

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

HAMILTON BEACH BRANDS, INC.,

Plaintiff,

v.

Action No. 3:11-CV-345

SUNBEAM PRODUCTS, INC.,
d/b/a JARDEN CONSUMER SOLUTIONS,

Defendant.

ORDER

THIS MATTER is before the Court on the Motion for Preliminary Injunction filed by Hamilton Beach Brands, Inc. (“Hamilton Beach”). (Doc. No. 7.) Hamilton Beach moves the Court to enter a preliminary injunction enjoining Sunbeam Products, Inc., doing business as Jarden Consumer Solutions (“Sunbeam”), from manufacturing, using, selling, and offering for sale Cook & Carry slow cookers in the United States during the pendency of this litigation. The parties appeared before the Court on Thursday, August 11, 2011, for a hearing on the Motion.

A preliminary injunction, especially one that changes the status quo prior to a decision on the merits, is an extraordinary remedy to be used only in limited circumstances. Direx Israel, Ltd. v. Breakthrough Medical Corp., 952 F.2d 802, 811 (4th Cir. 1991). To obtain a preliminary injunction, Hamilton Beach has the burden of demonstrating: (1) likelihood of success on the merits; (2) likelihood of irreparable harm absent preliminary relief; (3) the balance of equities tips in its favor; and (4) the injunction

is in the public interest. AstraZeneca LP v. Apotex, Inc., 633 F.3d 1042, 1049 (Fed. Cir. 2010) (citing Winter v. NRDC, Inc., 555 U.S. 7, 20 (2008)).

Having reviewed the parties' pleadings pertaining to the Motion for Preliminary Injunction and considered the arguments, testimony, and evidence presented at the hearing, the Court HEREBY DENIES the Motion for Preliminary Injunction.

Hamilton Beach has failed to carry its burden of establishing that it will likely succeed on the merits. Sunbeam has raised substantial questions concerning infringement and validity of the patent-in-suit. Additionally, Hamilton Beach has failed to demonstrate to the Court's satisfaction that any harm that would come to it absent a preliminary injunction is irreparable. The possible harm established by the evidence – loss of sales, shelf space, and market share – can all be remedied by monetary compensation. For these reasons, and those stated in the forthcoming Memorandum Opinion, a preliminary injunction is not appropriate under the circumstances of this case.

Let the Clerk send a copy of this Order to all counsel of record.

It is SO ORDERED.

<p>_____/s/_____ James R. Spencer Chief United States District Judge</p>
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ENTERED this 15th day of August 2011