

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ZELTIQ AESTHETICS, INC.,

Plaintiff,

v.

Case No: 2:15-cv-186-FtM-38CM

DARON SCHERR and DARON
SCHERR,

Defendants.

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PERMANENT INJUNCTION

This matter is before the Court on the Motion for Entry of Stipulated Final Judgment and Permanent Injunction. Being sufficiently advised, the Permanent Injunction is hereby issued.

Accordingly, it is hereby

ORDERED:

Defendants Daron Scherr, M.D., individually and doing business as Daron Scherr, M.D., P.A. (collectively, "Defendants"), their agents, servants, employees, attorneys, representatives or assigns, anyone acting on their behalf or under their supervision, direction or control and anyone acting in concert or participation with them, are permanently restrained and enjoined from:

(i) Using the marks ZELTIQ, COOLSCULPTING, COLDSCULPTING, CRYOLIPOLYSIS, and/or any other confusingly similar mark or colorable imitation thereof in connection with the promotion, advertisement, display, sale, lease, offer for sale or

lease, manufacture, production, circulation, or distribution of any goods or services offered by Defendants;

(ii) Performing any act, making any statement, or distributing any materials that are likely to lead members of the public to believe that any service or product performed, distributed, leased, or sold by Defendants is associated or connected with Zeltiq, is sold, licensed, sponsored, approved or authorized by Zeltiq, or is the functional equivalent of any device sold by Zeltiq;

(iii) Reproducing, displaying, distributing, or creating derivative works from any text, graphics, photographs, videos, or other materials owned by and/or emanating from Zeltiq or its authorized Physician Providers concerning “cryolipolysis” and the results therefrom that is likely to cause confusion, mistake, or deception as to the source, origin, affiliation, connection, or association of Defendants’ goods or services with Zeltiq;

(iv) Taking any action likely to cause public confusion, mistake, or deception as to the connection, affiliation, sponsorship, approval, or other association of Defendants’ goods or services with Zeltiq or its goods or services.

Except as otherwise ordered in this Stipulated Final Judgment and Permanent Injunction, the claims asserted against the Defendants are dismissed with prejudice.

DONE and **ORDERED** in Fort Myers, Florida this 29th day of April, 2015.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record