

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

MAGISTRATE JUDGE
JOHNSON

GUCCI AMERICA, INC., a New York)
corporation, BALENCIAGA)
CORPORATION FRANCE, a foreign)
business entity, BOTTEGA VENETA)
INTERNATIONAL, S.A.R.L., a foreign)
business entity,)

Plaintiffs,)

vs.)

HETTY FELDMAN PALANT a/k/a)
HETTY PALANT d/b/a DESIGNS BY)
HETTY and DOES 1-10)

Defendants.)

CIV-MIDDLEBROOKS

CASE NO. **07-80289**

**COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF**

FILED BY [Signature]
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CLERK OF U.S. DIST. CT.
S.D. FLA.-FT. L.

Plaintiffs, GUCCI AMERICA, INC., a New York corporation ("Gucci"), BALENCIAGA CORPORATION FRANCE, a foreign business entity ("Balenciaga") and BOTTEGA VENETA INTERNATIONAL, S.A.R.L., a foreign business entity ("Bottega"), hereby sue Defendants, HETTY FELDMAN PALANT a/k/a HETTY PALANT d/b/a DESIGNS BY HETTY ("Palant"), and DOES 1-10 (collectively "Defendants") and allege as follows:

JURISDICTION AND VENUE

1. This is an action pursuant to (i) 15 U.S.C. §§ 1114, 1116, 1121 and 1125. Accordingly, this Court has jurisdiction under 28 U.S.C. §§ 1331, and 1338. Venue is proper in this Court pursuant 28 U.S.C. § 1391 since a substantial part of the events giving rise to the Plaintiffs' claims occurred in this District and Defendants conduct substantial business activities within this District.

THE PARTIES

2. Gucci is a corporation duly organized under the laws of the State of New York with its principal place of business in the United States located at 685 Fifth Avenue, New York, New York 10022. Gucci is, in part, engaged in the business of manufacturing and distributing throughout the world, including within this Judicial District, high quality handbags, wallets, and sunglasses under the Federally registered trademarks NON-INTERLOCKING GG MONOGRAM, GUCCI, INTERLOCKING GG design, G MONOGRAM, and FACING GG MONOGRAM (collectively the "Gucci Marks").

3. Balenciaga is a foreign corporation organized under the laws of France with its principal place of business in France located at 15 rue Cassette, Paris, France 75006. Balenciaga is, in part, engaged in the business of manufacturing and distributing throughout the world, including within this Judicial District, high quality handbags under the Federal registered trademark BALENCIAGA (the "Balenciaga Mark").

4. Bottega is a foreign corporation organized under the laws of Luxembourg with its principal place of business in the Luxembourg located at 12 Rue Leon Thyès, Luxembourg, Luxembourg L-26-36. Bottega is, in part, engaged in the business of manufacturing and distributing through the world, including within this Judicial District, high quality handbags under the Federally registered trademark BOTTEGA VENETA (the "Bottega Mark").

5. Palant is an individual, who upon information and belief, conducts business within this Judicial District through a retail storefront located at 8354 Pioneer Road, West Palm Beach, Florida 33441. Palant uses the name "Designs by Hetty" as an alias to operate her business.

6. Upon information and belief, Palant is directly and personally engaging in the sale of counterfeit and infringing products within this District as alleged herein.

7. Defendant Does 1-5 are, upon information and belief, individuals who reside and/or conduct substantial business within this Judicial District. Further, Does 1-5 are directly

and personally contributing, inducing and engaging in the sale of counterfeit products as alleged herein as partners or suppliers to the named Defendants. The Plaintiffs are presently unaware of the true names of Does 1-5. The Plaintiffs will amend this Complaint upon discovery of the identities of such fictitious Defendants.

8. Defendants, Does 6-10 are business entities which, upon information and belief, reside and/or conduct business within this Judicial District. Moreover, Does 6-10 are, upon information and belief, directly engaging in the sale of counterfeit products as alleged herein as partners or suppliers to the named Defendants. The Plaintiffs are presently unaware of the true names of Does 6-10. The Plaintiffs will amend this Complaint upon discovery of the identities of such fictitious Defendants.

