

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

EARTH WIND & FIRE IP, LLC, a
California limited liability company,

Plaintiff,

v.

SUBSTANTIAL MUSIC GROUP LLC, a
Wyoming and Georgia limited liability
company, and STELLAR
COMMUNICATIONS, INC., an Indiana
corporation,

Defendant.

Action No. _____

Judge _____

Mag. Judge _____

**COMPLAINT FOR TRADEMARK INFRINGEMENT, FALSE DESIGNATION OF
ORIGIN, FALSE ADVERTISING, AND TRADEMARK DILUTION**

Plaintiff Earth Wind & Fire IP, LLC (“Earth Wind & Fire,” “EWF,” or “Plaintiff”) brings this action against Defendants Substantial Music Group LLC (“SMG”) and Stellar Communications, Inc. (“SCI”) (jointly, “Defendants”) for damages and injunctive relieve under the trademark laws of the United States as follows:

SUMMARY OF ACTION

1. The musical group Earth, Wind & Fire is one of the best-selling bands of all time, with over 90 million record, CD and related sales. Defendants promote a band that is not associated with nor authorized by, but nevertheless prominently uses Plaintiff’s “Earth, Wind & Fire” marks and logo to mislead the ticket-buying public into mistakenly believing that the real Earth, Wind & Fire is performing at concerts Defendants promote. Plaintiff seeks an injunction

to stop Defendants from engaging in this wrongful conduct, and monetary damages for the harm Defendants' action have caused.

THE PARTIES

2. Plaintiff EWF is a limited liability company organized under the laws of California that has its principal place of business in California. It has been assigned all trademark rights, service mark rights, and other related rights in the "Earth, Wind & Fire" marks associated with and previously owned by the late Maurice White, founder of the Earth, Wind & Fire musical group, together with the attendant goodwill. Plaintiff is owned by Maurice White's sons.

3. Defendant Substantial Music Group LLC is a limited liability company that EWF is informed and believes was organized under the laws of Wyoming but has been suspended in that state for nonpayment of taxes, which also has a branch that is active and organized as a foreign LLC under the laws of the state of Georgia, which has its principal place of business in Indiana, and which operates a website at <https://www.substantialmusicgroup.com/> and does business throughout the United States, including in the Southern District of Florida, promoting musical concerts and events

4. Defendant Stellar Communications, Inc. is a corporation organized under the laws of the state of Indiana that has its principal place of business in Indiana and, EWF is informed and believes, does business throughout the United States, including in the Southern District of Florida.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over the claims in this action pursuant to 15 U.S.C. § 1121, 28 U.S.C. § 1331 and 28 U.S.C. §1338(a). Venue is proper in this district

under 28 U.S.C. §1391(b) in that, *inter alia*, Defendants do business in this District and a substantial portion of the events described in this Complaint took place in this District.

GENERAL BACKGROUND

6. Founded by Maurice White in 1969, the musical group Earth, Wind & Fire is among the best-known and best-selling bands of all time. Musical hits such as “September,” “After the Love is Gone,” “Let’s Groove,” “Shining Star,” and “Boogie Wonderland” are only a few of the many songs made famous by the band that are widely recognized by millions of people. With music spanning jazz, R&B, soul, funk, disco, Latin and Afro pop, the band is known for its kalimba sound, dynamic horn section, distinctive harmonies, and energetic and elaborate stage shows. It has won numerous accolades and awards, including six Grammys, a Grammy Lifetime Achievement Award, four American Music Awards, an ASCAP Rhythm & Soul Heritage Award, a BET Lifetime Achievement Award, the Soul Train Legend Award, the 2012 Congressional Horizon Award, and a Naras Signature Governor’s Award. It has been inducted into the Rock and Roll Hall of Fame, the Vocal Group Hall of Fame and was honored at a Kennedy Center Honors Ceremony in 2019.

7. Since 1970, Plaintiff’s “Earth, Wind & Fire” word mark has been intensively and extensively advertised, promoted and covered by the media in connection with the live and recorded musical entertainment services of the Earth Wind & Fire musical group. Maurice White obtained a federal trademark registration for “Earth Wind & Fire” as a plain text word mark in 1978, Reg. No. 1,084,313 as follows:

EARTH, WIND & FIRE

For more than a decade, Plaintiff has also widely used a stylized version of its “Earth, Wind & Fire” word mark on its website and in advertising for the band’s authorized entertainment services, including as follows:



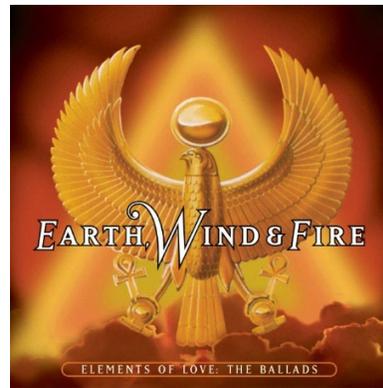
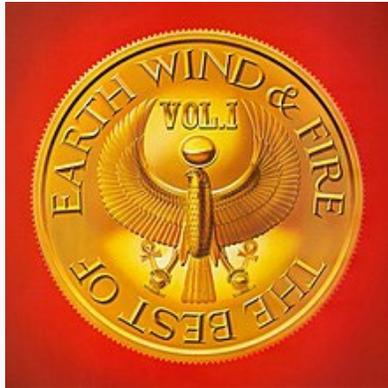
A true copy of the registration certificate for that word mark, and the latest renewal certificate, are attached as Exhibit A.

8. Since no later than 1978, Earth Wind & Fire also has used a distinctive and stylized Egyptian-themed image of a “Phoenix” to identify itself, its music and its musical services to the public, on record album covers, posters, merchandise, advertisements, and online and other promotional materials for “Earth Wind & Fire” live musical concerts. It also has used images of the original members of the band to identify the band and its music.

9. In 2011, 2018 and 2019, Maurice White and Plaintiff obtained federal trademark registrations for the distinctive “Phoenix” design used by Earth Wind & Fire, Reg. No. 4,227,304, 6,019,858 and 6,133,60, s follows:



True copies of those trademark registration certificates are attached as Exhibit B. Exemplar images of authorized uses of Plaintiff's "Earth, Wind & Fire" word mark and logo, together with the distinctive "Phoenix" design and images of founding band members used on album covers, Plaintiff's website, and posters or online advertisements for musical concerts from 1978 through 2017 are set forth below:



10. Earth, Wind & Fire has achieved cross-generational fame as a result of its efforts, accomplishments and awards over the past 50+ years. Radio broadcasts of EWF recordings, EWF record and CD sales, EWF live concert and television appearances, and advertising and promotional efforts relating to EWF's entertainment services that use the word mark "Earth, Wind & Fire," images of original members of Earth Wind and Fire, and/or EWF's distinctive "Phoenix" logo and other Egyptian-themed images of Pyramids and the Sphinx, together with related publicity and media coverage, have contributed to that fame and public association. Over a period of decades, Plaintiff or its predecessor's use of its "Earth, Wind & Fire" word mark, its associated "Phoenix" logo and other Egyptian-themed images, and its classic band member images have made those marks, logos and images familiar to, widely recognized by, and uniquely identified in the minds of the public as signifying the high-quality entertainment services performed by the band that Maurice White founded. Over more than 10 years, images of the three original members who continue to perform with the band, Philip Bailey, Maurice White's brother Verdine White, and Ralph Johnson, have been heavily used to promote the musical group Earth, Wind & Fire. Plaintiff's marks, logo and those images used in connection with Plaintiff's mark and logo, possess a goodwill, drawing power and commercial magnetism of significant commercial value.

11. Maurice White passed away in 2016. Following his death, all trademark rights, service mark rights, and other related rights associated with the musical group Earth, Wind and Fire previously owned by him, with attendant goodwill, were assigned to Plaintiff.

12. Pursuant to a license from Plaintiff, the musical group Earth, Wind & Fire, including the three remaining original members who have been with the band since no later than 1972 as described above, family members of founding members, and other side musicians,

continue to tour the United States and other countries to wide acclaim. Plaintiff and its predecessors also have licensed “Earth, Wind & Fire” to be used on authorized apparel and merchandise.

13. Plaintiff has been selective in evaluating commercial proposals it has received to maintain the goodwill associated with its “Earth, Wind & Fire” and other associated marks and images, and it has not authorized any band except the real musical group Earth, Wind & Fire to use the name and mark “Earth, Wind & Fire” and other associated logos and images described above to promote the band’s live musical entertainment services.

DEFENDANTS’ UNLAWFUL CONDUCT

14. Beginning in about 2019, Defendants hired a few musicians who previously had played with the real Earth, Wind & Fire as side musicians for brief periods up to three decades previously, along with other musicians who had never played with Earth, Wind & Fire, to perform songs that the real Earth, Wind & Fire made famous. Defendants promoted concerts by its new group throughout the country, including in the Southern District of Florida.

15. To increase ticket sales to these concerts, Defendants hatched a scheme to falsely imply in advertising that this new group was the real Earth, Wind & Fire. Defendants did this to benefit from the commercial magnetism and immense goodwill the public has for Plaintiff’s “Earth, Wind & Fire” marks and logos, thereby misleading consumers and selling more tickets at higher prices to shows Defendants promote than would be sold if Defendants honestly advertised who was rendering these performances.

16. Defendants have used various tactics to mislead and deceive the public in their advertising. They at first directly copied and used text and graphics confusingly similar to Plaintiff’s “Earth, Wind & Fire” word mark, logo, and Egyptian-themed images to promote their

offering as the “Earth Wind & Fire Legacy Reunion.” Exemplar images Defendants used in their promotional materials are shown below:



Side-by-side comparison of the name and logo combination Plaintiff used at the time to promote concerts by the real Earth, Wind & Fire with images Defendants used to promote concerts by their band underscores the nature of this infringement as follows:

Plaintiff's Ad



Defendants' Ad



Defendants also used slightly different but still confusing artwork that displayed Plaintiff's “Earth Wind & Fire” word mark in its largest print to promote their concerts as shown below:



17. Plaintiff demanded that Defendants cease and desist their infringing conduct, and following Plaintiff's demands, Defendants changed to less obvious but nevertheless still confusing uses of Plaintiff's "Earth, Wind & Fire's" word mark in advertising as follows:

- a. Defendants changed the title of their live musical shows from "Earth Wind & Fire Legacy Reunion" to "Legacy Reunion of Earth Wind & Fire Alumni," with Plaintiff's "Earth, Wind & Fire" mark still prominently displayed in type as large as all other text in the title. Defendants also changed their logo to a different graphic that depicts a blazing sun reminiscent of Earth Wind & Fire's "I Am" album cover at its center, surrounds that center with a different image that obviously symbolizes the three elements of "Earth Wind and Fire," and surrounds that image with their revised title that continues to prominently use Plaintiff's "Earth, Wind & Fire" word mark. An exemplar logo Defendants presently use on their website at <https://www.substantialmusicgroup.com/artists>, and in promotional materials for shows Defendants currently promote in Topeka, Kansas, Ft. Lauderdale, Florida, and other venues is as follows:



- b. In both their website and promotional material, Defendants augmented the above logo and title use with a prominent use of Plaintiff’s “Earth Wind & Fire” word mark in the largest print on the promotional headline, and in text used in their advertising immediately below that headline, title and logo, as shown on their website and in advertising used to promote a show at the Parker Playhouse in Ft. Lauderdale, Florida, true copies of which are attached as Exhibit C;
- c. That text immediately below Defendants’ headline and logo on those promotional materials uses, makes lengthy references to, and describes the many musical accomplishments of the real Earth, Wind & Fire musical group in a way that implies Defendants’ promoted band is the real Earth, Wind & Fire, when it is not. It states:

“Earth, Wind & Fire dominated the 70's with their monster grooves and high energy, danceable hits. garnering 20 Grammy Award nominations (winning six as a group) and a Hall Of Fame Induction along the way.

“The music of EWF has origins in Jazz, R&B, Funk, Disco and Soul, culminating in the perfect Pop storm. The style and sounds of the greatest hit recordings by Earth Wind & Fire throughout the decades were built by founder & creator Maurice White and the contributions of a stellar collective of some of the best musicians in the world. Get swept up in the musical whirlwind as EWF legacy members reunite to continue the tradition now *Spanning 5 decades.*”
(Exhibit C; emphasis in original.)

As the only band obviously referenced in the above headline, title and logo remains Earth, Wind & Fire, which appears in text as large as or larger than all other text in the advertisement, the “sun” graphic logo and title, headline and text’s repeated prominent uses of Plaintiff’s “Earth, Wind & Fire” word mark continues to convey the commercial impression that it identifies the real Earth, Wind & Fire to an appreciable portion of the consuming public, and that the band whose concert is being advertised is the real Earth, Wind & Fire musical group, when it is not.

18. Defendants also continue to more directly infringe Plaintiff’s trademark rights through social media that is viewable throughout the United States, including in the Southern District of Florida. For example, Defendants posted a 30-second video advertisement for their “Earth Wind & Fire Legacy Reunion” concert in Topeka, Kansas on their Facebook page in 2022 that remains viewable for the concert rescheduled for February 2023. See Defendants’ video on their Facebook page at <https://www.facebook.com/smglive/videos/522537272711723/>, which was reposted on YouTube at <https://www.youtube.com/watch?v=A9o0PpU69pk>. That video ad prominently uses Plaintiff’s “Earth, Wind & Fire” word mark, and combines it with music that at least imitates the real “Earth, Wind & Fire” to describe who is performing at

Defendants' promoted show. A still image from that video ad which shows how Defendants prominently display "Earth Wind & Fire" in the largest text on the screen, with "Legacy Reunion" in smaller print beneath, is shown below:



Defendants also posted in the "Comments" section of the above-described Facebook page information about the death of one of the original members of the real "Earth, Wind & Fire," falsely implying that the "Earth Wind & Fire" concert being advertised was or was authorized by the real Earth, Wind & Fire. A true copy of a print screen from Defendants' Facebook video ad showing the above image and that text is attached as Exhibit D.

19. Defendants also are taking advantage of the well-known search engine optimization features of Google and Internet ticketing agencies to further mislead the public into mistakenly thinking that Defendants are promoting concerts by the real Earth, Wind & Fire musical group. By repeatedly using Plaintiff's "Earth, Wind & Fire" word mark in their promotional materials for events Defendants promote, Defendants falsely cause, encourage, and/or act with knowledge that Google and those ticketing agencies' automated robotic search systems will make concerts Defendants promote appear to be concerts by the real Earth, Wind & Fire in web page listings by combining listings for concerts Defendants promote with listing for

concerts by the Earth, Wind & Fire musical group. For example, a Google search for “Earth, Wind & Fire Ft. Lauderdale” reveals a number of references to the “Earth Wind & Fire Reunion” concert Defendants are promoting in Ft. Lauderdale, Florida and many other locations, along with concerts that the real Earth Wind & Fire band is performing in Florida. A true copy of the first page of that Google listing is attached as Exhibit E.

20. Clicking on the links to the well-known ticketing companies shown on the first page of that Google listing reveals further infringement of Plaintiff’s trademark rights. For example, the “Stubhub” ticket purchase page shown in Exhibit E uses an image of the three original members of Earth, Wind & Fire who currently tour with and lead the band, and whose images are used to promote, the real Earth, Wind & Fire musical group, and it purports to offer tickets and answer questions about how to get tickets to nearby “Earth, Wind & Fire” concerts. However, the ticket listing combines concerts by the real Earth, Wind & Fire with the band Defendants’ promote, and the tickets offered for concerts by the band Defendants promote have nothing to do with the real Earth, Wind & Fire. Musical group. See <https://www.stubhub.com/earth-wind-fire-tickets/performer/2683/> A true copy of that online listing is attached as Exhibit F.

21. Similarly, the “Vividseats” ticket purchase page for “Earth, Wind & Fire” shown on the first page of the Google listing attached as Exhibit E also uses an image of the three original members of the real Earth, Wind & Fire musical group, purports to show “Earth Wind and Fire Tour Dates” and offers and answers questions about getting Earth Wind & Fire tickets, but lists tickets to concerts for both real Earth Wind & Fire events and events Defendants promote that have nothing to do with the real Earth Wind & Fire musical group. See

<https://www.vividseats.com/earth-wind-and-fire-tickets/performer/259>, a true copy of which is attached as Exhibit G.

22. The “Seat Geek” webpage also shown on the first page of that Google listing also uses images of the three original members of the real Earth, Wind & Fire, and provides the same erroneous information about getting Earth Wind & Fire tickets to both real Earth Wind & Fire events with events Defendants promote. See <https://seatgeek.com/earth-wind-fire-tickets>, a true copy of which is attached as Exhibit H.

23. The above-described misconduct is not accidental. It is instead calculated to and likely to mislead, deceive and confuse the consuming public into believing that the concerts Defendants promote are concerts by the real Earth, Wind & Fire musical group when, in fact, they are not. Defendants are not authorized by Plaintiff to use Plaintiff’s “Earth, Wind & Fire” marks, logos and images to promote their concerts, and they continue to do so despite repeated demands by Plaintiff that they stop.

24. Further, Defendants’ misconduct not only is likely to cause confusion, it has caused actual confusion among the consuming public. Plaintiff has received complaints from consumers who mistakenly thought Plaintiff authorized concerts Defendants’ band performed. One consumer in Pensacola, Florida, wrote to Plaintiff that “I attended the EWF legacy reunion in Pensacola Florida in hopes of seeing Philip Bailey, Verdine White and others from the original band. Their pictures are on the advertisement, posters, or whatever. The impression of Reunion would be original band members from various years. Why is it misleading? The pictures should be removed from advertisement. The details read friends and family or something like that.” Another misled consumer emailed Plaintiff to complain, “I bought tickets to see the Earth Wind and Fire concert and attend on last night. This was not Earth Wind and Fire. NO Philip Bailey or

Verdine White. It was just a band playing Earth Wind and Fire music. I purchased 3 tickets and I was very disappointed. It was truly false advertisement. I want my money back!!!! I paid to see Earth Wind and Fire with Philip Bailey and Verdine White.” True copies of said emails are attached as Exhibit H.

25. Defendants engaged in and continue to engage in the above-described misconduct even though at all times they knew and know that, in fact, (1) the musicians they hired include no original members of the real Earth, Wind & Fire, (2) neither Defendants nor any of the former side musicians they hired were authorized or licensed to use Plaintiff’s “Earth, Wind & Fire” marks, logos or images to promote or identify their musical services, and (3) by using Plaintiff’s “Earth, Wind & Fire” marks, images and logos to promote their concerts, Defendants are misleading and deceive an appreciable portion of the consuming public into falsely believing that when they purchase tickets to concerts Defendants promote, they will see the real Earth, Wind & Fire musical group perform when, in fact, they will not.

26. Defendants’ actions are completely unauthorized and are without the consent of Plaintiff, and Plaintiff seeks permanent injunctive relief to restrain Defendants from continuing this misconduct, and specifically, from using Plaintiff’s marks, logos, images of its members, and other indicia of the band’s identity associated with Plaintiff to falsely imply that they are or are authorized by the real “Earth, Wind & Fire,” or from taking any other action that infringes Plaintiff’s trademarks, service marks and publicity rights or constitutes false advertising, false designation of origin, or trademark dilution.

27. The harm EWF has suffered and is continuing to suffer, as well as potential harm to Plaintiff’s customers, is severe. Plaintiff’s ability to control the meaning and quality associated with its live musical services is being damaged to an unknown degree in that, *inter*

alia, Plaintiff's fans and customers are purchasing tickets to concerts they believe to be genuine Earth, Wind & Fire concerts when they are not, and that do not meet their expectations. Such fans and consumers will blame, and in fact already are blaming, Plaintiff for the perceived failure of those concerts.

28. Further, the public interest is being harmed by Defendants' misconduct, which is inducing consumers to mistakenly buy tickets to concerts they think are being performed by the real Earth, Wind & Fire.

29. Defendants' misconduct constitutes trademark infringement, unfair competition and false designation of origin, false advertising, and trademark dilution under the Lanham Act "Earth, Wind & Fire" as described above, and causes Plaintiff to suffer irreparable injury as described above, including injury to its reputation and the public good will in its "Earth, Wind & Fire" and related marks, logos, images of its three original members, for which it has no adequate remedy at law.

FIRST CLAIM FOR RELIEF

(Infringement of Plaintiff's Registered Trademark and Service Mark "Earth, Wind & Fire" and "Phoenix" Logo)

30. Plaintiff realleges and incorporates each and every allegation set forth in paragraphs 1 - 29 above.

31. By reason of the foregoing, Plaintiff asserts a claim against Defendants for injunctive and monetary relief, including actual damages, Defendants' profits and treble damages, together with costs and attorneys' fees pursuant to 15 U.S.C. §§ 1114, 1116, 1117 and 1118 for Defendants' infringement of its registered trademark number 1,084,313 for the mark "Earth, Wind & Fire," a true copy of which is attached as Exhibit A, and for Defendants'

infringement of Plaintiff's registered "Phoenix" design mark, trademark number 4,227,304, , 6,133,601, and 6,019,858, true copies of which are attached as Exhibit B.

SECOND CLAIM FOR RELIEF

(Unfair Competition, False Designation of Origin and False Endorsement Under the Lanham Act, 17 U.S.C. § 1125(a).)

32. Plaintiff realleges and incorporates each and every allegation set forth in paragraphs 1 - 29 above.

33. By reason of the foregoing, Plaintiff asserts a claim against Defendants for injunctive and monetary relief, including actual damages, Defendants' profits and treble damages, together with costs and attorneys' fees pursuant to 15 U.S.C. §§ 1125(a)(1)(A), 1116 and 1117.

THIRD CLAIM OF RELIEF

(False Advertising under the Lanham Act)

34. Plaintiff realleges and incorporates each and every allegation set forth in paragraphs 1- 29 above.

35. By reason of the foregoing, Plaintiff asserts a claim against Defendants for injunctive and monetary relief, including actual damages, Defendants' profits and treble damages, together with costs and attorneys' fees pursuant to 15 U.S.C. §§ 1125(a)(1)(A), 1116 and 1117.

FOURTH CLAIM FOR RELIEF

(Federal Trademark Dilution under the Lanham Act)

36. Plaintiff realleges and incorporates each and every allegation set forth in paragraphs 1-29 above.

37. Plaintiff's "Earth, Wind & Fire" marks are inherently distinctive and have acquired distinctiveness from their past uses in entertainment services.

38. "Earth, Wind & Fire's" marks and logo as described above have been intensively and extensively advertised, promoted and covered by the media in connection with the entertainment services of "Earth, Wind & Fire" for over 50 years, and as a result of this advertising, promotion and media coverage, said marks have come to mean and are recognized in the United States and the world as distinctive marks that identify the entertainment services of or associated with "Earth, Wind & Fire." Said marks are famous and distinctive within the meaning of 15 U.S.C. §§ 1125(c)(1) and 1127.

39. Defendants' wrongful misconduct complained of in this Complaint constitutes unauthorized use of Plaintiff's marks in Florida and in interstate commerce. Defendants' actions were conducted with full recognition of Plaintiff's and its predecessor's use of the marks in worldwide trading areas and channels of trade, and Defendants' unauthorized use commenced after Plaintiff's marks became famous. Such activities have and will continue to cause dilution of the distinctive quality of Plaintiff's marks by lessening their capacity to identify and distinguish entertainment and events authorized by Plaintiff to the damage and harm of Plaintiff in violation of the Federal Trademark Dilution Act of 1995, 15 U.S.C. §1125(c)(1).

40. The activities of Defendants as alleged above have caused and will cause irreparable harm to Plaintiff, for which it has no adequate remedy at law in that (a) if the wrongful conduct continues, Plaintiff's marks risk further dilution, and (b) Defendants' wrongful conduct, and the damage resulting to Plaintiff, is continuing. Accordingly, Plaintiff is entitled to preliminary and permanent injunctive relief pursuant to 15 U.S.C. § 1125(c)(2).

41. Plaintiff is informed and believes, and on that basis alleges, that Defendants have committed the acts above (a) with previous knowledge of Plaintiff's prior rights in the use of its marks; (b) with the willful intent to trade on Plaintiff's goodwill and reputation; and (c) with the willful intent to cause dilution of the marks. As a result, Plaintiff is being damaged in an as yet unascertained amount. In addition, Plaintiff is entitled to treble damages, and also to the recovery of attorneys' fees and costs pursuant to 15 U.S.C. § 1117.

PRAYER

Plaintiff demands judgment in its favor and against Defendants as follows:

A. Enjoining Defendants and all persons acting in active concert or participation with them from using Plaintiff's registered "Earth, Wind & Fire" mark and "Phoenix" design mark, or any other common law mark or images that identify "Earth, Wind & Fire" to the public, in connection with any services or product promoted by Defendants, or in connection with the marketing, distribution, or advertising of any live musical or other entertainment products or services promoted by Defendants.

B. Enjoining Defendants and all those acting in active concert or participation with Defendants from using any of Plaintiff's registered or common law marks, or any trademark confusingly similar thereto, for the purpose of sale, distribution, marketing, advertising and licensing of musical entertainment services or goods in the United States and its possessions or territories.

C. Requiring Defendants and all those acting in active concert or participation with them from using any of Plaintiff's registered or common law marks, or any trademark or logo confusingly similar thereto, for the purpose of the promotion, marketing, advertising and licensing of any entertainment services not authorized in writing by Plaintiff;

D. Requiring Defendants to deliver to Plaintiff all hard copy advertisings, merchandise, promotional materials, brochures, or any other things of any nature bearing any or all of the registered or common law marks of Plaintiff and all other items which are confusingly similar to Plaintiff's marks to Plaintiff for destruction or other disposition by Plaintiff;

E. Requiring Defendants to take down from their website, from the websites of venues with whom Defendants have contracted, and from Facebook, YouTube, Google, Internet ticketing sites, or other internet sites of any nature all advertisements, promotional materials, comments, ticket information pages, or other communicative methods of any nature that utilize Plaintiff's marks or other references of any nature to Plaintiff that are confusingly similar to Plaintiff's marks to identify any live musical concert promoted by Defendants;

F. Requiring Defendants to account to Plaintiff for all revenues derived from Defendant's promotion of its "Earth Wind & Fire Legacy Reunion" and "Legacy Reunion" concerts and performances, from the inception of said promotion to the date of judgment herein, for payment over to Plaintiff;

G. That Plaintiff have and recover a monetary judgment reflecting its compensatory and general damages at trial, or in the alternative, statutory damages;

H. That Defendants be ordered to pay Plaintiff's costs, including reasonable attorneys' fees herein; and

I. For such other and further relieve as the Court deems just and proper.

Dated: March 3, 2023

Respectfully submitted,

/s/ David I. Greenbaum

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EXHIBIT A

Int. Cl.: 41

Prior U.S. Cl.: 107

United States Patent Office

Reg. No. 1,084,313
Registered Jan. 31, 1978

SERVICE MARK

Principal Register

EARTH, WIND & FIRE

Maurice White, doing business as Earth, Wind & Fire
Productions
9321 Burton Way
Beverly Hills, Calif. 90210

For: ENTERTAINMENT SERVICES RENDERED
BY A VOCAL AND INSTRUMENTAL GROUP, in
CLASS 41 (U.S. CL. 107).

First use Nov. 10, 1970; in commerce Nov. 10, 1970.

Ser. No. 120,117, filed Mar. 23, 1977.

HENRY KLEIN, Examiner

900376222 08/29/2016

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM396564

SUBMISSION TYPE:	CORRECTIVE ASSIGNMENT
NATURE OF CONVEYANCE:	Corrective Assignment to correct the citizenship of the receiving party previously recorded on Reel 005859 Frame 0396. Assignor(s) hereby confirms the citizenship of Earth Wind & Fire IP, LLC is California.

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Lawrence Rogers, as Trustee of the Maurice White Revocable Trust Dated June 13, 2001		05/26/2016	Trust: CALIFORNIA

RECEIVING PARTY DATA

Name:	Earth, Wind & Fire IP, LLC
Street Address:	15260 Ventura Blvd.
Internal Address:	Suite 1750
City:	Sherman Oaks
State/Country:	CALIFORNIA
Postal Code:	91403
Entity Type:	Limited Liability Company: CALIFORNIA

PROPERTY NUMBERS Total: 6

Property Type	Number	Word Mark
Registration Number:	3092308	EARTH, WIND & FIRE
Registration Number:	3063785	EARTH, WIND & FIRE
Registration Number:	4227304	
Registration Number:	4641402	THE MIGHTY ELEMENTS
Registration Number:	1084313	EARTH, WIND & FIRE
Serial Number:	86255049	THE ELEMENTS OF EARTH, WIND & FIRE

CORRESPONDENCE DATA

Fax Number: 6098961469

Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.

Phone: 561-804-4423

Email: IPDocket@foxrothschild.com

Correspondent Name: David I. Greenbaum

Address Line 1: 997 Lenox Drive, Building 3

Address Line 4: Lawrenceville, NEW JERSEY 08648

OP \$165.00 3092308

900376222

TRADEMARK
REEL: 005866 FRAME: 0011

ATTORNEY DOCKET NUMBER:	157902.00001
NAME OF SUBMITTER:	Shannon vieau
SIGNATURE:	/Shannon Vieau/
DATE SIGNED:	08/29/2016

Total Attachments: 5

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- source=EWFIPLLC-executedassignment#page2.tif

(This section contains mirrored text from the reverse side of the document, including sections for RECEIVING PARTY DATA, PROPERTY NUMBERS, and CORRESPONDENCE DATA.)

900375328 08/18/2016

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM395611

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Lawrence Rogers, as Trustee of the Maurice White Revocable Trust Dated June 13, 2001		05/26/2016	Trust:
RECEIVING PARTY DATA			
Name:	Earth, Wind & Fire IP, LLC		
Street Address:	15260 VENTURA BLVD.		
Internal Address:	Suite 1750		
City:	SHERMAN OAKS		
State/Country:	CALIFORNIA		
Postal Code:	91403		
Entity Type:	Limited Liability Company: UNITED STATES		
PROPERTY NUMBERS Total: 6			
Property Type	Number	Word Mark	
Registration Number:	3092308	EARTH, WIND & FIRE	
Registration Number:	3063785	EARTH, WIND & FIRE	
Registration Number:	4227304		
Registration Number:	4641402	THE MIGHTY ELEMENTS	
Registration Number:	1084313	EARTH, WIND & FIRE	
Serial Number:	86255049	THE ELEMENTS OF EARTH, WIND & FIRE	
CORRESPONDENCE DATA			
Fax Number:	6098961469		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
Phone:	561-804-4423		
Email:	IPDocket@foxrothschild.com		
Correspondent Name:	Fox Rothschild LLP		
Address Line 1:	997 Lenox Drive, Building 3		
Address Line 4:	Lawrenceville, NEW JERSEY 08648		
ATTORNEY DOCKET NUMBER:	157902.00001		

OP \$165.00 3092308

TRADEMARK
REEL: 005866 FRAME: 0013

TRADEMARK ASSIGNMENT

THIS Trademark Assignment is made as of the date written below between Lawrence Rogers, as Trustee of the Maurice White Revocable Trust Dated June 13, 2001 ("Assignor"), on the one hand, and Earth, Wind & Fire IP, LLC ("Assignee"), on the other hand;

WHEREAS, Assignor is the owner of the world-wide right, title and interest in and to the trademarks and trademark registrations listed in Schedule A hereto, including EARTH, WIND & FIRE, EW&F, EWF, THE MIGHTY ELEMENTS, MAURICE WHITE and similar and related marks, the goodwill of the business symbolized thereby, the right to sue for any infringements, the right to collect and retain all revenue derived from such intellectual property and all agreements relating thereto (collectively the "Trademarks and Related Rights");

WHEREAS, Assignor has agreed to assign to Assignee and its successors and assigns all of Assignor's right, title and interest in and to the Trademarks and Related Rights; and

WHEREAS, Assignee has agreed to accept such assignment.

NOW, THEREFORE, for good and valuable consideration, Assignor hereby assigns to Assignee and its successors and assigns all of Assignor's right, title and interest in and to the Trademarks and Related Rights. Assignee hereby accepts such assignment, and agrees to perform all obligations required to be performed and to grant all rights required to be granted pursuant to any agreements with respect to the rights granted hereunder to which Assignor, or Maurice White, its nominee, is bound, in accordance with the terms thereof.

IN WITNESS WHEREOF, Assignor has caused this Assignment to be executed as of the date written below.

Executed on May 26, 2016.

Lawrence Rogers

Lawrence Rogers, as Trustee of the Maurice White Revocable Trust Dated June 13, 2001

Earth, Wind & Fire IP, LLC

By *Lawrence Rogers*

Lawrence Rogers
Its Manager

SCHEDULE A**TRADEMARKS**

	Mark:	Country	Classes:	App. No.	Reg. No.
1.	EARTH, WIND & FIRE	U.S.	9	78452178	3092308
2.	EARTH, WIND & FIRE	U.S.	25	78976358	3063785
3.	EARTH, WIND & FIRE	U.S.	41	73120117	1084313
4.	EARTH, WIND & FIRE	Australia	9, 25, 41	847228	847228
5.	EARTH, WIND & FIRE	Brazil	41	829437690	829437690
6.	EARTH, WIND & FIRE	Canada	9, 25, 41	TMA921931	1674347
7.	EARTH, WIND & FIRE	China	9, 25, 41	847228	847228
8.	EARTH, WIND & FIRE	EUTM	9, 25, 41	847228	847228
9.	EARTH, WIND & FIRE	Indonesia	9, 25, 41	J00 2014 022430	N/A
10.	EARTH, WIND & FIRE	IR	9, 25, 41	847228	847228
11.	EARTH, WIND & FIRE	Japan	9, 25, 41	847228	847228
12.	EARTH, WIND & FIRE	Mexico	41	1041364	1242573
13.	EARTH, WIND & FIRE	Monaco	9, 25, 41	847228	847228
14.	EARTH, WIND & FIRE	New Zealand	9, 25, 41	847228	847228
15.	EARTH, WIND & FIRE	Philippines	9, 25, 41	4-2015- 001068	N/A
16.	EARTH, WIND & FIRE	Switzerland	9, 25, 41	847228	847228
17.	THE MIGHTY ELEMENTS	U.S.	41	77482683	4641402
18.	THE ELEMENTS OF EARTH, WIND & FIRE	U.S.	9, 41	86255049	N/A
19.	THE ELEMENTS OF EARTH, WIND & FIRE	EUTM	9, 41, 25	013345178	013345178
20.	 [DESIGN ONLY]	U.S.	9	85406548	4227304
21.	EWf	N/A	N/A	N/A	N/A
22.	EW&F	N/A	N/A	N/A	N/A
23.	MAURICE WHITE	N/A	N/A	N/A	N/A

EXHIBIT B

United States of America

United States Patent and Trademark Office



Reg. No. 4,227,304

Registered Oct. 16, 2012

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

WHITE, MAURICE (UNITED STATES INDIVIDUAL)
15260 VENTURA BLVD.
SUITE 1750
SHERMAN OAKS, CA 91403

FOR: EARPHONES AND HEADPHONES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-0-2012; IN COMMERCE 1-0-2012.

THE MARK CONSISTS OF THE MYTHOLOGICAL RENDERING OF A PHOENIX.

SN 85-406,548, FILED 8-24-2011.

JULIE WATSON, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 6,019,858

Registered Mar. 24, 2020

Int. Cl.: 15

Trademark

Principal Register

Earth, Wind & Fire IP, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)
11766 Wilshire Boulevard
Suite 500
Los Angeles, CALIFORNIA 90025

CLASS 15: musical instruments; drums; snare drums

FIRST USE 1-24-2019; IN COMMERCE 1-24-2019

SER. NO. 88-171,969, FILED 10-27-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office



United States of America

United States Patent and Trademark Office



Reg. No. 6,133,601

Registered Aug. 25, 2020

Int. Cl.: 25

Trademark

Principal Register

Earth, Wind & Fire IP, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)
11766 Wilshire Boulevard
Suite 500
Los Angeles, CALIFORNIA 90025

CLASS 25: Clothing, namely, short-sleeved or long-sleeved t-shirts, shirts, sweatshirts, scoop-neck sweatshirts, zippered sweatshirts, hoodies, zippered hoodies, and surf wear; headwear, namely, caps, hats, baseball caps

FIRST USE 00-00-1977; IN COMMERCE 00-00-1977

The mark consists of a drawing of an Egyptian mythological phoenix, with the wings open and curved upward. There is a circular design on top of the head of the phoenix and in each foot the bird is clutching circular shapes with straight bands across the bottom.

SER. NO. 88-542,316, FILED 07-27-2019



Director of the United States
Patent and Trademark Office



EXHIBIT C



LEGACY REUNION: EARTH, WIND & FIRE ALUMNI



SHOWINGS

(#)

THU, APR 13, 2023 - 7:30 PM

UPGRADE YOUR EXPERIENCE

(#)


HALLER CLUB
([HTTPS://WWW.PARKERPLAYHOUSE.COM/EVENTS/THE-HALLER-CLUB](https://www.parkerplayhouse.com/events/the-haller-club))

EVENT DETAILS

(#)

Earth, Wind & Fire dominated the 70's with their monster grooves and high energy, danceable hits, garnering 20 Grammy Award nominations (winning six as a group) and a Hall Of Fame Induction along the way.

The music of EWF has origins in Jazz, R&B, Funk, Disco and Soul, culminating in the perfect Pop storm. The style and sounds of the greatest hit recordings by Earth Wind & Fire throughout the decades were built by founder & creator Maurice White and the contributions of a stellar collective of some of the best musicians in the world. Get swept up in the musical whirlwind as EWF legacy members reunite to continue the tradition now *Spanning 5 decades*.

BECOME A MEMBER FOR ACCESS

(#)

PARKING

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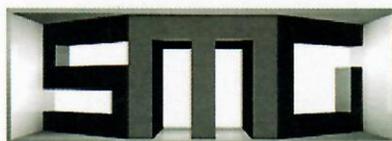
DINING

(#)

GROUP TICKETS

(#)

FESTIVALS

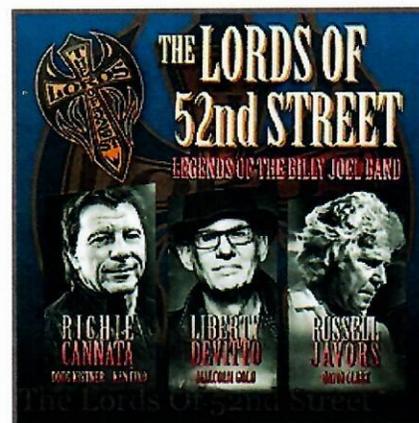


EVENTS

CONCERTS

SUBSTANTIAL MUSIC GROUP

CASINO



Earth, Wind & Fire dominated the 70's with their monster grooves and high energy, danceable hits, garnering 20 Grammy Award nominations and a Hall Of Fame Induction along the way.

The music of EWF has origins in Jazz, R&B, Funk, Disco and Soul, culminating in the perfect Pop storm. The style and sounds of the greatest hit recordings by Earth Wind & Fire were built by founder Maurice White and the contributions of a stellar collective of some of the best musicians in the world throughout the decades

Get swept up in the musical whirlwind & relive the glory days under the Maurice White led era of EWF as Legacy Reunion reunites former members of the EWF family to continue the tradition now Spanning 5 decades.

Legacy Reunion elevates things to an unbelievable level. Without fail they have people on their feet dancing as they bring to life the greatest hits in extolment one of the worlds best selling bands of all time.

is a market leader in entertainment for the private events, corporate and casino market nationwide.

Performing a tight, dynamic and excitingly powerful 3 hour non stop show, corporate clients include Disney, Price Cooper Waterhouse, Miller / Coors, Neiman Marcus, Simon Properties, Booze Allen Hamilton, Anheuser Busch and many other iconic brands.

The act is currently at about 50-60 + dates a year in the corporate and casino and private events market domestically and abroad

In 1975 Billy Joel started looking for a new band. He had already released two studio albums with minimal success and was looking for a New York sound for his next record "Turnstiles".

His first choice to start to build the band was a fellow long islander and bass player, Doug Stegmeyer. He asked Doug if he knew some musicians to help round out the band, Doug replied "You know them already". Doug suggested former band mates Liberty Devitto and Russell Javors, two guys that Billy had known well from his Long Island Music scene, and the band began to rehearse and truly become a unit. The rest is history

THE LORDS OF 52ND STREET are New York's favorite band. They sold more than 150 million records. They helped establish Billy Joel's formidable sound. And they continue to perform their legendary hits still to this day.

EXHIBIT D



Substantial Music Group

April 15, 2022 · 🌐

Earth Wind & Fire Legacy Reunion

Tickets on sale NOW! Don't miss this special EWF show at the Topeka Performing Arts Center October ...

See more

👍❤️ 213

16 comments 3.2K views

Like

Comment

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Comments

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Most relevant

Like Reply 35w



Alicia Struck
Cool

Like Reply 30w



Jason D Odermatt
How one of them just died

Like Reply 37w



Author

Substantial Music Group
Jason D Odermatt

longtime sax player and original member andrew woolfolk recently passed from an extended illness that left him bed ridden for the last 6 years. Andrew had not performed with the band since the late 2000's. He left to go play with Phil Collins and remained with Phil up until his illness.

Like Reply 37w



Most Relevant is selected, so some comments may have been filtered out.



EXHIBIT E



Search bar with icons for X, microphone, camera, and search.



View all →

https://perto.com › ... › Lillian S. Wells Hall at The Parker

Legacy Reunion: Earth, Wind & Fire Alumni, Lillian S. Wells ...

Dec 21, 2022 — Legacy Reunion: **Earth, Wind & Fire** Alumni. Thursday, 04/13/2023. 7:30 pm.
Lillian S. Wells Hall at The Parker, **Fort Lauderdale**, Florida, US.
Thu, Apr 13 Legacy Reunion: Earth, Wind ...

https://www.livenation.com › event › legacy-reunion-ea...

Legacy Reunion: Earth, Wind & Fire Alumni - Live Nation

Apr 13, 2023 — Venue Details. Lillian S. Wells Hall at The Parker. 707 NE 8th Street. **Ft Lauderdale**, FL 33304. (954)462-0222 option 4 for box office ...
Thu, Apr 13 Legacy Reunion: Earth, Wind ...

People also ask

Is Earth, Wind and Fire concert cancelled?

Who is opening for Earth, Wind and Fire 2022?

What do you wear to an Earth, Wind and Fire concert?

How long is the Santana Earth, Wind and Fire concert?

Feedback

https://fortlauderdalemagazine.com › events › lets-groo...

Let's Groove Tonight – The Music of Earth Wind and Fire

Jan 9, 2023 — Subscribe to our newsletter and never miss a thing! **Fort Lauderdale Magazine**.

https://www.bandsintown.com › 103304142-al-mckay's...

Al McKay's Allstars Earth Wind & Fire Experience - Bandsintown

Get concert info and buy tickets to Al McKay's Allstars **Earth Wind & Fire** Experience's upcoming concert at The Soul Train Cruise in **Fort Lauderdale** on Jan ...
Sun, Jan 29 Al McKay's Allstars Earth ...

https://mozaart.com › santana-earth-wind-fire-fort-laud...

Santana, Earth, Wind & Fire in Fort Lauderdale at iTHINK ...

Concert of Santana, **Earth, Wind & Fire** in **Fort Lauderdale**. The concert will take place at iTHINK Financial Amphitheatre in **Fort Lauderdale**.

https://www.goldstar.com › Miami / Ft. Lauderdale

An Evening of Chicago and Earth Wind & Fire Music - Goldstar

Get discount An Evening of Chicago and **Earth Wind & Fire** Music tickets for Gulfstream Park Miami / **Ft. Lauderdale**. Goldstar has An Evening of Chicago and ...

https://seatgeek.com › concert

Earth, Wind & Fire Legacy Reunion - SeatGeek

Apr 13, 2023 — Find tickets for **Earth, Wind & Fire** Legacy Reunion at Lillian S. Wells Hall at The Parker in **Ft Lauderdale**, FL on 04/13/23 at 7:30pm.
Thu, Apr 13 Earth, Wind & Fire Legacy ...

Related searches



Earth Wind & Fire Ft. Lauderdale



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About 7,460,000 results (0.98 seconds)

Ad • <https://www.stubhub.com/> :
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Tickets On Sale Today And Selling Fast, Secure Your Seats Now. USA Tickets 2023. Compare Prices on the Worlds Largest Ticket Marketplace. Wide Selection.
See [Earth Wind And Fire](#) · [All Earth Wind And Fire](#) · [All Events](#) · [Book Today](#) · [Concert Tickets](#)

Ad • <https://www.tickets-center.com/> :
Earth Wind & Fire Reunion - 2023 Parker Playhouse Schedule

Great seats for **Earth Wind & Fire** Legacy Reunion. Order resale tickets online today.
[Parker Playhouse Tickets](#) · [Earth Wind & Fire Reunion](#) · [Additional Events](#) · [Secure Checkout](#)
Winter Sale: 20% off your second order · Ends Jan 20

Ad • <https://www.seatgeek.com/> :
The Best Deals are on SeatGeek - Buy Earth, Wind & Fire Tickets

Millions of Customers Served. Low Fees and Transparent Prices. 100% Guaranteed. See **Earth, Wind & Fire** on Tour. Find Tickets at the Lowest Possible Price on SeatGeek.
Rating for seatgeek.com: 4.8 - 1,131 reviews

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- earth, wind and fire tour dates
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- earth, wind and fire mn
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Ad • <https://www.eventticketscenter.com/> :
Earth, Wind Fire Ft Lauderdale - 2023 Ft Lauderdale Concerts

Don't Miss **Earth, Wind & Fire** Tour 2023. Shop Lillian S. Wells Hall at The Parker Tickets.
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<https://www.ticketmaster.com> › Concert Tickets › R&B :
Earth, Wind & Fire Tickets, 2023 Concert Tour Dates

Buy **Earth, Wind & Fire** tickets from the official Ticketmaster.com site. Find **Earth, Wind & Fire** tour schedule, concert details, reviews and photos.

- Mar 2 - Mar 5 [Okeechobee Music & Arts ...](#)
- Sun, Jun 18 [Earth Wind & Fire](#)
- Jul 7, 2024 [Santana + Earth, Wind & Fire ...](#)

[Santana Tickets](#) · [Adler Theatre, Davenport, IA](#) · WAR

<https://m.facebook.com> › events :
Earth, Wind & Fire @ Riptide Music Festival in Fort Lauderdale ...

Summary ; All Shook Up: Tribute to Elvis Weekend. Sat 11:00 AM EST · Las Olas Oceanside Parks · **Fort Lauderdale**, Florida. 49 people interested ; 35th Annual Las ...

Videos :



Earth Wind & Fire."Boogie Wonderland". Fort Lauderdale ...

YouTube · Brian Quick
Sep 14, 2019

Earth, Wind & Fire - You Want My Love (Official Video) ft ...

EXHIBIT F

StubHub is the world's top destination for ticket buyers and resellers. Prices may be higher or lower than face value.

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Irvine, CA, USA All Dates

Earth Wind and Fire Tickets

14 people viewed Earth Wind and Fire events in the past hour

[Events](#) [Parking](#) [VIP](#) [Others](#)

No events within 50 miles of Irvine, CA, USA

6 events in all locations

The next event is starting in **28 days, 2 hours, 39 minutes, 43 seconds** In 28 days

- 16 FEB**
THU
19:30

[Earth, Wind & Fire](#)
Adler Theatre Davenport, Davenport, IA, USA [See Tickets](#)

This event is selling fast
for Earth Wind and Fire
- In 29 days

17 FEB
FRI
19:30

[Legacy Reunion of Earth Wind and Fire Alumni](#)
Topeka Performing Arts Center, Topeka, KS, USA [See Tickets](#)
- 02 MAR**
THU
12:00

[Okeechobee with Excision, Odesza, Griz, Baby Keem and many more - 4 Day Pass \(March 2-5, 2023\)](#)
Sunshine Grove, Okeechobee, FL, USA [See Tickets](#)
- 06 MAY**
SAT
19:00

[Santana & Earth Wind and Fire \(Rescheduled from 15 Jul 2022\)](#)
Dos Equis Pavilion, Dallas, TX, USA [See Tickets](#)
- 07 MAY**
SUN
19:00

