

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 08-20305-CIV-SEITZ/MCALILEY

CITIZENS UNITED,
a Virginia corporation

Plaintiff,

v.

CITIZENS UNITED NOT TIMID,
a Florida unincorporated association,
ROGER J. STONE, JR., an individual, and
JEFFREY M. JONES, an individual,

Defendants.

FILED by <u>JC</u> D.C. ELECTRONIC
FEB. 5, 2008
CLARENCE MADDOX CLERK U.S. DIST. CT. S. D. OF FLA. - MIAMI

COMPLAINT

Plaintiff Citizens United (hereinafter "CU") brings this Complaint against Defendants Citizens United Not Timid (hereinafter "NT"), Roger Stone (hereinafter "Stone") and Jeffrey M. Jones (hereinafter "Jones") and alleges as follows:

I. THE PARTIES

1. CU is a non-stock corporation organized under the laws of the Commonwealth of Virginia. Its office and principal place of business is located at 1006 Pennsylvania Avenue, Washington, DC 20003.

2. NT is, on information and belief, an unincorporated association in the state of Florida. NT has its principal place of business at 1628 NE 178th Street, North Miami, Florida, 33216.

3. Jeffrey M. Jones is an individual residing at 1628 NE 178th Street, North Miami Beach, FL 33216, and at all relevant times has acted on his own behalf and/or on behalf of NT.

4. Roger J. Stone, Jr. is an individual residing at 1356 Biscaya Drive, Surfside, Florida 33154, and at all relevant times has acted on his own behalf and/or on behalf of NT.

5. On or about January 18, 2008, NT filed a Form 8871 with the Internal Revenue Service claiming political organization status under Internal Revenue Code Section 527. The officers of NT were identified as Jeffrey M. Jones, Chairman and Treasurer, and Roger Stone, Assistant Treasurer.

II. NATURE OF ACTION

6. This is an action for service and trade mark and trade name infringement and false designation of origin under the Trademark Act of 1946, as amended (The Lanham Act, 15 U.S.C. § 1051 *et seq.*), and for unfair competition, deceptive trade practices and service mark and trade name infringement under the common law of the State of Florida. These violations are based on the adoption and use of “Citizens United Not Timid” as a trade name and service and trade mark for the services NT purports to provide in its political advocacy, and the goods sold incident thereto. These goods include certain T-shirts NT sells at the website found at the URL, www.citizensunitednottimid.org. These actions by NT, Jones and Stone are all in

violation of CU's established rights in the trade name, CITIZENS UNITED, and rights in CITIZENS UNITED as a registered service and trade mark for, *inter alia*, "promoting public awareness of the need for the restoration of the people of the United States as the political sovereign over civil government and dissemination of information relating thereto."

III. JURISDICTION AND VENUE

7. This Court has jurisdiction pursuant to 15 U.S.C. § 1121 (actions arising under the Federal Trademark Act), 28 U.S.C. 1338(a) (acts of Congress relating to trademarks), 28 U.S.C. 1338(b) (pendent unfair competition claims) and 28 U.S.C. § 1367(a) (supplemental jurisdiction). Venue is proper in this District pursuant to 28 U.S.C. 1391(b) and (c).

IV. SUBSTANTIVE ALLEGATIONS

A. *CU's Service Marks, Trade Name, and Services.*

8. CU was organized in November 1988 as a political advocacy group dedicated to restoring government to citizen control. The organization engages in political advocacy both nationally and by local grass roots activities. In order to accomplish its mission, it uses a wide variety of media outlets and products, including news releases, print, audio and video advertising, the Internet and its own web site, and full-length documentary films to educate citizens and advocate political change.

9. Since its inception in 1988 and without interruption to the present time, CU has traded under the trade name CITIZENS UNITED.

10. CU is the owner of United States Trademark Registration Nos. 1,809,741, (the '741 mark) registered December 7, 1993 and 1,877,094 (the '094 mark) registered January 31, 1995.

11. The '741 mark is a stylized mark including the head of an eagle over a section of a United States flag and includes the words "Citizens" and "United" at the top and bottom of the mark, respectively. A copy of the '741 registration is attached hereto as Exhibit A. The '741 mark was registered in International Class 42, for services relating to "promoting public awareness of the need for the restoration of the people of the United States as the political sovereign over civil government and dissemination of information relating thereto." This registration for the '741 mark is now valid, subsisting, uncanceled and unrevoked.

