

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 07-CV-01168-JLK

NATIONAL INTERNET CORPORATION d/b/a WSI ICE,

Plaintiff,

v.

KENNETH KALAF,

Defendant.

TEMPORARY RESTRAINING ORDER

On this day, came on for consideration Plaintiff National Internet Corporation d/b/a WSI ICE's ("NIC") Application for Temporary Restraining Order. The Court, having considered the Application for Temporary Restraining Order, the Brief and Appendix of Evidence in Support Thereof, the Response, and arguments of counsel, makes the following findings:

- (1) There is a substantial likelihood that Plaintiff will succeed on the merits of its claims in that Defendant Kenneth Kalaf ("Kalaf") is making unauthorized use of NIC's trademarks, Proprietary Marks and trade names in a manner that violates the franchise agreement entered into between NIC and Kalaf on April 1, 2002 (the "Franchise Agreement"), including but not limited to using "WSI" on www.wsilawsuit.com;
- (3) The unauthorized use of NIC's trademarks, Proprietary Marks and trade names by Kalaf, including, but not limited to, Kalaf's use of NIC's trademarks, Proprietary Marks and trade names in connection with the website www.wsilawsuit.com, is likely to continue if not restrained;
- (4) The use of NIC's trademarks, Proprietary Marks and trade names by Kalaf poses a serious and substantial risk of imminent and irreparable harm to NIC;
- (5) Any risk of harm to Kalaf based upon the issuance of an order enjoining Kalaf's conduct is outweighed by the risk of harm to NIC;

- (6) The public interest in an efficient and fair use of the internet favors the granting of this Temporary Restraining Order; and
- (7) This is a mandatory injunction and NIC has satisfied the clear and convincing standard applicable to this Order.

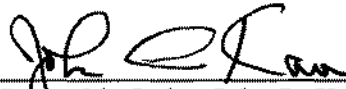
IT IS THEREFORE ORDERED that NIC's Application for Temporary Restraining Order is GRANTED. It is further ORDERED that Kalaf, his agents, servants, employees and all persons and entities acting in concert or participation with them shall:

- (1) cease and desist using the "WSI" name in any form whatsoever on any website, as a part of any domain name, or in any other manner on the internet, not later than noon on Monday June 11, 2007;
- (2) take down and not reinstate the website, www.wsilawsuit.com, and any similar website, not later than noon on Monday June 11, 2007; and
- (3) immediately cease using the WSI name, and the NIC Proprietary Marks, trademarks, logo, or any derivation thereof for any purpose whatsoever.

This Order is issued by the Court on this 8th day of June, 2007, at 2:07 p.m. This Order was issued with notice to Defendant, and after an opportunity to be heard; therefore, this Order shall remain in effect until further order of the Court.

It is further ORDERED that a \$1000.00 bond shall be required.

Signed this 8th day of June, 2007 at 2:07 p.m.

A handwritten signature in black ink, appearing to read "John L. Kane", written over a horizontal line.

Honorable Judge John L. Kane
United States District Judge for the
District of Colorado