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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA

7
8 BLACKBERRY LIMITED,
9 Plaintiff,
10 v.
11 TYPO PRODUCTS LLC,
12 Defendant.

Case No. 14-cv-00023-WHO

**ORDER SETTING BOND FOR
ISSUANCE OF PRELIMINARY
INJUNCTION**

Re: Dkt. No. 39

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14 On March 28, 2014, I granted BlackBerry's motion for a preliminary injunction barring
15 Typo from selling its Typo keyboard case. Dkt. No. 39. I ordered the parties to submit evidence
16 concerning the proper amount of bond. The injunction was stayed until BlackBerry posted the
17 bond in the amount ultimately determined by the Court. The parties have provided the required
18 submissions concerning the amount of bond.

19 The amount of bond requested by Typo is wildly inappropriate given the relatively limited
20 sales activity that Typo represented to the Court had occurred to date. Typo argued that the
21 preliminary injunction should not issue in part because "[i]t is unfeasible that a small start-up
22 company, running at an operating loss, who has approximately 4,000 units of a cell phone case
23 containing a physical keyboard could seriously pose any threat to BlackBerry's market share or
24 goodwill." Dkt. No. 25 at 25. The astronomical bond requested by Typo is incompatible with that
25 argument.

26 BlackBerry argues that no bond is required because there is no reasonable likelihood of
27 harm from enjoining Typo's conduct. In the alternative, BlackBerry argues that if a bond is
28 required, \$500,000 is adequate. Having reviewed the parties' submissions, I agree that \$500,000

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is more than adequate to compensate Typo in the event that it is later found to have been improperly enjoined.

CONCLUSION

BlackBerry is ordered to post bond in the amount of \$500,000 as soon as practicable but in no event later than Friday, April 18, 2014. The preliminary injunction shall take effect as soon as BlackBerry post bonds and files notice of the same with the Court.

IT IS SO ORDERED.

Dated: April 11, 2014



WILLIAM H. ORRICK
United States District Judge