12. The '741 mark has been used continuously and exclusively for five consecutive years since registration and is still in use by CU, and it is now incontestable under § 15 of the Lanham Act, 15 U.S.C. § 1065.

13. The '094 mark is a word mark consisting only of the words "CITIZENS UNITED." A copy of the '094 registration is attached hereto as Exhibit B. The '094 mark was registered in International Class 42, for services relating to "promoting public awareness of the need for the restoration of the people of the United States as the political sovereign over civil government and dissemination of information relating thereto." This registration for the '094 mark is now valid, subsisting, uncanceled and unrevoked.

14. The '094 mark has been used continuously and exclusively for five consecutive years since registration and is still in use by CU, and it is now incontestable under § 15 of the Lanham Act, 15 U.S.C. § 1065.

15. Since on or about November, 1988, CU continuously used CITIZENS UNITED as its trade name and as a mark in connection with and to identify its services in political advocacy, educating the public on the need for the restoration of the people of the United States as the political sovereign over civil government. This has included the preparation, sale and distribution of materials – including feature length documentary films - opposing the liberal political agenda. CU has also prominently displayed the '094 and '741 marks in letters, advertising and promotional materials and other materials, including its films, distributed throughout the United States. It also prominently displays these marks and its trade name at Internet web pages and in the URL for these, www.citizensunited.org. CU's services provided under the mark CITIZENS UNITED are provided nationwide, including in the State of Florida.

16. The services for which CU uses the mark CITIZENS UNITED include, specifically, the preparation, sale and distribution of a film entitled, "Hillary The Movie." "Hillary The Movie" is a full length feature film produced by CU which includes "40 in-depth interviews with experts, opinion makers, and many of the people who personally locked horns with the Clintons." The film is intended to educate the American public about Hillary Clinton in order that they may be better informed as they exercise their right to vote in state primaries, and potentially, in the national Presidential election.

17. CU often has used and continues to use its CITIZENS UNITED mark in conjunction with other words to create unique marks regarding specific goods or services it is providing. Thus, for example, it has used “Citizens United for the Bush Agenda,” “Citizens United for American Sovereignty” and “Citizens United for a Secure America” as marks used in conjunction with various services.

18. CU has established a Political Action Committee which trades under the trade name “Citizens United Political Victory Fund” and is affiliated with a 501(c)(3) entity, which trades under the name, “Citizens United Foundation.”

19. CU’s trade name and mark CITIZENS UNITED has acquired secondary meaning in Florida and elsewhere, indicating CU as the source of the services and goods associated therewith identified herein.

20. Since on or before November 1988, CU has used CITIZENS UNITED to identify its business and its services and to create consumer good will in those endeavors. Its use in Florida and elsewhere has been continuous and exclusive and it has, therefore, obtained a common law right to use CITIZENS UNITED as its trade name and service mark in Florida and elsewhere.

21. On information and belief, prior to their first use of the name “Citizens United Not Timid,” NT and its officers knew that CU had used, was using, and had obtained rights to use CITIZENS UNITED as its trade name and trade and service mark and that CU had registered the word mark CITIZENS UNITED with the U.S. Patent and Trademark Office.

B. Defendants' Infringing and Deceptive Activities

22. On or about January 8, 2008, one or more of Defendants Jones, Stone and/or NT, or an agent acting on their behalf, registered the domain name www.citizensunitednottimid.org through the GoDaddy.com, Inc. registrar.

23. On or about January 18, 2008, Defendants Jones and Stone, associated together for the purpose of organizing NT as a 527 political organization. Defendant Jones filed a Form 8871 claiming status as a political organization under Internal Revenue Code Section 527 and identifying himself as the Chairman and Treasurer of NT and Stone as the Assistant Treasurer of NT.

24. On information and belief, all of the acts and omissions alleged herein committed by NT have been committed either by Jones or Stone, each acting on their own behalf, as the agent for the other and for NT in furtherance of their joint undertaking as NT.

