

EXHIBIT B

Attached hereto are examples of ex parte TRO's and nationwide preliminary injunctions and seizure orders entered by courts throughout the United States:

1. F.E.A., Inc. v. Does, Case No. 2:14-cv-00156 (C.D. Cal. January 10 and 24, 2014)
2. F.E.A., Inc. v. Does, Case No. 2:11-CIV-01562 (E.D. Cal. June 26, 2012)
3. TSURT, LLC v. Does, Case No. 11-cv-11372 (D. Mass. August 11, 2011)
4. Live Nation Merchandise, Inc. v. Does, Case No. 11-cv-01297 (D. Colo. June 1, 2011)
5. F.E.A., Inc. v. Does, Case No. CV 11-3024 (C.D. Cal. April 21, 2011)
6. Live Nation Merchandise, Inc. v. Does, Case No. 11-cv-01335 (E.D.N.Y. March 2, 2011)
7. Arnie Barn, Inc. v. Does, Case No. 11-cv-540 (M.D. Fla. March 25, 2011)
8. F.E.A., Inc. v. Does, Case No. 2:11-cv-10136 (E.D. Mich. January 25, 2011)
9. Live Nation Merchandise, Inc. v. Does, Case No. 8:10-cv-371 (M.D. Fla. Feb. 26, 2010)
10. Signatures Network, Inc. v. Does, Case No. 2:09 CIV 0637 (D. Ariz. April 14, 2009)
11. Signatures Network, Inc. v. Does, F 08-898 (E.D. Cal. July 10, 2008)
12. Cinder Block, Inc. v. Does, Case No. 08-cv-1293 (E.D. Pa. March 25, 2008)
13. F.E.A., Inc. v. Does, Case No. 07-cv-01303 (S.D. Tx. April 30, 2007)
14. F.E.A., Inc. v. Does, Case No. 06 C 5244 (N.D. Ill. Oct. 12, 2006)
15. Signatures Network, Inc. v. Does, Case No. 05-0884 (D. Nev. Aug. 1, 2005)
16. Signatures Network, Inc. v. Does, Case No. 1:03 CV 01012 (D.D.C. May 18, 2003)
17. Giant Merchandising v. Does, Case No. 3:01 CV 37 (W.D.N.C. Feb. 9, 2001)
18. McGraw v. Does, Case No. 3:00-0402 (M.D. Tenn. May 17, 2000) (Docket only)
19. Giant Merchandising v. Does, Case No. A 00-CA-270 (W.D. Tx. May 4, 2000)

1 **Cara R. Burns (State Bar No. 137557)**
 2 **cburns@hmkblawyers.com**
 3 **HICKS, MIMS, KAPLAN & BURNS**
 4 **3250 Ocean Park Blvd, Ste 350**
 5 **Santa Monica, California 90405**
 6 **Telephone: (310) 314-1721**
 7 **Facsimile: (310) 314-1725**

8 **Attorneys for Plaintiff,**
 9 **F.E.A., INC.**

10 **UNITED STATES DISTRICT COURT**
 11 **CENTRAL DISTRICT OF CALIFORNIA**

12 **F.E.A., INC.,**
 13 **Plaintiff,**
 14 **v.**
 15 **JOHN DOES 1-5, JANE DOES 1-4 AND**
 16 **XYZ COMPANY,**
 17 **Defendants.**

18 **Case No. cv 14-156 ABC (JEMx)**
 19 **[PROPOSED] TEMPORARY**
 20 **RESTRAINING ORDER;**
 21 **SEIZURE ORDER; AND**
 22 **ORDER TO SHOW CAUSE**
 23 **WHY A PRELIMINARY**
 24 **INJUNCTION AND SEIZURE**
 25 **ORDER SHOULD NOT ISSUE**

26 Based upon the complaint, memorandum of points and authorities, Declaration of
 27 Steven Lewis and the Certificate of Counsel of Cara R. Burns and all other pleadings
 28 and proceedings heretofore had herein and good cause being shown:

IT IS HEREBY ORDERED that defendants, John Does 1-5, Jane Does 1-4 and
 XYZ Company their true identities being unknown (collectively "Defendants), show
 cause before the Honorable **Audrey B. Collins**, United States District Court Judge, in
 Courtroom **680** of the United States District Court for the District of California, located
 at **255 East Temple Street**, Los Angeles, California at **4:30 p.m.** on **January 21, 2014**
 or as soon thereafter as counsel can be heard, why an order pursuant to Fed. R. Civ. P.
 Rule 65 and the Lanham Act 15 U.S.C. § 1051 et. seq., should not be entered granting
 to Plaintiff, F.E.A., Inc., a preliminary injunction to enjoin the Defendants from
 manufacturing, distributing, selling or holding for sale, any clothing, jewelry,

Proposed TRO, etc.

1 photographs, posters and other merchandise (collectively the "Infringing Merchandise")
2 bearing the federally registered trademarks, service marks, likenesses, logos and other
3 indicia of the Group known as the "EAGLES" (collectively, the "Group's
4 Trademarks").

5 **AND IT APPEARING TO THE COURT** that Defendants are about to sell and
6 distribute the Infringing Merchandise bearing any or all of the Group's Trademarks as
7 set forth in Plaintiff's complaint and declaration, and will continue to carry out such acts
8 unless restrained by order of the Court;

9 **AND IT APPEARING TO THE COURT** that immediate and irreparable
10 injury, loss or damage will result to the Plaintiff before Defendants can be identified
11 and given notice and their attorneys can be heard in opposition to the granting of the
12 temporary restraining order, in that the Defendants are preparing to manufacture,
13 distribute and sell Infringing Merchandise as set forth in the Plaintiff's complaint, and
14 that, unless said Defendants are enjoined from said manufacture, distribution, and sale,
15 the Plaintiff will suffer immediate and irreparable injury and harm in the form of a loss
16 of income, lessening and dilution of the value of the Group's Trademarks, interference
17 with Plaintiff's ability to exploit, market and license its merchandising rights, confusion
18 in the marketplace as to the duly authorized source of merchandise depicting the
19 Group's Trademarks, and impairment of the good will Plaintiff and its licensors have in
20 the Group's Trademarks;

21 **IT IS FURTHER ORDERED** that pending hearing and determination of this
22 application, the Defendants, their agents, servants, employees, attorneys, successors and
23 assigns and all persons, firms and corporations acting in concert with them, and each of
24 them, be and hereby are temporarily restrained from manufacturing, distributing and
25 selling Infringing Merchandise bearing the any or all of the Group's Trademarks;

26 **AND IT IS FURTHER ORDERED** that pursuant to 1116 (a), the United States
27 Marshal, for this District or any district in which Plaintiff enforces this order, the state
28 police, local police or local deputy sheriffs, off duty officers of the same, and any

1 person acting under their supervision, are hereby authorized to seize and impound any
2 and all Infringing Merchandise bearing any or all of the Group's Trademarks (namely,
3 the "EAGLES"), which defendants attempt to sell or are holding for sale, including any
4 from any carton, container, vehicle, or other means of carriage in which the Infringing
5 Merchandise is found from six (6) hours before to six (6) hours after any performance
6 of the tour within a ten (10) mile vicinity of the halls, stadiums or arenas at which said
7 Tour shall be performing, including but not limited to in connection with the concerts to
8 be held January 15,17,18, 22, 24,and 25, 2014 at the Forum in Los Angeles, California;

9 **AND IT IS FURTHER ORDERED** that this order be and is hereby conditioned
10 upon Plaintiff's filing with the Clerk of this Court an undertaking in the form of a bond,
11 certified check, or cash in the amount of \$5, 000.00 no later than **January 14, 2014**, to
12 secure the payment of such costs and damages not to exceed such sum as may be
13 suffered or sustained by any party who is found to be wrongfully restrained hereby;

14 **AND IT IS FURTHER ORDERED** that this temporary restraining order is
15 conditioned upon the Plaintiff's advancing to the law enforcement officers such sum as
16 is required by the same to cover the fees for their said services, in the event Plaintiff
17 seeks their services in this or any other district;

18 **AND IT IS FURTHER ORDERED** that service of a copy of this order to show
19 cause together with the complaint upon which it is based, be made upon the Defendants
20 by the United States Marshal, state or local police, local deputy sheriffs or by any
21 person over the age of eighteen (18) years not a party to this action selected for that
22 purpose by the Plaintiff, at the time of the seizure provided herein is effected and that
23 such service shall be deemed good and sufficient;

24 **AND IT IS FURTHER ORDERED** that the process server shall offer a receipt
25 to each person from whom Infringing Merchandise is seized and that the Plaintiff shall
26 be deemed substitute custodian for all Infringing Merchandise seized;

27 **AND IT IS FURTHER ORDERED** that each and every defendant served with
28 a copy of this order promptly, courteously and peaceably identify himself or herself to

1 the aforementioned process server and that the process server or agents for Plaintiff be
2 allowed to photograph, video tape or otherwise identify the Defendant;

3 **AND IT IS FURTHER ORDERED** that Defendants' responsive papers, if any,
4 shall be filed with the Clerk of this Court and served upon the attorneys for Plaintiff by
5 delivering copies to its counsel on or before **January 17, 2014**. Any reply shall be filed
6 by the Plaintiff and served upon each appearing defendant or his/her counsel on or
7 before **January 21, 2014 at 12:00 noon**. Plaintiff is to provide copies of all other filed
8 pleadings at the request of any identified defendant;

9 **AND IT IS FURTHER ORDERED** that pursuant to F.R.C.P. Rule 65 (b)
10 (4), any Defendant can apply to this Court to dissolve or modify this Order on two (2)
11 days notice or shorter notice as this Court may allow, but no such application shall
12 serve to suspend this Order or stay its terms unless otherwise ordered by this Court.

13 **IT IS SO ORDERED.**

Amy B. Collins

14 Dated: January 10, 2014

15 UNITED STATES DISTRICT COURT JUDGE

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1 **Cara R. Burns (State Bar No. 137557)**
 2 **cburns@hmkblawyers.com**
 3 **HICKS, MIMS, KAPLAN & BURNS**
 4 **3250 Ocean Park Blvd, Ste 350**
 5 **Santa Monica, California 90405**
 6 **Telephone: (310) 314-1721**
 7 **Facsimile: (310) 314-1725**

8 **Attorneys for Plaintiff,**
 9 **F.E.A., INC.**

10 **UNITED STATES DISTRICT COURT**
 11 **CENTRAL DISTRICT OF CALIFORNIA**

12 **F.E.A., INC.,**

13 **Plaintiff,**

14 **v.**

15 **JOHN DOES 1-5, JANE DOES 1-4 AND**
 16 **XYZ COMPANY,**

17 **Defendants.**

18 **Case No. 14-cv-156 ABC (JEMx)**

19 **[PROPOSED] PRELIMINARY**
 20 **INJUNCTION AND SEIZURE**
 21 **ORDER SHOULD NOT ISSUE**

22 **Hearing Date: January 21, 2014**

23 **Time: 4:30 p.m.**

24 **Courtroom: 680 Judge Collins**

25 Plaintiff F.E.A., Inc. ("Plaintiff") having moved for a Preliminary Injunction
 26 enjoining and restraining the defendants from manufacturing, selling or distributing
 27 merchandise bearing the federally registered trademarks, servicemarks, logos,
 28 likenesses or other indicia of the Group known as the "EAGLES" (collectively the
 "Group's Marks") ordering the seizure and impounding of such articles; and service
 having been effected upon certain defendants at the and/or near the Group's concerts
 which have previously occurred; and Plaintiff's application having come on for a
 hearing before the Honorable Audrey B. Collins on the 21th day of January, 2014, at the
 United States Courthouse in the Central District of California, and Plaintiff having
 appeared by its attorneys, and there having been no other appearances;

Now, on presentation and consideration of Plaintiff's application for a
 preliminary injunction and seizure order, the declaration in support thereof and all other
 pleadings and prior proceedings had herein in this matter, the Court hereby finds:

Proposed TRO, etc.

1 1. By reason of the substantial and continuous use of the Group's Marks in
2 connection with the Group's work, said marks have acquired meanings identified with
3 the Group and with products and services associated with the Group;

4 2. The served defendants, and those in active concert or participation with
5 such defendants, have infringed upon Plaintiff's rights in the Group's Marks, as well
6 committed acts of unfair competition against Plaintiff herein by manufacturing,
7 distributing, offering for sale and selling merchandise bearing any or all of the Group's
8 Marks at or near the sites of the Group's concerts, without having obtained a license or
9 any other authorization to do so, as alleged in the complaint;

10 3. The acts of the defendants, and those in active concert or participation with
11 them, constitute a violation of the United States Trademark Act in that they: a) involve
12 goods or services, b) are activities which affect interstate commerce, and c) infringe the
13 trademark and/or bear a false designation of the source or origin of such goods or are
14 likely to cause confusion, mistake or deception as to the affiliation, connection,
15 association, sponsorship or approval of Plaintiff, the Group with respect to such goods;

16 4. Defendants, and those in active concert or participation with them, will
17 continue to sell such unauthorized merchandise unless enjoined by the Court; and

18 5. Copies of this Court's Temporary Restraining Order; Seizure Order; and
19 an Order to Show Cause Why a Preliminary Injunction and Seizure Order Should Not
20 Issue and the Complaint filed in support of Plaintiff's application in this case have been
21 served upon the defendants and the unauthorized, "bootleg" merchandise has been
22 seized from the defendants;

23 **NOW, THEREFORE, IT IS HEREBY**

24 **ORDERED**, that the defendants, their agents, servants, employees, attorneys,
25 successors, and assigns, and all persons, firms, and corporations acting in active concert
26 or participation with said defendants, are enjoined and restrained from:

27 (A) Using any or all of the Group's Marks in connection with the sale, offering
28 for sale, distribution, and/or advertising of any clothing or other merchandise;

1 (B) Manufacturing, distributing, selling, and/or holding for sale any clothing or
2 other merchandise which carries or otherwise uses any or all of the Group's Marks; or

3 (c) Aiding, abetting, inducing, or encouraging another to perform any of the
4 acts enjoined herein.

5 **IT IS FURTHER ORDERED**, that the U.S. Marshal for this district or for any
6 district in which Plaintiff seeks to enforce this Order in the United States, the state
7 police, local police, local deputy sheriffs, off-duty officers of the same, and any person
8 acting under their supervision (collectively "Process Servers"), are hereby similarly
9 authorized to seize and impound any and all unauthorized merchandise bearing any or
10 all of the Group's Marks (i.e. the **EAGLES** marks) or any colorable imitations or
11 variations thereof, or associated marks which defendants or their agents, employees or
12 representatives attempt to sell or are holding for sale in the vicinity of any of the
13 Group's concerts from six (6) hours before to six (6) hours after any performance of the
14 Group within a ten (10) mile vicinity of the halls, stadiums or arenas at which the
15 Group shall be performing or elsewhere where such merchandise is being sold, held for
16 sale or is otherwise found, including in any carton, bag, vehicle, or container in which
17 the merchandise is transported or stored. All clothing, jewelry, photographs, posters
18 and other merchandise bearing any or all of the Group's Marks, or any colorable
19 imitations or variations thereof, sold and held for sale in the vicinity of the arenas or
20 other venues at which the Group shall be performing, or elsewhere where such
21 merchandise is being sold, held for sale or otherwise found, shall be deemed to be
22 merchandise subject to the seizure provisions of this Order.

23 **IT IS FURTHER ORDERED**, that service of a copy of this Order, together
24 with the Summons and Complaint, be made upon defendants by the Process Servers at
25 the time the seizure provided herein is effected, and that such service shall be deemed
26 good and sufficient.

27 **IT IS FURTHER ORDERED**, that each and every defendant served with a
28 copy of this order promptly, courteously and peaceably identify himself or herself to the

1 aforementioned Process Server and that the Process Server or agents for Plaintiff be
2 allowed to photograph, videotape or otherwise identify the defendant.

3 **IT IS FURTHER ORDERED**, that the Process Server shall offer a receipt to
4 each person from whom goods are seized.

5 **IT IS FURTHER ORDERED**, that any Defendant who is hereafter served with
6 a copy of this Order who objects to the provisions herein may submit his or her
7 objections to this Court or otherwise move for relief from this Court within ten (10)
8 days of the date of seizure according to the Federal Rules of Civil Procedure, but no
9 such objection shall serve to suspend this Order or stay the terms hereof unless
10 otherwise ordered by this Court.

11 **IT IS FURTHER ORDERED**, that all unauthorized items heretofore or
12 hereafter seized in this action be delivered up to the Plaintiff or the persons designated
13 above, pending final disposition of this matter.

14 **IT IS FURTHER ORDERED**, that the bond deposited with the Clerk of this
15 Court to secure payment of costs incurred in enforcing the provisions of the temporary
16 restraining order and any damages sustained by any party who is found to have been
17 wrongfully enjoined thereby is continued until final disposition of this matter.

18 **IT IS SO ORDERED.**

Audrey B. Collins

19 Dated: January 21, 2014

**THE HONORABLE AUDREY B. COLLINS
UNITED STATES DISTRICT COURT JUDGE**

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1 **Cara R. Burns (SBN: 137557)**
2 **Hicks, Mims, Kaplan & Burns**
3 **3250 Ocean Park Blvd, Suite 350**
4 **Santa Monica, California 90405**
5 **Telephone: (310) 314-1721**
6 **Facsimile: (310) 314-1725**
7 **cburns@hmkblawyers.com**

8 **Attorneys for Plaintiff,**
9 **F.E.A., INC.**

FILED

JUN 22 2011

**CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

[Signature]
BY _____

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12 **F.E.A., INC.,**)
13 **Plaintiff,**)
14 **v.**)
15 **JOHN DOES 1-100, JANE DOES 1-100**)
16 **AND XYZ COMPANY,**)
17 **Defendants.**)

Case No. 2:11-01562 JAM GGH

JAM
**~~PROPOSED~~ PRELIMINARY
INJUNCTION AND ORDER OF
SEIZURE**

Hearing Date: June 22, 2011

Time: 9:30 a.m.

Courtroom: 6, Hon. Judge Mendez

18 Plaintiff F.E.A., INC. ("Plaintiff") having moved for a Preliminary Injunction enjoining and
19 restraining the defendants from manufacturing, selling or distributing merchandise bearing the
20 federally registered trademarks, servicemarks, logos, likenesses or other indicia of the musical artist
21 known as "BRITNEY SPEARS" (the "Artist") (collectively the "Artist's Marks") ordering the
22 seizure and impounding of such articles; and service having been effected upon certain defendants at
23 the Artist's performances which have previously occurred; and Plaintiff's application having come on
24 for a hearing before the Honorable John A. Mendez on the 22nd day of June, 2011, at the United
25 States Courthouse in the Eastern District of California, Sacramento, and Plaintiff having appeared by
26 its attorneys, and there having been no other appearances;

27 Now, on presentation and consideration of Plaintiff's application for a preliminary
28 injunction and order of seizure, the declaration in support thereof and all other pleadings and prior
proceedings heretofore had herein in this matter, the Court hereby finds:

1. By reason of the substantial and continuous use of the Artist's Trademarks in

1 connection with the Artist's products and services, said marks have acquired meanings identified
2 with the Artist and with products and services associated with her;

3 2. The served defendants, and those in active concert or participation with such
4 defendants, have infringed upon Plaintiff's rights in the Artist's Marks, as well committed acts of
5 unfair competition against Plaintiff herein by manufacturing, distributing, offering for sale and selling
6 merchandise bearing any or all of the Artist's Marks at or near the sites of the Artist's performances,
7 without having obtained a license or other authorization to do so, as alleged in the complaint;

8 3. The acts of the defendants, and those in active concert or participation with them,
9 constitute a violation of the United States Trademark Act in that they: a). involve goods or services, b)
10 are activities which affect interstate commerce, and c) infringe the trademark and/or bear a false
11 designation of the source or origin of such goods or are likely to cause confusion, mistake or deception
12 as to the affiliation, connection, association, sponsorship or approval of Plaintiff and/or the Artist with
13 respect to such goods;

14 4. Defendants, and those in active concert or participation with them, will continue to sell
15 such unauthorized merchandise unless enjoined by the Artist; and

16 5. Copies of this Court's Order to Show Cause On Motion For Preliminary Injunction
17 with A Temporary Restraining and Seizure Order, and the Complaint filed in support of Plaintiff's
18 application in this case have been served upon the defendants and unauthorized, "bootleg"
19 merchandise has been seized from the defendants;

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21
22 **NOW, THEREFORE, IT IS HEREBY**

23 **ORDERED**, that the defendants, their agents, servants, employees, attorneys, successors,
24 and assigns, and all persons, firms, and corporations acting in active concert or participation with
25 said defendants, are enjoined and restrained from:

26 (A) Using any or all of the Artist's Trademarks in connection with the sale, offering for
27 sale, distribution, and/or advertising of any clothing or other merchandise;

1 (B) Manufacturing, distributing, selling, and/or holding for sale any clothing or other
2 merchandise which carries or otherwise uses any or all of the Artist's Trademarks; or

3 (c) Aiding, abetting, inducing, or encouraging another to perform any of the acts
4 enjoined herein.

5 **IT IS FURTHER ORDERED**, that the U.S. Marshal for this district or for any district in
6 which Plaintiff seeks to enforce this Order in the United States, the state police, local police, local
7 deputy sheriffs, off-duty officers of the same, Peter Merluzzi and any person acting under their
8 supervision (collectively "Process Servers"), are hereby similarly authorized to seize and impound
9 any and all unauthorized merchandise bearing any or all of the Artist's Marks (i.e. the **BRITNEY**
10 **SPEARS** marks) or any colorable imitations or variations thereof, or associated marks which
11 defendants or their agents, employees or representatives attempt to sell or are holding for sale in
12 the vicinity of any of the Artist's performances from six (6) hours before to six (6) hours after any
13 performance of the Artist within a ten (10) mile vicinity of the halls, stadiums or arenas at which
14 the Artist shall be performing or elsewhere where such merchandise is being sold, held for sale or
15 is otherwise found, including in any carton, bag, vehicle, or container in which the merchandise is
16 transported or stored. All clothing, jewelry, photographs, posters and other merchandise bearing
17 any or all of the Artist's Marks, or any colorable imitations or variations thereof, sold and held for
18 sale in the vicinity of the arenas or other venues at which the Artist shall be performing, or
19 elsewhere where such merchandise is being sold, held for sale or otherwise found, shall be deemed
20 to be merchandise subject to the seizure provisions of this Order.

21 **IT IS FURTHER ORDERED**, that service of a copy of this Order, together with the
22 Summons and Complaint, be made upon defendants by the Process Servers at the time the seizure
23 provided herein is effected, and that such service shall be deemed good and sufficient.

1 **IT IS FURTHER ORDERED**, that each and every defendant served with a copy of this
2 order promptly, courteously and peaceably identify himself or herself to the aforementioned
3 Process Server and that the Process Server or agents for Plaintiff be allowed to photograph,
4 videotape or otherwise identify the defendant.

5 **IT IS FURTHER ORDERED**, that the Process Server shall offer a receipt to each person
6 from whom goods are seized.

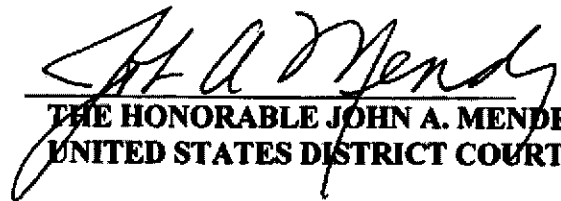
7 **IT IS FURTHER ORDERED**, that any Defendant who is hereafter served with a copy of
8 this Order who objects to the provisions herein may submit his or her objections to this Court or
9 otherwise move for relief from this Court within ten (10) days of the date of seizure according to
10 the Federal Rules of Civil Procedure, but no such objection shall serve to suspend this Order or
11 stay the terms hereof unless otherwise ordered by this Court.

12 **IT IS FURTHER ORDERED**, that all unauthorized items heretofore or hereafter seized
13 in this action be delivered up to the Plaintiff or the persons designated above, pending final
14 disposition of this matter.

NO BOND IS REQUIRED JAM

15 **IT IS SO ORDERED.**

16 Dated: June 22, 2011
17 At: 9:55 . m.


THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE

18 Respectfully Submitted,
19 By: /s/ Cara R. Burns, Esq.
20 **Cara R. Burns (SBN: 137557)**
21 **Hicks, Mims, Kaplan & Burns**
22 **3250 Ocean Park Blvd, Ste 350; Santa Monica, CA 90405**
23 **Tel: (310) 314-1721; Fax: (310) 314-1725**
24 **cburns@hmkblawyers.com**

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

TSURT, LLC,)	
)	
Plaintiff,)	ACTION NO. 1:11 cv 11372 RWZ
)	
vs.)	
)	
JOHN DOES 1-100, individuals, et. al.)	
)	
Defendants.)	
)	

[PROPOSED] PRELIMINARY INJUNCTION AND ORDER OF SEIZURE

Plaintiff TSURT, LLC ("Plaintiff") having moved for a preliminary injunction to enjoin and restrain the defendants from manufacturing, selling or distributing merchandise bearing the federally registered trademarks, servicemarks, likenesses, logos, and other indicia of the musical group "BLINK 182" (the "Group") (collectively the "Group's Marks") and an order to seize and impound the same; and service having been effected upon certain defendants at the Group's concerts which have previously occurred; and Plaintiff's application having come on for a hearing before the Honorable Rya W. Zobel on the 11th day of August, 2011, at the United States Courthouse for the District of Massachusetts, and Plaintiff having appeared by its attorneys, and there having been no other appearances;

Now, on presentation and consideration of Plaintiff's application for a preliminary injunction and order of seizure, the declaration in support thereof and all other pleadings and prior proceedings heretofore had herein in this matter, the Court hereby finds:

1. By reason of the substantial and continuous use of the Group's Marks i.e. the federally registered trademarks, servicemarks, likenesses, logos, and other indicia of

the Group in connection with the Group's work as musical performers, said marks have acquired meanings identified with the Group and with products and services associated with them;

2. The served defendants, and those in active concert or participation with such defendants, have infringed upon Plaintiff's rights in the Group's Marks, and have committed acts of unfair competition against Plaintiff herein by manufacturing, distributing, offering for sale and selling merchandise bearing any or all of the Group's Marks at or near the sites of the Group's concerts, without having obtained a license or any other authorization to do so, as alleged in the complaint;

3. The acts of the defendants, and those in active concert or participation with them, constitute a violation of the United States Trademark Act in that they: a) involve goods or services, b) are activities which affect interstate commerce, and c) infringe the trademarks and/or bear a false designation of the source or origin of such goods or are likely to cause confusion, mistake or deception as to the affiliation, connection, association, sponsorship or approval of Plaintiff and/or the Group with respect to such goods;

4. Defendants, and those in active concert or participation with them, will continue to sell such unauthorized merchandise unless enjoined by the Court; and

5. Copies of this Court's Temporary Restraining Order, Seizure Order, and Order to Show Regarding Why A Preliminary Injunction and Seizure Order Should Not Issue, and the Complaint filed in support of Plaintiff's application in this case have been served upon the defendants and unauthorized, bootleg merchandise has been seized from the defendants;

NOW, THEREFORE, IT IS HEREBY

ORDERED, that the defendants, their agents, servants, employees, attorneys, successors, and assigns, and all persons, firms, and corporations acting in active concert or participation with said defendants, are enjoined and restrained from:

(A) Using any or all of the Group's Marks i.e. the federally registered trademarks, servicemarks, likenesses, logos, and other indicia of the Group, in connection with the sale, offering for sale, distribution, and/or advertising of any clothing or other merchandise;

(B) Manufacturing, distributing, selling, and/or holding for sale any clothing or other merchandise which carries or otherwise uses any or all of the Group's Marks, i.e. the trademarks, servicemarks, likenesses, logos, and other indicia of the Group; or

(c) Aiding, abetting, inducing, or encouraging another to perform any of the acts enjoined herein.

IT IS FURTHER ORDERED, that the U.S. Marshal for this district or for any district in which Plaintiff seeks to enforce this Order in the United States, the state police, local police, local deputy sheriffs or off-duty officers of the same, or Christopher Siglin and any person acting under their supervision (collectively "Process Servers") are hereby similarly authorized to seize and impound any and all unauthorized merchandise bearing any or all of the Group's Marks (i.e. the federally registered trademarks, servicemarks, likenesses, logos, and other indicia of the Group "**BLINK 182**") or any colorable imitations or variations thereof, which defendants or their agents, employees or representatives attempt to sell or are holding for sale in the vicinity of any of the Group's concerts from six (6) hours before to six (6) hours after any performance of the Group

within a ten (10) mile vicinity of the halls, stadiums or arenas at which the Group shall be performing or elsewhere where such merchandise is being sold, held for sale or is otherwise found, including in any carton, bag, vehicle, or container in which the merchandise is transported or stored. All clothing, jewelry, photographs, posters and other merchandise bearing any or all of the federally registered trademarks, servicemarks, likenesses, logos and other indicia of the Group, or any colorable imitations or variations thereof, sold and held for sale in the, vicinity of the arenas or other venues at which the Group shall be performing, or elsewhere where such merchandise is being sold, held for sale or otherwise found, shall be deemed to be merchandise subject to the seizure provisions of this Order.

IT IS FURTHER ORDERED, that service of a copy of this Order, together with the Summons and Complaint, be made upon defendants by the Process Servers, at the time of the seizure provided herein is effected and that such service shall be deemed good and sufficient.

IT IS FURTHER ORDERED, that each and every defendant served with a copy of this order promptly, courteously and peaceably identify himself or herself to the aforementioned Process Server and that the Process Server or agents for Plaintiff be allowed to photograph, videotape or otherwise identify the defendant.

IT IS FURTHER ORDERED, that the Process Server shall offer a receipt to each person from whom goods are seized.

IT IS FURTHER ORDERED, that any Defendant who is hereafter served with a copy of this Order who objects to the provisions herein may submit his or her objections for this Court or otherwise move for relief from this Court within ten (10) days

of the date of seizure according to the Federal Rules of Civil Procedure, but no such objection shall serve to suspend this Order or stay the terms hereof unless otherwise ordered by this Court.

IT IS FURTHER ORDERED, that all unauthorized items heretofore or hereafter seized in this action be delivered up to the Plaintiff or the persons designated above, pending final disposition of this matter.

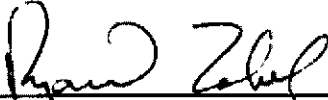
IT IS FURTHER ORDERED, that the bond heretofore deposited with the Clerk of this Court to secure payment of costs incurred in enforcing the provisions of the temporary restraining order and any damages sustained by any party who is found to have been wrongfully enjoined thereby is hereby continued until final disposition of this matter.

IT IS SO ORDERED.

Dated: August 11, 2011

At: 2:27 p. m.

Respectfully Submitted,
TSURT, LLC
By Its Attorneys


THE HONORABLE RYA W. ZOBEL
UNITED STATES DISTRICT COURT JUDGE

/s/ M. Lawrence Oliverio

M. Lawrence Oliverio, Esq., BBO #378755
Rissman, Hendricks & Oliverio LLP
100 Cambridge Street, Suite 2101
Boston, Massachusetts 02114
Telephone: (617) 367-4600
Facsimile: (617) 367-4656

Cara R. Burns, Esq. (Cal. Bar # 137557)
Hicks, Mims, Kaplan & Burns
3250 Ocean Park Blvd, Suite 350
Santa Monica, California 90405
Telephone: (310) 314-1721
Facsimile: (310) 314-1725

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 11-cv-01297 CMA-MEH

LIVE NATION MERCHANDISE, INC.,

Plaintiff,

vs.

**JOHN DOES 1-100, JANE DOES 1-100,
and XYZ COMPANY,**

Defendants.

PRELIMINARY INJUNCTION AND SEIZURE ORDER

Plaintiff Live Nation Merchandise, Inc. ("Plaintiff") having moved for a Preliminary Injunction enjoining and restraining the defendants from manufacturing, selling or distributing merchandise and seizing the same, bearing the federally registered trademarks, servicemarks, logos, likenesses and other indicia of the musical group "U2" (the "Group") and ordering the seizure and impounding of such articles; and service having been effected upon certain defendants at the Group's concerts which have previously occurred; and Plaintiff's application having come on for a hearing before the Honorable Judge Christine M. Arguello on the 1st day of June, 2011, at the United States Courthouse for the District of Colorado, and Plaintiff having appeared by its attorneys, and there having been no other appearances;

Now, on presentation and consideration of Plaintiff's application for a preliminary injunction and order of seizure, the declaration in support thereof and all other pleadings and prior proceedings heretofore had herein in this matter, the Court hereby finds:

1. By reason of the substantial and continuous use of the federally registered trademarks, servicemarks, likenesses, logos and other indicia of the Group in connection with the Group's work as musical performers, said marks have acquired meanings identified with the Group and with products and services associated with them;

2. The served defendants, and those in active concert or participation with such defendants, have infringed upon Plaintiff's rights in the Group's trademarks, servicemarks, likenesses, logos and other indicia owned and/or controlled by Plaintiff, and have as well committed acts of unfair competition against Plaintiff herein by manufacturing, distributing, offering for sale and selling merchandise bearing any or all of the federally registered trademarks, servicemarks, likenesses, logos and other indicia of the Group at or near the sites of the Group's concerts, without having obtained a license or any other authorization to do so, as alleged in the complaint;

3. The acts of the defendants, and those in active concert or participation with them, constitute a violation of the United States Trademark Act in that they: a) involve goods or services, b) are activities which affect interstate commerce, and c) infringe the trademarks and/or bear a false designation of the source or origin of such goods or are likely to cause confusion, mistake or deception as to the affiliation, connection, association, sponsorship or approval of Plaintiff and/or the Group with respect to such goods;

4. Defendants, and those in active concert or participation with them, will continue to sell such unauthorized merchandise unless enjoined by the Court; and

5. Copies of this Court's Temporary Restraining Order; Order of Seizure; and Order to Show Re: Preliminary Injunction and the Complaint filed in support of

Plaintiff's application in this case have been served upon the defendants and unauthorized, bootleg merchandise has been seized from the defendants;

NOW, THEREFORE, IT IS HEREBY

ORDERED, that the defendants, their agents, servants, employees, attorneys, successors, and assigns, and all persons, firms, and corporations acting in active concert or participation with said defendants, are enjoined and restrained from:

(A) Using any or all of the trademarks, servicemarks, likenesses, logos and other indicia of the Group, in connection with the sale, offering for sale, distribution, and/or advertising of any clothing or other merchandise;

(B) Manufacturing, distributing, selling, and/or holding for sale any clothing or other merchandise which carries or otherwise uses any or all of the trademarks, servicemarks, likenesses, logos and other indicia of the Group; or

(c) Aiding, abetting, inducing, or encouraging another to perform any of the acts enjoined herein.

IT IS FURTHER ORDERED, that the U.S. Marshal for this district or for any district in which Plaintiff seeks to enforce this Order in the United States, the state police, local police, local deputy sheriffs or off-duty officers of the same, and any person acting under their supervision (collectively "Process Servers") are hereby similarly authorized to seize and impound any and all unauthorized merchandise bearing any or all of the trademarks, servicemarks, likenesses, logos and other indicia of the Group U2 or any colorable imitations or variations thereof, or associated marks which defendants or their agents, employees or representatives attempt to sell or are holding for sale in the vicinity of any of the Group's concerts from ten (10) hours before to six (6) hours after any

performance of the Group within a ten (10) mile vicinity of the halls, stadiums or arenas at which the Group shall be performing or elsewhere where such merchandise is being sold, held for sale or is otherwise found, including in any carton, bag, vehicle, or container in which the merchandise is transported or stored. All clothing, jewelry, photographs, posters and other merchandise bearing any or all of the trademarks, servicemarks, likenesses, logos and other indicia of the Group, or any colorable imitations or variations thereof, sold and held for sale in the vicinity of the arenas or other venues at which the Group shall be performing, or elsewhere where such merchandise is being sold, held for sale or otherwise found, shall be deemed to be merchandise subject to the seizure provisions of this Order.

IT IS FURTHER ORDERED, that service of a copy of this Order, together with the Summons and Complaint, be made upon defendants by the Process Servers at the time of the seizure provided herein is effected and that such service shall be deemed good and sufficient.

IT IS FURTHER ORDERED, that each and every defendant served with a copy of this order promptly, courteously and peaceably identify himself or herself to the aforementioned Process Server and that the Process Server or agents for Plaintiff be allowed to photograph, videotape or otherwise identify the defendant.

IT IS FURTHER ORDERED, that the Process Server shall offer a receipt to each person from whom goods are seized.

IT IS FURTHER ORDERED, that any Defendant who is hereafter served with a copy of this Order who objects to the provisions herein may submit his or her objections to this Court or otherwise move for relief from this Court within ten (10) days

of the date of seizure according to the Federal Rules of Civil Procedure, but no such objection shall serve to suspend this Order or stay the terms hereof unless otherwise ordered by this Court.

IT IS FURTHER ORDERED, that all unauthorized items heretofore or hereafter seized in this action be delivered up to the Plaintiff or the persons designated above, pending final disposition of this matter.

IT IS FURTHER ORDERED, that the bond deposited with the Clerk of this Court to secure payment of costs incurred in enforcing the provisions of the temporary restraining order and any damages sustained by any party who is found to have been wrongfully enjoined thereby is hereby continued until final disposition of this matter.

IT IS SO ORDERED.



Dated: June 1st 2011

At: 9:15 a. m.

HONORABLE CHRISTINE M. ARGUELLO
UNITED STATES DISTRICT COURT JUDGE

Respectfully Submitted

/s Cara R. Burns

CARA R. BURNS, Hicks, Mims, Kaplan & Burns

3250 Ocean Park Blvd, Ste 350

Santa Monica, California 90405

Tel: (310) 314-1721/ fax: (310) 314-1725

E-mail: cburns@hmkblawyers.com

Attorney for Plaintiff

1 **Cara R. Burns (State Bar No. 137557)**
2 **cburns@hmkblawyers.com**
3 **HICKS, MIMS, KAPLAN & BURNS**
4 **3250 Ocean Park Blvd, Ste 350**
5 **Santa Monica, California 90405**
6 **Telephone: (310) 314-1721**
7 **Facsimile: (310) 314-1725**
8 **Attorneys for Plaintiff,**
9 **F.E.A., INC.**

10
11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 **F.E.A., INC.,**

14 **Plaintiff,**

15 **v.**

16 **JOHN DOES 1-5, JANE DOES 1-4 AND**
17 **XYZ COMPANY,**

18 **Defendants.**

19 **Case No. CV 11-3024 ABC**
20 **(JEMx)**

21 **[PROPOSED] PRELIMINARY**
22 **INJUNCTION AND SEIZURE**
23 **ORDER**

24 **Hearing Date: April 21, 2011**
25 **Time: 10:00 a.m.**
26 **Courtroom: 680, Hon. Audrey**
27 **B. Collins**

28 Plaintiff F.E.A., INC. ("Plaintiff") having moved for a Preliminary Injunction enjoining and restraining the defendants from manufacturing, selling or distributing merchandise bearing the federally registered trademarks, servicemarks, logos, likenesses and other indicia of the musical artist known as "PRINCE" (the "Artist") (collectively the "Artist's Trade,arks") ordering the seizure and impounding of such articles; and service having been effected upon certain defendants at the Artist's concerts which have previously occurred; and Plaintiff's application having come on for a hearing before the Honorable Audrey B. Collins on the 21st day of April, 2011, at the United States Courthouse in the Central District of California, and Plaintiff having appeared by its attorneys, and there having been no other appearances;

Now, on presentation and consideration of Plaintiff's application for a

Proposed Preliminary, etc.

