

Enforcing Your Companys IP Rights: Temporary Restraining Orders and Preliminary Injunctions



Authored by Michael DiNardo, Intellectual Property Attorney at Kelly & Kelley, LLP. This chapter will focus on the factors that go into the decision to seek early injunctive relief against acts of infringement in the context of intellectual property infringement litigation. Such early injunctive relief may take the form of a temporary restraining order or a preliminary injunction. A temporary restraining order can provide almost immediate injunctive relief typically within 24-48 hours. A preliminary injunction can provide injunctive relief against further harm after a regular notice period, for example 21 to 28 days or more.

The following will consider only Federal law and procedure. It is often a difficult question for anyone, whether an individual or a corporation, to decide how aggressively to pursue enforcement of ones intellectual property rights. Several factors to consider include the strength of the intellectual property rights being asserted, the degree to which the defendant is infringing, and what it may cost to get a favorable result. While those questions usually cannot be answered with much certainty at the outset, there are certain steps that can be taken early in the process to give one a better idea. One such step is the consideration of whether early injunctive relief to prevent the defendant from continuing the infringing acts, by way of a temporary restraining order or a preliminary injunction. The detailed analysis related to such a request for relief pulls together most of the facts critical to the claim and compiles the current, relevant law from your jurisdiction. When deciding between a temporary restraining order and a preliminary injunction, one must determine whether there are specific facts to demonstrate immediate and irreparable injury, loss, or damage to the applicant in the absence of a temporary restraining order. Although the standard

varies from court to court, injunctive relief, by either method, typically requires proof of either: (1) the existence of serious questions going to the merits of the claims and the balance of hardships tipping in the moving partys favor; or (2) a combination of probable success on the merits of the claims and the possibility of irreparable injury to the moving party in the absence of injunctive relief. A number of benefits can be realized from preparing the application or motion for injunctive relief. The investigation and analysis can give an infringement claimant a better idea of the strengths and weaknesses of its claims. Similarly, it can educate the infringement defendant about the claim and send a strong message. In addition, the infringement defendants response/opposition will likely reveal its strategy to defend against the infringement claim. Finally, the application or motion can provide an early education to the court about the facts of the case and a ruling may provide insight as to how the claim may be ultimately resolved. Temporary restraining orders and/or preliminary injunctions are provisional remedies. They are only entered to prevent irreparable injury prior to the final disposition. Another way of looking at an injunction is that it preserves the status quo during pendency of the litigation. As will be discussed more fully below, if the party seeking injunctive relief cannot establish irreparable injury then the court will likely not grant the relief sought. Irreparable injury usually refers to injury that cannot be remedied through other means, such as monetary compensation.

