

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CRATERS & FREIGHTERS,
Plaintiff,
v.
DAISYCHAIN ENTERPRISES, d/b/a FREIGHT
AND CRATE; KATHY BENZ; and FRED BENZ,
Defendants.

No. C 09-4531 CW
ORDER GRANTING
PLAINTIFF'S MOTION
FOR A PRELIMINARY
INJUNCTION
(Docket No. 10)

On October 22, 2009, Plaintiff Craters & Freighters moved ex parte for a temporary restraining order enjoining Defendants Daisychain Enterprises, Kathy Benz and Fred Benz from, among other things, infringing upon Plaintiff's intellectual property. In its Order of October 26, 2009, the Court denied Plaintiff's application and set a hearing date of December 3, 2009 for Plaintiff's motion for a preliminary injunction (Docket No. 22).

At the December 3 hearing, the Court ordered Defendants to file an opposition to Plaintiff's motion by December 11. Defendants failed to do so. Accordingly, having considered Plaintiff's papers, the Court GRANTS Plaintiff's motion for a preliminary injunction. Pending final resolution of this case, Defendants, their employees and agents, and any other persons

1 acting with Defendants or on Defendants' behalf are restrained and
2 enjoined from:

- 3 (a) using the infringing mark "Freight & Crate" in
4 conjunction with any shipping or packaging services;
5 (b) using the infringing mark "Freight & Crate" in
6 conjunction with any web-based advertisement or print
7 advertisement;
8 (c) using the infringing mark "Freight & Crate" at any call
9 center to suggest that Freight & Crate is affiliated with
10 Plaintiff Craters & Freighters;
11 (d) from identifying themselves anywhere or any time, by
12 their own initiative or in response to questions by
13 others, as "Craters & Freighters" or as affiliated with
14 Plaintiff Craters & Freighters;
15 (e) using Plaintiff Craters & Freighters' copyrighted
16 materials in advertisement and promotions; and
17 (f) from using the registered trademark "Craters &
18 Freighters" for any purpose whatsoever.

19 Plaintiff's motion for default judgment is scheduled to be heard
20 before Magistrate Judge Joseph Spero on January 29, 2010 at 9:30
21 a.m.

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23 Dated: December 15, 2009



24 CLAUDIA WILKEN
25 United States District Judge
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