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15 **UNITED STATES DISTRICT COURT**  
16 **DISTRICT OF NEVADA**

18 AEVOE CORP., a California corporation,  
19 Plaintiff,  
20 vs.  
21 AE TECH CO., LTD., a Taiwan corporation,  
22 Defendant.

Case No. 2:12-cv-00053

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

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24  
25 Plaintiff Aevoe Corp. has moved *ex parte* for a Temporary Restraining Order, Seizure  
26 and Impoundment Order, and an Order to Show Cause for a Preliminary Injunction, pursuant to  
27 Federal Rule of Civil Procedure 65 and the Patent Act (35 U.S.C. § 283). Aevoe alleges that  
28 defendant AE Tech Co., Ltd., is importing and offering for sale goods that infringe Aevoe's

1 U.S. Patent 8,044,942 ("the '942 Patent"). The Court, having considered the Complaint,  
2 Memorandum of Law, Declaration and exhibits submitted herewith, finds and concludes as  
3 follows:

4 1. Aevoe is likely to succeed in showing that AE Tech has infringed and is  
5 continuing to infringe the '942 Patent, and that AE Tech has imported and offered for sale  
6 goods infringing upon the '942 Patent, specifically the ACase and APlus Shield Anti-Glare  
7 products (collectively, "Infringing Goods").

8 2. The importation, offer for sale, and/or sale of the Infringing Goods will result in  
9 immediate and irreparable injury to Aevoe in the form of loss of income, loss of goodwill,  
10 dilution and lessening of the value of the '942 Patent, and interference with Aevoe's ability to  
11 exploit its '942 Patent and exclude others from using its patent, if seizure of such Infringing  
12 Goods, as well as any related advertising and business records related thereto, is not ordered.

13 3. The harm to Aevoe in denying the requested seizure order outweighs the harm to  
14 the legitimate interests of AE Tech from granting such an order.

15 4. It appears to the Court that AE Tech is manufacturing, importing, offering for  
16 sale, and/or selling Infringing Goods and will continue to carry out such acts unless restrained  
17 by Order of the Court.

18 **TEMPORARY RESTRAINING ORDER**

19 IT IS HEREBY ORDERED THAT pending a hearing on Aevoe's application for a  
20 preliminary injunction, AE Tech, its agents, servants, employees, confederates, attorneys, and  
21 any persons acting in concert or participation with them, or having knowledge of this Order by  
22 personal service or otherwise be, and hereby are, immediately and temporarily restrained from  
23 practicing or otherwise using U.S. Patent No. 8,044,942, or any reproduction, counterfeit, copy,  
24 or colorable imitation of the same; and transferring, moving, returning, destroying, or otherwise  
25 disposing of any Infringing Goods except pursuant to the below Seizure and Impoundment  
26 Order.

1 IT IS FURTHER ORDERED THAT security pursuant to Federal Rule of Civil  
2 Procedure 65.1 be posted no later than three business days after entry of this Order in the  
3 amount of \$10,000.00.

4 **SEIZURE AND IMPOUNDMENT ORDER**

5 IT IS FURTHER ORDERED THAT the United States Marshal for this District and all  
6 other Districts within the geographic confines of the United States of America, and/or any  
7 federal or state, county or local law enforcement authorities in this District and all other  
8 Districts within the geographic confines of the United States of America or its protectorates (the  
9 "Marshal"), assisted by one or more attorneys or representatives of Aevoe, is hereby authorized  
10 and directed to seize, impound, and deliver to Aevoe or its representatives any and all  
11 Infringing Goods, as well as advertising or marketing materials for the same and any means for  
12 making the same; the books and records (including computer tapes or disks) relating thereto;  
13 and the containers in which the same are held or transported, which AE Tech sells, attempts to  
14 sell, or holds for sale within the geographic confines of the United States, from the date this  
15 Order is signed until midnight on January 23, 2012.

16 IT IS FURTHER ORDERED THAT the Marshal, assisted by one or more attorneys or  
17 representatives of Aevoe, is hereby authorized to seize and impound all Infringing Goods, as  
18 well as advertising or marketing materials for the same and any means for making the same; the  
19 books and records (including computer tapes or disks) relating thereto; and the containers in  
20 which the same are held or transported in the possession or under the control of AE Tech,  
21 employing whatever reasonable force is necessary under the circumstances to carry out the  
22 seizure, including that necessary to enter premises owned, leased, or controlled by AE Tech,  
23 and/or such other location and things to be searched where such infringing merchandize and  
24 business records relating thereof may be found, and to inspect the contents of any rooms,  
25 vehicles, closets, cabinets, containers, cases, desks, computers, databases, and software or  
26 documents located in the areas and under the control of AE Tech.

27 IT IS FURTHER ORDERED THAT to enforce compliance with this Order, the  
28 attorneys for Aevoe or their designee shall accompany the Marshal and those persons working

1 under his supervision, and the Marshal shall inventory items so seized. Such items shall be in  
2 the constructive possession of the Marshal although they shall be released to the custody of the  
3 attorneys for Aevoe or storage at location(s) to be designated by the attorneys for Aevoe. All  
4 merchandise, means of making such merchandise, and other items seized shall be appropriately  
5 tagged to permit identification. AE Tech shall be given a receipt therefore. Such merchandise  
6 seized shall be made available for inventory or inspection by any party or its counsel during  
7 normal business hours.

8 IT IS FURTHER ORDERED THAT anyone interfering with the execution of this Order  
9 is subject to arrest by the Marshal or his representative.

10 IT IS FURTHER ORDERED THAT counsel for Aevoe, on whose behalf the Court  
11 issues this Order, will act as a substitute custodian of any and all property seized pursuant to  
12 this Order and shall hold harmless the Marshal from any and all claims asserted in any court or  
13 tribunal, arising from any acts, incidents, or occurrences in connection with the seizure and  
14 possession of the defendant's property, including any third party claims.

15 IT IS FURTHER ORDERED THAT Aevoe shall be responsible to the Marshal for all  
16 of his fees and charges, including all extraordinary expenses and overtime pay incurred in  
17 carrying out this Order.

18 IT IS FURTHER ORDERED THAT AE Tech, its agents, servants, employees, officers,  
19 attorneys, successors, and assigns, and all persons, firms, and corporations acting in concert or  
20 participation with AE Tech shall give to the Marshall or other law enforcement officers correct  
21 names, [REDACTED] [REDACTED]  
22 [REDACTED] residential and business addresses, and phone numbers for all individuals in any  
23 way involved in the acts alleged above; and locations and places where the infringing items are  
24 or have been stored.

25 IT IS FURTHER ORDERED THAT, when executing the seizure and impoundment  
26 provisions of this Order, the Marshal shall serve only a copy of this Order, the Summons and  
27 Complaint, by leaving them at the usual place of business of AE Tech, or of any agent of AE  
28 Tech, or at the place where Infringing Goods are found, with any person of suitable age and

1 discretion, and that such service shall be deemed adequate and proper to give notice to AE Tech  
2 of the terms of this Order and of the hearing on Aevoe's Request for a Preliminary Injunction,  
3 Aevoe shall promptly provide copies of all documents filed in support of this Order to any party  
4 or its attorney of record requesting such documents.

5 IT IS FURTHER ORDERED THAT Aevoe's attorneys or agents shall promptly inspect  
6 all items seized, and if any items are found to be non-infringing products, such items shall be  
7 returned to AE Tech within fifteen (15) business days after the date this Order is executed.

8 **ORDER TO SHOW CAUSE**

9 THEREFORE, IT IS ORDERED THAT AE Tech show cause on the 23 day of  
10 January 2012, at 8:30 am or as soon thereafter as counsel can be heard, in  
11 Courtroom 7D of the United States District Court for the District of Nevada, Las Vegas, why  
12 an Order pursuant to Federal Rule of Civil Procedure 65 should not be entered granting to  
13 Aevoe a preliminary injunction enjoining and restraining AE Tech, its agents, servants,  
14 employees, confederates, attorneys, and any persons acting in concert or participation with  
15 them, or having knowledge of this Order by personal service or otherwise, immediately and  
16 temporarily from practicing or otherwise using U.S. Patent No. 8,044,942, or any reproduction,  
17 counterfeit, copy, or colorable imitation concerning the same, pending trial.

18 IT IS FURTHER ORDERED THAT AE Tech's answering papers, if any, shall be filed  
19 with the Clerk of this Court and with chambers and served on the attorneys for Aevoe on or  
20 before 5 pm on January 18, 2012, and that reply papers, if any, shall be filed with  
21 the Clerk of this Court and with chambers and served on the attorneys for AE Tech on or before  
22 5 pm on January 20, 2012.

23 AE Tech is hereby given notice that failure to attend the hearing scheduled herein could  
24 result in confirmation of the seizure authorized herein; destruction or other disposition of the  
25 goods, if any, so seized; immediate issuance of the prayed for preliminary injunction to take  
26 effect immediately upon expiration or dissolution of the within temporary restraining order, and  
27 extending for the pendency of this litigation upon the same terms and conditions as this  
28 temporary restraining order. AE Tech is hereby given further notice that it shall be deemed to

1 have actual notice of the issuance and terms of such preliminary injunction and that any act by  
2 it in violation of any of the terms thereof may be considered and prosecuted as contempt of this  
3 Court.

4  
5 IT IS SO ORDERED this 12 day of January, 2012 at 3:51

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7   
8 U.S. DISTRICT COURT JUDGE

9 GLORIA M. NAVARRO

10 SUBMITTED BY:

11 McDONALD CARANO WILSON LLP

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