http://www.jdsupra.com/post/documentViewer.aspx?fid=bd414931-3cad-47a1-957d-e03a70a17fc2

Ronald D. Coleman (RC 3875)
GOETZ FITZPATRICK LLP
55 Harristown Road
Glen Rock, NJ 07452
(201) 612-4444

Of Counsel:
Kathleen F. McDonough
William R. Denny
D. Fon Muttamara-Walker
POTTER ANDERSON & CORROON LLP
Hercules Plaza
P.O. Box 951
Wilmington, Delaware 19899-0951
(302) 984-6000

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

ZENITH PRODUCTS CORPORATION,)
Plaintiff,)
v.) Civil Action No. 09-103(DRD)
CKC INTERNATIONAL, LLC; SWIFT TOWING AND SALVAGE, INC.; BOBBY'S DEPARTMENT STORE, INC.; S.W. GROUP LLC.; and JOHN DOES 1 THROUGH 5,)) TEMPORARY RESTRAINING) ORDER AND ORDER TO SHOW) CAUSE)
Defendants.)

This Action having been commenced by plaintiff Zenith Products Corporation ("Plaintiff" or "Zenith") on January 9, 2009, and personal service of the Summons and Complaint having been effected on defendants CKC International, LLC ("CKC"), Swift Towing and Salvage, Inc. ("Swift"), Bobby's Department Store, Inc. ("Bobby's"), and S.W. Group LLP ("Shoppers World") (collectively "defendants") on January 9, 2009; and

Document 10 Filed 01/15/2009 Page 2 of)4

www.dsupra.com/post/documentVicker.aspx?fid=bd41483)3cad-47a1-957d-e03a70a17fc2

It appearing to the Court that it has jurisdiction over the subject matter of this action, over plaintiff and over the defendants; and

The Court having considered the Verified Complaint filed in this action and exhibits thereto, together with the Certifications of Stephen A. Wolff, Richard Reiss and Ronald D. Coleman, Esquire, the plaintiff's Motion for a Temporary Restraining Order and the accompanying Memorandum of Law, and the opposition, if any, of the defendants, and the arguments of counsel, and other good cause having been shown;

NOW THEREFORE,

Hearing on Preliminary Injunction

IT IS HEREBY ORDERED that defendants appear before this Court, the United States District Court for the District of New Jersey on Tanvary, 2009, at 3:00 and/p.m, and then and there show cause, if there is any, why a preliminary injunction should not be issued in this action, restraining and enjoining defendants, their officers, agents, servants, employees, and attorneys, and all persons in active concert and privity with them, pending the final determination of this action:

- 1. From selling or offering for sale bath and storage cabinets and bathroom accessories such as metal furniture including floor stands and space savers, bath caddies, soap dishes, shower rods and toothbrush holders in connection with the plaintiff's trademarks, or in any manner falsely designating the origin of defendants' products;
- 2. From passing off or otherwise representing to the public in any way that any product sold by defendants emanates from or is related in source or sponsorship or any other way to plaintiff;

- 3. From infringing upon plaintiff's common-law rights by selling any product not complying with plaintiff's quality control standards;
- 4. From injuring plaintiff's business reputation or diluting the distinctive quality of plaintiff's ZENITH trademark; and
- 5. From engaging in deceptive trade practices or acts in the conduct of their businesses by means of selling non-genuine products in connection with plaintiff's trademarks where such products have failed to meet plaintiff's quality control standards.

Temporary Restraining Order

IT IS FURTHER ORDERED that, pending the hearing on the preliminary injunction described above, defendants, their officers, agents, servants, employees, and attorneys, and all persons in active concert and privity with them, who have or who will receive actual notice of this Order, are temporarily restrained from doing any of the acts set forth in Paragraphs 1 through 5 of this Order.

This Order shall become effective when the Plaintiff posts a surety bond with the Clerk of this Court in the sum of \$50,000, in order to secure the payment of any costs and damages that may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained.

This Order will terminate with this Court's decision on the plaintiff's request for Preliminary Injunction or within 14 days after entry of this Order (unless extended by agreement of the parties), whichever comes soonest;

Service of Order

IT IS HEREBY FURTHER ORDERED that plaintiff serve a copy of this Order on each defendant or counsel for any defendant by personal service, or by sending it by Express Mail or http://www.jdsupra.com/post/documentViewer.aspx?fid=bd414931-3cad-47a1-957d-e03a70a17fc2

Federal Express together with a copy of the accompanying papers, no later than [INSERT TIME] JANUARY 15, 2009.

on [INSERT DATE]. Any responsive papers must be filed and served on the attorneys for Noon [INSERT TIME] on [INSERT DATE].