

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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RECORDED BOOKS, LLC, : Civil Action No. 8:07-cv-01427-DKC
:
Plaintiff, :
:
v. : **[PROPOSED] ORDER GRANTING**
: **PLAINTIFF RECORDED BOOKS,**
: **LLC’S MOTION FOR**
: **PRELIMINARY INJUNCTION**
:
OCLC ONLINE COMPUTER LIBRARY CENTER, INC. d/b/a NETLIBRARY, :
:
Defendant. :
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Pursuant to Fed. R. Civ. P. 65, and upon consideration of plaintiff Recorded Books, LLC’s (“Recorded Books”) motion for preliminary injunction, and upon a review of the pleadings and papers filed in support thereof and in opposition thereto, and after hearing oral argument from counsel for the parties, the Court hereby finds and rules as follows:

(1) Recorded Books is likely to succeed on the merits of its claims for copyright infringement, breach of contract, and/or false advertising against defendant OCLC Online Computer Library Center, Inc. d/b/a NetLibrary (“NetLibrary”).

(2) Recorded Books will experience substantial irreparable harm in the absence of a preliminary injunction.

(3) NetLibrary will suffer no harm if a preliminary injunction is issued.

(4) The public interest favors the entry of a preliminary injunction.

NOW, THEREFORE, NetLibrary, including any person or entity acting or purporting to act for it or on its behalf, is preliminarily enjoined from:

(1) selling, offering for sale, or otherwise promoting to libraries subscriptions to the Recorded Books/NetLibrary “Bundled Collection” of audiobooks (a “Subscription”) pursuant to

the eContent Production and Distribution Agreement between Recorded Books and NetLibrary (the "Agreement");

(2) distributing copies of Recorded Books' copyrighted audiobooks to any library that did not have a Subscription that was in effect on or before May 31, 2007 and/or to any library that renewed such a Subscription on or after June 1, 2007;

(3) renewing any Subscription on or after June 1, 2007;

(4) engaging in any other conduct that would be prohibited by the Agreement as a result of its termination by Recorded Books; and/or

(5) representing to anyone that it is authorized or permitted to do any of the foregoing.

This Order shall remain in effect unless and until modified by the Court.

SO ORDERED this ___ day of _____, 2007

Deborah K. Chasanow
United States District Judge

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