

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KRAFT FOODS GLOBAL, INC., :

Plaintiff, :

-against- : INDEX NO. 10 CIV 09085 (CS)

STARBUCKS CORPORATION, :

Defendant. :

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PLAINTIFF’S NOTICE OF MOTION FOR PRELIMINARY INJUNCTION

PLEASE TAKE NOTICE that, pursuant to Rule 65 of the Federal Rules of Civil Procedure, and upon the motion of Plaintiff Kraft Foods Global, Inc. (“Kraft”), by its attorneys Morgan, Lewis & Bockius LLP, Kraft will move this Court, on a date and time to be designated by the Court at the Honorable Charles L. Brieant Jr. Federal Building and Courthouse for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601 for a preliminary injunction and an expedited hearing on its motion.

Specifically, Kraft seeks an order enjoining Defendant Starbucks Corporation (“Starbucks”) and all of its officers, agents, employees, and other persons acting in concert with them during the pendency of the arbitration between the parties, from: (1) continuing to act on its attempt to terminate the parties’ March 29, 2004 Supply and License Agreement, 2006 International Supply and License Agreement, 2006 Tassimo Agreement, and 2007 Tassimo Agreement (collectively, “Distribution Agreements”); (2) contacting Kraft’s customers regarding the attempted termination of any of the Distribution Agreements; (3) making any public announcements and/or communications with Kraft’s customers or the public regarding the

termination of the Distribution Agreements; and (4) using any confidential and/or proprietary information obtained from Kraft over the course of the parties' relationship to its benefit.

Additionally, Kraft requests an expedited hearing on the motion.

In further support of this motion, Kraft relies upon the accompanying Memorandum of Law and all exhibits attached thereto, and the Declaration of Lori Acker, executed on December 21, 2010, and all exhibits attached thereto, the Declaration of David Hyland, executed on December 21, 2010, and all exhibits attached thereto, the Declaration of Mike Prchlik, executed on December 13, 2010, and all exhibits attached thereto, the Declaration of Stephen Schwarz, executed on December 13, 2010, and all exhibits attached thereto, the Declaration of Michael Waks, executed on December 13, 2010, and all exhibits attached thereto, the Declaration of John Brill, executed on December 20, 2010, and all exhibits attached thereto, and the Declaration of William Quinn, executed on December 13, 2010, and all exhibits attached thereto.

Dated: New York, New York.
December 23, 2010

Respectfully submitted,

Of Counsel:

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