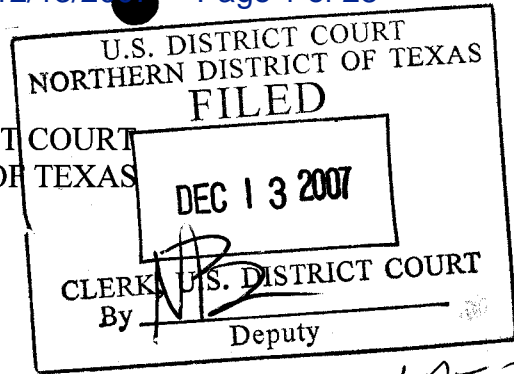


ORIGINAL



IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

THE SUSAN G. KOMEN BREAST CANCER FOUNDATION, INC. D/B/A SUSAN G. KOMEN FOR THE CURE

Plaintiff,

vs.

SMITHFIELD FOODS, INC. and SF INVESTMENTS, INC., Defendants.

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CIVIL ACTION NO. 17524 JURY TRIAL DEMANDED

3-07CV2081-N

**PLAINTIFF'S ORIGINAL COMPLAINT AND APPLICATION FOR PRELIMINARY AND PERMANENT INJUNCTION**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, Plaintiff, The Susan G. Komen Breast Cancer Foundation, Inc., d/b/a Susan G. Komen for the Cure, files this Original Complaint and Application for Preliminary and Permanent Injunction complaining of the actions of Smithfield Foods, Inc, and SF Investments, Inc., and would show this Honorable Court as follows:

**I. PARTIES**

1. Plaintiff, The Susan G. Komen Breast Cancer Foundation, Inc., d/b/a Susan G. Komen for the Cure ("Komen") is a Texas non-profit corporation with its principal place of business in Dallas, Dallas County, Texas.

2. Smithfield Foods, Inc. ("Smithfield") is a Virginia corporation with its principal place of business in Smithfield, Virginia. Smithfield is a global food company that does business in Texas, through its sale of packaged meats under brand names including Armour, Butterball

and Lean Generation. Smithfield may be served with summons by service upon its agent for service of process, CT Corporation, 4701 Cox Road, Suite 301, Glen Allen, Virginia 23060.

3. SF Investments, Inc. (“SFI”) is a Delaware corporation with its principal place of business in Wilmington, Delaware. SFI is a subsidiary of Smithfield and is seeking registration of the infringing trademark. SFI may be served by service of summons by service upon its registered agent for service at its principal place of business, SF Investments, Inc., 3411 Silverside Road, 103 Baynard Building, Wilmington, Delaware 19810. Smithfield and SFI are collectively referred to herein as “Defendants.”

## **II. JURISDICTION AND VENUE**

4. This action arises under the Trademark (Lanham) Act of 1946, as amended, 15 U.S.C. § 1051 *et seq.* The Court has jurisdiction pursuant to 15 U.S.C. §1121, 28 U.S.C. §1331 and 28 U.S.C. §1338 (a).

5. This Court also has pendent jurisdiction over state law claims asserted herein because those claims arise from the same common nucleus of operative facts as the Federal Lanham Act claims.

6. Venue is proper in the United States District Court for the Northern District of Texas, Dallas Division, under 28 U.S.C. §1391 (b) and (c) because Smithfield regularly does business in this District, it is a judicial district in which a substantial portion of the events giving rise to the claims occurred, the District in which witnesses reside and the District where much of the evidence exists.

**III.**  
**FACTUAL BACKGROUND**

7. Komen is the owner of numerous "FOR THE CURE" trademark registrations, including the famous RACE FOR THE CURE mark, which has been in use since 1983 and has been registered with the United States Patent and Trademark Office since 1990. Additionally, Komen has a family of "FOR THE CURE" registrations with the U.S. Patent and Trademark Office. Komen has been using "FOR THE CURE" trademarks for almost twenty-five years in connection with charitable fundraising services for breast cancer research and breast health awareness programs. A list of some of Komen's "FOR THE CURE" trademarks is attached hereto as EXHIBIT A.

8. Komen is the world's largest grassroots network of breast cancer survivors and activists fighting to save lives, empower people, ensure quality care for all and energize science to find the cure for breast cancer. Through its use of FOR THE CURE events and other efforts, Komen has raised and invested nearly \$1 billion to fulfill its mission, becoming the largest source of nonprofit funds dedicated to the fight against breast cancer in the world, including breast cancer research, education, screening and treatment. A large part of this fundraising effort is in connection with various partners that are licensed to use Komen's trademarks on their products, many of which are found in grocery stores. Some examples of these licensing efforts include COOK FOR THE CURE with KitchenAid, CRUNCH FOR THE CURE with Sun Chips, PINK FOR THE CURE with General Mills, SIP FOR THE CURE with Republic of Tea, and BAKE FOR THE CURE with ACH Food Companies.

9. As a result of Komen's longstanding use and advertising of its "FOR THE CURE" trademarks and the excellent reputation which Komen's charitable fundraising services

have come to enjoy, the family of "FOR THE CURE" trademarks has become well and favorably known among consumers and the general public.

10. Smithfield is a global food company that advertises and sells food, including pre-packaged meat products, under various brand names in countries around the world. According to its website, [www.smithfieldfoods.com](http://www.smithfieldfoods.com), it is the largest pork processor and hog producer in the world and the leader in turkey processing, cattle feeding, and several packaged meats categories in the United States, with revenues approaching \$12 billion in fiscal 2007. Among the brands offered by Smithfield is a brand called "Lean Generation," a line of deli meats, including ham, roast beef and turkey products.

11. In approximately March of 2007, Smithfield contacted Komen about a possible joint program with Komen which would involve the contribution of a portion of the proceeds from Smithfield Foods' Lean Generation deli meats to Komen. Komen declined Smithfield's proposal because studies have shown that red and processed meat can have a causal effect on the development of cancer.

