

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case Number:

CARTIER, A Division of RICHEMONT
NORTH AMERICA, INC. and
CARTIER INTERNATIONAL, B.V.,

Plaintiffs,

v.

BIJOUX TERNER, INC. and
SOLOMON TERNER,

Defendants.

COMPLAINT

1. This Court has subject matter jurisdiction over the claims in this action relating to design patent, copyright, trademark and trade dress infringement and false designations of origin and false descriptions pursuant to 15 U.S.C. § 1121, 35 U.S.C. § 271 and 28 U.S.C. §§ 1331, 1338(a).
2. This Court has supplemental jurisdiction over the claims in this Complaint arising under state statutory and common law pursuant to 28 U.S.C. § 1367(a), because the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts, and pursuant to 28 U.S.C. § 1338(b).
3. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b).

THE PARTIES

4. Plaintiff, Cartier, a division of Richemont North America, Inc., is a Delaware corporation, having its executive offices and place of business at 653 Fifth Avenue, New York, New York 10022 ("Cartier NA").

5. Plaintiff, Cartier International, B.V., is a Netherlands corporation, having its principal office and place of business at Herengracht 436 B.P., 3980, Amsterdam, Netherlands ("Cartier International"). For purposes of this Complaint, except where specified, the plaintiffs' interests herein are as a practical matter identical and they are referred to collectively and interchangeably as "Cartier."

6. Upon information and belief, defendant Bijoux Turner, Inc., is a corporation, having its principal office and place of business at 6950 N.W. 77th Court, Miami, Florida 33166 ("Bijoux Turner").

7. Upon information and belief, defendant Solomon Turner is an individual who is an officer or other managing agent of Bijoux Turner, having an office and place of business at Bijoux Turner, Inc., 6950 N.W. 77th Court, Miami, Florida 33166 and is, upon information and belief, a conscious, dominant and active force behind the wrongful acts of Bijoux Turner which he has committed for the benefit of Bijoux Turner and for his own individual gain and benefit. Defendant Solomon Turner is transacting and doing business in this judicial district and is subject to the personal jurisdiction of this Court.

8. Defendants Bijoux Turner and Solomon Turner are collectively referenced herein as "Defendants."

FACTS COMMON TO ALL COUNTS

The CARTIER Brand and Businesses

9. Plaintiffs' origins date to over 150 years ago, when master jeweler Louis Francois Cartier established his jewelry concern in the heart of Paris, and established the CARTIER brand.

10. Cartier created the first women's wristwatch in 1888, and in 1904 the first wristwatch to utilize a leather strap.

11. Over the last century and a half, Cartier's leadership in the field of fine jewelry and watch design has caused the Cartier brand to be regarded as the preeminent global symbol of cosmopolitan fashion and prosperity.

12. For decades, Cartier NA has operated an internationally famous retail store at Fifth Avenue and 52nd Street in New York City. Cartier NA also operates retail shops in many of America's major cities and licenses distributors to sell world-acclaimed Cartier watches and jewelry throughout the United States in fine stores.

13. Cartier International is the owner of trademarks and patents for watches and jewelry sold by Cartier NA or under its auspices, pursuant to licenses from Cartier International to Cartier NA.

