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5 **Attorneys for Plaintiff,**  
**LIVE NATION MERCHANDISE, INC.**

6  
7 **UNITED STATES DISTRICT COURT**  
8 **CENTRAL DISTRICT OF CALIFORNIA**

9  
10 **LIVE NATION MERCHANDISE, INC. )**

11 **Plaintiff, )**

12 **v. )**

13 **JOHN DOES 1-5, JANE DOES 1-4 AND )**  
**XYZ COMPANY, )**

14 **Defendants. )**

**Case No. CV 12-3527 ABC (JEMx)**

**[PROPOSED] PRELIMINARY  
INJUNCTION AND SEIZURE  
ORDER**

**Hearing Date: May 7, 2012**

**Time: 10:00 a.m.**

**Courtroom: 680, Hon. Audrey  
B. Collins**

15  
16 Plaintiff Live Nation Merchandise, Inc. ("Plaintiff") having moved for a  
17 Preliminary Injunction enjoining and restraining the defendants from manufacturing,  
18 selling or distributing merchandise bearing the federally registered trademarks,  
19 servicemarks, logos, likenesses or other indicia of the group known as "COLDPLAY"  
20 (the "Group") (collectively the "Group's Marks") ordering the seizure and impounding  
21 of such articles; and service having been effected upon certain defendants at the and/or  
22 near the Group's concerts which have previously occurred; and Plaintiff's application  
23 having come on for a hearing before the Honorable Audrey B. Collins on the 7th day of  
24 May, 2012, at the United States Courthouse in the Central District of California, and  
25 Plaintiff having appeared by its attorneys, and there having been no other appearances;

26 Now, on presentation and consideration of Plaintiff's application for a preliminary  
27 injunction and order of seizure, the declaration in support thereof and all other pleadings  
28 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 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 them;

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 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 an  
19 Order to Show Cause Why a Preliminary Injunction and Seizure Order Should Not Issue  
20 and the Complaint filed in support of Plaintiff's application in this case have been served  
21 upon the defendants and the unauthorized, "bootleg" merchandise has been seized from  
22 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, Peter Weber and  
8 any person acting under their supervision (collectively "Process Servers"), are hereby  
9 similarly authorized to seize and impound any and all unauthorized merchandise bearing  
10 any or all of the Group's Marks (i.e. the **COLDPLAY** marks) or any colorable  
11 imitations or variations thereof, or associated marks which defendants or their agents,  
12 employees or representatives attempt to sell or are holding for sale in the vicinity of any  
13 of the Group's concerts from six (6) hours before to six (6) hours after any performance  
14 of the 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 with  
24 the Summons and Complaint, be made upon defendants by the Process Servers at the  
25 time the seizure provided herein is effected, and that such service shall be deemed good  
26 and sufficient.

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

18 **IT IS SO ORDERED.**

19 Dated: May 7, 2012



20 At: 10:05 a.m.

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

21 Presented By:

22  
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