

United States District Court  
For the Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

E-FILED on 9/15/10

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

BEIJING TONG REN TANG (USA), CORP.,  
a California corporation,  
  
Plaintiff,  
  
v.  
  
TRT USA CORPORATION, a California  
corporation, GUANGMING SUN aka  
GEORGE SUN, an individual, MEI XU, an  
individual, PENGTAO ZHANG aka JOHN  
ZHANG, an individual,  
  
Defendants.

---

TRT USA CORPORATION, a California  
corporation, GUANGMING SUN, an  
individual, MEI XU, an individual, PENGTAO  
ZHANG, an individual,  
  
Counter-Claimants,  
  
v.  
  
BEIJING TONG REN TANG (USA), CORP.,  
a California corporation, CHUANLI ZHOU, an  
individual,  
  
Counter-Defendants.

No. C-09-00882 RMW  
  
ORDER REQUESTING BRIEFING  
REGARDING MOTION FOR JUDGMENT  
AS A MATTER OF LAW  
  
[Re Docket No. 259]

1 Beijing Tong Ren Tang (USA) Corp. ("BTRTUSA") presented a motion for judgment as a  
2 matter of law in its favor on its unfair competition claim and on TRT USA Corp. ("TRT"),  
3 Guangming Sun, Mei Xu, and Pengtao Zhang (collectively "Counter-Claimants")'s claims for fraud,  
4 breach of fiduciary duty, misappropriation of trade secret, trade libel, and defamation at the close of  
5 its case and Counter-Claimants' case.<sup>1</sup> The court submitted the matter pending the return of the  
6 jury's verdict.

7 The court requests that the parties submit briefing regarding the evidence supporting TRT  
8 and Sun's damage claims according to the following schedule:

9 9/29/10 Counter-Claimants' briefing due  
10 10/6/10 BTRTUSA's response due

11  
12 DATED: 9/15/10

  
\_\_\_\_\_  
RONALD M. WHYTE  
United States District Judge

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 <sup>1</sup> Although the motion was presented to the court at the close of BTRTUSA's case and Counter-  
Claimants' case, the motion was not filed until September 2, 2010.