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10 *Attorneys for Plaintiff*

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13
14 TRINITY’S JEWELRY, LLC,) 2:08-cv-00273
15)
16 Plaintiff,)
17 vs.) **COMPLAINT**
18)
19 INQUISITION TATTOO, INC., TATIANA)
20 METAXA aka TATIANA EIVIN or)
21 TATIANA METAXA-ROZENFELD, and) March 4, 2008
22 MICHAEL METAXA,)
23 Defendants.)

24 Plaintiff Trinity’s Jewelry, LLC, by and through its attorneys, Law Offices of Philip A.
25 Kantor, P.C., for its complaint in this action alleges:
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1 **JURISDICTION AND VENUE**

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3 1. This is an action for trademark infringement and false advertising under the
4 Trademark Act of 1946 as amended (the Lanham Act, 15 U.S.C. § 1051 *et seq.*). This Court has
5 jurisdiction over this action pursuant to 15 U.S.C. § 1121 (actions arising under the Federal Trademark
6 Act).

7
8 2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

9 **PLAINTIFF; PLAINTIFF’S BUSINESS AND MARKS**

10
11 3. Plaintiff is a Nevada limited liability company doing business at 8414 W. Farm Road,
12 Suite 180-528, Las Vegas, Nevada 89131. Plaintiff’s principal, Lori Jeanne Foell (“Foell”), began the
13 business of Trinity’s Jewelry as a sole proprietorship in the summer of 2003. Effective January 25,
14 2008, Foell assigned her entire right, title and interest in the business of Trinity’s Jewelry to plaintiff.
15

16 4. Since the summer of 2003, first the sole proprietorship, Trinity’s Jewelry, and then
17 plaintiff have continuously manufactured and sold high-quality jewelry, principally in the form of
18 body chains, under the trademarks HAREM or HAREM BODY CHAINS (the “Marks”).¹ Plaintiff
19 sells its jewelry through its website at www.trinitysjewelry.com. To date, plaintiff’s jewelry has been
20 sold and shipped under the Marks to customers in all fifty states and overseas, and to customers in
21 New York as of 2003. Based upon the length of time plaintiff’s jewelry has been sold throughout the
22 United States and overseas, as well as the quality of the product, plaintiff’s jewelry has become
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28 ¹ Throughout this Complaint, the terms “plaintiff’s jewelry” or “plaintiff’s goods” refer generally to
the jewelry made and sold by Trinity’s Jewelry, the sole proprietorship, prior to January 25, 2008, and
by plaintiff on or after January 25, 2008.

1 recognized as the premier line of such jewelry anywhere, and the Marks have become highly
2 distinctive of plaintiff's jewelry.

3
4 5. Foell sought registration of the HAREM BODY CHAINS mark with the United
5 States Patent & Trademark Office (the "USPTO") on March 15, 2007. The USPTO issued a
6 registration of the mark for jewelry chains on November 13, 2007 (Registration No. 3,334,274). A
7 copy of the registration as reflected in the Trademark Electronic Search System is annexed as
8 Exhibit 1. Assignment of this registration was made from Foell to plaintiff on February 14, 2008, and
9 reflected in USPTO public records on February 28, 2008.

10
11 6. Plaintiff sought registration of the HAREM mark for jewelry with the USPTO on
12 January 30, 2008 (Application Serial No. 77/384,752). The HAREM application is based on prior use
13 in interstate commerce of the mark for jewelry dating back to 2003.
14

15 **DEFENDANTS; DEFENDANTS' BUSINESS**

16
17 7. Upon information and belief, the three defendants jointly conduct the business that is
18 at the heart of the allegations of this Complaint, and are all directly engaged in the conduct at issue in
19 the Complaint. Beginning as "israeli_inkvizitor" on eBay as early as 2001, Tatiana and Michael
20 Metaxa, upon information and belief husband and wife, sold tattoo-related good and services from
21 Nazareth Illit in Israel. Upon information and belief, the individual defendants relocated to 58 East
22 21st Street, Huntington Station, New York 11746, and formed a New York corporation, Inquisition
23 Tattoo, Inc., to conduct some or all of their business. Effective May 18, 2007, defendants' eBay
24 User ID changed from "israeli_inkvizitor" to "inquisition-tattoo." Defendant Tatiana Metaxa has
25 variously been known as Tatiana Eivin and Tatiana Metaxa-Rozenfeld.
26
27
28

1 8. This Court has personal jurisdiction over defendants, because defendants advertise
2 infringing product in the District of Nevada, and have sold and shipped infringing product to the
3 District of Nevada.
4

5 **FIRST CAUSE OF ACTION FOR AN INJUNCTION AND**
6 **DAMAGES UNDER LANHAM ACT §§ 32 AND 43(a) BY**
7 **REASON OF TRADEMARK INFRINGEMENT**

8 9. Plaintiff repeats and realleges the allegations of paragraphs 1 through 8 as though set
9 forth in full hereat.

10 **Defendants' Infringing Use of the Marks**

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12 10. Exhibit 2 contains a printout of the home page of defendants' eBay store entitled
13 "Sexy Naughty Crotchless" as it appeared on February 7, 2008.
14

15 11. Exhibit 3 contains a printout of product offerings obtained by clicking the category
16 "Full Body Chains" on the home page, as it appeared on February 10, 2008. The Marks appear in
17 connection with many, if not most of the goods displayed for sale, alone or in combination with other
18 terms.
19

20 12. Exhibit 4 contains a printout of product offerings obtained by clicking the category
21 "Anklets and toe rings" on the home page, as it appeared on February 12, 2008. The Marks appear in
22 connection with many of the goods displayed for sale, alone or in combination with other terms.
23

24 13. Exhibit 5 contains a printout of product offerings obtained by clicking the category
25 "Bracelets and Rings" on the home page, as it appeared on February 12, 2008. The Marks appear in
26 connection with many of the goods displayed for sale, alone or in combination with other terms.
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1 14. Exhibit 6 contains a printout of the “Measurements Guide” displayed at the Sexy
2 Naughty Crotchless eBay store as it appeared on February 7, 2008. The Marks are used, alone or in
3 combination with other terms, in the “Measurements Guide.”
4

5 15. Exhibit 7 contains a printout of the “About My Store” feature of the Sexy Naughty
6 Crotchless eBay store as it appeared on February 8, 2008. On the second page of this section,
7 defendants write “Here we are, tattoo artist and designer, owners of ‘Inquisition Tattoo,’ aka
8 Inkvisitors” [sic].
9

10 16. Exhibit 8 contains a printout of the eBay “My World: inquisition-tattoo” feature as it
11 appeared on February 10, 2008. The Marks are used, alone or in combination with other terms, in the
12 “My World: inquisition-tattoo” feature.
13

14 17. Exhibit 9 contains a printout of feedback from customers of the Sexy Naughty
15 Crotchless eBay store, acknowledging the effect of defendants’ use of the Marks. For example, the
16 eBay customer known as “eljannah” wrote on April 16, 2007: “I’m bringing sexy back with my harem
17 chain!” The eBay customer known as “ksenia333” wrote on December 6, 2006: “Great seller! Love
18 the harem chain!”
19

20 18. In or about November 2007, defendants went live with a website at the domain name
21 www.sexy-naughty-crotchless.com. Exhibit 10 is a printout of pages from the website as it appeared
22 on February 11, 2008.
23

24 19. Exhibit 11 contains a printout of product offerings obtained by clicking the category
25 “Full Body Chains” on the home page, as it appeared on February 11, 2008. The Marks appear, alone
26 or in combination with other terms, in connection with many, if not most of the goods displayed for
27 sale.
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1 on defendants' site. The second two sets of printouts in Exhibit 17 (marked "2") are similar jewelry
2 body chains selling for \$179.56 on plaintiff's site and \$58.99 on defendants' site. The third two sets
3 of printouts in Exhibit 17 (marked "3") are similar jewelry body chains selling for \$255.50 on
4 plaintiff's site and \$49.99 on defendants' site. The fourth two sets of printouts in Exhibit 17 (marked
5 "4") are similar jewelry body chains selling for \$942.95 on plaintiff's site and \$35.95 on defendants'
6 site. As a result of defendants' use of the Marks for the sale of goods that are similar in appearance,
7 but inferior in quality compared to plaintiff's goods sold under the Marks, defendants create
8 confusion, unfairly divert sales from plaintiff, harm plaintiff by making it appear that plaintiff's goods
9 are overpriced, and unfairly benefit from plaintiff's name and reputation to sell their own inferior
10 goods.
11
12

13 Intentional Conduct

14
15 25. Upon information and belief, defendants' infringement of plaintiff's marks is
16 knowing and willful. Plaintiff began using the Marks for body chain jewelry as early as 2003. By
17 2005, plaintiff's name and reputation were well-established on the Internet due to substantial
18 investment in search placement and steady sales of goods under the Marks. Upon information and
19 belief, there were just a handful of businesses selling body chain jewelry on the Internet in 2005,
20 namely, plaintiff; www.odgirl.com; www.sblades.com; Beautifulstuff/eBay Store; Lin's Body
21 Elegance/eBay Store; and defendants. It is therefore impossible that defendants were unaware of
22 plaintiff's name and reputation on the Internet, and impossible that defendants' use of the Marks
23 beginning in 2005 was unintentional.
24
25

26 26. On December 22, 2007, plaintiff sent a cease and desist demand to defendants
27 regarding defendants' use of the Marks. Defendants responded by email the same day. Copies of the
28 December 22, 2007 demand, and defendants' response are contained in Exhibit 18. In their response,

1 defendants argued that they were not infringing the Marks, because they use the word HAREM in
2 different combinations of words not precisely overlapping plaintiff's registered trademark HAREM
3 BODY CHAINS.
4

5 27. In a further rejection of plaintiff's claim of infringement, defendants had counsel
6 write to plaintiff on January 4, 2008 that defendants are justified in using the Marks based on the
7 superior right of a third party identified as Strangeblades (Chainmail & More) ("Strangeblades") at
8 www.sblades.com. A copy of counsel's letter is contained in Exhibit 19. Upon information and
9 belief, there was and is no basis to the assertion that Strangeblades has superior rights to the Marks
10 other than the false assertion on Strangeblades' website that it has been using the HAREM BODY
11 CHAINS mark since 2002. Moreover, the January 4, 2008 letter made no attempt to show how
12 defendants should benefit from any prior use by Strangeblades as a factual matter or as a legal matter.
13
14

15 28. In addition to infringing use of the Marks on various websites, defendants are also
16 using the Marks in metatags, as shown, for example, in Exhibit 20, which is a printout of the Whois
17 record for Sexy-Naughty-Crotchless.com as it appeared on February 8, 2008. Use of the Marks in
18 metatags shows an intention by defendants to surreptitiously and unfairly divert search away from
19 plaintiff's website to their own sales sites.
20

21 29. As a result of all of the foregoing, it is clear that defendants are intentionally
22 infringing the Marks in derogation of plaintiff's rights and to compete unfairly with plaintiff.
23

24 **Violations; Relief**
25

26 30. Upon information and belief, defendants, by their above enumerated acts, have
27 willfully and knowingly violated and infringed and threaten to further infringe the rights of plaintiff in
28 plaintiff's federally registered mark HAREM BODY CHAINS in violation of Section 32 of the

1 Lanham Act (15 U.S.C. § 1114) with the intention of deceiving and misleading the consuming public,
2 and of wrongfully trading on the goodwill and reputation of plaintiff.

3
4 31. Upon information and belief, defendants, by their above enumerated acts, have
5 willfully and knowingly used the Marks as a false designation of origin and a false and misleading
6 representation in violation of Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)) with the
7 intention of deceiving and misleading the consuming public, and of wrongfully trading on the
8 goodwill and reputation of plaintiff.

10 32. Upon information and belief, by their tortious acts, defendants have caused and,
11 unless restrained by the Court, will continue to cause serious and irreparable injury and damage to
12 plaintiff and to the goodwill associated with the Marks.

14 33. Plaintiff has no adequate remedy at law.

16 34. Accordingly, plaintiff seeks an injunction enjoining defendants and those acting in
17 concert and participation with them from continuing to use the Marks, or any mark, name, description
18 or designation containing the word "harem" in connection with jewelry, and for an award of damages
19 as permitted by law, trebled for intentional conduct, plus costs and reasonable attorneys fees by reason
20 of defendants' willful infringement of the Marks.

22 **SECOND CAUSE OF ACTION FOR DAMAGES AND AN**
23 **INJUNCTION UNDER LANHAM ACT § 43(a) BY**
24 **REASON OF FALSE ADVERTISING**

25 35. Plaintiff repeats and realleges the allegations of paragraphs 1 through 8 and 10
26 through 34 as if set forth in full hereat.

