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MAR 18 2015
RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**SEALED
BY COURT ORDER**

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

VC

10 WORLD WRESTLING
11 ENTERTAINMENT, INC.,

12 Plaintiff,

13 vs.

14 JOHN AND JANE DOES 1-100,
15 and XYZ CORPORATIONS 1-100,

16 Defendants.

Case No. **CV-15 1263**
**MOTION TO SEAL PURSUANT TO 15
U.S.C. § 1116(d)**

ORIGINAL

3A

1 Pursuant to 15 U.S.C. § 1116(d) and Rule 79-5 of the Local Rules for the District Court for
2 the Northern District of California, Plaintiff World Wrestling Entertainment, Inc. (“WWE”), by and
3 through its undersigned attorneys, hereby files this Motion to Seal seeking an Order from the Court
4 directing the Clerk to temporarily seal the file, including the docket sheet, of this Action pending
5 execution by the United States Marshal or other authorized persons of the Seizure Order requested
6 by WWE in this case. The grounds for this motion are set forth more fully below and a proposed
7 order is attached.
8

9 1. As described more fully in WWE’s Verified Complaint, Ex Parte Motion for
10 Temporary Restraining Order, Order for Seizure of Counterfeit Marked Goods and Order to Show
11 Cause, and Memorandum of Law in support thereof, each of which is hereby incorporated by
12 reference, WWE is the exclusive owner of numerous registered and unregistered trademarks and
13 service marks (collectively the “WWE Marks”) which it has consistently and exclusively used in
14 connection with the offering of its wrestling entertainment events to the public.
15

16 2. As a result of WWE’s extensive advertisement and promotion of its wrestling
17 entertainment services and related goods under the WWE Marks, the WWE Marks have become
18 well known to the public as identifying WWE and its quality offerings of services and related
19 merchandise.
20

21 3. Defendants are wrongfully profiting from the goodwill and reputation of the WWE
22 Marks by manufacturing and selling merchandise marked with counterfeits of the WWE Marks
23 and/or with marks which infringe the WWE Marks.

24 4. WWE has therefore brought this action for federal trademark infringement, unfair
25 competition, false designation of origin, and trafficking in counterfeit marked goods arising under
26 the Federal Trademark Act of 1946, 15 U.S.C. § 1051 et seq. (the “Lanham Act”), including the
27 Trademark Counterfeiting Act of 1984, 15 U.S.C. § 1116(d).
28

1 5. WWE seeks an ex parte temporary restraining order, an order for seizure of goods
2 bearing counterfeit marks and an order to show cause why a preliminary injunction should not issue.

3 6. The Trademark Counterfeiting Act of 1984, 15 U.S.C. § 1116(d), requires temporary
4 sealing of the file (1) to protect Defendants from publicity before they have an opportunity to
5 respond and (2) to prevent Defendants from learning of the existence of this Action or any Seizure
6 Order prior to its execution.

7 7. The Act specifically directs the Court to seal the Order and the supporting documents
8 until such time as the Order can be contested. In particular, 15 U.S.C. § 1116(d)(8) states: “An
9 order under this subsection, together with the supporting documents, shall be sealed until the person
10 against whom the order is directed has an opportunity to contest such order, except that any person
11 against whom such order is directed shall have access to such order and supporting documents after
12 the seizure has been carried out.”

13 8. The Act also directs the Court to take the necessary measures to prevent any publicity
14 of the Order against the Defendants. In particular, 15 U.S.C. § 1116(d)(6) states “[t]he court shall
15 take appropriate action to protect the person against whom an order under this subsection is directed
16 from publicity, by or at the behest of the plaintiff, about such order and any seizure under such
17 order.”

18 9. It is necessary that the Court file be sealed during the interval between filing of this
19 Action and execution of any Seizure Order that may issue because otherwise Defendants may learn
20 of the relief being sought and conceal or relocate their goods or sell them at locations outside those
21 specified in the Seizure Order.

22 10. It is necessary that the docketing statement for this action be sealed temporarily
23 because otherwise Defendants may learn that WWE has applied for ex parte relief and may conceal
24 or relocate their goods or sell them at locations outside those specified in the Seizure Order.

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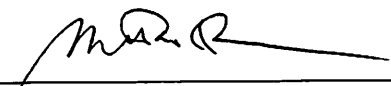
1 11. No person will be prejudiced by entry of an Order temporarily sealing the file and
2 docketing statement for the purposes described above. The file and docketing statement are to be
3 sealed only temporarily, until such time as the Defendants have an opportunity to respond to the
4 Seizure Order.

5 12. WWE's request for an Order sealing the docket is justified to prevent Defendants
6 from learning of the Seizure Order, and allowing them to avoid execution of the Order. This would
7 allow them to move their unauthorized goods and allow them to continue to pass off their counterfeit
8 marked merchandise as genuine WWE merchandise in other locations, thereby causing confusion,
9 deception, and mistake of the public.

10 13. Thus, granting this relief is necessary to prevent irreparable harm to WWE and its
11 marks and is in the public interest. Granting the Order sealing the docket will also protect the
12 Defendants from any unwarranted publicity.

13 Dated: March 17, 2015

14 Respectfully submitted,

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17 _____
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