25. Since an unknown date and time after January 8, 2008, NT has operated a web site at www.citizensunitednottimid.org. The home page for the web site bears the title "What is Hillary?" Immediately under the caption is a stylized logo intended to represent the anatomy of a woman. Under the logo are the words "Citizens United Not Timid a 527 Organization To Educate The American Public About What Hillary Clinton Really Is." The first letters of Citizens United Not Timid are in bold font. No text or other information appears on the web site useful to so educate the American public. Adjacent to the logo is a photograph of a model wearing a T-shirt bearing the logo. The page allows for visitors to click to a second page to purchase a T-shirt with the organization's logo. The second page also allows a visitor to add his or her name to

the list of persons “who agree with [NT’s] analysis.” A copy of the home page and second page from NT’s web site is attached hereto as Exhibit C.

26. An individual completing the contribution form and T-shirt ordering process through the NT web site with a credit card payment, receives the following confirmation of payment: “This credit card transaction will appear on your bill as "PAYPAL *CTZNSUNITED". Notably, the words “Not Timid” are not included with the credit card receipt confirmation.

27. NT’s sole business appears to be to use its trade name – and specifically the vulgar acronym formed from its trade name – to slur Hillary Clinton, to sell and distribute T-shirts bearing a vulgar and obscene logo and to collect names of those who are similarly inclined to characterize Ms. Clinton.

28. NT’s use of “Citizens United Not Timid” for its trade name and service and/or trade mark is intentionally confusing and misleading, and likely to confuse persons to believe that CU is the source of, or sponsored, approved or endorsed the NT web site, other services and products. Indeed, at least one political commentator, Matt Labash, already suggested to NT’s assistant treasurer, Roger Stone, that members of the public may confuse the two entities because of the similarity of their trade names.

29. NT also provided a number of media interviews to publicize its web site and its political advocacy. Such interviews have principally been provided by NT’s assistant treasurer, Roger Stone.

30. NT is trading as “Citizens United Not Timid”, both in the State of Florida and throughout the United States. It is offering services, including political advocacy in opposition to Hillary Clinton, both in Florida and throughout the United States and it is

selling and disseminating products bearing “Citizens United Not Timid” which products are intended to be political advocacy in opposition to Hillary Clinton both in Florida and throughout the United States.

COUNT ONE

**INFRINGEMENT OF FEDERAL
TRADEMARK REGISTRATION NO. 1,809,741
IN VIOLATION OF THE LANHAM ACT, 15 U.S.C. § 1114.**

31. CU hereby realleges and incorporates by reference all previous paragraphs of this Complaint as if fully set forth herein.

32. Defendants have infringed CU’s ‘741 mark in interstate commerce by various acts, including, without limitation: a) by registering the domain name www.citizensunitednottimid.org and operating a web site there; b) selling and distributing T-shirts bearing the “Citizens United Not Timid” trade name and trade mark; c) confirming receipt of credit card payments for T-shirts with “CTZNSUNITED”; and d) publicizing the web site by the use of the trade name and service mark “Citizens United Not Timid”, and by providing other services of a type virtually identical to the services offered by CU.

33. The use by Defendants of “Citizens United Not Timid” in connection with the goods and services identified herein, and specifically those services identified immediately above, is without permission or authority of CU and said use is likely to cause confusion, to cause mistake and/or to deceive.

34. On information and belief, the infringement by Defendants of CU’s registered ‘741 mark is willful and was done with the knowledge that the use of “Citizens United Not Timid” would deceive and/or confuse consumers, contributors,

and other members of the public as to the source, sponsorship, origin, affiliation or association of NT and its services. Further, on information and belief, the infringement by Defendants was done with knowledge that the use would harm CU in its business, diminishing its goodwill and tarnishing its reputation.

35. On information and belief, the use by Defendants of “Citizens United Not Timid” in connection with the services identified herein was made notwithstanding CU’s well-known and prior established rights in the ‘741 mark and with actual and constructive notice of CU ’s federal registration rights under 15 U.S.C. § 1072.

36. The infringing activities of Defendants have caused and, unless enjoined by this Court, will continue to cause, irreparable injury to CU’s business, reputation and good will in its federally registered ‘741 service mark, for which CU has no adequate remedy at law.

COUNT TWO

INFRINGEMENT OF FEDERAL TRADEMARK REGISTRATION NO. 1,877,094 IN VIOLATION OF THE LANHAM ACT, 15 U.S.C. § 1114.