14. Cartier NA is the exclusive United States trademark and patent licensee of Cartier International.

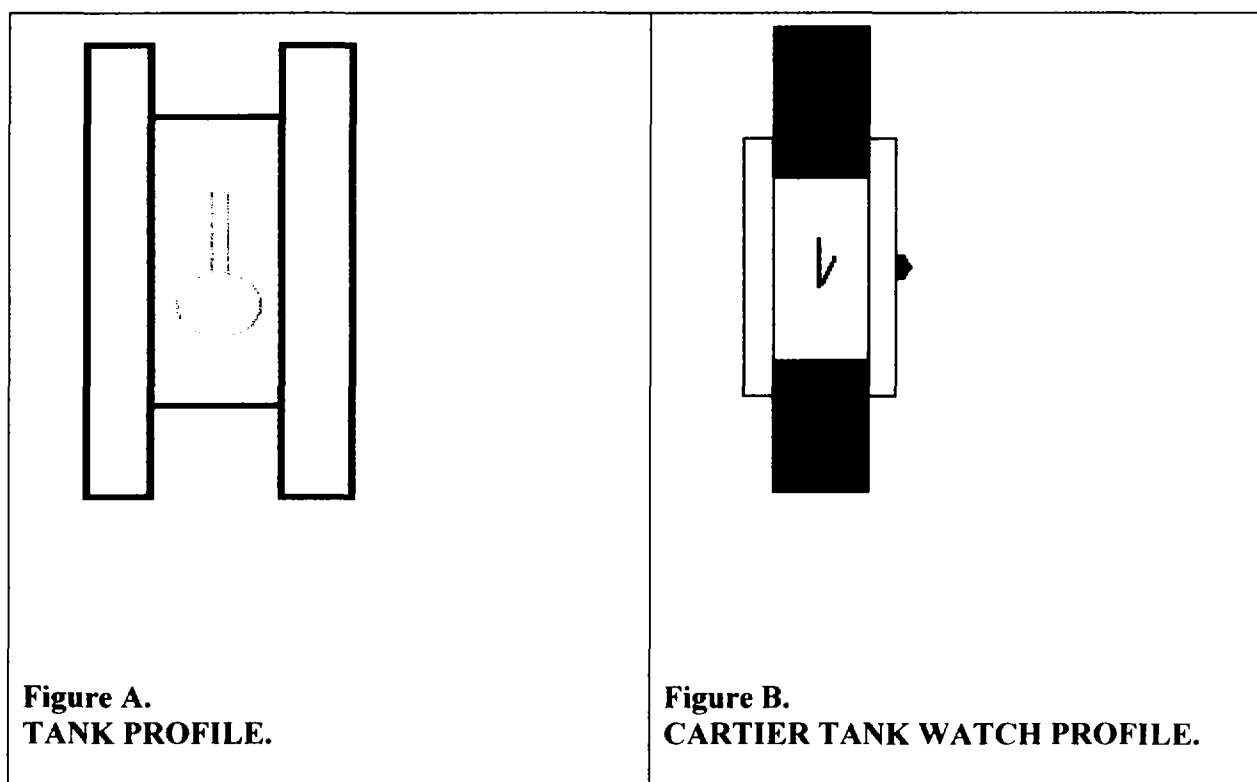
15. No defendant in this action has sought or received a license from Cartier NA or Cartier International for any purpose whatsoever.

16. The watches and jewelry produced pursuant to the foregoing arrangements are variously referred to herein as "Cartier" watches.

THE CARTIER INTELLECTUAL PROPERTY

The Cartier TANK Watch

17. Cartier launched the TANK watch in 1919, shortly after the end of the First World War. The design of the TANK watch's case was inspired by a schematic conception of the chassis and treads of a World War I TANK as seen from above, as illustrated in figures A and B, below:



The Cartier TANK FRANCAISE Trade Dress

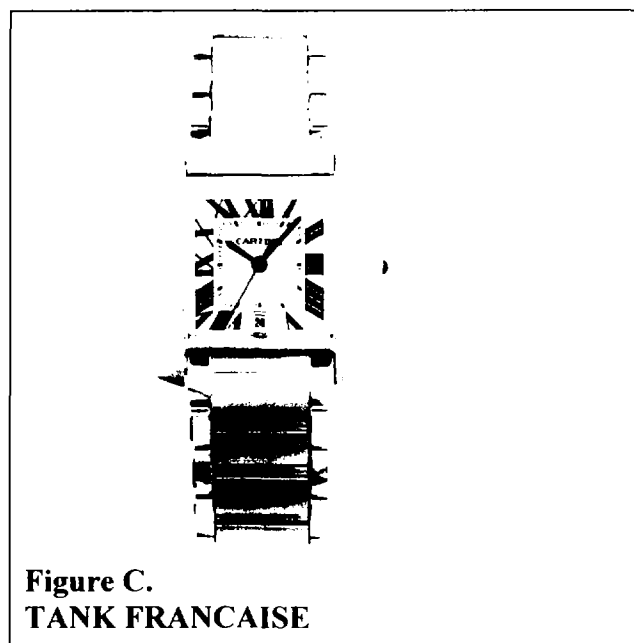
18. The trade dress of the Cartier Francaise variation of the Cartier TANK watch consists of a collocation of design elements. The combination of all or almost all such elements together give the watches a distinct overall look and commercial impression. Although these elements

cannot be perfectly described in words, the following describes the elements of the TANK FRANCAISE Trade Dress:

