

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

GYMFINITY, LTD.

6300 Nesbitt Road
Fitchburg, WI 53719,

Plaintiff,

Case No. 11 CV 415

v.

JEROD and JULIANNE PIMENTAL

d/b/a Gymfinity Gymnastics
230 S. Vasco Road
Livermore, CA 94551,

Defendants.

DEFAULT JUDGMENT AND PERMANENT INJUNCTION

Upon the Order for Default Judgment against the Defendants in this case signed Sept. 7, 2011, Plaintiff, Gymfinity, Ltd. shall have a judgment and permanent injunction against and recover from Jerod and Julianne Pimental, d/b/a Gymfinity Gymnastics, whose address is 230 S. Vasco Road, Livermore, CA 94551:

1. Defendants, Jerod and Julianne Pimental d/b/a Gymfinity Gymnastics and their employees, agents, partners, officers, directors, owners, shareholders, principals, subsidiaries, related companies, affiliates, joint ventures, distributors, dealers, licensees, and all persons in active concert or participation with any of them are hereby permanently enjoined:

- a. From using the GYMFINITY Mark and any other trademark owned by Gymfinity, and variations thereof, or other colorable imitation thereof that is likely to cause confusion with the GYMFINITY Mark or any other trademark owned by Gymfinity;

- b. From manufacturing, distributing, promoting, and selling any services or materials bearing the GYMFINITY Mark and any other trademark owned by Gymfinity, any variations thereof, and any other marks that are likely to cause confusion with the GYMFINITY Mark and any other trademark owned by Gymfinity;
- c. From representing by any means whatsoever, directly or indirectly, that Defendants, any services offered by Defendants, or any activities undertaken by Defendants, are sponsored or licensed by Gymfinity or otherwise associated or connected in any way with Gymfinity; and
- d. Passing off any of its products or services with, associated with or sponsored Gymfinity.

2. Defendants shall deliver to Gymfinity within thirty (30) days of the date of this Order at Defendants' expense for destruction all goods, advertisements, literature and other written or printed material which bear the GYMFINITY Mark, or any other mark confusingly similar to the GYMFINITY Mark or any other mark owned by Gymfinity.

3. Defendants shall remove from all websites that they own or control, directly or indirectly, including any online directories or advertisements, the GYMFINITY Mark, and any other trademark owned by Gymfinity, any variation thereof, and any other marks that are likely to cause confusion with Gymfinity's trademark within thirty (30) days of the date of this Order.

4. Defendants shall file with this Court and serve on Gymfinity's attorneys within thirty (30) days after the date of this Order, a report in writing and under oath setting forth in

detail the manner and form in which they have complied with each term and condition of this injunction.

5. Defendants shall account for under oath and pay to Gymfinity any and all profits arising from the foregoing acts of infringement, false designation of origin, and unfair competition, and trebling such profits in accordance with 15 U.S.C. § 1117 and other applicable statutes and laws within thirty (30) days of the date of this Order.

6. Defendants shall pay to Gymfinity compensatory damages in an amount to be determined at a damage hearing to be set by the Court for the damages caused Plaintiff by the foregoing acts of infringement, false designation of origin, and unfair competition, and trebling such compensatory damages in accordance with 15 U.S.C. § 1117 and other applicable statutes and laws.

7. Defendants shall pay to Gymfinity punitive damages in an amount to be determined at a damage hearing to be set by the Court.

8. Defendants shall pay Gymfinity's costs and attorneys' fees in this action pursuant to 15 U.S.C. §1117 and other applicable statutes and laws in the amount of 4,751.70 incurred to date and any additional attorney fees and costs incurred by Plaintiffs hereafter.

Dated this 7th day of September, 2011.

Barbara P. Crabb
Stephen L. Crucker
Magistrate Judge
District

Entered this 7th day of September, 2011.

Peter Oppeneer
PETER OPPENEER, Clerk