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Defendants' False Advertising that their Jewelry is Solid Gold

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2
3 36. Defendants regularly advertise jewelry as solid gold or gold, though, upon
4 information and belief, it is at best gold-plated. Exhibit 21 contains several examples of such false
5 advertising for defendants' goods from February 2008, including false advertising for products that are
6 directly competitive with plaintiff's goods, namely, jewelry body chains.

7
8 37. For example, the first printout in Exhibit 21 carries the legend "SOLID 18K GOLD
9 Gep Full Body Belly Chain Chains HOT." Such advertising is false and misleading, among other
10 things, in that the goods in question are not solid gold, but electroplated, and the fact of electroplating
11 is not adequately disclosed. 16 CFR § 23.4 provides that:

12
13 (a) It is unfair or deceptive to misrepresent the presence of gold or gold alloy in an
14 industry product, or the quantity or karat fineness of gold or gold alloy contained in
15 the product, or the karat fineness, thickness, weight ratio, or manner of application
16 of any gold or gold alloy plating, covering, or coating on any surface of an industry
17 product or part thereof.

18 (b) The following are examples of markings or descriptions that may be misleading:

19 ...

20 (3) Use of the word "Gold" or any abbreviation to describe all or part of an
21 industry product that is not composed throughout of gold or gold alloy, but is
22 surface-plated or coated with gold alloy, unless the word "Gold" or its
23 abbreviation is adequately qualified to indicate that the product or part is only
24 surface-plated.

25 38. Upon information and belief, defendants intentionally seek to mislead consumers as
26 to the gold content of their goods by using an abbreviation, "Gep" or "gep" for gold electroplating,
27 that is not known to most consumers; by presenting the abbreviation in lower case, in contrast to the
28 gold description, which is in upper case; by matching the lower case of the abbreviation "Gep" or
"gep" to the lower case of the product description, so that the abbreviation is associated with the
product description, not the gold description; and by directly contradicting the abbreviation "Gep" or

1 “gep” with the upper-case qualifier “SOLID” next to the words “18K GOLD” — all in direct violation
2 of applicable federal regulation as quoted above.

3
4 39. Defendants’ advertising claims regarding gold content are a false and misleading
5 misrepresentation of fact regarding defendants’ goods, used in commercial advertising, within the
6 meaning of Section 43(a) of the Lanham Act. Plaintiff, whose goods are comparable to defendants’
7 goods and offered for sale through similar marketing channels, is a person who is being damaged, and
8 who is likely to be damaged by defendants’ advertising claim, within the meaning of Section 43(a) of
9 the Lanham Act. Moreover, plaintiff is suffering irreparable harm, because defendants’ false and
10 misleading advertising claims that their goods are “SOLID 18K GOLD” and the like affect plaintiff’s
11 sales on an ongoing basis, and damage plaintiff’s reputation by making plaintiff’s comparable goods,
12 which are truthfully advertised, appear overpriced. Accordingly, plaintiff seeks an injunction
13 enjoining defendants and those acting in concert and participation with them from continuing to use
14 the advertising claims that their goods are “SOLID 18K GOLD,” “18K GOLD” or the like. Plaintiff
15 also seeks an award of damages as permitted by law, trebled for intentional conduct, plus costs and
16 reasonable attorneys fees by reason of defendants’ violation of Section 43(a) of the Lanham Act
17 through the false advertising of gold content.
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21 **Defendants’ False Advertising that their Jewelry is Silver**

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23 40. Defendants regularly advertise jewelry as silver, though, upon information and belief,
24 it is at best silver-plated. Exhibit 22 contains several examples of such false advertising for
25 defendants’ goods from February 2008, including false advertising for products that are directly
26 competitive with plaintiff’s goods, namely, jewelry body chains.
27
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1 41. For example, the first printout in Exhibit 22 carries the legend “Solid 925 SILVER
2 sep Full Body Belly Chain chains Eros.” Such advertising is false and misleading, among other
3 things, in that the goods in question are not solid silver, but electroplated, and the fact of electroplating
4 is not adequately disclosed. 16 CFR § 23.6 provides that:
5

6 (a) It is unfair or deceptive to misrepresent that an industry product contains silver,
7 or to misrepresent an industry product as having a silver content, plating,
8 electroplating, or coating ... unless it is at least 925/1,000ths pure silver.

