

F.E.A., INC.,)	
)	
Plaintiff,)	Case No.
)	
vs.)	
)	
VARIOUS JOHN DOES, individuals,)	
VARIOUS JANE DOES, individuals,)	
and XYZ COMPANY, business)	
entity form unknown, inclusive,)	
)	
Defendants.)	

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unknown at this time. This complaint will be amended when their true names and capacities are ascertained.

4. Upon information and belief, the individual defendants will be present in and about the Central District of Illinois, Rock Island Division in connection with the claims asserted below and are or will be subject to the jurisdiction of this Court.

5. On information and belief, defendant XYZ Company through its agents, servants and employees, is or will be present in and about the Central District of Illinois, Rock Island Division and is or will be subject to the jurisdiction of this Court.

6. Defendants, and each of them, are individuals and business entities who, upon information and belief, are acting in concert and active participation with each other in committing the wrongful acts alleged herein.

7. Defendants Various John Does , Jane Does , and XYZ Company are hereinafter referred to collectively as "Defendants."

THE BACKGROUND OF THE ACTION

8. Plaintiff is engaged in the manufacture, distribution and sale of various types of merchandise sold and distributed at concerts and at retail stores of musical performing artists and groups, including, but not limited to tour and program books, T-shirts, jerseys, sweatshirts, hats, visors, buttons and posters (collectively "Merchandise") which embody the names, likenesses and trademarks of various musical performers and groups.

9. The artist known as **“MILEY CYRUS”** also known by her character’s name of **“HANNAH MONTANA”** (the "Artist"), are the tradenames used by the artist in connection with her performing, recording, merchandising and other related goods in

all aspects of the entertainment industry and to distinguish her services from all other such artists. The Artist have used her marks in connection with her recording and performing services for several years.

10. The mark **HANNAH MONTANA** is a pending federal trademark: Serial Number 78719996, International Class ("IC") 025 for use in connection with clothing, Serial Number 78719998, IC 041 entertainment services, Serial Number 78719987, IC 009 for use in connection with: recordings and related goods, Serial Number 78719993, IC 016 for use in connection with: paper and related products, Serial Number 77093843, IC 018 for use in connection with sport and athletic bags and related goods, Serial Number 78719997, IC 028 for use in connection with: toys and games, Serial Number 78881616, IC 021 for use in connection with glassware and other housewares, Serial Number 78719990, IC 003 for use in connection with beauty products, Serial Number 78881619, IC 030 for use in connection with food products, Serial Number 78881622, IC 032 for use in connection with water, energy and other beverages, and Serial Number 78881612, IC 020 for use in connection with furniture and other related products,

11. Pursuant to an agreement between the Artist, and the Plaintiff (the "Agreement"), Plaintiff possesses the exclusive right to utilize all trademarks, service marks, trade names, likenesses and logos of the Artist (collectively, the "Artist's Trademarks") on and in connection with Merchandise ("Tour Merchandise") sold and offered for sale in the vicinity of the Artist's concerts on her present North American concert tour (the "Tour").

12. The Artist has achieved wide renown during her career in the music and television industry. The Artist has used her trademarks to identify officially authorized

goods and services and to distinguish the Artist from others by, among other things, prominently displaying the Artist's Trademarks in advertising, on promotional material, on recording covers and on Tour Merchandise.

13. The Artist has a decidedly strong and loyal followings among those who attend popular music concerts and record buyers. The Artist has appeared in concerts at major arenas and stadiums in the United States, Canada, and throughout the world and has been seen and heard in concerts by millions of popular music enthusiasts. The Artist has sold over 5 million units of recordings and has appeared on an award winning cable television program for several years which has been broadcast nationwide.

14. Previous tours by the Artist were attended by hundreds of thousands of people. Many of the Tour's performances are sold out or nearly sold out and it is considered one of the top concert tickets of the year.

15. As a result of the foregoing, each of the Artist's Trademarks has developed and now possesses secondary and distinctive meaning to purchasers of the Tour Merchandise bearing any or all of the Artist's Trademarks.

16. Plaintiff and the Artist annually realize substantial income from the sale of the Tour Merchandise bearing the Artist's Trademarks, and hundreds of thousands of such items have been sold throughout the United States.

17. On Saturday, October 20, 2007, at the 1 Wireless Center in Rock Island, Illinois. the Artist will perform (the "Concert").

