

E-FILED on 12/18/09

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.

No. C-09-00882 RMW

PRELIMINARY INJUNCTION

This court, having made its Order Granting In Part plaintiff's Motion for Preliminary Injunction, now issues its preliminary injunction. The court finds for the purposes of this preliminary injunction only:

(1) that defendant TRT USA Corporation has used, and threatens to continue to use, the TONG REN TANG and BEIJING TONG REN TANG trademarks in connection with the advertising and sale of Chinese medicines that are in fact not genuine products protected by said marks;

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(2) that the advertising and sale are likely to cause confusion among United States' customers as to the actual source of the product they are obtaining;


(3) that plaintiff has shown probable success on the merits of its claim that defendant TRT USA Corporation has used, and threatens to continue to use, the TONG REN TANG and BEIJING TONG REN TANG trademarks in connection with the advertising and sale of Chinese medicines that are in fact not genuine products protected by said marks; and

(4) that plaintiff will be irreparably harmed by TRT USA Corporation's use of the Tong Ren Tang trademarks if defendants' conduct is not enjoined.

THEREFORE, it is hereby ordered pending the conclusion of this litigation or further order of the court that defendant TRT USA Corporation, its partners, officers, directors, managers, employees, agents, and representatives, and all persons, firms and corporations in active concert or participation with any of them, are enjoined from advertising, marketing or selling any Chinese medicine using the Tong Ren Tang Design Mark or any other registered trademark of China Beijing TRT Group, or any other designation similar to or likely to cause confusion with those trademarks (including any designation containing the phrase Tong Ren Tang), except for any product remaining in TRT USA's inventory that plaintiff acknowledges is a genuine China Beijing TRT product; from representing that it is an exclusive or authorized distributor of Tong Ren Tang products; and from representing that defendant TRT USA Corporation is currently associated with plaintiff or China Beijing Tong Ren Tang Group Co.

This Preliminary Injunction is effective only if plaintiff gives security pursuant to Fed. R. Civ. P. 65(c) in the amount of \$100,000 to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained.

DATED: 12/18/09

  
RONALD M. WHYTE  
United States District Judge

1 Notice of this document has been electronically sent to:

2 **Counsel for Plaintiff:**

3 Jennifer Lee Taylor	JLeeTaylor@mofo.com
Mimi Yang	mimiyang@mofo.com
4 Suzan Yee	syee@tsaochow.com
Teddy Tsao-Wu	ttsaowu@tsaochow.com
5 William James Taylor	wtaylor@tsaochow.com

6 **Counsel for Defendants:**

7 J. James Li lij@gtlaw.com

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9 Counsel are responsible for distributing copies of this document to co-counsel that have not  
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11  
12 **Dated:** 12/18/09

CCL  
Chambers of Judge Whyte