

## **THE BACKGROUND OF THE ACTION**

6. 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 performers, including, but not limited to tour books, T-shirts, jerseys, sweatshirts, hats, buttons and posters (collectively "Tour Merchandise") which embody the trademarks, service marks, likenesses, logos and other indicia of musical performers.

7. **"BRUCE SPRINGSTEEN & THE E STREET BAND"** including **"BRUCE SPRINGSTEEN"** and **"E STREET BAND"** (collectively, the "Group") are the trademarks used by this group of musical performers in connection with their performing, recording, merchandising and other related goods and services in all aspects of the entertainment industry and to distinguish them from all other such performers. The Group has used their trademarks in connection with their goods and services for over 50 years and have performed for millions of fans throughout the United States.

8. **"BRUCE SPRINGSTEEN & THE E STREET BAND"** is a federally registered trademark: Registration No. 1697409 for use in connection with International Class ("IC") 41, entertainment services and IC 009 sound and video recordings. Also federally registered are the trademarks **"BRUCE SPRINGSTEEN"** Registration No. 4454482 for use in connection with IC 025 clothing, IC 16 paper products, and other goods and services, and **"E STREET**

**BAND”** Registration No. 4465269 for use in connection with: IC 025 clothing, IC 016 paper products and other goods and services. All three trademarks are incontestable.

9. Pursuant to an agreement between the Group and Plaintiff (the "Agreement"), Plaintiff possesses the exclusive right to utilize all federally registered trademarks, service marks, likenesses, logos and other indicia of the Group (collectively, the "Group's Trademarks") on and in connection with tour Merchandise (collectively, "Authorized Tour Merchandise") sold and offered for sale on specific dates and times at the venues where the Group will be performing (collectively, the "Tour").

10. The Group has used the Group's Trademarks to identify officially authorized goods and services in interstate commerce and to distinguish their marks from those of others by, among other things, prominently displaying the Group's Trademarks on the Authorized Tour Merchandise, such as T-shirts, jackets, and other apparel and goods.

11. The Group has a decidedly strong and loyal following among those who attend popular music concerts and record buyers. The Group has appeared in concerts at major arenas and stadiums in the United States, which have been attended by millions of popular music enthusiasts.