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10 Attorneys for Plaintiff
 BECKMAN COULTER, INC.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

14 BECKMAN COULTER, INC., a Delaware
 15 corporation,

16 Plaintiff,

17 v.

18 BECKCOULT.COM, a Domain Name, and
 19 DOES 1 through 20, inclusive,

20 Defendant.

Case No. 5:10-cv-03110-JF
 Hon. Jeremy Fogel

**[PROPOSED] PRELIMINARY
 INJUNCTION**

[Complaint Filed July 15, 2010]

21 WHEREAS, on July 15, 2010, plaintiff Beckman Coulter, Inc. ("Plaintiff") moved for a
 22 temporary restraining order preventing Defendants from operating or managing the Beckcoulter.com
 23 domain name;

24 WHEREAS, on July 26, 2010, this Court granted Plaintiff's motion for a temporary
 25 restraining order and permitted service of the Summons, Complaint, and Temporary Restraining
 26 Order on Defendants by email;

27 WHEREAS, on July 28, 2010, Plaintiff served Defendants with a copy of the Summons,
 28 Complaint, Case Management & Scheduling Orders, and Temporary Restraining Order to the

1 email address *joanneicale@yahoo.com* in compliance with the Court's July 26, 2010 Order, and
2 received no notice that the message was undeliverable, nor any other indication that the
3 message was not delivered or received;

4 WHEREAS, Plaintiff's motion for preliminary injunction came on for hearing before this
5 Court on August 6, 2010 at 9:00 a.m.;

6 WHEREAS, neither Plaintiff nor the Court has received any communication from
7 Defendants in response to the Summons, Complaint and Temporary Restraining Order served on
8 Defendants on July 28, 2010; and

9 WHEREAS, for good cause shown, the Court adopts the findings and legal conclusions of
10 its July 26, 2010 Order granting Plaintiff's Ex Parte Application for a Temporary Restraining
11 Order and incorporates those findings by reference into this Order.

12 NOW THEREFORE, THE COURT HEREBY issues a preliminary injunction enjoining
13 and restraining Defendants from operating or maintaining any website using the Beckcoult.com
14 domain name or any other domain name owned or used by Plaintiff pending final resolution of
15 this case. To facilitate this result, the domain name registry, Verisign, Inc., shall disable the
16 Beckcoult.com domain name by maintaining it offline and shall not allow transfer of the domain
17 name pending final resolution of this matter.

18 The preliminary injunction shall be in effect until the case is resolved by judgment or
19 otherwise.

20 **IT IS SO ORDERED**

21
22 Dated: August 10, 2010

23 
24 _____
25 JEREMY FOGEL
26 United States District Court Judge
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