

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MOTOROLA SOLUTIONS, INC., and	)	
MOTOROLA SOLUTIONS MALAYSIA	)	
SDN. BHD.	)	Civil Action No.: 1:17-cv-01973
	)	
Plaintiffs,	)	Honorable Charles R. Norgle Sr.
	)	
v.	)	<b>REDACTED - PUBLIC VERSION</b>
	)	
HYTERA COMMUNICATIONS	)	
CORPORATION LTD.,	)	
HYTERA AMERICA, INC., AND	)	
HYTERA COMMUNICATIONS	)	
AMERICA (WEST), INC.	)	
	)	
Defendants.	)	
	)	
	)	
	)	

---

**MOTOROLA'S MEMORANDUM OF LAW IN SUPPORT OF  
ITS APPLICATION FOR TEMPORARY RESTRAINING ORDER**

**TABLE OF CONTENTS**

	<b>Page(s)</b>
I. INTRODUCTION .....	1
II. ARGUMENT .....	3
A. Motorola Has Succeeded on the Merits .....	4
B. Hytera’s Ongoing Use of Motorola’s Trade Secrets and Code Will Cause Motorola Irreparable Harm That Monetary Damages Cannot Remedy .....	5
1. Hytera’s Ongoing Use of Motorola’s Trade Secrets and Copyrights to Compete Against Motorola Will Irreparably Harm Motorola.....	5
2. Allowing Hytera To Continue Misappropriating Motorola’s Trade Secrets and Infringing Its Copyrights Will Also Cause Motorola Irreparable Reputational Harm .....	10
C. The Balance of Harm Weighs Decidedly In Favor Of Entering A TRO.....	12
D. The Public Interest Strongly Favors Enjoining Hytera’s Ongoing Unlawful Conduct.....	14
III. CONCLUSION.....	15

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Cases</b>	
<i>Am. Family Mut. Ins. Co. v. Roth</i> , No. 05 C 3839, 2005 WL 3700232 (N.D. Ill. Aug. 5, 2005).....	9
<i>Atari, Inc. v. JS &amp; A Grp., Inc.</i> , 597 F. Supp. 5 (N.D. Ill. 1983).....	15
<i>Computer Assocs. Int’l v. Quest Software, Inc.</i> , 333 F. Supp. 2d 688 (N.D. Ill. 2004).....	11
<i>Dulisse v. Park Int’l Corp.</i> , No. 97 C 8018, 1998 WL 25158 (N.D. Ill. Jan. 9, 1998).....	10
<i>Eagle View Techs., Inc. v. Xactware Sol’ns, Inc.</i> , Case No. 1:15-cv-07025-RMB, Dkt. 800 (D.N.J. Sept. 26, 2019).....	4, 8
<i>Epic Games, Inc. v. Altmeyer</i> , No. ob-cv-0764, 2008 WL 4853634 (S.D. Ill. Nov. 5, 2008).....	5
<i>IDS Life Ins. Co. v. SunAmerica, Inc.</i> , 958 F. Supp. 1258 (N.D. Ill. 1997).....	8, 14
<i>Intertek USA, Inc. v. AmSpec, LLC</i> , Case No. 14-cv-6160, 2014 WL 4477933 (N.D. Ill. Sept. 11, 2014).....	5
<i>ISC-Bunker Ramo Corp. v. Altech, Inc.</i> , 765 F. Supp. 1310 (N.D. Ill. 1990).....	6, 13
<i>Lamb-Weston, Inc. v. McCain Foods, Ltd.</i> , 941 F.2d 970 (9th Cir. 1991).....	3
<i>Mazak Optonics Corp. v. Marlette</i> , No. 17 C 1023, 2017 WL 3394727 (N.D. Ill. Aug. 8, 2017).....	14
<i>Mintel Int’l Grp., Ltd. v. Nergheen</i> , No. 1:08-cv-03939, 2008 WL 2782818 (N.D. Ill. July 16, 2008).....	3, 4, 13
<i>Monroe v. United Air Lines, Inc.</i> , 1983 WL 434 (N.D. Ill. Jan. 24, 1983).....	4
<i>OmniGen Research, LLC v. Yongqiang Wang</i> , No. 6:16-CV-268-MC, 2017 WL 5505041 (D. Or. Nov. 16, 2017).....	3

<i>PrimeSource Bldg. Prod., Inc. v. Huttig Bldg. Prod., Inc.</i> , No. 16 CV 11390, 2017 WL 7795125 (N.D. Ill. Dec. 9, 2017) .....	6
<i>RMH Tech LLC v. PMC Indus., Inc.</i> , 352 F. Supp. 3d 164 (D. Conn. 2018).....	12
<i>Rockwell Graphic Sys., Inc. v. DEV Indus., Inc.</i> , No. 84 C 6746, 1993 WL 286484 (N.D. Ill. July 29, 1993).....	13, 15
<i>San Diego Comic Convention v. Dan Farr Prods.</i> , 336 F. Supp. 3d 1191 (S.D. Cal. 2018).....	4
<i>Steele v. Bulova Watch Co.</i> , 344 U.S. 280 (1952).....	3
<i>Surgipath Med. Indus., Inc. v. O’Neill</i> , No. 1:09-cv-02453, 2009 WL 10713821 (N.D. Ill. June 19, 2009).....	3
<i>Trading Techs. Int’l, Inc. v. eSpeed, Inc.</i> , No. 04 C 5312, 2008 WL 4531371 (N.D. Ill. May 22, 2008) .....	7
<i>Vendavo, Inc. v. Long</i> , 397 F. Supp. 3d 1115 (N.D. Ill. 2019) .....	3, 5, 6, 13
<i>WeRide Corp. v. Kun Huang</i> , 379 F. Supp. 3d 834 (N.D. Cal. 2019).....	3
<b>Statutes</b>	
18 U.S.C. § 1837.....	3
<b>Rules</b>	
Fed. R. Civ. P. 65(b) .....	1, 3
Fed. R. Evid. 702 .....	6

## I. INTRODUCTION

Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, plaintiffs Motorola Solutions, Inc., and Motorola Solutions Malaysia SDN. BHD. (“Motorola”) respectfully request that the Court enter a temporary restraining order (“TRO”) enjoining defendants Hytera Communications Corporation Ltd., Hytera America, Inc., and Hytera Communications America (West), Inc. and all those acting together with any of them (“Hytera”) from any further misappropriation of Motorola’s trade secrets or infringement of Motorola’s copyrights, including without limitation any further sales of the portable, mobile, and repeater Digital Mobile Radio (“DMR”) products at issue in this case anywhere in the world. Specifically, Motorola respectfully requests that the Court (i) enter a TRO immediately to prevent any further irreparable harm to Motorola, and (ii) set a hearing and briefing schedule on Motorola’s forthcoming motion for a permanent injunction to occur prior to expiration of the TRO.

With the jury rejecting every one of Hytera’s purported defenses and excuses for its illegal conduct, there no longer remains any question that Hytera willfully and maliciously stole and used Motorola’s trade secrets and copyrighted source code for over a decade. The evidence presented at trial also leaves no doubt that Hytera will continue to violate Motorola’s intellectual property rights—and disregard the laws protecting those rights—unless enjoined by this Court. Despite Hytera’s lead-off witness testifying he would have stopped selling the Accused Products<sup>1</sup> “immediately” upon learning of the theft in 2017 if he had been empowered to do so<sup>2</sup>, Hytera continued to sell the Accused Products unabated throughout this lawsuit in blatant disregard of the

---

<sup>1</sup> The Accused Products are defined in Appendix A to the contemporaneously filed Application for Temporary Restraining Order.

<sup>2</sup> Trial Tr. at 2481:18-25.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.