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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.

REDWOOD MEDIA, 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 Redwood Media ("Redwood"), 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 Redwood's unauthorized registration and use of the Internet domain name www.cannerycasino.org (the "Infringing Domain Name"), and unauthorized use of the mark CANNERY (the "Infringing Mark").

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

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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 Redwood's profits derived from registration and use of the Infringing Domain Name  
4 and Infringing Mark; the recovery of Cannery's costs and attorney fees; and such other relief as  
5 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, Redwood Media is a business entity registered in  
10 Gibraltar having a principal place of business located at Casemates Square, Gibraltar, Gibraltar.  
11 Redwood 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 Redwood is proper as Redwood 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. Redwood has engaged in intentional actions directed at  
18 residents of Nevada by and through Redwood's active operation of the Infringing Domain Name,  
19 and active operation of the webpages accessible through the Infringing Domain Name (the  
20 "Infringing Webpages"), and the infringement of the Cannery Mark resultant therefrom, which  
21 forum-related actions Redwood knew or should have known would cause harm to Cannery as  
22 alleged herein.

23 7. Personal jurisdiction over Redwood is moreover proper and reasonable because  
24 Redwood's intentional actions in infringing the Cannery Mark through Redwood'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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10. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2), as a substantial part of the events giving rise to the claims at issue in this action occurred in this judicial district.

11. Cannery is a diversified hotel, entertainment and gaming company that presently owns and operates hotels and casinos (the “Cannery Hotels and Casinos”) in Clark County, Nevada.

13. In association with the Cannery Hotels and Casinos and the offering of goods and services in association therewith (the “Cannery Goods and Services”), Cannery has and continues to market, promote and advertise the Cannery Hotels and Casinos and the Cannery Goods and Services through use of the Cannery Mark. Cannery’s efforts in this regard date from at least December 20, 2002.

15. Cannery has acquired substantial goodwill associated with the Cannery Mark, and the Cannery Mark has become the mark associated in the marketplace with the Cannery Hotels

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 September 24, 2008, Redwood registered the Infringing Domain  
5 Name with the on-line domain name registrar Dynadot, LLC ("Dynadot").

6 18. Redwood has used and continues to use the Infringing Domain Name to promote  
7 the website and webpages accessible through the Infringing Domain Name (i.e., the Infringing  
8 Webpages), which website and webpages are used to promote and solicit business through an on-  
9 line interactive gaming site (the "Redwood Goods and Services"). Redwood advertises, markets,  
10 and promotes the Infringing Webpages and the Redwood Goods and Services through multiple  
11 hyperlinks and affiliated websites that promote and offer online gaming and other goods and  
12 services.

13 19. Redwood has further used the Infringing Mark as text, buried code and metadata  
14 in association with Redwood's wrongful registration of the Infringing Domain Name and  
15 operation of the Infringing Webpages.

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

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

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

24 23. Redwood's unauthorized use of the Infringing Mark and unauthorized registration  
25 of the Infringing Domain Name is likely to deceive the public into believing that Redwood is  
26 authorized by Cannery to use the Infringing Mark or the Infringing Domain Name, or that  
27 Redwood maintains an affiliation with Cannery to use the Infringing Mark or the Infringing  
28 Domain Name, when in fact Redwood is not so authorized by Cannery and Redwood is not

1 affiliated with Cannery for use of the Infringing Mark or the Infringing Domain Name.

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

6 25. Redwood used and uses the Infringing Mark and the Infringing Domain Name to  
7 profit from Cannery's goodwill, business reputation and marketing efforts through, in part,  
8 Cannery's prior use of the Cannery Mark and the public's recognition of the distinctiveness  
9 associated with the Cannery Mark, the Cannery Goods and Services, and the Cannery Hotels and  
10 Casinos.

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

## 16 V. CLAIMS FOR RELIEF

### 17 FIRST CLAIM FOR RELIEF

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

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

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

27 29. Redwood is further using a reproduction or colorable imitation of the registered  
28 Cannery Mark in interstate commerce, and such use was and continues to be made in connection

1 with the sale, offering for sale, distribution and/or advertising of goods or services on or in  
2 connection with which such use is likely to cause confusion, or to cause mistake, and/or to  
3 deceive reasonable consumers as to the origin, sponsorship, and/or approval by Cannery of the  
4 Infringing Mark and the goods or services provided thereunder.

5 30. The actions of Redwood as alleged herein constitute mark infringement in  
6 violation of 15 U.S.C. § 1114(1).

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

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

13 33. Unless Redwood is preliminarily and permanently enjoined from infringing the  
14 Cannery Mark, Cannery will continue to suffer irreparable harm.