1 preliminary injunction and order of seizure, the declaration in support thereof and all
2 other pleadings and prior proceedings heretofore had herein in this matter, the Court
3 hereby finds:

4 1. By reason of the substantial and continuous use of the Artist's Trademarks
5 in connection with the Artist's work as a performer, said marks have acquired meanings
6 identified with the Artist and with products and services associated with him;

7 2. The served defendants, and those in active concert or participation with
8 such defendants, have infringed upon Plaintiff's rights in the Artist's Trademarks, as
9 well committed acts of unfair competition against Plaintiff herein by manufacturing,
10 distributing, offering for sale and selling merchandise bearing any or all of the Artist's
11 Trademarks at or near the sites of the Artist's concerts, without having obtained a
12 license or any other authorization to do so, as alleged in the complaint;

13 3. The defendants' acts, and those in active concert or participation with
14 them, constitute a violation of the U. S. Trademark Act in that they: a) involve goods or
15 services, b) are activities which affect interstate commerce, and c) infringe the
16 trademark and/or bear a false designation of the source or origin of such goods or are
17 likely to cause confusion, mistake or deception as to the affiliation, connection,
18 association, sponsorship or approval of Plaintiff and/or the Artist with respect to such
19 goods;

20 4. Defendants, and those in active concert or participation with them, will
21 continue to sell such unauthorized merchandise unless enjoined by the Court; and

22 5. Copies of this Court's Order to Show Cause On Motion For Preliminary
23 Injunction with A Temporary Restraining and Seizure Order, and the Complaint filed in
24 support of Plaintiff's application in this case have been served upon the defendants and
25 unauthorized, "bootleg" merchandise has been seized from the defendants;

26

27

28

1 **NOW, THEREFORE, IT IS HEREBY**

2 **ORDERED**, that the defendants, their agents, servants, employees, attorneys,
3 successors, and assigns, and all persons, firms, and corporations acting in active concert
4 or participation with said defendants, are enjoined and restrained from:

5 (A) Using any or all of the Artist's Trademarks in connection with the sale,
6 offering for sale, distribution, and/or advertising of any clothing or other merchandise;

7 (B) Manufacturing, distributing, selling, and/or holding for sale any clothing or
8 other merchandise which carries or otherwise uses any or all of the Artist's
9 Trademarks; or

10 (c) Aiding, abetting, inducing, or encouraging another to perform any of the
11 acts enjoined herein.

12 **IT IS FURTHER ORDERED**, that the U.S. Marshal for this district or for any
13 district in which Plaintiff seeks to enforce this Order in the United States, the state
14 police, local police, local deputy sheriffs, off-duty officers of the same, Steven Lewis
15 and any person acting under their supervision (collectively "Process Servers"), are
16 hereby similarly authorized to seize and impound any and all unauthorized merchandise
17 bearing any or all of the Artist's Trademarks (i.e. the **PRINCE** marks) including the



21 trademarked symbol:

22 or any colorable imitations or variations thereof, or associated marks which defendants
23 or their agents, employees or representatives attempt to sell or are holding for sale in
24 the vicinity of any of the Artist's concerts from six (6) hours before to six (6) hours
25 after any performance of the Artist within a ten (10) mile vicinity of the halls, stadiums
26 or arenas at which the Artist shall be performing or elsewhere where such merchandise
27 is being sold, held for sale or is otherwise found, including in any carton, bag, vehicle,
28 or container in which the merchandise is transported or stored. All clothing, jewelry,

1 photographs, posters and other merchandise bearing any or all of the Artist's
2 Trademarks, or any colorable imitations or variations thereof, sold and held for sale in
3 the vicinity of the arenas or other venues at which the Group shall be performing, or
4 elsewhere where such merchandise is being sold, held for sale or otherwise found, shall
5 be deemed to be merchandise subject to the seizure provisions of this Order.

6 **IT IS FURTHER ORDERED**, that service of a copy of this Order, together
7 with the Summons and Complaint, be made upon defendants by the Process Servers at
8 the time the seizure provided herein is effected, and that such service shall be deemed
9 good and sufficient.

10 **IT IS FURTHER ORDERED**, that each and every defendant served with a
11 copy of this order promptly, courteously and peaceably identify himself or herself to the
12 aforementioned Process Server and that the Process Server or agents for Plaintiff be
13 allowed to photograph, videotape or otherwise identify the defendant.

14 **IT IS FURTHER ORDERED**, that the Process Server shall offer a receipt to
15 each person from whom goods are seized.

16 **IT IS FURTHER ORDERED**, that any Defendant who is hereafter served with
17 a copy of this Order who objects to the provisions herein may submit his or her
18 objections to this Court or otherwise move for relief from this Court within ten (10)
19 days of the date of seizure according to the Federal Rules of Civil Procedure, but no
20 such objection shall serve to suspend this Order or stay the terms hereof unless
21 otherwise ordered by this Court.

22 **IT IS FURTHER ORDERED**, that all unauthorized items heretofore or
23 hereafter seized in this action be delivered up to the Plaintiff or the persons designated
24 above, pending final disposition of this matter.

25
26 **IT IS FURTHER ORDERED**, that the bond heretofore deposited with the
27 Clerk of this Court to secure payment of costs incurred in enforcing the provisions of
28 the temporary restraining order and any damages sustained by any party who is found

1 to have been wrongfully enjoined thereby is hereby continued until final disposition of
2 this matter.

3 **IT IS SO ORDERED.**

4 Dated: April 21, 2011

5 At: 10:00 a. m.



THE HONORABLE AUDREY B. COLLINS
UNITED STATES DISTRICT COURT

6
7 Respectfully Submitted,
8 F.E.A., INC.

9 Cara R. Burns

10 Cara R. Burns, Esq. (Cal. Bar # 137557)

Hicks, Mims, Kaplan & Burns

3250 Ocean Park Blvd, Ste 350, Santa Monica, CA 90405

Telephone: (310) 314-1721; Facsimile: (310) 314-1725

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David M. Carter (DC 2188)
Francesco Sardone (FS 5557)
CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 Broad Hollow Road
Melville, New York 11747
Telephone: (631) 501-5700
Facsimile: (631) 501-3526
dcarter@cdfslaw.com

Cara R. Burns (CB 1071)
HICKS, MIMS, KAPLAN & BURNS
3250 Ocean Park Blvd, Ste 350
Santa Monica, California 90405
Telephone: (310) 314-1721
Facsimile: (310) 314-1725
cburns@hmkblawyers.com

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LIVE NATION MERCHANDISE, INC.,
a Delaware corporation,

Plaintiff,

v.

JOHN DOES 1-100, individuals,
JANE DOES 1-100, individuals,
and XYZ COMPANY, business
entity form unknown, inclusive,
Defendants.

CASE NO: 2:11-cv-01335 SJF-ARL

[PROPOSED]
PRELIMINARY INJUNCTION
AND SEIZURE ORDER

[PROPOSED] PRELIMINARY INJUNCTION AND ORDER OF SEIZURE

Plaintiff Live Nation Merchandise, Inc. ("Plaintiff") having moved for a preliminary injunction to enjoin and restrain the defendants from manufacturing, selling or distributing merchandise bearing the trademarks, servicemarks, logos, and likenesses of the musical Artist "LIL WAYNE", as well as his associated marks including "WAYNE CARTER," "DWAYNE CARTER" and "WEEZY" (collectively the "Artist's Marks") and an order to seize and impound the same; and service having been

effected upon certain defendants at the Artist's concerts which have previously occurred; and Plaintiff's application having come on for a hearing before the Honorable Sandra J. Feuerstein on the 29th day of March, 2011, at the United States Courthouse for the Eastern District of New York, and Plaintiff having appeared by its attorneys, and there having been no other appearances;

Now, on presentation and consideration of Plaintiff's application for a preliminary injunction and order of seizure, the declaration in support thereof and all other pleadings and prior proceedings heretofore had herein in this matter, the Court hereby finds:

1. By reason of the substantial and continuous use of the Artist's Marks i.e. the trademarks, servicemarks, logos, and likenesses of the Artist in connection with the Artist's work as a musical performer, said marks have acquired meanings identified with the Artist and with products and services associated with him;
2. The served defendants, and those in active concert or participation with such defendants, have infringed upon Plaintiff's rights in the Artist's Marks, and have committed acts of unfair competition against Plaintiff herein by manufacturing, distributing, offering for sale and selling merchandise bearing any or all of the Artist's Marks at or near the sites of the Artist's concerts, without having obtained a license or any other authorization to do so, as alleged in the complaint;
3. The acts of the defendants, and those in active concert or participation with them, constitute a violation of the United States Trademark Act in that they: a). involve goods or services; b) are activities which affect interstate commerce; and c) infringe the trademarks and/or bear a false designation of the source or origin of such goods or are likely to cause confusion, mistake or deception as to the affiliation;

connection, association, sponsorship or approval of Plaintiff and/or the Artist with respect to such goods;

4. Defendants, and those in active concert or participation with them, will continue to sell such unauthorized merchandise unless enjoined by the Court; and

5. Copies of this Court's Temporary Restraining Order; Order of Seizure; and Order to Show Re: Preliminary Injunction and the Complaint filed in support of Plaintiff's application in this case have been served upon the defendants and unauthorized, bootleg merchandise has been seized from the defendants;

NOW, THEREFORE, IT IS HEREBY

ORDERED, that the defendants, their agents, servants, employees, attorneys, successors, and assigns, and all persons, firms, and corporations acting in active concert or participation with said defendants, are enjoined and restrained from:

(A) Using any or all of the Artist's Marks i.e. the trademarks, servicemarks, logos and likenesses of the Artist, in connection with the sale, offering for sale, distribution, and/or advertising of any clothing or other merchandise;

(B) Manufacturing, distributing, selling, and/or holding for sale any clothing or other merchandise which carries or otherwise uses any or all of the Artist's Marks, i.e. the trademarks, servicemarks, likenesses or logos of the Artist; or

(c) Aiding, abetting, inducing, or encouraging another to perform any of the acts enjoined herein.

IT IS FURTHER ORDERED, that the U.S. Marshal for this district or for any district in which Plaintiff seeks to enforce this Order in the United States, the state police, local police, local deputy sheriffs or off-duty officers of the same, or Peter Weber and any person acting under their supervision (collectively "Process Servers") are hereby

similarly authorized to seize and impound any and all unauthorized merchandise bearing any or all of the trademarks, servicemarks, logos or likenesses of the Artist "LIL WAYNE," i.e. and his associated marks, such as "WAYNE CARTER," "DWAYNE CARTER" and "WEEZY" – i.e. the Artist's Marks, or any colorable imitations or variations thereof, which defendants or their agents, employees or representatives attempt to sell or are holding for sale in the vicinity of any of the Artist's concerts from six (6) hours before to six (6) hours after any performance of the Artist within a ten (10) mile vicinity of the halls, stadiums or arenas at which the Artist shall be performing or elsewhere where such merchandise is being sold, held for sale or is otherwise found, including in any carton, bag, vehicle, or container in which the merchandise is transported or stored. All clothing, jewelry, photographs, posters and other merchandise bearing any or all of the trademarks, servicemarks, logos or likenesses of the Artist or his associated marks, or any colorable imitations or variations thereof, sold, held for sale or otherwise found, in the vicinity of the arenas or other venues at which the Artist shall be performing, or elsewhere where such merchandise is being sold, held for sale or otherwise found, shall be deemed to be merchandise subject to the seizure provisions of this Order.

IT IS FURTHER ORDERED, that service of a copy of this Order, together with the Summons and Complaint, be made upon defendants by the Process Servers at the time of the seizure provided herein is effected and that such service shall be deemed good and sufficient.

IT IS FURTHER ORDERED, that each and every defendant served with a copy of this order promptly, courteously and peaceably identify himself or herself to the aforementioned Process Server and that the Process Server or agents for Plaintiff be allowed to photograph, videotape or otherwise identify the defendant.

IT IS FURTHER ORDERED, that the Process Server shall offer a receipt to each person from whom goods are seized.

IT IS FURTHER ORDERED, that any Defendant who is hereafter served with a copy of this Order who objects to the provisions herein may submit his or her objections for this Court or otherwise move for relief from this Court within ten (10) days of the date of seizure according to the Federal Rules of Civil Procedure, but no such objection shall serve to suspend this Order or stay the terms hereof unless otherwise ordered by this Court.

IT IS FURTHER ORDERED, that all unauthorized items heretofore or hereafter seized in this action be delivered up to the Plaintiff or the persons designated above, pending final disposition of this matter.

IT IS FURTHER ORDERED, that the bond deposited with the Clerk of this Court to secure payment of costs incurred in enforcing the provisions of the temporary restraining order and any damages sustained by any party who is found to have been wrongfully enjoined thereby is hereby continued until final disposition of this matter.

IT IS SO ORDERED.

Dated: March 29, 2011

At: ³⁵10³⁵ a. m.

Respectfully submitted,

By: _____
David M. Carter (DC 2188)
Francesco Sardone (FS 5557)
CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 Broad Hollow Road, Suite 225
Melville, New York 11747
Telephone: (631) 501-5700
Facsimile: (631) 501-3526
dcarter@cdfsllaw.com


THE HONORABLE SANDRA J. FEUERSTEIN
UNITED STATES DISTRICT COURT JUDGE

Cara R. Burns (CB 1071)
HICKS, MIMS, KAPLAN & BURNS
3250 Ocean Park Blvd, Ste 350
Santa Monica, California 90405
Telephone: 310-314-1721
Facsimile: 310-314-1725
cburns@hmkblawyers.com
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

ARNIE BARN, INC.,

Plaintiff,

v.

CASE NO: 8:11-cv-00540-T-26AEP

**DAVE JONES, an individual,
JOHN DOES 1-100, individuals,
JANE DOES 1-100, individuals,
and XYZ COMPANY, business
entity form unknown,**

Defendants

PRELIMINARY INJUNCTION AND ORDER OF SEIZURE

Plaintiff Arnie Barn, Inc. ("Plaintiff") having moved for a preliminary injunction to enjoin and restrain the defendants from manufacturing, selling or distributing merchandise bearing the federally registered trademarks, servicemarks, logos, and likenesses of the musical Artist "KENNY CHESNEY" (collectively the "Artist's Marks") and an order to seize and impounding the same; and service having been effected upon certain defendants at the Artist's concerts which have previously occurred; and Plaintiff's application having come on for a hearing before the Honorable Richard A. Lazzara on the 25th day of March, 2011, at the United States Courthouse for the Middle District of Florida, Tampa Division, Plaintiff having appeared by its attorneys, and there having been no other appearances;

Now, on presentation and consideration of Plaintiff's application for a preliminary injunction and order of seizure, the declaration in support thereof and all other pleadings and prior proceedings heretofore had herein in this matter, the Court hereby finds:

1. By reason of the substantial and continuous use of the Artist's Marks i.e. the federally registered trademarks, servicemarks, logos, and likenesses of the Artist in connection with the Artist's work as a musical performer, said marks have acquired meanings identified with the Artist and with products and services associated with him;

2. The served defendants, and those in active concert or participation with such defendants, have infringed upon Plaintiff's rights in the Artist's Marks, and have committed acts of unfair competition against Plaintiff herein by manufacturing, distributing, offering for sale and selling merchandise bearing any or all of the Artist's Marks at or near the sites of the Artist's concerts, without having obtained a license or any other authorization to do so, as alleged in the complaint;

3. The acts of the defendants, and those in active concert or participation with them, constitute a violation of the United States Trademark Act in that they: a). involve goods or services, b) are activities which affect interstate commerce, and c) infringe the trademarks and/or bear a false designation of the source or origin of such goods or are likely to cause confusion, mistake or deception as to the affiliation, connection, association, sponsorship or approval of Plaintiff and/or the Artist with respect to such goods;

4. Defendants, and those in active concert or participation with them, will continue to sell such unauthorized merchandise unless enjoined by the Court; and

5. Copies of this Court's Temporary Restraining Order; Order of Seizure; and Order to Show Re: Preliminary Injunction and the Complaint filed in support of Plaintiff's application in this case have been served upon the defendants and unauthorized, bootleg merchandise has been seized from the defendants;

ACCORDINGLY, it is **ORDERED AND ADJUDGED**, that the defendants, their agents, servants, employees, attorneys, successors, and assigns, and all persons, firms, and corporations acting in active concert or participation with said defendants, are enjoined and restrained from:

(A) Using any or all of the Artist's Marks i.e. the trademarks, servicemarks, logos and likenesses of the Artist, in connection with the sale, offering for sale, distribution, and/or advertising of any clothing or other merchandise;

(B) Manufacturing, distributing, selling, and/or holding for sale any clothing or other merchandise which carries or otherwise uses any or all of the Artist's Marks, i.e. the trademarks, servicemarks, likenesses or logos of the Artist; or

(C) Aiding, abetting, inducing, or encouraging another to perform any of the acts enjoined herein.

IT IS FURTHER ORDERED, that the U.S. Marshal for this district or for any district in which Plaintiff seeks to enforce this Order in the United States, the state police, local police, local deputy sheriffs or off-duty officers of the same, or Timothy Holt and any person acting under their supervision (collectively "Process Servers") are hereby similarly authorized to seize and impound any and all unauthorized merchandise bearing any or all of the federally registered trademarks, servicemarks, logos or likenesses of the Artist "KENNY CHESNEY," i.e. the Artist's Marks, or any colorable imitations or variations thereof, or associated marks, which defendants or their agents, employees or representatives attempt to sell or are holding for sale in the vicinity of any of the Artist's concerts from six (6) hours before to six (6) hours after any performance of the Artist within a ten (10) mile vicinity of the halls, stadiums or arenas at which

the Artist shall be performing or elsewhere where such merchandise is being sold, held for sale or is otherwise found, including in any carton, bag, vehicle, or container in which the merchandise is transported or stored. All clothing, jewelry, photographs, posters and other merchandise bearing any or all of the Artist's Marks, or any colorable imitations or variations thereof, sold and held for sale in the, vicinity of the arenas or other venues at which the Artist shall be performing, or elsewhere where such merchandise is being sold, held for sale or otherwise found, shall be deemed to be merchandise subject to the seizure provisions of this Order.

IT IS FURTHER ORDERED that service of a copy of this Order, together with the Summons and Complaint, be made upon defendants by the Process Servers, at the time of the seizure provided herein is effected and that such service shall be deemed good and sufficient.

