

June 4, 2008

STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

RENATO WATCHES, INC.
a Florida Corporation,

Plaintiff,

v.

DANIEL MINK, SARL,
A foreign corporation, and
DANIEL MINK, LLC,
A New Jersey limited liability company

Defendants.

Case No.:

08-CV-60842-Martinez-Brown

**COMPLAINT FOR DECLARATORY JUDGMENT -
NON-INFRINGEMENT OF TRADEMARK**

Plaintiff, Renato Watches, Inc. (hereinafter referred to as "Renato Watches"), a Florida corporation, files this Complaint for Declaratory Judgment against Defendant, Daniel Mink, SARL, and Daniel Mink, LLC, (hereinafter referred to as "DM Companies" and/or "Defendants"), and asserts:

THE PARTIES

1. Renato Watches is a Florida corporation, with a principal address of 14051 NW 14th Street, Sunrise, Florida 33323. Since at least as early as July 7, 2005 Renato Watches has primarily been in the business of producing and selling quality watches.

2. Upon information and belief, Defendant, Daniel Mink, SARL is a Swiss company doing business in the United States, and actively engaged in the sale or offering for sale of watches in the state of Florida and throughout the United States.

3. Upon information and belief, Defendant, Daniel Mink, LLC is a New Jersey company actively engaged in the sale or offering for sale of watches in the State of Florida and throughout the United States.

JURISDICTION AND VENUE

4. This is a claim for Declaratory Judgment of non-infringement of a trademark

pursuant to 28 U.S.C. §2201 and pursuant to the Lanham Act, 15 U.S.C. §1114 et seq.

5. The Declaratory Judgment Act provides, in pertinent part:

In a case of actual controversy within its jurisdiction ... any court of the United States, upon the filing of an appropriate pleading, may declare the rights or other legal relations of any interested party seeking such declaration, whether or not future relief is or could be sought.

28 U.S.C. §2201.

6. Defendants are subject to personal jurisdiction as, upon information and belief, both together actively engage in the sale or offering for sale of watches in the state of Florida and in the Southern District of Florida.

7. Venue is proper in this district pursuant to 28 U.S.C. 1391(b)(2) in that the acts complained of herein arose in this district.

FACTUAL BACKGROUND

Background on Renato Watches

8. Since at least July of 2005, Renato Watches has been in the business of producing and selling quality watches.

9. Renato Watches designs its watches with a completely new look that distinguishes it from the “cookie cutter” designs of the watch industry.

10. Renato Watches sells its watches under a number of trademarks including, but not limited to, “RENATO”®, “RC”®, “RENATO WILDE-BEAST”®, “T-REX”®, “BEAST”®, RENATO BEAUTY”®, and others.

11. Renato Watches primarily markets its products via its website located at URL www.renatowatches.com and via on air television via Shop NBC. Renato Watches are also promoted and offered for sale on www.shopnbc.com.

12. One of the principles and the co-founder of Renato Watches is Mr. Daniel Minkowitz.

13. Daniel Minkowitz has been known by the name “Daniel Mink” since childhood, and has used the name continuously in both his professional and personal life ever since.

14. Daniel Minkowitz as Daniel Mink is the public face of Renato Watches and makes regular personal appearances during live on air television promotions for Renato Watches on Shop NBC.

The Alleged "DANIEL MINK" Trademark

15. On April 2, 1981 Aaron Minkowitz, through his former company Minx Jewelers, Inc., filed the original trademark application for "DANIEL MINK" for use in connection with watches; naming the watches after his son Daniel. This application ultimately matured to trademark Registration No. 1,198,627. See Exhibit A.

16. On January 12, 1984 an assignment was recorded with the United States Patent and Trademark Office ("USPTO") recoding the transfer of the "DANIEL MINK" mark from Aaron Minkowitz's Minx Jewelers, Inc. company to Daniel Mink Watch Corp. Id.

17. Through a series of subsequent assignments, Registration No. 1,198,627 for "DANIEL MINK" is now in owned, according to the USPTO records, by Montreux Group, LC. Id.

18. In a letter dated May 9, 2008, counsel for Defendants alleged that Renato Watches is engaged in trademark infringement. See Exhibit B.

19. Such allegations of trademark infringement have placed Renato Watches in fear of imminent litigation against it relating to the personal name "Daniel Mink."

20. Renato Watches has not infringed any trademark of the Defendants.

**COUNT I –
DECLARATORY JUDGMENT OF NON-INFRINGEMENT
OF FEDERAL TRADEMARK REGISTRATION NO. 1,198,627
DEFENDANTS LACK STANDING**

21. Renato Watches realleges and reavers the allegations of paragraphs 1 through 20 as if fully set forth herein.

22. Upon information and belief, neither of the Defendants owns Registration No. 1,198,627 for "DANIEL MINK." Rather, the registration, as reflected by the records of the USPTO, is owned by Montreux Group, LC. Defendants therefore lack standing to assert infringement of Registration No. 1,198,627.

23. Upon information and belief, neither Defendant has used the phrase "DANIEL MINK" in connection with the manufacture or sale of watches or related goods and services and therefore has no right in and to the same as a trademark.

**COUNT II –
DECLARATORY JUDGMENT OF NON-INFRINGEMENT
OF FEDERAL TRADEMARK REGISTRATION NO. 1,198,627
DANIEL MINK IS A PERSONAL NAME**

24. Renato Watches realleges and reavers the allegations of paragraphs 1 through 20 as if fully set forth herein.

25. 15 U.S.C. §1115(b)(4) provides that the use of a “party’s individual name in his own business, or of the individual name of anyone in privity with such party” is a defense to infringement even of an “incontestable” trademark.

26. Regardless of whether the Defendants can ultimately plead and/or prove ownership of the registration in question, Renato Watches has not infringed the same as “Daniel Mink” is a name that refers to a living person associated with and in privity with Renato Watches.

27. Specifically, Daniel Mink is a principal and the public face of Renato Watches and therefore not an infringement of any alleged rights.

**COUNT III –
DECLARATORY JUDGMENT OF NON-INFRINGEMENT
OF FEDERAL TRADEMARK REGISTRATION NO. 1,198,627.
RENATO WATCHES MAKES NO TRADEMARK USE OF “DANIEL MINK”**

28. Renato Watches realleges and reavers the allegations of paragraphs 1 through 20 as if fully set forth herein.

29. In their May 9, 2008 letter, the Defendants alleged that Renato Watches is “using the mark DANIEL MINK in connection with watches and chronographs.” However, Renato Watches makes no such trademark use.

30. Renato Watches does not display the name “Daniel Mink” on any goods.

31. Further, Renato Watches does not use the name “Daniel Mink” in any context other than to personally refer to Mr. Daniel Mink’s name.

WHEREFORE, Plaintiff, Renato Watches respectfully requests that this Court enter a declaratory judgment in its favor and against Defendants. Renato Watches also request judgment for damages suffered by Renato Watches, for Renato Watches’ cost in pursuing this action, and for such additional relief this Court deems just and proper.

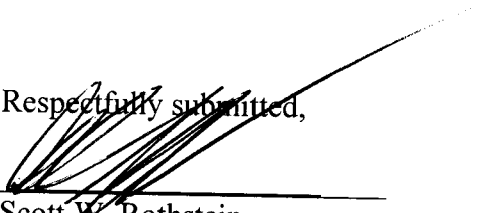
JURY DEMAND

Plaintiff demands trial by jury of all issues to triable.

Dated: June ___, 2008

Respectfully submitted,

By:



Scott W. Rothstein
Florida Bar No.: 765880
Email: srothstein@rra-law.com
Frank Herrera
Florida Bar No.: 494801
Email: fherrera@rra-law.com
Lisa Kaufman
Florida Bar No.: 263357
Email: lkaufman@rra-law.com
Gustavo Sardiña
Florida Bar No.: 31162
Email: gsardina@rra-law.com
JanPaul Guzman
Florida Bar No.: 16064
Email: jpguzman@rra-law.com
ROTHSTEIN ROSENFELDT ADLER
401 East Las Olas Blvd., Suite 1650
Fort Lauderdale, Florida 33301
Telephone: (954) 522-3456
Facsimile: (954) 527-8863

Counsel for Plaintiff

EXHIBIT A

FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS

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Detail by Entity Name

Florida Profit Corporation

MINX JEWELERS, INC.

