INJUNCTION

This matter comes before the Court pursuant to a Stipulated Motion for Preliminary Injunction filed by Plaintiff, ZO Skin Health, Inc. (“ZO Skin Health”) and Defendants Advanced Skin Care, LLC and Tara K. Salz (collectively, “Defendants”) (#19). Upon review of ZO Skin Health’s Verified Complaint for Trademark Infringement and Jury Demand, and the Stipulated Motion filed by the parties, the Court finds that, pursuant to Fed. R. Civ. P. 65, the Stipulated Motion should be **GRANTED**.

The Court therefore orders that Defendants, and any employees, agents, servants, officers, representatives, directors, attorneys, successors, affiliates, assigns, any and all other entities owned or controlled by Defendants, and all of those in active concert and participation with Defendants (the “Enjoined Parties”) are enjoined as follows:

- i) The Enjoined Parties are prohibited from advertising or selling, via the Internet or otherwise, any and all ZO Skin Health products as well as any products bearing any of the ZO Trademarks including, but not limited to, ZO, Offects, Ossential, Ommerse, Oclipse, Olluminate, Oraser, Balatone,

Brightenex, Cebatrol, Glycogent, Melamin, Melamix, Normacleanse, Oilacleanse, Retamax, and ZO Medical,

- ii) The Enjoined Parties are prohibited from using any of the ZO Trademarks including, but not limited to, ZO, Ofects, Ossential, Ommerse, Oclipse, Olluminate, Oraser, Balatone, Brightenex, Cebatrol, Glycogent, Melamin, Melamix, Normacleanse, Oilacleanse, Retamax, and ZO Medical in any manner, including advertising on the Internet,
- iii) The Enjoined Parties are prohibited from importing, exporting, manufacturing, producing, distributing, circulating, selling, offering to sell, advertising, promoting, or displaying any and all ZO Skin Health products as well as any products bearing any of the ZO Trademarks including, but not limited to, ZO, Ofects, Ossential, Ommerse, Oclipse, Olluminate, Oraser, Balatone, Brightenex, Cebatrol, Glycogent, Melamin, Melamix, Normacleanse, Oilacleanse, Retamax, and ZO Medical,
- iv) The Enjoined Parties are required to take all action to remove from the Enjoined Parties' websites any reference to any of ZO Skin Health's products, or any of the ZO Trademarks including, but not limited to, ZO, Ofects, Ossential, Ommerse, Oclipse, Olluminate, Oraser, Balatone, Brightenex, Cebatrol, Glycogent, Melamin, Melamix, Normacleanse, Oilacleanse, Retamax, and ZO Medical,
- v) The Enjoined Parties are required to take all action, including but not limited to requesting removal from the Internet search engines (such as Google, Yahoo!, and Bing), to remove from the Internet any of the ZO Trademarks which associate ZO Skin Health's products or the ZO Trademarks with the Enjoined Parties or the Enjoined Parties' websites,
- vi) The Enjoined Parties are required to take action all action to remove the ZO Trademarks from the following URLs:
 1. http://www.amazon.com/dp/B0082EN4RW/ref=asc_df_B0082EN4RW2015489?smid=A172LZXPBCQCT9&tag=dealtmp9929-20&linkCode=asn&creative=395105&creativeASIN=B0082EN4RW
 2. http://www.coolscent.com/100-3760911-B002O4AQ5O-ZO_Skin_Health_Ommerse_Overnight_Recovery_Creme.html
 3. <http://www.zimbio.com/Skin%2BCare/articles/1TMNbkIQKPN/ZO%2BSkin%2BHealth%2BOmmerse%2BOvernight%2BRecovery>
 4. <http://www.google.com/products?q=%22Zo+Skin+Health+Ommerse+>