9 42. Upon information and belief, defendants intentionally seek to mislead consumers as
10 to the silver content of their goods by using an abbreviation, “sep” for silver electroplating, that is not
11 known to most consumers; by presenting the abbreviation in lower case, in contrast to the silver
12 description, which is sometimes in upper case; by matching the lower case of the abbreviation “sep” to
13 the lower case of the product description, so that the abbreviation is associated with the product
14 description, not the silver description; and by directly contradicting the abbreviation “sep” with the
15 qualifiers “solid” or “sterling” — all in direct violation of applicable federal regulation as quoted
16 above.
17

18 43. Defendants’ advertising claims regarding silver content are a false and misleading
19 misrepresentation of fact regarding defendants’ goods, used in commercial advertising, within the
20 meaning of Section 43(a) of the Lanham Act. Plaintiff, whose goods are comparable to defendants’
21 goods and offered for sale through similar marketing channels, is a person who is being damaged, and
22 who is likely to be damaged by defendants’ advertising claim, within the meaning of Section 43(a) of
23 the Lanham Act. Moreover, plaintiff is suffering irreparable harm, because defendants’ false and
24 misleading advertising claims that their goods are “925 SILVER” and the like affect plaintiff’s sales
25 on an ongoing basis, and damage plaintiff’s reputation by making plaintiff’s comparable goods, which
26 are truthfully advertised, appear overpriced. Accordingly, plaintiff seeks an injunction enjoining
27
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1 defendants and those acting in concert and participation with them from continuing to use the
2 advertising claim that their goods are “925 SILVER” or the like. Plaintiff also seeks an award of
3 damages as permitted by law, trebled for intentional conduct, plus costs and reasonable attorneys fees
4 by reason of defendants’ violation of Section 43(a) of the Lanham Act through the false advertising of
5 silver content.
6

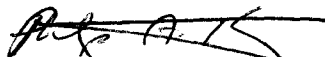
7 WHEREFORE, plaintiff prays that the Court:
8

- 9 i. Issue preliminary and permanent injunctions enjoining defendants and all persons
10 acting in concert and participation with them: (1) from using the marks HAREM or
11 HAREM BODY CHAINS, or any mark, name, description or designation containing the
12 word “harem” in connection with jewelry; (2) from making the advertising claim that
13 their jewelry is gold, unless it is composed throughout of fine (24 karat) gold; and
14 (3) from making the advertising claim that their jewelry is silver, unless it is composed
15 throughout of 925/1,000ths silver;
16
17
- 18 ii. Award damages for trademark infringement to plaintiff as permitted by law,
19 including plaintiff’s actual damages and all unjust enrichment obtained by defendants by
20 reason of their infringement of the Marks, trebled for intentional conduct, together with
21 costs and attorneys fees;
22
- 23 iii. Award damages for false advertising to plaintiff as permitted by law, including
24 plaintiff’s actual damages and all unjust enrichment obtained by defendants by reason of
25 their false advertising, trebled for intentional conduct, together with costs and attorneys
26 fees; and
27
- 28 iv. Award plaintiff such other and further relief as the Court may deem just and proper.

1 DATED this 4th day of March, 2008.

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LAW OFFICES OF PHILIP A. KANTOR, P.C.



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Attorneys for Plaintiff

JS 44 (Rev. 11/04)

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

TRINITY'S JEWELRY LLC

(b) County of Residence of First Listed Plaintiff CLARK
(EXCEPT IN U.S. PLAINTIFF CASES)

Te1. (702) 255-1300
(c) Attorney's (Firm Name, Address, and Telephone Number) *LAW OFFICES OF PHILIP A. KANTOR, P.C., Suite 202, 8440 W. Lake Mead, Las Vegas, NV 89128*

DEFENDANTS

INQUISITION TATTOO, INC. TATIANA METAXA, MICHAEL METAXA

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

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)

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

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<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 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	<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 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"/> 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 SOCIAL SECURITY <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)) FEDERAL TAX SUITS <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"/> 470 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 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		

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed 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):

15 U.S.C. §§ 1114 and 1125(a)

Brief description of cause:

Trademark Infringement and False Advertising

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** *Injunction and \$100,000* **CHECK YES only if demanded in complaint:** **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

March 4, 2008

SIGNATURE OF ATTORNEY OF RECORD

PLK: [Signature]

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____