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

17 35. Cannery is further entitled to recover statutory damages of not less than \$500.00  
18 or more than \$100,000.00 per counterfeit mark per type of services sold, offered for sale or  
19 distributed, as the Court considers just, in association with Redwood's violation of 15 U.S.C. §  
20 1114(1), pursuant to 15 U.S.C. § 1117(c).

## 21 **SECOND CLAIM FOR RELIEF**

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

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

25 37. Redwood's uses of the Infringing Mark and the Infringing Domain Name in  
26 interstate commerce in connection with advertising or promoting the Redwood 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 Redwood with Cannery, or as to the



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

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

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

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

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

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

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

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

### 23 **THIRD CLAIM FOR RELIEF**

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

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

27 46. Redwood's actions as alleged herein were committed with a bad faith intent to  
28 profit from the Cannery Mark by registering, trafficking in or using the Infringing Mark by and

1 through the Infringing Domain Name.

2 47. The Infringing Domain Name is confusingly similar to the Cannery Mark, and the  
3 Cannery Mark had acquired distinctiveness at the time Redwood registered the Infringing  
4 Domain Name.

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

7 49. As a result of Redwood's actions as alleged herein, Cannery has suffered and will  
8 continue to suffer damage to its business, goodwill, reputation and profits, while Redwood  
9 profits at Cannery's expense.

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

13 51. Unless Redwood is preliminarily and permanently enjoined from Redwood's  
14 violations of the Anti-Cybersquatting Consumer Protection Act, as alleged herein, Cannery will  
15 continue to suffer irreparable harm.

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

18 53. Pursuant to 15 U.S.C. § 1117(d), Cannery is also entitled to recover its attorneys'  
19 fees, and statutory damages in the amount of not less than \$1,000.00 and not more than  
20 \$100,000.00, as the Court considers just, for each infringing domain name registered, trafficked-  
21 in or used by Redwood in violation of 15 U.S.C. § 1125(d).

## 22 VI. PRAYER FOR RELIEF

23 WHEREFORE, Cannery prays for entry of judgment and relief against Redwood as  
24 follows:

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

28 a. directly or indirectly infringing the Cannery Mark by marketing, offering,



1 selling, disposing of, licensing, leasing, transferring, displaying,  
2 advertising, reproducing, exhibiting, exploiting or causing the marketing,  
3 offering, selling, disposing, licensing, leasing, transferring, displaying,  
4 advertising, reproducing, exhibiting, exploiting, developing or  
5 manufacturing, or linking of, any goods or services derived from or  
6 bearing the Cannery Mark, or ordering, directing, participating or assisting  
7 in any such activities;

8 b. using in any manner the Cannery Mark, or any term or terms likely to  
9 cause confusion therewith, including, without limitation, in connection  
10 with the Infringing Mark, the Infringing Domain Name and the Infringing  
11 Webpages, and any and all variants thereof in the possession or control of  
12 Redwood, as a domain name, directory name, or other such computer  
13 address, as the name of a website, in buried code or metatags on any of  
14 Redwood's websites, including, but not limited to, the Infringing  
15 Webpages, or in connection with the retrieval of data or information with  
16 respect to Redwood's other goods or services, or in connection with the  
17 advertising or promotion of Redwood's goods, services or websites, or  
18 ordering, directing, participating or assisting in any such use, or linking to  
19 and from the Infringing Domain Name; and

20 c. registering any domain name embodying in any manner and to any extent  
21 the Cannery Mark, including, without limitation, the Infringing Domain  
22 Name, or facilitating the sale or registration of any such domain names, or  
23 offering for sale or registration any such domain names, or ordering,  
24 directing, participating or assisting in any such use;

25 2. That Redwood be directed to preserve, retain and deliver to Cannery's counsel, in  
26 hard copies or electronic copies: (a) all evidence and documentation relating in any way to  
27 Redwood's use of the Infringing Mark, in any form, including, without limitation, all evidence  
28 and documentation relating to Redwood's websites, including, but not limited to, the Infringing

1 Domain Name and the Infringing Webpages, or any other webpages or services where Redwood  
2 has used such names or marks; (b) all such evidence and documentation relating to the names  
3 and addresses (electronic mail or otherwise) of any person with whom Redwood has  
4 communicated regarding Redwood's use of the Infringing Mark, in any form, including, but not  
5 limited to, the Infringing Domain Name and the Infringing Webpages, or any other webpages or  
6 services where Redwood has used such names or marks; and (c) all financial evidence and  
7 documentation relating to Redwood's websites, services or products, or advertising, which  
8 appear or are offered on or through Redwood's websites, including, but not limited to, the  
9 Infringing Domain Name and the Infringing Webpages which are related in any way to  
10 Redwood's uses of the Infringing Mark;

