

1  
2  
34 E-FILED on 12/18/09  
5  
6  
78 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION11  
12 BEIJING TONG REN TANG (USA) CORP, a California corporation,  
1314 Plaintiff,  
15 v.  
1617 TRT USA CORPORATION, a California corporation, GUANGMING SUN aka  
18 GEORGE SUN, an individual, MEI XU, an individual, PENGTAO ZHANG aka JOHN  
ZHANG, an individual,  
19

Defendants.

No. C-09-00882 RMW

PRELIMINARY INJUNCTION

20 This court, having made its Order Granting In Part plaintiff's Motion for Preliminary  
21 Injunction, now issues its preliminary injunction. The court finds for the purposes of this  
22 preliminary injunction only:23 (1) that defendant TRT USA Corporation has used, and threatens to continue to use, the  
24 TONG REN TANG and BEIJING TONG REN TANG trademarks in connection with the  
25 advertising and sale of Chinese medicines that are in fact not genuine products protected by said  
26 marks;  
27  
28PRELIMINARY INJUNCTION  
No. C-09-00882 RMW

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

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

25 DATED: 12/18/09

Ronald M. Whyte  
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

9 Counsel are responsible for distributing copies of this document to co-counsel that have not  
registered for e-filing under the court's CM/ECF program.

2 || Dated: 12/18/09

**CCL**  
**Chambers of Judge Whyte**