

HCA 439/2009

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. 439 OF 2009

BETWEEN



SILVERLIT TOYS MANUFACTORY LIMITED
銀輝玩具製品廠有限公司

Plaintiff

and

NPD LIMITED
新展精品有限公司

1st Defendant

SZE WAI KIN ANTHONY
史偉健

2nd Defendant

2 MAR 2009

BEFORE THE HONOURABLE MR JUSTICE BURRELL IN CHAMBERS

ORDER

UPON the application of the Plaintiff by way of Summons filed herein on 17th February 2009 (“the Summons”)

AND UPON hearing Counsel for the Plaintiff and Counsel for the Defendants

AND UPON reading the Affirmation of Choi So May and the Affirmation of Chow Suk Yin Ada both filed on 17th February 2009 and the exhibits therein referred to

And Upon the Plaintiff's undertaking to the following:-

1. If the Court finds that this Order has caused loss to the Defendants and decides that the Defendants should be compensated for that loss, the Plaintiff will comply with any Order the Court may make; and
2. That the Plaintiff do file and serve the Statement of Claim and the Particulars of Infringement within 14 days from the day hereof.

IT IS ORDERED that:-

1. the Defendants, in case of the 1st Defendant, whether acting by itself, its directors, employees, officers or agents or any of them or otherwise howsoever, and in the case of the 2nd Defendant, whether acting by himself, his partners, servants or agents or any of them or otherwise howsoever, be restrained on an interim basis until the adjourned hearing on 27 March 2009 or any further order from making, putting on the market, using, importing or stocking any of the following:-
 - (a) the Defendants' toy helicopter product known as "Fast Lane Remote Control Mini Helicopter" (a photo featuring the said product is enclosed in the **Schedule** attached hereto for identification purpose);
and/or

(b) any toy helicopters which incorporate rotors assembly which are the same or substantially the same as the rotors assembly of the product referred to in sub-paragraph (a) above; and/or

directing, procuring, instigating, causing, authorizing, enabling or assisting others to do any of the acts referred to in sub-paragraph (a) & (b) hereinabove.

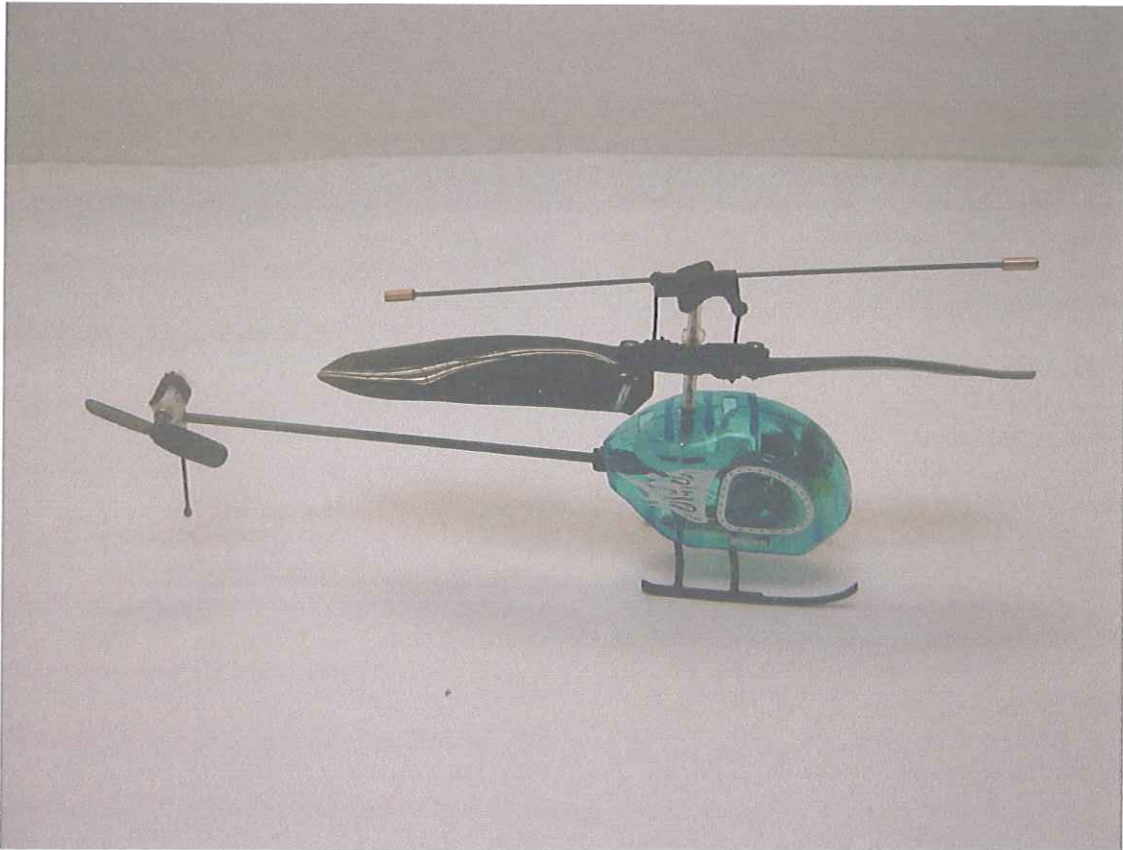
2. the Defendants do have leave to file and serve their evidence in opposition to the Summons within 21 days from the day hereof if so advised;
3. the Plaintiff do have leave file and serve evidence in reply within 7 days thereafter if so advised;
4. The Summons be adjourned to 10:00 a.m. on 27 March 2009 for argument.
5. Costs of the application to date be to the Plaintiff in any event.

Dated the 20th day of February 2009.

Registrar

SCHEDULE

Defendants' Infringing Product named "Fast Lane Remote Control Mini Helicopter"



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銀輝玩具製品廠有限公司 Plaintiff

and

NPD LIMITED 1st Defendant
新展精品有限公司

SZE WAI KIN ANTHONY 2nd Defendant
史偉健

ORDER

Filed the 2nd day of March 2009

Served the day of March 2009

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[Ref. No.: 12772-L-BK/111]