12. In late September, Komen became aware that SFI had applied with the United States Trademark Office to register the mark "Deli for the Cure", which included a pink ribbon design. A copy of the mark that SFI applied for is attached hereto as EXHIBIT B. Komen sent a cease and desist letter requesting that SFI cease using "Deli for the Cure" and withdraw its application due to the likelihood of consumer confusion. A true and correct copy of the letter is attached hereto as EXHIBIT C. SFI refused the request and indicated it would continue to seek registration and to use "Deli for the Cure."

13. Contemporaneously with these events, Komen became aware that Smithfield publicly announced that it, through its Lean Generation brand, would "become a major sponsor

of breast cancer research, awareness and early detection by contributing up to \$250,000 to support DELI FOR THE CURE.” The company’s announcement, which was timed to coincide with October’s National Breast Cancer Awareness Month, claims to introduce the first comprehensive cause marketing program for supermarket delis “designed to help retailers and Lean Generation consumers save lives by contributing to this vital cause.” Smithfield claims that “by incorporating the pink ribbon on all Lean Generation packaging, it hoped to make consumers aware of the relationship between a healthy lifestyle and a healthy diet.” A true and correct copy of pages from [www.smithfieldfoods.com](http://www.smithfieldfoods.com) and [www.leangeneration.com](http://www.leangeneration.com) is attached hereto as EXHIBIT D. Neither Smithfield nor SFI has any affiliation, relationship or agreement with Komen and, as of the date of this Complaint, Smithfield has not donated proceeds from this alleged campaign to Komen. More importantly, Smithfield is aware from its previous communications with Komen that Komen would not consent to a corporate partnership with Smithfield.

**IV.**  
**FEDERAL TRADEMARK INFRINGEMENT**

14. Komen re-alleges that allegation set forth in Paragraphs 1- 13, above, as if fully set forth herein.

15. This Count arises under Section 32 of the Lanham Act, 15 U.S.C. §1114, *et seq.*

16. Komen has marketed, advertised, and promoted various “For the Cure” marks (the “Marks”). The Marks have come to mean and are understood to signify Komen, and are the means by which Komen’s fundraising efforts are distinguished from others in the field. Because of the long, continuous and exclusive use of the Marks, the Marks are associated with Komen and have acquired secondary meaning with Komen and its fight against breast cancer.

17. Defendants' use and threatened continued use of "Deli of the Cure" in interstate commerce is likely to cause confusion, mistake or deception, and constitutes infringement of Komen's federally registered trademarks, thereby causing loss and damage to Komen.

18. Further, the activities of Defendants are intended to and are likely to lead the public to conclude, incorrectly, that the infringing marks are sponsored by, or are authorized by Komen, to the damage of Komen and the public. Defendants' activities constitute willful and deliberate infringement of Komen's federally registered Marks in violation of the Lanham Act, including but not limited to 15U.S.C. §1114(1).

19. As a result of the foregoing, Komen has been damaged and will continue to be damaged in an amount to be ascertained. In addition to Komen's actual damages, Komen is entitled to receive Defendants' profits on the sale of misleading products that bear the Deli for the Cure mark, pursuant to 15 U.S.C. §1117(a). These actual damages and profits should be trebled pursuant to 15 U.S.C. §1117 (b) because Defendants' violation of Komen's Marks is willful.

20. The activities of Defendants have caused and will cause irreparable harm to Komen for which Komen has no adequate remedy at law in that (a) if Defendants' wrongful conduct continues, consumers are likely to become further confused; (b) Komen's Marks are unique and valuable property which have no readily determinable market value; (c) the infringement by Defendants constitutes interference with Komen's goodwill and donor relationships; and (d) Defendants' wrongful conduct, and the resulting damage to Komen, is continuing. Accordingly, Komen is entitled to injunctive relief pursuant to 15 U.S.C. §1116(a).

21. Defendants committed the acts alleged above, with previous knowledge of Komen's prior use and superior rights to the Marks and with previous knowledge of the

reputation of such Marks in interstate commerce. Further, Defendants' actions were for the willful and calculated purpose of marketing its products based upon the goodwill of Komen's trademarks and business reputation, so as to mislead and deceive purchasers and the public as to the origin or association of its services, all to Defendants' gain and Komen's damage.

V.

**FEDERAL LANHAM ACT VIOLATIONS UNDER 15 USC §1125**

22. Komen re-alleges that allegation set forth in Paragraphs 1-21, above, as if fully set forth herein.

23. This Count arises under Section 43(a) of the Lanham Act of 1946, as amended, 15 U.S.C. §1125(a).

24. Defendants' unauthorized use in interstate commerce of "Deli for the Cure", which is confusingly similar to Komen's Marks, constitutes use of a false designation of origin and false description or representation that is likely to cause confusion, mistake or deception (a) as to the characteristics, qualities or origin of Defendants' goods and services, (b) as to the affiliation, connection, or association between Defendants and Komen, and (c) as to the sponsorship or approval of Defendants' goods and services by Komen.

25. Defendants intentionally infringed Komen's Marks in the marketing of its goods and services by incorporating the famous FOR THE CURE phrasing with the pink ribbon so as to profit from Komen's reputation by confusing the public as to the source, origin, sponsorship, or approval of Defendants' goods and services, with the intention of deceiving and misleading the public at large, and of wrongfully trading on the goodwill and reputation of Komen.

26. The activities of Defendants complained of herein have caused Komen monetary loss and damage, including the loss of donations and diversion of donations, in an amount not yet determined.

**VI.**

**COMMON LAW TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION**

27. Komen re-alleges the allegations set forth in paragraphs 1 through 26 above, as if fully set forth herein.

28. This Count arises under the common law of trademarks and unfair competition in the state of Texas.

29. Defendants have acted and continue to act to compete unfairly by misappropriating Komen's work product and by trading on Komen's reputation and competitive advantage. Komen created its services and its Marks through extensive time, labor, skill and money. Defendants used Komen's trademarks in competition with Komen, thereby gaining an unfair advantage because Defendants bore little or no burden of the expense of any development of the goodwill associated with Komen's Marks.

30. Defendants aforesaid activities constitute unfair competition with Komen and an infringement of Komen's common law trademark rights.

