

1 DANIELLE L. OCHS, CA Bar No. 178677
danielle.ochs@ogletreedeakins.com
 2 BECKI D. GRAHAM, CA Bar No. 238010
becki.graham@ogletreedeakins.com
 3 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
 Steuart Tower, Suite 1300
 4 One Market Plaza
 San Francisco, CA 94105
 5 Telephone: 415.442.4810
 Facsimile: 415.442.4870

6
 Attorneys for Plaintiff
 7 TOPPAN PHOTOMASKS, INC.

8
 MARC N. BERNSTEIN, CA Bar No. 145837
 9 mbernstein@blgrp.com
 WILL B. FITTON, CA Bar No. 182818
 10 wfitton@blgrp.com
 THE BERNSTEIN LAW GROUP. P.C.
 11 555 Montgomery St., Suite 1650
 San Francisco, CA 94111
 12 Telephone: 415.765.6633
 Facsimile: 415.283.4804

13
 Attorneys for Defendant
 14 KEUN TAEK PARK

15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**

18 TOPPAN PHOTOMASKS, INC.,
 19 Plaintiff,
 20 vs.
 21 KEUN TAEK PARK, an individual,
 22 Defendant.

Case No. 3:13-cv-03323-MMC
**STIPULATED PRELIMINARY
 INJUNCTION AND ~~PROPOSED~~ ORDER**
 Complaint Filed: July 15, 2013
 Trial Date:
 Judge: Hon. Maxine M. Chesney

1 **STIPULATED PRELIMINARY INJUNCTION**

2 WHEREAS, on July 17, 2013, Plaintiff Toppan Photomasks, Inc. (“Plaintiff” or “TPI”)
3 filed the above-captioned action against Defendant Keun Taek Park (“Defendant” or “Park”)
4 (collectively, the “Parties”) for alleged violation of the California Uniform Trade Secrets Act based
5 on his alleged acquisition of TPI’s trade secrets, and breach of contract in connection with his
6 alleged breach of multiple confidentiality agreements between the Parties.

7 WHEREAS, on July 19, 2013, the Court issued a temporary restraining order and order to
8 show cause why a preliminary injunction should not issue (“OSC”) against Park on the grounds
9 that TPI had demonstrated a substantial likelihood of success on the merits of its claims against
10 Park. The Court further found that Plaintiff has demonstrated that, without an order from this
11 Court, TPI will suffer irreparable harm, that the balance of hardships strongly favors TPI, and that
12 issuance of a temporary restraining order and OSC were in the public interest.

13 WHEREAS, the Court set an OSC hearing for August 1, 2013, which the Court
14 subsequently continued to August 30, 2013, upon stipulation of the Parties.

15 WHEREAS, the Parties now wish to stipulate and agree to the issuance of a preliminary
16 injunction, as set forth herein, in lieu of the August 30, 2013 OSC hearing (and agree to request
17 that the Court so order).

18 NOW THEREFORE, the Parties stipulate and agree as follows:

19 1. The Parties agree that during the pendency of this action or until the Court otherwise
20 orders, Defendant (and anyone acting on his behalf who receives actual notice of this Stipulation
21 and Proposed Order) is hereby preliminarily restrained and enjoined as follows:

- 22 a. Defendant is enjoined from accessing TPI’s computer systems or networks;
- 23 b. Defendant is enjoined from possessing, using or disclosing any of TPI’s
24 trade secrets related to its plasma creation and dry etching processes including but not limited to
25 the information contained in the Excel file entitled “work_daily tracking.xlsx” and the Word file
26 entitled “work_daily.doc”, both of which were attached to an email dated November 29, 2012 sent
27 from KT.Park@photomasks.com to parkindresden@yahoo.com with a subject line entitled “files”
28 (hereinafter “Trade Secrets”); and

1 c. Defendant is required to account for (through expedited discovery) and
2 return to TPI any and all of TPI's property, including its Trade Secrets obtained by Defendant from
3 TPI;

4 2. No security is required in this matter. There is no realistic likelihood of harm to
5 Defendant from enjoining his conduct as set forth above.

6 3. The Parties shall abide by the confidentiality agreement and stipulated protective
7 order filed in this case governing the use and disclosure of confidential information in connection
8 with this litigation.

9 4. The August 30, 2013, OSC hearing set in this matter is vacated.

11 DATED: August 21, 2013

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

14 By: /s/ Becki D. Graham
15 DANIELLE L. OCHS
16 BECKI D. GRAHAM
Attorneys for Plaintiff
17 TOPPAN PHOTOMASKS, INC.

18 DATED: August 21, 2013

THE BERNSTEIN LAW GROUP, P.C.

20 By: /s/ Marc N. Bernstein
21 MARC N. BERNSTEIN
22 WILL B. FITTON
Attorneys for Defendant
23 KEUN TAEK PARK

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ATTESTATION OF CONCURRENCE IN FILING

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from Marc N. Bernstein.

Dated: August 21, 2013

/s/ Becki D. Graham
DANIELLE L. OCHS
BECKI D. GRAHAM
Attorneys for Plaintiff

~~PROPOSED~~ ORDER

SO ORDERED.

Dated: August 21, 2013


MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE

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