Filing Information

Document Number 597442
FEI Number 591863984
Date Filed 12/14/1978
State FL
Status INACTIVE
Last Event INVOLUNTARILY DISSOLVED
Event Date Filed 11/10/1983
Event Effective Date NONE

Principal Address

C/O NEAL HOCHHEISER, P.A.
820 ARTHUR GODFREY ROAD
MIAMI BEACH FL 33140

Mailing Address

C/O NEAL HOCHHEISER, P.A.
820 ARTHUR GODFREY ROAD
MIAMI BEACH FL 33140

Registered Agent Name & Address

MINKOWITZ, AARON
540 WEST 37TH STREET, #402
MIAMI BEACH FL 33140

Officer/Director Detail

Name & Address

Title P

MINKOVITZ, AARON
540 W. 37TH STREET
MIAMI BEACH FL

Annual Reports

Report Year Filed Date

1980 05/20/1982
1981 05/20/1982
1982 05/20/1982

Document Images

No images are available for this filing.

Note: This is not official record. See documents if question or conflict.

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Typed Drawing

Word Mark	DANIEL MINK
Goods and Services	IC 014. US 027. G & S: Watches. FIRST USE: 19801201. FIRST USE IN COMMERCE: 19801201
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73303832
Filing Date	April 2, 1981
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	March 30, 1982
Registration Number	1198627
Registration Date	June 22, 1982
Owner	(REGISTRANT) Minx Jewelers, Inc. CORPORATION FLORIDA Suite 9A 407 Lincoln Rd. Miami Beach FLORIDA 33139
	(LAST LISTED OWNER) MONTREUX GROUP, L.C., THE LTD LIAB CO BY ASSIGNMENT, BY ASSIGNMENT, BY ASSIGNMENT FLORIDA 560 MAIN ST., SUITE 2A ALLENHURST NEW JERSEY 07711
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Karen A. Monroe, Esq.
Type of Mark	TRADEMARK
Register	PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20020927.
Renewal 1ST RENEWAL 20020927
Other Data "Daniel Mink" is an arbitrary name devised by applicant and does not refer to a particular living individual.
Live/Dead Indicator LIVE

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NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

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Watches

Basis: 1(a)

First Use Date: 1980-12-01

First Use in Commerce Date: 1980-12-01

ADDITIONAL INFORMATION

Name Portrait Consent: "Daniel Mink" is an arbitrary name devised by applicant and does not refer to a particular living individual.

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-31 - Case File In TICSRS

2005-02-28 - Attorney Revoked And/Or Appointed

2005-02-28 - TEAS Revoke/Appoint Attorney Received

2002-09-27 - First renewal 10 year

2002-09-27 - Section 8 (10-year) accepted/ Section 9 granted

2002-06-21 - Combined Section 8 (10-year)/Section 9 filed

1988-09-21 - Section 8 (6-year) accepted & Section 15 acknowledged

1988-04-15 - Section 8 (6-year) and Section 15 Filed

1982-06-22 - Registered - Principal Register

1982-03-30 - Published for opposition

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Karen A. Monroe, Esq.

Correspondent

Karen A. Monroe, Esq.

Siller Wilk LLP

675 Third Avenue

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-06-02 14:35:22 ET

Serial Number: 73303832 Assignment Information Trademark Document Retrieval

Registration Number: 1198627

Mark (words only): DANIEL MINK

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2002-09-27

Filing Date: 1981-04-02

Transformed into a National Application: No

Registration Date: 1982-06-22

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-03-31

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. MONTREUX GROUP, L.C., THE

Address:

MONTREUX GROUP, L.C., THE
560 MAIN ST., SUITE 2A
ALLENHURST, NJ 07711
United States

Legal Entity Type: Ltd Liab Co

State or Country Where Organized: Florida

GOODS AND/OR SERVICES

International Class: 014

Class Status: Active

New York NY 10017-5704
Phone Number: (212) 421-2233
Fax Number: (212) 752-6380



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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 7

Serial #: 73303832

Filing Dt: 04/02/1981

Reg #: 1198627

Reg. Dt: 06/22/1982

Registrant: Minx Jewelers, Inc.

Mark: DANIEL MINK

Assignment: 1

Reel/Frame: 0457/0527

Received:

Recorded: 01/20/1984

Pages: 1

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: MINX JEWELERS, INC.

Exec Dt: 01/12/1984

Entity Type: CORPORATION

Citizenship: FLORIDA

Entity Type: CORPORATION

Citizenship: NEW YORK

Assignee: DANIEL MINK WATCH CORP.
SUITE 201
576-5TH AVE.
NEW YORK, NEW YORK 10036

Correspondent: JOHN CYRIL MALLOY
169 EAST FLAGLER ST.
MIAMI, FL 33131

Assignment: 2

Reel/Frame: 0755/0852

Received:

Recorded: 12/10/1990

Pages: 0

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: DANIEL MINK WATCH CORP.