31. The activities of Defendants complained of herein have caused Komen monetary loss and damage, including loss of profits and diversion of trade, in an amount not yet determined.

**VII.**

**DILUTION UNDER 15 U.S.C. § 1125(c)**

32. Komen re-alleges the allegations set forth in paragraphs 1 through 31 above, as if fully set forth herein.

33. Defendants' use of the Komen Marks in connection with the sale of deli meats is likely to dilute the distinctive quality of the Komen Marks, and, accordingly, Komen is entitled to relief pursuant to 15 U.S.C. §1125 (c).

34. The activities of Defendants complain of herein have caused, and unless enjoined, will continue to cause substantial and irreparable harm to Komen, its reputation and goodwill, for which Komen is without an adequate remedy at law.

**VIII.**

**TRADEMARK DILUTION UNDER TEX. BUS. & COMM. CODE §16.29**

35. Komen re-alleges the allegations set forth in paragraphs 1 through 34 above, as if fully set forth herein.

36. Defendants' use of the Komen Marks in connection with the sale of deli meats is likely to injure Komen's reputation or to dilute the distinctive quality of the Komen Marks, for which Komen does not have an adequate remedy. Accordingly, pursuant to Texas Business & Commerce Code §16.29, Komen is entitled to an injunction.

WHEREFORE PREMISES CONSIDERED, Komen requests that after final trial of this cause, that the Court enter judgment as follows:

1. That Defendants' "Deli for the Cure" mark is in violation of the Lanham Act, 15 U.S.C. §1114 and §1125(a) and/or that Defendants are or were passing themselves off as affiliated with Komen when they are not, is in violation of Lanham Act, 15 U.S.C. §1125(a), and/or that their actions dilute the Komen Marks under 15 U.S.C. §1125(c) and Texas Business and Commerce Code §16.29.

2. That the Court enter judgment that Defendants' use of the "Deli for the Cure" mark constitutes common law trademark infringement and unfair competition.

3. That Defendants be preliminarily and permanently enjoined, as set forth in the Application for preliminary and permanent injunctive relief filed contemporaneously with this Complaint;

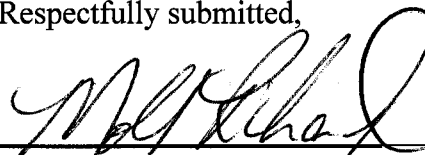
4. That Defendants be required to pay to Komen:

1. compensatory damages for injuries sustained as a result of its actions;
2. an accounting and award under 15 U.S.C. §1117 of all profits realized by Defendants from their infringement;
3. the costs of this action; and
4. an additional amount of three times the amount found as actual damages, because of Defendants' knowing and willful misconduct.

5. That this case be declared exceptional under 15 U.S.C. §1117(a), and that Defendants be required to pay Komen's reasonable attorney's fees.

6. That the Court grant such other and further relief, legal or equitable, as it shall deem just and appropriate.

Respectfully submitted,



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BREAST CANCER FOUNDATION, INC.,

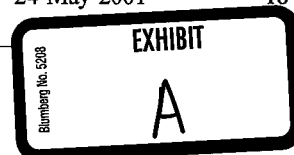
d/b/a SUSAN G. KOMEN FOR THE CURE

Wednesday, October 03, 2007

## Trademark List

Page: 1

Trademark	Case Number/Subcase Country Name	Status Class(es)	Application Number/Date	Registration Number/Date
<b>A CRUISE FOR THE CURE</b>	01158/ United States of America	Registered 36 Int.	75/483,688 12-May-1998	2,591,887 09-Jul-2002
<b>BAKE FOR THE CURE</b>	04751/ United States of America	Published 36 Int.	77/119,467 01-Mar-2007	
<b>BICYCLE FOR THE CURE</b>	04186/ United States of America	Registered 36 Int.	78/841,407 20-Mar-2006	3,194,062 02-Jan-2007
<b>BLUES FOR THE CURE</b>	02436/ United States of America	Registered 36 Int.	76/403,461 03-May-2002	2,889,701 28-Sep-2004
<b>BOARD BREAKS FOR THE CURE</b>	01156/ United States of America	Registered 36 Int.	75/483,686 12-May-1998	2,264,720 27-Jul-1999
<b>BOUQUETS FOR THE CURE</b>	01927/ United States of America	Registered 36 Int.	76/246,238 25-Apr-2001	2,504,727 06-Nov-2001
<b>BOWL FOR THE CURE</b>	01528/ United States of America	Registered 36 Int.	75/696,434 30-Apr-1999	2,456,100 29-May-2001
<b>BUILD FOR THE CURE</b>	03686/ United States of America	Registered 36 Int.	76/308,408 04-Sep-2001	2,652,698 19-Nov-2002
<b>BUILD FOR THE CURE &amp; Design</b>	03556/ United States of America	Registered 36 Int.	78/915,247 23-Jun-2006	3,211,475 20-Feb-2007
<b>CALYPSO FOR THE CURE</b>	01696/ United States of America	Registered 36 Int.	75/914,924 10-Feb-2000	2,514,212 04-Dec-2001
<b>CARDS FOR THE CURE</b>	01093/ United States of America	Registered 36 Int.	75/443,386 02-Mar-1998	2,402,451 07-Nov-2000
<b>CAROLING FOR THE CURE</b>	03688/ United States of America	Registered 36 Int.	76/176,144 05-Dec-2000	2,548,484 12-Mar-2002
<b>CATERING FOR THE CURE</b>	04715/ United States of America	Registered 36 Int.	77/099,006 05-Feb-2007	3,297,073 25-Sep-2007
<b>CHAMPIONS FOR THE CURE</b>	00786/ United States of America	Registered 36 Int.	75/200,294 19-Nov-1996	2,276,329 07-Sep-1999
<b>CHARGE FOR THE CURE</b>	01977/ United States of America	Registered 36 Int.	76/262,428 24-May-2001	2,689,275 18-Feb-2003



