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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MERSCORP HOLDINGS, INC., a Delaware corporation, and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., a Delaware corporation,

Plaintiff,

vs.

MERS, INC, a California corporation, MORTGAGE ELECTRONIC REGISTRATION SYSTEM, INC. (MERS), a California corporation,

Defendants.

No.: 16-cv-04380-BLF

**TEMPORARY RESTRAINING ORDER,
ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION, AND
ORDER RE SERVICE**

1 C. Why the Court should not further order the California Secretary of State to:

2 1. Cancel the incorporation for MERS, INC, entity no. C3851651, and
3 MORTGAGE ELECTRONIC REGISTRATION SYSTEM, INC. (MERS), entity no. C3851652;
4 and

5 2. Post an order and notice of the correct address for Plaintiffs, as follows: 1818
6 Library Street, Suite 300, Reston, Virginia 20190 to its public records for Defendants, including but
7 not limited to its online registry of business entities.

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9 **TEMPORARY RESTRAINING ORDER**

10 PENDING HEARING on the above Order to Show Cause, you, your officers, agents,
11 servants, employees and attorneys and all those in active concert or participation with you or them
12 ARE HEREBY RESTRAINED AND ENJOINED from:

13 1. Using the MERS® Mark, MERSCORP trade name, or MORTGAGE ELECTRONIC
14 REGISTRATION SYSTEMS, INC. trade name, or any confusingly similar versions thereof, in
15 commerce in the United States;

16 2. Maintaining an active corporation with the name MERS, INC or MORTGAGE
17 ELECTRONIC REGISTRATION SYSTEM, INC. (MERS) or any confusingly similar name; and

18 3. Assisting, aiding, or abetting any other person or entity in engaging in or performing
19 any of the activities referred to in subparagraphs (i) and (ii) above;

20

21 PENDING HEARING on the above Order to Show Cause, the California Secretary of State
22 is hereby notified and informed that this Court finds that Plaintiffs have demonstrated the likelihood
23 that:

24 1. The incorporation for MERS, INC, entity no. C3851651, and MORTGAGE
25 ELECTRONIC REGISTRATION SYSTEM, INC. (MERS), entity no. C3851652 infringe Plaintiffs'
26 federal trademarks and trade names, causing irreparable harm to Plaintiffs; and that

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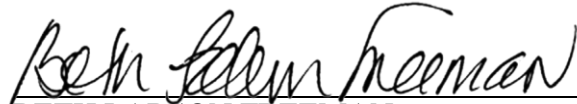
1 Bee once a week for four successive weeks, with at least five days intervening between the
2 respective publication dates not counting such publication dates. The period of notice commences
3 with the first day of publication and terminates at the end of the twenty-eighth day, including therein
4 the first day.

5 In addition, IT IS HEREBY ORDERED THAT a copy of the summons, the Complaint, the
6 supporting papers, this Order, and the Court's Order of the same date shall be mailed forthwith to the
7 Defendants if their addresses, or the address of one of them, or of one or more of their officers, is
8 ascertained before expiration of the time prescribed for publication of the summons.

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IT IS SO ORDERED.

DATED: August 23, 2016


BETH LABSON FREEMAN
United States District Judge