

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LORILLARD TOBACCO COMPANY,
a Delaware corporation,

Plaintiff,

v.

AMANA OIL, INC. d/b/a 16 AND HARPER MOBIL.
a Michigan corporation,
Defendant.

Case No. 10-13296

Hon. Patrick J. Duggan

**STIPULATED ORDER FOR PRELIMINARY INJUNCTION AND
ORDER EXONERATING BOND**

The Court upon reading the following stipulation and agreement between Plaintiff Lorillard Tobacco Company ("Lorillard"), and Defendant Amani Oil, Inc. d/b/a 16 and Harper Mobil. ("Defendant"), pursuant to Rule 65 of the Federal Rules of Civil Procedure Orders as follows:

Lorillard's position is that Lorillard is likely to succeed in showing that Defendant used counterfeits of Lorillard's trademarks NEWPORT® (stylized) (Reg. No. 2,600,870), Spinnaker Design® (Reg. No. 1,178,413), Design Only® (Reg. No. 3,618,542), LORILLARD® (Reg. No. 1,920,066), Lorillard® (stylized) (Reg. No. 0,707,998), Newport Box with Striations® (Reg. No. 3,759,763), Newport Menthol Box® (Reg. No. 3,601,464), and NEWPORT® (Reg. No. 1,108,876) (collectively, the "Lorillard Marks"), in connection with the sale, offering for sale, and/or distribution of cigarettes within the United States. While Defendant denies that allegation and denies any wrongdoing in this matter, Defendant has agreed to the entry of a preliminary injunction as follows:

IT IS HEREBY ORDERED that Defendant and any of their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are hereby enjoined and restrained, from the date of this Stipulation and Order until final resolution of this litigation on the merits, from directly or indirectly:

(1) using any reproduction, counterfeit, copy, or colorable imitation of the Lorillard Marks in connection with the importation, sale, offering for sale, or distribution of cigarettes in the United States;

(2) using the Lorillard Marks or any reproduction, counterfeit, copy, or colorable imitation of the same in any manner likely to cause others to believe the Defendants' products are connected with Lorillard or are genuine Lorillard products if they are not;

(3) passing off, including, or enabling others to sell or pass off any merchandise which is not genuine Lorillard merchandise as and for genuine Lorillard merchandise;

(4) making any false or misleading statements regarding Lorillard or its respective goods, or the relationship between Lorillard, on the one hand, and Defendants, on the other hand;

(5) committing any other acts calculated to cause purchasers to believe that Defendants' products are Lorillard's products;

(6) importing, shipping, delivering, distributing, holding for sale, returning, transferring, or otherwise moving or disposing of in any manner such cigarettes falsely bearing one or more of the Lorillard Marks or any reproduction, counterfeit, copy, or colorable imitation of the same;

(7) other than pursuant to a discovery instrument propounded by Lorillard, agreement of Lorillard, or an order of this Court, moving, destroying, or otherwise disposing of any goods,

boxes, labels, packaging or other items or documents bearing any reproduction, counterfeit, or imitation of the Lorillard Marks, or removing, destroying or otherwise disposing of any business records or documents relating in any way to the manufacture, importation, acquisition, purchase, distribution, or sale of goods or merchandise bearing any of the Lorillard Marks or any reproduction, counterfeit, or imitation thereof; and

(8) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in the above paragraphs (1) through (7).

IT IS FURTHER ORDERED that the surety bond in the amount of \$1,000 posted by Lorillard as security for the seizure order and temporary restraining order is hereby exonerated and discharged.

s/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: September 1, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 1, 2010, by electronic and/or ordinary mail.

s/Marilyn Orem
Case Manager

**THE PARTIES SO STIPULATE TO THE ENTRY
OF THIS ORDER:**

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Dated: September 1, 2010

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