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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES SOCCER	)	
FEDERATION, INC.,	)	
	)	Civil Action No. 10 CV 3755
Plaintiff,	)	
	)	Judge William J. Hibbler
v.	)	
	)	Magistrate Judge Sidney I. Schenkier
TSA STORES, INC.,	)	
	)	
Defendant.	)	

**[PROPOSED] ORDER GRANTING PLAINTIFF'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Having read and considered Plaintiff United States Soccer Federation, Inc.'s ("U.S. Soccer") Emergency Motion For Temporary Retaining Order And Preliminary Injunction, and in accordance with Federal Rule of Civil Procedure 65(d), the Court finds the following:

1. A temporary restraining order is appropriate where the moving party demonstrates (i) a likelihood of success on one or more of its claims; (ii) an inadequate remedy at law; and (iii) irreparable harm if the injunction is not granted. *See Kinney v. Int'l Union of Operating Eng'rs*, 994 F.2d 1271, 1275 (7th Cir. 1993); *Lucini Italia Co. v. Grappolini*, 288 F.3d 1035, 1038 (7th Cir. 2002). In addition to these three factors, the court must also weigh the potential harms to the parties and consider the public interest. *See Lucini*, 288 F.3d at 1038 (citing *PepsiCo., Inc. v. Redmond*, 54 F.3d 1262 (7th Cir. 1995)).

2. In the instant case, U.S. Soccer has established a likelihood of success on its trademark infringement, Illinois Deceptive Trade Practices Act, and unfair competition claims, since it has a protectable interest in its marks (specifically, but not limited to Reg. No. 2,058,436) and has demonstrated that Defendant TSA Stores, Inc.'s ("TSA") use of the U.S. Soccer mark in

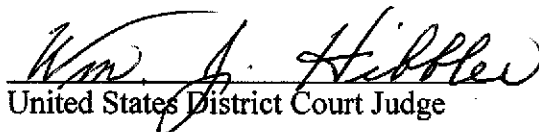
its advertisement is likely to cause consumer confusion. *See Meridian Mut. Ins. Co. v. Meridian Ins. Group*, 128 F.3d 1111, 1115 (7th Cir. 1997). Similarly, U.S. Soccer has shown a likelihood of success on its tortious interference claim. U.S. Soccer has also demonstrated that there is no adequate remedy at law, and that it will be irreparably harmed if its Motion is not granted. *See, e.g., Int'l Kennel Club of Chi., Inc. v. Mighty Star, Inc.*, 846 F.2d 1079, 1092 (7th Cir. 1988) (“[D]amages occasioned by trademark infringement are by their very nature irreparable and not susceptible of adequate measurement for remedy at law.”)

3. Furthermore, the potential harm to U.S. Soccer outweighs any potential harm to TSA: if TSA continues its use of U.S. Soccer’s intellectual property, U.S. Soccer will “lose control of its reputation and goodwill.” *See Ty, Inc. v. Jones Group Inc.*, 237 F.3d 891, 903 (7th Cir. 2001). Moreover, TSA’s use harms U.S. Soccer by interfering with both the sponsorship and licensing of the U.S. Soccer national team and U.S. Soccer marks. By contrast, TSA is not harmed by the injunctive relief, since it can remove the U.S. Soccer marks from its advertisements or run different advertising for its products. TSA also had prior notice of U.S. Soccer’s claim, but nevertheless intends to proceed with distributing its advertisement. In such circumstances, TSA cannot claim that it will be harmed by an injunction. *See, e.g., Ty, Inc.*, 237 F.3d at 903.

4. The public interest is likewise served by the issuance of a temporary restraining order, because “enforcement of the trademark laws prevents consumer confusion.” *Eli Lilly & Co. v. Natural Answers, Inc.*, 233 F.3d 456, 469 (7th Cir. 2000). In this case, enjoining TSA’s use of U.S. Soccer’s mark in TSA’s advertisement prevents harm to consumers by eliminating the possibility of confusion as to source and sponsorship.

5. In light of the foregoing, it is hereby ordered that U.S. Soccer's Emergency Motion For Temporary Retaining Order is GRANTED. From June 17, 2010 up to and including July 1, 2010, Defendant shall cease all broadcasting and/or distribution of the advertisement featuring U.S. Soccer's marks, including Reg. No. 2,058,436. It is further ordered that a <sup>STATUS</sup> hearing on a preliminary injunction will be held before this Court on 6/18/10 at 9:30 AM.

So ORDERED this 18<sup>th</sup> day of JUNE, 2010, at 3:45 P.M.

  
United States District Court Judge

6-18-2010