18. Pursuant to the Agreement, the Artist has granted to Plaintiff the exclusive right to market articles of clothing and other Tour Merchandise bearing any or all of the Artist's Trademarks at or near the site of the Concert and at all other arenas and stadiums

in which the Tour will perform. The authorized Tour Merchandise bearing any or all of the Artist's Trademarks will be distributed throughout the United States in connection with the Tour.

DEFENDANTS' UNLAWFUL CONDUCT

19. On information and belief, Defendants will sell and distribute unauthorized T-shirts, jerseys, caps and/or other merchandise bearing any or all of the Artist's Trademarks (the "Unauthorized Merchandise") in the vicinity of the Concert before, during and after their performance, and at subsequent concerts during the Tour.

20. The Unauthorized Merchandise is of the same general appearance as Plaintiff's Merchandise and is likely to cause confusion among prospective purchasers. Defendants' Unauthorized Merchandise is not authorized by the Artist or Plaintiff.

21. The Unauthorized Merchandise sold by Defendants is generally of inferior quality. The sale of such merchandise has injured and is likely to injure the reputation of the Artist which has developed by virtue of their public performances and the reputation for high quality associated with Plaintiff and the Tour Merchandise.

22. The aforesaid acts by Defendants and others are likely to cause the purchasing public to believe that the sale of such Unauthorized Merchandise is authorized, sponsored or approved by the Artist and/or Plaintiff and that such Unauthorized Merchandise is subject to the same quality control and regulation required by the Artist and/or Plaintiff, despite the fact that this is not true. It also injures the Artist and Plaintiff in that Defendants do not have to pay any royalty for these unlawful sales.

23. The aforesaid manufacture, distribution and sale of Unauthorized Merchandise bearing the names, trademarks and/or likenesses of the Artist constitutes a

false designation of the source of origin of such goods and falsely describes and represents such merchandise. The use by Defendants and others of the Artist's Trademarks also constitutes an attempt to palm off and appropriate to themselves the Artist's and Plaintiff's exclusive rights therein.

24. Upon information and belief, Defendants and others have and will continue to engage in such unauthorized activities in this state and elsewhere in interstate commerce and are likely to continue such activities throughout the Tour, to the great injury of Plaintiff and the Artist.

25. Plaintiff has no adequate remedy at law and will suffer irreparable harm and damage as a result of the aforesaid acts, in an amount presently incalculable.

FIRST CLAIM FOR RELIEF
(Violation of the Lanham Act)

26. Plaintiff realleges each allegation set forth the paragraphs above.

27. By reason of the foregoing, Plaintiff hereby asserts a claim against Defendants for injunctive and monetary relief pursuant to Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), with regards to the false designation of origin and false descriptions and representations in commerce of Defendants' Unauthorized Merchandise.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff seeks relief against Defendants as follows:

A. As to All Claims For Relief, that Defendants, their agents, servants, employees, officers, attorneys, successors and assigns, and all persons acting in concert with them, be enjoined in this and all other judicial districts in the United States, preliminarily during the course of this litigation and permanently from: 1) manufacturing, distributing, selling, offering for sale, holding for sale or advertising any products,

merchandise or goods bearing the names, trademarks, or likenesses of the Artist (or any of them) or any colorable variation or imitation thereof; and 2) representing that any products, merchandise or goods manufactured, distributed, sold, held for sale or advertised by them is sponsored or authorized by Plaintiff in this district or in any other district in which Plaintiff seeks to enforce this Court's injunction order.

B. As to All Claims For Relief, that this Court order the United States Marshal, the local and state police or sheriff, off duty officers of the same, authorized agents of Plaintiff, and/or any persons acting under their supervision to seize and impound any and all Unauthorized Merchandise which the Defendants attempt to sell, distribute or hold for sale at, within or in the vicinity of the arenas at which the Tour and the Artist is performing, whether this occurs before, during or after the concerts on the Tour.

C. That Defendants deliver up for destruction any and all Unauthorized Merchandise.

D. As to All Claims For Relief, that Defendants pay to Plaintiff damages in an amount to be determined.

E. As to All Claims For Relief, that Plaintiff be awarded its costs, attorneys fees and such other and further relief as the Court deems to be just and proper.

Dated: October 15, 2007

Respectfully Submitted:

/s/ Richard W. Young

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