Wednesday, October 03, 2007

## Trademark List

Page: 2

Trademark	Case Number/Subcase Country Name	Status Class(es)	Application Number/Date	Registration Number/Date
<b>CHECKS FOR THE CURE</b>	01667/ United States of America	Registered 36 Int.	75/883955 30-Dec-1999	2491434 18-Sep-2001
<b>CHEF'S NIGHT OUT FOR THE CURE</b>	02570/ United States of America	Registered 36 Int.	76/586,706 14-Apr-2004	2,956,801 31-May-2005
<b>CLEAN FOR THE CURE</b>	02530/ United States of America	Registered 36 Int.	76/446,780 03-Sep-2002	2,734,577 08-Jul-2003
<b>CLICK FOR THE CURE</b>	02310/ United States of America	Registered 36 Int.	76/332,403 25-Oct-2001	2,588,482 02-Jul-2002
<b>COALITION FOR THE CURE</b>	01902/ United States of America	Registered 36 Int.	76/216,615 27-Feb-2001	2,605,800 06-Aug-2002
<b>COOK FOR THE CURE</b>	00216/ United States of America	Registered 36 Int.	75/399,870 04-Dec-1997	2,532,389 22-Jan-2002
<b>CORPS FOR THE CURE</b>	04333/ United States of America	Published 36 Int.	78/924,190 07-Jul-2006	
<b>CROP FOR THE CURE</b>	03655/ United States of America	Registered 36 Int.	76/372,725 20-Feb-2002	2,976,863 26-Jul-2005
<b>CRUISIN' FOR THE CURE</b>	01754/ United States of America	Registered 36 Int.	76/094,117 21-Jul-2000	3,151,180 03-Oct-2006
<b>CRUNCH FOR THE CURE</b>	04094/ United States of America	Allowed 36 Int.	78/777,719 20-Dec-2005	3,170,181 07-Nov-2006
<b>CUISINE FOR THE CURE</b>	04001/ United States of America	Registered 36 Int.	78/712,861 14-Sep-2005	3,106,951 20-Jun-2006
<b>CUT FOR THE CURE</b>	01731/ United States of America	Registered 36 Int.	76/066,880 09-Jun-2000	2,742,821 29-Jul-2003
<b>DANCE FOR THE CURE</b>	02314/ United States of America	Registered 36 Int.	75/934,887 03-Mar-2000	2,548,209 12-Mar-2002
<b>DECORATE FOR THE CURE</b>	03667/ United States of America	Registered 36 Int.	76/389,376 28-Mar-2002	2,733,292 01-Jul-2003
<b>DIG FOR THE CURE</b>	04112/ United States of America	Registered 36 Int.	78/791,088 13-Jan-2006	3,106,978 20-Jun-2006

Wednesday, October 03, 2007

## Trademark List

Page: 3

Trademark	Case Number/Subcase Country Name	Status Class(es)	Application Number/Date	Registration Number/Date
<b>DINE OUT FOR THE CURE</b>	03147/ United States of America	Registered 36 Int.	76/503,523 02-Apr-2003	2,816,730 24-Feb-2004
<b>DO SOMETHING GOOD FOR THE CURE</b>	02437/ United States of America	Registered 36 Int.	76/403,462 03-May-2002	2,726,791 17-Jun-2003
<b>DOCTORS FOR THE CURE</b>	00151/ United States of America	Registered 36 Int.	75/311,136 18-Jun-1997	2,215,945 05-Jan-1999
<b>DONATIONS FOR THE CURE</b>	02440/ United States of America	Registered 36 Int.	76/403,457 03-May-2002	2,731,631 01-Jul-2003
<b>DREAM FOR THE CURE</b>	01146/ United States of America	Registered 36 Int.	75/473,314 23-Apr-1998	2,365,099 04-Jul-2000
<b>DRIVE FOR THE CURE</b>	00056/ United States of America	Registered 36 Int.	75/248,137 26-Feb-1997	2,319,666 15-Feb-2000
<b>DVD'S FOR THE CURE</b>	04813/ United States of America	Published 36 Int.	77/145,854 02-Apr-2007	
<b>EXPO FOR THE CURE</b>	01664/ United States of America	Registered 36 Int.	75/883952 30-Dec-1999	2502990 30-Oct-2001
<b>FASHION FOR THE CURE</b>	03689/ United States of America	Allowed 36 Int.	76/351,796 21-Dec-2001	3,042,143 10-Jan-2006
<b>FIT FOR THE CURE</b>	02290/ United States of America	Registered 36 Int.	76/161,131 07-Nov-2000	2,560,355 09-Apr-2002
<b>FLY FOR THE CURE</b>	01562/ United States of America	Registered 36 Int.	75/753,088 14-Jul-1999	2,456,236 29-May-2001
<b>FOR THE CURE</b>	01551/ United States of America	Registered 16 Int.	75/724,749 08-Jun-1999	2,362,027 27-Jun-2000
<b>FRIENDS FOR THE CURE</b>	00416/ United States of America	Registered 41 Int.	75/081,429 01-Apr-1996	2,081,087 22-Jul-1997
<b>GARDENS FOR THE CURE</b>	03935/ United States of America	Registered 36 Int.	78/688,740 09-Aug-2005	3,106,940 20-Jun-2006
<b>GOLF FOR THE CURE</b>	00418/ United States of America	Registered 41 Int.	75/081,428 01-Apr-1996	2,109,850 28-Oct-1997