Overnight+Recovery+Creme%22&hl=en

5. <http://healthcareinstantly.info/zo-skin-health-oraser-overnight-hand-recovery/>
6. <http://shopping.yahoo.com/779590351-zo-skin-health-oraser-overnight-hand-recovery/specs>
7. <http://www.shopping.com/zo-skin-health/products>
8. <http://relief2ouncebottles.likecheapnow.com/Skin-Health-Ossential-Daily-Defense.html>
9. <http://www.bestcovery.com/zo-skin-health-ossential-daily-power-defense>
10. <http://beauty3.reviews88.org/recent-zo-skin-health-ossential-daily-power-defense/>
11. <http://beauty2.reviews88.org/save-zo-skin-health-ossential-daily-power-defense/>
12. <http://trendylifes.com/zo-skin-health-ossential-daily-power-defense/>
13. <http://www.americanonlinehealth.com/zo-skin-health-ossential-growth-factor-serum.html>
14. <http://www.beautyshoppingonline.com/Cheap-ZO-Skin-Health-Ossential-Growth-Factor-Serum>
15. <http://cheapprice151.bestcheappriceonsale.com/1-offer-for-zo-skin-health-ossential-growth-factor-serum-sale/>
16. <http://www.amazon.com/ZO-Skin-Health-OSSENTIAL-Radical/dp/B003GENV8K>
17. <http://www.amazon.com/ZO-Health-Ommerse-Overnight-Recovery/dp/B002O4AQ5O>
18. <http://www.amazon.com/Skin-Health-Oraser-Overnight-Recovery/dp/B003H8FI2C%3FSubscriptionId%3DAKIAJ4FSUWQE%3FBDO7ZX3Q%26tag%3Dhealthcareins-20%26linkCode%3Dxm2%26camp%3D2025%26creative%3D165953%26creativeASIN%3DB003H8FI2C>
19. http://violetandblueboutique.com/beauty-11055981-B003GENV8K-ZO_Skin_Health_OSSENTIAL_Radical_Night_Repair_Plus.html

20. http://www.mybargain-basement.net/index.php%3F%3Dbeauty%26n%3D11055981%26i%3DB002O4FLYA%26x%3DZO_Skin_Health_Ossential_Growth_Factor_Serum
21. http://obagiclear3.us/2-11055981-B002O4FLYA-ZO_Skin_Health_Ossential_Growth_Factor_Serum.html
22. http://www.home-theatre.co/1-667846011-B002O4FLYA-ZO_Skin_Health_Ossential_Growth_Factor_Serum
23. <http://www.makebeautylife.com/daily-defense-tinted-moisturizer-spf30-unisex-32-oz.html>
24. <http://skillcare.freehostingnoads.net/%3Fp%3D142>
25. <http://hairsboston.com/shop%3Fpage%3D1%26SearchIndex%3DBeauty%26Brand%3D%253Catrinx%26BrowseNode%3D11062591%26MinimumPrice%3D5000%26MaximumPrice%3D10000>
26. http://www.google.com/aclk?sa=L&ai=CoWNwLunZT72IjpS48ASzvsnrA7PtLYBxZSu5RH7ka_JFAgAEAIoAICrt87dBmDJvrmH4K00EJABCsgBAaoEHk_QsC6aazXf1gijVVM0SB63hRdSzRhqnVAKBTYmMQ&sig=AOD64_3JLCrXSs3c3wDcta0f6K3TFdsyvg&adurl=http://www.amazon.com/s/%3Fie%3DUTF8%26keywords%3Dzo%2Bskin%2Bhealth%26tag%3Dgooghydr-20%26index%3Daps%26hvadid%3D4686316727%26hvpos%3D10t2%26hvexid%3D%26hvnetw%3Dg%26hvrand%3D2123167145645764148%26hvppone%3D%26hvptwo%3D%26hvqmt%3Db%26ref%3Dpd_sl_58wzf9lyu6_b
27. <http://www.amazon.com/ZO-Health-Ommerse-Overnight-Recovery/dp/B002O4AQ5O?SubscriptionId=AKIAIRVSV5PTMTT4HXNA&tag=gifts-for-you-20&linkCode=xm2&camp=2025&creative=165953&creativeASIN=B002O4AQ5O>
28. http://www.amazon.com/dp/B003H8FI2C/ref=asc_df_B003H8FI2C2010464?smid=A172LZXPBCQCT9
29. <http://www.amazon.com/Skin-Health-Ossential-Daily-Defense/dp/B002O4BIM4%3FSubscriptionId%3DAKIAJ3LA3JWIFZVLEBOQ%26tag%3Dsandpp-20%26linkCode%3Dxm2%26camp%3D2025%26creative%3D165953%26creativeASIN%3DB002O4BIM4>
30. <http://www.amazon.com/Skin-Health-Ossential-Daily->

