

EXHIBIT "A"

Ronald L. Israel
Melissa A. Salimbene
Wolff & Samson PC
One Boland Drive
West Orange, New Jersey 07052
973-325-1500
Attorneys for Plaintiffs
Bravado International Group
Merchandising Services, Inc.,
NKOTB, Inc. and BSB Entertainment, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BRAVADO INTERNATIONAL GROUP
MERCHANDISING SERVICES, INC.,
NKOTB, INC., and BSB
ENTERTAINMENT, INC.,

Plaintiffs,

v.

JOHN DOES 1-100, JANE DOES 1-100,
and XYZ COMPANIES 1-100,

Defendants.

Case No.: 11-3146 (PGS)

**ORDER TO SHOW CAUSE ON MOTION
FOR PRELIMINARY INJUNCTION WITH
TEMPORARY RESTRAINING ORDER
AND ORDER OF SEIZURE**

Upon the summons and complaint, the accompanying declarations of Ronald L. Israel, Esq. and Alan Rebhun, the exhibits annexed thereto, the memorandum of law, and such other matters and argument presented to the Court, and good cause having been shown;

IT IS HEREBY ORDERED that defendants, Various John Does, Jane Does, and XYZ Companies, their true identities being unknown, show cause before this Court, 402 East State Street, Trenton, New Jersey 08608, in Courtroom 7W, on the 15th day of June 2011, at 3:30 p.m., or as soon thereafter as counsel can be heard, why an order pursuant to Fed. R. Civ. P. 65 should not be entered, granting to plaintiffs a preliminary injunction enjoining the defendants

Various John Does, Jane Does, and XYZ Companies, their true identities being unknown, and all those acting in concert with defendants, from the unauthorized manufacture, distribution, sale or holding for sale, of clothing, jewelry, photographs, posters, and other merchandise (collectively the "Infringing Merchandise") bearing the name, logo, likeness or trademarks (collectively the "Trademarks") of the musical performance groups known as NEW KIDS ON THE BLOCK and the BACKSTREET BOYS (the "Artists").

AND IT APPEARING TO THE COURT that defendants, and those acting in concert with defendants, have sold, and will continue to sell and distribute, the Infringing Merchandise bearing the Artists' Trademarks, as set forth in plaintiffs' complaint and supporting papers, and will continue to carry out such acts unless restrained by order of the Court;

AND IT APPEARING TO THE COURT that immediate and irreparable injury, loss or damage will result to the plaintiffs before defendants can be identified and given notice and their attorneys can be heard in opposition to the granting of the temporary restraining order, in that the defendants will manufacture, distribute, and sell infringing merchandise, and will continue to do so, and that, unless said defendants are enjoined from said manufacture, distribution, and sale, the plaintiffs will suffer immediate and irreparable injury and harm in the form of lost income, lessening and dilution of the value of the Artists' Trademarks, interference with plaintiffs' ability to exploit, market, and license its merchandising rights respecting the Artists' Trademarks, confusion in the marketplace as to the duly authorized source of the Infringing Merchandise, and impairment of the goodwill plaintiffs have in the Artists' Trademarks;

IT IS HEREBY ORDERED that, pending a hearing and determination of this application, or the expiration of fourteen (14) days from the date hereof, whichever shall first occur, the defendants and their agents, servants, employees, attorneys, successors and assigns, and all persons, firms and corporations acting in concert with said defendants, be and hereby are temporarily restrained from manufacturing, distributing, and selling the Infringing Merchandise bearing the Artists' Trademarks; and

IT IS FURTHER ORDERED that plaintiffs will coordinate with the United States Marshals Service for the enforcement of this Order; and

IT IS FURTHER ORDERED that plaintiffs, the state and local police, local deputy sheriffs, counsel for plaintiffs, plaintiffs' representatives, and persons acting under their supervision, are authorized under the supervision and with the assistance of the U.S. Marshal Service to take all steps to secure and remove any and all Infringing Merchandise bearing the Artists' Trademarks which defendants, or those acting in concert with defendants, attempt to sell or are holding for sale in connection with any of the Artists' concert performances (including any carton, container, or other means of carriage in which the Infringing Merchandise is found) from twenty-four (24) hours before to (8) hours after any concert performance of the Artists, located within a two (2) mile radius of any concert performance of the Artists, including but not limited to the Artists' concerts at the Izod Center in East Rutherford, New Jersey on June 12 and 13, 2011, including breaking open, entering and searching for said property and placing it within an appropriate storage facility; and