Wednesday, October 03, 2007

## Trademark List

Page: 4

Trademark	Case Number/Subcase Country Name	Status Class(es)	Application Number/Date	Registration Number/Date
<b>GUARDIANS FOR THE CURE</b>	01159/ United States of America	Registered 36 Int.	75/483,696 12-May-1998	2,598,258 23-Jul-2002
<b>HEARTS FOR THE CURE</b>	02481/ United States of America	Registered 36 Int.	78/135,760 14-Jun-2002	2,709,504 22-Apr-2003
<b>HOOPS FOR THE CURE</b>	00235/ United States of America	Registered 36 Int.	75/417,457 13-Jan-1998	2,659,775 10-Dec-2002
<b>KICKOFF FOR THE CURE</b>	02571/ United States of America	Registered 36 Int.	76/586,707 14-Apr-2004	2,956,802 31-May-2005
<b>KICKS FOR THE CURE</b>	01611/ United States of America	Registered 36 Int.	75/774,138 12-Aug-1999	2,618,567 10-Sep-2002
<b>KIDS FOR THE CURE</b>	01160/ United States of America	Registered 36 Int.	75/483,697 12-May-1998	2,406,792 21-Nov-2000
<b>KNIT FOR THE CURE</b>	03798/ United States of America	Registered 36 Int.	78/668,697 12-Jul-2005	3,106,808 20-Jun-2006
<b>LACE UP FOR THE CURE</b>	02253/ United States of America	Registered 36 Int.	76/365,640 31-Jan-2002	2,694,111 04-Mar-2003
<b>LAUGH FOR THE CURE</b>	02531/ United States of America	Registered 36 Int.	76/446,781 03-Sep-2002	2,734,578 08-Jul-2003
<b>LIGHTS FOR THE CURE</b>	02825/ United States of America	Registered 35 Int.	76/455,280 03-Oct-2002	2,933,643 15-Mar-2005
<b>LUNCH FOR THE CURE</b>	02558/ United States of America	Registered 36 Int.	76/454,611 02-Oct-2002	2,758,586 02-Sep-2003
<b>MEET FOR THE CURE</b>	01891/ United States of America	Registered 36 Int.	76/205,423 05-Feb-2001	2,650,422 12-Nov-2002
<b>MEN FOR THE CURE</b>	00417/ United States of America	Registered 41 Int.	75/081,427 01-Apr-1996	2,075,352 01-Jul-1997
<b>NURSES FOR THE CURE</b>	03797/ United States of America	Registered 36 Int.	78/668,720 12-Jul-2005	3,109,295 27-Jun-2006
<b>ON DECK FOR THE CURE</b>	04149/ United States of America	Allowed 36 Int.	78/805,285 02-Feb-2006	

Wednesday, October 03, 2007

## Trademark List

Page: 5

Trademark	Case Number/Subcase Country Name	Status Class(es)	Application Number/Date	Registration Number/Date
PAINT FOR THE CURE	03683/	Registered	76/119,665	2,560,284
	United States of America	36 Int.	29-Aug-2000	09-Apr-2002
PASSIONATELY PINK FOR THE CURE	04260/	Allowed	78/899,648	
	United States of America	36 Int.	02-Jun-2006	
PINK CARNATIONS FOR THE CURE	02280/	Registered	76/327,064	2,588,454
	United States of America	36 Int.	16-Oct-2001	02-Jul-2002
PINK FOR THE CURE	04259/	Allowed	78,899,645	
	United States of America	36 Int.	02-Jun-2006	
PINK LILIES FOR THE CURE	03687/	Registered	76/327,066	2,591,527
	United States of America	36 Int.	16-Oct-2001	09-Jul-2002
PINK ROSES FOR THE CURE	01890/	Registered	76/205,014	2,569,758
	United States of America	36 Int.	02-Feb-2001	14-May-2002
PINK TULIPS FOR THE CURE	02315/	Registered	76/205,015	2,539,998
	United States of America	36 Int.	02-Feb-2001	19-Feb-2002
PITCH FOR THE CURE	04544/	Registered	78/725,741	3,236,109
	United States of America	41 Int.	03-Oct-2005	01-May-2007
PLANT FOR THE CURE	01737/	Registered	76/070,354	2,455,414
	United States of America	36 Int.	13-Jun-2000	29-May-2001
PLEDGE FOR THE CURE	01933/	Registered	76/244,107	2,567,202
	United States of America	36 Int.	20-Apr-2001	07-May-2002
RACE FOR THE CURE	02296/	Registered		59,106
	Puerto Rico	41 Int.	19-Mar-2003	28-Oct-2004
RACE FOR THE CURE	00408/	Registered	73/765,499	1,593,469
	United States of America	41 Int.	25-Nov-1988	24-Apr-1990
READ FOR THE CURE	04674/	Published	77/082,936	
	United States of America	36 Int.	15-Jan-2007	
RESTAURANTS FOR THE CURE	01730/	Registered	76/066,879	2,636,491
	United States of America	36 Int.	09-Jun-2000	15-Oct-2002
RIDE FOR THE CURE	00236/	Registered	75/710,950	2,332,900
	United States of America	36 Int.	21-May-1999	21-Mar-2000

Wednesday, October 03, 2007

## Trademark List

Page: 6

Trademark	Case Number/Subcase Country Name	Status Class(es)	Application Number/Date	Registration Number/Date
<b>ROW FOR THE CURE</b>	00176/ United States of America	Registered 36 Int.	75/362,336 24-Sep-1997	2,276,561 07-Sep-1999
<b>SAIL FOR THE CURE</b>	01740/ United States of America	Registered 36 Int.	76/070,372 13-Jun-2000	2,685,237 11-Feb-2003
<b>SALSA FOR THE CURE</b>	03095/ Puerto Rico	Registered 36 Int.	19-Mar-2003	59,102 28-Oct-2004
<b>SCOOP FOR THE CURE</b>	02116/ United States of America	Registered 36 Int.	76/308,409 04-Sep-2001	2,573,596 28-May-2002
<b>SEARCH FOR THE CURE</b>	02184/ United States of America	Registered 36 Int.	76/327,065 16-Oct-2001	2,573,702 28-May-2002
<b>SERVE FOR THE CURE</b>	03656/ United States of America	Registered 36 Int.	76/011,298 27-Mar-2000	2,656,943 03-Dec-2002
<b>SHOOT FOR THE CURE</b>	00075/ United States of America	Registered 36 Int.	75/282,187 28-Apr-1997	2,183,034 18-Aug-1998
<b>SHOP FOR THE CURE</b>	00420/ United States of America	Registered 41 Int.	75/081,474 01-Apr-1996	2,152,902 21-Apr-1998
<b>SING FOR THE CURE</b>	01529/ United States of America	Registered 36 Int.	75/698,531 04-May-1999	2,456,102 29-May-2001
<b>SIP FOR THE CURE</b>	03661/ United States of America	Registered 36 Int.	76/161,132 07-Nov-2000	2,689,149 18-Feb-2003
<b>SKI FOR THE CURE</b>	04235/ United States of America	Registered 36 Int.	78/883,547 15-May-2006	3,183,918 12-Dec-2006
<b>SLEEP IN FOR THE CURE</b>	02593/ United States of America	Registered 36 Int.	76/516,417 23-May-2003	2,857,552 29-Jun-2004
<b>SMILE FOR THE CURE</b>	01734/ United States of America	Registered 36 Int.	76/066876 09-Jun-2000	2500021 23-Oct-2001
<b>SOCCER MOMS UNITED FOR THE CURE</b>	02277/ United States of America	Registered 36 Int.	76/222,540 09-Mar-2001	2,587,972 02-Jul-2002
<b>SOFT ROCK FOR THE CURE</b>	01892/ United States of America	Registered 36 Int.	76/205,424 05-Feb-2001	2,586,572 25-Jun-2002