COMMON FACTUAL ALLEGATIONS

9. Gucci is the owner of the following United States Federal Trademark Registrations:

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
INTERLOCKING GG MONOGRAM	3,072,549	March 28, 2006
NON-INTERLOCKING GG MONOGRAM	1,107,311	November 28, 1978
GUCCI	1,097,483	July 25, 1978
GUCCI	0,876,292	September 9, 1969
G MONOGRAM	3,037,082	January 3, 2006
FACING GG MONOGRAM	3,039,631	January 10, 2006

which are registered in International Classes 9 and 18 and are used in connection with manufacture and distribution of, among other things, high quality handbags, wallets, and sunglasses.

10. Balenciaga is the owner of the following United States Federal Trademark Registration:

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
BALENCIAGA	3,044,207	January 17, 2006

which is registered in International Class 18 and is used in connection with manufacture and distribution of, among other things, high quality handbags.

11. Bottega is the owner of the following United States Federal Trademark Registration:

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
BOTTEGA VENETA	1,086,395	February 28, 1978

which is registered in International Class 18 and is used in connection with manufacture and distribution of, among other things, high quality handbags.

12. The Gucci Marks, Balenciaga Mark and Bottega Mark have been used in interstate commerce to identify and distinguish Plaintiffs' high quality handbags, wallets, and sunglasses and other goods for an extended period of time.

13. The Gucci Marks, Balenciaga Mark and Bottega Mark have never been assigned or licensed to any of the Defendants in this matter.

14. The Gucci Marks, Balenciaga Mark and Bottega Mark are symbols of Plaintiffs' quality, reputation and goodwill and have never been abandoned.

15. Further, the Plaintiffs have expended substantial time, money and other resources developing, advertising and otherwise promoting the Gucci Marks, Balenciaga Mark and Bottega Mark. The Plaintiffs' respective marks qualify as famous marks as that term is used in 15 U.S.C. §1125(c)(1).

16. Gucci, Balenciaga and Bottega have extensively used, advertised and promoted their respective marks in the United States in association with the sale of high quality handbags, wallets, sunglasses and other goods and has carefully monitored and policed the use of the Gucci Marks, Balenciaga Mark and Bottega Mark.

17. As a result of the Plaintiffs' efforts, members of the consuming public readily identify merchandise bearing the Gucci Marks, Balenciaga Mark and Bottega Mark as being high quality merchandise sponsored and approved by the Plaintiffs.

18. Accordingly, the Gucci Marks, Balenciaga Mark and Bottega Mark have achieved secondary meaning as identifiers of high quality handbags, wallets, sunglasses and other goods.

19. Upon information and belief, at all times relevant hereto, the Defendants in this action had full knowledge of Gucci's, Balenciaga's and Bottega's ownership of their respective marks, including their exclusive right to use and license such intellectual property and the goodwill associated therewith.

20. Plaintiffs have discovered the Defendants are promoting and otherwise advertising, distributing, selling and/or offering for sale counterfeit products, including at least high quality handbags, wallets, sunglasses and other goods bearing trademarks which are exact copies of the Gucci Marks, Balenciaga Mark and Bottega Mark (the "Counterfeit Goods"). Specifically, upon information and belief, the Defendants are using the Gucci Marks, Balenciaga Mark and Bottega Mark in the same stylized fashion, for different and inferior quality goods.

21. Upon information and belief, the Defendants' Counterfeit Goods are of a quality substantially different to that of Plaintiffs' genuine goods. Despite the nature of their Counterfeit Goods and the knowledge they are without authority to do so, the Defendants, upon information and belief, are actively using, promoting and otherwise advertising, distributing,

selling and/or offering for sale substantial quantities of their Counterfeit Goods with the knowledge that such goods will be mistaken for the genuine high quality products offered for sale by Plaintiffs. The net effect of the Defendants' actions will be to result in the confusion of consumers who will believe the Defendants' Counterfeit Goods are genuine goods originating from and approved by Plaintiffs.

22. Upon information and belief, the Defendants, import and/or manufacture their Counterfeit Goods and advertise those goods for sale to the consuming public. In so advertising these products, the Defendants use the Gucci Marks, Balenciaga Mark and Bottega Mark. Indeed, the Defendants herein, upon information and belief, misappropriated the Plaintiffs' advertising ideas and entire style of doing business with regard to the advertisement and sale of Plaintiffs' genuine products. Upon information and belief, the misappropriation of Plaintiffs' advertising ideas in the form of the Gucci Marks, Balenciaga Mark and Bottega Mark has occurred, in part, in the course of Defendants' advertising activities and has been the proximate cause of damage to Plaintiffs.

23. Upon information and belief, the Defendants are conducting their counterfeiting and infringing activities at least within this Judicial District and elsewhere throughout the United States. As a result, the Defendants are defrauding Plaintiffs and the consuming public for the Defendants' own benefit. Defendants' infringement and disparagement of Plaintiffs do not simply amount to the wrong description of their goods or the failure of the goods to conform to the advertised quality or performance.

24. The Defendants' use of the Gucci Marks, including the importation, promotion and advertising, reproduction, distribution, sale and offering for sale of their Counterfeit Goods, is without the Plaintiffs' consent or authorization.

25. Further, the Defendants may be, upon information and belief, engaging in the above-described illegal counterfeiting and infringing activities knowing and intentionally or with reckless disregard or willful blindness to Plaintiffs' rights for the purpose of trading on the goodwill and reputation of the Plaintiffs. If the Defendants' intentional counterfeiting and

infringing activities are not preliminarily and permanently enjoined by this Court, the Plaintiffs and the consuming public will continue to be damaged.

26. The Defendants' above identified infringing activities are likely to cause confusion, deception and mistake in the minds of consumers, the public and the trade. Moreover, the Defendants' wrongful conduct is likely to create a false impression and deceive customers, the public and the trade into believing there is a connection or association between Plaintiffs' genuine goods and the Defendants' Counterfeit Goods.

27. The Plaintiffs have no adequate remedy at law.

28. The Plaintiffs are suffering irreparable injury and have suffered substantial damages as a result of the Defendants' counterfeiting and infringing activities.

29. The injuries and damages sustained by the Plaintiffs have been directly and proximately caused by the Defendants' wrongful importation, reproduction, use, advertisement, promotion, offering to sell, and sale of their Counterfeit Goods.

30. The Plaintiffs have retained the undersigned counsel to represent them in this matter and are obligated to pay said counsel a reasonable fee for such representation.

COUNT I - TRADEMARK COUNTERFEITING AND INFRINGEMENT

31. The Plaintiffs hereby readopt and reallege the allegations set forth in Paragraphs 1 through 30 above.

32. This is an action for trademark counterfeiting and infringement against the Defendants based on their promotion, advertisement, distribution, sale and/or offering for sale of the Counterfeit Goods bearing the Gucci Marks, Balenciaga Mark and Bottega Mark.

33. Specifically, the Defendants, upon information and belief, are importing or manufacturing, promoting and otherwise advertising, selling, offering for sale and distributing counterfeit and infringing handbags, wallets, sunglasses, and other goods bearing the Gucci Marks, Balenciaga Mark and Bottega Mark. The Defendants are continuously infringing and

inducing others to infringe the Gucci Marks, Balenciaga Mark and Bottega Mark by using them to advertise, promote and sell counterfeit handbags, wallets, sunglasses, and other goods.

34. Defendants' counterfeiting and infringing activities are likely to cause and actually are causing confusion, mistake and deception among members of the trade and the general consuming public as to the origin and quality of Defendants' Counterfeit Goods bearing the Gucci Marks, Balenciaga Mark and Bottega Mark.

35. The Defendants' unlawful actions have caused and are continuing to cause unquantifiable damages to Plaintiffs.

36. Defendants' above-described illegal actions constitute counterfeiting and infringement of the Gucci Marks, Balenciaga Mark and Bottega Mark in violation of Plaintiffs' rights under § 32 of the Lanham Act, 15 U.S.C. § 1114.

37. The Plaintiffs have suffered and will continue to suffer irreparable injury due to the above described activities of the Defendants if the Defendants are not preliminarily and permanently enjoined.

**COUNT II - FALSE DESIGNATION OF ORIGIN
PURSUANT TO § 43(a) OF THE LANHAM ACT**

38. The Plaintiffs hereby readopt and reallege the allegations set forth in Paragraphs 1 through 30 above.

39. The Defendants' Counterfeit Goods bearing the Gucci Marks, Balenciaga Mark and Bottega Mark have been widely advertised and distributed throughout the United States.

40. The Defendants' Counterfeit Goods bearing the Gucci Marks, Balenciaga Mark and Bottega Mark are virtually identical in appearance to each of Plaintiffs' respective genuine goods. However, the Counterfeit Goods are different and likely inferior in quality. Accordingly, the Defendants' activities are likely to cause confusion in the trade and among the general public as to at least the origin or sponsorship of the Counterfeit Goods.