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

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

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

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

24 7. That Dynadot, or any other registrar or registry relevant to the registration of the  
25 Infringing Domain Name, cancel the Infringing Domain Name or transfer the Infringing Domain  
26 Name to Cannery;

27 8. That Cannery be awarded statutory damages of not less than \$500.00 or more than  
28 \$100,000.00 per counterfeit mark per type of services sold, offered for sale or distributed, as the

1 Court considers just, in association with Redwood's violation of 15 U.S.C. § 1114(1);

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

5 10. That Cannery be awarded statutory damages in the amount of not less than  
6 \$1,000.00 and not more than \$100,000.00, as the Court considers just, for each infringing  
7 domain name registered, trafficked-in or used by Redwood in violation of 15 U.S.C. § 1125(d);

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

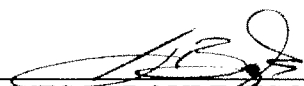
11 12. That Cannery be awarded its reasonable attorneys' fees based on Redwood's  
12 willful, wrongful and exceptional actions as alleged herein pursuant to 15 U.S.C. §§ 1117(a) and  
13 1117(b);

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

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

17 DATED this 24<sup>th</sup> day of April, 2009.

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

20   
21 JAMES D. BOYLE, ESQ.  
22 Nevada Bar No. 08384  
23 KIMBERLY J. COOPER, ESQ.  
24 Nevada Bar No. 09533  
25 400 South Fourth Street, Third Floor  
26 Las Vegas, Nevada 89101

27 Attorneys for Plaintiff  
28

SANTORO, DRIGGS, WALCH,  
KEARNEY, HOLLEY & THOMPSON

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AO 440 (Rev. 02/09) Summons in a Civil Action

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UNITED STATES DISTRICT COURT

for the

District of Nevada

CANNERY CASINO RESORTS, LLC

*Plaintiff*

v.

REDWOOD MEDIA

*Defendant*

)  
)  
)  
)  
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* REDWOOD MEDIA  
Casemates Square  
Gibraltar, Gibraltar

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

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

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

AO 440 (Rev. 02/09) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(1))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

## 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 CANNERY CASINO RESORTS, LLC DEFENDANTS REDWOOD MEDIA**

<b>(b)</b> County of Residence of First Listed Plaintiff <span style="float:right">Clark</span> (EXCEPT IN U.S. PLAINTIFF CASES)	County of Residence of First Defendant <span style="float:right">Foreign Business Entity</span> (IN U.S. PLAINTIFF CASES ONLY)
<b>(c)</b> Attorney's (Firm Name, Address, and Telephone Number) James D. Boyle, Esq. Santoro, Driggs, Walch, Kearney, Holley & Thompson 400 South Fourth Street, Third Floor Las Vegas, Nevada 89101 (702)791-0308	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)

- |  |  |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff<br><br><input type="checkbox"/> 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 3 Federal Question<br>(U.S. Government Not a Party)<br><br><input type="checkbox"/> 4 Diversity<br>(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)<br><br>Citizen of This State <span style="float:right">PTF DEF</span><br><input type="checkbox"/> 1 <input type="checkbox"/> 1<br><br>Citizen of Another State <span style="float:right">PTF DEF</span><br><input type="checkbox"/> 2 <input type="checkbox"/> 2<br><br>Citizen or Subject of a Foreign Country <span style="float:right">PTF DEF</span><br><input type="checkbox"/> 3 <input type="checkbox"/> 3 | for Plaintiff and One Box for Defendant<br><br>Incorporated or Principal Place of Business In This State <span style="float:right">PTF DEF</span><br><input checked="" type="checkbox"/> 4 <input type="checkbox"/> 4<br><br>Incorporate and Principal Place of Business In Another State <span style="float:right">PTF DEF</span><br><input type="checkbox"/> 5 <input type="checkbox"/> 5<br><br>Foreign Nation <span style="float:right">PTF DEF</span><br><input type="checkbox"/> 6 <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	<b>PERSONAL INJURY</b> <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	<b>PERSONAL INJURY</b> <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 <b>PERSONAL PROPERTY</b> <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  <b>LABOR</b> <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"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <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))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	<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
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<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	<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	<input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <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			

**V. ORIGIN**

Place an "X" in One Box Only)

- |   |  |  |   |  |   |  |
|---|--|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Remove from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 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):

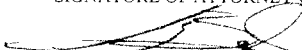
JUDGE

DOCKET NUMBER

DATE

4/24/09

SIGNATURE OF ATTORNEY ON RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE