

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

FILED IN CLERK'S OFFICE  
U.S.D.C. Atlanta

NOV 03 2009

JAMES N. HATTEN, Clerk  
Deputy Clerk

AT&T MOBILITY LLC,

Plaintiff,

vs.

CELLCO PARTNERSHIP d/b/a  
VERIZON WIRELESS

Defendant.

Civil Action File

No. \_\_\_\_\_

**1 : 09 - CV - 305 7**

**WSD**

**AT&T MOBILITY LLC'S**  
**MOTION FOR TEMPORARY RESTRAINING ORDER**

AT&T Mobility LLC's ("AT&T") requests a temporary restraining order against Cellco Partnership d/b/a Verizon Wireless ("Verizon") to stop Verizon from using misleading AT&T coverage maps in their advertisements.

AT&T seeks narrow, tailored relief. AT&T does not seek to stop Verizon from running its advertisements, nor does it seek to change the words Verizon uses in the advertisements. As AT&T explains more fully in its accompanying Memorandum of Law, AT&T seeks only an order prohibiting Verizon from displaying, in the "Bench" advertisement, or in any other advertisement, a map of AT&T's "3G" coverage in which AT&T's non-"3G" coverage areas are depicted

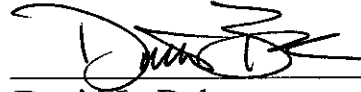
by white or blank space, to prevent consumers from being misled by the maps into believing that AT&T offers no wireless service in large parts of the United States.

AT&T's General Counsel has called his counterpart at Verizon to inform Verizon of the filing of AT&T's complaint, and specifically of this motion for temporary restraining order. Copies of AT&T's complaint, motion for temporary restraining order, memorandum of law in support of the motion for temporary restraining order, and all accompanying declarations and exhibits are immediately being sent to Verizon's General Counsel via electronic mail.

In support of this motion, AT&T relies upon the following documents, filed herewith: (1) Memorandum of Law in Support; (2) Study to Measure Consumer Perceptions of Verizon Wireless Advertising Containing Maps That Depict 3G Coverage Areas for Verizon Wireless and AT&T, attached as Exhibit A to the Declaration of David L. Balser; (3) Declaration of Andy Wilson; (4) Declaration of Derek Poarch; and (5) Declaration of David L. Balser.

WHEREFORE, AT&T respectfully moves the Court to issue a temporary restraining order that prohibits Verizon from displaying in the "Bench" advertisement, or any other advertisement, a map of AT&T's "3G" coverage in which AT&T's non-"3G" coverage areas are depicted by white or blank space.

This 3<sup>rd</sup> day of November, 2009.



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David L. Balsler  
Georgia Bar No. 035835  
Nathan L. Garroway  
Georgia Bar No. 142194  
Tracy Klingler  
Georgia Bar No. 105450

MCKENNA LONG & ALDRIDGE LLP  
303 Peachtree Street, Suite 5300  
Atlanta, Georgia 30308  
(404) 527-4000  
(404) 527-4198 (facsimile)

Co-Counsel:

Neal S. Berinhout  
Georgia Bar No. 054687  
AT&T MOBILITY LLC  
1025 Lenox Park Blvd., Suite C575  
Atlanta, GA 30319  
404-986-1427

*Attorneys for AT&T Mobility LLC*