

1 before June 11, 2010, and is expected to be available for purchase in stores by late June and early
2 July. Erickson Decl. ¶¶ 9-10.) Accordingly, the application for temporary restraining order will
3 be denied, and Plaintiff's motion for preliminary injunction will be set on an expedited schedule.
4 The motion will be heard on June 11, 2010, at 9:00 A.M. Plaintiff's reply brief is due on June 7,
5 2010. The Court requests that Plaintiff respond specifically to Defendants' contention that case
6 law establishing a presumption of irreparable harm upon a showing of a likelihood of success on
7 the merits in a trademark case has been abrogated in light of *Winter v. Natural Resources*
8 *Defense Council*, 129 S.Ct. 365 (2008).

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10 IT IS SO ORDERED.

11 DATED: May 28, 2010

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15 JEREMY FOGEL
United States District Judge