

TTAB



January 31, 2012

Commissioner for Trademarks  
Trademark Trial and Appeal Board  
Attn: Michael B. Aldin  
2900 Crystal Drive  
Arlington, VA 22202-3514

77/947, 937

Matter No. 38900-101

**VIA FEDERAL EXPRESS**

*Re: CommFront Communications PTE. LTD. aka CommFront v. Jeddy Ventures LLC dba SerialComm (Cancellation No. 92054809)*

Dear Mr. Aldin:

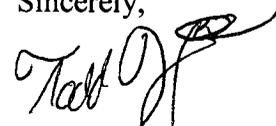
We are writing to inform you that we have been retained as counsel for Petitioner CommFront Communications PTE. LTD. ("CommFront") in the civil action Registrant Jeddy Ventures LLC dba SerialComm has filed against CommFront in the United States District Court for the Eastern District of New York, Docket No. 11-civ-5710. This action seeks a declaratory judgment of non-infringement for the use of its mark, SERIALCOMM DATA COMMUNICATIONS EXPERTS, which is the subject of the above-referenced cancellation proceeding currently pending before the Trademark Trial and Appeal Board (the "TTAB"). A true and correct copy of the EDNY Complaint is attached hereto. Due to the commonality of facts and law between the disputes, we respectfully request that the TTAB suspend the cancellation proceeding before it pending the outcome of the civil proceeding pursuant to TTAB Manual of Procedure Section 510.02(a).

We sincerely appreciate your assistance with this matter, if you have any questions or would like to discuss this further, please feel free to contact me directly at (646) 452-2304.

cc: Pangiota Betty Tufariello, Esq.  
*Attorney for Registrant*

Mark J. Ingber, Esq.  
*Attorney for Petitioner*

Sincerely,

  
Todd A. Higgins



02-06-2012

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

★ NOV 21 2011 ★

**JEDDY VENTURES, LLC, and  
SIMA S. ENTERPRISES, LLC**

Case No. **LONG ISLAND OFFICE**

Plaintiffs,

**SUMMONS ISSUED**

**COMPLAINT FOR  
DECLARATORY JUDGEMENT  
AND  
JURY TRIAL**

v.

**COMMFRONT COMMUNICATIONS PTE.  
LTD,**

**CV 11 5710**

Defendant.

**HURLEY, J.**

NOW COME Plaintiffs, JEDDY VENTURES LLC and SIMA S. ENTERPRISES LLC,  
by and through their undersigned attorneys, INTELLECTULAW<sup>SM</sup>, The Law Offices of P.B.  
Tufariello, P.C., on their behalf and for their Complaint against the above named Defendant  
COMMFRONT COMMUNICATIONS PTE. LTD, allege and aver as follows:

**BROWN, M. J.**

**PARTIES**

1. Plaintiff, JEDDY VENTURES LLC is a limited liability company duly organized and existing under the laws of the state of New Jersey, having a regular and established place of business at 1298 Evans Road, Wall Township, New Jersey 07719.
2. Plaintiff SIMA S. ENTERPRISES LLC is a limited liability company duly organized and existing under the laws of the state of New Jersey, having a regular and established place of business at 1298 Evans Road, Wall Township, New Jersey 07719. Plaintiff
3. Upon information and belief, Defendant COMMUNICATIONS PTE. LTD (hereinafter "Defendant") is a company organized and existing under the laws of the sovereign nation of Singapore and having a place of business at both 50 Tagore Lane, #05-50K, Entrepreneur Centre SG, Singapore 787494 and at P.O. Box 1893, Rockville, MD 20849, USA, as well as at 13 Lawngate Ct. Potomac, MD 20854-5508.

**JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction of this action on the following basis:
- a. Under 28 U.S.C. §§ 2201-02 , the Federal Declaratory Judgement Act;
  - b. Under 28 U.S.C. § 1331 since the underlying issues raised in this action arise under the Laws of the United States, *i.e.*, The Copyright Laws of the United States, 17 U.S.C. § 501 *et. seq.* and the Lanham Act, 15 U.S.C. §§ 1114, and 1125 *et seq.*;
  - c. Under 28 U.S.C. § 1338 since the underlying issues raised this action arise under the Copyright Laws of the United States, 17 U.S.C. § 501 *et. seq.*; and the Trademark and Unfair Competition Laws of the United States, *i.e.*, the Lanham Act, 15 U.S.C. §§s 1114 and 1125 *et. seq.* ;
  - d. Under 15 U.S.C. § 1121 since the underlying issues raised in this action involves questions arising under the Trademark Laws of the United States, Lanham Act, 15 U.S.C. §§s 1114 and 1125 *et. seq.*; and
  - e. Under 28 U.S.C. § 1367(a) since this action alleges state law violations that are part of the same case or controversy as those claims arising under the laws of the United States.
5. Personal jurisdiction over Defendant is vested in this Court under N.Y. C.P.L.R. § 302(a) in view of the fact that; a) upon information and belief, Defendant is a foreign corporation which operates a website that offers electronic devices and accessories for sale to New York consumers, permits New York consumers to purchase such electronic devices and accessories, and facilitates the shipment of such electronic devices and accessories into the state of New York from either Singapore or Maryland; and b) the claims alleged arise from acts and conduct both Plaintiffs and Defendant purposefully direct towards New

York residents.

6. Venue is proper in the United States District Court for the Eastern District of New York, pursuant to 28 U.S.C. §§ 1400(a) and 1391(b) -(c) since Defendant is found in this district, and a substantial portion of the harm sought to be avoided , as well as a substantial part of the events and omissions giving rise to the claims asserted herein, occurred within this district.
7. Venue is proper in the United States District Court for the Eastern District of New York, pursuant to 28 U.S.C. § 1391(d) since Defendant is an alien corporation.

### **FACTS COMMON TO ALL CLAIMS**

#### **I. JEDDY VENTURES LLC.**

8. Plaintiff Jeddy Ventures LLC was established in 2009.
9. Plaintiff Jeddy Ventures LLC is a manufacturer/wholesaler/retailer of commercial and industrial data communication equipment such as converters, isolators, suppressors, serial repeaters and hubs, USB adapters & Hubs and various other electronic accessories.
10. Plaintiff Jeddy Ventures LLC's products are fully certified and come with a 30-day unconditional return guarantee as well as a 5 year manufacturer's warranty.
11. Plaintiff Jeddy Ventures LLC's products are of the utmost high quality, something that is particularly important in view of the fact that such products are used to interface expensive equipment.
12. Plaintiff Jeddy Ventures LLC's products are industry proven and widely used by thousands of companies world wide.
13. Plaintiff Jeddy Ventures LLC is the owner of all rights, title and interest to the U.S. Trademark Registration No. 3,924,759 for the mark SERIAL COMM DATA CONVERSION EXPERTS for use in connection with "electronic and optical

communications instruments and components, namely serial data converters and repeaters, optical transmitters, optical receivers, optical data links, optical transceivers, digital transmitters; Ethernet and fiber-optic conversion version products, namely, Serial Data Converters, Serial Data Repeater, Ethernet Switches, Ethernet Data Converters, Fiber Optic Media Converters.”

14. Plaintiff Jeddy Ventures LLC has been using its mark SERIALCOMM DATA CONVERSION EXPERTS since May 15, 2009.
15. Plaintiff Jeddy Ventures LLC is also the owner of all rights title and interest to the U.S. Trademark Application Serial No. 85/145,383 for the word mark SERIALCOMM for use in connection with data communications equipment and software, namely, computer software for network communication, serial data converters, Ethernet and fiber-optic repeaters, namely, RS-232C, RS-485 and RS-422; Ethernet and fiber-optic software and equipment, namely, serial data converters and repeaters and computer software for network communication.
16. Plaintiff Jeddy Ventures LLC has been using the word mark SERIALCOMM since April 1, 2009.
17. Plaintiff Jeddy Ventures LLC owns all rights title and interest to the domain name [www.serialcomm.com](http://www.serialcomm.com) .
18. Plaintiff Jeddy Ventures LLC uses its domain name [www.serialcomm.com](http://www.serialcomm.com) to operate a website through which Plaintiff Jeddy Ventures LLC offers its internet retail and wholesale sales services to the public at large, including but not limited to residents within the state of New York, in connection with data communications equipment and software, namely, computer software for network communication, serial data converters, Ethernet and fiber-optic repeaters, namely, RS-232C, RS-485 and RS-422; Ethernet and fiber-optic software and equipment, namely, serial data converters and repeaters and computer software for network communication.