Exec Dt: 11/30/1990

Entity Type: CORPORATION

Citizenship: NEW YORK

Entity Type: CORPORATION

Citizenship: FLORIDA

Assignee: DANIEL MINK WATCH CORP.
SUITE 9L
407 LINCOLN ROAD
MIAMI BEACH, FLORIDA 33139

Correspondent: JAMES WETTERLING, P. A.
SUITE 801, 1401 BRICKELL AVENUE
MIAMI, FL 33131

Assignment: 3

Reel/Frame: 1804/0763

Received: 10/28/1998

Recorded: 10/20/1998

Pages: 2

Conveyance: BILL OF SALE

Assignor: DANIEL MINK WATCH CORPORATION

Exec Dt: 04/18/1997

Entity Type: CORPORATION

Citizenship: FLORIDA

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NONE

Assignee: MONTREUX GROUP L.C.
407 LINCOLN ROAD, FOURTH FLOOR
MIAMI BEACH, FLORIDA 33139

Correspondent: LOEB & LOEB LLP
DAVID W. GRACE
1000 WILSHIRE BOULEVARD, SUITE 1800
LOS ANGELES, CA 90017

Assignment: 4

Reel/Frame: 2131/0736

Received: 09/11/2000

Recorded: 07/12/2000

Pages: 6

Conveyance: CORRECTION OF PAST COVER SHEET

Assignor: DANIEL MINK WATCH

Assignee: MONTREUX GROUP

FLOOR 4

407 LINCOLN ROAD

MIAMI BEACH, FLORIDA 33139

Correspondent: COLLEN LAW ASSOCIATES, P.C.

SCARBOROUGH STATION

BOX 306

SCARBOROUGH, NEW YORK 10510-0806

Assignment: 5

Reel/Frame: 2037/0481

Received: 03/22/2000

Recorded: 02/14/2000

Pages: 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: DANIEL MINK WATCH CORPORATION

Exec Dt: 11/03/1999

Entity Type: CORPORATION

Citizenship: FLORIDA

Entity Type: LIMITED LAIBILITY COMPANY

Citizenship: FLORIDA

Assignee: MONTREUX GROUP, L.C., THE

9480 BEVERLY CREST

BEVERLY HILLS, CALIFORNIA 90210

Correspondent: CARLTON, FIELDS, ET AL.

ANDREW C. GREENBERG

P.O. BOX 3239

TAMPA, FL 33601-3239

Assignment: 6

Reel/Frame: 2037/0500

Received: 03/22/2000

Recorded: 02/14/2000

Pages: 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: MINKOWITZ, RINA

Exec Dt: 11/03/1999

Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: FLORIDA

Assignee: MONTREUX GROUP, L.C., THE

9480 BEVERLY CREST

BEVERLY HILLS, CALIFORNIA 90210

Correspondent: CARLTON, FIELDS, ET AL.

ANDREW C. GREENBERG

P.O. BOX 3239

TAMPA, FL 33601-3239

Assignment: 7

Reel/Frame: 2037/0479

Received: 03/22/2000

Recorded: 02/14/2000

Pages: 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: MINKOWITZ, DANIEL

Exec Dt: 11/05/1999

Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Entity Type: LIMITED LIABILITY COMPANY
- STATE OF FLORIDA

Citizenship: FLORIDA

Assignee: MONTREUX GROUP, L.C., THE

9480 BEVERLY CREST

BEVERLY HILLS, CALIFORNIA 90210

Correspondent: CARLTON, FIELDS, ET A.L

ANDREW C. GREENBERG

P.O. BOX 3239

TAMPA, FL 33601-3239

Web interface last modified: April 20, 2007 v.2.0.1

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EXHIBIT B

05-16-08;17:03 ;

9545278663 ;

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06-13255

Donald C. Lucas
Michael N. Mercanti

Timothy D. Meade
Hyun Soon Cho
Yaodong Chen*
Daniel P. McKenzie†
Paolo A. Strino
Christina M. Jordan†

CA Only*
MA Only†
Registered Patent Agent

LUCAS & MERCANTI, LLP
ATTORNEYS AT LAW
INTELLECTUAL PROPERTY

475 PARK AVENUE SOUTH
15th FLOOR
NEW YORK, NY 10016

Telephone: 212-661-8000
Facsimile: 212-661-8002
E-mail: info@mlmpatent.us
www.mlmpatent.us

Mailer's Information
212-661-8000 ext. 128
dcl@mlmpatent.us

Of Counsel

Laurence Manber, Ph.D.
Paul Diamond, Ph. D.
Alexander R. Pagano, Ph.D.

