

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (CINCINNATI)**

MID AMERICA GUTTERS d/b/a	:	CASE NO: 1:11CV843
THE GUTTERSHTTER COMPANY	:	
Plaintiff	:	Judge Michael Barrett
	:	
-vs-	:	
	:	TEMPORARY RESTRAINING
THOMPSON CREEK WINDOW	:	ORDER
COMPANY	:	
AND	:	
RICK WUEST	:	
Defendants	:	

This matter came before the Court upon the Plaintiff's Complaint and Motion for Temporary Restraining Order on the 26th day of January, 2012. The Court conducted an evidentiary hearing and had the benefit of briefs and argument of counsel. The Plaintiff proceeded on the limited issue of its right to injunctive relief on U.S. Patent Number 7,117,642B2, covering the "End Cap" of the gutter system assembly at issue.

IT IS HEREBY ORDERED AS FOLLOWS:

1. Plaintiff's Motion for Temporary Restraining Order is Granted.
2. Defendants Thompson Creek Window Company and Rick Wuest, and any employee or agent thereof, are hereby enjoined from undertaking the following actions relating to the promotion, manufacture, sale and/or installation of its hooded gutter system:
 - A. Utilizing the "end cap" for the Thompson Creek gutter protection system, as designed and patented by Guttershutter, under U.S. Patent No. 7,117,642B2.

3. No Bond is required.
4. This Order does not in any manner affect Defendants' Motion to Dismiss, currently pending before the Court.
5. This Order shall remain in effect pending further order of the Court.

IT IS SO ORDERED, ADJUDGED AND DECREED this 6th day of February, 2012.

/s/ Michael R. Barrett
Judge Michael Barrett

This Order Prepared by:

DRODER & MILLER CO., L.P.A.
Edward J. Collins (0025833)
Richard J. Rinear (0027114)
125 W. Central Parkway
Cincinnati, Ohio 45202
Attorneys for Plaintiff

With Copies To:

KEATING MUETHING & KLEKAMP, PLL
W. Jeffrey Sefton, Esq.
Attorney for Defendants
One East Fourth Street, Suite 1400
Cincinnati, Ohio 45202

BERENSON, LLP
Jack G. Zurlini, Jr., Esq.
Attorney for Defendants
308 W. 1st Ave. Ste. 303
Spokane, WA 99201