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music company against a separate trademark . We obtained a temporary restraining order and preliminary injunction against the . Protecting Your Brand on eBay. **to enforcing restrictive covenants - Alston & Bird** implemented comprehensive policing, enforcement and anti-counterfeiting was named one of the Top 20 Most Influential Women in IP by Law 3. How Fluid Trademarks Can Enhance Your Brand and in 2016 for her article The .. for temporary restraining order and forced plaintiff to withdraw preliminary **Cross-Border Injunctions in US Patent Cases and Their Enforcement** balance for your company your companys state, seeking a tempo- rary restraining order (TRO) to prevent of-law provision and the employees con- ment, compliance programs, IP protection, environmental, anti-trust, international preliminary injunctions, are intended to that a temporary injunction issued by a. **Trademarks - Arochi & Lindner** Ebook Pdf enforcing your companys ip rights temporary restraining orders and preliminary injunctions. Verified Book Library. Ebook Pdf enforcing your **Trademarks Beck & Thomas, P.C.** Jan 14, 2008 infringement abroad of foreign intellectual property rights. JAMES J. suing a domestic company that participates in the infringement along with the country to country, the requirement is likely to eliminate preliminary injunctions or temporary restraining orders from enforcement outside the United **Freedom of Speech and Injunctions in Intellectual Property Cases** your hard work and take a creative approach to protecting your intellectual international IP law firms. A trademark is a key component in establishing a companys **DEFENDING AND ENFORCING YOUR IP:** We obtained a temporary restraining order, . preliminary and permanent injunctions in the first case and a. **Preliminary Injunctive Relief in the State and Federal Courts of New** A companys trade secrets and intellectual property rights create incentives for vary significantly, which poses burdens in draftsmanship and enforcement. . to obtain a temporary restraining order or preliminary injunction will often mean the **Rule 65. Injunctions and Restraining Orders Federal Rules of Civil** Preliminary Injunctive Relief in the State and Federal Courts of New Jersey. A Temporary Restraining Order restrains the defendant from certain actions until the return Actions to enforce a restrictive covenant or a trade secret agreement Minority and law in your favor before applying to the Court for injunctive relief. **Temporary Restraining Orders and Preliminary Injunctions** In addition to advice on all aspects of protection, maintenance, and portfolio emerging growth company, we will protect your valuable trademarks and related rights. We protect, commercialize and enforce our clients trademark rights and the including seizures, temporary restraining orders and preliminary injunctions. Preliminary injunctions against libel, obscenity, and other kinds of speech are They note that intellectual property rights, unlike other property rights, are a form of .. In appropriate cases, plaintiffs can obtain temporary restraining orders ex parte in If your speech copies ours, and if the copying uses our expression, not **Paul C. Llewellyn People APKS** Defining Your Image, Your Product, And Your Operation. protecting, evaluating, enforcing, and defending intellectual property rights in both A companys intellectual property rights are secured in many intricate ways. John also has experience handling preliminary injunctions and Temporary Restraining Order (TRO) **Enforcing Your Companys IP Rights: Temporary Restraining Orders** But the court must preserve any partys right to a jury trial. The court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an See U.S.C., [former] Title 6 (Official and Penal Bonds) for bonds by surety companies. 216 (Court proceedings to enforce orders injunction). **Enforcing Your Companys Ip Rights Temporary Restraining Orders** The Soni Law Firm: Practising Franchise Law, Intellectual Property, Patent, their intellectual property rights worldwide, enforcing them and defending against Thank you for your support and encouragement throughout this long and trying ordeal! Temporary restraining orders, preliminary injunctions, product seizures, **The Soni Law Firm About Us Los Angeles, California** Nov 22, 2016 These same orders required law enforcement to seize any products, laptops, also filed an emergency motion asking for a temporary restraining order. . towards preparing for a hearing on the preliminary injunction Aker is seeking, Whether your company owns IP rights or not, the results of not being **print full bio - Kilpatrick Townsend & Stockton LLP** Copyrights can be among a companys most valuable intellectual property assets. . **ENFORCING YOUR COPYRIGHTS** A temporary restraining order (TRO) may be obtained from a court with minimal notice Preliminary injunctions typically last until after trial, when a final judgment on the infringement claim is rendered. **Venable LLP Services Areas of Practice Intellectual Property** [9.41] Motion for Temporary Restraining Order and Summary of Plaintiffs. Filings C. [9.70] Court Must Hold a Hearing Before Preliminary Injunction May Issue if . cases from other areas of the law may, of necessity, be cited. question jurisdiction, such as intellectual property or particular federal statutes, are outside the. **pdf - Kilpatrick Townsend & Stockton LLP** Enforcing Your Companys IP Rights: Temporary Restraining Orders and Preliminary Injunctions eBook: Michael DiNardo: : Kindle Store. **Enforcing Your Companys Ip Rights Temporary Restraining Orders** Motion for a Temporary Restraining Order and Preliminary Injunction With Other recognized computer companies or other well-recognized companies and or intellectual property

of any Corporate Defendant or Individual Defendant or held for . identifying information to a law enforcement agency or as required by any **Ninth Circuit Court of Appeals Upholds the Temporary Restraining** Venable advises on brand-management issues such as enforcement of brand names fending off a temporary restraining order and preliminary injunction. **Preliminary Injunction New York - NY Business Lawyers** Your brand or product is being associated with another company in the minds of your customers. A preliminary injunction is similar to the temporary restraining order (TRO). You need an attorney who knows the right factors that will persuade the court. Court orders are enforced by the contempt power of the court. **Litigation: The bond requirement for preliminary injunctions** The trademark attorneys at our law firm work with trademarks and service marks letters, requesting temporary restraining orders, requesting preliminary injunctions or pursuing aggressive litigation when needed to enforce your trademark rights. Ive received a letter saying my company is infringing on a trademark. **Trademark Practice Finnegan** Feb 10, 2017 Practice Area, Bankruptcy and Creditors Rights, Business and Finance . Therefore, the U.S. District Courts temporary restraining order, prohibiting the federal government from enforcing certain sections of President and decide on the states motion for a preliminary injunction of the Executive Order. **Mark J. Dorval Professionals Stradley Ronon** IP Law Insights - Enforcing Your Companys IP - Restraining Orders and My chapter focuses on Temporary Restraining Orders and Preliminary Injunctions. **Download Brochure - Workman Nydegger** Enforcing Your Companys Ip Rights Temporary Restraining Orders And Preliminary Injunctions - . enforcing your companys ip rights **John L. Ambrogi Partridge Partners PC** Successful companies rely on the power of their trademarks and brands to protect, advocate, and leverage valuable intellectual property (IP) assets. trademark development helps avoid costly conflicts or enforcement problems down the road. obtaining an early temporary restraining order or preliminary injunction, **Enforcing Your Companys Ip Rights Temporary Restraining Orders** orders and preliminary injunctions enforcing your your companys ip rights temporary temporary restraining - enforcing your company s ip rights temporary **Ready For Your Next Trade Show? The TRO Trend Continues**