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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CANNERY CASINO RESORTS, LLC, a
Nevada limited liability company,

Plaintiff,

v.

HAMBLEDON N.V./SMART ANSWER, S.A.,
a foreign business entity,

Defendant.

CASE NO.:

COMPLAINT

Plaintiff Cannery Casino Resorts, LLC ("Cannery"), by and through its undersigned counsel, James D. Boyle, Esq. and Kimberly J. Cooper, Esq. and the law firm of Santoro, Driggs, Walch, Kearney, Holley & Thompson, for its claims against Defendant Hambledon N.V./Smart Answer, S.A. ("Hambledon"), hereby alleges as follows:

I. SUMMARY OF THE COMPLAINT

1. This is an action for mark infringement and unfair competition under the Lanham Act (15 U.S.C. §§ 1114(1) and 1125(a)) and violation of the Anti-Cybersquatting Consumer Protection Act (15 U.S.C. § 1125(d)), arising from Hambledon's unauthorized registration and use of the Internet domain name www.cannerycasino.net (the "Infringing Domain Name"), and unauthorized use of the mark CANNERY (the "Infringing Mark").

2. As a result of Hambledon's willful and unauthorized registration and/or use of the Infringing Mark and the Infringing Domain Name, Hambledon has infringed, and continues to

1 infringe, Cannery's marks CANNERY and similar marks (collectively, the "Cannery Mark").
2 Cannery therefore seeks: injunctive relief; the recovery of actual and treble damages; the
3 recovery of Hambledon's profits derived from registration and use of the Infringing Domain
4 Name and Infringing Mark; the recovery of Cannery's costs and attorney fees; and such other
5 relief as more fully set forth herein.

6 II. THE PARTIES

7 3. Cannery is a Nevada limited liability company with a principal place of business
8 in Las Vegas, Clark County, Nevada.

9 4. Upon information and belief, Hambledon is a Panamanian business entity having
10 a principal place of business located at PH Global Plaza, Calle 50, Panama, Panama 05280 PA.
11 Hambledon is the registrant of the Infringing Domain Name.

12 III. JURISDICTION AND VENUE

13 5. Jurisdiction in this Court is proper pursuant to 15 U.S.C. §§ 1116 and 1121 and 28
14 U.S.C. §§ 1331 and 1338, as this action arises under the Lanham Act, 15 U.S.C. § 1051 *et seq.*

15 6. Personal jurisdiction over Hambledon is proper as Hambledon has purposefully
16 directed its activities to residents of the state of Nevada, which activities have resulted in the
17 injuries to Cannery as alleged herein. Hambledon has engaged in intentional actions directed at
18 residents of Nevada by and through Hambledon's active operation of the Infringing Domain
19 Name, and active operation of the webpages accessible through the Infringing Domain Name
20 (the "Infringing Webpages"), and the infringement of the Cannery Mark resultant therefrom,
21 which forum-related actions Hambledon knew or should have known would cause harm to
22 Cannery as alleged herein.

23 7. Personal jurisdiction over Hambledon is moreover proper and reasonable because
24 Hambledon's intentional actions in infringing the Cannery Mark through Hambledon's active
25 operation of the Infringing Domain Name and the Infringing Webpages have specifically
26 targeted consumers in Nevada, including, but not limited to, through direct solicitations of such
27 consumers to purchase goods and services through the Infringing Domain Name and the
28 Infringing Webpages.

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1 and Casinos and the Cannery Goods and Services.

2 16. Cannery has the priority right to use the Cannery Mark in commerce for the
3 Cannery Goods and Services and in association with the Cannery Hotels and Casinos.

4 17. On or about March 17, 2009, Hambledon registered the Infringing Domain Name
5 with the on-line domain name registrar NamesDirect.com, Inc. ("NamesDirect").

6 18. Hambledon has used and continues to use the Infringing Domain Name to
7 promote the website and webpages accessible through the Infringing Domain Name (i.e., the
8 Infringing Webpages), which website and webpages are used to promote and solicit business
9 through an on-line interactive gaming network called the Smart Answer Project (the "Hambledon
10 Goods and Services"). Hambledon advertises, markets, and promotes the Infringing Webpages
11 and the Hambledon Goods and Services as "thousands of individual web properties that form a
12 network of keyword-specific content assets capable of delivering the most targeted advertising
13 inventory money can buy." Hambledon further claims that the Hambledon Goods and Services
14 "are heavily branded and promoted outside the scope of search engines, via social networking,
15 social bookmarking, blogging and more."

16 19. Hambledon has further used the Infringing Mark as text, buried code and
17 metadata in association with Hambledon's wrongful registration of the Infringing Domain Name
18 and operation of the Infringing Webpages.

19 20. Hambledon's first use date and first use in commerce date for the Infringing Mark
20 occurred after Cannery commenced public use and use in commerce of the Cannery Mark.

21 21. Upon information and belief, Hambledon registered the Infringing Domain Name
22 and commenced use of the Infringing Mark to capitalize on Cannery's goodwill, business
23 reputation and marketing efforts and the use by Cannery of the Cannery Mark.

24 22. Hambledon is not affiliated with Cannery and is not authorized by Cannery to use
25 the Infringing Mark in any manner, including, but not limited to, in association with the
26 Infringing Domain Name or to promote the Hambledon Goods and Services.

27 23. Hambledon's unauthorized use of the Infringing Mark and unauthorized
28 registration of the Infringing Domain Name is likely to deceive the public into believing that

1 Hambledon is authorized by Cannery to use the Infringing Mark or the Infringing Domain Name,
2 or that Hambledon maintains an affiliation with Cannery to use the Infringing Mark or the
3 Infringing Domain Name, when in fact Hambledon is not so authorized by Cannery and
4 Hambledon is not affiliated with Cannery for use of the Infringing Mark or the Infringing
5 Domain Name.

6 24. Prior to using the Infringing Mark and registering the Infringing Domain Name,
7 Hambledon had either actual or constructive notice of Cannery's prior use in commerce and legal
8 rights in and to the Cannery Mark, including, but not limited to, in association with the Cannery
9 Goods and Services and in connection with the Cannery Hotels and Casinos.

10 25. Hambledon used and uses the Infringing Mark and the Infringing Domain Name
11 to profit from Cannery's goodwill, business reputation and marketing efforts through, in part,
12 Cannery's prior use of the Cannery Mark and the public's recognition of the distinctiveness
13 associated with the Cannery Mark, the Cannery Goods and Services, and the Cannery Hotels and
14 Casinos.

15 26. Hambledon's past, present and future infringement and misappropriation of the
16 Cannery Mark, including, but not limited to, through use of the Infringing Mark and the
17 Infringing Domain Name, has permitted and will permit Hambledon to benefit and profit from
18 Cannery's goodwill, business reputation and marketing efforts associated with the Cannery
19 Mark, the Cannery Goods and Services, and the Cannery Hotels and Casinos.

20 V. CLAIMS FOR RELIEF

21 FIRST CLAIM FOR RELIEF

22 (Mark Infringement Under the Lanham Act (15 U.S.C. 1114(1)))

23 27. Cannery hereby incorporates each and every allegation set forth in Paragraphs 1
24 through 26 as if fully set forth herein.

25 28. Hambledon's uses of the Infringing Mark and the Infringing Domain Name in
26 interstate commerce in connection with advertising or promoting the Hambledon Goods and
27 Services, is likely to cause confusion, or to cause mistake, or to deceive, as to the affiliation,
28 connection, or association of such goods or services of Hambledon with Cannery, or as to the

1 origin, sponsorship, or approval of such goods, services or commercial activities of Hambledon
2 by Cannery.

3 29. Hambledon is further using a reproduction or colorable imitation of the registered
4 Cannery Mark in interstate commerce, and such use was and continues to be made in connection
5 with the sale, offering for sale, distribution and/or advertising of goods or services on or in
6 connection with which such use is likely to cause confusion, or to cause mistake, and/or to
7 deceive reasonable consumers as to the origin, sponsorship, and/or approval by Cannery of the
8 Infringing Mark and the goods or services provided thereunder.

9 30. The actions of Hambledon as alleged herein constitute mark infringement in
10 violation of 15 U.S.C. § 1114(1).

11 31. As a result of the acts of Hambledon as alleged herein, Cannery has suffered and
12 will continue to suffer damages to its business, goodwill, reputation and profits, while
13 Hambledon profits at Cannery's expense.

14 32. The actions of Hambledon as alleged herein, and the ongoing direct results of
15 those actions, have caused and will continue to cause great and irreparable harm to Cannery in an
16 amount that cannot be ascertained, thereby leaving Cannery with no adequate remedy at law.

17 33. Unless Hambledon is preliminarily and permanently enjoined from infringing the
18 Cannery Mark, Cannery will continue to suffer irreparable harm.

19 34. By reason of the foregoing lack of an adequate remedy at law, Cannery is entitled
20 to preliminary and permanent injunctive relief against Hambledon pursuant to 15 U.S.C. § 1116.

21 35. Cannery is further entitled to recover statutory damages of not less than \$500.00
22 or more than \$100,000.00 per counterfeit mark per type of services sold, offered for sale or
23 distributed, as the Court considers just, in association with Hambledon's violation of 15 U.S.C. §
24 1114(1), pursuant to 15 U.S.C. § 1117(c).

25 **SECOND CLAIM FOR RELIEF**

26 **(Federal Mark Infringement and Unfair Competition (15 U.S.C. § 1125(a)))**

27 36. Cannery hereby incorporates by this reference each and every allegation set forth
28 in Paragraphs 1 through 35 as if fully set forth herein.

37. Hambledon's uses of the Infringing Mark and the Infringing Domain Name in interstate commerce in connection with advertising or promoting the Hambledon Goods and Services, is likely to cause confusion, or to cause mistake, or to deceive, as to the affiliation, connection, or association of such goods or services of Hambledon with Cannery, or as to the origin, sponsorship, or approval of such goods, services or commercial activities of Hambledon by Cannery.

38. Hambledon's use of the Infringing Mark, the Infringing Domain Name and/or the Infringing Webpages constitutes mark infringement and unfair competition in violation of 15 U.S.C. § 1125(a).

39. As a result of the acts of Hambledon as alleged herein, Cannery has suffered and will continue to suffer damages to its business, goodwill, reputation and profits, while Hambledon profits at Cannery's expense.

40. The actions of Hambledon as alleged herein, and the ongoing direct results of those actions, have caused and will continue to cause great and irreparable harm to Cannery in an amount that cannot be ascertained, thereby leaving Cannery with no adequate remedy at law.

41. Unless Hambledon is preliminarily and permanently enjoined from infringing the Cannery Mark, and from engaging in unfair competition, Cannery will continue to suffer irreparable harm.

42. By reason of the foregoing lack of an adequate remedy at law, Cannery is entitled to preliminary and permanent injunctive relief against Hambledon pursuant to 15 U.S.C. § 1116.

43. Cannery is also entitled to recover Hambledon's profits derived from the use of the Infringing Mark, and any damages Cannery has suffered by reason thereof.

44. Pursuant to 15 U.S.C. §§ 1117(a) and 1117(b), Cannery is also entitled to an award of treble damages, attorneys' fees, and costs, as Hambledon's actions as alleged herein were willful, egregious and otherwise exceptional in association with Hambledon's violations of 15 U.S.C. § 1125(a).

THIRD CLAIM FOR RELIEF

(Violation of the Anti-Cybersquatting Consumer Protection Act (15 U.S.C. § 1125(d)))

1 45. Cannery hereby incorporates by this reference each and every allegation set forth
2 in Paragraphs 1 through 44 as if fully set forth herein.

3 46. Hambledon's actions as alleged herein were committed with a bad faith intent to
4 profit from the Cannery Mark by registering, trafficking in or using the Infringing Mark by and
5 through the Infringing Domain Name.

6 47. The Infringing Domain Name is confusingly similar to the Cannery Mark, and the
7 Cannery Mark had acquired distinctiveness at the time Hambledon registered the Infringing
8 Domain Name.

9 48. Hambledon's registration of and use of the Infringing Domain Name violates the
10 Anti-Cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d).

11 49. As a result of Hambledon's actions as alleged herein, Cannery has suffered and
12 will continue to suffer damage to its business, goodwill, reputation and profits, while Hambledon
13 profits at Cannery's expense.

14 50. Hambledon's actions as alleged herein, and the ongoing direct results of those
15 actions, have caused and will continue to cause great and irreparable injury to Cannery in an
16 amount that cannot be ascertained, leaving Cannery with no adequate remedy at law.

17 51. Unless Hambledon is preliminarily and permanently enjoined from Hambledon's
18 violations of the Anti-Cybersquatting Consumer Protection Act, as alleged herein, Cannery will
19 continue to suffer irreparable harm.

20 52. By reason of the foregoing, Cannery is entitled to preliminary and permanent
21 injunctive relief against Hambledon pursuant to 15 U.S.C. § 1116.

22 53. Pursuant to 15 U.S.C. § 1117(d), Cannery is also entitled to recover its attorneys'
23 fees, and statutory damages in the amount of not less than \$1,000.00 and not more than
24 \$100,000.00, as the Court considers just, for each infringing domain name registered, trafficked-
25 in or used by Hambledon in violation of 15 U.S.C. § 1125(d).

26 VI. PRAYER FOR RELIEF

27 WHEREFORE, Cannery prays for entry of judgment and relief against Hambledon as
28 follows:

1 1. That Hambledon, and any agents, servants, employees, attorneys, partners,
2 affiliates and all persons or entities acting for, with, by, through or under Hambledon, shall be
3 preliminarily and thereafter permanently enjoined and restrained from:

- 4 a. directly or indirectly infringing the Cannery Mark by marketing, offering,
5 selling, disposing of, licensing, leasing, transferring, displaying,
6 advertising, reproducing, exhibiting, exploiting or causing the marketing,
7 offering, selling, disposing, licensing, leasing, transferring, displaying,
8 advertising, reproducing, exhibiting, exploiting, developing or
9 manufacturing, or linking of, any goods or services derived from or
10 bearing the Cannery Mark, or ordering, directing, participating or assisting
11 in any such activities;
- 12 b. using in any manner the Cannery Mark, or any term or terms likely to
13 cause confusion therewith, including, without limitation, in connection
14 with the Infringing Mark, the Infringing Domain Name and the Infringing
15 Webpages, and any and all variants thereof in the possession or control of
16 Hambledon, as a domain name, directory name, or other such computer
17 address, as the name of a website, in buried code or metatags on any of
18 Hambledon's websites, including, but not limited to, the Infringing
19 Webpages, or in connection with the retrieval of data or information with
20 respect to Hambledon's other goods or services, or in connection with the
21 advertising or promotion of Hambledon's goods, services or websites, or
22 ordering, directing, participating or assisting in any such use, or linking to
23 and from the Infringing Domain Name; and
- 24 c. registering any domain name embodying in any manner and to any extent
25 the Cannery Mark, including, without limitation, the Infringing Domain
26 Name, or facilitating the sale or registration of any such domain names, or
27 offering for sale or registration any such domain names, or ordering,
28 directing, participating or assisting in any such use;

2. That Hambledon be directed to preserve, retain and deliver to Cannery's counsel, in hard copies or electronic copies: (a) all evidence and documentation relating in any way to Hambledon's use of the Infringing Mark, in any form, including, without limitation, all evidence and documentation relating to Hambledon's websites, including, but not limited to, the Infringing Domain Name and the Infringing Webpages, or any other webpages or services where Hambledon has used such names or marks; (b) all such evidence and documentation relating to the names and addresses (electronic mail or otherwise) of any person with whom Hambledon has communicated regarding Hambledon's use of the Infringing Mark, in any form, including, but not limited to, the Infringing Domain Name and the Infringing Webpages, or any other webpages or services where Hambledon has used such names or marks; and (c) all financial evidence and documentation relating to Hambledon's websites, services or products, or advertising, which appear or are offered on or through Hambledon's websites, including, but not limited to, the Infringing Domain Name and the Infringing Webpages which are related in any way to Hambledon's uses of the Infringing Mark;

3. That Hambledon be directed to file with this Court, and to serve upon Cannery's counsel, within thirty (30) days after entry against Hambledon of any injunctive relief set forth herein, a report in writing under oath setting forth in detail the manner and form in which Hambledon complied with said injunctive relief, pursuant to 15 U.S.C. § 1116(a);

4. That Hambledon be enjoined from engaging in any of the unlawful and/or wrongful actions as alleged herein, including, without limitation, mark infringement, unfair competition and/or cybersquatting in violation of the Lanham Act, 15 U.S.C. § 1051 *et seq.*;

5. That Hambledon be ordered to provide an accounting of Hambledon's profits or revenues derived through any of the actions as alleged herein, including, without limitation, mark infringement and unfair competition in violation of the Lanham Act, 15 U.S.C. § 1051 *et seq.*;

6. That NamesDirect, or any other registrar or registry relevant to the registration of the Infringing Domain Name, be directed to cease and desist public access to the Infringing Domain Name during the pendency of this action;

7. That NamesDirect, or any other registrar or registry relevant to the registration of

the Infringing Domain Name, cancel the Infringing Domain Name or transfer the Infringing Domain Name to Cannery;

8. That Cannery be awarded statutory damages of not less than \$500.00 or more than \$100,000.00 per counterfeit mark per type of services sold, offered for sale or distributed, as the Court considers just, in association with Hambledon's violation of 15 U.S.C. § 1114(1);

9. That Cannery recover Hambledon's profits derived from the use of the Infringing Mark, and any damages suffered by reason thereof, resultant from Hambledon's wrongful actions complained of herein;

10. That Cannery be awarded statutory damages in the amount of not less than \$1,000.00 and not more than \$100,000.00, as the Court considers just, for each infringing domain name registered, trafficked-in or used by Hambledon in violation of 15 U.S.C. § 1125(d);

11. That Cannery be awarded three times Hambledon's profits and three times Cannery's damages suffered by reason of Hambledon's willful and wrongful actions as complained of herein, pursuant to 15 U.S.C. §§ 1117(a) and 1117(b);

12. That Cannery be awarded its reasonable attorneys' fees based on Hambledon's willful, wrongful and exceptional actions as alleged herein pursuant to 15 U.S.C. §§ 1117(a) and 1117(b);

13. That Cannery be awarded its costs of this action; and

14. That Cannery be awarded such other and further relief as this Court deems just and equitable.

DATED this 23rd day of April, 2009.

**SANTORO, DRIGGS, WALCH,
KEARNEY, HOLLEY & THOMPSON**


JAMES D. BOYLE, ESQ.

Nevada Bar No. 08384

KIMBERLY J. COOPER, ESQ.

Nevada Bar No. 09533

400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101

Attorneys for Plaintiff

SANTORO, DRIGGS, WALCH,
KEARNEY, HOLLEY & THOMPSON

SDW

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of

Nevada

CANNERY CASINO RESORTS, LLC, a Nevada
limited liability company,

SUMMONS IN A CIVIL ACTION

V.

HAMBLEDON N.V./SMART ANSWER, S.A.

CASE NUMBER:

TO: (Name and address of Defendant)

Hambledon N.V./Smart Answer, S.A.
PH Global Plaza
Calle 50
Panama, Panama 05280 PA

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

James D. Boyle, Esq.
SANTORO, DRIGGS, WALCH, KEARNEY, HOLLEY & THOMPSON
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> Executed on _____ Date </div> <div style="width: 60%;"> _____ <i>Signature of Server</i> </div> </div> <div style="text-align: center;"> _____ <i>Address of Server</i> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

CIVIL COVER SHEET

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**DEFENDANTS**

(b) County of Residence of First Listed Plaintiff Clark
(EXCEPT IN U.S. PLAINTIFF CASES)
CANNERY CASINO RESORTS, LLC

County of Residence of First Listed Defendant Foreign Business Entity
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorney's (Firm Name, Address, and Telephone Number)
James D. Boyle, Esq.
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101
(702)791-0308

HAMBLEDON N.V./SMART ANSWER, S.A.
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

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 for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- | | | | |
|---|---|--|--|
| Citizen of This State | PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | PTF <input checked="" type="checkbox"/> 4 DEF <input type="checkbox"/> 4 |
| Citizen of Another State | PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2 | Incorporate and Principal Place of Business In Another State | PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3 | Foreign Nation | PTF <input type="checkbox"/> 6 DEF <input checked="" type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUS
<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 <input type="checkbox"/> 196 Franchise	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 Employer's 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	<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	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark
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	CIVIL RIGHTS <input type="checkbox"/> 441 - Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence 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 <input type="checkbox"/> 555 Prison Condition	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	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) SOCIAL SECURITY <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 FEDERAL TAX SUITS
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <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"/> 890 Other Statutory Actions <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"/> 950 Constitutionality of State Statutes

V. ORIGIN

Place an "X" in One Box Only

- ☒ 1 Original Proceeding ☐ 2 Remove from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Lanham Act (15 U.S.C. §§ 1114 AND 1125)

Brief description of cause:

VII. REQUESTED IN COMPLAINT

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

4/23/09

SIGNATURE OF ATTORNEY ON RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE