

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

**PFIP, LLC**

**Plaintiff,**

v.

**Planet Health and Fitness, Inc. d/b/a Planet  
Fitness**

**Defendant.**

**Case Number: 1:08-cv-461-SM**

**ORDER GRANTING**  
**PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT AND PERMANENT**  
**INJUNCTION AGAINST DEFENDANT**

Having considered Plaintiff PFIP, LLC's ("Plaintiff") Motion for Default Judgment and Permanent Injunction, the Memorandum in support of its Motion, the Declarations of Joseph Freschi and Teresa Tucker in support thereof, the default entered by the Clerk of this Court on file herein, the Summons document, Complaint and proof of service on file herein, and all of the relevant papers and pleadings on file with the Court in this matter, **THE COURT ORDERS AS FOLLOWS:**

Plaintiff's Motion for Default Judgment and Permanent Injunction against the Defendant is **GRANTED;**

**IT IS FURTHER ORDERED**, adjudged and decreed that this Court has jurisdiction over the parties and the subject matter of this action.

**IT IS FURTHER ORDERED** that Plaintiff owns a family of valid trademarks as set forth below, pursuant to 15 U.S.C. §§ 1065 and 1115(b).

<b>Trademark</b>	<b>Registration No.</b>	<b>Registration Date</b>
PLANET FITNESS	U.S. Reg. No. 2,438,677	March 27, 2001
PLANET FITNESS	U.S. Reg. No. 2,698,976	March 25, 2003
PLANET FITNESS, THE JUDGEMENT FREE ZONE, plus design	U.S. Reg. No. 3,105,988	June 20, 2006
JUDGMENT FREE ZONE	U.S. Reg. No. 2,377,662	August 15, 2000

**IT IS FURTHER ORDERED** that Plaintiff is the owner of a valid copyright in its “Planet Fitness Mission Statement.”

**IT IS FURTHER ORDERED** that Defendant is liable to Plaintiff for willful trademark infringement under federal law, 15 U.S.C. §1114 *et seq.* for infringing Plaintiff’s federally registered trademarks.

**IT IS FURTHER ORDERED** that Defendant is liable to Plaintiff for false designation of origin and false description and representation under federal law, 15 U.S.C. §1125 *et seq.*

**IT IS FURTHER ORDERED** that Defendant is liable to Plaintiff for copyright infringement under 17 U.S.C. §501.

**IT IS FURTHER ORDERED** that Defendant is liable to Plaintiff for unfair competition including cybberpiracy under 15 U.S.C.A. §1125(d).

**IT IS FURTHER ORDERED** as follows:

1. Defendant is permanently enjoined and prohibited from using or otherwise misappropriating directly or indirectly the Plaintiff’s trademarks, or any other mark, word, or name, confusingly similar thereto;

2. Defendant is permanently enjoined from using or reproducing Plaintiff's copyrighted work, including Plaintiff's copyrighted "Planet Fitness Mission Statement;"
3. Defendant and its agents are permanently enjoined and ordered to refrain from any act or activity that may directly or indirectly hinder or delay transfer of ownership and control of the domain names "planetfitnesspr.com" to Plaintiff or Plaintiff's agents;
4. Defendant or its agent shall transfer registration of the planetfitnesspr.com domain name to Plaintiff PFIP, LLC within ten (10) days of entry of this Order, and Defendant or its agent shall bear its own costs associated with said transfer;
5. Defendant shall deliver to Plaintiff (or the attorneys/agents of Plaintiff) all materials in its possession, custody or control that use or refer to the Plaintiff's trademarks, copyrighted mission statement or the planetfitnesspr.com domain name, within ten (10) days of entry of this Order;
6. Defendant shall deliver to this Court and to serve on Plaintiff (or the attorneys/agents of Plaintiff) a list of any and all other domain names registered by Defendant or on behalf of Defendant that comprise Plaintiff's trademarks or are confusingly similar thereto within ten (10) days of entry of this Order;
7. Defendants shall refrain from any act or activity intended to directly or indirectly disparage Plaintiff or its agents or affiliated companies.

**IT IS FURTHER ORDERED** that this Court retains jurisdiction over this matter for purposes of enforcing this Judgment and Order.

IT IS SO ORDERED.

DATED: April 29, 2009

/s/ Steven J. McAuliffe

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Steven J. McAuliffe  
U.S. District Court Chief Judge