

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ZENITH PRODUCTS CORPORATION,

Plaintiff,

v.

CKC INTERNATIONAL, LLC;
SWIFT TOWING AND SALVAGE, INC.;
BOBBY'S DEPARTMENT STORE, INC.;
S.W. GROUP LLC; NEWARE
CORPORATION; and JOHN DOES 1
THROUGH 5

Defendants.

Civil Action No. 09-103(DRD)

**STIPULATED PRELIMINARY
INJUNCTION ORDER**

This Action having been commenced by plaintiff Zenith Products Corporation ("Plaintiff" or "Zenith") on January 9, 2009, and personal service of the Complaint having been effected on defendants CKC International, LLC ("CKC"), Swift Towing and Salvage, Inc. ("Swift"), Bobby's Department Store, Inc. ("Bobby's"), and S.W. Group LLP ("Shoppers World") (collectively "defendants") on January 9, 2009; and

It appearing to the Court that it has jurisdiction over the subject matter of this action, over plaintiff and over the defendants; and

At the hearing on January 14, 2009, counsel for defendants CKC and Swift, Ezra Sutton, Esquire, entering his appearance on behalf of defendant Neware Corporation ("Neware") on the record; and

The Court having considered the Verified Complaint filed in this action and exhibits thereto, together with the Certifications of Stephen A. Wolff, Richard Reiss and Ronald D. Coleman, Esquire, the plaintiff's Motion for a Temporary Restraining Order and the accompanying Memorandum of Law, and the opposition, if any, of the defendants, and an

evidentiary hearing having been held on January 14, 2009 and the arguments of counsel, and other good cause having been shown; and

All parties having received proper notice of the Temporary Restraining Order and Order to Show Cause ("TRO") entered by this Court on January 14, 2009; and

Counsel for plaintiff and for defendants Swift, CKC and Neware having consented to the Court's treating the hearing of January 14, 2009 as the hearing on plaintiff's motion for preliminary injunction and having stipulated to the form of this Order; and

Defendants Bobby's and Shoppers World having failed to appear both at the hearing of January 14, 2009 and at the hearing noticed by the TRO for January 27, 2009;

NOW THEREFORE,

Preliminary Injunction

IT IS HEREBY ORDERED that defendants, their officers, agents, servants, employees, and attorneys, and all persons in active concert and privity with them, including without limitation the Downstream Sellers (as defined below), who have or who will receive actual notice of this Order, are preliminarily restrained and enjoined from doing any of the acts set forth below, pending the final determination of this action:

1. From selling or offering for sale bath and storage cabinets and bathroom accessories such as metal furniture including floor stands and space savers, bath caddies, soap dishes, shower rods and toothbrush holders using, bearing or otherwise in connection with the plaintiff's trademarks, or in any manner falsely designating the origin of defendants' products;
2. From passing off or otherwise representing to the public in any way that any product sold by defendants emanates from or is related in source or sponsorship or any other way to plaintiff;

3. From infringing upon plaintiff's common-law rights by selling any product bearing or otherwise associated with plaintiff's trademarks which do not comply with plaintiff's quality control standards;

4. From taking any action foreseeably likely to injure plaintiff's business reputation or diluting the distinctive quality of plaintiff's ZENITH trademark; and

5. From engaging in deceptive trade practices or acts in the conduct of their businesses, including by means of selling non-genuine or non-authorized products, regardless of how obtained or otherwise in connection with plaintiff's trademarks where such products have, in the sole discretion of plaintiff, failed to meet plaintiff's quality control standards.

IT IS HEREBY FURTHER ORDERED that defendants shall provide sworn statements to plaintiff, no later than 5:00 pm on January 28, 2009, identifying by full name, address and telephone number all retailers and distributors to whom defendants, or any of them, has distributed plaintiff's product that is at issue in this action ("Downstream Sellers").

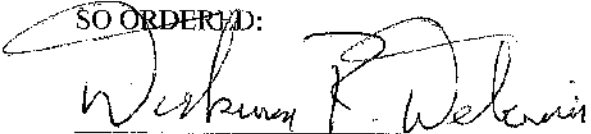
Surety Bond

Plaintiff has posted a surety bond with the Clerk of this Court in the sum of \$50,000, in order to secure the payment of any costs and damages that may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained.

Service of Order

IT IS HEREBY FURTHER ORDERED that defendant CKC shall serve a copy of this Order on defendants Shoppers World and Bobby's, and on each Downstream Seller known to it, by personal service, or by sending it by facsimile, or by email with confirmation of receipt, or by Express Mail or Federal Express, no later than 5:00 pm on January 28, 2009.

Dated: January 27, 2009

SO ORDERED:

William F. Welton
U.S.D.J.

pac:900076 / 30047-093