**II. SIMA S. ENTERPRISES LLC.**

19. Plaintiff Sima S. Enterprises LLC was established in 2004.
20. Like Plaintiff Jeddy Ventures LLC, Plaintiff Sima S. Enterprises is a manufacturer/wholesaler/retailer of commercial and industrial data communication equipment such as converters, isolators, suppressors, serial repeaters and hubs, USB adapters & Hubs and various other electronic accessories.
21. Plaintiff Sima S. Enterprises LLC's products are fully certified and come with a 30-day unconditional return guarantee as well as a 5 year manufacturer's warranty.
22. Plaintiff Sima S. Enterprises LLC's products are of the utmost high quality, something that is particularly important in view of the fact that such products are used to interface expensive equipment.
23. Plaintiff Sima S. Enterprises LLC's products are industry proven and widely used by thousands of companies world wide.
24. Plaintiff Sima S. Enterprises LLC has a license from Jeddy Ventures LLC by which it has been granted to right to manufacture, use, market, offer to sell, sell and distribute goods, *i.e.*, electronic and optical communications instruments and components, namely serial data converters and repeaters, optical transmitters, optical receivers, optical data links, optical transceivers, digital transmitters; Ethernet and fiber-optic conversion version products, namely, Serial Data Converters, Serial Data Repeater, Ethernet Switches, Ethernet Data Converters, Fiber Optic Media Converters, bearing the mark embodied by U.S. Trademark Registration No. 3,924,759 for the mark SERIAL COMM DATA CONVERSION EXPERTS.
25. Likewise, Sima S. Enterprises LLC has a license from Plaintiff Jeddy Ventures LLC by which it has also been granted the right to manufacture, use, market, offer to sell, sell and distribute goods, *i.e.*, data communications equipment and software, namely, computer

software for network communication, serial data converters, Ethernet and fiber-optic repeaters, namely, RS-232C, RS-485 and RS-422; Ethernet and fiber-optic software and equipment, namely, serial data converters and repeaters and computer software for network communication, bearing the mark embodied by U.S. Trademark Application Serial No. 85/145,383, *i.e.*, the word mark SERIALCOMM.

26. Plaintiff Sima S. Enterprises LLC is the owner of all rights title and interest to the domain name [www.rs232-converters.com](http://www.rs232-converters.com).

27. Plaintiff Sima S. Enterprises LLC uses its domain name [www.rs232-converters.com](http://www.rs232-converters.com) to operate a website through which Plaintiff Sima S. Enterprises LLC offers its internet retail and wholesale sales services to the public at large, including but not limited to residents within the state of New York, in connection with data communications equipment and software, namely, computer software for network communication, serial data converters, Ethernet and fiber-optic repeaters, namely, RS-232C, RS-485 and RS-422; Ethernet and fiber-optic software and equipment, namely, serial data converters and repeaters and computer software for network communication.

## **II. THE DEFENDANT AND ITS ACTIVITIES**

28. Upon information and belief, Defendant is a leading manufacturer of superior-quality serial converter and software products.

29. Upon information and belief Defendant has a presence in both the United States and Singapore.

30. Upon information and belief, Defendant is the owner of all rights, title and interest to the U.S. Trademark Registration No. 3,416,200 for the wordmark COMMFRONT for use in connection with "Computer software for serial and TCP/IP communications, namely, computer software for monitoring, logging, testing, analyzing, and trouble shooting RS-232, RS-485, RS-422, TTL, COMS and TCP/IP Network communications."