41. The Defendants, upon information and belief, have used in connection with their sale of Counterfeit Goods, false designations of origins and false descriptions and

representations, including words or other symbols and trade dress which tend to falsely describe or represent such goods and have caused such goods to enter into commerce with full knowledge of the falsity of such designations of origin and such descriptions and representations, all to the detriment of the Plaintiffs.

42. Specifically, the Defendants, upon information and belief, have authorized an infringing use of the Gucci Marks, Balenciaga Mark and Bottega Mark in the Defendants' advertisement and promotion of their counterfeit and infringing handbags, wallets, sunglasses, and other goods. The Defendants, upon information and belief, have misrepresented to members of the consuming public that the Counterfeit Goods being advertised and sold by them are genuine, non-infringing products.

43. The Defendants' above-described actions are in violation of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a).

44. The Plaintiffs have sustained injury and damage caused by Defendants' conduct, and absent an entry of an injunction by this Court, the Plaintiffs will continue to suffer irreparable injury to their goodwill and business reputation as well as monetary damages.

COUNT III - TRADEMARK DILUTION

45. The Plaintiffs readopt and reallege the allegations set forth in Paragraphs 1 through 30 above.

46. The Gucci Marks, Balenciaga Mark and Bottega Mark are famous trademarks within the meaning of 15 U.S.C. §1125(c). The Gucci Marks, Balenciaga Mark and Bottega Mark are advertised and used extensively throughout the United States and the remainder of the world and are highly recognizable by the trade and the consuming public. Further, the Plaintiffs actively police the use of their respective marks by third parties.

47. The Defendants are engaged in a commercial use of the Gucci Marks, Balenciaga Mark and Bottega Mark in commerce.

48. The Defendants' above-described counterfeiting activities are disparaging, damaging and lessening the distinctiveness of the Gucci Marks, Balenciaga Mark and Bottega Mark through, at least, blurring and tarnishment of said Marks. Indeed, Defendants are publishing materials in their advertising which disparage Plaintiffs' products by, at least, creating an unfair comparison between Plaintiffs' genuine goods and the Defendants' Counterfeit Goods.

49. The Defendants' actions described herein have been engaged in intentionally or with a reckless disregard for or willful blindness to Plaintiffs' rights for the purpose of trading on the Plaintiffs' reputations and diluting their respective marks.

50. As a result of the above described diluting and disparaging activities of the Defendants, the Plaintiffs have suffered, and will continue to suffer, irreparable injury and substantial damages, and the Defendants have been unjustly enriched.

COUNT IV - COMMON LAW UNFAIR COMPETITION

51. The Plaintiffs hereby readopt and reallege the allegations set forth in Paragraphs 1 through 30 above.

52. This is an action for unfair competition against the Defendants based on their manufacture, promotion, advertisement, distribution, sale and/or offering for sale of goods bearing marks which are virtually identical, both visually and phonetically, to the Gucci Marks, Balenciaga Mark and Bottega Mark in violation of Florida's common law of unfair competition.

53. Specifically, the Defendants are importing or manufacturing, promoting and otherwise advertising, selling, offering for sale and distributing infringing and counterfeit handbags, wallets, sunglasses, and other goods.

54. Defendants' infringing activities are likely to cause and actually are causing confusion, mistake and deception among members of the trade and the general consuming public as to the origin and quality of Defendants' product by their use of the Gucci Marks, Balenciaga Mark and Bottega Mark. The Plaintiffs have no adequate remedy at law and are suffering damages and irreparable injury as a result of Defendants' actions.

COUNT V - COMMON LAW TRADEMARK INFRINGEMENT

55. The Plaintiffs hereby readopt and reallege the allegations set forth in Paragraphs 1 through 30 above.

56. This is an action for common law trademark infringement against the Defendants based on their promotion, advertisement, offering for sale, and sale of the Counterfeit Goods bearing the Gucci Marks, Balenciaga Mark and Bottega Mark. The Plaintiffs are the owners of all common law rights in and to the Gucci Marks, Balenciaga Mark and Bottega Mark.

57. Specifically, the Defendants, upon information and belief, are importing or manufacturing, promoting and otherwise advertising, offering for sale, selling and distributing infringing handbags, wallets, sunglasses and other goods bearing the Plaintiffs' respective marks.

