

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ASCENTIVE, LLC,

Plaintiff,

v.

GOOGLE, INC.,

Defendant.

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: Civil Action No. 2:09-cv-02871
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**ORDER GRANTING PLAINTIFF’S MOTION
FOR A PRELIMINARY INJUNCTION**

AND NOW this _____ day of _____ 2009, upon consideration of the motion for preliminary injunction of plaintiff Ascentive, LLC (“Ascentive”), and the response of defendant Google, Inc. (“Google”), if any, and after a hearing, if any, **IT IS HEREBY ORDERED** that the motion is **GRANTED**, and having determined that:

1. Ascentive will suffer immediate and irreparable harm if Google is permitted to alter the *status quo* and (1) display Ascentive’s trademarks in the headings and text of its Sponsored Link advertisements; (2) use Ascentive’s trademarks as keywords; and (3) ban Ascentive and Ascentive’s websites from its advertising programs and search listings.

2. Ascentive is likely to succeed on the merits of its claims of trademark infringement, unfair competition, false designation of origin, breach of contract, and intentional interference with contractual relations;

3. Ascentive lacks an adequate remedy at law;

4. Greater injury will be inflicted upon Ascentive by denial of injunctive relief than would be inflicted upon Google by granting such relief; and

5. It is in the public interest to grant the requested preliminary relief;

it is hereby ORDERED that:

Google and its officers, partners, agents, subcontractors, servants, employees, subsidiaries and related companies or entities, and all others acting in concert or participating with it or with actual notice of such order, are enjoined from:

(a) directly or indirectly selling, offering for sale, or using as keywords Ascentive's trademarks, including but not limited to WEBROCKET, LIFE AT THE SPEED OF LIGHT, ASCENTIVE, FINALLYFAST.COM, FASTATLAST.COM, PC SPEEDSCAN, SPYWARE STRIKER, PC SCAN & SWEEP, ACTIVESPEED, WATCH-BY-WEB, RAMROCKET, WINROCKET, GREENLIGHT GUARDIAN, FINALLYFAST, FINALLY FAST or BEAWARE (collectively referred to as "Ascentive's Trademarks"), or terms confusingly similar to them;

(b) displaying in the text or headings of any advertisements Ascentive's Trademarks or terms confusingly similar to them, including the displayed website address or URL;

(c) making any use of Ascentive's Trademarks or terms confusingly similar to them unless specifically authorized by Ascentive;

(d) continuing its suspension of Ascentive's AdWords account; and

(e) excluding Ascentive's websites, including FinallyFast.com, FinallyFastPC.com, FinallyFast.com.au, FinallyFast.com.uk, and FastatLast.com from its search listings.

This ORDER will take affect upon the posting of a bond in the amount of \$_____.

By the Court:

JUDGE JUAN R. SANCHEZ