



The grounds for the Chamber's Motion are as follows:

1. On October 26, 2009, the Chamber filed a complaint against Defendants for, among other things, trademark infringement and dilution, cyber-piracy, unfair competition, and false advertising. It filed a First Amended Complaint on November 6, 2009. The Chamber's claims are based upon, among other misconduct, Defendants' misappropriation of the Chamber's name and marks to advance the commercial ventures of Defendants Servin and Vamos, who do business as the "Yes Men." *E.g.*, First Am. Compl. ¶¶ 12-16, 22-29, 31-33. The Defendants' unlawful activity included, *inter alia*, impersonating Chamber representatives at a bogus "press conference" held on October 19, 2009, where Defendants falsely attributed positions and statements to the Chamber and its President. As alleged in the First Amended Complaint, Defendants filmed the bogus press conference, that footage was then posted on the internet, and certain of the Defendants used the publicity to promote their latest commercial movie, "The Yes Men Fix The World." *Id.* ¶¶ 26, 28 & 33.

2. In its prayer for relief, the Chamber seeks an injunction that, *inter alia*, (a) "[p]rohibits Defendants from publishing or distributing videotape or audiotape of the October 19, 2009 'press conference' on the internet, in commercial theatrical distribution, or otherwise," (b) "[r]equires Defendants to remove from the internet . . . all recordings of the October 19, 2009 'press conference,'" and (c) requires Defendants to deliver to the Chamber all existing copies of video and audio recordings of the October 19, 2009 "press conference."

3. On January 5, 2010, Defendants filed a Motion to Dismiss Plaintiff's First Amended Complaint. In the Reply Brief that they submitted to the Court on February 19, 2010 in support of their Motion, Defendants characterized their conduct as being "noncommercial

political parody” and they denied that their activities were used to promote theatrical-release movies. Defendants’ Reply at 6 & 10.

4. As discussed more fully in the attached Supplemental Brief, on or about July 23, 2010, Defendants Servin and Vamos released a new, “special edition” of their commercial movie, “The Yes Men Fix The World,” which includes footage of the fraudulent press release at issue in this case. The footage of the fraudulent “press conference” is being used to solicit money to fund the Yes Men’s activities and to promote sales of their DVDs.

5. Defendants’ current activities are inconsistent with assertions they made in briefing on their Motion to Dismiss and provide an additional reason why Defendants’ Motion to Dismiss should be denied.

WHEREFORE, the Chamber respectfully requests that the Court grant it leave to file the Supplemental Brief in Opposition to Defendants’ Motion to Dismiss First Amended Complaint that is attached as Exhibit No. 1 to this Motion.

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HUNTON & WILLIAMS, LLP

/s/ Michael J. Mueller

RICHARD L. WYATT, JR.

(D.C. Bar No. 424775)

MICHAEL J. MUELLER

(D.C. Bar No. 412025)

THOMAS M. HUGHES

(D.C. Bar No. 460134)

WILLIAM E. POTTS, JR.

(D.C. Bar No. 945824)

1900 K Street, NW

Washington, DC 20006

Tel: 202-955-1500

Fax: 202-778-2201