58. Defendants infringing activities are likely to cause and actually are causing confusion, mistake and deception among members of the trade and the general consuming public as to the origin and quality of Defendants' Counterfeit Goods bearing the Gucci Marks, Balenciaga Mark and Bottega Mark. The Plaintiffs have no adequate remedy at law and are suffering damages and irreparable injury as a result of Defendants' actions.

PRAYER FOR RELIEF

59. WHEREFORE, Plaintiffs demand judgment jointly and severally against the Defendants as follows:

a. The Court enter a preliminary and permanent injunction enjoining Defendants, their agents, representatives, servants, employees, and all those acting in concert or participation therewith, from manufacturing or causing to be manufactured, importing, advertising or promoting, distributing, selling or offering to sell their Counterfeit Goods; from infringing, counterfeiting, or diluting the Gucci Marks, Balenciaga Mark and/or Bottega Mark; from using the Gucci Marks, Balenciaga Mark and/or Bottega Mark, or any mark or trade dress similar thereto, in connection with the sale of any unauthorized goods; from using any logo, trade name or trademark or trade dress which may be calculated to falsely advertise the services or products of the Defendants as being sponsored by, authorized by, endorsed by, or in any way associated

with the Plaintiffs; from falsely representing themselves as being connected with the Plaintiffs, through sponsorship or association, or engaging in any act which is likely to falsely cause members of the trade and/or of the purchasing public to believe any goods or services of the Defendants, or in any way endorsed by, approved by, and/or associated with the Plaintiffs; from using any reproduction, counterfeit, copy, or colorable imitation of the Gucci Marks, Balenciaga Mark and Bottega Mark in connection with the publicity, promotion, sale, or advertising of any goods sold by the Defendants, including, without limitation, handbags, wallets, sunglasses, and other goods; from affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent Defendants' goods as being those of the Plaintiffs, or in any way endorsed by the Plaintiffs and from offering such goods in commerce; and from otherwise unfairly competing with the Plaintiffs.

b. The Defendants be required to account to and pay the Plaintiffs for all profits and damages resulting from Defendants' trademark infringing and counterfeiting activities and that the award to the Plaintiffs be trebled, as provided for under 15 U.S.C. §1117, or, at the Plaintiffs election with respect to Count I, that Plaintiffs be awarded statutory damages from each Defendants in the amount of one million (\$1,000,000.00) dollars per each counterfeit Gucci Marks, Balenciaga Mark and Bottega Mark used and product sold, as provided by 15 U.S.C. §1117(c)(2) of the Lanham Act.

c. The Plaintiffs be awarded punitive damages.

d. The Plaintiffs be awarded pre-judgment interest on its respective judgment.

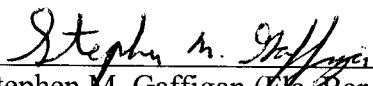
e. The Plaintiffs be awarded their costs and reasonable attorneys' fees and investigators' fees associated with bringing this action.

f. The Plaintiffs be awarded such other and further relief as the Court may deem just and proper.

DATED this 27th day of March, 2007.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.
Counsel for Plaintiffs
312 S.E. 17th Street, Second Floor
Ft. Lauderdale, Florida 33316
Telephone: (954) 767-4819
Facsimile: (954) 767-4821
E-mail: Stephen@smgpa.net



Stephen M. Gaffigan (Fla. Bar. No. 025844)

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
 Gucci Ameria, Inc., et al. **CIV-MIDDLEBROOKS**

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

(c) Attorney's (Firm Name, Address, and Telephone Number)
 Stephen M. Gaffigan/STEPHEN M. GAFFIGAN, P.A.
 312 S.E. 17th Street, Second Floor
 Ft. Lauderdale, Florida 33316 (954) 767-4819

DEFENDANTS
 Hetty Feldman Palant, et al.

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

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

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE DIAN 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 (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 in 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 in 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	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark 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 Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		

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). (See instructions second page):

a) Re-filed Case YES NO b) Related Cases YES NO

JUDGE _____ DOCKET NUMBER **07-80288**

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):

Trademark infringement pursuant to 15 USC 1114

LENGTH OF TRIAL via 5 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: Stephen M. Gaffigan DATE: 2/28/07

FOR OFFICE USE ONLY
 AMOUNT: 3400 RECEIPT # 539712