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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	92087227
Party	Defendant Overseas Friends of BJP-USA
Correspondence address	PETER J CORCORAN III CORCORAN IP LAW PLLC 4142 MCKNIGHT RD TEXARKANA, TX 75503 UNITED STATES Primary email: peter@corcoranip.com 903-701-2481
Submission	Motion to Suspend for Civil Action
Filer's name	Peter J. Corcoran III
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Date	03/24/2025
Attachments	2025.03.24 7335039-92087227 Motion to Suspend Proceeding.pdf(677827 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

OVERSEAS FRIENDS OF BJP, *Petitioner*, v. OVERSEAS FRIENDS OF THE BJP-USA, *Respondent*.	Reg. No.: 7335039 Mark: OVERSEAS FRIENDS OF BJP-USA (OFBJP-USA) Registered: March 26, 2024 Cancellation No. 92087227

MOTION TO SUSPEND CANCELLATION PROCEEDING

OVERSEAS FRIENDS OF THE BJP-USA ("Respondent"), a non-profit corporation duly organized and existing under the laws of the State of Texas, having its principal place of business at 600 Lamesa Court, Irving, Texas 75063, files this motion under 37 C.F.R. § 2.117 and Section 510.02(a) of the Trademark Trial and Appeal Board Manual of Procedure ("TBMP") to suspend this proceeding pending the outcome of the previously filed trademark infringement and cancellation case no. 3:24-cv-1570-X in the U.S. District Court for the Northern District of Texas ("the NDTX action") involving the same parties. In support of its motion, Respondent provides as follows.

BACKGROUND

Respondent filed the NDTX action on June 24, 2024, alleging, among other claims, that OVERSEAS FRIENDS OF BJP ("Petitioner") is infringing Respondent's U.S. Trademark Registration No. 7335039 "OVERSEAS FRIENDS OF BJP-USA (OFBJP-USA)." Attached as **Exhibit A** is Respondent's Original Complaint in the NDTX action. Petitioner answered and counterclaimed on August 2, 2024, for the cancellation of Respondent's Trademark under the same grounds as alleged in the petition in this cancellation

proceeding. Attached as **Exhibit B** is Petitioner's Original Answer and Counterclaims. Discovery is nearly complete in the NDTX action with the current discovery deadline of April 2, 2025. Attached as **Exhibit C** is the Oct. 4, 2024, Scheduling Order in the NDTX action. Trial is scheduled for September 2, 2025.

Discovery in this proceeding began on March 20, 2025, and will not close until September 16, 2025, *after trial in the NDTX action*. Oral hearing in this proceeding would not occur (if requested) until after the deadline to request a hearing on July 23, 2026, *nearly a year after trial in the NDTX action*.

PRECEDENT

37 C.F.R. § 2.117(a) provides:

> Whenever it shall come to the attention of the Trademark Trial and Appeal Board that a civil action, another Board proceeding, or an expungement or reexamination proceeding may have a bearing on a pending case, proceedings before the Board may be suspended until termination of the civil action, the other Board proceeding, or the expungement or reexamination proceeding. A civil action or proceeding is not considered to have been terminated until an order or ruling that ends litigation has been rendered and noticed and the time for any appeal or other further review has expired with no further review sought.

TBMP § 510.02(a) provides:

> Whenever it comes to the attention of the Board that a party or parties to a case pending before it are involved in a civil action that may have a bearing on the Board case, proceedings before the Board may be suspended until final determination of the civil action. [37 C.F.R. § 2.117(a). *See General Motors Corp. v. Cadillac Club Fashions Inc.*, 22 USPQ2d 1933, 1936-37 (TTAB 1992); *Toro Co. v. Hardigg Industries, Inc.*, 187 USPQ 689, 692 (TTAB 1975), *rev'd on other grounds*, 549 F.2d 785, 193 USPQ 149 (CCPA 1977); *Other Telephone Co. v. Connecticut National Telephone Co.*, 181 USPQ 125, 126-27 (TTAB 1974), *pet. denied*, 181 USPQ 779 (Comm'r 1974); *Tokaido v. Honda Associates Inc.*, 179 USPQ 861, 862 (TTAB 1973); *Whopper-Burger, Inc. v. Burger King Corp.*, 171 USPQ 805, 806-07 (TTAB 1971).]
>
> Most commonly, a request to suspend pending the outcome of another proceeding seeks suspension because of a civil action pending between the parties in a federal district court. Although the Supreme Court held that issue preclusion can be based

on a decision by the Board in a case in which the ordinary elements of issue preclusion are met, the Board's policy to suspend in favor of a civil action has not changed. A civil action may involve other matters outside Board jurisdiction and may consider broader issues beyond right to registration and, therefore, judicial economy is usually served by suspension. [*See, e.g.*, *Goya Foods Inc. v. Tropicana Products Inc.*, 846 F.2d 848, 6 USPQ2d 1950, 1954 (2d Cir. 1988) (doctrine of primary jurisdiction might be applicable if a district court action involved only the issue of registrability, but would not be applicable where court action concerns infringement where the interest in prompt adjudication far outweighs the value of having the views of the USPTO); *American Bakeries Co. v. Pan-O-Gold Baking Co.*, 650 F. Supp. 563, 2 USPQ2d 1208, 1211 (D. Minn. 1986) (primary jurisdiction should not be invoked where, inter alia, a stay of the district court action is more likely to prolong the dispute than lead to its economical disposition and where the district court action includes claims which cannot be raised before the Board); *Zachry Infrastructure LLC v. American Infrastructure Inc.*, 101 USPQ2d 1249, 1253-54 (TTAB 2011) (no claim preclusion based on district court's determination because civil action focused on respective uses and rights to use while Board proceeding focus on right to registration; issue preclusion based on district court determination found); *New Orleans Louisiana Saints LLC v. Who Dat? Inc.*, 99 USPQ2d 1550, 1552 (TTAB 2011) (decision by district court may be binding on the Board, but determination by the Board of a defendant's right to obtain or maintain a registration would not be binding or res judicata in the court proceeding); *Toro Co. v. Hardigg Industries, Inc.*, 187 USPQ 689, 692 (TTAB 1975), *rev'd on other grounds*, 549 F.2d 785, 193 USPQ 149 (CCPA 1977).]

. . .

Unless there are unusual circumstances, the Board will suspend proceedings in the case before it if the final determination of the other proceeding may have a bearing on the issues before the Board. [*New Orleans Louisiana Saints LLC*, 99 USPQ2d at 1551.]

. . .

Suspension of a Board proceeding pending the final determination of another proceeding is solely within the discretion of the Board; the court in which a civil action is pending has no power to suspend proceedings in a case before the Board [*see Martin Beverage Co. v. Colita Beverage Corp.*, 169 USPQ 568, 570 (TTAB 1971)], nor do parties or their attorneys. [*See New Orleans Louisiana Saints LLC*, 99 USPQ2d at 1552 (Board will scrutinize pleadings in civil action to determine if the issues before the court may have a bearing on the Board's decision); *Forest Laboratories Inc. v. G.D. Searle & Co.*, 52 USPQ2d 1058, 1060 (TTAB 1999) (parties required to submit a copy of the complaint in the civil action so that Board may determine whether suspension is warranted); *SCOA Industries Inc. v. Kennedy & Cohen, Inc.*, 188 USPQ 411, 415 (TTAB 1975), *appeal dismissed*, 189 USPQ 15 (CCPA 1976).]

> When a motion to suspend pending the outcome of a civil action is filed, the Board normally will require that a copy of the operative pleadings from the civil action be submitted, so that the Board can ascertain whether the final determination of the civil action may have a bearing on the issues before the Board. [*See* 37 CFR § 2.117(b). *See also Boyds Collection Ltd. v. Herrington & Co.*, 65 USPQ2d 2017, 2018-19 (TTAB 2003) (motion to strike petitioner's notice of reliance, its only evidence in the case, decided before motion to suspend, and granted).] This requirement ordinarily is waived if all parties consent to the suspension. *See* TBMP § 502.

TBMP § 510.02(a).

ARGUMENT

The outcome of the NDTX action, involving the same parties, will have a direct bearing on the outcome of this cancellation proceeding as the issues that are pending in this proceeding are also pending in the NDTX action, and the NDTX action will conclude at least a year before this proceeding concludes. Judicial economy dictates that the Board should suspend this proceeding pending the outcome of the NDTX action as provided under 37 C.F.R. § 2.117(a) and TBMP § 510.02(a).

CONCLUSION

The Board should grand this motion.

Dated: March 24, 2025

Respectfully submitted,

By: */Peter J. Corcoran III/*
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Counsel for Respondent
OVERSEAS FRIENDS OF BJP-USA

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on Petitioner's counsel by email at ochernin@mclaughlinstern.com on March 24, 2025.