Wednesday, October 03, 2007

## Trademark List

Page: 7

Trademark	Case Number/Subcase Country Name	Status Class(es)	Application Number/Date	Registration Number/Date
<b>SOLD FOR THE CURE</b>	04667/ United States of America	Published 36 Int.	77/079,996 10-Jan-2007	
<b>STYLE FOR THE CURE</b>	01728/ United States of America	Registered 36 Int.	76/066,877 09-Jun-2000	2,461,720 19-Jun-2001
<b>SUSAN G. KOMEN FOR THE CURE</b>	04169/ United States of America	Allowed 36 Int.	78/823,628 26-Feb-2006	
<b>SUSAN G. KOMEN FOR THE CURE and Design</b>	04170/ United States of America	Allowed 36 Int.	78/823,630 26-Feb-2006	
<b>SUSAN G. KOMEN RACE FOR THE CURE and Design</b>	04392/ United States of America	Published 36 Int.	78/942,503 01-Aug-2006	
<b>SWING FOR THE CURE</b>	00413/ United States of America	Registered 36 Int.	74/724,540 05-Sep-1995	2,082,936 29-Jul-1997
<b>TEAMING UP FOR THE CURE</b>	01666/ United States of America	Registered 36 Int.	75/883954 30-Dec-1999	2502991 30-Oct-2001
<b>TEE IT UP FOR THE CURE</b>	02568/ United States of America	Registered 36 Int.	76/586,704 14-Apr-2004	2,956,799 31-May-2005
<b>TEENS FOR THE CURE</b>	01471/ United States of America	Registered 36 Int.	75/588,239 13-Nov-1998	2,307,452 11-Jan-2000
<b>TRY IT ON FOR THE CURE</b>	04744/ United States of America	Published 36 Int.	77/113,590 22-Feb-2007	
<b>VOLLEY FOR THE CURE</b>	01145/ United States of America	Registered 36 Int.	75/472,950 23-Apr-1998	2,646,030 05-Nov-2002
<b>WORKOUT FOR THE CURE</b>	00148/ United States of America	Registered 36 Int.	75/311,140 18-Jun-1997	2,265,471 27-Jul-1999

Thomson CompuMark  
500 Victory Road, North Quincy, MA 02171-1545  
Tel (800) 692-8833 (617) 479-1600  
Fax (800) 543-1983 (617) 786-8273



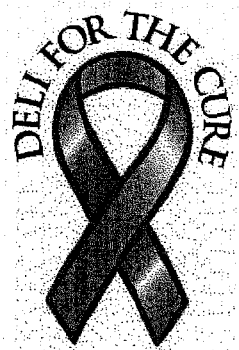
**USPTO Official Gazette Watch Notice**

Active applications and registrations as published in the U.S. PATENT AND TRADEMARK OFFICE Official Gazette of 09/18/2007 have been examined in preparing this report.

TRINA MARIE BRAINARD  
RICHARD LAW GROUP  
SUITE 890  
8411 PRESTON ROAD  
DALLAS, TX 75225  
USA

Your Ref.: 49861.0101  
Our Ref.: 33932 / 83941730 / 78975 / 17080  
Date: September 24, 2007

<b>MARK WATCHED: CURE</b>	<b>SELECTED MARK: DELI FOR THE CURE</b>
<b>CLASS(ES) WATCHED: ALL</b>	<b>INTERNATIONAL CLASS(ES): 29</b>



**OPPOSITION DEADLINE: OCTOBER 18, 2007**

**SERIAL NUMBER: 77-179, 939**

**GOODS/SERVICES:**

(INT.CL. 29) MEAT

**STATUS: PUBLISHED PUB. DATE: SEP 18, 2007**

INTENT TO USE

PUBLISHED FOR OPPOSITION

**FILED: MAY 14, 2007**

**PUBLISHED FOR OPPOSITION: SEP 18, 2007**

**APPLICANT:**

SF INVESTMENTS

103 BAYNARD BUILDING, 3411 SILVERSIDE ROAD

WILMINGTON, DELAWARE, 19810

UNITED STATES OF AMERICA

**CLAIMS: THE COLOR(S) DARK AND LIGHT PINK, AND BLACK IS/ARE CLAIMED AS A FEATURE OF THE MARK.**

**DESIGN PHRASE: THE MARK CONSISTS OF A LIGHT PINK RIBBON OUTLINED IN DARK PINK. THE RIBBON IS CURVED WITH THE TWO ENDS OF THE RIBBON CROSSED TO FORM AN "X" SHAPE. ABOVE THE TOP OF THE CURVED RIBBON ARE THE WORDS "DELI FOR THE CURE" IN BLACK PRINT.**

**FILING CORRESPONDENT:**

CARL H. PIERCE, ESQ.

