

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ZELTIQ AESTHETICS, INC.,

Plaintiff/Counterclaim-Defendant,

v.

Case No: 2:16-cv-792-FtM-38MRM

POBRA ENTERPRISES, LLC,
NAPLES POBRA LLC, JOHN
BRANNELLY, MICHAEL A. POKA,
and ANDREA BASILE,

Defendants, Counterclaim-
Plaintiffs.

PERMANENT INJUNCTION

This matter is before the Court on the Parties' Stipulated Entry of Permanent Injunction, signed by all parties. (Doc. 71). Being sufficiently advised, the following Permanent Injunction is hereby issued.

Accordingly, it is now

ORDERED:

Defendants POBRA Enterprises, LLC d/b/a Swan Age Reversal Centers, Swan Cosmetic LLC f/k/a Naples POBRA, LLC d/b/a Swan Centers, John Brannelly, and Michael A. Poka (collectively, "Swan Defendants"), their successors, assigns, representatives, agents, principals, partners, officers, managers, directors, employees, members, shareholders, or anyone acting in concert with or under their direction and control are permanently restrained and enjoined from:

(a) Using the marks Zeltiq®, CoolSculpting®, Cryolipolysis®, Zeltiq's Snowflake Logo, and/or any other Zeltiq mark or any confusingly similar mark or colorable imitation

thereof in connection with the promotion, advertisement, display, sale, or distribution of any goods or services offered by the Swan Defendants;

(b) Performing any act, making any statement, or distributing any materials that are likely to lead members of the public to believe that any device(s) owned or services performed, distributed, leased, or sold by the Swan Defendants are associated or connected with Zeltiq, or are sold, licensed, sponsored, approved or authorized by Zeltiq, or provide services that are the clinical equivalent of any goods or services offered by Zeltiq;

(c) 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 Providers concerning Cryolipolysis and the results therefrom;

(d) Offering or performing cooling-based body contouring services with any device unless such device is cleared by the United States Food and Drug Administration and the Swan Defendants can show that it does not infringe on any patent owned or licensed by Zeltiq; and

(e) Otherwise taking any action likely to cause public confusion, mistake, or deception as to the connection, affiliation, sponsorship, approval, or other association of the Swan Defendants' goods or services with Zeltiq or its goods or services.

DONE and **ORDERED** in Fort Myers, Florida this 20th day of July, 2017.

Copies: All Parties of Record