

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WISK AERO LLC,
Plaintiff,
v.
ARCHER AVIATION INC.,
Defendant.

Case No. [3:21-cv-02450-WHO](#)

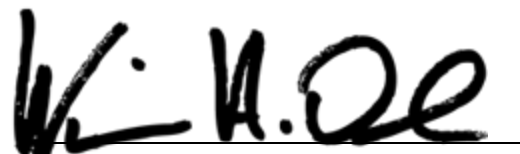
**ORDER DENYING MOTION FOR
PRELIMINARY INJUNCTION**

Re: Dkt. No. 16

Plaintiff Wisk Aero LLC’s (“Wisk”) motion for a preliminary injunction (Dkt. No. 16) is DENIED. A full written opinion will follow in due course. In essence, Wisk has not shown a likelihood of success on the merits that defendant Archer Aviation Inc. has misappropriated its particular asserted trade secrets. *See Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). There are some arguable indications of misappropriation but, even if the totality of that evidence raises “serious questions going to the merits,” it is too uncertain and equivocal to support a finding of irreparable injury based on misappropriation or that the balance of hardships sharply favors Wisk. *See Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1132 (9th Cir. 2011). Wisk’s request for an expedited schedule will be addressed at the Case Management Conference following the August 11 hearing on the remaining pending motions.

IT IS SO ORDERED.

Dated: July 22, 2021


William H. Orrick
United States District Judge

United States District Court
Northern District of California