[Santana](#)
The Cynthia Woods Mitchell Pavilion, The Woodlands, TX, USA [See Tickets](#)
- 18 JUN**
SUN
19:30

[Earth Wind and Fire](#)
The Rady Shell at Jacobs Park, San Diego, CA, USA [See Tickets](#)

Earth Wind and Fire tour venues

The Cynthia Woods Mitchell Pavilion

Dos Equis Pavilion

Topeka Performing Arts Center

Adler Theatre Davenport

The Rady She



Earth Wind and Fire Tickets

Earth, Wind & Fire Tickets

Known to its fans as one of the most innovative and influential bands of all time, Earth, Wind & Fire continues to mesmerize crowds with its eclectic blend of R&B, soul, funk, jazz and rock. Since its formation four decades ago by the late Maurice White, the band has seen a host of well-known artists among its ranks, including Phillip Bailey, Roland Bautista, Sheldon Reynolds and Andrew Woolfolk. Having sold 90 million records and received a host of critical acclaim and industry awards, Earth, Wind & Fire's eclectic musical genius was officially recognized with its induction into the [Rock and Roll Hall of Fame](#) in 2000. The band has toured the world and played a variety of venues and events, including the closing ceremonies for the 2002 Winter Olympics and the [Montreux Jazz Festival](#) in Switzerland.

Chicago-born and Internationally Known

Earth, Wind & Fire was founded in Chicago by Maurice White and its original members Philip Bailey, Verdine White, Fred White, Al McKay, Johnny Graham, Larry Dunn and Andrew Woolfolk. The original concept for the band focused on musical expansion that was not tied to any particular genre. Instead, the band sought to fuse the elements of multiple genres, creating a sound that was innovative and unique. The name Earth, Wind & Fire was inspired by Maurice White's astrological chart containing elements comprised only of earth, air (wind) and fire signs. While its debut self-titled album released in 1971 peaked at No. 24 on the Billboard Top Soul Albums chart, it was its third album, *That's the Way of the World*, that catapulted the band to the level of high celebrity. This album produced two of the band's best-selling singles to date, *Reasons* and *Shining Star*. The band went on to release 17 additional studio albums, of which eight were certified platinum. The band received a star on the Hollywood Walk of Fame in 1995.

Where can I get Earth, Wind & Fire tickets?

StubHub, the world's largest ticket marketplace, makes it fast and easy to purchase your Earth, Wind & Fire concert tickets. Backed by the FanProtect guarantee, you can ensure your purchase is safe when using either the mobile app or desktop platform.

Are there Earth, Wind & Fire concerts near me?

Earth, Wind & Fire currently has 22 shows scheduled through September 2019. You can experience one of the most innovative bands of our time when it stops at the [Cincinnati Jazz Festival](#), [Stifle Theatre](#) or Curacao [North Sea Jazz Festival](#).

What can I expect from an Earth, Wind & Fire concert?

One word? Energy! Earth, Wind & Fire concerts are explosive, with live music, color, and light. The group generally plays a wide variety of its hits throughout the decades and fans are encouraged to sing along. Many of the venues currently scheduled to host the band are outdoor amphitheaters, so it's important to be mindful of the particular venue and its seating, requirements and restrictions in order to prepare for the show.

What are some popular Earth Wind & Fire albums?

With an illustrious career spanning 40 years, there are many great Earth, Wind & Fire albums to choose from! These include *I Am*, *All n' All*, *Open Our Eyes*, *That's the Way of the World*, *Raise*, *Gratitude*, *Head to the Sky*, *Spirit*, *Faces* and *Touch the World*.

How many Grammy Awards has Earth, Wind & Fire won?

Earth, Wind, and Fire has won a total of seven Grammy Awards.

What artists are similar to Earth, Wind & Fire?

Earth, Wind & Fire fans may also enjoy [The Commodores](#) and [Kool and the Gang](#). [Back to Top](#)

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EXHIBIT G

All resale ticket prices may be above or below face value.



vividseats



Concerts / R&B

Earth Wind and Fire Tickets



Date

Search by City

Earth Wind and Fire Tour Dates

- Feb 16** **Earth Wind and Fire** →
 Thu • 7:30pm Adler Theatre - Davenport, IA
- Feb 17** **Legacy Reunion of Earth Wind and Fire Alumni** →
 Fri • 7:30pm Topeka Performing Arts Center - Topeka, KS
- Feb 18** **Earth Wind and Fire** →
 Sat • 7:30pm Bridge View Center - Ottumwa, IA
- Mar 2** **Earth Wind and Fire** →
 Thu • 7:30pm Thalia Mara Hall - Jackson, MS
- May 6** **Santana with Earth Wind and Fire (Rescheduled from 7/3/2020, 7/16/2021, 7/15/2022)** →
 Sat • 7:00pm Dos Equis Pavilion - Dallas, TX
- Jun 18** **Earth Wind and Fire** →
 Sun • 7:30pm The Rady Shell at Jacobs Park - San Diego, CA

Related Events Near You

Jill Scott

Thu, Jun 22 at 8:00pm

Hollywood Bowl - Los Angeles, CA

Steve Lacy (Rescheduled from 11/2/2022)

Sat, Feb 18 at 7:00pm

The Observatory North Park - San Diego, CA

Brenton Wood

Sat, Feb 11 at 7:00pm

Long Beach Arena - Long Beach, CA

Anita Baker

Fri, Dec 22 at 7:00pm

Crypto.com Arena - Los Angeles, CA

Kem, Ledisi, Musiq Soulchild

Fri, Feb 17 at 8:00pm

Microsoft Theater - Los Angeles, CA

Ari Lennox

Sat, Feb 4 at 8:00pm

The Wiltern - Los Angeles, CA

Earth Wind and Fire Concert Experience

Earth Wind and Fire has become one of the top R&B artists in the 2023 music scene, delighting fans with a unique R&B sound. Earth Wind and Fire tickets provide an opportunity to be there in person for the next Earth Wind and Fire concert. So experience it live and be there in person for a 2023 Earth Wind and Fire R&B concert.

You can buy Earth Wind and Fire tickets from Vivid Seats with confidence thanks to the Vivid Seats 100% Buyer Guarantee.

Additionally, Vivid Seats was named No. 1 in the ticketing category on Newsweek's list of Best Customer Service in both 2020 and 2021.

Earth Wind and Fire Ticket Prices and Tour Information

How Much Are Earth Wind and Fire Tickets?

No matter what you're looking to spend, Vivid Seats has tickets to fit your budget. Currently, Earth Wind and Fire tickets at Vivid Seats start at \$31, with an average price of \$383.

How to Buy Cheap 2023 Earth Wind and Fire Tickets

Top R&B Tour Tickets Available Now

If you're a Earth Wind and Fire fan and a R&B lover in general, check out tickets for some of the top R&B acts who have recently announced tours:

- Patti LaBelle tickets
- Kool and the Gang tickets
- Kid Cudi tickets
- Kendrick Lamar tickets
- Mary J. Blige tickets

Earth Wind and Fire Tour Dates and Ticket Prices

Earth Wind and Fire Tour Dates will be displayed below for any announced 2023 Earth Wind and Fire tour dates. For all available tickets and to find shows near you, scroll to the listings at the top of this page.

DATE	CITY	VENUE	LOWEST PRICE
02/16/2023	Davenport, IA	Adler Theatre	\$61
02/17/2023	Topeka, KS	Topeka Performing Arts Center	\$64
02/18/2023	Ottumwa, IA	Bridge View Center	\$93
03/02/2023	Jackson, MS	Thalia Mara Hall	\$31
05/06/2023	Dallas, TX	Dos Equis Pavilion	\$48
06/18/2023	San Diego, CA	The Rady Shell at Jacobs Park	\$99

Related Artists

Usher

Anita Baker

No matter what you're looking to spend, Vivid Seats has you covered, with options for cheap Earth Wind and Fire tickets. Right now, the cheapest price for Earth Wind and Fire tickets is \$31.

When Is the Next Earth Wind and Fire concert?

Vivid Seats has full Earth Wind and Fire tour info for all announced shows. Scroll up to see the next available Earth Wind and Fire concert.

Will Earth Wind and Fire Tour in 2023?

