

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

Bitzer Kuhlmaschinenbau GmbH,

Plaintiff,

v.

Beijing Brilliant Refrigeration Equipment Co., Ltd.,  
Xinchang Liyongda Refrigeration Machinery Co.,  
Ltd., and Li Yongda,

Defendants.

Civil Action No.: 3:13-CV-00381-K

JURY TRIAL

**ORDER EXTENDING TEMPORARY RESTRAINING ORDER**

Before the Court is Plaintiff's Second Emergency Motion to Extend Temporary Restraining Order, filed on February 26, 2013. After considering Plaintiff's Second Emergency Motion; the Complaint for Trademark Infringement, Trademark Dilution, False Designation of Origin, Unfair Competition, and Patent Infringement; the arguments of counsel; and all other relevant matters on file with the Court, the Court finds good cause to extend by an additional fourteen days the Temporary Restraining Order entered by the Court in this case on January 29, 2013 ("TRO") (Dkt. No. 8.)

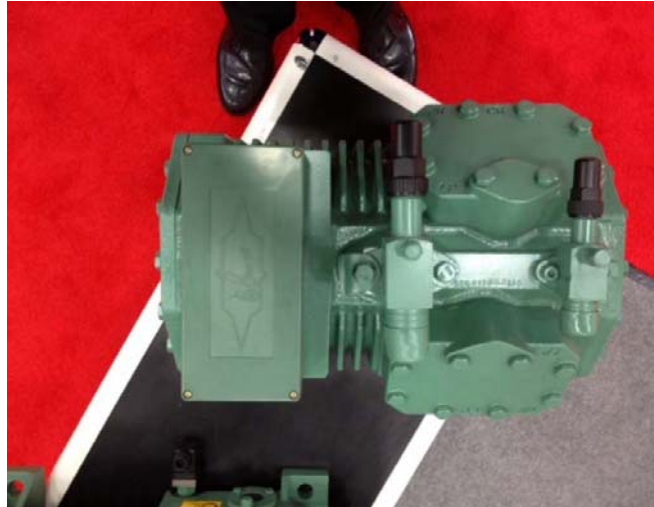
The Court specifically finds that Bitzer has a right to relief from Defendants, in that it has demonstrated a substantial likelihood of success on the merits, that the risk of harm to Bitzer outweighs any harm to Defendants from the extension of the TRO, and that no public interest is disserved by an extension of the TRO by fourteen days. The Court also further determines that Bitzer should have an opportunity to prepare and file its motion for

default judgment—particularly in light of Defendants’ failure to plead or otherwise defend—and that the Court should have an opportunity to consider Bitzer’s forthcoming motion, while Bitzer is afforded the necessary protections of its intellectual property in the interim. The Court determines that the extension is necessary to protect Bitzer’s intellectual property rights.

The Court finds that Bitzer has satisfied the requirements of Federal Rule of Civil Procedure 65(b)(2) by showing good cause to extend the TRO and orders that the TRO is hereby extended in full force and effect for an additional 14 days, up to and including March 12, 2013.

THEREFORE, the Court grants Plaintiff’s Second Emergency Motion to Extend Temporary Restraining Order, and IT IS HEREBY ORDERED that Defendants Beijing Brilliant Refrigeration Equipment Co., Ltd., Xiachang Liyongda Refrigeration Machinery, Co., Ltd., and Li Yongda, along with all persons acting in concert with these Defendants or at their direction, are temporarily restrained from:

- (a) the public display, directly or indirectly manufacturing, importing, using, offering for sale, selling, causing to be sold, or in any way distributing any of the following compressors, or marketing materials, specifications, drawings, or any other materials that describe the following compressors:



- (b) the public display, directly or indirectly manufacturing, importing, using, offering for sale, selling, causing to be sold, or in any way distributing any compressors, marketing materials, specifications, drawings, or any other materials that include the following brand:



- (c) the public display, sale, or offer to sell of any medium or small four cylinder compressors, or marketing materials specifications, drawings, or any other materials that describe those compressors;
- (d) representing that Defendants' goods and/or services are licensed, authorized, or permitted in any way to use any of Bitzer's intellectual property, including Bitzer's patents, trademarks, trade secrets, or trade dress associated with the compressors;
- (e) directly or indirectly manufacturing, importing, using, offering for sale, selling, causing to be sold, or in any way distributing any medium or small four cylinder compressors;
- (f) providing, circulating, or otherwise disseminating any marketing materials, specifications, drawings, or any other materials that describe the medium or small four cylinder compressors;
- (g) the public display, directly or indirectly manufacturing, importing, using, offering for sale, selling, causing to be sold, or in any way distributing any compressors with kelly green coloring, or marketing materials, specifications, drawings, or any other materials that depict compressors with kelly green coloring;
- (h) removing, destroying, secreting, or otherwise disposing of any machinery, apparatus, business records, or documents relating to Defendants' medium or small four cylinder compressors;
- (i) conspiring with or inducing any person or entity to commit any of the above-prohibited acts; and
- (j) attempting, causing, or assisting any of the above-described acts.

The TRO shall be extended up to and including March 12, 2013, which is 14 days from the extended expiration date, unless otherwise extended by the Court for good cause shown for a like period of time, or Defendants consent to a longer extension.

The Court determines that no new or additional damage could be sustained by Defendants by the requested extension of the TRO. Accordingly, the clerk of court will apply the current \$10,000 bond to the extension of the TRO.

This Temporary Restraining Order is hereby extended on this 26<sup>th</sup> day of February, 2013, at 4:42 pm, up to and including March 12, 2013.

A handwritten signature in black ink that reads "Ed Kinkeade". The signature is written in a cursive style and is positioned above a horizontal line.

Ed Kinkeade  
United States District Court

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