

FORREST, S.

JUDGE FORREST

MAG. JUDGE NETBURN

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**12 CV 8083**

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DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED **NOV 07 2012**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GERALD CELENTE and THE SOCIO-  
ECONOMIC RESEARCH INSTITUTE OF  
AMERICA INC. d/b/a THE TRENDS  
RESEARCH INSTITUTE,

Index No.: 12 CV

Plaintiffs,

- against -

GOOGLE INC., DAVID CHEKROUN, and  
JOHN DOES 1 through 10,

Defendants.

**2 ~~PROPOSED~~ ORDER TO SHOW CAUSE FOR A  
TEMPORARY RESTRAINING ORDER PRELIMINARY INJUNCTIVE RELIEF**

Upon consideration of Plaintiff Gerald Celente ("Mr. Celente") and The Socio-Economic Research Institute of America Inc. d/b/a The Trends Research Institute's (collectively the "Plaintiffs") Memorandum of Law in Support of the Application for a Temporary Restraining Order and Preliminary Injunction, the sworn Declarations of Gerald Celente dated October 29, 2012, and Dyan Finguerra-DuCharme dated November 7, 2012, the Complaint in this action, and good cause having being shown,

IT IS HEREBY ORDERED that Defendants John Does 1 through 10 and Defendant David Chekroun (collectively, the "Blog Defendants") show cause before this Court at Room 15A of the Daniel Patrick Moynihan United States District Courthouse located at 500 Pearl Street, New York, New York 11201, on November 19, 2012 at 11 (a.m)/p.m., or as soon thereafter as counsel may be heard, why an Order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure directing the Blog Defendants, at their own expense, to deactivate the blogs located at <geraldcelente-blog.blogspot.com>, <geraldcelente-blog.blogspot.ca>, <geraldcelente-blog.blogspot.co.uk> and <geraldcelentechannel.blogspot.com> that bear or incorporate the "GERALD CELENTE" mark and enjoining the Blog Defendants, their agents, servants, employees, and all those acting under their control, on their behalf or in concert with them from (a) using the GERALD CELENTE mark, or any other mark, term or title confusingly similar to the GERALD CELENTE mark; (b) using any photographs or the likeness of Mr. Celente in any manner that is likely to cause confusion, mistake or to deceive the public into believing that any blog or domain registered by Blog Defendants originate with Mr. Celente or that there is any affiliation or connection between Plaintiffs and the blogs or websites, and from otherwise competing unfairly with Plaintiffs; and (c) representing by any means whatsoever, directly or indirectly, or doing any other acts or things calculated or likely to cause confusion, mistake or to deceive the public into believing that any blog or domain registered by Blog Defendants originate with Mr. Celente or that there is any affiliation or connection between Plaintiffs and the blogs or websites, and from otherwise competing unfairly with Plaintiffs. *The hearing will be as to temporary and/or preliminary relief.*

KSF

KSF

~~IT IS FURTHER ORDERED, that sufficient reason having been shown, therefore, pending the hearing of Plaintiff's application for a preliminary injunction pursuant to Federal~~

Rule of Civil Procedure 65, that the Blog Defendants are temporarily restrained and enjoined from (1) registering or using any Internet domain name that uses the designation GERALD CELENTE, or any other mark, term or title confusingly similar to the GERALD CELENTE mark; (2) using any photographs or the likeness of Mr. Celente in any manner that is likely to cause confusion, mistake or to deceive the public into believing that any blog or domain registered by Blog Defendants originate with Mr. Celente or that there is any affiliation or connection between Plaintiffs and the blogs or websites, and from otherwise competing unfairly with Plaintiffs; (3) representing by any means whatsoever, directly or indirectly, or doing any other acts or things calculated or likely to cause confusion, mistake or to deceive the public into believing that content posted on blog a authored by the Blog Defendants originate with Mr. Celente or that there is any affiliation or connection between Mr. Celente and blogs authored by the Blog Defendants, and from otherwise competing unfairly with Plaintiffs; and (4) operating <geraldcelente-blog.blogspot.com>, <geraldcelente-blog.blogspot.ca>, <geraldcelente-blog.blogspot.co.uk> and <geraldcelentechannel.blogspot.com> (collectively, the "Blogs"); These Blogs shall be deactivated pending resolution of Plaintiffs' Motion for Preliminary Injunction.

(CSP)

✓ ~~service in the amount will be posted to~~

IT IS FURTHER ORDERED, that copies of this Order to Show Cause, together with

copies of all of the papers upon which it was granted be served, by overnight delivery, upon Defendants or their counsel, on or before November 8, 2012, and that such service shall constitute due and sufficient service and notice hereof; and

(CSP)

IT IS FURTHER ORDERED, that Defendants' answering papers in opposition to the request for a (TRO and/or) CSP preliminary injunction be filed with this Court and served upon Plaintiff's counsel, Pryor Cashman LLP, at their offices, 7 Times Square, New York, New York 10036-6569, so as

C.O.B (Spm)

✓ to be received on or before November 14, 2012, and that Plaintiff's reply papers, if any, are to be served and filed on or before November 14, 2012. (No reply; can respond orally)

Dated: New York, New York  
November 7, 2012

K. B. Fore

United States District Judge

FOREST

Ordered

The parties may take discovery they deem appropriate and necessary of any party or third party without further applications to this Court, commencing immediately.

4/7/12

K. B. Fore

USDJ