

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

XTREME DIESEL PERFORMANCE,
LLC,

Plaintiff,

v.

Case No. 5:16-cv-633-Oc-32PRL

XTREME DIESEL PERFORMANCE,
LLC,

Defendant.

FINAL JUDGMENT AND PERMANENT INJUNCTION

This case is before the Court on Plaintiff Xtreme Diesel Performance, LLC's Motion for Default Judgment (Doc. 15). Additionally, Plaintiff filed a proposed judgment and final order for permanent injunction. (Doc. 18). On February 8, 2017, the assigned United States Magistrate Judge issued a Report and Recommendation (Doc. 17) recommending that the Court grant the motion for default judgment and enter judgment: permanently enjoining Defendant Xtreme Diesel Performance, LLC from using Plaintiff's federally registered trademarks; transferring and assigning the domain name "xdpllc.com" to Plaintiff; and ordering Defendant to cease and desist all action of unfair competition as alleged in the Complaint.

No party has filed an objection to the Report and Recommendation, and the time in which to do so has passed. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); M.D. Fla. R. 6.02(a).

Upon de novo review and for the reasons stated in the Report and Recommendation (Doc. 17), it is hereby

ORDERED:

1. The Report and Recommendation of the Magistrate Judge (Doc. 17) is **ADOPTED** as the opinion of the Court.

2. Plaintiff Xtreme Diesel Performance, LLC's Motion for Default Judgment (Doc. 15) is **GRANTED**.

3. Defendant Xtreme Diesel Performance, LLC is permanently restrained and enjoined from using Plaintiff's federally registered trademarks:

- a. XTREME DIESEL PERFORMANCE in International Class 35, No. 3,222,049;
- b. XDP in International Class 37, No. 3,747,340; and
- c. XDP and design in International Class 25, No. 4,788,430.

4. Within 30 days of this executed Final Order, Defendant must transfer and assign the domain name "XDPLLC.com" to Plaintiff.

5. Defendant is to immediately cease and desist all action of unfair competition as alleged in the Complaint to include misleading the public, directing visitors to Defendant's web site who are looking to connect with Plaintiff, and intentionally misappropriating the trademark to cause confusion in the marketplace.

6. Furthermore, this Court will retain jurisdiction of this matter for the purpose of enabling the Plaintiff to this Final Judgment to apply to the Court at any time for such further Orders or Directives as may be necessary or appropriate for the

interpretation or modification of this Final Judgment, for the enforcement of compliance therewith, or the punishment of violations thereof.

7. Plaintiff shall serve Defendant with a copy of this Judgment.
8. The Clerk shall close the file.

DONE AND ORDERED in Jacksonville, Florida the 2nd day of March, 2017.



TIMOTHY J. CORRIGAN
United States District Judge

sj
Copies to:

Honorable Philip R. Lammens
United States Magistrate Judge

Counsel of record