REED SMITH, LLP



Continued on page 2

TRINA MARIE BRAINARD  
Your Ref.: 49861.0101

September 24, 2007

Official Gazette

MARK WATCHED: CURE

SELECTED MARK: DELI FOR THE CURE

SERIAL NUMBER: 77-179, 939

P.O. BOX 7990  
INTELLECTUAL PROPERTY  
PHILADELPHIA, PA 19101-7990



Richard Law Group, Inc.  
8411 Preston Road • Suite 890  
Dallas, Texas 75225

214.206.4300 phone  
214.206.4330 fax  
richardlawgroup.com

Direct Dial: 214-206-4301  
E-Mail: [molly@richardlawgroup.com](mailto:molly@richardlawgroup.com)

October 5, 2007

VIA FACSIMILE – 1 215 851 1420 (Total Pages: 9)

Mr. Carl H. Pierce  
REED SMITH LLP  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, Pennsylvania 19103

Re: DELI FOR THE CURE and Design  
U.S. Trademark Application SN 77/179,939  
Applicant: SF Investments

Dear Mr. Pierce:

Our firm represents The Susan G. Komen Breast Cancer Foundation, Inc. ("Komen") in trademark matters. As you are probably aware, our client is the owner of numerous "FOR THE CURE" registrations, including the famous RACE FOR THE CURE mark, which has been registered for many years. Additionally, our client has a family of "FOR THE CURE" registrations with the U.S. Patent and Trademark Office. Komen has been using "FOR THE CURE" trademarks for over twenty-five years in connection with charitable fundraising services for breast cancer research and breast health awareness programs. A list of some of Komen's "FOR THE CURE" trademarks is attached.

As a result of Komen's longstanding use and advertising of its "FOR THE CURE" trademarks and the excellent reputation which Komen's charitable fundraising services have come to enjoy, the family of "FOR THE CURE" trademarks have become well and favorably known among consumers and the general public. Komen was one of the forerunners in launching the global breast cancer movement and today is one of the largest grassroots network of survivors and activists. Komen has raised more than \$250 million for breast cancer research, education, screening and treatment. A large part of this fundraising effort is in connection with various partners that are licensed to use Komen's trademarks on their products, many of which are found in grocery stores. Some examples of these licensing efforts include COOK FOR THE CURE with KitchenAid, CRUNCH FOR THE CURE with Sun Chips, PINK FOR THE CURE with General Mills, SIP FOR THE CURE with Republic of Tea, and BAKE FOR THE CURE with ACH Food Companies.



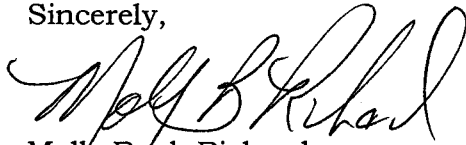
October 5, 2007

Page 2 . . .

We have recently learned that your client, SF Investments, has filed the above-referenced trademark application in connection with meat in International Class 29. While we certainly commend your client for the efforts being made to raise money for this disease, it is highly likely that consumers viewing Lean Generation deli meat packaging will believe that their breast cancer fundraising efforts are affiliated with, or sponsored by, Komen.

In view of the foregoing, we are requesting that your client cease using DELI FOR THE CURE and voluntarily withdraw its application. Note that we have filed an Extension of Time to Oppose this application. This matter is of extreme importance to our client and we look forward to hearing from you upon receipt of this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Molly Buck Richard".

Molly Buck Richard

Enclosures

cc: The Susan G. Komen Breast Cancer Foundation, Inc.

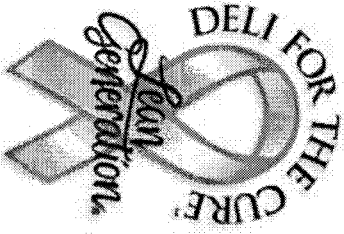
# Smithfield

## Press Releases

### SMITHFIELD® LEAN GENERATION® ANNOUNCES DELI FOR THE CURE™

- Understanding Smithfield
- Brands & Products
- Investor Information
- Corporate Governance
- Corporate Social Responsibility
- Consumer Corner
- Careers
- Privacy Policy
- Legal Terms & Conditions
- Francais
- Espanol
- Polski
- Romana

- What's New
- Recipe Finder
- Smithfield Ham Timeline
- How To Cook A Smithfield Ham
- How To Buy A Smithfield Ham
- Where Does it Come From?
- FAQs
- Lean Generation Advantage
- Food Safety
- Nutrition
- Preparation
- All About Pigs
- Contact Us
- Information Request Form



Smithfield, Virginia (October 1, 2007)- Smithfield Deli Group announced today the creation of a new cause marketing deli campaign, titled DELI FOR THE CURE™.

SMITHFIELD® LEAN GENERATION® will become a major sponsor of breast cancer research, awareness and early detection by contributing up to \$250,000 to support DELI FOR THE CURE™. Timed to coincide with October's National Breast Cancer Awareness Month, Smithfield Deli Group introduces the first comprehensive cause marketing program for supermarket delis designed to help retailers and Lean Generation® consumers save lives by contributing to this vital cause.

#### ABOUT DELI FOR THE CURE™

This new effort will include all LEAN GENERATION® Deli items, and will be highlighted on all POS materials, consumer advertising, web and public relations activities. All LEAN GENERATION® products carrying the DELI FOR THE CURE™ mark will contribute 5¢ per pound on purchases, encouraging consumers to help support breast cancer research, awareness and early detection.

Breast cancer is the leading cancer among white and African American women according to the National Cancer Institute. The American Cancer Society indicates breast cancer incidence in women has increased from one in 20 in 1960 to one in eight today. Every three minutes a woman is diagnosed with breast cancer in the United States. "With the launch of DELI FOR THE CURE™, the Smithfield Deli Group joins with key retailers across the country to provide consumers with a powerful way to offer support for breast cancer research, awareness and early detection efforts with their deli purchases", stated Harry Tillman, Smithfield Deli Group's VP of Business Development.

#### ABOUT LEAN GENERATION® DELI

LEAN GENERATION® deli offers a full protein line of Ham, Roast Beef and Turkey products that meets consumers' needs for healthfulness as well as social consciousness. Available in both bulk and new "Single Slice At A Time" Re-closable Packaging, all LEAN GENERATION® deli products meet the American Heart Association guidelines for heart healthfulness, and Smithfield's guidelines for wholesomeness.

Today America faces increasingly prevalent health problems that impact all ages, races and lifestyles. Heart Disease kills more Americans annually than any other cause. Hypertension, diabetes and obesity, all



growing health issues, can be linked to lack of exercise, overeating and unhealthy food choices.  
SMITHFIELD® LEAN GENERATION® products can be part of the solution.

SMITHFIELD® LEAN GENERATION® Hams are produced from genetic lines of exceptionally lean hogs producing a more consistent, higher-quality and leaner product. Other LEAN GENERATION® products are also all equally low in fat, cholesterol and sodium.

The new LEAN GENERATION® deli line, featuring DELI FOR THE CURE™ support, is being introduced to selected retailers beginning this month. Visit [www.leangenerationdeli.com](http://www.leangenerationdeli.com).

**ABOUT SMITHFIELD FOODS, INC.**

With sales of \$1.2 billion, Smithfield is the leading processor and marketer of fresh pork and processed meats in the United States, as well as the largest producer of hogs. For more information, visit [www.smithfieldfoods.com](http://www.smithfieldfoods.com).

Contact: Keira Ullrich, (212) 758-2100  
Smithfield Foods, Inc.

###

<<go back



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SIGN UP FOR OUR NEWSLETTER

ABOUT DELI FOR A CURE

Deli For The Cure™  
[www.deliforthecure.com](http://www.deliforthecure.com)

Smithfield® Lean Generation® Deli is the leading deli brand that has become a major corporate partner of breast cancer research, awareness and early detection. With consumer purchases of Lean Generation® products, Deli for the Cure™ will contribute up to \$250,000 during the next year to further this cause.

The Deli for the Cure™ mission is to save lives through breast cancer research and early detection, and by increasing public awareness about good breast health. By incorporating the pink ribbon on all Lean Generation® packaging, we hope to make consumers aware of the relationship between a healthy lifestyle and a healthy diet.

Help us achieve prevention and early detection of breast cancer with every purchase of Lean Generation®.



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**Smithfield.**

SIGN UP FOR OUR NEWSLETTER

ABOUT DELI FOR A CURE

**PRESS RELEASE**

Contact: Keira Ullrich, Smithfield Deli Group  
(212) 758-2100  
keirauullrich@smithfieldfoods.com • press@leangenerationdeli.com

**SMITHFIELD@ LEAN GENERATION@ ANNOUNCES DELI FOR THE CURE™.**

Smithfield, VA

Smithfield Deli Group announced today the creation of a new cause marketing deli campaign, titled DELI FOR THE CURE™.

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Today America faces increasingly prevalent health problems that impact all ages, races and lifestyles. Heart Disease kills more Americans annually than any other cause. Hypertension, diabetes and obesity, all growing health issues, can be linked to lack of exercise, overeating and unhealthy food choices. SMITTFIELD® LEAN GENERATION® products can be part of the solution.

SMITTFIELD® LEAN GENERATION® Hams are produced from genetic lines of exceptionally lean hogs producing a more consistent, higher-quality and leaner product. Other LEAN GENERATION® products are also all equally low in fat, cholesterol and sodium.

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**Smithfield.**

**CIVIL COVER SHEET**

**3-07CV2081-N**

JS 44 (Rev. 10/06)

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.)

<p><b>I. PLAINTIFFS</b></p> <p><b>(a)</b> The Susan G. Komen Breast Cancer Foundation, Inc. d/b/a Susan G. Komen For The Cure</p> <p><b>(b)</b> County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p><b>(c)</b> Attorney's (Firm Name, Address, and Telephone Number) Molly Buck Richard, Richard Law Group, 8411 Preston Road, Suite 890, Dallas, Texas 75225, 214.206.4300</p>	<p><b>DEFENDANTS</b></p> <p>Smithfield Foods, Inc. and SF Investments</p> <p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known) <b>JEFFREY PORTER,</b> Reed &amp; Smith, 2500 One Liberty Place, 1650 Market, Philadelphia 19103</p>
---	--

**RECEIVED**

**DEC 13 2007**

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

<p><b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p><b>III. CITIZENSHIP OF</b> (For Diversity Cases Only)</p> <p>Citizen of This State _____</p> <p>Citizen of Another State _____</p> <p>Citizen or Subject of a Foreign Country _____</p>	<p>One Box for Plaintiff for Defendant</p> <p>PTF DEF</p> <p><input checked="" type="checkbox"/> 4 <input type="checkbox"/> 4</p> <p><input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5</p> <p><input type="checkbox"/> 6 <input type="checkbox"/> 6</p>
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ORIGINAL

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 (Excl. Veterans) <input type="checkbox"/> 152 Recovery of Defaulted Student Loans <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	<p><b>PERSONAL INJURY</b></p> <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	<p><b>PERSONAL INJURY</b></p> <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 <p><b>PERSONAL PROPERTY</b></p> <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 <p><b>LABOR</b></p> <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 <p><b>PROPERTY RIGHTS</b></p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark <p><b>SOCIAL SECURITY</b></p> <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)) <p><b>FEDERAL TAX SUITS</b></p> <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 <p><b>Habeas Corpus:</b></p> <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)

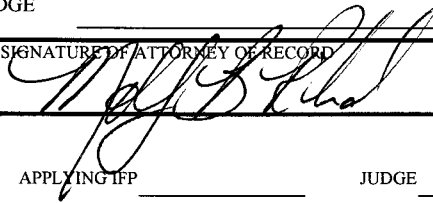
1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 Transferred from another district (specify)     6 Multidistrict Litigation     7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (**Do not cite jurisdictional statutes unless diversity**):

**VI. CAUSE OF ACTION** Brief description of cause: Trademark Infringement under 15 USC § 1114 et seq.

**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) PENDING OR CLOSED** (See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: 12/13/07    SIGNATURE OF ATTORNEY OF RECORD: 

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING FEE \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_