IT IS FURTHER ORDERED that each and every defendant served with a copy of this order promptly, courteously and peaceably identify himself or herself to the aforementioned Process Server and that the Process Server or agents for Plaintiff be allowed to photograph, videotape or otherwise identify the defendant.

IT IS FURTHER ORDERED that the Process Server shall offer a receipt to each person from whom goods are seized.

IT IS FURTHER ORDERED that any Defendant who is hereafter served with a copy of this Order who objects to the provisions herein may submit his or her objections for this Court or otherwise move for relief from this Court within ten (10) days of the date of seizure according to the Federal Rules of Civil Procedure, but no such objection shall serve to suspend this Order or stay the terms hereof unless otherwise ordered by this Court.

IT IS FURTHER ORDERED that all unauthorized items heretofore or hereafter seized in this action be delivered up to the Plaintiff or the persons designated above, pending final disposition of this matter.

IT IS FURTHER ORDERED that the bond heretofore deposited with the Clerk of this Court to secure payment of costs incurred in enforcing the provisions of the temporary restraining order and any damages sustained by any party who is found to have been wrongfully enjoined thereby is hereby continued until final disposition of this matter.

DONE AND ORDERED at Tampa, Florida, on March 25, 2011.


Richard A. Lazzara
RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:
Counsel of Record

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

F.E.A., INC.

Plaintiff,

Case No: 11-10136

Hon. John Corbett O'Meara

v.

**JOHN DOES 1-100, individuals,
JANE DOES 1-100, individuals,
and XYZ COMPANY, business
entity form unknown, inclusive,**

Defendants

RUTLEDGE, MANION, RABAUT,
TERRY, & THOMAS P.C.
BY: JOSEPH J. WRIGHT (P41289)
4000 Penobscot Building
Detroit, Michigan 48226
Telephone: (313) 965-6100
Facsimile: (313) 965-6558
Jwright@rmrtt.com

HICKS, MIMS, KAPLAN & BURNS
BY: CARA R. BURNS (CA Bar No. 137557)
(Admitted in Eastern District of Michigan)
3250 Ocean Park Blvd, Ste 350
Santa Monica, California 90405
Telephone: (310) 314-1721
Facsimile: (310) 314-1725
cburns@hmkblawyers.com

PRELIMINARY INJUNCTION AND SEIZURE ORDER

Plaintiff F.E.A., Inc. ("Plaintiff") having moved for a Preliminary Injunction enjoining and restraining the defendants from manufacturing, selling or distributing merchandise bearing the federally registered trademark, servicemarks, likenesses or tour logos of the musical artist "KID ROCK" (the "Artist") (collectively the "Artist's Marks") and ordering the seizure and impounding of such articles; and service having been effected upon certain defendants at the Artist's concerts which have previously occurred; and Plaintiff's application having come on for a hearing before the Honorable John Corbett O'Meara on the 25th day of January, 2011, at the

United States Courthouse for the Eastern District of Michigan, and Plaintiff having appeared by its attorneys, and there having been no other appearances;

Now, on presentation and consideration of Plaintiff's application for a preliminary injunction and order of seizure, the declaration in support thereof and all other pleadings and prior proceedings heretofore had herein in this matter, the Court hereby finds:

1. By reason of the substantial and continuous use of the Artist's Marks in connection with the Artist's work as a musical performing artist, said Marks have acquired meanings identified with the Artist and with products and services associated with him;

2. The served defendants, and those in active concert or participation with such defendants, have infringed upon Plaintiff's rights in the Artist's Marks, as well committed acts of unfair competition against Plaintiff herein by manufacturing, distributing, offering for sale and selling merchandise bearing any or all of the Artist's Marks at or near the sites of the Artist's concerts, without having obtained a license or any other authorization to do so, as alleged in the complaint;

3. The acts of the defendants, and those in active concert or participation with them, constitute a violation of the United States Trademark Act in that they: a) involve goods or services, b) are activities which affect interstate commerce, and c) infringed the trademarks and/or bear a false designation of the source or origin of such goods or are likely to cause confusion, mistake or deception as to the affiliation, connection, association, sponsorship or approval of Plaintiff and/or the Artist with respect to such goods;

4. Defendants, and those in active concern or participation with them, will continue to sell such unauthorized merchandise unless enjoined by the Court; and

5. Copies of this Court's Temporary Restraining Order and Order of Seizure; and Hearing on Motion for a Preliminary Injunction and Seizure Order and the Complaint filed in support of Plaintiff's application in this case have been served upon the defendants and unauthorized, bootleg merchandise has been seized from the defendants;

NOW, THEREFORE, IT IS HEREBY

ORDERED, that the defendants, their agents, servants, employees, attorneys, successors, and assigns, and all persons, firms, and corporations acting in active concert or participation with said defendants, are enjoined and restrained from:

(A) Using any or all of the Artist's Marks, in connection with the sale, offering for sale, distribution, and/or advertising of any clothing or other merchandise;

(B) Manufacturing, distributing, selling, and/or holding for sale any clothing or other merchandise which carries or otherwise uses any or all of the Artist's Marks; or

(c) Aiding, abetting, inducing, or encouraging another to perform any of the acts enjoined herein.

IT IS FURTHER ORDERED, that the U.S. Marshal for this district or for any district in which Plaintiff seeks to enforce this Order in the United States, the state police, local police, local deputy sheriffs or off-duty officers of the same, and any person acting under their supervision (collectively "Process Servers") are hereby authorized to seize and impound any and all unauthorized merchandise bearing any or all of the federally registered trademarks, servicemarks, logos or likenesses of the Artist "**KID ROCK**," i.e. the Artist's Marks, or any colorable imitations or variations thereof, or associated marks which defendants or their agents, employees or representatives attempt to sell or are holding for sale in the vicinity of any of the Artist's concerts from six (6) hours before to six (6) hours after any performance of the Artist

within a ten (10) mile vicinity of the halls, stadiums or arenas at which the Artist shall be performing or elsewhere where such merchandise is being sold, held for sale or is otherwise found, including in any carton, bag, vehicle, or container in which the merchandise is transported or stored. All clothing, jewelry, photographs, posters and other merchandise bearing any or all of the Artist Marks, or any colorable imitations or variations thereof, sold and held for sale in the vicinity of the arenas or other venues at which the Artist shall be performing, or elsewhere where such merchandise is being sold, held for sale or otherwise found, shall be deemed to be merchandise subject to the seizure provisions of this Order.

IT IS FURTHER ORDERED, that service of a copy of this Order, together with the Summons and Complaint, be made upon defendants by the Process Servers, at the time of the seizure provided herein is effected and that such service shall be deemed good and sufficient.

IT IS FURTHER ORDERED, that each and every defendant served with a copy of this order promptly, courteously and peaceably identify himself or herself to the aforementioned Process Server and that the Process Server or agents for Plaintiff be allowed to photograph, videotape or otherwise identify the defendant.

IT IS FURTHER ORDERED, that the Process Server shall offer a receipt to each person from whom goods are seized.

IT IS FURTHER ORDERED, that any Defendant who is hereafter served with a copy of this Order who objects to the provisions here in may submit his or her objections for this Court or otherwise move for relief from this Court within ten (10) days of the date of seizure according to the Federal Rules of Civil Procedure, but no such objection shall serve to suspend this Order or stay the terms hereof unless otherwise ordered by this Court.

IT IS FURTHER ORDERED, that all unauthorized items heretofore or hereafter seized in this action be delivered up to the Plaintiff or the persons designated above, pending final disposition of this matter.

IT IS FURTHER ORDERED, that the bond heretofore deposited with the Clerk of this Court to secure payment of costs incurred in enforcing the provisions of the temporary restraining order and any damages sustained by any party who is found to have been wrongfully enjoined thereby is hereby continued until final disposition of this matter.

IT IS SO ORDERED.

Date: January 25, 2011
At: 2:35 p.m.

s/JOHN CORBETT O'MEARA
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

F.E.A., INC.

/s/ Cara R. Burns

Cara R. Burns (Admitted in ED MI)
HICK, MIMS, KAPLAN & BURNS
3250 Ocean Park Blvd, Ste 350
Santa Monica, California 90405
Telephone: (310) 314-1721
Facsimile: (310) 314-1725

Joseph J. Wright (P41289)
RUTLEDGE, MANION, RABAUT,
TERRY, & THOMAS P.C.
4000 Penobscot Building
Detroit, Michigan 48226
Telephone: (313) 965-6100
Facsimile: (313) 965-6558

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

LIVE NATION MERCHANDISING, INC.,

Plaintiff,

v.

Case No.: 8:10-cv-371-T-33AEP

DAVE SMITH, et al.,

Defendants.

PRELIMINARY INJUNCTION AND ORDER OF SEIZURE

Plaintiff, Live Nation Merchandising, Inc., having moved for a Preliminary Injunction enjoining and restraining Defendants from manufacturing, selling or distributing merchandise and seizing the same, bearing the federally registered trademarks, servicemarks, logos, or likenesses of the musical group "BLACK EYED PEAS" (the "Group") and ordering the seizure and impounding of such articles; and service having been effected upon certain defendants at the Group's concerts which have previously occurred; and Plaintiff's application having come on for a Hearing before the Honorable Judge Anthony E. Porcelli, United States Magistrate Judge, on February 12, 2010, at the United States Courthouse for the Middle District of Florida, and Plaintiff having appeared by its attorneys, and there having been no other appearances or filed objections;

Now, on presentation and consideration of Plaintiff's application for a

preliminary injunction and order of seizure (Doc. 2), the declaration in support thereof and all other pleadings and prior proceedings heretofore had herein in this matter, and based on the February 12, 2010, "Report and Recommendation" issued by Magistrate Judge Porcelli (Doc. 18), the Court hereby finds:

1. By reason of the substantial and continuous use of the federally registered trademarks, servicemarks, likenesses, or logos of the Group in connection with the Group's work as musical performers, said marks have acquired meanings identified with the Group and with products and services associated with them;

2. The served Defendants, and those in active concert or participation with such defendants, have infringed upon Plaintiff's rights in the Group's trademarks, servicemarks, likenesses, or logos owned and/or controlled by Plaintiff, and have as well committed acts of unfair competition against Plaintiff herein by manufacturing, distributing, offering for sale and selling merchandise bearing any or all of the federally registered trademarks, servicemarks, likenesses, and logos of the Group at or near the sites of the Group's concerts, without having obtained a license or any other authorization to do so, as alleged in the complaint;

3. The acts of Defendants, and those in active concert or participation with them, constitute a violation of the United States Trademark Act in that they: a) involve goods or services, b) are activities which affect interstate commerce, and c) infringe the trademarks and/or bear a false designation of the source or origin of such goods or are likely to cause confusion, mistake or deception as to the affiliation,

connection, association, sponsorship or approval of Plaintiff and/or the Group with respect to such goods;

4. Defendants, and those in active concert or participation with them, will continue to sell such unauthorized merchandise unless enjoined by the Court; and

5. Copies of this Order and the Complaint filed in support of Plaintiff's application in this case have been served upon Defendants and unauthorized, bootleg merchandise has been seized from Defendants;

Accordingly, it is hereby,

ORDERED, ADJUDGED and DECREED that:

Defendants, their agents, servants, employees, attorneys, successors, and assigns, and all persons, firms, and corporations acting in active concert or participation with Defendants, are enjoined and restrained from:

(A) Using any or all of the trademarks, servicemarks, likenesses, and logos of the Group, in connection with the sale, offering for sale, distribution, and/or advertising of any clothing or other merchandise;

(B) Manufacturing, distributing, selling, and/or holding for sale any clothing or other merchandise which carries or otherwise uses any or all of the trademarks, servicemarks, likenesses, and logos of the Group; or

(C) Aiding, abetting, inducing, or encouraging another to perform any of the acts enjoined herein.

IT IS FURTHER ORDERED that the U.S. Marshal for the Middle District of

Florida or for any district in which Plaintiff seeks to enforce this Order in the United States, the state police, local police, local deputy sheriffs or off-duty officers of the same, or Peter Weber and any person acting under their supervision (collectively "Process Servers") are hereby similarly authorized to seize and impound any and all unauthorized merchandise bearing any or all of the trademarks, servicemarks, likenesses, and logos of the Group BLACK EYED PEAS or any colorable imitations or variations thereof, or associated marks which defendants or their agents, employees or representatives attempt to sell or are holding for sale in the vicinity of any of the Group's concerts from six (6) hours before to six (6) hours after any performance of the Group within a ten (10) mile vicinity of the halls, stadiums or arenas at which the Group shall be performing or elsewhere where such merchandise is being sold, held for sale or is otherwise found, including in any carton, bag, vehicle, or container in which the merchandise is transported or stored. All clothing, jewelry, photographs, posters and other merchandise bearing any or all of the trademarks, servicemarks, likenesses, and logos of the Group, or any colorable imitations or variations thereof, sold and held for sale in the vicinity of the arenas or other venues at which the Group shall be performing, or elsewhere where such merchandise is being sold, held for sale or otherwise found, shall be deemed to be merchandise subject to the seizure provisions of this Order.

IT IS FURTHER ORDERED that service of a copy of this Order, together with the Summons and Complaint, be made upon defendants by the Process Servers at

the time of the seizure provided herein is effected and that such service shall be deemed good and sufficient.

IT IS FURTHER ORDERED that each and every defendant served with a copy of this Order promptly, courteously and peaceably identify himself or herself to the aforementioned Process Server and that the Process Server or agents for Plaintiff be allowed to photograph, videotape or otherwise identify the defendant.

IT IS FURTHER ORDERED that the Process Server shall offer a receipt to each person from whom goods are seized.

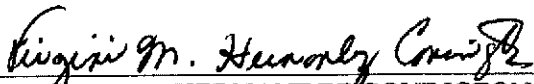
IT IS FURTHER ORDERED that any Defendant who is hereafter served with a copy of this Order who objects to the provisions herein may submit his or her objections to this Court or otherwise move for relief from this Court within ten (10) days of the date of seizure according to the Federal Rules of Civil Procedure, but no such objection shall serve to suspend this Order or stay the terms hereof unless otherwise ordered by this Court.

IT IS FURTHER ORDERED that all unauthorized items heretofore or hereafter seized in this action be delivered up to the Plaintiff or the persons designated above, pending final disposition of this matter.

IT IS FURTHER ORDERED that the bond heretofore deposited with the Clerk of this Court to secure payment of costs incurred in enforcing the provisions of the temporary restraining order and any damages sustained by any party who is found to have been wrongfully enjoined thereby is hereby continued until final disposition

of this matter.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 26th day of
February 2010.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies to:

All Counsel of Record

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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

SIGNATURES NETWORK, INC.,

Plaintiff,

v.

**JOHN DOES 1-100, JANE DOES 1-
100 AND XYZ COMPANY,**

Defendants.

Case No. CV09-00637 PHX DGC

**PRELIMINARY INJUNCTION AND
ORDER OF SEIZURE**

Plaintiff Signatures Network, Inc. ("Plaintiff") having moved for a Preliminary Injunction and Order of Seizure enjoining and restraining the defendants from manufacturing, selling or distributing merchandise bearing the federally registered trademarks, servicemarks, tour logos, or likenesses of the musical group "**BRUCE SPRINGSTEEN AND THE E STREET BAND**" (the "Group") and ordering the seizure and impounding of such articles; and service having been effected upon certain defendants at the Group's concerts which have previously occurred; and Plaintiff's application having come on for a hearing before the Honorable David G. Campbell on the 10th day of April, 2009, at the United States Courthouse in the District of Arizona, and Plaintiff having appeared by its attorneys, and there having been no other appearances;

Now, on presentation and consideration of Plaintiff's application for a

1 preliminary injunction and order of seizure, the declaration in support thereof and all
2 other pleadings and prior proceedings heretofore had herein in this matter, the Court
3 hereby finds:

4 1. By reason of the substantial and continuous use of the federally
5 registered trademarks, servicemarks, tour logos, and likenesses of the Group in
6 connection with their work as musical performers, said marks have acquired
7 meanings identified with the Group and with products and services associated with
8 them;

9 2. The served defendants, and those in active concert or participation with
10 such defendants, have infringed upon Plaintiff's rights in the Group's trademarks,
11 servicemarks, tour logos and likenesses owned and/or controlled by Plaintiff, and
12 have as well committed acts of unfair competition against Plaintiff herein by
13 manufacturing, distributing, offering for sale and selling merchandise bearing any or
14 all of the trademarks, servicemarks, tour logos and likenesses of the Group at or near
15 the sites of the Group's concerts, without having obtained a license or any other
16 authorization to do so, as alleged in the complaint;

17 3. The acts of the defendants, and those in active concert or participation
18 with them, constitute a violation of the United States Trademark Act in that they: a).
19 involve goods or services, b) are activities which affect interstate commerce, and c)
20 infringe the trademark and/or bear a false designation of the source or origin of such
21 goods or are likely to cause confusion, mistake or deception as to the affiliation,
22 connection, association, sponsorship or approval of Plaintiff and/or the Group with
23 respect to such goods;

24 4. Defendants, and those in active concert or participation with them, will
25 continue to sell such unauthorized merchandise unless enjoined by the Court; and

26 5. Copies of this Court's Temporary Restraining Order, Seizure Order and
27 Order to Show Why A Preliminary Injunction and Seizure Order Should Not Issue,
28 and the Complaint filed in support of Plaintiff's application in this case have been

1 served upon the defendants and unauthorized, "bootleg" merchandise has been
2 seized from the defendants;

3 **NOW, THEREFORE, IT IS HEREBY**

4 **ORDERED**, that the defendants, their agents, servants, employees, attorneys,
5 successors, and assigns, and all persons, firms, and corporations acting in active
6 concert or participation with said defendants, are enjoined and restrained from:

7 (A) Using any or all of the trademarks, servicemarks, tour logos and
8 likenesses of the Group, in connection with the sale, offering for sale, distribution,
9 and/or advertising of any clothing or other merchandise;

10 (B) Manufacturing, distributing, selling, and/or holding for sale any
11 clothing or other merchandise which carries or otherwise uses any or all of the
12 trademarks, servicemarks, tour logos and likenesses of the Group; or

13 (c) Aiding, abetting, inducing, or encouraging another to perform any of
14 the acts enjoined herein.

15 **IT IS FURTHER ORDERED**, that the U.S. Marshal for this district or for
16 any district in which Plaintiff seeks to enforce this Order in the United States, the
17 state police, local police, local deputy sheriffs, off-duty officers of the same, and any
18 person acting under their supervision (collectively "Process Servers"), are hereby
19 similarly authorized to seize and impound any and all unauthorized merchandise
20 bearing any or all of the trademarks, servicemarks, tour logos and likenesses of the
21 Group "**BRUCE SPRINGSTEEN AND THE E STREET BAND**" or any
22 colorable imitations or variations thereof, or associated marks which defendants or
23 their agents, employees or representatives attempt to sell or are holding for sale in
24 the vicinity of any of the Group's concerts from six (6) hours before to six (6) hours
25 after any performance of the Group within a ten (10) mile vicinity of the halls,
26 stadiums or arenas at which the Group shall be performing or elsewhere where such
27 merchandise is being sold, held for sale or is otherwise found, including in any
28 carton, bag, vehicle, or container in which the merchandise is transported or stored.

1 All clothing, jewelry, photographs, posters and other merchandise bearing any or all
2 of the trademarks, servicemarks, tour logos and likenesses of the Group, or any
3 colorable imitations or variations thereof, sold and held for sale in the vicinity of the
4 arenas or other venues at which the Group shall be performing, or elsewhere where
5 such merchandise is being sold, held for sale or otherwise found, shall be deemed to
6 be merchandise subject to the seizure provisions of this Order.

