

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

AIR EXPRESS INTERNATIONAL d/b/a DHL
GLOBAL FORWARDING CORPORATION,
an Ohio Corporation,

Plaintiff,

v.

LOG-NET, INC., a Delaware Corporation,

Defendant.

Civil Action No. 12-1732 (MAS)

MEMORANDUM ORDER

The Court is in receipt of correspondence from Plaintiff Air Express International d/b/a DHL Global Forwarding Corporation (“DHL”) requesting the release of the \$1 million bond it posted in connection with the July 2012 preliminary injunction. (ECF Nos. 123, 127.) Defendant Log-Net, Inc. opposes release of the funds. (ECF No. 128.)

The Court finds DHL’s request premature. *See Sprint Commc’ns Co. L.P. v. Cat Commc’ns Int’l, Inc.*, 335 F.3d 235, 242 n.9 (3d Cir. 2003) (The “ultimate determination whether a party was wrongfully enjoined and can recover on the injunction bond generally must wait until ‘after a trial and final judgment on the merits’”) (quoting *Clark v. K-Mart Corp.*, 979 F.2d 965, 969 (3d Cir. 1992) (*en banc*)). Accordingly,

IT IS on this 18th day of August, 2014, **ORDERED** that:

DHL’s request for release of its injunction bond is denied without prejudice to renew following an adjudication on the merits of its claims against Log-Net.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE