

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HERITAGE OF PRIDE, INC.,

Plaintiff,

-against-

No. 14 Civ. 4165 (CM)

MATINEE NYC, INC., VOSS NYC GROUP
CORP., JAKE RESNICOW, and BRANDON
VOSS,

Defendants.
_____ x

PRELIMINARY INJUNCTION

Plaintiff Heritage of Pride, Inc. (“Heritage”), having filed a Complaint for a preliminary and permanent injunction and for other relief, and having moved pursuant to Federal Rule of Civil Procedure 65; Sections 32 and 43(a) of the Lanham Act, 15 U.S.C. §§ 1114(a) and 1125(a); Sections 133 and 349 of the New York General Business Obligations Law; and New York common law for a preliminary injunction enjoining and prohibiting Defendants Matinee NYC, Inc., Voss NYC Group Corp., Jake Resnicow, and Brandon Voss, from violating those provisions of law; and

The Court having held a hearing on June 18-19, 2014 and having considered all of the arguments, evidence, and pleadings filed in this matter; and

Heritage having demonstrated that it is likely to prevail at trial on the merits and that Defendants have engaged in and, unless restrained and enjoined by order of this Court, will engage in acts, practices, and courses of business constituting violations thereof; and

Heritage having established that it is likely to suffer irreparable injury unless Defendants are enjoined from passing themselves off as being affiliated with Plaintiff; and

The Court having weighed the equities and concluded that the balance of hardships favors Plaintiff, and that a Preliminary Injunction is in the public interest:

IT IS HEREBY ORDERED THAT:

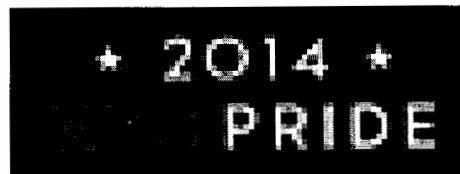
1. Defendants and their agents, servants, employees, attorneys, successors and assigns, and all persons, firms and corporations acting in concert with Defendants, are enjoined *pendent lite*:

(a) from using, in connection with any of their business activities, including but not limited to concerts or other events scheduled for the week of June 22-29, 2014, any word(s), name(s), mark(s), logo(s), or design(s), alone or in combination, that is or are the same as or confusingly similar to any of the following:

(i) Plaintiff's registered trade mark:



(ii) Plaintiff's 2014 NYC Pride Celebration logo:



(iii) Plaintiff's common law trademark and trade name and style "NY PRIDE";

- (b) from using as an Email Account Name or address “NY Pride” or “NYC Pride” or any confusingly similar set of letters;
- (c) from using for ticket sales the URL www.showclix.com/event/nycpride or any URL that is confusingly similar to said URL;
- (d) from representing or suggesting by any means whatsoever, whether directly or indirectly, that Defendants, their products or services, or any activities Defendants have or will undertake are connected, affiliated, or associated with, or are sponsors of or sponsored by Plaintiff;
- (e) from listing or identifying themselves or any entity or corporation owned by, controlled by, or affiliates with any of them as “NY Pride” or “NYC Pride” at the address of 25 East 21st Street, 9th Floor, New York, New York 10010, or at any other address with which any of Defendants is associated;
- (f) from placing on any websites, signage, posters, displays, brochures, catalogs, newsletters, manuals, forms, stationary, television commercials, videos, advertising and promotional materials and items, and any other materials and things that would violate the terms of paragraphs (a), (b), (c), (d) or (e);

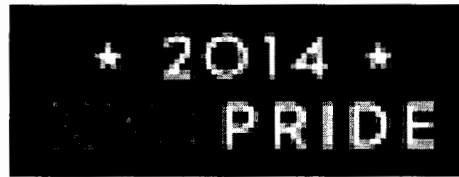
AND DEFENDANTS ARE FURTHER ENJOINED:

- (g) to cancel all placements of any advertising in any media or format, and to alter or disable any website, web page, Facebook page, or any other Internet presence that would violate paragraphs (a), (b), (c), (d), (e), or (f) of this order;

- (h) to include in any advertising in any medium (including, without limitation, signage, posters, displays, brochures, catalogs, newsletters, forms, stationary, commercials, videos, advertising and promotional materials) a disclaimer—to be applied with a sticker if necessary—indicating that Defendants and the events they sponsor and/or promote are not affiliated with



or



or with any events being sponsored and/or promoted by Plaintiff;

- (i) within seven (7) days after the date of entry of any injunction, to file with this Court and serve on Plaintiff's attorneys a report in writing and under oath setting forth in detail the manner and form in which they have complied with the Court's injunction.

2. The posting of security is waived as not being in the public interest.
3. The parties have until July 3, 2014 to file a Case Management Plan; if they do not do so, they will appear at a Pre-Trial Conference on July 25, 2014 at 11 AM in

Courtroom 17C, Moynihan Courthouse, 500 Pearl Street, New York, New York
10007.

Dated: June 19, 2014

A handwritten signature in black ink, appearing to read "Peter M. Mc" followed by a flourish.

U.S.D.J.

BY ECF TO ALL COUNSEL