7 **IT IS FURTHER ORDERED**, that service of a copy of this Order, together
8 with the Summons and Complaint, be made upon defendants by the Process Servers
9 at the time the seizure provided herein is effected, and that such service shall be
10 deemed good and sufficient.

11 **IT IS FURTHER ORDERED**, that each and every defendant served with a
12 copy of this order promptly, courteously and peaceably identify himself or herself to
13 the aforementioned Process Server and that the Process Server or agents for Plaintiff
14 be allowed to photograph, videotape or otherwise identify the defendant.

15 **IT IS FURTHER ORDERED**, that the Process Server shall offer a receipt to
16 each person from whom goods are seized.

17 **IT IS FURTHER ORDERED**, that any Defendant who is hereafter served
18 with a copy of this Order who objects to the provisions herein may submit his or her
19 objections to this Court or otherwise move for relief from this Court within ten (10)
20 days of the date of seizure according to the Federal Rules of Civil Procedure, but no
21 such objection shall serve to suspend this Order or stay the terms hereof unless
22 otherwise ordered by this Court.

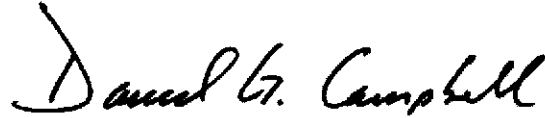
23 **IT IS FURTHER ORDERED**, that all unauthorized items heretofore or
24 hereafter seized in this action be delivered up to the Plaintiff or the persons
25 designated above, pending final disposition of this matter.

26 **IT IS FURTHER ORDERED**, that the bond heretofore deposited with the
27 Clerk of this Court to secure payment of costs incurred in enforcing the provisions
28 of the temporary restraining order and any damages sustained by any party who is

1 found to have been wrongfully enjoined thereby is hereby continued until final
2 disposition of this matter.

3 **IT IS SO ORDERED.**

4 **Dated this 14th day of April, 2009.**

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9 **David G. Campbell**
10 **United States District Judge**

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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

SIGNATURE NETWORK, INC.,

CASE NO. CV F 08-898 LJO SMS

Plaintiff,

**PRELIMINARY INJUNCTION AND
ORDER OF SEIZURE**

vs.

JOHN DOES 1-100, JANE DOES 1-100,
and XYZ COMPANY,

Defendants.

Plaintiff Signatures Network, Inc. ("Plaintiff") having moved for a Preliminary Injunction enjoining and restraining the defendants from manufacturing, selling or distributing merchandise bearing the federally registered trademarks, servicemarks, logos, likenesses or images (collectively, the "Tour's Marks") of the popular musical tour known as "AMERICAN IDOLS LIVE" (the "Tour") and ordering the seizure and impounding of such articles; and service having been effected upon certain defendants at the Tour's performances which have previously occurred; and Plaintiff's application having come on for a hearing before the Honorable Lawrence J. O'Neill on the 10th day of July, 2008, at the United States Courthouse for the Eastern District of California, Fresno and Plaintiff having appeared by its attorney, Cara Burns, and there having been no other appearances;

Now, on presentation and consideration of Plaintiff's application for a preliminary injunction and order of seizure, the declaration in support thereof and all other pleadings and prior proceedings heretofore had herein in this matter, the Court hereby finds:

1 1. By reason of the substantial and continuous use of the trademarks, servicemarks,
2 likenesses, logos, or images of the Tour in connection with the Tour's performance work, said marks
3 have acquired meanings identified with the Tour and with products and services associated with them
4 such as the Tour's Marks;

5 2. The served defendants, and those in active concert or participation with such defendants,
6 have infringed upon Plaintiff's rights in the Tour's trademarks, servicemarks, likenesses, logos, images
7 or other of the Tour's Marks owned and/or controlled by Plaintiff, and have as well committed acts of
8 unfair competition against Plaintiff herein by manufacturing, distributing, offering for sale and selling
9 merchandise bearing any or all of the trademarks, servicemarks, likenesses, logos, and images of the
10 Tour or the Tour's Marks at or near the sites of the Tour's concerts, without having obtained a license
11 or any other authorization to do so, as alleged in the complaint;

12 3. The acts of the defendants, and those in active concert or participation with them,
13 constitute a violation of the United States Trademark Act in that they: a). involve goods or services, b)
14 are activities which affect interstate commerce, and c) infringed the trademarks and/or bear a false
15 designation of the source or origin of such goods or are likely to cause confusion, mistake or deception
16 as to the affiliation, connection, association, sponsorship or approval of Plaintiff and/or the Tour with
17 respect to such goods;

18 4. Defendants, and those in active concern or participation with them, will continue to sell
19 such unauthorized merchandise unless enjoined by the Court; and

20 5. Copies of this Court's Temporary Restraining Order; Order of Seizure; and Order to Show
21 Cause Why a Preliminary Injunction Should Not Issue and the Complaint filed in support of Plaintiff's
22 application in this case have been served upon the defendants and unauthorized, bootleg merchandise
23 has been seized from the defendants;

24 **NOW, THEREFORE, IT IS HEREBY**

25 **ORDERED**, that the defendants, their agents, servants, employees, attorneys, successors, and
26 assigns, and all persons, firms, and corporations acting in active concert or participation with said
27 defendants, are enjoined and restrained from:

28 (A) Using any or all of the trademarks, servicemarks, likenesses, logos, or images of the Tour

Case 1:08-cv-00898-LJO -SMS Document 17 Filed 07/11/08 Page 3 of 4

1 or the Tour's Marks, in connection with the sale, offering for sale, distribution, and/or advertising of any
2 clothing or other merchandise;

3 (B) Manufacturing, distributing, selling, and/or holding for sale any clothing or other
4 merchandise which carries or otherwise uses any or all of the trademarks, servicemarks, tradenames,
5 likenesses, logos, or images of the Tour or the Tour's Marks; or

6 (c) Aiding, abetting, inducing, or encouraging another to perform any of the acts enjoined
7 herein.

8 **IT IS FURTHER ORDERED**, that the U.S. Marshal for this district or for any district in which
9 Plaintiff seeks to enforce this Order in the United States, the state police, local police, local deputy
10 sheriffs or off-duty officers of the same, and any person acting under their supervision (collectively
11 "Process Servers") are hereby similarly authorized to seize and impound any and all unauthorized
12 merchandise bearing any or all of the Tour's Marks, namely the trademarks, servicemarks, likenesses,
13 logos, or images of the Tour "AMERICAN IDOLS LIVE," (including "AMERICAN IDOL") or any
14 colorable imitations or variations thereof, or associated marks which defendants or their agents,
15 employees or representatives attempt to sell or are holding for sale in the vicinity of any of the Tour's
16 performances from six (6) hours before to six (6) hours after any performance of the Tour within a ten
17 (10) mile vicinity of the halls, stadiums or arenas at which the Tour shall be performing or elsewhere
18 where such merchandise is being sold, held for sale or is otherwise found, including in any carton, bag,
19 vehicle, or container in which the merchandise is transported or stored. All clothing, jewelry,
20 photographs, posters and other merchandise bearing any or all of the trademarks, servicemarks,
21 likenesses, logos, or images of the Tour, or any colorable imitations or variations thereof, sold and held
22 for sale in the, vicinity of the arenas or other venues at which the Tour shall be performing, or elsewhere
23 where such merchandise is being sold, held for sale or otherwise found, shall be deemed to be
24 merchandise subject to the seizure provisions of this Order.

25 **IT IS FURTHER ORDERED**, that service of a copy of this Order, together with the Summons
26 and Complaint, be made upon defendants by the Process Servers, at the time of the seizure provided
27 herein is effected and that such service shall be deemed good and sufficient.

28 **IT IS FURTHER ORDERED**, that each and every defendant served with a copy of this order

Case 1:08-cv-00898-LJO -SMS Document 17 Filed 07/11/08 Page 4 of 4

1 promptly, courteously and peaceably identify himself or herself to the aforementioned Process Server
2 and that the Process Server or agents for Plaintiff be allowed to photograph, videotape or otherwise
3 identify the defendant.

4 **IT IS FURTHER ORDERED**, that the Process Server shall offer a receipt to each person from
5 whom goods are seized.

6 **IT IS FURTHER ORDERED**, that any Defendant who is hereafter served with a copy of
7 this Order who objects to the provisions here in may submit his or her objections for this Court
8 or otherwise move for relief from this Court within ten (10) days of the date of seizure according
9 to the Federal Rules of Civil Procedure, but no such objection shall serve to suspend this Order or stay
10 the terms hereof unless otherwise ordered by this Court.

11 **IT IS FURTHER ORDERED**, that all unauthorized items heretofore or hereafter seized in this
12 action be delivered up to the Plaintiff or the persons designated above, pending final disposition of this
13 matter.

14 **IT IS FURTHER ORDERED**, that the bond heretofore deposited with the Clerk of this Court
15 to secure payment of costs incurred in enforcing the provisions of the temporary restraining order and
16 any damages sustained by any party who is found to have been wrongfully enjoined thereby is hereby
17 continued until final disposition of this matter.

18 **IT IS FURTHER ORDERED** that this Preliminary Injunction and Order of Seizure shall expire
19 on **October 10, 2008**, unless this Court modifies the Preliminary Injunction and Order of Seizure. If
20 Plaintiff moves this Court for an extension of time, Defendants shall have the right to appear and oppose
21 Plaintiff's motion.

22 **IT IS FURTHER ORDERED** that Plaintiff shall file a status report with this Court, no later
23 than **August 29, 2008 at 12:00 noon**, to inform this Court whether Plaintiff anticipates the American
24 Idols Live North American Tour to extend beyond September 13, 2008.

25
26 IT IS SO ORDERED.

27 **Dated: July 10, 2008**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

28

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

CINDER BLOCK, INC.	:	
a California Corporation,	:	
	:	
Plaintiff,	:	
	:	Civil Action
vs.	:	No. 08 1293 JKG
	:	
VARIOUS JOHN DOES, individuals,	:	
VARIOUS JANE DOES, individuals,	:	
and XYZ COMPANY, business	:	
entity form unknown, inclusive,	:	
	:	
Defendants.	:	

PRELIMINARY INJUNCTION AND ORDER OF SEIZURE

Plaintiff CINDER BLOCK, INC. ("Plaintiff") having moved for a Preliminary Injunction enjoining and restraining the defendants from manufacturing, selling or distributing merchandise bearing the federally registered trademarks servicemarks, likenesses, or images of the musical artist known as "KID ROCK" (the "Artist") ordering the seizure and impounding of such articles; and service having been effected upon certain defendants at the Artist's concerts which have previously occurred; and Plaintiff's application having come on for a hearing before the undersigned on the 25th day of March, 2008, at the United States Courthouse in the Eastern District of Pennsylvania, and Plaintiff having appeared by its attorneys, and there having been no other appearances;

Now, on presentation and consideration of Plaintiff's application for a preliminary injunction and order of seizure, the declaration in support thereof and all other pleadings and prior proceedings heretofore had herein in this matter, the Court hereby finds:

1. By reason of the substantial and continuous use of the trademarks, servicemarks,

likenesses or images of the Artist in connection with his work as musical performer, said marks have acquired meanings identified with the Artist and with products and services associated with him.

2. The served defendants, and those in active concert or participation with such defendants, have infringed upon Plaintiff's rights in the Artist's trademarks, servicemarks, likenesses, or images exclusively licensed to Plaintiff, and have as well committed acts of unfair competition against Plaintiff herein by manufacturing, distributing, offering for sale and selling merchandise bearing any or all of the trademarks, servicemarks, likenesses, and images of the Artist at or near the sites of the Artist's concerts, without having obtained a license or any other authorization to do so, as alleged in the complaint and shown by the declarations by Alan Sitchon.

3. The acts of the defendants, and those in active concert or participation with them, constitute a violation of the United States Trademark Act in that they: a). involve goods or services, b) are activities which affect interstate commerce, and c) infringe the trademark and/or bear a false designation of the source or origin of such goods and/or are likely to cause confusion, mistake or deception as to the affiliation, connection, association, sponsorship or approval of Plaintiff and/or the Artist with respect to such goods.

4. Defendants, and those in active concert or participation with them, will continue to sell such unauthorized merchandise unless enjoined by the Court.

5. Copies of this Court's Temporary Restraining Order; Order of Seizure; and Order top Show Cause Regarding Why A Preliminary Injunction Should Not Issue and the Complaint

filed in support of Plaintiff's application in this case have been served upon the defendants and unauthorized, "bootleg" merchandise has been seized from the defendants.

ACCORDINGLY,

IT IS ORDERED, that the defendants, their agents, servants, employees, attorneys, successors, and assigns, and all persons, firms, and corporations acting in active concert or participation with said defendants, are enjoined and restrained from:

(A) Using any or all of the trademarks, servicemarks, likenesses, or images of the Artist in connection with the sale, offering for sale, distribution, and/or advertising of any clothing or other merchandise;

(B) Manufacturing, distributing, selling, and/or holding for sale any clothing or other merchandise which bares or otherwise uses any or all of the trademarks, servicemarks, likenesses, or images of the Artist; or

(c) Aiding, abetting, inducing, or encouraging another to perform any of the acts enjoined herein.

IT IS FURTHER ORDERED, that the U.S. Marshal for this district or for any district in which Plaintiff seeks to enforce this Order in the United States, the state police, local police, local deputy sheriffs, off-duty officers of the same, and any person acting under their supervision (collectively "Process Servers"), are hereby similarly authorized to seize and impound any and all unauthorized merchandise bearing any or all of the trademarks, servicemarks, likenesses, or images of the Artist "**KID ROCK**" or any colorable imitations or variations thereof, which defendants or their agents, employees or representatives attempt to sell or are holding for sale in the vicinity of any of the Artist's concerts from six (6) hours before to six (6) hours after any

performance of the Artist within a ten (10) mile vicinity of the halls, stadiums or arenas at which the Artist shall be performing or elsewhere where such merchandise is being sold, held for sale or is otherwise found, including in any carton, bag, vehicle, or container in which the merchandise is transported or stored. All clothing, jewelry, photographs, posters and other merchandise bearing any or all of the trademarks, servicemarks, likenesses, or images of the Artist, or any colorable imitations or variations thereof, sold and held for sale in the vicinity of the arenas or other venues at which the Artist shall be performing, or elsewhere where such merchandise is being sold, held for sale or otherwise found, shall be deemed to be merchandise subject to the seizure provisions of this Order.

IT IS FURTHER ORDERED, that service of a copy of this Order, together with the Summons and Complaint, be made upon defendants by the Process Servers at the time the seizure provided herein is effected, and that such service shall be deemed good and sufficient.

IT IS FURTHER ORDERED, that each and every defendant served with a copy of this Order shall promptly, courteously and peaceably identify himself or herself to the aforementioned Process Server and that the Process Server or agents for Plaintiff be allowed to photograph, videotape or otherwise identify the defendant.

IT IS FURTHER ORDERED, that the Process Server shall offer a receipt to each person from whom goods are seized.

IT IS FURTHER ORDERED, that any Defendant who is hereafter served with a copy of this Order who objects to the provisions herein may submit his or her objections to this Court or otherwise move for relief from this Court within ten (10) days of the date of seizure according to the Federal Rules of Civil Procedure, but no such objection shall serve to suspend this Order

or stay the terms hereof unless otherwise ordered by this Court. Any served defendant may request that this matter be heard in his or her district and Plaintiff will honor that request by either transferring this action or filing a new action in his or her district.

IT IS FURTHER ORDERED, that all unauthorized items heretofore or hereafter seized in this action be delivered up to the Plaintiff or the persons designated above, pending final disposition of this matter.

IT IS FURTHER ORDERED, that the bond heretofore deposited with the Clerk of this Court to secure payment of costs incurred in enforcing the provisions of the temporary restraining order and any damages sustained by any party who is found to have been wrongfully enjoined thereby is hereby continued until final disposition of this matter.

IT IS FURTHER ORDERED that this Preliminary Injunction and Order of Seizure shall expire at 5:00 o'clock p.m., Eastern Standard Time on December 31, 2008 unless on or before that date and time a final injunction has been issued, the within Preliminary Injunction and Order of Seizure has been withdrawn, the within action has been discontinued, or the within injunction and Order has been extended by court Order entered prior to that time.

BY THE COURT

Dated: March 25, 2008

/s/ JAMES KNOLL GARDNER

At: 12:15 o'clock p.m.

**JAMES KNOLL GARDNER
UNITED STATES DISTRICT JUDGE**

Now, on presentation and consideration of Plaintiff's application for a preliminary injunction and order of seizure, the declaration in support thereof and all other pleadings and prior proceedings heretofore had herein in this matter, the Court hereby finds:

1. By reason of the substantial and continuous use of the federally registered trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artist in connection with the artist's work as a musical performing artist, said marks have acquired meanings identified with the Artist and with products and services associated with him such as the Artist's Marks;

2. The served defendants, and those in active concert or participation with such defendants, have infringed upon Plaintiff's rights in the Artist's federally registered trademarks, servicemarks, tradenames, likenesses, logos, images or other Artist's Marks owned and/or controlled by Plaintiff, and have as well committed acts of unfair competition against Plaintiff herein by manufacturing, distributing, offering for sale and selling merchandise bearing any or all of the trademarks, servicemarks, tradenames, likenesses, logos, and images of the Artist or the Artist's Marks at or near the sites of the Artist's concerts, without having obtained a license or any other authorization to do so, as alleged in the complaint;

3. The acts of the defendants, and those in active concert or participation with them, constitute a violation of the United States Trademark Act in that they: a) involve goods or services, b) are activities which affect interstate commerce, and c) infringed the trademarks and/or bear a false designation of the source or origin of such goods or are likely to cause confusion, mistake or deception as to the affiliation,

connection, association, sponsorship or approval of Plaintiff and/or the Artist with respect to such goods;

4. Defendants, and those in active concern or participation with them, will continue to sell such unauthorized merchandise unless enjoined by the Court; and

5. Copies of this Court's Temporary Restraining Order; Order of Seizure; and Order to Show Cause Why a Preliminary Injunction Should Not Issue and the Complaint filed in support of Plaintiff's application in this case have been served upon the defendants and unauthorized, bootleg merchandise has been seized from the defendants;

NOW, THEREFORE, IT IS HEREBY

ORDERED, that the defendants, their agents, servants, employees, attorneys, successors, and assigns, and all persons, firms, and corporations acting in active concert or participation with said defendants, are enjoined and restrained from:

(A) Using any or all of the trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artist or the Artist's Marks, in connection with the sale, offering for sale, distribution, and/or advertising of any clothing or other merchandise;

(B) Manufacturing, distributing, selling, and/or holding for sale any clothing or other merchandise which carries or otherwise uses any or all of the trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artist or the Artist's Marks;
or

(c) Aiding, abetting, inducing, or encouraging another to perform any of the acts enjoined herein.

IT IS FURTHER ORDERED, that the U.S. Marshal for this district or for any district in which Plaintiff seeks to enforce this Order in the United States, the state police, local police, local deputy sheriffs or off-duty officers of the same, and any person acting under their supervision (collectively "Process Servers") are hereby similarly authorized to seize and impound any and all unauthorized merchandise bearing any or all of the trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artist or the Artist's Marks, namely "JIMMY BUFFETT," "MARGARITAVILLE," "CARIBBEAN SOUL" "CORAL REEFER BAND," and "PARROTT HEADS," or any colorable imitations or variations thereof, or associated marks which defendants or their agents, employees or representatives attempt to sell or are holding for sale in the vicinity of any of the Artist's concerts from six (6) hours before to six (6) hours after any performance of the Artist within a ten (10) mile vicinity of the halls, stadiums or arenas at which the Artist shall be performing or elsewhere where such merchandise is being sold, held for sale or is otherwise found, including in any carton, bag, vehicle, or container in which the merchandise is transported or stored. All clothing, jewelry, photographs, posters and other merchandise bearing any or all of the federally registered trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artist, or any colorable imitations or variations thereof, sold and held for sale in the, vicinity of the arenas or other venues at which the Artist shall be performing, or elsewhere where such merchandise is being sold, held for sale or otherwise found, shall be deemed to be merchandise subject to the seizure provisions of this Order.

///

IT IS FURTHER ORDERED, that service of a copy of this Order, together with the Summons and Complaint, be made upon defendants by the Process Servers, at the time of the seizure provided herein is effected and that such service shall be deemed good and sufficient.

IT IS FURTHER ORDERED, that each and every defendant served with a copy of this order promptly, courteously and peaceably identify himself or herself to the aforementioned Process Server.

IT IS FURTHER ORDERED, that the Process Server shall offer a receipt to each person from whom goods are seized.

IT IS FURTHER ORDERED, that any Defendant who is hereafter served with a copy of this Order who objects to the provisions here in may submit his or her objections for this Court or otherwise move for relief from this Court within ten (10) days of the date of seizure according to the Federal Rules of Civil Procedure, but no such objection shall serve to suspend this Order or stay the terms hereof unless otherwise ordered by this Court.

IT IS FURTHER ORDERED, that all unauthorized items heretofore or hereafter seized in this action be delivered up to the Plaintiff or the persons designated above, pending final disposition of this matter.

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Cash
IT IS FURTHER ORDERED, that the ~~bond~~ *previously* deposited with the Clerk of this Court to secure payment of costs incurred in enforcing the provisions of the temporary restraining order and any damages sustained by any party who is found to have been wrongfully enjoined thereby *will be substituted for a surety bond and* is hereby continued until final disposition of this matter.

IT IS SO ORDERED.

Dated: April 30, 2007



 THE HONORABLE VANESSA GILMORE
 UNITED STATES DISTRICT COURT JUDGE

Respectfully submitted,

By:  _____

J. Daniel Harkins
 Attorney-in-Charge
 Texas State Bar No. 09008990
 Southern District of Texas Bar No. 13009
 Bart W. Huffman
 Texas State Bar No. 00790930
 Southern District of Texas No. 18352
 Cox Smith Matthews Incorporated
 112 E. Pecan Street, Suite 1800
 San Antonio, Texas 78205
 Telephone: 210-554-5285
 Facsimile: 210-226-8395

Cara Burns, Esq. (Cal. Bar # 137557)
 Hicks, Mims, Kaplan & Burns
 2800 28th Street, Suite 300
 Santa Monica, California 90405
 Telephone: 310-314-1721
 Facsimile: 310-314-1725
 Request for Re- Admission or to Appear to be filed

YJM

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

F.E.A., INC.,)	
)	
Plaintiff,)	Case No. 06 C 5244
)	
vs.)	Judge Harry D. Leinenweber
)	
VARIOUS JOHN DOES, individuals,)	Magistrate Judge Arlander Keys
VARIOUS JANE DOES, individuals,)	
and XYZ COMPANY, business)	
entity form unknown, inclusive,)	
)	
Defendants.)	

PRELIMINARY INJUNCTION AND ORDER OF SEIZURE

Plaintiff F.E.A., Inc. ("Plaintiff") having moved for a Preliminary Injunction enjoining and restraining the defendants from manufacturing, selling or distributing merchandise bearing the trademarks, servicemarks, tradenames, logos, likenesses or images of the musical group "CHEETAH GIRLS" (the "Artist") and ordering the seizure and impounding of such articles; and service having been effected upon certain defendants at the Artist's concerts which have previously occurred; and Plaintiff's application having come on for a hearing before the Honorable Harry D. Leinenweber on the 12th day of October, 2006, at the United States Courthouse for the Northern District of Illinois, Eastern Division, and Plaintiff having appeared by its attorneys, and there having been no other appearances.

Now, on presentation and consideration of Plaintiff's application for a preliminary injunction and order of seizure, the declaration in support thereof and all other pleadings and prior proceedings heretofore had herein in this matter, the Court hereby finds:

1. By reason of the substantial and continuous use of the trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artist in connection with the artist's work as a musical performing artist, said marks have acquired meanings identified with the Artist and with products and services associated with the Artist;

2. The served defendants, and those in active concert or participation with such defendants, have infringed upon Plaintiff's rights in the Artist's trademarks, servicemarks, tradenames, likenesses, logos, or images owned and/or controlled by Plaintiff, and have as well committed acts of unfair competition against Plaintiff herein by manufacturing, distributing, offering for sale and selling merchandise bearing any or all of the trademarks, servicemarks, tradenames, likenesses, logos, and images of the Artist at or near the sites of the Artist's concerts, without having obtained a license or any other authorization to do so, as alleged in the complaint;

3. The acts of the defendants, and those in active concert or participation with them, constitute a violation of the United States Trademark Act in that they: a) involve goods or services, b) are activities which affect interstate commerce, and c) infringed the trademarks and/or bear a false designation of the source or origin of such goods or are likely to cause confusion, mistake or deception as to the affiliation, connection, association, sponsorship or approval of Plaintiff and/or the Artist with respect to such goods;

4. Defendants, and those in active concern or participation with them, will continue to sell such unauthorized merchandise unless enjoined by the Court; and

5. Copies of this Court's Temporary Restraining Order; Order of Seizure; and Order to Show Re: Preliminary Injunction and the Complaint filed in support of

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Plaintiff's application in this case have been served upon the defendants and unauthorized merchandise has been seized from the defendants;

NOW, THEREFORE, IT IS HEREBY

ORDERED, that the defendants, their agents, servants, employees, attorneys, successors, and assigns, and all persons, firms, and corporations acting in active concert or participation with said defendants, are enjoined and restrained from:

(A) Using any or all of the trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artist, in connection with the sale, offering for sale, distribution, and/or advertising of any clothing or other merchandise;

(B) Manufacturing, distributing, selling, and/or holding for sale any clothing or other merchandise which carries or otherwise uses any or all of the trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artist; or

(c) Aiding, abetting, inducing, or encouraging another to perform any of the acts enjoined herein.

IT IS FURTHER ORDERED, that the U.S. Marshal for this district or for any district in which Plaintiff seeks to enforce this Order in the United States, the state police, local police, local deputy sheriffs or off-duty officers of the same, or Steven Lewis and any person acting under their supervision (collectively "Process Servers") are hereby authorized to seize and impound any and all unauthorized merchandise bearing any or all of the trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artist **CHEETAH GIRLS** or any colorable imitations or variations thereof which defendants or their agents, employees or representatives attempt to sell or are holding for sale in the vicinity of any of the Artist's concerts from six (6) hours before to six (6) hours after any

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performance of the Artist within a ten (10) mile vicinity of the halls, stadiums or arenas at which the Artist shall be performing or elsewhere where such merchandise is being sold, held for sale or is otherwise found, including in any carton, bag, vehicle, or container in which the merchandise is transported or stored. All clothing, jewelry, photographs, posters and other merchandise bearing any or all of the trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artist or any colorable imitations or variations thereof, sold and held for sale in the, vicinity of the arenas or other venues at which the Artist shall be performing, or elsewhere where such merchandise is being sold, held for sale or otherwise found, shall be deemed to be merchandise subject to the seizure provisions of this Order.

IT IS FURTHER ORDERED, that service of a copy of this Order, together with the Summons and Complaint, be made upon defendants by the Process Servers, at the time of the seizure provided herein is effected and that such service shall be deemed good and sufficient.

IT IS FURTHER ORDERED, that each and every defendant served with a copy of this order promptly, courteously and peaceably identify himself or herself to the aforementioned Process Server and that the Process Server or agents for Plaintiff be allowed to photograph, videotape or otherwise identify the defendant.

IT IS FURTHER ORDERED, that the Process Server shall offer a receipt to each person from whom goods are seized.

IT IS FURTHER ORDERED, that any Defendant who is hereafter served with a copy of this Order who objects to the provisions here in may submit his or her objections for this Court or otherwise move for relief from this Court within ten (10) days of the date of

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seizure according to the Federal Rules of Civil Procedure, but no such objection shall serve to suspend this Order or stay the terms hereof unless otherwise ordered by this Court.

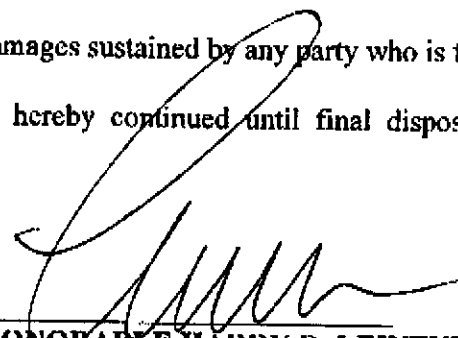
IT IS FURTHER ORDERED, that all unauthorized items heretofore or hereafter seized in this action be delivered up to the Plaintiff or the persons designated above, pending final disposition of this matter.

IT IS FURTHER ORDERED, that the bond heretofore deposited with the Clerk of this Court to secure payment of costs incurred in enforcing the provisions of the temporary restraining order and any damages sustained by any party who is found to have been wrongfully enjoined thereby is hereby continued until final disposition of this matter.

IT IS SO ORDERED.

Dated: October 12, 2006

At: _____ m.


THE HONORABLE HARRY D. LEINENWEBER
UNITED STATES DISTRICT COURT JUDGE

Bart A. Lazar, Esq.
SEYFARTH SHAW LLP
55 East Monroe Street, Suite 4200
Chicago, Illinois 60603
Telephone: (312) 346-8000
Facsimile: (312) 269-8869

Cara R. Burns
HICKS, MIMS, KAPLAN & BURNS
725 South Figueroa Street, Suite 2280
Los Angeles, California 90017
Telephone: (213) 607-2290
Facsimile: (213) 538-1375

Attorneys for Plaintiff, F.E.A., Inc.

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PETER ALPERT, ESQ. (SBN 3488)
2950 East Rochelle Avenue
Las Vegas, Nevada 89121
Telephone: (702) 866-6155
Facsimile: (702) 382-0147

CARA R. BURNS, ESQ. (pro hac vice)
725 South Figueroa Street, Suite 2280
Los Angeles, California 90017
Telephone: (213) 538-1377
Facsimile: (213) 538-1375

Attorneys for Plaintiff,
Signatures Network, Inc.

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SIGNATURES NETWORK, INC.,

Plaintiff,

v.

JOHN DOES 1-100, JANE DOES 1-100
AND XYZ COMPANY,

Defendants.

Case No. CV-S-05-0884 LDG RJJ
LDG
~~PROPOSED~~ PRELIMINARY
INJUNCTION AND ORDER OF
SEIZURE

Plaintiff Signatures Network, Inc. ("Plaintiff") having moved for a Preliminary injunction enjoining and restraining the defendants from manufacturing, selling or distributing merchandise bearing the federally registered trademarks, servicemarks, tradenames, logos, likenesses or images of the musical group "MEGADETH" (the "Artist") and ordering the seizure and impounding of such articles; and service having been effected upon certain defendants at the Artist's concerts which have previously occurred; and Plaintiff's application having come on for a hearing before the Honorable Lloyd D. George on the 1st day of August, 2005. at the United States Courthouse

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1 for the District of Nevada in Las Vegas, and Plaintiff having appeared by its attorneys, and there
2 having been no other appearances;

3 Now, on presentation and consideration of Plaintiff's application for a preliminary
4 injunction and order of seizure, the declaration in support thereof and all other pleadings and prior
5 proceedings heretofore had herein in this matter, the Court hereby finds:

6 1. By reason of the substantial and continuous use of the federally registered
7 trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artist in connection
8 with the group's work as a musical performing group, said marks have acquired meanings
9 identified with the Artist and with products and services associated with the group;

11 2. The served defendants, and those in active concert or participation with such
12 defendants, have infringed upon Plaintiff's rights in the Artist's federally registered trademarks,
13 servicemarks, tradenames, likenesses, logos, or images owned and/or controlled by Plaintiff, and
14 have as well committed acts of unfair competition against Plaintiff herein by manufacturing,
15 distributing, offering for sale and selling merchandise bearing any or all of the trademarks,
16 servicemarks, tradenames, likenesses, logos, and images of the Artist at or near the sites of the
17 Artist's concerts, without having obtained a license or any other authorization to do so, as alleged
18 in the complaint;

20 3. The acts of the defendants, and those in active concert or participation with them,
21 constitute a violation of the United States Trademark Act in that they: a) involve goods or
22 services, b) are activities which affect interstate commerce, and c) infringed the trademarks and/or
23 bear a false designation of the source or origin of such goods or are likely to cause confusion,
24 mistake or deception as to the affiliation, connection, association, sponsorship or approval of
25 Plaintiff and/or the Artist with respect to such goods;

27 4. Defendants, and those in active concern or participation with them, will continue to
28 sell such unauthorized merchandise unless enjoined by the Court; and

1 5. Copies of this Court's Temporary Restraining Order; Order of Seizure; and Order to
2 Show Re: Preliminary Injunction and the Complaint filed in support of Plaintiff's application in
3 this case have been served upon the defendants and unauthorized. bootleg merchandise has been
4 seized from the defendants;

5 **NOW, THEREFORE, IT IS HEREBY**

6 **ORDERED**, that the defendants, their agents, servants, employees, attorneys, successors,
7 and assigns, and all persons, firms, and corporations acting in active concert or participation with
8 said defendants, are enjoined and restrained from:
9

10 (A) Using any or all of the trademarks, servicemarks, tradenames, likenesses, logos, or
11 images of the Artist, in connection with the sale, offering for sale, distribution, and/or advertising
12 of any clothing or other merchandise;

13 (B) Manufacturing, distributing, selling, and/or holding for sale any clothing or other
14 merchandise which carries or otherwise uses any or all of the trademarks, servicemarks,
15 tradenames, likenesses, logos, or images of the Artist; or
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17 (C) Aiding, abetting, inducing, or encouraging another to perform any of the acts
18 enjoined herein.

19 **IT IS FURTHER ORDERED**, that the U.S. Marshal for this district or for any district in
20 which Plaintiff seeks to enforce this Order in the United States, the state police, local police, local
21 deputy sheriffs or off-duty officers of the same, or Peter Weber and any person acting under their
22 supervision (collectively "Process Servers") are hereby similarly authorized to seize and impound
23 any and all unauthorized merchandise bearing any or all of the trademarks, servicemarks,
24 tradenames, likenesses, logos, or images of the Artist "**MEGADETH**," or any individual member,
25 or any associated mark, such as "**GIGANTOUR**," or any colorable imitations or variations
26 thereof, or associated marks which defendants or their agents, employees or representatives
27 attempt to sell or are holding for sale in the vicinity of any of the Artist's concerts from six (6)
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1 hours before to six (6) hours after any performance of the Artist within a ten (10) mile vicinity of
2 the halls, stadiums or arenas at which the Artist shall be performing or elsewhere where such
3 merchandise is being sold, held for sale or is otherwise found, including in any carton, bag,
4 vehicle, or container in which the merchandise is transported or stored. All clothing, jewelry,
5 photographs, posters and other merchandise bearing any or all of the federally registered
6 trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artist, or any colorable
7 imitations or variations thereof, sold and held for sale in the, vicinity of the arenas or other venues
8 at which the Artist shall be performing, or elsewhere where such merchandise is being sold, held
9 for sale or otherwise found, shall be deemed to be merchandise subject to the seizure provisions of
10 this Order.
11

12 **IT IS FURTHER ORDERED**, that service of a copy of this Order, together with the
13 Summons and Complaint, be made upon defendants by the Process Servers, at the time of the
14 seizure provided herein is effected and that such service shall be deemed good and sufficient.
15

16 **IT IS FURTHER ORDERED**, that each and every defendant served with a copy of this
17 order promptly, courteously and peaceably identify himself or herself to the aforementioned
18 Process Server and that the Process Server or agents for Plaintiff be allowed to photograph,
19 videotape or otherwise identify the defendant.

20 **IT IS FURTHER ORDERED**, that the Process Server shall offer a receipt to each person
21 from whom goods are seized.
22


23 **IT IS FURTHER ORDERED**, that any Defendant who is hereafter served with a copy of
24 this Order who objects to the provisions here in may submit his or her objections for this Court or
25 otherwise move for relief from this Court within ten (10) days of the date of seizure according to
26 the Federal Rules of Civil Procedure, but no such objection shall serve to suspend this Order or
27 stay the terms hereof unless otherwise ordered by this Court.
28

1 **IT IS FURTHER ORDERED**, that all unauthorized items heretofore or hereafter seized
2 in this action be delivered up to the Plaintiff or the persons designated above, pending final
3 disposition of this matter.

4 **IT IS FURTHER ORDERED**, that the bond heretofore deposited with the Clerk of this
5 Court to secure payment of costs incurred in enforcing the provisions of the temporary restraining
6 order and any damages sustained by any party who is found to have been wrongfully enjoined
7 thereby is hereby continued until final disposition of this matter.


8
9 **IT IS SO ORDERED.**

10 Dated August 1, 2005
11 At: 9:45 a.m.



12 **THE HONORABLE LLOYD D. GEORGE**
13 **UNITED STATES DISTRICT COURT JUDGE**

14 Presented By:



15 **PETER ALPERT, ESQ. (SBN 3488)**
16 **2950 East Rochelle Avenue**
17 **Las Vegas, Nevada 89121**
18 **Telephone: (702) 866-6155/Facsimile: (702) 382-0147**

19 **CARA R. BURNS, ESQ.**
20 **725 South Figueroa Street, Suite 2280**
21 **Los Angeles, CA 90017/Tel: (213) 538-1370/Fax: (213) 538-1375**

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 DISTRICT OF NEVADA

BY: _____ DEPUTY

1 PETER ALPERT, ESQ. (SBN 3488)
 2 2950 East Rochelle Avenue.
 3 Las Vegas, Nevada 89121
 Telephone: (702) 866-6155
 Facsimile: (702) 382-0147

4 CARA R.BURNS, ESQ. (pro hac vice requested)
 5 725 South Figueroa Street, Suite 2280
 Los Angeles, California 90017
 Telephone: (213) 538-1370
 6 Facsimile: (213) 538-1375

7 Attorneys for Plaintiff,
 8 Signatures Network, Inc.

10 UNITED STATES DISTRICT COURT
 11 DISTRICT OF NEVADA

13 SIGNATURES NETWORK, INC.,)
)
 14 Plaintiff,)
)
 15 v.)
)
 16 JOHN DOES 1-100, JANE DOES 1-100)
 AND XYZ COMPANY,)
 17 Defendants.)
 18

Case No. CV-S-05-0884 LDG RJJ
 DECLARATION OF PETER
 WEBER IN SUPPORT OF
 PRELIMINARY INJUNCTION

19
 20 I, PETER WEBER, hereby declare as follows:

21 1. I make this declaration in support of Signatures Network, Inc.'s ("Plaintiff")
 22 request that a preliminary injunction and order of seizure issue in the above referenced matter.

23 2. I have personal knowledge of the facts set forth herein and am authorized by
 24 Plaintiff to make this declaration. If called as a witness, I could and would be able to testify
 25 competently to such facts.

26 3. I make this declaration to inform the Court about the service of the Temporary
 27 Restraining Order; Order of Seizure; and Order to Show Cause Re: Preliminary Injunction (the
 28

1 "Order") previously issued by this Court and to support Plaintiff's request for a nationwide
2 preliminary injunction and order of seizure be issued. The Order was issued to allow the seizure of
3 unauthorized Tour Merchandise, as known as "Bootleg Merchandise" or "Unauthorized
4 Merchandise," that contains the federally registered name, likenesses and tour logos of the popular
5 recording group "MEGADETH" (the "Artist").

6 4. I am responsible for, among other duties, coordinating the seizure of Bootleg
7 Merchandise pursuant to the Order. Defendants, also known as Bootleggers, have plagued the past
8 tours of the Artist. Plaintiff has obtained for these and for other artists orders similar to the order
9 that Plaintiff requests the Court to issue, to allow Plaintiff to seize Bootleg Merchandise for the
10 duration of the tour.

12 5. As expected, the defendant Bootleggers appeared with the Bootleg Merchandise at
13 the Artist's performance. We seized over One Hundred Twenty (120) bootleg T-shirts and other
14 Bootleg Merchandise since this Court has issued the Order. True and correct copies of some of
15 the proofs of service and receipts for goods seized are attached hereto as Exhibit "A." Plaintiff's
16 attorneys received samples of the Bootleg Merchandise we seized and original authorized
17 merchandise for use in connection with these proceedings.

19 6. We have noticed that many shirts contain the name of the tour "GIGANTOUR."
20 The Artist has a currently pending federal registration for this mark, GIGANTOUR, Federal Serial
21 number 78630101, for use in connection with clothing, tours and other uses. The Artist has
22 licensed to Plaintiff the exclusive right to use this mark on clothing and other goods sold during
23 the tour.

25 7. Almost all of the Defendants refused to identify themselves when served with the
26 Order and the other documents and they do not carry any identification. In addition, many of the
27 Defendants refused to accept a copy of the Order and the receipt. Often the Bootleggers, when
28 approached by the officer or process server, would ask if the officer/server had an injunction or

1 order. When the officer/server responded in the affirmative and tried to serve the Order, the
2 Bootleggers would hand over or drop the Bootleg Merchandise (and the Order just served on
3 them) and then walk or run away before the officer/server could give to them a receipt.

4 8. As has been my experience with past tours of other artists, it is expected that these
5 Bootleggers will travel to each of the upcoming performances of the Artist. I have already seen
6 some of the defendants served at one performance appear at another performance on the tour
7 selling Bootleg Merchandise. Most of the unauthorized T-shirts seized were identical or nearly
8 identical to each other. Some of the T-shirts are "professional quality" and appear to have been
9 produced in quantity and originated from a common source. All of the individuals from whom the
10 Bootleg Merchandise was seized circulated in the crowd as the audiences were entering the arenas.
11 Because they sold their goods before the show, they preempted Plaintiff's opportunity to sell
12 authorized merchandise within the venue itself. Also some Bootleggers have brought the Bootleg
13 Merchandise into the venue.
14

15 9. As stated in my previous declaration, in all of the matters I have handled since
16 joining Plaintiff many years ago, I am not aware of any Bootlegger appearing in any action filed
17 by Plaintiff, though thousands of people have been served and thousands of pieces of Bootleg
18 Merchandise have been seized.
19

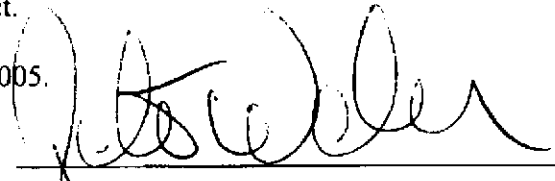
20 10. As previously discussed, the Artist is extremely popular and the performances on
21 the tour are completely sold out. Therefore, due to the popularity of the tour, additional dates are
22 in the process of being added. Should the Court so require, we will inform the Court periodically
23 of these additional dates as they are added to the schedule.
24

25 11. Based upon the foregoing, Plaintiff is requesting that the Court extend the effect of
26 the Order and grant a preliminary injunction binding upon all persons served with process, and on
27 any other persons acting in concert with them, from selling Bootleg Merchandise on the tour, and
28 allowing Plaintiff to seize such unauthorized merchandise.

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I declare under the penalty of perjury under the laws of the United States and the state of Nevada that the foregoing is true and correct.

Executed this ___th day of August, 2005.



PETER WEBER

SERVICE OF PROCESS AND RECEIPT FOR GOODS SEIZED

I, the undersigned below, being over 18 years of age and not a party to this action, a United States Marshal, state police officer, local police officer, local deputy sheriff, or off-duty officer of the same, or a person acting under their supervision, served a copy of the Complaint and the Temporary Restraining Order, Order of Seizure Order and Order to Show Cause Re: Preliminary Injunction and seized unauthorized goods from the individual listed below.

NAME AND ADDRESS OF PERSON FROM WHOM THINGS WERE SEIZED

James Seblak
4228 Stanley St
Little PA 15467

DATE: 7-22-05

PLACE: Las Vegas / Thomas Mack

ITEM

QUANTITY

T-SHIRTS & JERSEYS

39

HATS

OTHER (Please specify)

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

[Signature]
Signature of Server

SERVICE OF PROCESS AND RECEIPT FOR GOODS SEIZED

I, the undersigned below, being over 18 years of age and not a party to this action, a United States Marshal, state police officer, local police officer, local deputy sheriff, or off-duty officer of the same, or a person acting under their supervision, served a copy of the Complaint and the Temporary Restraining Order, Order of Seizure and Order to Show Cause Re: Preliminary Injunction and seized unauthorized goods from the individual listed below.

NAME AND ADDRESS OF PERSON FROM WHOM THINGS WERE SEIZED

John Doe
No ID

DATE: 7-22-05

PLACE: Las Vegas / Thomas Mack

ITEM

QUANTITY

T-SHIRTS & JERSEYS

15

HATS

OTHER (Please specify)

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

[Signature]
Signature of Server

SERVICE OF PROCESS AND RECEIPT FOR GOODS SEIZED

I, the undersigned below, being over 18 years of age and not a party to this action, a United States Marshal, state police officer, local police officer, local deputy sheriff, or off-duty officer of the same, or a person acting under their supervision, served a copy of the Complaint and the Temporary Restraining Order, Order of Seizure and Order to Show Cause Re: Preliminary Injunction and seized unauthorized goods from the individual listed below.

NAME AND ADDRESS OF PERSON FROM WHOM THINGS WERE SEIZED

John Doe
No T.D. 5'10" Brown hair
Cheny

DATE: 7-22-05

PLACE: Las Vegas / Thomas Mack

ITEM

QUANTITY

T-SHIRTS & JERSEYS

10

HATS

OTHER (Please specify)

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

[Signature]
Signature of Server

SERVICE OF PROCESS AND RECEIPT FOR GOODS SEIZED

I, the undersigned below, being over 18 years of age and not a party to this action, a United States Marshal, state police officer, local police officer, local deputy sheriff, or off-duty officer of the same, or a person acting under their supervision, served a copy of the Complaint and the Temporary Restraining Order, Order of Seizure and Order to Show Cause Re: Preliminary Injunction and seized unauthorized goods from the individual listed below.

NAME AND ADDRESS OF PERSON FROM WHOM THINGS WERE SEIZED

John Doe
No T.D.

DATE: 7-22-05

PLACE: Las Vegas / Thomas Mack

ITEM

QUANTITY

T-SHIRTS & JERSEYS

7

HATS

OTHER (Please specify)

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

[Signature]
Signature of Server

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SIGNATURES NETWORK, INC.	:	
	:	
Plaintiff,	:	
	:	Civil Action No.: 03-1012
v.	:	
	:	Document No.: 1
JOHN DOES 1-100, individuals,	:	
JANE DOES 1-100, individuals,	:	
XYZ COMPANY, business	:	
entity form unknown, inclusive,	:	
	:	
Defendants.	:	

MEMORANDUM ORDER

**GRANTING THE PLAINTIFF'S APPLICATION FOR A PRELIMINARY INJUNCTION
AND ORDER OF SEIZURE**

This matter comes before the court on the application of plaintiff Signatures Network, Inc. ("the plaintiff") for a preliminary injunction enjoining and restraining John Does, Jane Does and XYZ Company (collectively, "the defendants") from manufacturing, selling or distributing merchandise bearing the federally registered trademarks, servicemarks, likenesses, tradenames, or tour logos of the musical group known as "FLEETWOOD MAC" comprised of "LINDSEY BUCKINGHAM," MICK FLEETWOOD," "JOHN MCVIE," and "STEVIE NICKS" (collectively, "the Artist") and ordering the seizure and impounding of such merchandise. Because the plaintiff has demonstrated that it has a substantial likelihood of success on the merits, that it would suffer irreparable injury if the injunction is not granted, that the injunction would not substantially injure other interested parties, and that the public interest would be furthered by the injunction, the court grants the plaintiff's application.

I. BACKGROUND

Signatures Network, Inc., engages in the business of manufacturing, distributing, and selling authorized merchandise – such as t-shirts, jerseys, sweatshirts, and posters – that bear the names, likenesses, and copyrights owned by popular musicians and performers. Pl.'s Application at 2, Weber Decl. ¶ 3. The plaintiff has the exclusive right to sell tour merchandise for the group Fleetwood Mac during its just-commenced 32-city tour. *Id.* at 2, Weber Decl. ¶ 4. The defendants are unknown and unnamed individuals who sell unauthorized tour merchandise near the venues at which Fleetwood Mac will perform. *Id.* at 1, Weber Decl. ¶ 10.

On May 8, 2003, the plaintiff filed an *ex parte* application for a temporary restraining order, order of seizure, and order to show cause why a preliminary injunction should not issue. On May 9, 2003, this court granted the plaintiff's application and directed the defendants to show cause why a preliminary injunction should not issue. Order dated May 9, 2003. On the same day, the plaintiff served a copy of the complaint and the court's May 9, 2003 order on certain defendants at the MCI Center in Washington, D.C., the Artist's first concert venue on its 2003 tour. Second Weber Decl. ¶ 6, Ex. A. On May 13, 2003, this court held a preliminary injunction hearing, at which the plaintiff appeared but the served defendants failed appear.

II. ANALYSIS

The standard for interim injunctive relief in trademark cases is the same standard applied in other cases. *Appleseed Found. Inc. v. Appleseed Inst., Inc.*, 981 F. Supp. 672, 674 (D.D.C. 1997). Accordingly, this court may issue interim injunctive relief only when the movant demonstrates:

- (1) a substantial likelihood of success on the merits, (2) that it would suffer irreparable injury if the injunction is not granted, (3) that an injunction would not

substantially injure other interested parties, and (4) that the public interest would be furthered by the injunction.

Mova Pharm. Corp. v. Shalala, 140 F.3d 1060, 1066 (D.C. Cir. 1998).

Upon consideration of the plaintiff's application for a preliminary injunction and order of seizure, supporting declarations, other submissions, and the statements made and exhibits presented at court's May 13, 2003 hearing, the court concludes that the plaintiff has met the four prongs of the test for interim injunctive relief.

First, the plaintiff has demonstrated a substantial likelihood of success on the merits of its false-designation-of-origin and trademark-infringement claims under the Lanham Act. To succeed on the first claim, a plaintiff "generally must show that it has a valid and protectable mark and that the defendant's conduct is likely to cause confusion concerning the source or sponsorship of the goods or services in question." *Register.Com, Inc. v. Domain Registry of Am., Inc.*, 2002 WL 31894625, at *8 (S.D.N.Y. Dec. 20, 2002). In this case, as a federally registered trademark, "Fleetwood Mac" is a valid and protectable mark. Pl.'s Application at 2-3; Weber Decl. ¶ 7. Moreover, the likelihood of confusion is high, as the strength of the Artist's mark is great, the similarity between the Artist's mark and the defendants' marks is great, and the defendants' merchandise is in close proximity to the plaintiff's goods. Pl.'s Application at 3, 6, 8; see *Polaroid Corp. v. Polarad Elecs. Corp.*, 287 F.2d 492, 495 (2d Cir. 1961); see also *Basile, S.p.A. v. Basile*, 899 F.2d 35, 37 (D.C. Cir. 1990). The plaintiff therefore has shown a substantial likelihood of success on the merits of its false-designation-of-origin claim.

Because the plaintiff has demonstrated a substantial likelihood of success on its false-designation-of-origin claim, the court only briefly addresses the merits of the plaintiff's trademark-infringement claim. *Cf. Appleseed Found.*, 981 F. Supp. at 676. To succeed on such a claim, the plaintiff must show "(1) that it owns a valid trademark, (2) that the mark is

distinctive on its own or that it has acquired a secondary meaning, and (3) that there is a likelihood of confusion." *Appleseed Found.*, 981 F. Supp. at 676. The facts suggest that, as the exclusive licensee of the "Fleetwood Mac" mark, the plaintiff likely has standing to bring the trademark-infringement claim. Weber Decl. ¶ 4; *Calvin Klein Jeanswear Co. v. Tunnel Trading*, 2001 WL 1456577, at *4 (S.D.N.Y. Nov. 16, 2001). By the substantial and continuous use of the trademarks, trade names, logos, likenesses, or images of the Artist in connection with its work as a musical performing artist, the Artist's marks have acquired meanings identified with the Artist and with associated products and services. *E.g.*, *EMI Catalogue P'ship v. Hill, Holliday, Connors, Cosmopulos Inc.*, 228 F.3d 56, 63 (2d Cir. 2000) (describing the types of artistic expression protected by the Lanham Act). Finally, as already noted, there is a strong likelihood of confusion among consumers. *Polaroid Corp.*, 287 F.2d at 495. Accordingly, the plaintiff has shown a substantial likelihood of success on the merits of both claims, and therefore meets the first prong of the four-part test.

Second, the plaintiff has shown that it would suffer irreparable injury if the injunction is not granted. "In Lanham Act cases involving trademark infringement, a presumption of irreparable injury is generally applied once the plaintiff has demonstrated a likelihood of confusion, the key element in an infringement case." *Scotts Co. v. United Indus. Corp.*, 315 F.3d 264, 273 (4th Cir. 2002); *Genesee Brewing Co. v. Stroh Brewing Co.*, 124 F.3d 137, 142 (2d Cir. 1997). Because the plaintiff has demonstrated a likelihood of confusion, it therefore has shown irreparable injury.

Finally, the plaintiff has demonstrated that an injunction would not substantially injure other interested parties, and that the public interest would be furthered by the injunction. As set forth by the plaintiff, the facts show that any loss to the defendants appears insubstantial, and is

outweighed by the harm to the plaintiff. Pl.'s Application at 9; Second Weber Decl. ¶¶ 6, 12; Ex. A.; *Corning Glass Works v. Jeannette Glass Co.*, 308 F. Supp. 1321, 1328 (S.D.N.Y. 1970).

Moreover, an injunction against the sale or distribution of the defendants' merchandise would further the public interest, as "the purpose of the Lanham Act . . . is to secure the public's interest in protection against deceit as to the sources of its purchases." *Fabrication Enters., Inc. v.*

Hygenic Corp., 64 F.3d 53, 57 (2d Cir. 1995); *see also Conopco, Inc. v. Campbell Soup Co.*, 95 F.3d 187, 193 (2d Cir. 1996).

Accordingly, it is this 18th day of May, 2003, hereby:

ORDERED that the defendants, their agents, servants, employees, attorneys, successors, and assigns, and all persons, firms, and corporations acting in active concert or participation with said defendants, are enjoined and restrained from:

- a. using any or all of the trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artist in connection with the sale, offering for sale, distribution, and/or advertising of any clothing or other merchandise;
- b. manufacturing, distributing, selling, and/or holding for sale any clothing or other merchandise which carries or otherwise uses any or all of the trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artist; or
- c. aiding, abetting, inducing, or encouraging another to perform any of the acts enjoined herein; and it is

FURTHER ORDERED that the United States Marshal for this district or any district in which the plaintiff seeks to enforce this order, the state police, local police, local deputy sheriffs or off-duty officers of the same are hereby similarly authorized to seize and impound any and all unauthorized merchandise bearing any or all of the trademarks, servicemarks, likenesses,

tradenames, or tour logos of the Artist "FLEETWOOD MAC," and/or that of its individual members "LINDSEY BUCKINGHAM," MICK FLEETWOOD," "JOHN MCVIE," and "STEVIE NICKS," or any colorable imitations or variations thereof, which defendants or their agents, employees or representatives attempt to sell or are holding for sale in the vicinity of any of the Artist's concerts from six (6) hours before to four (4) hours after any performance of the Artist within a ten (10) mile vicinity of the halls, stadiums or arenas at which the Artist shall be performing or elsewhere where such merchandise is being sold, held for sale or is otherwise found, including in any carton, container, vehicle, or other means of carriage in which the merchandise is transported or stored. All clothing, jewelry, photographs, posters and other merchandise bearing any or all of the trademarks, servicemarks, likenesses, tradenames, or tour logos of the Artist, "FLEETWOOD MAC," and/or that of its individual members "LINDSEY BUCKINGHAM," MICK FLEETWOOD," "JOHN MCVIE," and "STEVIE NICKS," or any colorable imitations or variations thereof, sold and held for sale in the vicinity of the arenas or other venues at which the Artist shall be performing, or elsewhere where such merchandise is being sold, held for sale or otherwise found, shall be deemed to be merchandise subject to the seizure provisions of this order; and it is

ORDERED that service of a copy of this order, together with the summons and complaint, be made upon defendants by the process servers at the time of the seizure provided herein is effected and that such service shall be deemed good and sufficient; and it is

FURTHER ORDERED that each and every defendant served with a copy of this order promptly, courteously and peaceably identify himself or herself to the aforementioned process server and that the process server or agents for the plaintiff be allowed to photograph, videotape or otherwise identify the defendant; and it is

ORDERED that the process server shall offer a receipt to each person from whom goods are seized; and it is

FURTHER ORDERED that any defendant who is hereafter served with a copy of this order who objects to the provisions here in may submit his or her objections for this court or otherwise move for relief from this court within thirty (30) days of the date of seizure according to the Federal Rules of Civil Procedure, but no such objection shall serve to suspend this order or stay the terms hereof unless otherwise ordered by this court; and it is

ORDERED that during the pendency of the preliminary injunction all unauthorized items heretofore or hereafter seized in this action be delivered up to the plaintiff, who shall be deemed substitute custodian, pending final disposition of this matter; and it is

FURTHER ORDERED that the bond in the amount of Ten Thousand Dollars (\$10,000) heretofore deposited with the Clerk of this Court to secure payment of costs incurred in enforcing the provisions of the temporary restraining order and any damages sustained by any party who is found to have been wrongfully enjoined thereby is hereby continued until final disposition of this matter; and it is

ORDERED that the plaintiff shall submit regular status reports to the court, with the first report due by September 15, 2003; the second report due by January 15, 2004; and the third report (if necessary) due by May 15, 2004.

IT IS SO ORDERED.

RICARDO M. URBINA
United States District Judge

Now, on presentation and consideration of Giant's application for a preliminary injunction and order of seizure, the declaration in support thereof and all other pleadings and prior proceedings heretofore had herein in this matter, the Court hereby finds:

1. By reason of the substantial and continuous use of the trademarks, tradenames, logos, likenesses or images of the Artists in connection with their work as musical performers, said marks have acquired meanings identified with the Artists and with products and services associated with them;
2. The served defendants, and those in active concert or participation with such defendants, have infringed upon Giant's rights in the Artists' trademarks, servicemarks, tradenames, likenesses, logos, or images owned and/or controlled by Giant, and have as well committed acts of unfair competition against Giant herein by manufacturing, distributing, offering for sale and selling merchandise bearing any or all of the trademarks, servicemarks, names, likenesses, logos, and tradenames of the Artists at or near the sites of the Artists' concerts, without having obtained a license or any other authorization to do so, as alleged in the complaint;
3. The acts of the defendants, and those in active concert or participation with them, constitute a violation of the United States Trademark Act in that they:
 - A. involve goods or services,
 - B. are activities which affect interstate commerce, and
 - C. bear a false designation of the source or origin of such goods or are likely to cause confusion, mistake or deception as to the affiliation, connection, association, sponsorship or approval of Giant and/or the Artists with respect to such goods;
4. Defendants, and those in active concern or participation with them, will continue to sell such unauthorized merchandise unless enjoined by the Court; and

5. Copies of this Court's January 19, 2001 Order to Show Cause on Application for: Temporary Restraining Order; Order of Seizure; and Order to Show Cause re: Preliminary Injunction and Complaint filed in support of Giant's application in this case have been served upon the defendants and unauthorized, bootleg merchandise has been seized from the defendants;

NOW, THEREFORE, IT IS HEREBY

ORDERED, that the defendants, their agents, servants, employees, attorneys, successors, and assigns, and all persons, firms, and corporations acting in active concert or participation with said defendants, are enjoined and restrained from:

(A) Using any or all of the trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artists, in connection with the sale, offering for sale, distribution, and/or advertising of any clothing or other merchandise;

(B) Manufacturing, distributing, selling, and/or holding for sale any clothing or other merchandise which carries or otherwise uses any or all of the trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artists; or

© Aiding, abetting, inducing, or encouraging another to perform any of the acts enjoined herein.

IT IS FURTHER ORDERED, that the United States Marshal for this district or for any district in which Giant seeks to enforce this Order, the state police, local police, local deputy sheriffs or off-duty officers of the same, Thomas Donnell and any person acting under their supervision (collectively "Process Servers") are hereby similarly authorized to seize and impound any and all unauthorized merchandise bearing any or all of the trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artists, or any colorable imitations or variations thereof, or associated marks which defendants or their agents, employees or representatives attempt to sell or are holding for sale in the vicinity of any of the Artists'

concerts from ten (6) hours before to six (6) hours after any performance of the Artists within a ten (10) mile vicinity of the halls, stadiums or arenas at which the Artists shall be performing or elsewhere where such merchandise is being sold, held for sale or is otherwise found, including in any carton, bag, vehicle, or container in which the merchandise is transported or stored. All clothing, jewelry, photographs, posters and other merchandise bearing any or all of the trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artists, or any colorable imitations or variations thereof, sold and held for sale in the vicinity of the arenas or other venues at which the Artists shall be performing, or elsewhere where such merchandise is being sold, held for sale or otherwise found, shall be deemed to be merchandise subject to the seizure provisions of this Order.

IT IS FURTHER ORDERED, that service of a copy of this Order, together with the Summons and Complaint, be made upon defendants by the Process Servers, at the time of the seizure provided herein is effected and that such service shall be deemed good and sufficient.

IT IS FURTHER ORDERED, that each and every defendant served with a copy of this order promptly, courteously and peaceably identify himself or herself to the aforementioned Process Server and that the Process Server or agents for Giant be allowed to photograph, videotape or otherwise identify the defendant.

IT IS FURTHER ORDERED, that the Process Server shall offer a receipt to each person from whom goods are seized.

IT IS FURTHER ORDERED, that any Defendant who is hereafter served with a copy of this Order who objects to the provisions here in may submit his or her objections for this Court or otherwise move for relief from this Court within ten (10) days of the date of seizure according to the Federal Rules of Civil Procedure, but no such objection shall serve to suspend this Order or stay the terms hereof unless otherwise ordered by this Court.

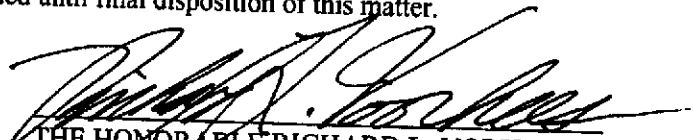
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IT IS FURTHER ORDERED, that all unauthorized items heretofore or hereafter seized in this action be delivered up to the Giant or the persons designated above, pending final disposition of this matter.


IT IS FURTHER ORDERED, that the bond in the amount of Ten Thousand Dollars (\$10,000) heretofore deposited with the Clerk of this Court to secure payment of costs incurred in enforcing the provisions of the temporary restraining order and any damages sustained by any party who is found to have been wrongfully enjoined is hereby continued until final disposition of this matter.

Dated: February 7, 2001

at: 9:35 a.m.


THE HONORABLE RICHARD L. VORHEES
United States District Judge

Presented by:
GIANT MERCHANDISING
By Its Attorneys


CARA R. BURNS, ESQ.
12100 Wilshire Boulevard, Suite 350
Los Angeles, California 90025
Telephone: (310) 428-6796
Facsimile: (310) 444-9454

2/24/12

CM/ECF - DC V4.2 (December 2011)

BROWN, CASE-CLOSED

**U.S. District Court
Middle District of Tennessee (Nashville)
CIVIL DOCKET FOR CASE #: 3:00-cv-00402**

McGraw v. Various John Does, et al
Assigned to: District Judge Aleta A. Trauger
Demand: \$0
Cause: 15:1125 Trademark Infringement (Lanham Act)

Date Filed: 04/27/2000
Date Terminated: 07/03/2001
Jury Demand: None
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff**Tim McGraw**

represented by **S. Ralph Gordon**
S. Ralph Gordon, P.C.
1407 Tyne Boulevard
Nashville, TN 37215
(615) 371-0712
Fax: (615) 371-9618
Email: srg1@att.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Russell Alexander Jones , Jr.
Gordon, Martin, Jones & Harris
49 Music Square, W
Suite 600
Nashville, TN 37203
(615) 321-5400
ATTORNEY TO BE NOTICED

V.

Defendant**Various John Does****Defendant****Various Jane Does**

Date Filed	#	Docket Text
04/27/2000	1	COMPLAINT (Summons(es) issued); Filing fee paid in the amount of: \$150 Receipt # 73826 (af) (Entered: 05/01/2000)

2/24/12

CM/ECF - DC V4.2 (December 2011)

04/27/2000	2	MOTION by pltf Tim McGraw for temporary restraining order (af) (Entered: 05/01/2000)
04/27/2000	3	MEMORANDUM (w/ attachments) by pltf Tim McGraw in support of motion for temporary restraining order [2-1] (af) (Entered: 05/01/2000)
04/28/2000	4	CLERK'S RESUME ; TRO hearing held 4/28/00; TRO granted; Order to enter; Preliminary injunction hearing set for 2:30 p.m. on 5/1/00 C/R : Becky Cole (af) (Entered: 05/01/2000)
05/01/2000	5	TEMPORARY RESTRAINING ORDER by Judge Aleta A. Trauger: defts, etc. and all those acting in concert or participation with them are temporarily enjoined and restrained under FRCP 65(b) from distributing, and/or selling merchandise or other products bearing the name and/or likeness of Tim McGraw in connection with pltf's concert appearance at the Adelphia Coliseum in Nashville on 4/30/00; this tro will be in effect from its entry until 5/1/00 @ 3:00 p.m.; pltf is required to post a \$10,000 bond with the Clerk; upon issuance of this Order, pltf is required to contact the Metro Nashville Police Dept officer in charge of the security for the Adelphia Coliseum and provide him with a copy of this Order. (cc: all counsel, Financial) EOD 5/1/00 (bj) (Entered: 05/01/2000)
05/01/2000	6	CLERK'S RESUME: Preliminary Injunction held 5/1/00 ; C/R: Becky Cole. Hrg on prel inj 6/23/00; Gordon to draw inj order and submit addt'l authority on what he wants and submit injunctions-(copies) from other cases. (bj) (Entered: 05/02/2000)
05/04/2000		REMARK; Receipt of \$10,000 Bond from pltf (bj) (Entered: 05/04/2000)
05/08/2000		PROPOSED Preliminary Injunction and Order of Seizure. (bj) (Entered: 05/09/2000)
05/08/2000	7	MEMORANDUM by pltf in support of proposed order. (att'd exhibits A-Q) (bj) (Entered: 05/09/2000)
05/08/2000	8	RETURN OF SERVICE executed personally as to John F. Watson on 4/30/00. (bj) (Entered: 05/09/2000)
05/08/2000	9	RETURN OF SERVICE executed personally as to Percy Hewitt Caines on 4/30/00. (bj) (Entered: 05/09/2000)
05/17/2000	10	PRELIMINARY INJUNCTION AND ORDER OF SEIZURE by Judge Aleta A. Trauger: each of defts, employees, etc...are enjoined and restrained pending further order of this court, from: using the name, trademark, etc. of Tim McGraw...offering for sale, distribution or advertising of any merchandise; infringing items seized pursuant to this court's TRO and Order of Seizure are to be delivered to pltf for destruction or other disposition; the USM (if available to pltf)...are authorized to seize and impound all such unauthorized merchandise..which the defts may manufacture, distribute, sell or hold for sale w/in 3 miles of the site of any Tim McGraw concert during his U.S. Tour for the year 2000 from 10 hours before to 6 hours after any concert performance held; the process server shall serve a copy of this order, together with the complaint and summons upon such persons at the time seizures are effected; said merchandise shall be delivered to the care or custody of pltf's counsel, S. Ralph Gordon or Russell A. Jones, Jr. and a receipt

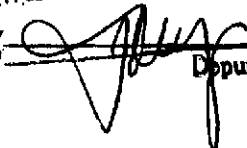
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CM/ECF - DC V4.2 (December 2011)

		for such goods shall be given to each person from whom goods are seized; the bond filed by pltf with the Clerk for \$10,000 to secure payment of costs...shall remain in effect until further order; any deft who is hereafter served a copy of this order and who objects may submit his or her objections to this court w/in 20 days of the date of seizure. (cc: all counsel, USM) EOD 5/18/00 (bj) (Entered: 05/18/2000)
05/18/2000	11	10 SUMMONS issued as to deft Various John Does & deft Various Jane Does (jb) (Entered: 05/19/2000)
07/03/2001	12	ORDER by Judge Aleta A. Trauger: the preliminary injunction and order of seizure that applied to pltf's U.S. tour for the year 2000 has presumably ended; this case is dismissed w/prejudice, provided that no party files a written motion w/in 20 days requesting the case remain open and detailing grounds for such request terminating case (cc: all counsel) EOD 7/5/01 (bj) (Entered: 07/05/2001)
07/13/2001	13	MOTION by pltf Tim McGraw to alter or amend judgment (att'd affidavit) (bj) (Entered: 07/16/2001)
07/13/2001	14	AFFIDAVIT of Russell A. Jones, Jr. Esq. in support of motion to alter or amend judgment [13-1] (bj) (Entered: 07/16/2001)
08/21/2001	15	ORDER by Judge Aleta A. Trauger: denying w/out prejudice motion to alter or amend judgment [13-1] as it contains no certificate of service to any of the defts; in addition, the affidavit appears to contradict the assertions in the motion re claims. (cc: all counsel) EOD 8/22/01 (bj) (Entered: 08/22/2001)
10/15/2001	16	MOTION by pltf Tim McGraw to release \$10,000 cash bond (bj) (Entered: 10/16/2001)
10/17/2001	17	ORDER by Judge Aleta A. Trauger: granting motion for the Court to release the \$10,000 cash bond [16-1], making funds payable to pltf and forwarded to counsel for pltf. (cc: all counsel, financial) EOD 10/18/01 (bj) (Entered: 10/18/2001)
10/23/2001		REMARK: U.S. Treasury Check No. 124,933 in the amount of \$10,000 was mailed to Tim McGraw, c/o Mr. S. Ralph Gordon, Atty on 10/23/01. (bj) (Entered: 10/24/2001)

PACER Service Center			
Transaction Receipt			
02/24/2012 08:23:18			
PACER Login:	kl0204	Client Code:	0149511.00925/00720
Description:	Docket Report	Search Criteria:	3:00-cv-00402
Billable Pages:	3	Cost:	0.24

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

5-4-00
Clerk, U. S. District Court
Western District of Texas
By  Deputy

GIANT MERCHANDISING

Plaintiff,

vs.

JOHN DOES 1-100, individuals, JANE DOES
1-100, individuals, and XYZ COMPANY, business
entity form unknown, inclusive,

Defendants.

CIVIL ACTION NO. A-00CA-270-JN

PRELIMINARY INJUNCTION AND ORDER OF SEIZURE

Plaintiff Giant Merchandising ("Plaintiff") having moved for a preliminary injunction enjoining and restraining the defendants from manufacturing, selling or distributing merchandise bearing the federally registered trademarks, servicemarks, tradenames, logos, likenesses or images of the musical group known as the "RED HOT CHILI PEPPERS," (the "Artist") and ordering the seizure and impounding of such articles; and service having been effected upon certain defendants at the Artist's concerts which have previously occurred; and Plaintiff's application having come on for a hearing before the Honorable Judge James Nowlin on the 4th day of May, 2000, at the United States Courthouse in the Western District of Texas, Austin, and Plaintiff having appeared by its attorneys, and there having been no other appearances;

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///

Now, on presentation and consideration of Plaintiff's application for a preliminary injunction and order of seizure, the declaration in support thereof and all other pleadings and prior proceedings heretofore had herein in this matter, the Court hereby finds:

1. By reason of the substantial and continuous use of the trademarks, tradenames, logos, likenesses or images of the Artist in connection with her work as a musical performer, said marks have acquired meanings identified with the Artist and with products and services associated with her;

2. The served defendants, and those in active concert or participation with such defendants, have infringed upon Plaintiff's rights in the Artist's trademarks, servicemarks, tradenames, likenesses, logos, or images owned and/or controlled by Plaintiff, and have as well committed acts of unfair competition against Plaintiff herein by manufacturing, distributing, offering for sale and selling merchandise bearing any or all of the federally registered trademarks, servicemarks, names, likenesses, logos, and tradenames of the Artist at or near the sites of the Artist's concerts, without having obtained a license or any other authorization to do so, as alleged in the complaint;

3. The acts of the defendants, and those in active concert or participation with them, constitute a violation of the United States Trademark Act in that they:

a) make unauthorized use of a federally registered trademark; and/or

b) 1) involve goods or services,

2) are activities which affect interstate commerce, and

3) bear a false designation of the source or origin of such goods or are likely to cause confusion, mistake or deception as to the affiliation, connection, association, sponsorship or approval of Plaintiff and/or the Artist with respect to such goods;

4. Defendants, and those in active concern or participation with them, will continue to sell such unauthorized merchandise unless enjoined by the Court; and

5. Copies of this Court's March 29, 2000 Order to Show Cause on Motion for: Temporary Restraining Order; Order of Seizure; and Preliminary Injunction, and Complaint filed in support of Plaintiff's application in this case have been served upon the defendants and unauthorized, bootleg merchandise has been seized from the defendants;

NOW, THEREFORE, IT IS HEREBY

ORDERED that the defendants, their agents, servants, employees, attorneys, successors, and assigns, and all persons, firms, and corporations acting in active concert or participation with said defendants, are enjoined and restrained from:

1) Using any or all of the trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artist, in connection with the sale, offering for sale, distribution, and/or advertising of any clothing or other merchandise;

2) Manufacturing, distributing, selling, and/or holding for sale any clothing or other merchandise which carries or otherwise uses any or all of the trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artist; or

3) Aiding, abetting, inducing, or encouraging another to perform any of the acts enjoined herein.

IT IS FURTHER ORDERED that the United States Marshal for this district or for any district in which Plaintiff seeks to enforce this Order, the state police, local police, local deputy sheriffs or off-duty officers of the same, Thomas Donnell, John Carruthers and any person acting under their supervision (collectively "Process Servers") are hereby similarly authorized to seize and impound any and all unauthorized merchandise bearing any or all of the trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artist, or any colorable imitations or variations thereof, which defendants or their agents, employees or representatives attempt to sell or are holding for sale in the vicinity of any of the Artist's concerts from ten (10) hours before to six (6) hours after any performance of the Artist within a ten (10) mile vicinity of the halls, stadiums or arenas at which the Artist shall be performing or elsewhere where such merchandise is being sold, held for

sale or is otherwise found, including in any carton, bag, vehicle, or container in which the merchandise is transported or stored. All clothing, jewelry, photographs, posters and other merchandise bearing any or all of the trademarks, servicemarks, tradenames, likenesses, logos, or images of the Artist, or any colorable imitations or variations thereof, sold and held for sale in the, vicinity of the arenas or other venues at which the Artist shall be performing, or elsewhere where such merchandise is being sold, held for sale or otherwise found, shall be deemed to be merchandise subject to the seizure provisions of this Order.

IT IS FURTHER ORDERED that service of a copy of this Order, together with the summons and complaint, be made upon defendants by the Process Servers, at the time of the seizure provided herein is effected and that such service shall be deemed good and sufficient.

IT IS FURTHER ORDERED that each and every defendant served with a copy of this order promptly, courteously and peaceably identify himself or herself to the aforementioned Process Server and that the Process Server or agents for Plaintiff be allowed to photograph, videotape or otherwise identify the defendant.

IT IS FURTHER ORDERED that the Process Server shall offer a receipt to each person from whom goods are seized.


IT IS FURTHER ORDERED that any Defendant who is hereafter served with a copy of this Order who objects to the provisions here in may submit his or her objections for this Court or otherwise move for relief from this Court within ten (10) days of the date of seizure according to the Federal Rules of Civil Procedure, but no such objection shall serve to suspend this Order or stay the terms hereof unless otherwise ordered by this Court.

IT IS FURTHER ORDERED that all unauthorized items heretofore or hereafter seized in this action be delivered up to the Plaintiff or the persons designated above, pending final disposition of this matter.

IT IS FURTHER ORDERED that the bond in the amount of Five Thousand Dollars (\$5,000) heretofore deposited with the Clerk of this Court on May 3, 2000 to secure payment of costs incurred in enforcing the provisions of this order and any damages sustained by any party who is found to have been wrongfully enjoined thereby is hereby continued until final disposition of this matter.

IT IS SO ORDERED.

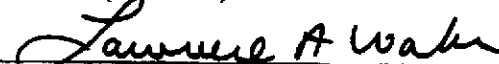
Dated: May 4, 2000
At: 2:15 pm.




THE HONORABLE JAMES NOWLIN
UNITED STATES DISTRICT JUDGE

Presented by:

JACKSON WALKER, L.L.P.
100 Congress Avenue, Suite 1100
Austin, Texas 78701-4099
(512) 236-2000
(512) 236-2002 (Facsimile)

By: 
LAWRENCE A. WAKS
State Bar No. 20670700

GRADSTEIN LUSKIN & VAN DALSEM, P.C.
12100 Wilshire Blvd, Suite 350
Los Angeles, California 90025
(310) 571-1700
(310) 571-1717 (Facsimile)

By: 
CARA R. BURNS
California State Bar No. 137557
Admitted Pro Hac

ATTORNEYS FOR PLAINTIFF