

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

3
4 PQ LABS, INC.,

No. C 12-0450 CW

5 Plaintiff,

ORDER DENYING

MOTION FOR

6 v.

TEMPORARY

RESTRAINING ORDER

7 YANG QI, et al.,

(Docket No. 12)

8 Defendants.

9 _____/

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11 On January 27, 2012, Plaintiff PQ Labs, Inc. filed a
12 complaint against Defendants Zaagtech Inc., Jinpeng Li, Yang Qi,
13 Haipeng Li and Andy Nguyen alleging, inter alia, claims for
14 misappropriation of trade secrets, copyright infringement and
15 unfair competition in regard to Plaintiff's computer touch screen
16 products. On March 8, 2012, Plaintiff filed a motion for an ex
17 parte temporary restraining order (TRO), arguing that there was a
18 grave risk of irreparable harm because, on March 7 and 8, 2012,
19 Defendants were to attend the Digital Signage Expo, an important
20 trade show in the touch screen industry, where they would be
21 exhibiting touch screen products that incorporate Plaintiff's
22 proprietary, confidential information.

23 On March 8, 2012, the parties filed a stipulation in which
24 Plaintiff agreed to extend the time for Defendants to respond to
25 its complaint, from February 21, 2012 to March 12, 2012, or ten
26 days from the date Plaintiff filed an amended complaint.¹

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28 ¹ Plaintiff filed an amended complaint on March 12, 2012.
Therefore, Defendants' response is due on March 22, 2012.

1 Also on March 8, 2012, Defendants Zaagtech Inc., Jinpeng Li
2 and Yang Qi filed a motion for leave to file an opposition to the
3 TRO motion and requested that the Court not rule on the TRO until
4 they had the opportunity to file their opposition. On March 9,
5 2012, Defendant Andy Nguyen filed a response to the TRO motion,
6 indicating that, because Plaintiff did not seek to enjoin him, he
7 neither opposed nor supported Plaintiff's motion. However, he
8 denied Plaintiff's assertions that he improperly disclosed its
9 confidential customer lists and information, and urged the Court
10 to delay ruling on the TRO until it could fully scrutinize
11 Plaintiff's evidence.

12 On March 9, 2012, the Court issued an Order denying the
13 motion for an ex parte temporary restraining order, stating that
14 it would consider the motion once Defendants responded. The Court
15 issued a briefing schedule allowing Defendants to file an
16 opposition within two court days after receiving actual notice of
17 the motion and allowing Plaintiff to file a reply one court day
18 thereafter. Defendants filed no further opposition but the Court
19 has considered their earlier filings. Plaintiff has filed nothing
20 further.

21 Because the Digital Signage Expo has passed, it appears that
22 the exigent circumstance which gave rise to the need for a TRO no
23 longer exists.

24 Therefore, Plaintiff's motion for a TRO is denied without
25 prejudice to noticing it for hearing as a motion for a preliminary
26 injunction. If Plaintiff wishes to have its motion for a
27 preliminary injunction heard on shortened time and Defendants will
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1 not so stipulate, Plaintiff may file a motion to shorten time
2 pursuant to Local Civil Rule 6-3.

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4 IT IS SO ORDERED.

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6 Dated: 3/21/2012


CLAUDIA WILKEN
United States District Judge

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