- a) The watch face is square. The portion of the case, which frames the watch face, consists of relatively thin horizontal frames and relatively thick concave vertical frames (or brancards), both formed of the case metal. At each corner the vertical brancards are elongated beyond the bottom and top of the watch case, and end in inwardly angled corners. The vertical brancards are beveled along their entire length such that they slope downward laterally from the inside to the outside. (The vertical brancards may or may not be decorated with jewels.)
- b) The elongated brancard corners frame the end links in the bracelet chain or the end of the watch strap, as the case may be.
- c) The watch face features Art Deco-style Roman numerals. Each numeral inclines to conform to the angle-direction of the watch hands at such time as the hands are juxtaposed to that numeral.
- d) The winding crown is a faceted octagon set with a “cabochon” (rounded) stone. (Cabochon refers to the fact that the stone’s side is rounded and not faceted. At the tip the stone may be rounded or pointed.)
- e) The watch face has a chapter ring or minute guide located between the center of the dial and the numerals.
- f) On models including a metal chain bracelet, the bracelet has the following distinctive design: the bracelet consists of alternating H-shaped and rectangular links. The end portions of the H-shaped links mimic the beveled upper and lower corners of the vertical brancards.

g) The links may or may not be decorated with jewels.

19. Figure C (right) is a photograph of the
“TANK FRANCAISE.”



20. The collocation of features set forth in the above paragraph constitute a distinctive trade dress that has secondary meaning. This design has been extensively promoted by Cartier in the United States and has achieved significant sales success. The public has come to recognize this design as distinctive of this line of Cartier watches and as an indication of source of such watches. The TANK FRANCAISE Trade Dress is thus a means by which Cartier is known to the public and the trade as the sole source and origin of Cartier TANK FRANCAISE watches.

The TANK FRANCAISE Trademark Registration

21. Cartier International owns U.S. Trademark Registration No. 2,322,769 for the French TANK (TANK FRANCAISE) case design, issued on February 29, 2000. (The “TANK FRANCAISE Registration”). Such registration is valid and subsisting.

The TANK FRANCAISE Design Patent

22. On December 30, 1997, U.S. Design Patent Serial No. 388,332 (the “‘332 Patent”) for the design of the Tank Francaise watch and bracelet, duly and legally issued in the name of the inventor(s) listed thereon, and such patent is valid and subsisting.

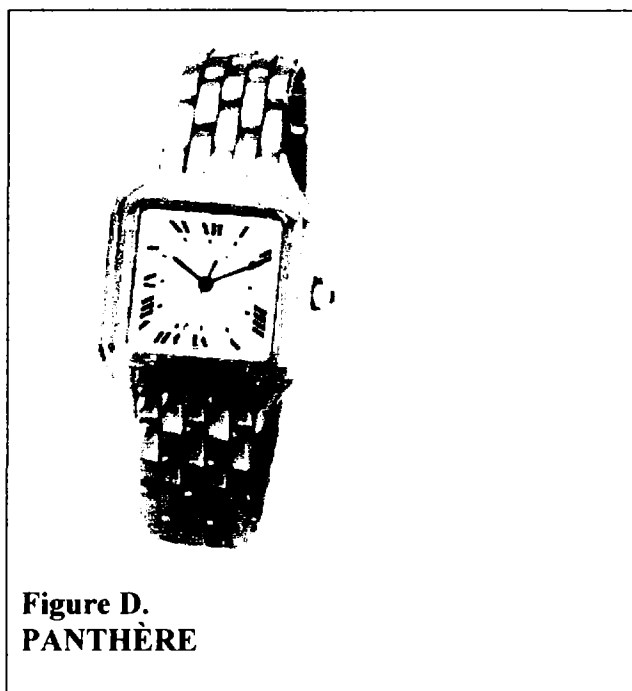
23. All rights to the ‘332 Patent were assigned to Cartier International, which is the current owner of that patent. Cartier NA is the exclusive licensee of such rights in the United States.

The Cartier PANTHÈRE Watch

24. “Panthère” is the French word for “panther.” The panther has historically been regarded as a symbol of the jewelry trade.

