

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 10-21153-CV-KING

MITCHELL GROUP USA LLC, and
GAPARDIS HEALTH AND BEAUTY,
INC.

Plaintiffs,

v.

XTREME TOOLS INTERNATIONAL,
INC., et al.,

Defendants.

**FINAL JUDGMENT AND PERMANENT INJUNCTION AGAINST MARK BEAUTY,
INC. AND MOSHAMED NIRU**

THIS MATTER is before the Court upon the Court's granting of Summary Judgment to Plaintiffs, Mitchell Group USA LLC and Gapardis Health and Beauty, Inc. Upon consideration of the requested damages and injunctive relief, the Court **ORDERS, ADJUDGES, and DECREES** as follows:

1. Mark Beauty, Inc. and Moshamed Niru, President of the same, are jointly and severally liable to Plaintiffs for the sum of **\$2,000**, upon which Plaintiffs may immediately **EXECUTE** judgment.
2. Moshamed Niru, Mark Beauty, Inc., its subsidiaries, parents, affiliates, agents, servants, employees, directors, officers and attorneys, and those persons or entities in active concert or participation with them, are permanently enjoined:
 - (i) Except for surrendering goods to Plaintiffs and except with regard to goods purchased or obtained from sources that are authorized or approved by Plaintiffs, from possessing, receiving, manufacturing, assembling,

distributing, warehousing, shipping, transshipping, transferring, storing, advertising, promoting, offering, selling, offering or holding for sale, disposing, or in any other manner handling or dealing with any goods, packaging, wrappers, containers and receptacles, and any catalogues, price lists, promotional materials and the like bearing a copy or colorable imitation of the trademarks: OMIC, OMIC PLUS, NEOPROSONE, LEMONVATE, and CAROTIS or reproductions, counterfeits, copies or colorable imitations thereof and/or trade dress thereof;

- (ii) From infringing the trademarks: OMIC, OMIC PLUS, NEOPROSONE, LEMONVATE, and CAROTIS, and/or Plaintiffs' trade dress;
- (iii) From otherwise unfairly competing with Plaintiffs;
- (iv) From using any reproduction, counterfeit, copy or colorable imitation of the trademarks: OMIC, OMIC PLUS, NEOPROSONE, LEMONVATE, and CAROTIS, or Plaintiffs' trademarks and/or trade dress in connection with publicity, promotion, sale or advertising of goods sold by Moshamed Niru and/or Mark Beauty, Inc., including, without limitation, health and beauty products bearing a copy or colorable imitation of Plaintiffs' trademarks and/or trade dress;
- (v) From affixing, applying, annexing or using in connection with the same any goods, false description or any representation, including words or other symbols, falsely describing, falsely representing such goods as being those of Plaintiffs' and from offering such goods in commerce;
- (vi) From using any trademark, trade name, or trade dress in connection with the manufacture, sale or distribution of any goods which may be

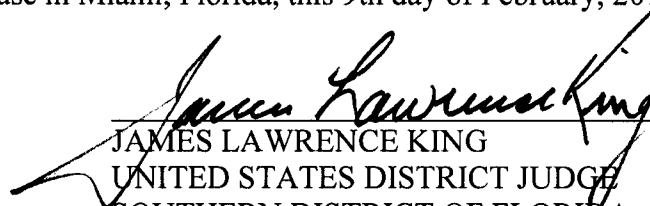
calculated to falsely represent such goods as being connected with, approved by, or sponsored by Plaintiffs;

- (vii) From destroying, altering, disposing of, moving, removing, concealing, tampering with or in any manner secreting any and all business records, invoices, correspondences, books of account, receipts or any other documents or things relating to or referring in any manner to the manufacture, advertising, receiving, acquisition, importation, purchase, sale, or offer for sale, distribution, warehousing or transfer of any Counterfeit Products bearing Plaintiffs' trademarks and/or trade dress;
- (viii) From assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referenced in subparagraphs (i) through (vii) above.

3. Final Judgment is therefore **ENTERED** in favor of Plaintiffs and against Moshamed Niru and Mark Beauty, Inc.

4. The Court shall **RETAIN** jurisdiction for purposes of enforcement of the Permanent Injunction.

DONE AND ORDERED in Chambers at the James Lawrence King Federal Justice Building and United States Courthouse in Miami, Florida, this 9th day of February, 2011.


JAMES LAWRENCE KING
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF FLORIDA

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