Earth Wind and Fire tour dates for 2023 or 2024 may be available now. For any confirmed future Earth Wind and Fire tour dates, Vivid Seats will have tickets. View all top **2023 concerts** and tour rumor information for top artists.

Earth Wind and Fire Floor Seats

Earth Wind and Fire floor seats can provide a once-in-a-lifetime experience. Often, floor seats/front row seats can be some of the most expensive tickets at a show. Sometimes Vivid Seats offers VIP Earth Wind and Fire meet and greet tickets, which can cost more than front row seats or floor tickets. The maximum price tickets for Earth Wind and Fire could be front row or center stage tickets.

Are Earth Wind and Fire Tickets Sold Out?

Even for popular R&B events like Earth Wind and Fire concerts, the Vivid Seats ticket marketplace usually has tickets.

When do Earth Wind and Fire Tickets Go on Sale 2023?

Earth Wind and Fire concert tickets 2023 are on sale now at Vivid Seats.

Other Top R&B Concert Performers

Vivid Seats has R&B tickets for all top performers. Browse tickets for some of the most well-known R&B acts:

- [Adele tickets](#)
- [Lizzo tickets](#)
- [SZA tickets](#)
- [Joji tickets](#)
- [Steve Lacy tickets](#)

EXHIBIT H

Earth, Wind & Fire

Tickets

Beverly Hills, CA

Date

No concerts near Beverly Hills, CA

All concerts

Feb 16 Earth, Wind & Fire - Davenport

Thu · 7:30pm Adler Theatre · Davenport, IA

Feb 17 Earth, Wind & Fire

Fri · 7:30pm Topeka Performing Arts Center · Topeka, KS

Mar 4 Okeechobee Music and Arts Festival (Saturday Pass) with GRiZ, Earth, Wind & Fire, Local Natives, Big Boi

Sat · 12:00pm Sunshine Grove · Okeechobee, FL

May 7 Santana (Rescheduled from 7/5/20, 7/17/21, 7/16/22)

Sun · 7:00pm The Cynthia Woods Mitchell Pavilion presented by Huntsman · The Woodlands, TX

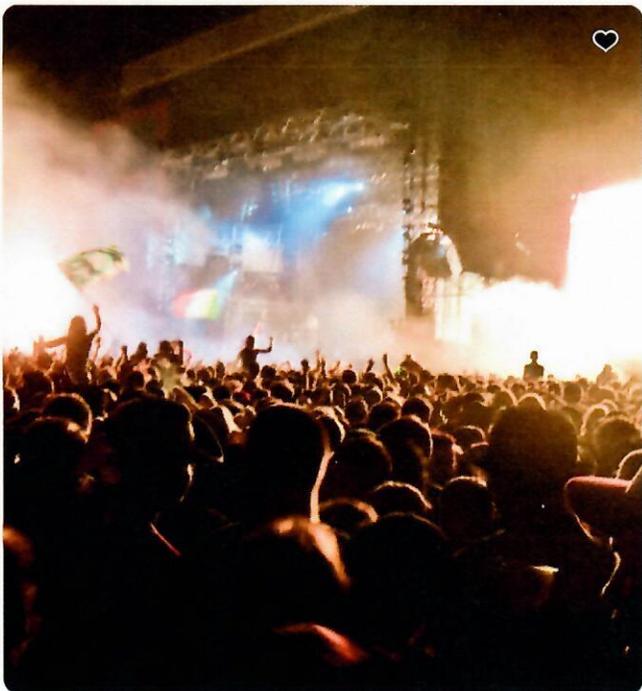
Similar Events



The Whispers

May 6 · The Greek Theatre - Los Angeles

From \$85



Valentine's Super Love Jam with The Isley Brothers, Ginuwine...

Feb 11 · Pechanga Arena San Diego

From \$107



Kool & The Generators

Feb 5 · Cerritos

From \$141

About Earth, Wind & Fire Tickets

Frequently Asked Questions About Earth, Wind & Fire Ticket Prices and Concert Information

Is Earth, Wind & Fire touring?

See above for all scheduled Earth, Wind & Fire concert dates and click "favorite" at the top of the page to get Earth, Wind & Fire tour updates and discover similar events.

How much are Earth, Wind & Fire tickets?

Earth, Wind & Fire tickets on the secondary market can vary depending on a number of factors. Typically, Earth, Wind & Fire tickets can be found for as low as \$65.00, with an average price of \$98.00.

How to get cheap Earth, Wind & Fire tickets?

If you're looking for cheap Earth, Wind & Fire tickets, tickets can be found for as low as \$65.00. Additionally, once you click on your preferred event date, use the "sort by price" button located in the top left hand corner of the event page to sort all available Earth, Wind & Fire tickets by cheapest tickets available.

How long are Earth, Wind & Fire concerts?

Most Earth, Wind & Fire concerts last about 2-3 hours but can run shorter or longer depending on the opening acts, encore, etc.

How to Buy Earth, Wind & Fire Tickets

SeatGeek is the best way to browse, find, and buy Earth, Wind & Fire Tickets.

1. Browse the above listings of Earth, Wind & Fire tickets to find a show you would like to attend. Once you find the perfect date and show time, click on the button on the right hand side of the event to see all available tickets for that show.
2. Next, explore all available Earth, Wind & Fire tickets on the left hand side of the screen. Filters at the top of the page allow tickets to be sorted by price, or by SeatGeek's Deal Score feature, which ranks tickets by value and tells you exactly how good of a deal you're looking at. On the right hand side, you can explore SeatGeek's interactive maps to find the perfect seating section, and to get a preview of what a view from a seat in that section will look like.
3. To buy Earth, Wind & Fire tickets, click the ticket listing and you will be directed to SeatGeek's checkout process to complete the information fields.
4. SeatGeek will process your order and deliver your Earth, Wind & Fire tickets.

CONCERT CATEGORIES	CONCERT TICKETS BY CITY	POPULAR CLASSIC ROCK ARTISTS
Country Concerts	New York Concerts	Elton John
Pop Concerts	Miami Concerts	Bob Dylan
Rap/Hip-Hop Concerts	Chicago Concerts	Motley Crue
Classic Rock Concerts	Los Angeles Concerts	Billy Joel
Latin Music Concerts	Phoenix Concerts	Bon Jovi
R&B Concerts	Las Vegas Concerts	Journey
Music Festivals	Portland Concerts	Def Leppard
All Concerts	Denver Concerts	The Eagles

Earth, Wind & Fire Ticket Prices

The cost of Earth, Wind & Fire tickets can vary based on a host of factors. Please see below for a look at how Earth, Wind & Fire ticket prices vary by city, and scroll up on this page to see Earth, Wind & Fire tour dates and ticket prices for upcoming concerts in your city.

City	Venue	Average Ticket Price
San Francisco	Shoreline Amphitheatre	\$143

City	Venue	Average Ticket Price
San Diego	North Island Credit Union Amphitheatre	\$101
Dallas	Dos Equis Pavilion	\$63
St. Louis	Hollywood Casino Amphitheatre - MO	\$34
New York	Northwell Health at Jones Beach Theater	\$169
Indianapolis	Ruoff Music Center	\$28
San Francisco	USANA Amphitheatre	\$143
Philadelphia	Freedom Mortgage Pavilion	\$47
Chicago	Hollywood Casino Amphitheatre - IL	\$70
San Francisco	T-Mobile Center	\$143

Earth, Wind & Fire Tour Dates

See below for a list of Earth, Wind & Fire tour dates and locations. For all available tickets and to find shows in your city, scroll to the listings at the top of this page.

Date	City	Venue
02/16/2023	Davenport, IA	Adler Theatre
02/17/2023	Topeka, KS	Topeka Performing Arts Center
03/04/2023	Okeechobee, FL	Sunshine Grove
05/07/2023	The Woodlands, TX	The Cynthia Woods Mitchell Pavilion presented by Huntsman

Performing At

- Adler Theatre in Davenport, IA
- Topeka Performing Arts Center in Topeka, KS
- Sunshine Grove in Okeechobee, FL
- The Cynthia Woods Mitchell Pavilion presented by Huntsman in The Woodlands, TX

Related Seating Charts

Adler Theatre Seating Chart Sunshine Grove Seating Chart The Cynthia Woods Mitchell Pavilion ...
 Topeka Performing Arts Center Seati...

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