

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**GATEHOUSE MEDIA MASSACHUSETTS I,
INC., DOING BUSINESS AS GATEHOUSE MEDIA NEW
ENGLAND,**

Plaintiff,

C.A. No. ____

-against-

**THE NEW YORK TIMES CO., DOING BUSINESS
AS BOSTON.COM,**

Defendant.

**PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION
AND REQUEST FOR AN EXPEDITED HEARING**

Plaintiff GateHouse Media Massachusetts, I, Inc., doing business as GateHouse Media New England ("GateHouse"), hereby requests that this Court grant the relief set out below against defendant New York Times Co., doing business as Boston.com, to restore the *status quo* between the parties pending the determination of plaintiff's copyright and trademark infringement and unfair competition action commenced against defendant contemporaneously herewith.

Plaintiff requests a temporary restraining order and preliminary injunction:

(1) enjoining and restraining defendant, its officers, directors, agents, servants, employees, licensees and assigns, and all persons, firms or corporations acting under its direction or pursuant to its control, or in active concert or participation with it from copying, reproducing, uploading, posting, displaying or distributing plaintiff's copyrighted and/or original newspaper and website content and/or plaintiff's trademarks, trade names and/or other service marks; and,

(2) enjoining and restraining defendant, its officers, directors, agents, servants, employees, licensees and assigns, and all persons, firms or corporations acting under its direction or pursuant to its control, or in active concert or participation with it from making any designations of origin, descriptions, or representations likely to confuse consumers by suggesting that plaintiff is the source, sponsor or in any way affiliated with defendant's advertisers or its websites, services and products; and,

(3) requiring defendant to forthwith remove from defendant's website <http://www.boston.com/yourtown/newton>, and from any affiliated websites, any and all displays, postings or items of plaintiff's copyrighted and/or original news content, and any and all displays, postings or mention of plaintiff's trademarks, trade names and/or other service marks used in a manner to represent or suggest that plaintiff is the source, sponsor or in any way affiliated with defendant's advertisers or its websites, services and products; and,

(4) granting the parties leave to conduct expedited discovery in aid of this motion; and,

(5) granting such further relief as the Court deems just and proper.

In support of the instant motion and incorporated by reference herein, plaintiff submits the affidavit of its Editor-in-Chief, Metro Unit Gregory A. Reibman, sworn to December 19, 2008; the affidavit of Willard Blevins, Vice President for Online Operations, GateHouse Media, Inc., sworn to December 21, 2008; the affidavits of Plaintiff's counsel Alpa V. Patel, Esq., sworn to December 19, 2008 and Michael J. Grygiel, Esq., sworn to December 19, 2008; the accompanying Memorandum of Law; and proposed Order to Show Cause.


WHEREFORE, GateHouse respectfully requests the entry of an Order in accordance with the foregoing.

REQUEST FOR ORAL ARGUMENT

Plaintiff respectfully requests that the Court schedule an emergency hearing on the instant request and motion as is set forth in the proposed Order to Show Cause submitted herewith.

DATED: December 22, 2008

HISCOCK & BARCLAY, LLP

By: 
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(Application for admission
pro hac vice pending)

William A. Hurst
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Vincent M. Chen
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