IT IS FURTHER ORDERED that anyone interfering with the execution of this Order is subject to arrest by the United States Marshal and/or his or her representative; and

IT IS FURTHER ORDERED that plaintiffs, on whose behalf the court issues this Order, will account completely for all property seized pursuant to this Order and shall compile a written inventory of all such property and shall provide a copy to the U.S. Marshal, who shall include such a copy with his return to the Court; and

IT IS FURTHER ORDERED that plaintiffs will inventory and maintain the seized goods in a reasonably secure storage area pending the return date of this Order; and

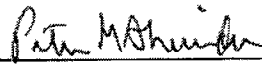
IT IS FURTHER ORDERED that plaintiffs, on whose behalf the court issues this Order, will act as substitute custodian of any and all property seized pursuant to this Order and shall hold harmless the U.S. Marshals Service and its employees from any and all claims, asserted in any court or tribunal, arising from any acts, incidents, or occurrences in connection with the seizure and possession of the defendant property, including any third-party claims; and

IT IS FURTHER ORDERED that this temporary restraining order be and is hereby conditioned upon plaintiffs' filing with the Clerk of this Court an undertaking in the form of a bond, check, or cash in the amount of \$20,000, to secure the payment of costs and damages, not to exceed such sum, as may be suffered or sustained by any party who is wrongfully restrained hereby; and

IT IS FURTHER ORDERED that this temporary restraining order is conditioned upon the plaintiffs advancing to the United States Marshal such sum as is required to cover the fees for their said services, in the event plaintiffs seek the services of the United States Marshal in this or any other district; and

IT IS FURTHER ORDERED that service of copies of this Order to Show Cause, together with the summons and complaint, be made upon the defendants by the United States Marshal, state or local police, local deputy sheriffs, or by any person over the age of eighteen

(18) years not a party to this action selected for that purpose by the plaintiffs, at the time any seizure provided herein is effected.



PETER G. SHERIDAN, U.S.D.J.

Dated: Trenton, New Jersey
June 2, 2011

RONALD L. ISRAEL
MELISSA A. SALIMBENE
Wolff & Samson PC
The Offices at Crystal Lake
One Boland Drive
West Orange, New Jersey 07052
973-325-1500

Attorneys for Plaintiffs
Bravado International Group
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BRAVADO INTERNATIONAL GROUP
MERCHANDISING SERVICES, INC.,
NKOTB, INC., and BSB
ENTERTAINMENT, INC.,

Plaintiffs,

v.

JOHN DOES 1-100, JANE DOES 1-100, and
XYZ COMPANIES 1-100,

Defendants.

Case No.: 2:11-cv-03146-PGS-ES

**ORDER OF PRELIMINARY
INJUNCTION AND ORDER OF SEIZURE**

Plaintiff Bravado International Group Merchandising Services, Inc. ("Bravado") NKOTB, Inc. ("NKOTB") and BSB Entertainment, Inc.'s ("BSB") (collectively "Plaintiffs") having moved by Order to Show Cause for an injunction enjoining and restraining the defendants, and those acting in concert with them, from manufacturing, selling and/or distributing merchandise bearing the name, logo, likeness, and trademarks (collectively, the "Trademarks") of the musical performing groups professionally known as NEW KIDS ON

THE BLOCK and the BACKSTREET BOYS (collectively the "Artists") on the Artists' current NKOTBSB concert tour (the "Tour"), and service of the summons and complaint having been effected upon the defendants; and Plaintiffs' application for a preliminary injunction and order of seizure having come on for a hearing before the Honorable Peter G. Sheridan, United States District Judge, on the 15th day of June, 2011, at 3:30 PM at the United States District Court for the District of New Jersey, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, New Jersey, in Courtroom 7W, and defendants having been notified of said hearing, and Plaintiffs having appeared by their counsel, and there having been no other appearances;

NOW, on presentation and consideration of Plaintiffs' application for a preliminary injunction and order of seizure, the declarations submitted in support thereof, and the entire record in this case, the Court finds as follows:

1. By reason of the long, substantial and continuous use of the Artists' name, the said name has acquired a meaning identified with the Artists and with products and services associated with them;
2. The defendants, and those acting in concert or participation with them, have infringed upon Plaintiffs' and the Artists' rights in the Artists' Trademarks and rights of publicity, and have as well committed acts of unfair competition against the Plaintiffs and the Artists, by manufacturing, distributing, offering for sale, and selling unauthorized merchandise bearing the Artists' Trademarks (the "Bootleg Merchandise") at or near the sites of the Artists' concerts, without having obtained a license or any other authorization to do so;
3. The said acts of the defendants, and those acting in concert or participation with them, constitute a violation of the Lanham Act, 15 U.S.C. § 1125(a), in that they:

- (a) involve goods or services;
- (b) are activities which affect interstate commerce; and
- (c) are likely to cause confusion or deception as to the origin of the Bootleg Merchandise in that they falsely represent that such merchandise is made by, sponsored by, or otherwise associated with the Artists or the Plaintiffs;

4. Defendants, and those acting in concert or participation with them, will continue to sell such unauthorized Bootleg Merchandise in connection with the Artists' concerts unless enjoined by the Court; and

5. Copies of the Court's June 2, 2011 Order to Show Cause, and the Summons and Complaint have been served upon the defendants, and Bootleg Merchandise has been obtained from the defendants;

NOW, THEREFORE, IT IS HEREBY ORDERED that defendants, their agents, servants, employees, attorneys, successors, assigns, and all persons, firms, and corporations acting in concert or participation with said defendants, are enjoined and restrained from:

- (i) Using the Artists' Trademarks in connection with the sale, offering for sale, distribution, or advertising of any clothing or other merchandise; or
- (ii) Manufacturing, distributing, selling, or holding for sale any clothing or other merchandise which carries or otherwise uses the Artists' Trademarks; or
- (iii) Aiding, abetting, inducing, or encouraging another to perform any of the acts enjoined herein.

IT IS FURTHER ORDERED that Plaintiffs, the state and local police, local deputy sheriffs, counsel for Plaintiffs, Plaintiffs' representatives, and persons acting under their supervision, are authorized under the supervision and with the assistance of the U.S. Marshal Service to seize and impound any and all Bootleg Merchandise bearing the Artist's Trademarks which defendants, or their agents, servants, employees, successors and assigns, and all those

acting in concert or participation with them, attempt to sell or are holding for sale in the vicinity of the Artists' concerts or elsewhere where such Bootleg Merchandise is being sold, held for sale, or is otherwise found, including any carton, bag, container, or other means of carriage in which the Bootleg Merchandise is transported or stored.

IT IS FURTHER ORDERED that such confiscated Bootleg Merchandise shall be delivered to Plaintiffs' counsel or representatives, or their designees, pending final disposition of this action. All clothing, jewelry, photographs, posters and other merchandise bearing the Artists' Trademarks which is sold, or held for sale, in the vicinity of the Artists' performance locations, or elsewhere where such merchandise is held for sale or otherwise found, shall be deemed to be merchandise subject to the seizure provisions of this order.

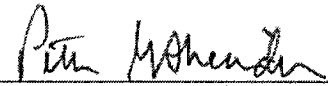
IT IS FURTHER ORDERED that this preliminary injunction is conditioned upon personal service of a copy of this Order and the Summons and Complaint being made upon the defendants or other persons enjoined hereby contemporaneously with the seizure authorized herein.

IT IS FURTHER ORDERED that all unauthorized items heretofore or hereafter seized in this action be delivered up to the Plaintiffs, or to Plaintiffs' authorized representative, pending final disposition of this matter.

IT IS FURTHER ORDERED that the injunctive and seizure provisions of this order shall expire upon conclusion of the Artists' concert performance tour on August 7, 2011, unless otherwise extended by further order of this Court.

IT IS FURTHER ORDERED that the undertaking in the amount of \$20,000.00 heretofore deposited with the Clerk of this Court to secure payment of costs incurred in

enforcing the provisions of the temporary restraining order is hereby continued until final disposition of this matter or further order of this Court.



PETER G. SHERIDAN, U.S.D.J.

Dated: Trenton, New Jersey
June 15, 2011