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Attorneys for Plaintiff
PANINI AMERICA, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

PANINI AMERICA, INC., a Delaware corporation,)

CASE NO. 3:19-cv-3800

Plaintiff,)

COMPLAINT FOR:

vs.)

(1) TRADEMARK INFRINGEMENT

(2) VIOLATION OF THE LANHAM ACT

KOLLECTORSVAULT, LLC, a limited liability)
company, and DOES 1 through 10, inclusive,)

**(3) VIOLATION OF CALIFORNIA
BUS. & PROF. CODE §§ 17200 ET
SEQ. AND 17500 ET SEQ.**

Defendants.)

**(4) VIOLATION OF CALIFORNIA
COMMON LAW UNFAIR
COMPETITION**

(5) UNJUST ENRICHMENT

(6) INJUNCTIVE RELIEF

JURY TRIAL DEMANDED

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1 Plaintiff Panini America, Inc. (“Panini”) files this Complaint against Defendant
2 Kollektorsvault, LLC (“Defendant”).

3 **NATURE OF CLAIM**

4 1. This is a civil action arising under the laws of the United States, specifically under 15
5 U.S.C. § 1051 *et seq.* for trademark infringement seeking damages and injunctive relief.

6 **PARTIES**

7 2. Plaintiff Panini is a corporation organized and existing under the laws of the State of
8 Delaware with its principal place of business at 5325 FAA Blvd., Suite 100, Irving, Texas 75061.
9 Panini is an industry leader in the design, creation and marketing of sports memorabilia, including
10 trading cards and holds license agreements with the major professional sports leagues and players’
11 associations.

12 3. On information and belief, Defendant Kollektorsvault is a limited liability company
13 with its principal place of business in Burlingame, California. Kollektorsvault’s member information
14 for its account on eBay, Inc. is Koll Vault, P.O. Box 373, Burlingame, California 94011-0373.
15 Kollektorsvault markets its products online throughout the United States, including the State of
16 California and this District.

17 **JURISDICTION AND VENUE**

18 4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§
19 1331 and 1338(a).

20 5. On information and belief, Kollektorsvault is subject to personal jurisdiction because
21 the acts of infringement complained of herein occurred in this District.

22 6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(a).

23 **INTRADISTRICT ASSIGNMENT**


24 7. This case is properly assigned to the San Francisco Division pursuant to Civil L.R. 3-
25 2(c)-(d) because, based on information and belief, a substantial part of the events or omissions giving
26 rise to the claims in this Complaint occurred in San Mateo County since Defendant’s principal place
27 of business is in Burlingame, California.

28 ///

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BACKGROUND

1
2 8. Panini is a leading retailer of sports trading cards in the United States and
3 internationally.

4 9. Panini is the owner of the unique and proprietary trademarks and tradenames "RATED
5 ROOKIE," "ROOKIE TICKET" and "ROOKIE ROLL CALL" in both word and design formats
6 including, without limitation, in the word and design logo format of  (collectively, the
7 "ROOKIE Trademarks") which it uses in U.S. interstate commerce in connection with its marketing
8 and sale of sports trading cards nationwide.

9
10 10. Since at least as early as 2010, Panini has engaged in the above-referenced business in
11 interstate commerce by using its ROOKIE Trademarks in connection with its marketing and sale of
12 sports trading cards. Panini's ownership of the ROOKIE Trademarks is evidenced, in part, by its U.S.
13 Patent and Trademark Office Registration Nos. 4,254,101, 4,254,100, 2,755,819 and 2,021,051.
14 Under 15 U.S.C. § 1065, Panini's exclusive right to use its registered ROOKIE Trademarks in
15 connection with the goods covered by its identified federal registrations has become incontestable.

16 11. As a result of its extensive nationwide marketing efforts and its continuous use of the
17 ROOKIE Trademarks in U.S. interstate commerce for nearly ten (10) years, Panini has developed very
18 substantial rights and goodwill in the ROOKIE Trademarks, and the public has come to associate such
19 marks with Panini as the source of origin of its well-regarded sports trading cards sought by collectors
20 at the highest levels.

21 12. Panini's commercial Internet website is among the numerous avenues used by Panini
22 in the marketing and sale of its sports trading cards, such website being linked to its proprietary
23 Uniform Resource Locator or domain name "PANINIAMERICA.NET" ("Panini Domain"). The
24 Panini Domain and Panini's commercial website and online store associated therewith are interactive
25 and customers and potential customers of Panini use such website to view and/or purchase Panini's
26 sports trading cards. Panini uses its ROOKIE Trademarks extensively throughout its commercial
27 website associated with the Panini Domain.

28 13. Panini is the exclusive owner of the Rookie Trademarks and the Panini Domain.

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FIRST CAUSE OF ACTION

(Federal Trademark Infringement, 15 U.S.C. §§ 1114 and 1125)

14. Panini realleges and incorporates by reference all preceding paragraphs.

15. Defendant is in the business of marketing and selling, among other things, sports trading cards via online sales outlets including at www.ebay.com. As shown in Exhibit A, Defendant is presently advertising, offering for sale, and selling sports trading cards featuring the designations "RATED ROOKIE," "ROOKIE" and similar variants thereof (the "Infringing Marks"), all without the authority, consent or approval of Panini. The Infringing Marks are identical to or substantially identical to, or are otherwise confusingly similar to Panini's proprietary ROOKIE Trademarks.

16. Defendant's use of the Infringing Marks has been with constructive and actual notice of Panini's exclusive right to use the ROOKIE Trademarks. Defendant has intentionally infringed upon the ROOKIE Trademarks by using the Infringing Marks.

17. The natural and probable consequence of Defendant's use of the Infringing Marks has been and will continue to be that the public and consumers are very likely to be confused, misled, and deceived by the similarity of the Infringing Marks to the ROOKIE Trademarks, and that such persons who are seeking Panini's sports trading card product line will be mistakenly led to deal with the Defendant.

18. Upon learning that Defendant was using the Infringing Marks, Panini made written demand on Defendant on June 17, 2019 c/o eBay Inc.'s Vero intellectual property enforcement program that Defendant cease using the Infringing Marks on the grounds of, among other things, their confusing similarity to the ROOKIE Trademarks. As of the date of the filing of this Complaint, however, Defendant continues to unlawfully infringe upon the ROOKIE Trademarks by using the Infringing Marks on or in connection with the marketing and sale of sports trading cards. As a result, consumers who would ordinarily do business with Panini have likely done business with, and are likely to continue to do business with Defendant believing they were and/or are doing business with Panini, and/or that they were and/or are obtaining authentic Panini sports trading cards, thereby resulting in monetary damages and lost profits to Panini.

19. Additionally, Defendant's infringement upon the ROOKIE Trademarks has caused

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1 damage to Panini's goodwill, as well as other immeasurable damages. For the harm and loss suffered
2 by Panini, and for the harm and loss that will continue but for intervention of this Court, Panini has no
3 adequate remedy at law. Unless Defendant is enjoined from further infringement and unfair
4 competition, Panini will suffer irreparable harm because the damages sustained will be immeasurable,
5 unpredictable, and unending. Moreover, the Lanham Act and applicable state law specifically provide
6 for injunctive relief to prevent further infringement of the ROOKIE Trademarks.

7 20. The Infringing Marks are identical to or substantially identical to, or are otherwise
8 confusingly similar to Panini's proprietary and longstanding ROOKIE Trademarks.

9 21. Defendant's aforementioned actions have caused and are likely to continue to cause
10 confusion, or to cause mistake, or to deceive customers and others as to the affiliation, connection, or
11 association of Panini with the Defendant, or as to the origin, sponsorship or approval of Defendant's
12 products by Panini in violation of 15 U.S.C. §§ 1114 and 1125.

13 **SECOND CAUSE OF ACTION**

14 **(Unfair Competition Under The Lanham Act)**

15 22. Panini realleges and incorporates by reference all preceding paragraphs.

16 23. Defendant's above-referenced actions further constitute unfair competition under 15
17 U.S.C. § 1125 and have caused and are likely to continue to cause confusion, or to cause mistake, or
18 to deceive customers and others as to the affiliation, connection, or association of Panini with
19 Defendant, or as to the origin, sponsorship or approval of Defendant's goods by Panini in violation of
20 15 U.S.C. §§ 1114 and 1125.

21 24. Defendant's aforementioned wrongful acts and unfair competition have caused, and are
22 likely to continue to cause, Panini to incur substantial damages. Accordingly, Panini seeks recovery
23 from Defendant of all amounts it is entitled to under 15 U.S.C. § 1117(a), including without limitation:
24 (1) Defendant's profits from the sale of each product marketed, advertised, sold or rendered using the
25 Infringing Marks; (2) all damages sustained by Panini; (3) the costs of the action; and (4) an additional
26 amount the Court considers just.

27 ///

28 ///

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THIRD CAUSE OF ACTION

(California Unfair Competition and Unfair Business Practices under California Business and Professions Code §§ 17200 *et seq.* and 17500 *et seq.*)

25. Panini realleges and incorporates by reference all preceding paragraphs.

26. Defendant’s actions constitute unfair competition, passing off, unjust enrichment, and misappropriation of Panini's trademark rights in that such acts permit, and will continue to permit, Defendant to use and benefit from the goodwill and reputation earned by Panini, for Defendant's purpose of obtaining immediate customer acceptance of the sports trading cards offered for sale and sold by them under the Infringing Marks, on the basis of a reputation not established in Defendant's own right, and to give Defendant's services a marketability they would not otherwise have, all at Panini's expense.

27. Defendant continues offering goods under marks which are substantially and confusingly identical to the ROOKIE Trademarks and will continue to constitute acts of unfair competition, passing off, unjust enrichment, and misappropriation by Defendant against Panini, thereby causing irreparable harm to Panini.

28. Defendant’s conduct thereby constitutes unlawful, unfair, deceptive and/or fraudulent trade practices and unfair competition in violation of California Business & Professions Code §§ 17200 *et seq.* and 17500 *et seq.* The predicate acts comprising Defendant’s unlawful, unfair, deceptive and/or fraudulent trade practices or acts include, but are not limited to, the violations of law more fully set forth herein.

29. As a direct and proximate result of Defendant’s wrongful conduct, Panini has suffered injury in fact, which losses include damage to Panini’s goodwill with its existing, former and potential customers and creating actual confusion among these customers.

30. These wrongful acts have proximately caused and will continue to cause Panini substantial injury, including potential loss of customers, loss of goodwill, and confusion of existing and potential customers of Panini’s products. The harm these wrongful acts will cause to Panini is both imminent and irreparable, and the amount of damage sustained by Panini will be impossible to ascertain if these acts continue.

1 31. As such, Panini has no adequate remedy at law. Pursuant to California Business &
2 Professions Code § 17203, Defendant is required to disgorge and restore to Panini all profits and
3 property acquired by means of Defendant’s unfair competition with Panini.

4 32. Pursuant to California Business & Professions Code § 17203, Panini is also entitled to
5 a preliminary and permanent injunction restraining Defendant, its respective officers, agents,
6 employees, and all persons acting in concert with Defendant, from engaging in further such unlawful
7 conduct.

8 33. Defendant’s misconduct as described above is intentional, willful, wanton and
9 oppressive.

10 **FOURTH CAUSE OF ACTION**

11 **(Violation of California Common Law Unfair Competition)**

12 34. Panini realleges and incorporates by reference all preceding paragraphs.

13 35. The foregoing acts of Defendant constitute unfair competition, passing off, unjust
14 enrichment, and misappropriation of Panini's trademark rights in that such acts permit, and will
15 continue to permit, Defendant to use and benefit from the goodwill and reputation earned by Panini,
16 for Defendant's purpose of obtaining immediate customer acceptance of the sports trading cards
17 offered for sale and sold by them under the Infringing Marks, on the basis of a reputation not
18 established in Defendant's own right, and to give Defendant's services a marketability they would not
19 otherwise have, all at Panini's expense.

20 36. Defendant continues offering goods under marks which are substantially and
21 confusingly identical to the ROOKIE Trademarks and will continue to constitute acts of unfair
22 competition, passing off, unjust enrichment, and misappropriation by Defendant against Panini,
23 thereby causing irreparable harm to Panini.

24 37. The foregoing acts of Defendant accordingly constitute unfair competition, passing off,
25 unjust enrichment, and misappropriation in violation of applicable state common law.

26 38. As set forth above, by reason of Defendant’s conduct, Panini has sustained and will
27 continue to sustain substantial injury, loss, and damage. Panini is, therefore, entitled to injunctive
28 relief and to recover from Defendant the damages sustained as a result of Defendant’s actions of unfair

1 competition.

2 39. Panini is informed and believes, and based thereon alleges, that Defendant's conduct
3 has been intentional and willful and in conscious disregard of Panini's rights and, therefore, Panini is
4 entitled to exemplary or punitive damages under California Civil Code § 3294 in an amount
5 appropriate to punish Defendant and to make an example of Defendant to the community at large.

6 **FIFTH CAUSE OF ACTION**

7 **(Unjust Enrichment)**

8 40. Panini realleges and incorporates by reference all preceding paragraphs.

9 41. Defendant has taken and infringed upon the ROOKIE Trademarks for its own
10 commercial benefit without compensation to Panini. As a result, Defendant has unjustly profited from
11 the goodwill and reputation associated with the ROOKIE Trademarks upon which Defendant
12 unlawfully infringed. Accordingly, Panini seeks a full accounting and recovery from Defendant for
13 the benefits and profits they have unjustly received.

14 **SIXTH CAUSE OF ACTION**

15 **(Injunctive Relief)**

16 42. Panini realleges and incorporates by reference all preceding paragraphs.

17 43. As set forth above, Defendant's actions in violation of the Lanham Act and their
18 violation of applicable state law have caused, and are continuing to cause, substantial and irreparable
19 damage to Panini for which there is no adequate remedy at law. Panini is therefore entitled to an
20 injunction preventing the Defendant's continued infringement, including an injunction against the
21 Defendant's continued use of the Infringing Marks. Defendant has improperly used and will continue
22 to improperly use the Infringing Marks unless prevented from doing so by this Court. While the
23 Defendant continues to illegally use the Infringing Marks, Panini will continue to lose control over its
24 own reputation and goodwill and the public and consumers will continue to likely be confused, misled,
25 and deceived by the similarity of the Infringing Marks to the ROOKIE Trademarks.

26 44. Panini requests that Defendant, its employees, representatives, agents, partners,
27 members, shareholders, and others acting in concert with Defendant be enjoined from: (1) advertising,
28 marketing, selling or rendering any product or service in connection with use of the Infringing Marks

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1 or any other mark or domain name anywhere that is identical or otherwise confusingly similar to the
2 ROOKIE Trademarks; (2) representing to any other person or entity that Defendant has authority to
3 use the ROOKIE Trademarks; and (3) representing to any person or entity that Defendant's goods are
4 in any manner associated with, connected to, related to, sponsored by, affiliated with, endorsed by,
5 approved by or recommended by Panini.

6
7 **PRAYER FOR RELIEF**

8 WHEREFORE, Panini respectfully requests that it be awarded the following relief from the
9 Defendant:

10 45. That Defendant and all persons acting in concert with Defendant be preliminarily and
11 permanently enjoined from:

- 12 a. advertising, marketing, selling or rendering any goods or services under or
13 otherwise using or continuing to use the Infringing Marks or any other mark or
14 domain name that is confusingly similar to the ROOKIE Trademarks,
15 b. representing to any other person or entity that Defendant has authority to use
16 the ROOKIE Trademarks, and
17 c. representing to any other person or entity that Defendant or its goods or services
18 are in any manner associated with, connected to, related to, sponsored by,
19 affiliated with, endorsed by, approved by or recommended by Panini;

20 46. That Defendant be required to report to Panini at least every thirty (30) days its
21 compliance with the preliminary injunction and the permanent injunction;

22 47. That Panini receive and recover from the Defendant all of:
23 a. Defendant's profits from each product or service marketed, advertised or sold
24 using the Infringing Marks;
25 b. all damages sustained by Panini;
26 c. costs of court;
27 d. statutory damages allowed by the Lanham Act; and
28 e. any additional amount that the Court determines to be just;

1 48. That Defendant be ordered to account for and disgorge to Panini all amounts by which
2 Defendant has been unjustly enriched by reason of the unlawful actions complained of;

3 49. That damages resulting from Defendant’s infringement under the Lanham Act be
4 trebled due to Defendant’s willfulness in accordance with the provisions of 15 U.S.C. § 1117;

5 50. That Panini be awarded exemplary or punitive damages in an amount appropriate to
6 punish Defendant and to make an example of Defendant to the community;

7 51. That Panini receive and recover from the Defendant Panini's actual damages under
8 applicable state statutory and common law;

9 52. That the Court award Panini its reasonable attorneys’ fees pursuant to 15 U.S.C. § 1117,
10 17 U.S.C. § 505, California law, and any other applicable provision of law;

11 53. That the Defendant be ordered to pay Panini its reasonable costs, expenses, and
12 attorneys’ fees incurred in prosecuting this action, including any appeal;

13 54. That Panini be awarded pre and post-judgment interest to the maximum extent allowed
14 by law; and

15 55. That Panini be awarded such other and further relief to which it may be justly entitled.
16

17 Dated: June 28, 2019

Respectfully submitted,

LOCKE LORD LLP

By: /s/Daniel A. Solitro

Daniel A. Solitro
Attorneys for Plaintiff Panini America, Inc.

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DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38, Panini hereby demands a trial by jury on all claims in its Complaint that are triable by a jury.

Dated: June 28, 2019

Respectfully submitted,

LOCKE LORD LLP

By: /s/Daniel A. Solitro

Daniel A. Solitro
Attorneys for Plaintiff Panini America, Inc.

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300 S. Grand Avenue, Suite 2600
Los Angeles, CA 90071

EXHIBIT A

EXHIBIT A

Browser address bar: <https://www.ebay.com/itm/ZION-WILLIAMSON-2019-SSP-1-Draft-Pick-RATED-ROOKIE-RC-New-Orleans-Pelicans-SP-/163741146246?oid=163727916442>

Browser tabs: Madrid system: Schedule of Fees | Verified Rights Owner Program | 300 CHF to USD | Convert Swis... | User Privacy Notice | eBay | ZION WILLIAMSON 2019 SS... x

Price: US \$20.99

We found something similar



Have one to sell? [Sell now](#)

ZION WILLIAMSON 2019 SSP #1 Draft Pick RATED ROOKIE RC New Orleans Pelicans SP

Condition: **Like New**
"Super Short Print SSP !!!"
Time left: 2d 18h Sunday, 11:53AM

Current bid: **US \$9.99** [1 bid]

Enter US \$10.49 or more

[Place bid](#)

[Add to watch list](#)

Ships from United States

Shipping: **\$4.00** Standard Shipping | [See details](#)
Item location: Morgan Hill, California, United States
Ships to: Worldwide

Delivery: Estimated on or before **Fri. Jun. 28** to 75238

Payments: [PayPal](#) [VISA](#) [MasterCard](#) [AMERICAN EXPRESS](#) [DISCOVER](#)

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Returns: 14 day returns. Buyer pays for return shipping | [See details](#)

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Seller information
[collectorsvault](#) (8956 ★)
100% Positive feedback

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All Categories Search

Back to previous page | Listed in category: Sports Mem, Cards & Fan Shop > Sports Trading Cards > Baseball Cards

Add to watch list



YORDAN ALVAREZ 2019 SSP RATED Rookie Card RC SP Houston Astros Cuba HR Power

Condition: Like New
Time left: 1 day Friday, 5:12PM

Current bid: US \$9.99 [1 bid]

Bid input field with placeholder text 'Enter US \$10.49 or more'

Place bid

Add to watch list

Ships from United States

Shipping: \$4.00 Standard Shipping | See details
Item location: Morgan Hill, California, United States
Ships to: Worldwide

Delivery: Estimated on or before Thu. Jun. 27 to 75238

Payments: PayPal VISA MasterCard American Express DISCOVER

PayPal CREDIT
Special financing available. Apply Now | See terms

Returns: 14 day returns. Buyer pays for return shipping | See details

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Seller information
collectorsvault (8956)
100% Positive feedback

Save this Seller
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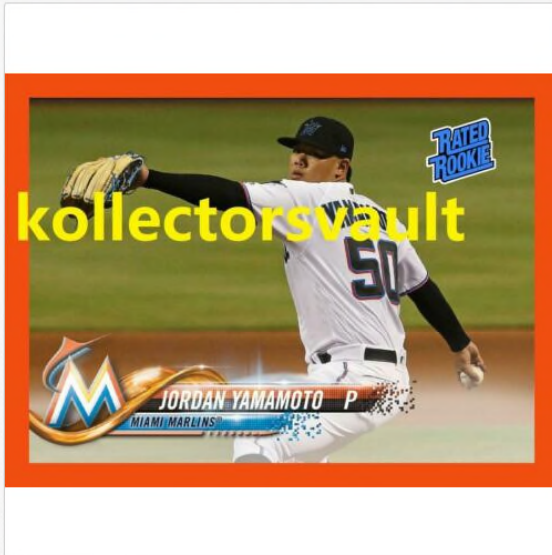
Sell | Recently Viewed | My eBay | [bell icon] | [shopping cart icon]

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All Categories | Search | Advanced

Back to search results | Listed in category: Sports Mem, Cards & Fan Shop > Sports Trading Cards > Baseball Cards

[social icons] | Add to watch list



JORDAN YAMAMOTO 2019 SSP RATED Rookie Card RC SP Miami Marlins Hawaii HOT

Condition: Like New
Time left: 1 day Friday, 5:16PM

Current bid: US \$11.50 [2 bids]

Enter US \$12.00 or more

Place bid

Add to watch list

8 watchers

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Seller information

kollectorsvault (8956 ★)
100% Positive feedback

Save this Seller

Contact seller

Visit store

See other items

Shipping: \$4.00 Standard Shipping | [See details](#)
Item location: Morgan Hill, California, United States
Ships to: Worldwide

Delivery: Estimated on or before Thu. Jun. 27 to 75238

Payments:

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Special financing available. [Apply Now](#) | [See terms](#)

Returns: 14 day returns. Buyer pays for return shipping | [See details](#)

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Back to search results | Listed in category: Sports Mem, Cards & Fan Shop > Sports Trading Cards > Football Cards

Add to watch list



PATRICK MAHOMES II 2017 #1 Draft Pick RATED Rookie Card RC Texas Tech Chiefs HOT

Condition: Like New

Time left: 2d 18h Sunday, 11:53AM

Current bid: US \$4.99

[1 bid]

Place bid

Enter US \$5.24 or more

Add to watch list

Ships from United States

Shipping: \$4.00 Standard Shipping | See details
Item location: Morgan Hill, California, United States
Ships to: Worldwide

Delivery: Estimated on or before Fri. Jun. 28 to 75238

Payments: PayPal VISA MasterCard AMERICAN EXPRESS DISCOVER

PayPal CREDIT

Special financing available. Apply Now | See terms

Returns: 14 day returns. Buyer pays for return shipping | See details

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Seller information
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CIVIL COVER SHEET

JS-CAND 44 (Rev. 06/17)

The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

PANINI AMERICA, INC.

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

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300 South Grand Avenue, Suite 2600
Los Angeles, CA 90071
Tel: (213) 485-1500

DEFENDANTS

KOLLECTORSVAULT, LLC

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

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

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 checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input checked="" type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 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	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC § 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC § 157	<input type="checkbox"/> 376 Qui Tam (31 USC § 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability		LABOR	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment Of Veteran's Benefits	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		IMMIGRATION	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury -Medical Malpractice		<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS			<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights			<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting			<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment			<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations			<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities-Employment			<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities-Other			
	<input type="checkbox"/> 448 Education			
	PRISONER PETITIONS			
	HABEAS CORPUS:			
	<input type="checkbox"/> 463 Alien Detainee			
	<input type="checkbox"/> 510 Motions to Vacate Sentence			
	<input type="checkbox"/> 530 General			
	<input type="checkbox"/> 535 Death Penalty			
	OTHER:			
	<input type="checkbox"/> 540 Mandamus & Other			
	<input type="checkbox"/> 550 Civil Rights			
	<input type="checkbox"/> 555 Prison Condition			
	<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation-Transfer 8 Multidistrict Litigation-Direct File

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

15 U.S.C. §§ 1114 and 1125

Brief description of cause:

Trademark Infringement

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION DEMAND \$ over \$75,000 CHECK YES only if demanded in complaint: **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only)

SAN FRANCISCO/OAKLAND

SAN JOSE

EUREKA-MCKINLEYVILLE

DATE June 28, 2019

SIGNATURE OF ATTORNEY OF RECORD /s/ Daniel A. Solitro

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
- c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.