Yun H. Choe, Ph.D.
Scientific Advisor

May 9, 2008

Renato Watches, Inc.
14051 NW 14th Street
Sunrise, Florida 33323

Re: Use in Commerce of U.S. registered Trademark
DANIEL MINK for watches in Reg. No. 1,198,627
Our Ref: MINK-TM-1

Dear Sirs:

We are trademark counsel for Daniel Mink SARL and Daniel Mink LLC, owners of the trademark DANIEL MINK, for watches, in U.S. Registration No. 1,198,627.

Daniel Mink is considered one of the leaders in the watch industry for its outstanding styling and technical excellence. Our client has used the mark DANIEL MINK for watches in U.S. commerce for more than twenty five years.

Our client has invested substantial time, money and effort in the marketing and sales of its products under the DANIEL MINK mark on both a national and international scale. As a result, the DANIEL MINK trademark enjoys enormous consumer reputation and substantial goodwill.

It has come to our attention that your company, Renato Watches, Inc, is using the mark DANIEL MINK in connection with watches and chronographs.

Our client considers its DANIEL MINK trademark to be valuable property asset that it has every intention of defending against encroachment by others. There is no doubt that in the minds of the consuming public, your use of the name DANIEL MINK is likely to lead to confusion with our registered trademark. In fact, the marks are identical, and are used in connection with the same goods, likely to be sold in the same location. In this respect, our client has received numerous inquiries from customers, retailers and vendors asking to clarify the source of the products associated, or sold under the mark.

05-16-08;17:03 ;

9545278663 ;

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Furthermore, it is also our understanding that, given the recognition enjoyed by the name DANIEL MINK in the watch industry, you are fully aware of our client's trademark rights and that you have intentionally traded on the goodwill of your client.

In that vein that we demand that you cease and desist further use of the trademark DANIEL MINK, in connection with watches, chronographs and other like products. We further demand that you take immediate steps to change any reference to the trademark DANIEL MINK in your company website and other online and offline publication and that you destroy any goods or products, any stationery, business cards, invoices, advertising, promotional materials, bearing the infringing mark.

We also demand your assurances by May 31, 2008 that you will discontinue all use of the mark DANIEL MINK, or other similar variations thereof. If you fail to so advise us by that date, our client reserves the right, without further notice to you, to take such action as it deems advisable, to assert its right to recover damages, lost profits, and the costs thereof, and to otherwise protect its interests.

Sincerely,

LUCAS & MERCANTI, LLP


Donald C. Lucas

DCL/pas

cc: Nathan Fagre, General Counsel;
Matthew Lubkeman, Watch Buyer

Shop NBC
6740 Shady Oak Road
Eden Prairie, MN - 55344

JS 44 (Rev. 2/08)

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.)

NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS

Renato Watches, Inc.

DEFENDANTS

Daniel Mink, LLC and Daniel Mink, SARL

(b) County of Residence of First Listed Plaintiff Broward

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Ocean, New Jersey

(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorney's (Firm Name, Address, and Telephone Number)

ROTHSTEIN ROSENFELDT ADLER
401 East Las Olas Boulevard, Suite 1650
Fort Lauderdale, Florida 33301
(954) 572-3456

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.

Attorneys (If Known)

LUCAS & MERCANTI, LLP

(a) Check County Where Action Arose: ☐ MIAMI-DADE ☐ MONROE ☒ BROWARD ☐ PALM BEACH ☐ MARTIN ☐ ST. LUCIE ☐ INDIAN RIVER ☐ OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant ☐ 4 Diversity

(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" 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 checked="" 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)

BROWN

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 IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<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 <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 <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 Re-filed- (see VI below) ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S).

a) Re-filed Case ☐ YES ☐ NOb) Related Cases ☐ YES ☐ NO

(See instructions second page):

JUDGE

DOCKET NUMBER

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

Declaratory Judgment of Non-Infringement under 28 U.S.C. §2201

LENGTH OF TRIAL via _____ days estimated (for both sides to try entire case)

VIII. 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

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD

DATE

FOR OFFICE USE ONLY

AMOUNT

RECEIPT #

JFP