

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

MYA SARAY, LLC	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:10cv789 (AJT/TCB)
	)	
AL-AMIR, et al.,	)	
	)	
Defendants.	)	
_____	)	

**ORDER**

A hearing was held on December 10, 2010, on Plaintiff’s Motion for a Temporary Restraining Order and Preliminary Injunction (Doc. No. 15 and 19) at which both parties appeared through counsel. Upon consideration of the motion, the memoranda in support thereof, the opposition thereto, the affidavits and declarations submitted and the arguments of counsel, and for the reasons stated in open court, the Court finds that (1) the Court has subject matter jurisdiction and personal jurisdiction over the defendants; (2) there is a likelihood of success for the plaintiff under counts one, two, three, five, and six; (3) the plaintiff, in the absence of injunctive relief, will be irreparably injured; (4) the balance of equities are in favor of the plaintiff; and (5) the public interest is served by issuance of preliminary injunctive relief. Accordingly, it is hereby

ORDERED that, pursuant to Fed. R. Civ. P. 65, Plaintiff’s motion for a preliminary injunction be, and the same hereby is, GRANTED, and the defendants, jointly and severally, and their agents, servants and employees, and those acting in concert with them, be and the same

hereby are, preliminarily ENJOINED and RESTRAINED, pending further Order of this Court, from:

1. violating Sections 1.1, 1.2, 1.3 and 1.4 of the parties' settlement agreement dated effective November 14, 2008, (the "Settlement Agreement"), including specifically as follows:

- (a) In accordance with Section 1.1, defendants are not to distribute, sell, market, advertise, import, vend or purchase hookah products having configurations identical to or confusingly similar to the hookah products depicted in Exhibit 5 to the parties' Settlement Agreement , including the depicted hookah components individually, such as the hookah bases/ bottles, and hookah stems. These products include, without limitation, what defendants market as the Andile Hookah or the Maganda Hookah, or any other hookah having the same shape, form and structure as the Maganda hookah, the Andile hookah or the Mya Saray QT Hookah.

- (b) In accordance with Section 1.2, defendants are not to sell, distribute, purchase, or market any products with the packaging labeled as Disputed Packaging under the parties' Settlement Agreement, as explained and depicted in Exhibit 2 to the parties' Settlement Agreement.

- (c) In accordance with section 1.3, defendants are not to use Mya Saray's marks and trademark terms, as listed in the parties' Settlement Agreement, or any word, phrase, logo or design confusingly, misleadingly or deceptively similar thereto, including use on signage, web sites, brochures, product displays, and similar media.

(d) In accordance with section 1.4, defendants must take reasonable steps to ensure that the Jamala hookah, or any similar hookah, including the Andile Light hookah, bears an appropriately legible reference to its non-Mya Saray brand name or its non-Mya Saray source.

2. passing off as Mya Saray products, or enabling others to sell or pass off as Mya Saray products, those products that are not Mya Saray products; or otherwise engaging in conduct causing the reasonable belief that defendants' goods are the goods of Mya Saray or are sponsored by, associated with, related to, or under the supervision or control of Mya Saray.
3. manufacturing, selling or offering for sale, marketing, advertising, distributing, or importing containers identical to, substantially the same as or confusingly similar to the plaintiff's Open Top Carrying Cage or the Closed Top Carrying Cage, and it is

FURTHER ORDERED in accordance Fed. R. Civ. P. 65(c), that plaintiff post security in the amount of Two Thousand Five Hundred Dollars (\$2,500).

This Order shall become effective upon the Plaintiff's posting the required security.

The Clerk is directed to forward copies of this Order to all counsel of record.

  
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Anthony J. Trenga  
United States District Judge

Alexandria, Virginia  
December 10, 2010