37. CU hereby realleges and incorporates by reference all previous paragraphs of this Complaint as if fully set forth herein.

38. Defendants have infringed CU’s ‘094 mark in interstate commerce by various acts, including, without limitation: a) by registering the domain name www.citizensunitednottimid.org and operating a web site there; b) selling and distributing T-shirts bearing the “Citizens United Not Timid” trade name and trade mark; c) confirming receipt of credit card payments for T-shirts with “CTZNSUNITED”; and d) publicizing the web site by the use of the trade name and

service mark “Citizens United Not Timid”, and by providing other services of a type virtually identical to the services offered by CU.

39. The use by Defendants of “Citizens United Not Timid” in connection with the goods and services identified herein, and specifically those services identified immediately above, is without permission or authority of CU and said use is likely to cause confusion, to cause mistake and/or to deceive.

40. On information and belief, the infringement by Defendants of CU’s registered ‘094 mark is willful and was done with the knowledge that the use of “Citizens United Not Timid” would deceive and/or confuse consumers, contributors and other members of the public as to the source, sponsorship, origin, affiliation or association of NT and its services. Further, on information and belief, the infringement by Defendants was done with knowledge that the use would harm CU in its business, diminishing its goodwill and tarnishing its reputation.

41. On information and belief, the use by Defendants of “Citizens United Not Timid” in connection with the services identified herein was made notwithstanding CU’s well-known and prior established rights in the ‘094 mark and with actual and constructive notice of CU’s federal registration rights under 15 U.S.C. § 1072.

42. The infringing activities of Defendants have caused and, unless enjoined by this Court, will continue to cause, irreparable injury to CU’s business, reputation and good will in its federally registered ‘094 service mark, for which CU has no adequate remedy at law.

COUNT THREE

**FALSE DESIGNATION OF ORIGIN
IN VIOLATION OF THE LANHAM ACT, 15 U.S.C. § 1125.**

43. CU hereby realleges and incorporates by reference all previous paragraphs of this Complaint as if fully set forth herein.

44. On information and belief, Defendants used the designation “Citizens United Not Timid” in connection with services of political advocacy opposing Hillary Clinton and other services of a type virtually identical to the services offered by CU in interstate commerce. The use of the designation “Citizens United Not Timid” by Defendants is likely to cause confusion and to cause mistake, and to deceive as to the affiliation, connection or association of NT with CU and as to the source, origin, sponsorship, endorsement or approval of NT’s services and activities by CU.

45. On information and belief, the use of the designation “Citizens United Not Timid” by Defendants is willful and was done with the knowledge that the use of “Citizens United Not Timid” would deceive and/or confuse consumers, contributors and other members of the public voters as to the source, sponsorship, origin, affiliation or association of NT and its services. Further, on information and belief, the infringement by Defendants was done with knowledge that the use would harm CU in its business, diminishing its goodwill and tarnishing its reputation.

46. The wrongful activities of Defendants have caused, and unless enjoined by this Court will continue to cause, irreparable injury to CU’s business, reputation and good will in its registered marks, for which CU has no adequate remedy at law.

COUNT FOUR

**UNFAIR COMPETITION, DECEPTIVE TRADE PRACTICES, SERVICE
MARK AND TRADE NAME INFRINGEMENT
IN VIOLATION OF FLORIDA COMMON LAW**

47. CU realleges and incorporates by reference all previous paragraphs of this Complaint as if fully set forth herein.

48. CU, by its regular and continued use of CITIZENS UNITED, has first acquired trade name rights and trade and service mark rights to the name and mark under Florida common law. The name and mark has acquired a secondary meaning identifying CU as the source of the services either by virtue of being inherently distinctive or by actual usage in a certain trade area.

49. Defendants have infringed CU's trade name and trade and service mark in Florida by various acts, including, without limitation: a) by registering the domain name www.citizensunitednottimid.org and operating a web site there; b) selling and distributing T-shirts bearing the "Citizens United Not Timid" trade name and trade mark; c) confirming receipt of credit card payments for T-shirts with "CTZNSUNITED"; and d) publicizing the web site by the use of the trade name and service mark "Citizens United Not Timid, and by providing other services of a type virtually identical to the services offered by CU.

50. The use by Defendants of "Citizens United Not Timid" in connection with the services identified herein, and specifically those services identified immediately above, is without permission or authority of CU and said use is likely to cause confusion, to cause mistake and/or to deceive.

51. The infringement by Defendants of CU's registered and common law service marks is willful and was done with the knowledge that the use of "Citizens United Not Timid" would deceive and/or confuse consumers, contributors and voters as to the source, sponsorship, origin, affiliation or association of NT and its services. Further, on information and belief, the infringement by Defendants was done with knowledge that the use would harm CU in its business, diminishing its goodwill and tarnishing its reputation.

52. The activities of Defendants as stated herein constitute unfair competition and deceptive trade practices and are an infringement of CU's common law service mark rights and trade name rights in the mark and name CITIZENS UNITED within the State of Florida and in violation of Florida law.

53. The wrongful and infringing activities of Defendants have caused, and unless enjoined by this Court will continue to cause, irreparable injury to CU's business, reputation and good will in its CITIZENS UNITED mark and trade name, for which CU has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, CU prays for judgment against Defendants Jones, Stone and NT and asks this Court:

- A. To issue a preliminary and permanent injunction enjoining Defendants Jones, Stone and NT, their members, agents, servants, employees, successors and assigns and all others in concert and privity with them from: 1) using the name “Citizens United Not Timid” in connection with political advocacy services; 2) infringing U.S. Trademark Registration Nos. 1,809,741 and 1,877,094; 3) unfairly competing with CU; and 4) injuring CUs business reputation, all pursuant to Section 34 of the Lanham Act (15 U.S.C. § 1116), and the equitable power of this Court to enforce the common law of the State of Florida;
- B. To order Defendants to account to CU for the actual damages suffered by CU as a result of the acts of infringement and unfair competition of Defendants, together with interest, and that CU’s recovery be trebled, pursuant to Section 35 of the Lanham Act (15 U.S.C. § 1117);
- C. To order Defendants to surrender for destruction all nameplates, labels, advertisements, and other materials incorporating or reproducing the infringing “Citizens United Not Timid” service mark, pursuant to Section 36 of the Lanham Act (15 U.S.C. § 1118), and the equitable power of this Court to enforce the common law of the State of Florida;
- D. To order Defendants to pay CU’s attorneys’ fees, together with the costs of this suit, pursuant to Section 35 of the Lanham Act (15 U.S.C. § 1117);

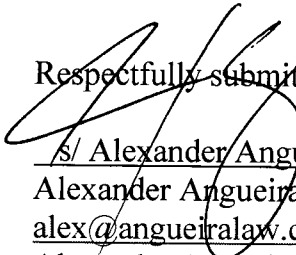
- E. To order Defendants to pay punitive damages to CU pursuant to Florida law,
and;
- F. To grant such other and further relief as may be just and equitable.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff Citizens United demands a trial by jury on all matters so triable.

Dated: February 5, 2008
Miami, Florida

Respectfully submitted,


s/ Alexander Angueira
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Attorneys for Plaintiff, Citizens United

EXHIBIT A

Int. Cl.: 42

Prior U.S. Cl.: 100

United States Patent and Trademark Office

Reg. No. 1,809,741

Registered Dec. 7, 1993

**SERVICE MARK
PRINCIPAL REGISTER**



CITIZENS UNITED (VIRGINIA CORPORATION)
11094-D LEE HIGHWAY, STE 200
FAIRFAX, VA 22030

FOR: PROMOTING PUBLIC AWARENESS
OF THE NEED FOR THE RESTORATION OF
THE PEOPLE OF THE UNITED STATES AS
THE POLITICAL SOVEREIGN OVER CIVIL

GOVERNMENT AND DISSEMINATION OF INFORMATION RELATING THERETO, IN CLASS 42 (U.S. CL. 100).

FIRST USE 11-0-1988; IN COMMERCE 11-0-1988.

SER. NO. 74-332,525, FILED 11-19-1992.