Defense/dp/B002O4BIM4%3FSubscriptionId%3D02B7Y8VZ2ZRE5
MXHPMR2%26tag%3Dbestcoverycom-
20%26linkCode%3Dxm2%26camp%3D2025%26creative%3D165953
%26creativeASIN%3DB002O4BIM4

31. <http://www.amazon.com/Skin-Health-Ossential-Daily-Defense/dp/B002O4BIM4%3FSubscriptionId%3DAKIAISYAKS2DB2MS25WA%26tag%3Dhttpcheapsbco-20%26linkCode%3Dxm2%26camp%3D2025%26creative%3D165953%26creativeASIN%3DB002O4BIM4>

32. <http://www.amazon.com/Skin-Health-Ossential-Daily-Defense/dp/B002O4BIM4%3FSubscriptionId%3DAKIAISYAKS2DB2MS25WA%26tag%3Dhttpcheapsbco-20%26linkCode%3Dxm2%26camp%3D2025%26creative%3D165953%26creativeASIN%3DB002O4BIM4>

33. <http://www.amazon.com/Skin-Health-Ossential-Daily-Defense/dp/B002O4BIM4%3FSubscriptionId%3DAKIAIHOSTEN7FY7EEIKQ%26tag%3Duaredoctorcom-20%26linkCode%3Dxm2%26camp%3D2025%26creative%3D165953%26creativeASIN%3DB002O4BIM4>

34. <http://www.amazon.com/Skin-Health-Ossential-Growth-Factor/dp/B002O4FLYA%3FSubscriptionId%3D02J54C6K23C6XSYPEJG2%26tag%3Dwwwwebadrcom-20%26linkCode%3Dxm2%26camp%3D2025%26creative%3D165953%26creativeASIN%3DB002O4FLYA>

35. <http://www.amazon.com/dp/B002O4FLYA/?tag=facebeautycare-20>

36. <http://www.amazon.com/dp/B002O4FLYA?tag=savepriceapplynow-20>

vii) As it is foreseeable that the above-referenced URLs and ZO Skin Health products and the ZO Trademarks including, but not limited to, ZO, Offects, Ossential, Ommerse, Oclipse, Olluminate, Oraser, Balatone, Brightenex, Cebatrol, Glycogent, Melamin, Melamix, Normacleanse, Oilacleanse, Retamax, and ZO Medical thereon will be referenced on additional webpages in the future, including but not limited to index, directory, and search results pages, that the Enjoined Parties are required to take all actions, including requesting removal from the Internet search engines Google, Yahoo!, and Bing, to remove all such webpages from the Internet, and

viii) The Enjoined Parties are prohibited from disposing of, destroying, altering,

moving, removing, concealing, or tampering with any records related to any products sold by them which contain the ZO Trademarks including invoices, correspondence with vendors and distributors, bank records, account books, financial statements, purchase contracts, sales receipts, and any other records that would reflect the source of the products that Defendants sold bearing these trademarks.

DATED this 20th day of July, 2012.

BY THE COURT:



A handwritten signature in black ink, reading "Marcia S. Krieger". The signature is written in a cursive style with a prominent dot over the 'i' in "Krieger". Below the signature is a solid horizontal line.

Marcia S. Krieger
United States District Judge