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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TROY HEALTHCARE, LLC, a
Pennsylvania limited liability company,

Plaintiff,

v.

NUTRACEUTICAL CORPORATION, a
Delaware corporation;
NUTRACEUTICAL INTERNATIONAL
CORPORATION, a Delaware
corporation; NUTRAMARKS, INC., a
Delaware corporation; NUTRAPURE,
INC., a Delaware corporation; and
HEALTHY PLANET ENTERPRISES,
INC., a Washington corporation d/b/a
VitaminLife,

Defendants.

CASE NO. C11-844-RSM

ORDER CLARIFYING
PRELIMINARY INJUNCTION

This matter comes before the Court on Defendants’ Motion and Memorandum for Clarification of Order Granting Preliminary Injunction. Dkt. #60. The parties are unclear as to whether this Court’s Order Granting Preliminary Injunction (Dkt. #57) requires Defendants to


1 ask all retailers of Dropain to remove the item from their shelves or websites. The Order stated
2 in relevant part:

3 Defendants, and any and all persons acting in concert with any or all of them are
4 RESTRAINED AND ENJOINED, for the period of time this Order is in effect, from
5 doing or from permitting or suffering any other person or entity to do any of the
6 following:

- 7 a. Directly or indirectly using, preparing, producing, manufacturing, ordering,
8 printing, publishing, rendering, distributing, selling, offering for sale, advertising,
9 promoting or otherwise exploiting any goods using the term "Dropain," the
10 STOPAIN® registered trademarks, the logo shown on Exhibit 1 hereto, and the
11 STOPAIN® trade dress, or any other term, symbol, or design similar to Plaintiff's
12 STOPAIN® marks, logo or trade dress so as to be likely to cause confusion,
13 deception or mistake;
14 b. Further unlawfully trading upon and appropriating the goodwill and the
15 business reputation of Plaintiff and/or Plaintiff's STOPAIN® brand; and
16 c. In any way inducing, encouraging, aiding, abetting or contributing to any
17 of the aforesaid acts.

18 The Court hereby clarifies the Order Granting Preliminary Injunction (Dkt. #57) as
19 requiring Defendants to notify retail customers that they are to stop selling Dropain and that they
20 must return the product to the manufacturer. No further action beyond providing such
21 notification to retail customers is required of Defendants on this subject.

22 Dated June 14, 2011.

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RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE