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# News Update

## **Axiom Worldwide Prevails in Court – Again!**

**September 25, 2012, Tampa, Florida, USA:** Axiom Worldwide, Inc (Axiom) has secured another significant legal victory against HTRD, Mr. David Ren (HTRD), Excite Medical, Mr. Saleem Musallam (Excite), and HTRD's Russian agent, Eltech. This is a critical step toward the final and successful resolution of the case, *Axiom Worldwide, Inc v. HTRD Group Hong Kong Ltd, et al*, Case No.: 8:11-cv-1468-T-33-TBM, United States District Court, Middle District of Florida (“Federal Case”). In the pleadings, Axiom Worldwide, Inc seeks declaratory and injunctive relief as well as damages against HTRD and various affiliated entities, agents, and former Axiom Inc employees, which are all also named as defendants, for alleged trademark and copyright misappropriation and infringement, unfair competition, breach of confidentiality agreements, providing false information to the U.S. Patent and Trademark Office (USPTO), and interference with business relationships.

On September 17, 2012, the court **denied** the defendant HTRD’s request for an injunction against Axiom Worldwide, Inc, “*After careful consideration and being fully advised in the premises, the Court sustains Axiom Inc.’s objection, overrules HTRD’s objections, adopts in part the Report and Recommendation of the Magistrate Judge, denies the Motion for Preliminary Injunction....*” This court ruling by District Judge Virginia Hernandez Covington supports a July 2012 Report and Recommendation of Thomas B. McCoun III, United States Magistrate Judge.

Judge Covington agreed with Judge McCoun’s Report and Recommendation wherein he concluded the previous court ruling “*militates strongly against HTRD’s claim of ownership of trademarks and other intellectual property*”. Judge Covington also stated in her ruling that, “*The Court agrees with Axiom Inc....*” and “*...Axiom Inc rightly argues....*” when quoting and applying US Supreme Court case law.

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When asked to comment on the implications of these findings, James Gibson, President and CEO of Axiom Worldwide, Inc stated, *“Together, these rulings and recommendations validate Axiom’s long standing position that the defendants have misappropriated Axiom’s Intellectual Property and have created unnecessary confusion in the international marketplace. Axiom will continue to vigorously protect its Intellectual Property and assist governmental and authorized agencies in investigating any party who attempts to mislead and misinform the international medical community.”*

The court also went on to say that while Axiom Inc would have the court essentially end the case now, the court has not been called to do so at this time. Therefore, and in light of the positive position of the court and the need to formally ask the judge to end the case in Axiom, Inc’s benefit, Axiom Inc filed a Motion for Judgment on the Pleadings, all in Axiom, Inc’s benefit on Monday, September 24<sup>th</sup>, 2012.

Axiom Worldwide, Inc was founded by Mr. James Gibson in 2001 in Tampa, Florida and obtained multiple US FDA 510(k) clearances over the years. Axiom invented its flagship products, the DRX9000 True Non-surgical Spinal Decompression System and the DRX9000C, for use in medical markets around the globe. The DRX 9000 and the DRX9000 C were created to provide relief of back and neck pain and symptoms associated with herniated discs, bulging or protruding intervertebral discs, degenerative disc disease, posterior facet syndrome, and sciatica. Please contact Mr. James Gibson, President and CEO of Axiom Worldwide, Inc for more information at [President@AxiomWorldWide.com](mailto:President@AxiomWorldWide.com).

Please go to the Axiom Worldwide website for more news updates: [www.AxiomWorldWide.com](http://www.AxiomWorldWide.com) and click on the News Link.