CYNTHIA SLOAN, EXAMINING ATTORNEY

EXHIBIT B

Int. Cl.: 42

Prior U.S. Cl.: 100

United States Patent and Trademark Office **Reg. No. 1,877,094**
Registered Jan. 31, 1995

**SERVICE MARK
PRINCIPAL REGISTER**

CITIZENS UNITED

**CITIZENS UNITED (VIRGINIA CORPORATION)
11094-D LEE HIGHWAY, SUITE 200
FAIRFAX, VA 22030**

**FOR: PROMOTING PUBLIC AWARENESS
OF THE NEED FOR THE RESTORATION OF
THE PEOPLE OF THE UNITED STATES AS
THE POLITICAL SOVEREIGN OVER CIVIL
GOVERNMENT AND DISSEMINATION OF IN-**

**FORMATION RELATING THERETO, IN
CLASS 42 (U.S. CL. 100).**

**FIRST USE 11-0-1988; IN COMMERCE
11-0-1988.**

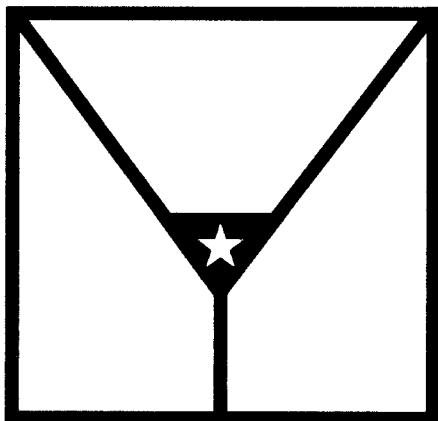
OWNER OF U.S. REG. NO. 1,809,741.

SER. NO. 74-494,737, FILED 2-28-1994.

JENNIFER SMITHSON, EXAMINING ATTORNEY

EXHIBIT C

WHAT IS HILLARY?



Citizens United Not Timid
a 527 Organization
To Educate The American
Public About
What Hillary Clinton Really Is

FOR A CONTRIBUTION OF \$25 OR MORE WE WILL SEND YOU AN OFFICIAL **CITIZENS UNITED NOT TIMID** T-SHIRT IN YOUR SIZE

[CLICK HERE](#)



ADD YOUR NAME TODAY IF YOU AGREE WITH OUR ANALYSIS!

[CLICK HERE](#)

INFO@CITIZENSUNITEDNOTTIMID.ORG • JEFF "NOODLES" JONES, CHM.

YES - Add my name to the many Americans who agree with your analysis

YES - I want to contribute and receive my free Official Citizens United Not Timid T-Shirt

First Name

Last Name

Address

City

State & Zip

* E-mail

Submit

Clear Form



The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM).

I(a) PLAINTIFFS

Citizens United, a Virginia corporation,

DEFENDANTS

Citizens United Not Timid, a Florida unincorporated assoc.,
 Roger J. Stone, Jr., an individual, and Jeffrey M. Jones, an individual.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF: Foreign corp.
 (EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT: Miami-Dade County, Florida
 (IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND OF CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Alexander Angueira, Esq.
 Alexander Angueira, P.L.L.C.
 7301 SW 57 Court, Suite 515
 Miami, FL 33143
 (305) 357-9031

ATTORNEYS (IF KNOWN)

Dade / 08-20305-Civ-Seitz / McAliley

(d) CIRCLE COUNTY WHERE ACTION AROSE:

DADE, MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE, HIGHLANDS

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX ONLY FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | |
|---|----------------------------|---|---------------------------------------|
| | PTF | | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Action for Trademark and TradeName Infringement, 15 U.S.C. §1114

Iva.

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

A. CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability		A. TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability		B. FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety / Health <input type="checkbox"/> 690 Other A. LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor / Mgmt. Relations <input type="checkbox"/> 730 Labor / Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		A. BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 A. PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark B. SOCIAL SECURITY <input type="checkbox"/> 861 MIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC / DIWW (405g) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) A. FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609		A. OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce / ICC Rates / etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities / Commodities / Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 890 Other Statutory Actions * A or B	
A. REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property		A. CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing / Accommodation <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights		B. PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 510 Motions to Vacate Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights * A or B					

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Refiled
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A **CLASS ACTION DEMAND** (in excess of \$75,000) check YES only if demanded in complaint:
 UNDER F.R.C.P. 23

JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ **DOCKET NUMBER** _____

DATE

February 5, 2008

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY: Receipt No.: 574400 Amount: \$350.00
 Date Paid: 02/05/08 W/IFP: _____

UNITED STATES DISTRICT COURT
 S/F I-2
 REV. 6/90