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 BARRY DILLER

8
 9 UNITED STATES DISTRICT COURT
 10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 11

12 BARRY DILLER,

13 Plaintiff,

14 vs.

15 BARRY DRILLER CONTENT
 SYSTEMS PLC; BARRY DRILLER,
 16 INC.; AEREOKILLER, LLC;
 FILMON.COM, INC.; ALKIVIADES
 17 DAVID, A/K/A ALKI DAVID, an
 individual, and DOES 1 through 10,
 18 inclusive,

19 Defendants.
 20

Case No. CV 12-07200 ABC (JCx)

[~~PROPOSED~~] ORDER FOR
 PRELIMINARY INJUNCTION

Date: September 10, 2012
 Place: Courtroom of the Hon. Audrey
 B. Collins

1 **ORDER**

2 Plaintiff Barry Diller’s application for preliminary injunction (“Plaintiff’s
3 Application”) against Defendants Barry Driller Content Systems Plc, Barry Driller,
4 Inc., Aereokiller, LLC, FilmOn.com, Inc., Alkiviades David, a/k/a Alki David, and
5 Does 1-10 (collectively “Defendants”) came on regularly for hearing before this
6 Court on September 10, 2012. Robert H. Platt and Mark S. Lee of Manatt, Phelps
7 & Phillips, LLP appeared on behalf of Plaintiff. Ryan G. Baker and Christian A.
8 Anstett of Baker Marquart LLP appeared on behalf of Defendants Alkiviades
9 David, Aereokiller, LLC, and FilmOn.com, Inc.

10 The Court having considered Plaintiff’s Application, the papers submitted in
11 support of and in opposition thereto, the oral arguments of all parties at the hearing,
12 and all other relevant records in this case, and finding good cause, Plaintiff’s
13 Application is **HEREBY GRANTED** for the reasons stated in the Court’s Tentative
14 Order issued on September 10, 2012. Accordingly,

15 **IT IS HEREBY ORDERED THAT:**

16 Defendants, and each of them, as well as their past, present, and future
17 subsidiary, successor, affiliated or related companies, as well as their respective
18 officers, directors, members, partners, principals, agents, representatives,
19 shareholders, investors, employees, successors and assigns, including any websites
20 such entities or individuals own or control, and any and all others acting in active
21 concert or participation with them, at their direction, or on their behalf in any
22 capacity, are hereby **PRELIMINARILY ENJOINED** while this action is pending
23 from using the terms “Barry Diller,” “Barry Driller,” “BarryDriller.com,” “Barry
24 Driller, Inc.,” “BarryDriller Content Systems Plc.,” any confusingly similar variant
25 of the foregoing, or any other aspect of the trademarks, name, voice, likeness, or
26 other indicia of identity of Plaintiff Barry Diller (i) in connection with the operation
27 of Defendants’ or any other commercial websites, (ii) to divert internet users to
28 Defendants’ or any other websites, (iii) to promote Defendants’ businesses, or (iv)

1 in any other manner to infringe on Plaintiff's trademarks, rights of publicity, or
2 other rights.

3 The bond previously posted by Plaintiff and filed with this Court on August
4 29, 2012 shall remain in effect for the duration of this action as security for
5 payment of such costs and damages, if any, as may be incurred or suffered by any
6 party who is subsequently found to have been wrongfully enjoined or restrained
7 hereby.

8
9 IT IS SO ORDERED.



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11 **Dated:** 9/19/12

AUDREY B. COLLINS
UNITED STATES DISTRICT JUDGE

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Presented By:
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By: /s/ Robert H. Platt
Robert H. Platt
Attorneys for Plaintiff
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