31. Upon information and belief, Defendant is also the owner of all common law rights title and interest to the mark COMMFRONT in blue and currently green/blue background bordered below by horizontal red lines with the words "Communication made easy" underneath in blue, for use in connection with computer software for serial and TCP/IP communications, namely, computer software for monitoring, logging, testing, analyzing, and trouble shooting RS-232, RS-485, RS-422, TTL, COMS and TCP/IP Network communications.
32. Defendant owns all rights title and interest to the domain name www.commfront.com.
33. Defendant uses its domain name www.commfront.com to operate a website through which Defendant offers its internet retail and wholesale sales services to the public at large, including but not limited to residents within the state of New York, in connection with computer software for serial and TCP/IP communications, namely, computer software for monitoring, logging, testing, analyzing, and trouble shooting RS-232, RS-485, RS-422, TTL, COMS and TCP/IP Network communications.
34. Upon information and belief, Defendant is the owner of copyrights in certain 2007 and 2008 CommFront Data Sheets, which copyrights are registered with the United States Copyright Office under Registration Numbers VA0001792214 and VA0001792212 respectively.
35. On or about November 15, 2011, Jeddy Ventures received a copy of Defendant's Petition of Cancellation as filed with the Trademark Office.
36. Defendant's Petition of Cancellation is seeking to cancel Jeddy Ventures' U.S. Trademark Registration No. 3,924,759 for the mark SERIALCOMM DATA CONVERSION EXPERTS on the basis that Jeddy Venture's SERIALCOMM mark is confusingly similar to Defendant's mark COMMFRONT.
37. Defendant's Petition of Cancellation is further seeking to cancel Jeddy Ventures' U.S. Trademark Registration No. 3,924,759 for the mark SERIALCOMM DATA

CONVERSION EXPERTS on the basis that Jeddy Venture's SERIALCOMM design color mark is confusingly similar to Defendant's common law mark COMMFROnt in blue and currently green/blue background bordered below by horizontal red lines with the words "Communication made easy" underneath in blue.

38. Upon information and belief, Defendant adopted and began using its common law mark COMMFROnt in blue and currently green/blue background bordered below by horizontal red lines with the words "Communication made easy" underneath in blue, after Jeddy Ventures adopted its mark SERIALCOMM DATA CONVERSION EXPERTS for which it has received its U.S. Trademark Registration No. 3,924,759.
39. Accordingly, by its Petition for Cancellation Defendant fails to state a claim upon which relief can be granted because the marks as they appear in commerce do not sound the same, do not look the same and do not convey the same commercial impression.
40. Further Defendant's Petition for Cancellation is barred by the Doctrine of Laches.
41. Finally, Defendant's Petition for Cancellation is barred by the Doctrine of Unclean Hands.
42. On or about November 16, 2011, Jeddy Ventures received Defendants' NOTIFICATION OF INFRINGEMENT PURSUANT TO THE DIGITAL MILLENNIUM COPYRIGHT ACT, i.e., 17 U.S.C. § 512, in which Defendant averred that Jeddy Ventures uses its websites [www.serialcomm.com](http://www.serialcomm.com) and [www.rs232-converters.com](http://www.rs232-converters.com) to infringe Defendant's Copyrights as embodied in Defendant's Copyright Registrations VA0001792214 and VA0001792212, respectively.
43. Upon information and belief Defendant's copyright registrations are invalid and therefore unenforceable.
44. Upon information and belief Defendant is not the owner of the Copyright.
45. Upon information and belief, Defendant's allegations of Copyright Infringement are barred by the doctrine of Fair Use.

46. Upon information and belief, Defendant's allegations of Copyright infringement are barred by Laches.

47. Upon information and belief, Defendant's allegations of Copyright infringement are barred by Unclean Hands.

**First Claim for Relief  
Claim for Declaratory Judgement of Non-Infringement  
of the mark COMMFRONT**

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48. Jeddy Ventures incorporates by reference all of its allegations contained in Paragraphs 1-47 of the present Complaint, as though more fully set forth herein.

49. Defendant's November 2011 Petition of Cancellation and Defendant's Notification of Infringement Pursuant to the Digital Millennium Copyright Act create a case of actual controversy with the meaning of 28 U.S.C. § 2201 *et. seq.*, thus warranting the declaratory relief sought by Jeddy Ventures in the present claim.

50. Jeddy Ventures seeks a declaratory judgement and a determination that its use of its mark SERIALCOMM is not unlawful and does not constitute trademark infringement of Defendant's mark COMMFRONT. Further, Jeddy Ventures seeks a declaratory judgement that its Trademark Registration shall not be cancelled, and that it is entitled to continue to use its mark SERIAL COMM in connection with its goods.

51. Jeddy Ventures has not acted in bad faith or with any intent to profit from the goodwill, if any, associated with Defendant's purported mark COMMFRONT.

52. Plaintiff believed and had reasonable grounds to believe that its use of the term "SERIALCOMM" in its advertising, marketing and sales materials, and website and search engine optimization was lawful given the fact that SERIALCOMM does not sound the same, does not look the same and does not convey the same commercial impression as COMMFRONT.

53. In view of the fact that SERIALCOMM does not sound the same, does not look the same

and does not convey the same commercial impression as COMMFROnt, Jeddy Ventures' use of its mark SERIALCOMM in its advertising, marketing and sales materials, and website and search engine optimization would not be understood by Internet users or other members of the public as identifying Defendant.

**Second Claim for Relief**  
**Claim for Declaratory Judgement of Invalidity and Non-Infringement**  
**of Copyright Registrations VA0001792214 and VA0001792212**

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54. Jeddy Ventures incorporates by reference all of its allegations contained in Paragraphs 1-53 of the present Complaint, as though more fully set forth herein.
55. Defendant's November 2011 Petition of Cancellation and Defendant's Notification of Infringement Pursuant to the Digital Millennium Copyright Act create a case of actual controversy with the meaning of 28 U.S.C. § 2201 *et. seq.*, thus warranting the declaratory relief sought by Jeddy Ventures in the present claim.
56. Jeddy Ventures seeks a declaratory judgement and a determination that Copyright Registrations VA0001792214 and VA0001792212 are invalid, and/or unenforceable or not infringed. Further, Jeddy Ventures seeks a declaratory judgement that it is entitled to continue to use and reactivate and make live all of the links set forth in Defendant's November 16, 2011, Notice of Infringement Pursuant to the Digital Millennium Copyright Act.
57. Upon information and belief the copyrights to Defendant's 2007 and 2008 Data Sheets, which copyrights are registered with the United States Copyright Office under Registration Numbers VA0001792214 and VA0001792212 are invalid and unenforceable because they contain numerous things that are not original to the Defendant.
58. Upon information and belief Defendant's failure to identify which sections in Defendant's 2007 and 2008 Data Sheets, protected under United States Copyright Office

Registration Numbers VA0001792214 and VA0001792212, are in fact original to Defendant and which are not, is misuse of copyrights.

59. Jeddy Venture's use of any material that is similar to material in Defendant's 2007 and 2008 is legally protected because it falls within the "fair use" provision of the copyright regulations as defined in 17 U.S.C. § 107.
60. Defendant's claims are barred by the doctrine of Laches. Jeddy Ventures relied on the fact that Defendant never brought suit against it, notwithstanding the fact that in 2009, Defendant threatened to do so.
61. Defendant's unfair competition acts in an effort to drive Jeddy Ventures out of business, including Defendant's copying of Jeddy Ventures's website in its totality and posting it verbatim over multiple domains and intentional interference with future business relationships, prevent Defendant from seeking any relief under the doctrine of Unclean Hands.

#### **REQUEST FOR RELIEF**

**WHEREFORE**, Plaintiffs JEDDY VENTURES LLC and SIMA S. ENTERPRISES

LLC pray and respectfully request that Judgement be entered:

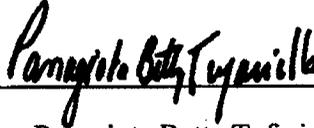
- I. Holding that Plaintiffs' use of their mark SERIALCOMM is not unlawful and does not constitute trademark infringement of Defendant's mark COMMFRONT;
- II. Holding that Plaintiffs' websites and links do not constitute copyright infringement of Defendant's copyrights;
- III. Holding that Defendants copyrights are invalid and unenforceable;
- IV. Awarding Plaintiffs their costs together with reasonable attorneys fees; and
- V. Granting such other and further relief, whether legal or equitable, to which Plaintiffs are entitled.

**JURY DEMAND**

Plaintiffs hereby demand trial by jury on all issues.

Respectfully Submitted,  
INTELLECTULAW  
THE LAW OFFICES OF P.B. TUFARIELLO, P.C.

Dated: 11/21/2011



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Panagiota Betty Tufariello (PBT 3429)  
25 Little Harbor Road  
Mount Sinai, NY 11766  
631-476-8734  
631-476-8737(FAX)  
[24yellow@optonline.net](mailto:24yellow@optonline.net)  
[info@intellectulaw.com](mailto:info@intellectulaw.com)  
[betty@intellectulaw.com](mailto:betty@intellectulaw.com)

Attorneys for Plaintiffs  
JEDDY VENTURES, LLC and  
SIMA S. ENTERPRISES, LLC

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.)

**FILED**

**I (a) PLAINTIFFS**

JEDDY VENTURES, LLC  
SIMA S. ENTERPRISES, LLC

IN CLERK'S OFFICE  
U.S. DISTRICT COURT

**DEFENDANTS**

FRONT COMMUNICATIONS PTE., LTD.

(b) County of Residence of First Listed Plaintiff MONMOUTH, NJ 2011  
(EXCEPT IN U.S. PLAINTIFF CASES)

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

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

**LONG ISLAND OFFICE**

Attorneys (If Known)

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

INTELLECTULAW, LAW OFFICES OF P.B. TUFARIELLO, PC,  
25 Little Harbor Road, Mount Sinai, NY 11766, 6314768734

THE INGREW LAW FIRM  
181 Littleton Avenue, Suite 202, Millburn, NJ 07041

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

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

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

- |   |  |   |  |  |  |
|---|--|---|--|--|--|
| <input type="checkbox"/> 110 Insurance  | <input type="checkbox"/> 310 Airplane                          | <input type="checkbox"/> 362 Personal Injury - Med. Malpractice         | <input type="checkbox"/> 610 Agriculture                                 | <input type="checkbox"/> 422 Appeal 28 USC 158                   | <input type="checkbox"/> 400 State Reapportionment                                     |
| <input type="checkbox"/> 120 Marine   | <input type="checkbox"/> 315 Airplane Product Liability        | <input type="checkbox"/> 365 Personal Injury - Product Liability        | <input type="checkbox"/> 620 Other Food & Drug                           | <input type="checkbox"/> 423 Withdrawal 28 USC 157               | <input type="checkbox"/> 410 Antitrust   |
| <input type="checkbox"/> 130 Miller Act   | <input type="checkbox"/> 320 Assault, Libel & Slander          | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input checked="" type="checkbox"/> 820 Copyrights               | <input type="checkbox"/> 430 Banks and Banking   |
| <input type="checkbox"/> 140 Negotiable Instrument                                | <input type="checkbox"/> 330 Federal Employers' Liability      | <input type="checkbox"/> 370 Other Fraud                                | <input type="checkbox"/> 630 Liquor Laws                                 | <input type="checkbox"/> 830 Patent                              | <input type="checkbox"/> 450 Commerce  |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment    | <input type="checkbox"/> 340 Marine                            | <input type="checkbox"/> 371 Truth in Lending                           | <input type="checkbox"/> 640 R.R. & Truck                                | <input type="checkbox"/> 840 Trademark                           | <input type="checkbox"/> 460 Deportation   |
| <input type="checkbox"/> 151 Medicare Act   | <input type="checkbox"/> 345 Marine Product Liability          | <input type="checkbox"/> 380 Other Personal Property Damage             | <input type="checkbox"/> 650 Airline Regs.                               | <input type="checkbox"/> 861 HIA (1395R)                         | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations            |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 350 Motor Vehicle                     | <input type="checkbox"/> 385 Property Damage Product Liability          | <input type="checkbox"/> 660 Occupational Safety/Health                  | <input type="checkbox"/> 862 Black Lung (923)                    | <input type="checkbox"/> 480 Consumer Credit   |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits        | <input type="checkbox"/> 355 Motor Vehicle Product Liability   | <input type="checkbox"/> 510 Motions to Vacate Sentence                 | <input type="checkbox"/> 690 Other                                       | <input type="checkbox"/> 863 DIWC/DIWW (405(g))                  | <input type="checkbox"/> 490 Cable/Sat TV  |
| <input type="checkbox"/> 160 Stockholders' Suits                                  | <input type="checkbox"/> 360 Other Personal Injury             | <b>Habes Corpus:</b>  | <input type="checkbox"/> 710 Fair Labor Standards Act                    | <input type="checkbox"/> 864 SSID Title XVI                      | <input type="checkbox"/> 810 Selective Service   |
| <input type="checkbox"/> 190 Other Contract                                       | <input type="checkbox"/> 441 Voting                            | <input type="checkbox"/> 530 General                                    | <input type="checkbox"/> 720 Labor/Mgmt. Relations                       | <input type="checkbox"/> 865 RSI (405(g))                        | <input type="checkbox"/> 850 Securities/Commodities/Exchange                           |
| <input type="checkbox"/> 195 Contract Product Liability                           | <input type="checkbox"/> 442 Employment                        | <input type="checkbox"/> 535 Death Penalty                              | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act      | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | <input type="checkbox"/> 875 Customer Challenge 12 USC 3410                            |
| <input type="checkbox"/> 196 Franchise  | <input type="checkbox"/> 443 Housing/Accommodations            | <input type="checkbox"/> 540 Mandamus & Other                           | <input type="checkbox"/> 740 Railway Labor Act                           | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609         | <input type="checkbox"/> 890 Other Statutory Actions                                   |
| <input type="checkbox"/> 210 Land Condemnation                                    | <input type="checkbox"/> 444 Welfare                           | <input type="checkbox"/> 550 Civil Rights                               | <input type="checkbox"/> 790 Other Labor Litigation                      | <input type="checkbox"/> 462 Naturalization Application          | <input type="checkbox"/> 891 Agricultural Acts   |
| <input type="checkbox"/> 220 Foreclosure  | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment | <input type="checkbox"/> 555 Prison Condition                           | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act                | <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee      | <input type="checkbox"/> 892 Economic Stabilization Act                                |
| <input type="checkbox"/> 230 Rent Lease & Ejectment                               | <input type="checkbox"/> 446 Amer. w/Disabilities - Other      |   |  | <input type="checkbox"/> 465 Other Immigration Actions           | <input type="checkbox"/> 893 Environmental Matters                                     |
| <input type="checkbox"/> 240 Torts to Land  | <input type="checkbox"/> 440 Other Civil Rights                |   |  |  | <input type="checkbox"/> 894 Energy Allocation Act                                     |
| <input type="checkbox"/> 245 Tort Product Liability                               |  |   |  |  | <input type="checkbox"/> 895 Freedom of Information Act                                |
| <input type="checkbox"/> 290 All Other Real Property                              |  |   |  |  | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice |
|   |  |   |  |  | <input type="checkbox"/> 950 Constitutionality of State Statutes                       |

**V. ORIGIN**

(Place an "X" in One Box Only)

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

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 USC §§2201 - 2202; 17 USC §501 et seq.; 15 USC §1114; 15 USC §1125

Brief description of cause:  
Complaint for Declaratory Judgment of Non-Infringement of Copyright and Trademark

**VII. REQUESTED IN COMPLAINT:**

- CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
- DEMAND \$ \_\_\_\_\_
- CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE  
11/21/2011

SIGNATURE OF ATTORNEY OF RECORD

*Penelope Betty Tufariello*

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE DAH MAG. JUDGE GRB

5710

**ARBITRATION CERTIFICATION**

I, Panagiota B. Tufariello, counsel for Plaintiffs do hereby certify pursuant to the Local Arbitration Rule 83.10 that to the best of my knowledge and belief the damages recoverable in the above captioned civil action exceed the sum of \$150,000 exclusive of interest and costs. XX Relief other than monetary damages is sought.

**DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1**

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks: NONE

**RELATED CASE STATEMENT (SECTION VIII)**

All cases that are arguably related pursuant to Division of Business Rule 50.3.1 should be listed in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge."

**NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)**

1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? NO

2.) If you answered "no" above:

a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? YES

b) Did the events of omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? YES

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? \_\_\_\_\_

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

**BAR ADMISSION**

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes  No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

Yes  (If yes, please explain) No

Please provide your E-MAIL address and bar code below. Your bar code consists of the initials of your first and last name and the last four digits of your social security number or any other four digit number registered by the attorney with the Clerk of Court. (This information must be provided pursuant to local rule 11.1(b) of the civil rules).

Attorney Bar Code: PBT3429

E-MAIL Address: betty@intellectulaw.com

Electronic filing procedures were adopted by the Court in Administrative Order No. 97-12, "In re: Electronic Filing Procedures (ECF)." Electronic filing became mandatory in Administrative Order 2004-08, "In re: Electronic Case Filing." Electronic service of all papers is now routine.

I certify the accuracy of all information provided above.

Signature: Panagiota B. Tufariello