25. Cartier introduced the PANTHÈRE watch in 1983.

26. Figure D (right) is a photograph of a Cartier “PANTHÈRE” watch.



The PANTHÈRE Trade Dress

27. Cartier’s PANTHÈRE Watches feature a distinctive and unique combination of elements that collectively create a particular trade dress (the “PANTHÈRE Trade Dress”). The PANTHÈRE Trade Dress consists of a collocation of design elements. The combination of all

or almost all such elements together give the watches a distinct overall look and commercial impression. Although these elements cannot be perfectly described in words, the following describes the elements of the PANTHERE Trade Dress:

- a) The watch face is square with rounded corners and surrounded by a square-shaped, one-piece metal frame or bezel, having rounded corners, and featuring eight screw tips set around the bezel at 1, 2, 4, 5, 7, 8, 10 and 11 o'clock.
- b) The watch case extends such that an outer metal frame composed of four segments surrounds the bezel. Two segments of the outer frame, which are horizontal relative to the case, are rectangular and extend to where the inner bezel begins to round off at each corner. The two pieces of the outer frame which are vertical relative to the case extend horizontally around the rounded corner of the bezel and then vertically away from the case at each corner, extending past the horizontal, rectangular piece, narrowing in width and ending in a rounded end. The ends of the vertical pieces frame the end links in the bracelet chain or the end of the watch strap, as the case may be. (Both the inner and outer frames may or may not be decorated with jewels.)
- c) The winding crown is a faceted octagon set with a "cabochon" (rounded) stone.
- d) The watch face features Art Deco-style Roman numerals. Each numeral inclines to conform to the angle-direction of the watch hands at such time as the hands are juxtaposed to that numeral.
- e) The watch face has a "chemin-de-fer" (railroad) chapter ring or minute guide located between the center of the dial and the numerals, with every fifth minute indication being thicker and bolder.

f) The watch band consists of a five rows of interlocking rectangular metal links, the rectangles being approximately three-and-a-half times as long as wide, with the wider side being laid out vertically relative to the watch face. The rows are laid out staggered, such that the first, third and fifth rows are staggered one-half a rectangle length to the second and fourth rows.

28. The collocation of features set forth in the above paragraph constitute a distinctive trade dress that has secondary meaning. This design has been extensively promoted by Cartier in the United States and has achieved significant sales success. The public has come to recognize this design as distinctive of this line of Cartier watches and as an indication of source of such watches. The PANTHERE Trade Dress is thus a means by which Cartier is known to the public and the trade as the sole source and origin of Cartier PANTHERE watches.

The Cartier ROADSTER Watch

29. Cartier launched the Roadster Watch in 2001. Designed for the new century, its design was inspired by features of classic "Roadster" automobiles of an earlier era.

The Cartier ROADSTER Trade Dress

30. The trade dress of the Cartier Roadster watch consists of a collocation of design elements. The combination of all or almost all such elements together give the watches a distinct overall look and commercial impression. Although these elements cannot be perfectly described in words, the following describes the elements of the Roadster Trade Dress:

- a) The watch face and surrounding metal bezel are barrel (tortue) shaped.
- b) The case portions which frame the face and bezel include curved vertical frames formed of the case metal. At each corner the vertical frames are elongated beyond the

bottom and top of the case, curving inwardly towards the watch band or strap. The four frame corners bear an inset depression covered by a decorative slotted screw head.

c) The elongated frame corners partially frame the end links of the bracelet chain or the watch strap ends, as the case may be.

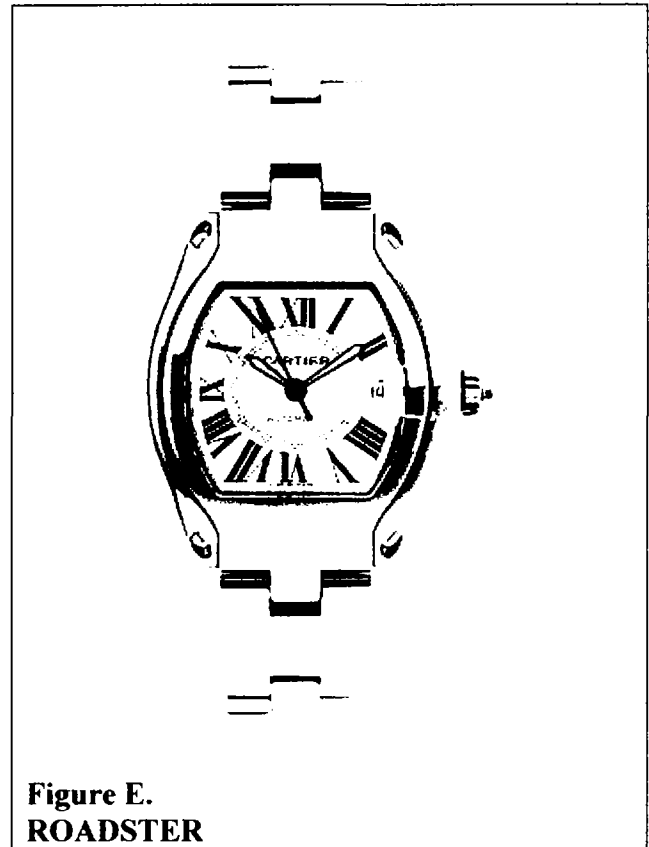
d) The winding crown is hub-cap shaped having a dome-shaped metal center.

e) The watch crystal has a tapered magnifier or bubble over the date window (*i.e.*, at 3 o'clock). The tapered shape of the bubble continues on the watch case as a metal protrusion on the bezel and frame, ending in the crown.

f) For those watches including a bracelet, the bracelet consists of three vertical columns of metal plate links, with the center links being staggered relative to the outside links, and the outside links being of decreasing length as one moves away from the watch case.

g) The watch face has two-levels, with an outer level having concentric lines or circles about the center of the face.

31. Figure E (right) is a photograph of the “ROADSTER.”



32. The collocation of features set forth in the above paragraph constitute a distinctive trade dress that has secondary meaning or “acquired distinctiveness” and is in no way functional. This design has been extensively promoted by Cartier in the United States and has achieved significant sales success. The public has come to recognize this design as distinctive of this line of Cartier watches and as an indication of source of such watches. The ROADSTER Trade Dress is thus a means by which Cartier is known to the public and the trade as the sole source and origin of Cartier ROADSTER watches.

The ROADSTER Design Patents

33. The following design patents for various aspects of the Roadster Watch design duly and legally issued in the name of the inventor(s) listed thereon, and such patents are valid and subsisting:

US PATENT NO.	SHORT NAME	ISSUE DATE
D453,689	'689 Patent	February 19, 2002
D462,908	'908 Patent	September 17, 2002
D463,748	'748 Patent	October 1, 2002
D473,810	'810 Patent	April 29, 2003

The above four patents are collectively referenced herein as the "Roadster Design Patents."

34. All rights to the Roadster Design Patents were assigned to Cartier International, which is the current owner of such patents. Cartier NA is the exclusive licensee of such rights in the United States.

Copyrights in the Tank Francaise, Panthere And Roadster Watch Designs

35. The Tank Francaise, Panthere and Roadster watch designs were each designed by a designer or designers who are employees of Cartier or their corporate affiliates. All designs created by such designers and all copyrights therein are the property of Cartier International and licensed to Cartier NA.

36. The designs of the Tank Francaise, Panthere and Roadster are each original and creative works of Cartier and its team of designers, and such designs are validly protected by copyright.

37. The Tank Francaise, Panthere and Roadster were each first offered for sale in outside the United States and do not otherwise qualify as "U.S. Work[s]" within the meaning of 17 U.S.C. §§ 101 and 411(a). Accordingly, no registration is required to maintain this action.

The Goodwill and Fame of the Products, Marks and Designs

38. Cartier has extensively advertised and promoted the trademarks, trade dress and watch designs set forth above.

39. As set forth above, Cartier has also been an important innovator in watch and jewelry fashion and design.

40. Cartier takes particularly great care and applies the highest level of professional skill in the design and manufacture of its watches and jewelry.

41. Cartier has invested millions of dollars over the years in marketing, promoting and advertising the fine quality of its jewelry and watches, including the trademarks, trade dress and designs set forth above.

42. As a result of all the foregoing, Cartier has established a worldwide reputation for the uniform high quality of Cartier watches and jewelry sold under or in connection with the trademarks, trade dress, and designs set forth above. As a result, these watches and designs

have acquired outstanding renown and invaluable goodwill in the United States and around the world.

Defendants' Wrongful Acts

43. Long after Plaintiffs' adoption of the watch designs and trade dress set forth above, and long after Plaintiffs obtained the federal trademark registration and design patents listed above, Defendants, without Plaintiffs' authorization, intentionally and knowingly have and continue to manufacture or cause others to manufacture, and/or sell or offer for sale, one or more imitations of Plaintiffs' watch designs and trade dress designs identified above. Specifically, Defendants have advertised, distributed, offered for sale and sold watches incorporating the TANK FRANCAISE, PANTHERE and ROADSTER designs identified above.

44. Upon information and belief, the activities of Defendants complained of herein constitute willful and intentional infringement of Cartier's design patents, trade dress and copyrights identified herein, are in total disregard of Plaintiffs rights, and were commenced and have continued in spite of Defendants' knowledge that the use of Cartier's watch design copies or colorable imitations thereof was and is in direct contravention of Cartier's rights.

45. Upon information and belief, the watches manufactured by or on behalf of Defendants are of inferior quality to genuine watches of Plaintiffs.

46. No Defendant herein has obtained any license or authorization from any of the Plaintiffs for any purpose whatsoever.

COUNT I

TRADE DRESS INFRINGEMENT

47. Plaintiffs repeat and incorporate herein by reference each of the foregoing allegations.

48. Defendants have reproduced, copied and imitated the TANK FRANCAISE, PANTHERE and ROADSTER Trade Dress, in designing certain of their watches in a manner that is confusingly similar to these distinctive trade dresses of Cartier.

49. Defendants' adoption and use of such trade dress, constitutes trade dress infringement and deliberate and willful violations of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125 (a).

50. Defendants' actions constitute trade dress infringement and unfair competition in violation of common law.

51. Defendants' actions constitute a violation of the Florida Deceptive and Unfair Trade Practices Act, Fla. St. § 501.204.

52. The actions and conduct of defendants complained of herein have damaged Cartier and will, unless restrained, further impair, if not destroy, the value of the trade dress designs at issue and the goodwill associated with them.

53. Defendants' trade dress infringement has caused Cartier to sustain monetary damage, loss and injury, in an amount to be determined at the time of trial.

54. Defendant's trade dress infringement, unless enjoined by this Court, will continue to cause Cartier to sustain irreparable damage, loss and injury, for which Cartier has no adequate remedy at law.

COUNT II

DESIGN PATENT INFRINGEMENT

55. Plaintiffs repeat and incorporate herein by reference each of the foregoing allegations.

56. Upon information and belief, Defendants have been and are infringing one or more of the patents identified above under 35 U.S.C. §271(a) by making, using, offering for sale or selling, without license or authority from Cartier, in this District and elsewhere in the United

States, watches bearing an ornamental design that embodies the invention claimed in one or more of the patents identified above.

57. Defendants' infringing watches, are so substantially similar to the designs protected by the patents identified herein that, in the eyes of the ordinary purchaser, giving such attention as a purchaser usually gives, such resemblance would induce such a purchaser to purchase Defendants' watches supposing them to be a Cartier watch of imitated model.

58. Defendants' infringing designs appropriate the point of novelty in Cartier's patented designs.

59. Upon information and belief, Defendants will continue to infringe the patents herein unless enjoined by the Court.

60. Defendants have had actual or constructive knowledge of the patents herein, and their prior and continuing infringement thereof was and continues to be willful and deliberate.

61. Cartier has been damaged by Defendants' infringement of the patents herein, and will continue to be damaged by that infringement, unless Defendants' infringement is enjoined by this Court.

62. Cartier is suffering irreparable harm from Defendants' acts of patent infringement and has no adequate remedy at law.

COUNT II

COPYRIGHT INFRINGEMENT

63. Plaintiffs repeat and reincorporate herein by reference each of the foregoing allegations.

64. Defendants have infringed upon Plaintiffs copyrights in the watch designs identified herein by reproducing such designs without authorization and distributing copies thereof by sale and other means.

65. Defendants' copyright infringement has caused Plaintiffs to sustain monetary damage, loss and injury, in an amount to be determined at the time of trial.

66. Defendants' copyright infringement, unless enjoined by this Court, will continue to cause Plaintiffs to sustain irreparable damage, loss and injury, for which Plaintiffs have no adequate remedy at law.

WHEREFORE, Plaintiffs pray:

1. That Defendants, their officers, agents, servants, employees and attorneys, and those in active concert or participation with them or any of them, be permanently enjoined and restrained:

(a) from using in any manner any of the trade dress designs identified herein, alone or in combination with any other words or designs, in manner likely to cause confusion, deception, or mistake on or in connection with advertising, offering for sale or sale of any goods not manufactured by Cartier, or not authorized by Cartier to be sold in connection with their respective said marks;

(b) From representing, suggesting in any fashion to any third party, or performing any act which may give rise to the belief that Defendants, or any of their goods, are authorized or sponsored by Cartier;

(c) From passing off, inducing or enabling others to sell or pass off any goods as products produced by plaintiffs which are not in fact genuine Cartier goods, or not produced under the control and supervision of Cartier and approved by Cartier;

(d) From further infringing any of the patents or copyrights identified herein.

2. That Defendants be required to deliver up to Plaintiffs for destruction, any and all goods in their possession or under their control that embody or that were or are being advertised,

promoted, offered for sale or sold in connection with any of the trade dress designs or watch designs identified herein, whether alone or in combination with any words or designs.

3. That Defendants be required to deliver up to Plaintiffs for destruction, any and all catalogs, circulars and other printed material in their possession or under their control displaying or promoting the goods which embody or which were or are being advertising, promoted, offered for sale or sold in connection with any of the trade dress or watch designs identified herein, whether alone or in combination with any words or designs.

4. That Defendants be required to supply Plaintiffs with a complete list of entities or individuals to whom they have offered for sale the goods which embody or which were or are being advertising, promoted, offered for sale or sold in connection with any of the trade dress designs or watch designs identified herein, whether alone or in combination with any words or designs, and be required to contact such entities, inform them that such items in Defendants' catalog are no longer for sale and may no longer be offered for sale, and providing them with the means of blacking out the offerings of infringing goods in such catalogs or other advertising materials.

5. That Defendants be ordered pursuant to 15 U.S.C. § 1116(a) to file, with the Court and serve upon Plaintiffs, within thirty (30) days of the entry of injunction prayed for herein, a written report under oath or affirmed under penalty of perjury setting forth in detail the form and manner in which it has complied with permanent injunction.

6. That Defendants be required, pursuant to 15 U.S.C. § 1117, 17 U.S.C. § 504, 35 U.S.C. § 284 and 35 U.S.C. § 289 to account to Plaintiffs for any and all profits derived by them, and for all damages sustained by plaintiffs by reason of Defendants' actions complained of herein, including an award of treble damages as provided for statute.

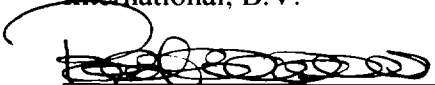
7. That the award of damages be trebled as provided for by 15 U.S.C. § 1117 and 35 U.S.C. § 284 for willful infringement.
8. That Plaintiffs be awarded punitive damages.
9. That Plaintiffs be awarded both pre-judgment and post-judgment interest on each and every damage award.
10. That pursuant to 15 U.S.C. § 1117, and Fla. St. 501.2105, Plaintiffs have and recover from Defendants, Plaintiffs' reasonable attorneys' fees, costs and disbursements of this civil action.
11. That Plaintiffs have such other and further relief as the Court may deem just and proper.

Dated: May 25, 2006
Coral Gables, Florida

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Tal S. Benschar, Esquire
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Attorneys for Plaintiffs Cartier,
A Division of Richemont North
America, Inc.; and Cartier
International, B.V.


Robert W. Wells, Esquire

JS 44 (Rev. 11/05)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS

CARTIER, A Division of RICHEMONT NORTH AMERICA, INC.
and CARTIER INTERNATIONAL, B.V.

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

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

Robert W. Wells, Attorney at Law, 1320 S. Dixie Hwy., Ste 811, Coral
Gables, FL 33146 (305) 669-8989

DEFENDANTS

BIJOUX TERNER, INC. and SOLOMON TERNER

County of Residence of First Listed Defendant Miami-Dade, Florida
(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

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

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

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

III. CITIZENSHIP OF PRINCIPAL PARTIES (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 type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

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

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Re-filed (see VI below) ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

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

a) Re-filed Case ☐ YES ☐ NO

b) Related Cases ☐ YES ☐ NO

(See instructions second page)

JUDGE

DOCKET NUMBER

VII. CAUSE OF ACTION

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

15 USC 1125; 35 USC 271; Patent, trademark and copyright infringement by defendants

LENGTH OF TRIAL via 3 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

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

SIGNATURE OF ATTORNEY OF RECORD

DATE

FOR OFFICE USE ONLY

AMOUNT 940923 RECEIPT # 350 IFP