

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. _____

VIDEO PROFESSOR, INC.,

Plaintiff,

v.

SUPRIYO MALAKER d/b/a DOTCRAFTER,

Defendant.

EX PARTE TEMPORARY RESTRAINING ORDER

This matter is before the Court on the Verified Motion for Ex Parte Temporary Restraining Order (“Motion”) filed by plaintiff. Following its review of the Motion and based on the verified allegations therein, the Court finds as follows:

Defendant Supriyo Malaker registered the domain name “videoprofessor.ca” (“CA Domain Name”) in February 2005, and after twice being notified that VPI holds trademark registrations in the Trademark in both the United States and Canada dating back to 1991 and earlier, refused to transfer same to VPI without VPI’s payment to Malaker of an unspecified amount. In its Motion, VPI requests that a temporary restraining order be issued *without prior notice* to Malaker prohibiting Malaker from transferring the CA Domain Name, and any other domain names that use names, words, designations, or other symbols confusingly similar to the VPI’s Trademark, to any third party pending this Court’s determination of which of the parties hereto is entitled to the registration.

If Malaker is given prior notice of the instant motion, he might transfer the CA Domain Name to a third party thereby rendering moot the instant action, and depriving VPI of its ability to obtain a legal resolution of the controversy. Defendant has owned the registration for two years and based on the evidence before the Court it is unlikely that Malaker will suffer any damage by an order restraining his transfer of the domain name pending the litigation of this action. Issuance of the requested restraining order without notice would merely preserve the *status quo* until the Court can determine the lawful registrant of the CA Domain Name.

IT IS HEREBY ORDERED that defendant Malaker and his officers, agents, servants, representatives, employees, attorneys, successors, assigns, or other individuals or entities controlling, controlled by or affiliated with, and all those in privity or active concert or participation with Malaker are temporarily restrained and enjoined from conveying, assigning, or otherwise transferring the registration or ownership in the domain name "videoprofessor.ca," and any other domain names that use names, words, designations, or other symbols confusingly similar to the VPI's Trademark, for a period of ten (10) days following his receipt of the instant order. Prior to the expiration of the 10-day period, the Court will set a hearing at which time plaintiff may proceed on his application for a preliminary injunction to continue the temporary restraining order pending the final disposition of this matter. Plaintiff shall give defendant notice of the date, time and place of such hearing.

Dated this _____ day of April, 2007.

BY THE COURT:

United States District Judge