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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

THE AMERICAN BOARD OF
ANESTHESIOLOGY, INC.,

Plaintiff,

v.

RAY P. LIAO, M.D.,

Defendant.

Case No. C07-1458 RSM

STIPULATED PRELIMINARY
INJUNCTION

WHEREAS, plaintiff The American Board of Anesthesiology, Inc. (“ABA”) has brought the within action in which the ABA seeks, *inter alia*, to preliminarily enjoin the defendant Ray P. Liao, M.D. (“Dr. Liao”) from infringing or diluting the ABA’s registered certification marks THE AMERICAN BOARD OF ANESTHESIOLOGY® and the ABA logo, and from creating a false impression of association between the ABA, or the goods and/or services provided by the ABA, and Dr. Liao; and

WHEREAS, the defendant does not oppose the ABA’s motion for preliminary injunction and, in lieu of proceeding with a hearing on the ABA’s motion for a preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure, the parties have reached an agreement concerning the issue of interim injunctive relief;

1 IT IS HEREBY STIPULATED AND AGREED by and between the ABA and Dr.
2 Liao that, pending the trial of this cause and until further order of this Court, the defendant,
3 Ray P. Liao, M.D., and his partners, officers, agents, representatives, servants, employees,
4 attorneys, and all other persons or entities acting on or in active concert or participation with
5 him who receive actual notice of this order by personal service or otherwise, are restrained
6 and enjoined from contributing to, causing or abetting any of the following actions:

- 7 (a) Directly or indirectly using or infringing upon the ABA's name and
8 certification marks;
- 9 (b) Engaging in any acts or activities directly or indirectly calculated to trade upon
10 the ABA name and certification marks, or the reputation and goodwill of the
11 ABA, or which in any manner competes unfairly with the ABA; and
- 12 (c) Making any representation, including any use of brochures, certificates,
13 letterhead, business cards or other written information indicating or implying
14 that the defendant is Board certified by the ABA.

15 IT IS FURTHER STIPULATED AND AGREED that within five (5) business
16 days after the Court's entry of this Order, Dr. Liao shall deliver to the ABA's counsel all
17 copies of any documents in his possession, custody, or control representing or implying that
18 he is Board certified by the ABA. Such documents shall be impounded by the ABA.

19 IT IS FURTHER STIPULATED AND AGREED that this Stipulated
20 Preliminary Injunction shall be entered as an order of the Court and that a bond pursuant to
21 Fed. R. Civ. P. 65 is waived in this case.

1 ACCORDINGLY, THE ABOVE RECITED PRELIMINARY INJUNCTION IS
2 STIPULATED TO AND AGREED TO by:

3
4 Dated: October 5, 2007 RAY P. LIAO, M.D.

5
6 By: /s/ Andrew H. Salter
7 SALTER JOYCE ZIKER, PLLC
8 Andrew H. Salter, WSBA No. 11954
9 Salter Joyce Ziker, PLLC
10 1601 Fifth Avenue, Suite 2040
11 Seattle, Washington 98101
12 Phone: 206-957-5960
13 Fax: 206-957-5961
14 Email: asalter@sjzlaw.com

15 Attorneys for Defendant, Ray Liao

16 Dated: October 5, 2007 THE AMERICAN BOARD OF
17 ANESTHESIOLOGY, INC.,

18 By: /s/ Michael A. Moore
19 CORR CRONIN MICHELSON
20 BAUMGARDNER & PREECE LLP
21 Michael A. Moore, WSBA No. 27047
22 Attorneys for Plaintiff

23 Of Counsel:
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E-mail: lduval@goodwin.com
Its Attorneys

1 IT IS SO ORDERED, at Seattle, Washington, this ___ day of _____, 2007.

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Ricardo S. Martinez
United States District Judge

Presented By:

SALTER JOYCE ZIKER, PLLC

/s/ Andrew H. Salter
Andrew H. Salter, WSBA No. 11954
Salter Joyce Ziker, PLLC
Attorneys for Defendant, Ray Liao

CORR CRONIN MICHELSON
BAUMGARDNER & PREECE LLP

/s/ Michael A. Moore
Guy P. Michelson, WSBA No. 7017
Michael A. Moore, WSBA No. 27047
Attorneys for Plaintiff

