

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

**UBER PROMOTIONS, INC.,
A FLORIDA CORPORATION,**

Plaintiff,

v.

CASE NO. 1:15CV206-MW/GRJ

**UBER TECHNOLOGIES, INC.,
A DELAWARE CORPORATION,**

Defendant.

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**ACKNOWLEDGMENT OF REPORT REGARDING
COMPLIANCE WITH PRELIMINARY INJUNCTION**

Defendant has filed a report outlining its compliance with this Court's preliminary injunction order. ECF No. 80. As Defendant notes, some of what it was asked to do was technically difficult, and strict compliance with the terms of the preliminary injunction order is likely impossible. Despite the difficulties, Defendant appears to have made a good-faith effort to comply with the injunction using all reasonable means.

Defendant appears to be irked that the preliminary injunction asked it to *ensure* certain search results rather than *try* to ensure certain search results. *Id.* at 6–7. But of course the former implies the latter, in practical terms. If you ask your significant

other to make sure he cleans the dishes, you're really asking him to make all reasonable efforts to clean the dishes, not to use laser ablation technology to completely remove all molecules of food from the dishes. The law recognizes this, which is why "a person who attempts with reasonable diligence to comply with a court order should not be held in contempt." *Newman v. Graddick*, 740 F.2d 1513, 1525 (11th Cir. 1984). The advantage of leaving such language out of an injunction—that is, the advantage of saying "must" instead of "must try to"—is that it tends to underscore the importance of compliance. In other words, your significant other may do a better job cleaning the dishes if you tell him to clean them rather than telling him to "try to" clean them.

If Plaintiff finds fault with Defendant's efforts to comply with the terms of the preliminary injunction as set out in its report, Plaintiff should notify this Court **before 5:00 p.m. on Friday, April 8.**

SO ORDERED on April 1, 2016.

s/Mark E. Walker
United States District Judge