By: */Peter J. Corcoran III/*
Peter J. Corcoran III

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS - DALLAS DIVISION

OVERSEAS FRIENDS OF THE BJP – USA	§	
Plaintiff,	§	
	§	**Civil Action No._____**
v.	§	
	§	
OVERSEAS FRIENDS OF BJP,	§	
RAMESH ANNAMREDDY,	§	
VASUDEV PATEL,	§	
ADAPA V. PRASAD,	§	**JURY TRIAL REQUESTED**
VIJAY CHAUTHAIWALE	§	
Defendants.	§	

VERIFIED ORIGINAL COMPLAINT

NOW COMES Plaintiff Overseas Friends of the BJP-USA ("OFBJP-USA") seeking relief from above-named defendants, including Overseas Friends of BJP, Ramesh Annamreddy, Vasudev Patel, Adapa V. Prasad, Vijay Chauthaiwale (collectively, "Infringers"), and shows the Court the following:

SUMMARIZING – Infringers in this case have willfully infringed Plaintiff's copyright and trademark name "Overseas Friends of the BJP-USA" ("Mark") without authorization. Plaintiff has sent formal demands for Infringers to cease and desist, but they have not. Infringers' infringements are willful and deliberate.

Plaintiff herein pleads claims of trademark and copyright infringement, as well as unfair business practices.

Though Plaintiff herein asks for a preliminary injunction, Plaintiff asks the Court to refrain from acting to deny the request until after the Plaintiff has had an opportunity to meaningfully seek conference on this suit as filed, according to Local Rule 7.1. Plaintiff will file a certificate of service and request for adjudication of the requested injunction as appropriate.

I. JURISDICTION AND VENUE

1. This is a civil action against the Defendants for trademark and copyright infringement, and unfair business practices, under the Lanham Act (15 U.S.C. § 1051 et. seq.).

2. This Court has subject matter jurisdiction over the claims in this cation that relate to trademark and copyright infringement, and unfair business practices pursuant to the provisions of 15 U.S.C. § 1121 and 28 U.S.C. §§1331 and 1338(a).

3. Venue is proper in this judicial district pursuant to 18 U.S.C. § 1965 and 28 U.S.C. § 1391 because the events giving rise to the claim occurred in this district, and Infringers not residing in the United States may be sued in this district.

II. PARTIES

4. Plaintiff **Overseas Friends of the BJP - USA** ("BTJ-USA") resides in Texas and may be contacted through its attorneys of record at Norred Law, PLLC.

5. Defendant **Overseas Friends of the BJP** is a nonstock corporation and may be served through its registered agent, Ramesh Annamreddy, at 12310 Pinecrest Rd, Ste 206, Reston, VA, 20191, USA, or wherever it may be found.

6. Defendant **Ramesh Annamreddy** resides in and may be served at 2650 Cockerill Farm, Ln, Herndon, VA, 20171, or wherever he may be found.

7. Defendant **Vasudev Patel** resides in and may be served at 4523 Madison Run PL, Snellville, GA, 30039, or wherever he may be found.

8. Defendant **Adapa v. Prasad** resides in and may be served at 6001 Moonsails Ln, Clarksville, MD, 21029, or wherever he may be found.

9. Defendant **Vijay Chauthaiwale** resides and may be served at 53 Konark Karishma, Suryavanshi Tower Rd, Mahavir Nagar society, Vastrapur, Ahmedabad, Gujarat 380015, India, or wherever he may be found.

III. FACTS

A. History of the Plaintiff's brand and Mark

10. The Overseas Friends of BJP-USA was incorporated in New Jersey in 1997. The organization was a political nonprofit, promoting "cordial relationship[s] between Asian American and [North] American people" through events, fundraisers, pamphlets, social media groups, and other marketing methods. *See* Exhibit 1 and 9.

11. January 19, 2021, Ramesh Annamreddy established a for-profit entity named Overseas Friends of BJP in Virginia (a business entity distinct from the New Jersey-registered non-profit Overseas Friends of BJP-USA). *See* Exhibit 7. Adapa Prasad became the Director of the new Virginia entity, replacing Ramesh Annamreddy, on February 1, 2021. *See* Exhibit 1 and 7.

12. June 23, 2021, the dissolution of the Overseas Friends of BJP-USA organization in New Jersey was carried out by Adapa Prasad and Vasudev Patel. *See* Exhibit 10.

13. From February 1, 2021 - June 23, 2021, Adapa Prasad held the position of President in both the non-profit Overseas Friend of BJP-USA (New Jersey) and for-profit Overseas Friends of BJP (Virginia), despite both organizations having the same charter, constitution, and by-laws. *See* Exhibit 6 and 7.

14. On September 18, 2021, Shubo Dasgupta and others formed Plaintiff, a Texas non-profit corporation, named "Overseas Friends of BJP-USA" (OFBJP-USA), which later acquired non-profit and 501(c)3 tax-exempt status. *See* Exhibit 8.

15. May 12, 2022, the Texas-based OFBJP-USA secured a US copyright registration for its logo and on March 26, 2024, the United Patent & Trademark Office issued a registration for the Mark. Plaintiff issued a press release the same day giving notice to all Infringers. *See* Exh. 2, 3.

16. Plaintiff obtained the U.S. Copyright Registration Number Vau001467514 for the visual material work "Overseas Friends of BJP-USA" in 2021. *See* Exhibit 3.

17. Plaintiff owns U.S. Trademark Registration Number 7335039 for the standard character mark "OVERSEAS FRIENDS OF BJP-USA (OFBJP-USA)" in association with goods further identified in registration in class 041 – organizing events in the field of integral humanity for cultural or educational purposes. *See* Exhibit 2.

18. The above U.S. registrations are valid, subsisting, and in full force and effect.

19. Plaintiff has used the Marks in commerce throughout the United States continuously, since 2021, in connection with political advertising. *See* Exhibit 1.

20. On August 19, 2022, Defendants advertised and promoted an event in Carrollton, Texas, and on a flyer and promotional images for the event the Defendants co-opted the exact name of Plaintiff's copyright name, Overseas Friends of BJP-USA and its logo, as the sponsor and promoter of the event. *See* Exhibit 4. Similarly, the promotion materials included the statement: "Organized by OFBJP-USA: Disseminated by Overseas Friends of BJP-USA, a registered foreign agent, on behalf of the Bharatiya Janata Party. More information on file with the Dept. of Justice, Washington, D.C.". *See* Exhibit 4. OFBJP-USA is not a registered foreign agent on behalf of any organization and no registration exists with the Department of Justice. *See* Exhibit 1 and 8.

21. Plaintiff sent a cease-and-desist letter on August 17, 2022 regarding this event. *See* Exh 4.

22. To this date, Defendants still continue to use the Mark in advertising. *See* Exhibit 5.

23. Plaintiff's agents have had individuals approach them with complaints about what Plaintiff had done, but it was Defendants who had done the wrong. For example, Plaintiff's agents were approached and blamed for Defendants' posts regarding a fake car rally where attendees showed up and no one was at the event.

24. Defendants' advertisements bearing the Infringing Marks has caused Plaintiff to suffer losses and is likely to cause further damage to the goodwill and reputation associated with the Marks owned by Plaintiff.

25. Defendants' actions are willful and with the deliberate intent to trade on the goodwill of the Marks, causing confusion and deception in the marketplace, and divert potential activists of Plaintiff to Defendants.

26. Defendants' acts are causing and, unless restrained, will continue to cause damage and immediate irreparable harm to Plaintiff, the Marks, and to its valuable reputation and goodwill with the consuming public for which Plaintiff has no adequate remedy at law.

IV. CAUSE OF ACTION – COPYRIGHT INFRINGEMENT

27. Plaintiff is the owner of all copyrights in and to the work entitled "Overseas Friends of BJP-USA" ("Work"). Plaintiff has obtained United States Copyright Registration No. Vau001467514 for the Work. All relevant provisions of the Copyright Act were complied with in seeking registration for this Work.

28. Defendants have infringed the copyright of Plaintiff under 17 U.S.C. § 106 by reproducing, distributing and displaying an infringing work under the name "Overseas Friends of BJP-USA" that is a reproduction, derivative work, compilation or adaption of the Work owned by Plaintiff.

29. Plaintiff has not authorized Defendants to reproduce, adapt, display, or distribute the Work.

30. Defendants' actions have been willful and intentional, in conscious disregard of and knowing indifference to the rights of Plaintiff.

31. By reason of Defendants' infringement, Plaintiff has sustained and will continue to sustain substantial injury, loss, and damage. Further, Plaintiff is suffering irreparable harm and further irreparable harm is imminent as a result of Defendants' infringement which cannot be adequately compensated in money damages. Plaintiff is entitled to an injunction restraining Defendants, and

Defendant Overseas Friends of BJP's officers, directors, agents, employees, representatives, affiliates, and all other persons acting in concert with them from engaging in further acts of copyright infringement.

32. As a result of Defendants' copyright infringement, Plaintiff is entitled to receive its actual damages and Defendants' profits as provided by 17 U.S.C. § 504(b). Additionally, Plaintiff is entitled to receive statutory damages under 17 U.S.C. § 504(c). Plaintiff is further entitled to receive its attorney's fees and costs for this action pursuant to 17 U.S.C. § 505.

V. CAUSE OF ACTION – TRADEMARK INFRINGEMENT

33. Plaintiff owns the federally registered trademark OVERSEAS FRIENDS OF BJP-USA (OFBJP-USA), U.S. Trademark registration number 7335039 ("'039 mark"), as set forth in more detail in the foregoing paragraphs.

34. The Defendants, without authorization from Plaintiff, have used in commerce a spurious designation that is identical with, or substantially indistinguishable from the '039 mark on the same goods/services covered by the '039 mark, class 041 (organizing events in the field of integral humanity for cultural or educational purposes).

35. The Defendants' unauthorized use of counterfeit marks of the '039 mark in connection with the Defendants' offer for sale in commerce is likely to cause confusion or mistake in the minds of the public.

36. The Defendants' conduct as alleged herein is willful and intended to cause confusion, mistake, or deception as to the affiliation, connection, or association of the Defendants, with Plaintiff or the '039 mark.

37. The Defendants' actions constitute the use by the Defendants of one or more "counterfeit mark(s)" as defined in 15 U.S.C. § 1116(d)(1)(B).

38. The Defendants' use in commerce of the counterfeit the '039 mark has resulted in lost donations and business to Plaintiff, which are difficult to determine. The Defendants have also, by advertising counterfeit the '039 mark, caused considerable damage to the goodwill of the '039 mark, and diminished the brand recognition of the '039 mark by introducing counterfeit copies into the marketplace.

39. By reason of Defendants' infringement, Plaintiff has sustained and will continue to sustain substantial injury, loss, and damage. Further, Plaintiff is suffering irreparable harm and further irreparable harm is imminent as a result of Defendants' infringement which cannot be adequately compensated in money damages. Plaintiff is entitled to an injunction restraining Defendants, and Defendant Overseas Friends of BJP's officers, directors, agents, employees, representatives, affiliates, and all other persons acting in concert with them from engaging in further acts of copyright infringement.

40. By reason of the foregoing, the Plaintiff is entitled to, among other relief, injunctive relief, an award of statutory damages, treble damages, attorney's fees and costs of the action under Sections 34 and 35 of the Lanham Act, 15 U.S.C. §§ 1116 and 1117, together with prejudgment and post-judgment interest.

VI. CAUSE OF ACTION - FALSE DESIGNATION OF ORIGIN AND UNFAIR COMPETITION

41. Plaintiff owns the federally registered '039 mark, as set forth in the foregoing paragraphs.

42. The Defendants, without authorization from Plaintiff, have used in commerce spurious designations that are identical with, or substantially indistinguishable from, the '039 mark on the same goods and services covered by the '039 mark.

43. The Defendants' unauthorized use of counterfeit marks of the registered '039 mark on and in connection with the Defendants' offers for sale in commerce is likely to cause confusion or mistake in the minds of the public.

44. The Defendants' unauthorized use in commerce of the '039 mark as alleged herein constitutes use of a false designation of origin and misleading description and representation of fact in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

45. The Defendants' conduct as alleged herein is willful and is intended to, and is likely to, cause confusion, mistake, or deception as to the affiliation, connection, or association of the Defendants, with Plaintiff or the '039 mark.

46. The Defendants' conduct as alleged herein is causing immediate and irreparable harm and injury to GS, and to the goodwill and reputation of the '039 mark. Moreover, it will continue to cause damage to Plaintiff and confuse the public unless enjoined by this Court.

47. Plaintiff has no adequate remedy at law, as the damage to its reputation is incalculable.

48. By reason of the foregoing, the Plaintiff is entitled to, among other relief, injunctive relief, an award of statutory damages, treble damages, attorney's fees and costs of the action under Sections 34 and 35 of the Lanham Act, 15 U.S.C. §§ 1116 and 1117, together with prejudgment and post-judgment interest.

VII. REQUEST FOR INJUNCTIVE RELIEF

49. Plaintiff herein seeks a preliminary injunction against Defendants according to 17 U.S.C. § 502 and 15 U.S.C. 1116. Defendants' infringement is ongoing, willful, and deliberate, and has caused irreparable harm and will cause further irreparable harm to Plaintiff and its marks.

50. Plaintiff asks this court for preliminary and permanent injunctive relief enjoining Defendants, and Defendant Overseas Friends of BJP's officers, directors, agents, employees, representatives, affiliates, successor companies, related companies, and all other persons acting in

concert with them from engaging in: The import, export, making, manufacture, reproduction, assembly, use, acquisition, purchase, offer, sale, transfer, brokerage, consignment, distribution, storage, shipment licensing, development, display, delivery, marketing, advertising or promotion of the counterfeit '039 mark and Mark (collectively, "Plaintiff's marks") identified in the Complaint and any other unauthorized mark, counterfeit, copy or colorful imitation thereof.

51. Pursuant to 15 U.S.C. § 1116(a), directing Defendants to file with the Court and serve on the Plaintiff within thirty days after issuance of an injunction, a report in writing and under oath setting forth in detail the manner and form in which Defendants have complied with the injunction;

52. For an order from the Court requiring that the Defendants provide complete accountings and for equitable relief, including that the Defendants disgorge and return or pay their ill-gotten gains obtained from the illegal transactions entered into and pay restitution, including the amount of monies that should have been paid if the Defendants had complied with their legal obligations, or as equity requires;

53. For an order from the Court that an asset freeze or constructive trust be imposed on all monies and profits in Defendants' possession, which rightfully belong to the Plaintiff.

54. Pursuant to 15 U.S.C. § 1118 requiring that the Defendants and all others acting under the Defendants' authority, at its cost, be required to deliver up to the Plaintiff for destruction all products, accessories, labels, signs, prints, packages, wrappers, receptacles, advertisements, and other material in their possession, custody or control bearing any of Plaintiff's marks.

55. For any other and further relief as the Court may deem just and equitable

VIII. ATTORNEY'S FEES

56. Plaintiff seeks recovery of its reasonable and necessary attorney's fees pursuant to:

a. 17 U.S.C. § 505, *et seq*;

b. 15 U.S.C § 1117(a), *et seq*;

IX. CONDITIONS PRECEDENT

57. All conditions precedent have occurred.

X. PRAYER

WHEREFORE, the Plaintiff, Overseas Friends of BJP-USA, respectfully requests the following relief against the Defendants, as follows:

1. With regard to Plaintiff's Count I for copyright infringement:
   a. Actual damages and profits or statutory damages, whichever is greater, under 17 U.S.C. § 504;
   b. Costs of suit; and
   c. Joint and several liability for the OWNERS, and other officers, and directors, for the knowing participation in the infringing activities of Overseas Friends of BJP;

2. With regard to Plaintiff's Count II for trademark infringement:
   a. Disgorgement of profits under 15 U.S.C. § 1117(a);
   b. Treble damages under 15 U.S.C. § 1117(b);
   c. Statutory damages under 15 U.S.C. § 1117(c);
   d. Costs of suit; and
   e. Joint and several liability for the OWNERS, and other officers, and directors,
   f. for the knowing participation in counterfeiting activities of Overseas Friends of BJP;

3. With regard to Plaintiff's Count III for false designation and unfair competition:
   a. Disgorgement of profits under 15 U.S.C. § 1117(a);
   b. Treble damages under 15 U.S.C. § 1117(b);
   c. Statutory damages under 15 U.S.C. § 1117(c);
   d. Costs of suit; and
   e. Joint and several liability for the OWNERS, and other officers, and directors, for the knowing participation in the unfair competition activities of Overseas Friends of BJP;

4. Preliminary and permanent injunctive relief enjoining Defendants, and Defendant Overseas Friends of BJP's officers, directors, agents, employees, representatives, affiliates, successor companies, related companies, and all other persons acting in concert with them from engaging in: The import, export, making, manufacture, reproduction, assembly, use, acquisition, purchase, offer, sale, transfer, brokerage, consignment, distribution, storage, shipment licensing, development, display, delivery, marketing, advertising or promotion of the counterfeit '039 mark and Mark (collectively, "Plaintiff's marks") identified in the Complaint and any other unauthorized mark, counterfeit, copy or colorful imitation thereof.
   a. Pursuant to 15 U.S.C. § 1116(a), directing Defendants to file with the Court and serve on the Plaintiff within thirty (30) days after issuance of an injunction, a report in writing and under oath setting forth in detail the manner and form in which Defendants have complied with the injunction;
   b. For an order from the Court requiring that the Defendants provide complete accountings and for equitable relief, including that the Defendants disgorge and return or pay their all-gotten gains obtained from the illegal transactions entered into and/or

pay restitution, including the amount of monies that should have been paid if the Defendants had complied with their legal obligations, or as equity requires;

c. For an order from the Court that an asset freeze or constructive trust be imposed on all monies and profits in Defendants' possession, which rightfully belong to the Plaintiff.

d. Pursuant to 15 U.S.C. § 1118 requiring that the Defendants and all others acting under the Defendants' authority, at its cost, be required to deliver up to the Plaintiff for destruction all products, accessories, labels, signs, prints, packages, wrappers, receptacles, advertisements, and other material in their possession, custody or control bearing any of Plaintiff's marks.

Date: June 24, 2024

Respectfully Submitted,

Norred Law, PLLC
/s/ Warren V. Norred
Warren V. Norred, Texas Bar Number 24045094
warren@norredlaw.com
515 E. Border; Arlington, Texas 76010
P. 817-704-3984 F. 817-524-6686
Attorney for Plaintiff

ATTACHMENTS:

Exhibit 1 – Declaration of Subhopriyo Dasgupta (Co-President)
Exhibit 2 – U.S. Trademark registration
Exhibit 3 – U.S. Copyright registration
Exhibit 4 – Demand Letter
Exhibit 5 – Evidence of continued infringement
Exhibit 6 – New Jersey Overseas Friends of BJP-USA organization documents
Exhibit 7 – Virgina Overseas Friends of BJP organization documents
Exhibit 8 – Texas Overseas Friends of BJP-USA organization documents
Exhibit 9 – Communications between parties
Exhibit 10 – FARA Registration Amendment for Overseas Friends of BJP-USA

EXHIBIT B

United States District Court
Northern District of Texas
Dallas Division

OVERSEAS FRIENDS OF THE BJP–USA, *Plaintiff* v. OVERSEAS FRIENDS OF BJP, RAMESH ANNAMREDDY, VASUDEV PATEL, ADAPA V. PRASAD, VIJAY CHAUTHAIWALE, *Defendants*	Case No. 3:24-CV-01570-X

Defendants Overseas Friends of BJP, Ramesh Annamreddy, Vasudev Patel, and Adapa V. Prasad's Original Answer to Complaint and Counter-Plaintiff Overseas Friends of BJP's Original Counterclaim

Defendants Overseas Friends of BJP, Ramesh Annamreddy, Vasudev Patel, and Adapa V. Prasad (hereinafter collectively, "Defendants") file their Original Answer to Plaintiff Overseas Friends of the BJP–USA's Verified Original Complaint (hereinafter "Complaint"), answer the individual allegations, using the same paragraph numbering as found in the Complaint.

The paragraphs found before the first numbered paragraph of the Complaint constitutes introductory material to which no response is required. To the extent a response is deemed required, it is denied.

I. JURISDICTION AND VENUE

1. Admit the allegations contained in paragraph 1 of the Complaint.

2. Admit the allegations contained in paragraph 2 of the Complaint.

3. Admit the allegations contained in paragraph 3 of the Complaint.

II. PARTIES

4. With respect to paragraph 4 of the Complaint, admit that Norred Law, PLLC is Plaintiff's attorneys of record and are without sufficient knowledge or information sufficient to

form a belief as to the truth or falsity of the remainder of the allegations contained therein and, therefore deny them.

5. Admit the allegations contained in paragraph 5 of the Complaint.

6. Admit the allegations contained in paragraph 6 of the Complaint.

7. Admit the allegations contained in paragraph 7 of the Complaint.

8. Admit the allegations contained in paragraph 8 of the Complaint.

9. Admit the allegations contained in paragraph 9 of the Complaint.

III. FACTS

10. Admit the allegations contained in paragraph 10 of the Complaint.

11. Admit the allegations contained in paragraph 11 of the Complaint.

12. With respect to paragraph 12 of the Complaint, admit the allegations that the Overseas Friends of BJP-USA New Jersey corporation was dissolved on June 23, 2021, and deny the remainder of the allegations contained therein.

13. Admit the allegations contained in paragraph 13 of the Complaint.

14. Are without sufficient knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 14 of the Complaint and, therefore deny them.

15. Are without sufficient knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 15 of the Complaint and, therefore deny them.

16. Deny the allegations contained in paragraph 16 of the Complaint. therein and, respectfully, refer the Court to Exhibit 3 of the Complaint for its contents.

17. Are without sufficient knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 17 of the Complaint and, therefore deny them.

18. Deny the allegations contained in paragraph 18 of the Complaint.

19. Are without sufficient knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 19 of the Complaint and, therefore deny them.

20. With respect to paragraph 20 of the Complaint, admit the allegation that Defendant Overseas Friends of BJP advertised and promoted an event in Carrollton, Texas, to be held on August 19, 2022 and that the flyer for the event displayed the name Overseas Friends of BJP-USA and the statement: "Organized by OFBJP-USA: Disseminated by Overseas Friends of BJP-USA, a registered foreign agent, on behalf of the Bharatiya Janata Party. More information on file with the Dept. of Justice, Washington, D.C.", and deny the remainder of the allegations contained therein.

21. With respect to paragraph 21 of the Complaint, admit that a letter dated August 17, 2022, purportedly on behalf of Plaintiff was sent to Defendant Overseas Friends of BJP, deny the remainder of the allegations contained therein and, respectfully, refer the Court to Exhibit 4 of the Complaint for its contents.

22. With respect to paragraph 22 of the Complaint, admit that Defendant Overseas Friends of BJP uses "Overseas Friends of BJP-USA" to advertise its activities and deny the remainder of the allegations contained therein.

23. Are without sufficient knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 23 of the Complaint and, therefore deny them.

24. Deny the allegations contained in paragraph 24 of the Complaint.

25. Deny the allegations contained in paragraph 25 of the Complaint.

26. Deny the allegations contained in paragraph 26 of the Complaint.

IV. CAUSE OF ACTION – COPYRIGHT INFRINGEMENT

27. Deny the allegations contained in paragraph 27 of the Complaint.

28. Deny the allegations contained in paragraph 28 of the Complaint.

29. Admit the allegations contained in paragraph 29 of the Complaint.

30. Deny the allegations contained in paragraph 30 of the Complaint.

31. Deny the allegations contained in paragraph 31 of the Complaint.

32. The allegations contained in paragraph 32 of the Complaint consists of Plaintiff's characterization of the effect of various legal provisions to which no response is required. To the extent that a response is deemed required, the allegations contained in paragraph 32 are denied.

V. CAUSE OF ACTION – TRADEMARK INFRINGEMENT

33. Are without sufficient knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 33 of the Complaint and, therefore deny them.

34. With respect to paragraph 34 of the Complaint, admit that Defendant Overseas Friends of BJP uses "Overseas Friends of BJP-USA" to advertise its activities and deny the remainder of the allegations contained therein.

35. Deny the allegations contained in paragraph 35 of the Complaint.

36. Deny the allegations contained in paragraph 36 of the Complaint.

37. The allegations contained in paragraph 37 of the Complaint set forth legal conclusions to which no response is required. To the extent that a response is deemed required, the allegations contained in paragraph 37 are denied.

38. Deny the allegations contained in paragraph 38 of the Complaint.

39. Deny the allegations contained in paragraph 39 of the Complaint.

40. The allegations contained in paragraph 40 of the Complaint set forth legal conclusions to which no response is required. To the extent that a response is deemed required, the allegations contained in paragraph 40 are denied.

VI. CAUSE OF ACTION – FALSE DESIGNATION OF ORIGIN AND UNFAIR COMPETITION

41. Are without sufficient knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 41 of the Complaint and, therefore deny them.

42. With respect to paragraph 42 of the Complaint, admit that Defendant Overseas Friends of BJP uses "Overseas Friends of BJP-USA" and deny the remainder of the allegations contained therein.

43. Deny the allegations contained in paragraph 43 of the Complaint.

44. The allegations contained in paragraph 44 of the Complaint set forth legal conclusions to which no response is required. To the extent that a response is deemed required, the allegations contained in paragraph 44 are denied.

45. Deny the allegations contained in paragraph 45 of the Complaint.

46. Deny the allegations contained in paragraph 46 of the Complaint.

47. Deny the allegations contained in paragraph 47 of the Complaint.

48. The allegations contained in paragraph 48 of the Complaint set forth legal conclusions to which no response is required. To the extent that a response is deemed required, the allegations contained in paragraph 48 are denied.

VII. REQUEST FOR INJUNCTIVE RELIEF

49. With respect to paragraph 49 of the Complaint, admit that Plaintiff is seeking a preliminary injunction against Defendants, and deny the remainder of the allegations contained therein.

50. The allegations contained in paragraph 50 comprise of relief Plaintiff is seeking from this Court to which no response is required. To the extent a response is deemed required, the allegations contained in paragraph 50 are denied and, further, Defendants respectfully ask this Court to deny Plaintiff the relief sought.

51. The allegations contained in paragraph 51 comprise of relief Plaintiff is seeking from this Court to which no response is required. To the extent a response is deemed required, the allegations contained in paragraph 51 are denied and, further, Defendants respectfully ask this Court to deny Plaintiff the relief sought.

52. The allegations contained in paragraph 52 comprise of relief Plaintiff is seeking from this Court to which no response is required. To the extent a response is deemed required, the

allegations contained in paragraph 52 are denied and, further, Defendants respectfully ask this Court to deny Plaintiff the relief sought.

53. The allegations contained in paragraph 53 comprise of relief Plaintiff is seeking from this Court to which no response is required. To the extent a response is deemed required, the allegations contained in paragraph 53 are denied and, further, Defendants respectfully ask this Court to deny Plaintiff the relief sought.

54. The allegations contained in paragraph 54 comprise of relief Plaintiff is seeking from this Court to which no response is required. To the extent a response is deemed required, the allegations contained in paragraph 54 are denied and, further, Defendants respectfully ask this Court to deny Plaintiff the relief sought.

55. The allegations contained in paragraph 55 comprise of relief Plaintiff is seeking from this Court to which no response is required. To the extent a response is deemed required, the allegations contained in paragraph 55 are denied and, further, Defendants respectfully ask this Court to deny Plaintiff the relief sought.

VIII. ATTORNEYS' FEES

56. The allegations contained in paragraph 56 of the Complaint set forth legal conclusions to which no response is required. To the extent that a response is deemed required, the allegations contained in paragraph 56 are denied and, further Defendants respectfully ask this Court to deny Plaintiff the relief sought.

IX. CONDITIONS PRECEDENT

57. Deny the allegations contained in paragraph 57 of the Complaint.

X. PRAYER

Defendants deny that Plaintiff is entitled to any relief, including the relief requested in its Prayer. WHEREFORE, Defendants respectfully ask this Court to dismiss Plaintiff's Complaint in its entirety; and award Defendants all costs and disbursements of this action, including reasonable attorneys' fees; and, such other and further relief as this Court deems just, equitable or proper.

AFFIRMATIVE DEFENSES

Defendants assert the following affirmative and other defenses in response to the allegations in the Complaint.

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a cause of action upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

The doctrines of waiver and estoppel bar Plaintiff's claims.

THIRD AFFIRMATIVE DEFENSE

The doctrine of laches bars Plaintiff's claims.

FOURTH AFFIRMATIVE DEFENSE

The claim, alleging copyright infringement, is barred because Plaintiff is not the record owner of Copyright Registration Number Vau001467514.

FIFTH AFFIRMATIVE DEFENSE

The claims asserted against Defendants Ramesh Annamreddy, Vasudev Patel, and Adapa V. Prasad, in their personal capacity, are barred on the ground that all of the acts allegedly performed by these defendants were performed by these defendants in their representative capacity on behalf of Defendant Overseas Friends of BJP, and, therefore, these defendants cannot be held personally liable for any of the causes of action alleged against them individually.

The Defendants reserve all affirmative defenses under Fed. R. Civ. P. 8(c), and any other defenses, at law or in equity, that may now exist or in the future be available based on discovery and further factual investigation in this action.

ORIGINAL COUNTERCLAIMS

Overseas Friends of BJP ("Counter-Plaintiff") files its Original Counterclaims against Overseas Friends of the BJP-USA (OFBJP-USA) ("Counter-Defendant") as follows:

NATURE OF ACTION

1. Counter-Plaintiff brings this Counterclaim to protect the substantial goodwill that it has developed over the past 24 years in its distinctive marks OVERSEAS FRIENDS OF BJP, OVERSEAS FRIENDS OF BJP-USA, and the Logo mark (attached hereto as **Exhibit A**). (Counter-Plaintiff's aforesaid marks are hereinafter referred to as the "MARKS"). Due to this lengthy use and Counter-Plaintiff's substantial investment in advertising and promotion, Counter-Plaintiff's MARKS have gained a reputation as being a source of educational and cultural services, as set forth below, among the Indo-American community and the public at large.

2. The goodwill and reputation for quality that Counter-Plaintiff has worked so hard to cultivate has been threatened by Counter-Defendant's actions. Counter-Defendant has used and continues to use the mark OVERSEAS FRIENDS OF BJP-USA (OFBJP-USA) and a logo, as shown, *inter alia*, in the banner and footer of Counter-Defendant's website homepage, at https://ofbjpus.org/, (**Exhibit B**), which are confusingly similar to Counter-Plaintiff's MARKS and logo, to advertise and promote services, substantially similar to Counter-Plaintiff's services, to the Indo-American community and the public at large. Unless Counter-Defendant is enjoined from using its mark and logo, such use will continue to cause consumer confusion and will cause irreparable harm to Counter-Plaintiff.

3. Counter-Defendant has further damaged Counter-Plaintiff by registering its mark in the U.S. Patent & Trademark Office ("USPTO") and is using this registration to assert this claim of trademark infringement of a registered trademark against Counter-Plaintiff, despite the fact that Counter-Defendant procured said registration fraudulently.

4. This action seeks injunctive relief, damages, and other appropriate relief arising from Counter-Defendant's willful acts of trademark infringement and unfair competition as well

as the cancellation of Counter-Defendant's fraudulent trademark registration.

JURISDICTION AND VENUE

5. This Counterclaim is an action for trademark infringement and unfair competition in violation of Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)). This action also seeks cancellation of a registered mark in the USPTO under Section 37 of the Lanham Act (15. U.S.C. § 1119).

6. This Court has subject matter jurisdiction over this action under 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338 because it involves substantial claims arising under the Federal Lanham Act.

7. This Court has supplemental jurisdiction and the power to cancel the registrations of marks registered by the USPTO under §37 of the Lanham Act, 15 U.S.C. §1119, in that the request for cancellation is joined with substantial and related claims under the Trademark Laws of the United States, 15 U.S.C. §§ 1051 *et seq.*

8. Venue is proper in this District pursuant to 28 U.S.C. §1391 as Counter-Defendant may be found or transacts business in this district and a substantial part of the events giving rise to Plaintiff's claims occurred and are continuing to occur in this district.

PARTIES

9. Counter-Plaintiff is a corporation incorporated on January 19, 2021, under the laws of the State of Virginia, having its principal place of business at 2465 Centreville Road, Herndon, VA 20171.

10. Counter-Plaintiff is the successor in interest to Overseas Friends of BJP-USA, a corporation incorporated on March 12, 1997, under the laws of the State of New Jersey (hereinafter the "New Jersey Corporation").

11. The New Jersey Corporation was dissolved on June 23, 2021.

12. All assets and liabilities of the New Jersey Corporation, including all of its intellectual property assets and rights, were transferred by the New Jersey Corporation to Counter-

Plaintiff, on or about January 19, 2021, but in any event, no later than upon the dissolution of the New Jersey Corporation.

13. Upon information and belief, Counter-Defendant is a non-profit corporation, incorporated on September 18, 2021, under the laws of Texas, having its principal place of business at 600 Lamesa Court, Irving, Texas 75063.

14. Upon information and belief, Counter-Defendant is qualified to do business and is doing business in the State of Texas.

STANDING OF COUNTER-PLAINTIFF

15. Counter-Plaintiff has standing to assert the allegations made herein because Counter-Defendant's actions have injured and/or are likely to injure a commercial interest in Counter-Plaintiff's MARKS in connection with the services offered by Counter-Plaintiff under the MARKS, which injury is proximately caused by Counter-Defendant's actions.

CAUSES OF ACTION

Count 1: Federal Trademark Infringement, Unfair Competition, and False Designation of Origin (15 U.S.C. § 1125(A))

16. Counter-Plaintiff hereby realleges and incorporates as if fully set forth hereto, the allegations of ¶¶ 1-15 inclusive.

17. As its first ground for relief, Counter-Plaintiff alleges federal trademark infringement and unfair competition under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

18. Since at least as early as March 12, 1997, Counter-Plaintiff's predecessor in interest, the New Jersey Corporation, adopted the MARKS in connection with a variety of cultural and educational services to foster a cordial relationship between Asian American and North American people, to project an accurate and positive image of India and promote the Bharatiya Janata Party ("BJP") in the United States, and including, setting up and supporting local and state chapters in the United States. To that end, Counter-Plaintiff organizes seminars, symposia, press conferences, public meetings, internet activities and other programs on issues pertaining to India and Indo-

American cooperation and culture. Counter-Plaintiff utilizes email and its media accounts to collect and distribute information relevant to its members and engages in fundraising activities to support its activities and objectives (These services are hereinafter referred to as "SERVICES").

19. Continuously since March 12, 1997, initially the New Jersey Corporation, Counter-Plaintiff's predecessor in interest, and subsequently Counter-Plaintiff (since the transfer of the New Jersey Corporation's intellectual property assets to Counter-Plaintiff) used the MARKS to advertise and promote the SERVICES, by, among other things, prominently displaying the MARKS on advertising and promotional materials for Counter-Plaintiff's events, and on social media. Samples of Counter-Plaintiff's usage of the MARKS is appended hereto as **Exhibit C**.

20. Counter-Plaintiff has invested substantial time, effort, and financial resources promoting its MARKS in connection with the advertisement and promotion of the SERVICES. The MARKS have become, through widespread and favorable public acceptance and recognition, an asset of substantial value as a symbol of Counter-Plaintiff, its quality services, and its goodwill. The consuming public in general, and the Indo-American community particularly, recognizes the MARKS and associates them with Counter-Plaintiff.

21. The MARKS are inherently distinctive as used in connection with Counter-Plaintiff's SERVICES.

22. The MARKS have received further recognition by Counter-Plaintiff's registration under the Foreign Agents Registration Act ("FARA"), effective August 27, 2020. The initial FARA registration was in the name of the New Jersey Corporation and, on July 6, 2021, shortly after the dissolution of the New Jersey Corporation, the FARA registration was amended to conform to Counter-Plaintiff's present corporate name.

23. Notwithstanding Counter-Plaintiff's established rights in the MARKS, upon information and belief, Counter-Defendant, on September 18, 2021, incorporated in Texas under the name Overseas Friends of the BJP-USA (OFBJP-USA), conducting business under that name.

24. Counter-Defendant adopted and used the confusingly similar mark OVERSEAS FRIENDS OF BJP-USA (OFBJP-USA) and a logo substantially identical to Counter-Plaintiff's

Logo in interstate commerce in connection with the organizing of events in the field of integral humanity for cultural and educational services, since on approximately October 1, 2021. Representative examples of Counter-Defendant's infringing usage are attached appended hereto as **Exhibit D**.

25. Counter-Defendant advertises and promotes its services to the Indo-American community and the public at large, that Counter-Plaintiff advertises and promotes its SERVICES to. It also owns the domain name ofbjpus.org and advertises and promoted its services at website at https://ofbjpus.org/, connected to that domain name. It has advertised its goods under the infringing trademarks on social media sites. The home page of the website is appended hereto as **Exhibit B**.

26. Without Counter-Plaintiff's consent, Counter-Defendant has used and continues to use the infringing OVERSEAS FRIENDS OF BJP-USA (OFBJP-USA) mark and logo in connection with the advertising and promotion of its services.

27. Upon information and belief, Counter-Defendant has engaged in its infringing activity despite having actual knowledge of Counter-Plaintiff's use of the MARKS.

28. Counter-Defendant's actions are likely to mislead the public into concluding that its services originate with or are authorized by Counter-Plaintiff, which will damage both Counter-Plaintiff and the public. Counter-Plaintiff has no control over the quality of the services advertised and promoted by Counter-Defendant and because of the source confusion caused by Counter-Defendant, Counter-Plaintiff has lost control over its valuable goodwill.

29. Upon information and belief, Counter-Defendant has advertised and promoted its services using the mark OVERSEAS FRIENDS OF BJP-USA (OFBJP-USA) and logo with the intention of misleading, deceiving, or confusing consumers as to the origin of its services and of trading on Counter-Plaintiff's reputation and goodwill. Counter-Defendant's use of its mark constitutes willful, deliberate, and intentional trademark infringement.

30. Counter-Defendant's unauthorized use of the mark OVERSEAS FRIENDS OF BJP-USA (OFBJP-USA) and logo in interstate commerce as described above constitutes trademark infringement and unfair competition under 15 U.S.C. § 1125(a) and has caused and is likely

to continue to cause consumer confusion, mistake, or deception.

31. Counter-Defendant's unauthorized advertising and promotion of its services in interstate commerce using its mark OVERSEAS FRIENDS OF BJP-USA (OFBJP-USA) and logo constitutes use of a false designation of origin or false representation that wrongfully and falsely designates Counter-Defendant's services as originating from or connected with Counter-Plaintiff in violation of 15 U.S.C. § 1125(a). The actions of Counter-Defendant as alleged herein constitute intentional, willful, knowing, and deliberate unfair competition.

32. As a direct and proximate result of Counter-Defendant's trademark infringement and acts of unfair competition, Counter-Plaintiff has suffered and will continue to suffer irreparable loss of income, profits, and goodwill and Counter-Defendant has unfairly acquired and will continue to unfairly acquire income, profits, and goodwill.

33. Counter-Defendant's trademark infringement and acts of unfair competition will cause further irreparable injury to Counter-Plaintiff if Counter-Defendant is not restrained by this Court from further violation of Plaintiff's rights. Counter-Plaintiff has no adequate remedy at law.

Count 2: Cancellation of and Damages for Federal Trademark Registration Obtained by Fraud (15 U.S.C. § 1120)

34. Counter-Plaintiff hereby realleges, as if fully set forth, the allegations of ¶¶ 1 through 33, inclusive.

35. Counter-Defendant obtained federal trademark registration, Reg. No. 7,335,039, which issued on March 26, 2024 on the principal register of the USPTO.

36. Applicants for trademark registration with the USPTO must check all of the boxes and sign the following declaration (*emphasis added*):

> Declaration
>
> [ ] Basis:
>
> If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):
>
> • The signatory believes that the applicant is the owner of the trademark/service

mark sought to be registered;

- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;

- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and

- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;

- The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and

- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

[ ] *To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.*

[ ] To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

[ ] The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

37. In Counter-Defendant's application for registration, filed on August 15, 2022, Subhopriyo Dasgupta, President of Counter-Defendant, checked all of the boxes and signed the above declaration. Counter-Defendant's application for registration of the mark OVERSEAS FRIENDS OF BJP-USA (OFBJP-USA), as filed on August 15, 2022, including the signed

declaration, is appended as **Exhibit E**.

38. In Counter-Defendant's response to an Office Action issued by the USPTO in the application, requiring the submission of substitute specimens of use, Counter-Defendant's representative, now identifying himself as Shubo Dasgupta, Co-President, reiterated the italicized statement quoted in paragraph 36 in an Affidavit, dated September 19, 2023. A copy of the Affidavit is appended as **Exhibit F**.

39. Before and on the date Counter-Defendant filed its application for registration, Counter-Plaintiff was using the marks OVERSEAS FRIENDS OF BJP and OVERSEAS FRIENDS OF BJP-USA as trademarks in interstate commerce on or in connection with the SERVICES, identified in paragraph 18.

40. Before the date Counter-Defendant filed its application for registration, declarant, Mr. Dasgupta, was a member of Counter-Plaintiff and actively participated in various activities sponsored by Counter-Plaintiff, wherein Counter-Plaintiff was using the marks OVERSEAS FRIENDS OF BJP and OVERSEAS FRIENDS OF BJP-USA as trademarks in interstate commerce on or in connection with the SERVICES.

41. Despite this actual knowledge of use of substantially identical marks in connection with services, substantially similar to the services identified in Counter-Defendant's application, Counter-Defendant's representative signed the declarations referenced in above paragraphs 36 and 38.

42. Counter-Defendant thus obtained its federal trademark registration as a result of a knowingly, material and fraudulent representation to the USPTO. Counter-Defendant's trademark registration was thus obtained in violation of 15 U.S.C. § 1120.

43. Counter-Plaintiff has been forced to defend this federal action for infringement of a registered trademark against Counter-Defendant, a party with a fraudulently procured trademark registration. Thus, Counter-Plaintiff has been injured by Counter-Defendant's misrepresentations.

44. Because Counter-Defendant fraudulently procured trademark Reg. No. 7,335,039, it is subject to cancellation by this Court pursuant to § 37 of the Lanham Act, 15 U.S.C. § 1119.

Count 3: Cancellation of Federal Trademark Registration Based on a Likelihood of Confusion (15 U.S.C. § 1199)

45. Counter-Plaintiff hereby realleges, as if fully set forth, the allegations of ¶¶ 1 through 44, inclusive.

46. Reg. No. 7,335,039 is for the mark OVERSEAS FRIENDS OF BJP-USA (OFBJP-USA), identifying the covered services as "organizing events in the field of integral humanity for cultural or educational purposes.

47. Reg. No. 7,335,039 was registered in the USPTO on March 26, 2024.

48. The registration claims October 1, 2021 as the date of first use. This is the earliest date of use Counter-Defendant can rely on.

49. Counter-Plaintiff, and/or the New Jersey Corporation, Counter-Plaintiff's predecessor in interest, has used, and continues to use, the marks OVERSEAS FRIENDS OF BJP and OVERSEAS FRIENDS OF BJP-USA as trademarks in interstate commerce on or in connection with the SERVICES identified in paragraph 18, since at least as early as March 12, 1997. Such use has not been abandoned.

50. The registered mark and the marks OVERSEAS FRIENDS OF BJP and OVERSEAS FRIENDS OF BJP-USA are substantially identical.

51. The services recited in Reg. No. 7,335,039 and the SERVICES identified in paragraph 18 are substantially identical and/or closely related.

52. By virtue of its prior use of the marks OVERSEAS FRIENDS OF BJP and OVERSEAS FRIENDS OF BJP-USA since March 12, 1997, Counter-Plaintiff has priority of use over any use that Counter-Defendant can claim in the registered mark.

53. The registered mark, so resembles Counter-Plaintiff's marks OVERSEAS FRIENDS OF BJP and OVERSEAS FRIENDS OF BJP-USA, used in connection with the SERVICES identified in paragraph 18, in interstate commerce, and not abandoned, as to be likely, when used on or in connection with the services identified in the registration, to cause confusion, or to cause mistake, or to deceive, and, as a result is subject to cancellation under § 2(d) of the

Lanham Act, 15 U.S.C. § 1052(d).

54. Counter-Plaintiff has been damaged and continues to be damaged by the registration of Reg. No. 7,335,039, as Counter-Plaintiff has been forced to defend this federal action for infringement of a registered trademark against Counter-Defendant, despite the fact that Counter-Plaintiff enjoys prior rights to the marks OVERSEAS FRIENDS OF BJP and OVERSEAS FRIENDS OF BJP-USA.

55. Because Counter-Defendant's Reg. No. 7,335,039, is subject to cancellation by this Court pursuant to 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), Counter-Plaintiff respectfully asks this Court to cancel the registration pursuant to its authority under § 37 of the Lanham Act, 15 U.S.C. § 1119.

DEMAND FOR JURY TRIAL

Counter-Plaintiff demands trial by jury on all issues so triable.

REQUEST FOR RELIEF

WHEREFORE, in consideration of the foregoing, Counter-Plaintiff respectfully requests that this Court enter an Order granting it the following relief:

A. Entering a judgment that Counter-Plaintiff's MARKS have been and continue to be infringed by Counter-Defendant in violation of 15 U.S.C. § 1125(a);

B. Entering a judgment that Counter-Defendant's use of the mark OVERSEAS FRIENDS OF BJP-USA (OFBJP-USA) and its logo constitutes federal unfair competition in violation of 15 U.S.C. § 1125(a);

C. Permanently enjoining and restraining the Counter-Defendant and each of its agents, representatives, employees, officers, attorneys, successors, assigns, affiliates, and any persons in privity or active concert or participation with any of them from using the mark OVERSEAS FRIENDS OF BJP-USA (OFBJP-USA), with or without its accompanying logo or any other designation, alone or in combination with other words or symbols, as a trademark or trade name component or otherwise, to market, advertise, distribute, or identify Counter-Defendant's services where that designation would create a likelihood of confusion, mistake or deception with Counter-Plaintiff's MARKS;

D. Pursuant to 15 U.S.C. § 1116(a), directing Counter-Defendant to file with the Court and serve on Counter-Plaintiff within thirty (30) days after issuance of an

injunction, a report in writing and under oath setting forth in detail the manner and form in which Counter-Defendant has complied with the injunction;

E. Pursuant to 15 U.S.C. § 1118, requiring that Counter-Defendant and all others acting under Counter-Defendant's authority, at their cost, be required to deliver up and destroy all devices, literature, advertising, labels, and other material in their possession bearing the infringing designation;

F. Pursuant to 15 U.S.C. § 1119, directing the Director of the USPTO to cancel Reg. No. 7,335,039 previously granted to Counter-Defendant;

G. Ordering Counter-Defendant to transfer the domain name ofbjpus.org to Counter-Plaintiff;

H. Awarding Counter-Plaintiff all damages it sustained as the result of Counter-Defendant's acts of infringement and unfair competition, said amount to be trebled, together with prejudgment interest, pursuant to 15 U.S.C. § 1117;

I. Awarding Counter-Plaintiff all damages it sustained and continues to sustain in consequence of Counter-Defendant's procurement of its registration by means of false and fraudulent representation, pursuant to 15 U.S.C. § 1120;

J. Awarding Counter-Plaintiff all profits received by Counter-Defendant from sales and revenues of any kind made as a result of its willful and intentional infringing actions, said amount to be trebled, after an accounting, pursuant to 15 U.S.C. § 1117;

K. Awarding Counter-Plaintiff its reasonable attorneys' fees and costs pursuant to 15 U.S.C. § 1117; and

L. Granting Counter-Plaintiff such other and further relief as the Court may deem just.

August 2, 2024

Respectfully submitted,

GRIFFITH BARBEE PLLC

/s/ *Casey Griffith*

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Counsel for Defendant/Counter-Plaintiff Overseas Friends of BJP, and Defendants Ramesh Annamreddy, Vasudev Patel, and Adapa V. Prasad

CERTIFICATE OF SERVICE

The undersigned certifies this document was filed electronically in compliance with Local Rule 5.1. As such, it was served on all counsel of record on August 2, 2024.

/s/ *Casey Griffith*

Casey Griffith

EXHIBIT C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

OVERSEAS FRIENDS OF BJP-USA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 3:24-CV-1570-X
	§	
RAMESH ANNAMREDDY, et al.,	§	
	§	
Defendants.	§	
	§	

SCHEDULING ORDER

The Court has considered the Parties' Joint Proposal for Contents of Scheduling and Discovery Order (Doc. 22) and it sets the following schedule for this case's disposition.[1]

1. The jury trial is scheduled on this Court's two-week docket beginning September 2, 2025 at 1:00 PM.

2. A Pretrial Conference is scheduled for August 25, 2025 at 1:00 PM.

3. Counsel shall comply with Fed. R. Civ. P. 26(a)(1) by November 4, 2024.

4. Motions for leave to join other parties shall be filed by October 25, 2024.

5. Motions for leave to amend pleadings shall be filed by October 25, 2024.

6. The party with the burden of proof on a claim shall file a designation of expert witnesses and comply with Fed. R. Civ. P. 26(a)(2) by January 2, 2025.

7. Rebuttal designation of expert witnesses and compliance with Fed. R. Civ. P. 26(a)(2) shall be made by February 3, 2025.

8. Counsel shall confer and file a joint report informing the Court of their choice of a mediator or their inability to agree upon a mediator by November 18, 2024.

[1] Unless the Court orders otherwise, the Parties must observe the Federal Rules of Civil Procedure and the local rules of this Court.

9. All discovery procedures shall be initiated in time to complete discovery by April 2, 2025.[2]

10. The parties shall mediate their case by April 16, 2025.

11. Counsel shall confer and file a joint report setting forth the status of settlement negotiations by April 23, 2025.

12. All motions for summary judgment shall be filed by April 30, 2025.[3]

13. All challenges to experts—including motions to strike or exclude expert witnesses—shall be filed by April 30, 2025.

14. The Court "heavily disfavor[s] sealing information placed in the judicial record" and discourages such requests.[4] The parties may agree between themselves to designate documents "confidential" during discovery. The typical standard there involves the parties assessing whether they want that material in the public domain. But filing that material with the Court under seal is a different matter altogether. Court proceedings are, by and large, public matters (and rightfully so given that tax dollars fund the courts and we have this wonderful protection called the First Amendment).[5]

A party seeking to file a specific document under seal[6] must move for leave to

---

[2] The parties generally may agree to extend this discovery deadline, provided that the extension does not affect any subsequent deadlines and the parties notify the Court in writing. The Court retains the right to reject an agreed extension.

[3] Counsel should review carefully Local Rule 56.2(b), which limits to one the number of summary judgment motions that a party may file "[u]nless otherwise directed by the presiding judge, or permitted by law."

[4] *June Med. Servs., L.L.C. v. Phillips*, 22 F.4th 512, 519–20 (5th Cir. 2022).

[5] "The public's right of access to judicial records is a fundamental element of the rule of law. . . . Article III courts are independent, and it is particularly *because* they are independent that the access presumption is so vital—it gives the federal judiciary a measure of accountability, in turn giving the public confidence in the administration of justice." *Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 417 (5th Cir. 2021) (cleaned up). "The rationale for public access is even greater" in cases that "involve matters of particularly public interest." *June Med. Servs.*, 22 F.4th at 520 (cleaned up); *see also SEC v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir. 1993) ("Public access [to judicial records] serves to promote trustworthiness of the judicial process, to curb judicial abuses, and to provide the public with a more complete understanding of the judicial system, including a better perception of its fairness." (quoting *Littlejohn v. BIC Corp.*, 851 F.2d 673, 682 (3d Cir. 1998))); *Brown & Williamson Tobacco Corp. v. F.T.C.*, 710 F.2d 1165, 1177 (6th Cir. 1983) (the First Amendment and the common law limit the court's discretion to seal records).

[6] Parties should not seek to file under seal any information that is already publicly available. *June Med. Servs.*, 22 F.4th at 520 ("We require information that would normally be private to become

do so and: (1) identify precisely what information (pages, lines, etc.) the party wants sealed; (2) conduct a line-by-line, page-by-page analysis[7] explaining and briefing why the risks of disclosure outweigh the public's right to know; and (3) explain why no other viable alternative to sealing exists.[8] Further, all facts recited in any such motion must be verified by the oath or declaration of a person or persons with personal knowledge, which will assist the Court in making fact findings that can withstand appellate scrutiny.[9]

The Court recognizes that typically the party seeking to seal documents may not possess personal knowledge of the facts to be included in a motion for leave to file under seal. In these instances, the parties should either prepare joint motions for leave to file documents under seal (and the party with personal knowledge verifies the facts in the section on justification) or the parties should make separate filings.

15. Counsel shall file by August 18, 2025 a Joint Pretrial Order containing the information required by Local Rule 16.4 plus the following:

a. A list of witnesses who may be called by each party in its case in chief. Each such witness list shall contain a narrative summary of the testimony to be elicited from each witness, shall state whether the witness has been deposed, and whether the witness's testimony at trial is "probable," "possible," "expert," or "record custodian." A copy of this

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public by entering the judicial record. How perverse it would be to say that what was once public must become private—simply because it was placed in the courts that belong to the public. We will abide no such absurdity." (cleaned up)).

[7] *Trans Tool, LLC v. All State Gear Inc.*, No. SA-19-CV-1304-JKP, 2022 WL 608945, at *6 (W.D. Tex. Mar. 1, 2022) ("[I]t is certainly within a court's discretion to summarily deny a request to seal when it is apparent that the submitter has not conducted its own document-by-document, line-by-line review.").

[8] *Planned Parenthood of Greater Tex. Family Planning & Preventative Health Servs., Inc. v. Kaufman*, No. 17-50534, Doc. 00514098372, at 2 (5th Cir. Aug. 1, 2017) ("This court disfavors the sealing of briefs or portions of the record where the parties on appeal have not articulated a legal basis for the sealing."). The Fifth Circuit has "repeatedly required parties to justify keeping materials under seal." *Id.*; *see, e.g.*, *Claimant ID 100236236 v. BP Expl. & Prod'n, Inc.*, No. 16-30521 (5th Cir. Jan. 31, 2017) (requesting letter briefs *sua sponte* as to whether appeal should remain under seal and entering order unsealing appeal); *United States v. Quintanilla*, No.16-50677 (5th Cir. Nov. 16, 2016) (order authorizing briefs and record excerpts to be filed under seal on condition that the parties filed redacted briefs and record excerpts on the public docket). Also, the parties should note that a showing that disclosure of the information sought to be sealed would harm a party's reputation or its business is not sufficient to overcome the strong common law presumption in favor of public access. *Brown*, 710 F.2d at 1179.

[9] *See United States v. Edwards*, 823 F.2d 111, 119 (5th Cir. 1987) (if closure of a presumptively open proceeding is to withstand a First Amendment challenge, the court must make specific fact findings that substantial probability exists that an interest of a higher value will be prejudiced and that no reasonable alternatives will adequately protect that interest).

list must be furnished to the court reporter prior to trial;

b. A ***joint*** proposed jury charge. The parties must submit the proposed charge to the Court in Word format. The parties must annotate the joint proposed charge, explaining any objections and including citations to pattern jury instructions or caselaw.
c. Proposed interrogatories
d. The status of settlement negotiations as of the date of the Pretrial Order;
e. Each party's proposed *voir dire* questions if the matter is a jury trial. The Court will allow attorneys an allotted time to conduct questioning at *voir dire* so long as the questions are approved in advance by the Court. The Court reserves the right to conduct further questioning at the conclusion of attorney questioning; and
f. Trial briefs may be filed with the Pretrial Order but are not required unless specifically requested by the Court.

16. Regarding exhibit lists, exhibits, witness lists, and deposition designations, the parties shall comply with Local Rule 26.2 by August 18, 2025. This includes providing copies of your trial exhibits to the Court on a USB flash drive or by email at Starr_Orders@txnd.uscourts.gov.[10] Deposition designations should be made for only those witnesses who qualify as "unavailable" for trial under Federal Rule of Civil Procedure 32(a)(4). The parties should brief the Court on why a given witness counts as unavailable under Rule 32. Deposition designations should *not* be made for witnesses who will testify live.

17. Motions in limine shall be filed by August 18, 2025. The parties must file responses to the motions in limine by August 21, 2025.

18. Objections to witnesses (except expert witnesses), exhibits, and deposition designations shall be filed by August 21, 2025. Counsel must confer about exhibits and make reasonable efforts to agree upon admissibility.

19. Objections to the interrogatories shall be filed by August 21, 2025.

20. The parties must confer and file, by August 21, 2025 at 5:00 PM, a joint status report on pretrial objections to exhibits, witnesses (except expert witnesses), and deposition designations.

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[10] The Court will not accept original exhibits prior to trial. Original exhibits are retained by counsel and are admitted into the official record during trial. It is counsel's duty to care for the original exhibits before and after trial. At the end of trial, the Court will return the original exhibits to counsel and counsel will sign a Receipt of Exhibits. The Court will file the Receipt of Exhibits with the District Clerk. It is counsel's responsibility to forward any exhibits to the Court of Appeals should the case be appealed. All questions regarding exhibits are to be directed to the court reporter.

I. Exhibits, Depositions, and Witnesses

The Court expects that the parties will reach agreements resolving those evidentiary issues that are governed by well-settled and clearly established law. The report should then list the objections that the parties maintain. Objections must be explained in writing, similar to what would occur in a sidebar conference. Merely citing to a rule number is not sufficient.

a. Exhibits: Counsel must confer about exhibits and make reasonable efforts to agree upon admissibility. The Court will only admit into evidence exhibits the parties offer at trial.[11] For each exhibit objected to, the report shall list the exhibit number, a concise, non-argumentative description of the exhibit, the concise written basis for the objection with a citation to relevant authority, and a concise written response to the objection with a citation to the relevant authority.

b. Depositions: For each witness the plaintiff will present by deposition (*i.e.* not a live witness), counsel must designate excerpts by page and line. The plaintiff must include an opposing party's counter-designations, chronologically interspersed throughout a single, joint designation form for each witness. Each designated excerpt should note the party making the designation, whether there is an objection, the concise written basis for the objection with a citation to relevant authority, and a concise written response to the objection with a citation to relevant authority. The defendant must complete the same process for witnesses to be presented by deposition in the defendant's case-in-chief only. The parties must attach the full deposition at issue for each witness.

c. Witnesses: The report shall include a concise, non-argumentative statement summarizing the witness and his/her connection to the facts. The party making an objection to the witness's testimony must then make a concise explanation of the objection with a citation to relevant authority. The party presenting the witness must then make a concise response to the objection with a citation to relevant authority. The Court highly disfavors arguments about excluding the entirety of fact witness testimony.

The status report should organize the objections in table format, according to the

[11] This does not mean the parties cannot bring into evidence a document not admitted in conjunction with a witness. The parties may agree to the admissibility of certain exhibits that are never discussed with a witness and ask the Court to admit them into evidence at the close of that party's case and be sent with the jury for deliberation. Or evidence brought in through a proper records custodian by affidavit may qualify to go back to the jury room. But the Court is not inclined to admit into evidence *en masse* exhibits only tangentially connected to the case actually presented to the jury.

examples below:

Exhibit Number	Concise non-argumentative description of Exhibit	Objection with concise explanation and authority.	Response with concise explanation and authority.

Deposition Designation with Page and Line Numbers	Counter-designation (if applicable) with Page and Line Numbers	Excerpt Objected to with Page and Line Numbers	Objection with concise explanation and authority.	Response with concise explanation and authority.

Witness	Concise non-argumentative summary of witness and connection to facts	Concise non-argumentative identification of what aspect of the Witness's testimony is objected to	Objection with concise explanation and authority.	Response with concise explanation and authority.

21. The Court will view with disfavor and will deny—absent a showing of good cause—requests for extensions of these deadlines.

22. At the pretrial conference, the Court will determine the order in which the cases on its two-week docket will be tried. Counsel and the Parties shall be ready for trial on 48-hours' notice at any time during the docket period.

IT IS SO ORDERED this 4th day of October, 2024.

BRANTLEY STARR
UNITED STATES DISTRICT JUDGE