

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 1:16-cv-00275-REB-KLM

W.L. GORE & ASSOCIATES, INC.,

Plaintiff,

v.

TOPOGRAPHIC SPORTS, INC. d/b/a SPIRA
and NADIA NAHMAD,

Defendants.

STIPULATED PRELIMINARY INJUNCTION

Blackburn, J.





The matter the court is the parties' **Stipulated Motion To Convert Temporary Restraining Order to Preliminary Injunction and Vacate Evidentiary Hearing** [#18], filed February 18, 2016. Having reviewed the stipulated motion and the file, and being advised of the premises, I find and conclude that the stipulated motion is well-taken and should be granted.

THEREFORE, IT IS ORDERED as follows:

1. That the parties' **Stipulated Motion To Convert Temporary Restraining Order to Preliminary Injunction and Vacate Evidentiary Hearing** [#18], filed February 18, 2016, is granted;
2. That under Fed. R. Civ. P. 65(d) and the agreement of the parties, the temporary restraining order entered in accordance with the court's **Order**

Granting In Part Motion for Temporary Restraining Order [#11], filed February 8, 2016, is converted to an order of preliminary injunction, pursuant to which, defendants are preliminarily enjoined as follows:

- a. Defendants Topographic Sports, Inc. d/b/a Spira, and Nadia Nahmad, and their officers, agents, servants, employees, attorneys, and any persons acting in concert or participation with any of them (collectively, the “Restrained Parties”), are hereby preliminarily enjoined from using any reproduction, counterfeit, copy, or colorable imitation of the United States Trademark Registrations identified below:

Mark	Reg. No.	Mark	Reg. No.
	2,374,361	WINDSTOPPER	1,754,533
	1,776,583	SITKA	3,263,980
	1,836,234		3,263,981
WINDSTOPPER	1,913,436		

(hereinafter the “Gore Marks”) in commerce including, without limitation, by importing, manufacturing, selling, offering for sale,

distributing, promoting, or advertising any good or service in connection with any reproduction, counterfeit, copy, or colorable imitation of the Gore Marks;

- b. The Restrained Parties are also preliminarily enjoined and restrained from altering in any way any products in their possession, custody, or control bearing the Gore Marks or any colorable imitation of the Gore Marks, including, without limitation, by removing any hang tags or other material bearing the Gore Marks from the products; and
 - c. The Restrained Parties shall, within **fourteen (14) days** of entry of this Order, deliver to Gore all products and materials in their possession, custody, or control which depict the Gore Marks or any colorable imitation of the Gore Marks, including without limitation garments, hang tags, printed signs, mailers, or flyers; provided, however, this requirement does not include fabric or materials or customer branded goods that do not depict the Gore Marks or any colorable imitation of the Gore Marks;
3. That the preliminary injunction shall remain in force until either the court reaches a decision on the merits in this case or the parties otherwise agree and their agreement is approved by the court;
 4. That the evidentiary hearing currently set for February 22, 2016, at 10:00 a.m. is vacated; and

5. That the clerk of the court is directed to release the Registry Funds and issue a check to W.L. Gore & Associates, Inc., for the amount of the bond (\$25,000.00), plus any accrued interest accrued on the bond, less the registry fee assessed, made payable to W.L. Gore & Associates, Inc., 555 Paper Mill Road, Newark, Delaware 19711, and delivered to Faegre Baker Daniels LLP c/o Jared B. Briant, 1700 Lincoln Street, Suite 3200, Denver, Colorado 80203.

Dated February 19, 2016, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge