

IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
COURT OF FIRST INSTANCE  
ACTION NO. 1066 OF 2009



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

Plaintiff

and

28 JUL 2009  
CHAN YIU WAI RODNEY 陳耀偉  
trading as WANG KIN HOBBY 宏建模型

Defendant

BEFORE DEPUTY HIGH COURT JUDGE CARLSON IN CHAMBERS

ORDER

UPON the joint application of the Plaintiff and the Defendant by way of Consent  
Summons filed on 17<sup>th</sup> July 2009

BY CONSENT, IT IS ORDERED that a final judgment be entered for the  
Plaintiff against the Defendant:-

- (1) That the Defendant, whether acting by himself, his partners, employees, servants or agents or any of them or otherwise howsoever be restrained and an injunction

is hereby granted permanently to restrain the Defendant from:-

- (a) infringing the Plaintiff's rights and privileges conferred by the Hong Kong Standard Patent registered in the Hong Kong Patents Registry with registration number HK1103940 (a photo featuring the product manufactured in accordance to the said Patent is enclosed in the Schedule attached hereto for identification purpose); and/or
  - (b) directing, procuring, instigating, causing, enabling or assisting others to do any of the foregoing acts.
- (2) That the Defendant, do within 7 days from the date of this Order, deliver up to the Plaintiff's solicitors for free disposal by the Plaintiff all goods, documents, catalogues, photographs, negatives, drawings and other articles or materials ("the Offending Items") in the possession, custody, power or control of the Defendant, the continued manufacture, retention, and/or use and/or supply of which and/or otherwise howsoever dealing in or with which by the Defendant would offend against any of the foregoing injunctions.
- (3) That the Defendant, do within 14 days of the service of this Order upon him, make and file an affidavit or affirmation and serve a copy thereof upon the Plaintiff's solicitors confirming that the order contained in paragraph (2) hereof

has been complied with and the Defendant is no longer in possession of the Offending Items.

(4) That the Defendant, do within 21 days of the service of this Order upon him, make and file an affidavit or affirmation and serve a copy thereof upon the Plaintiff's solicitors setting forth the names and addresses of all persons, firms or companies:-

(a) to whom the Defendant has sold and/or distributed and/or supplied and/or offered to sell and/or supplied;

(b) who has offered to sale and/or sold and/or supplied to the Defendant; and

(c) who has ordered from the Defendant and/or enquired the Defendant for

the Offending Items together with the date, consideration and quantity of each such sale or supply and exhibiting thereto true copies of all relevant documents, including but not limited to purchase orders, proforma invoices; and the Defendant's costs in manufacturing or causing to be manufactured, importing, distributing, advertising and selling the Offending Items with supporting documents.

- (5) The Plaintiff be at liberty to elect between an enquiry as to damages and an account of profits within reasonable time after the Defendant fully complying with the previous paragraph and upon such election, there be an enquiry as to what damages (including additional damages, if any) have been suffered by the Plaintiff by reason of the Defendant's acts complained of in this Action or an account of profits made by the Defendant through such acts.
- (6) The Plaintiff be at liberty to use of the affidavits/ affirmations, documents, articles, materials or information, obtained in accordance with or as a result of this Order in any manner that should be required for the protection or better protection of the rights of the Plaintiff the subject of the present proceedings whether in Hong Kong or elsewhere.
- (7) The Defendant do pay to the Plaintiff the costs of and incidental to this Action, including the costs of and incidental to the Consent Summons filed on 17<sup>th</sup> July 2009, such costs to be taxed, if not agreed.

Dated the 20<sup>th</sup> day of July 2009

*Registrar*

# Schedule



HCA 1066 /2009

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BETWEEN

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

and

CHAN YIU WAI RODNEY 陳耀偉  
trading as WANG KIN HOBBY 宏建模型 Defendant

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**ORDER**

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Filed the 28<sup>th</sup> day of July 2009  
Served the day of 2009

江炳滔律師事務所  
Benny Kong & Yeung  
Solicitors for the Plaintiff  
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[Our Ref: 13180-L-BK-111]