

CIVIL COVER SHEET

JS 44 CAND (Rev. 12/11)

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 NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS RON PAUL 2012 PRESIDENTIAL CAMPAIGN COMMITTEE, INC.</p> <p>(b) County of Residence of First Listed Plaintiff <u>Brazoria County, TX</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) Jerrold Abeles (SBN 138464) ARENT FOX LLP 555 West Fifth Street, 48th Floor Los Angeles, CA 90013</p>	<p>DEFENDANTS John Does, 1 through 10</p> <p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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Jed Meis

<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <p>(For Diversity Cases Only)</p> <table border="0" style="width:100%;"> <tr> <td>Citizen of This State</td> <td>PTF <input type="checkbox"/> 1</td> <td>DEF <input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td>PTF <input type="checkbox"/> 4</td> <td>DEF <input checked="" type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4	DEF <input checked="" 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
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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	<p>PERSONAL INJURY</p> <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	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
<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	<p>PERSONAL PROPERTY</p> <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	<p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<p>REAL PROPERTY</p> <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	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p>PRISONER PETITIONS</p> <input type="checkbox"/> 510 Motions to Vacate Sentence <p>Habeas Corpus:</p> <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 <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395(f)) <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))	<p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
		<p>IMMIGRATION</p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions		

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

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 § 1125

Brief description of cause:
False designation of origin and false description

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION DEMAND \$ _____

UNDER F.R.C.P. 23

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 L.R. 3-2) (Place an "X" in One Box Only)

SAN FRANCISCO/OAKLAND SAN JOSE EUREKA

January 13, 2012
 DATE

Jerrold Abeles
 SIGNATURE OF ATTORNEY OF RECORD

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RON PAUL 2012 PRESIDENTIAL CAMPAIGN COMMITTEE, INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 CV12 0240

16 RON PAUL 2012 PRESIDENTIAL
17 CAMPAIGN COMMITTEE, INC.
A Delaware Corporation,

18 Plaintiff,

19 v.

20 John Does, 1 through 10,

21 Defendants.

Case No. _____

**COMPLAINT FOR FALSE
DESIGNATION OF ORIGIN,
FALSE ADVERTISING, AND
LIBEL/DEFAMATION**

23 Plaintiff Ron Paul 2012 Presidential Campaign Committee, Inc., by its
24 undersigned counsel, as and for the Complaint against Defendants John Doe, 1
25 through 10, allege as follows:

26 1. This is an action for false designation of origin, false advertising, libel
27 and defamation under the statutes of the United States, 15 U.S.C. § 1125(a) and the
28 common law.

FILED
JAN 13 2012
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
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FILED

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1 7. Venue is proper in this Court under 28 U.S.C. § 1391(b), because a
2 substantial part of the events or omissions giving rise to Plaintiff's claims occurred
3 in this District.

4 **FACTUAL BACKGROUND**

5 8. Ron Paul 2012 Presidential Campaign Committee, Inc. is a corporation
6 created to promote, support and endorse Texas Congressman Dr. Ron Paul as the
7 2012 Republican nominee for President of the United States.

8 9. Plaintiff has the exclusive right to use the common law trade name and
9 mark Ron Paul to promote, support and endorse Dr. Paul by providing political
10 consulting and information dissemination services by, among other things, assisting
11 in the creation, publication and distribution of printed, audio video and online
12 information of interest to the media and the general public.

13 10. On information and belief, on or about January 4, 2012, Defendants
14 uploaded a malicious video from a Twitter account onto YouTube entitled "Jon
15 Huntsman's Values" ("the Video").

16 11. The Video, which is accompanied throughout with traditional Chinese
17 music in the background, begins by displaying the text "Jon Huntsman – American
18 Values? / The Manchurian Candidate - What's He Hiding?" The term "Manchurian
19 Candidate" is particularly offensive since it is derived from the title of a book and
20 movie depicting an American captured by the Chinese who, after being
21 brainwashed, returns to the United States as an agent of the KGB.

22 12. The Video shows, among other things, 2012 Republican presidential
23 candidate Jon Huntsman, a former United States ambassador to China, speaking in
24 Mandarin to one of his adopted daughters and then inquires whether Mr. Huntsman
25 is "weak on China." The Video also questions Mr. Huntsman's religious faith,
26 refers to Mr. Huntsman as "China Jon" and asks whether his daughters are "even
27 adopted." The Video ends with a fictitious depiction of Mr. Huntsman in a Mao
28 Zedong uniform and the text "American Values and Liberty – Vote Ron Paul,"

1 thereby falsely implying that Plaintiff created, endorsed or is affiliated in some way
2 with the Video and its content.

3 13. Defendants did not use their true names or contact information in
4 association with the Video and, instead, have used the pseudonym NHLiberty4Paul,
5 which further falsely implies that Plaintiff created, endorsed or is affiliated in some
6 way with the Video and its content.

7 14. Upon information and belief, the Video has been viewed on YouTube
8 and other Internet Web sites by hundreds of thousands of people.

9 15. Upon information and belief, hundreds of thousands, if not millions, of
10 people have learned of and become familiar with the Video via intensive media
11 coverage and speculation on CNN, the *Los Angeles Times*, *The Huffington Post* and
12 numerous other national and international cable and broadcast networks,
13 publications, Web sites and news outlets.

14 16. Much of the press coverage and public commentary has been
15 scathingly negative toward Plaintiff and Dr. Paul, based upon the erroneous
16 assumption – generated as a direct result of the misleading nature of the Video -
17 that Plaintiff created, endorsed or was affiliated in some way with the Video and its
18 offensive content.

19 **FIRST CLAIM FOR RELIEF**

20 **(False Designation of Origin in Violation of Lanham Act § 43(a) [15 U.S.C. §**
21 **1125(a)])**

22 17. Plaintiff repeats and realleges the foregoing paragraphs as if fully set
23 forth herein.

24 18. Plaintiff established common law rights in the trade name and
25 trademark Ron Paul. In the Video, Defendants have used Plaintiff's trade name and
26 mark Ron Paul without authorization.

27 19. Defendants' unauthorized use of the name and mark Ron Paul in
28 commerce, in connection with the false and misleading Video, constitutes a false

1 designation of origin that is likely to cause and has actually caused confusion,
2 mistake and deception among Plaintiff's prospective donors and others as to the
3 origin, source, sponsorship or approval of the Video.

4 20. On information and belief, Defendants are using the name and mark
5 Ron Paul without authorization in connection with an information dissemination
6 service that is deliberately calculated to injure Plaintiff and to cause confusion,
7 mistake and deception as to affiliation, connection and association between
8 Defendants and Plaintiff, or as to the origin, sponsorship, or approval of
9 Defendants' services and commercial activities.

10 21. The use of the name and mark Ron Paul by Defendants constitutes
11 false designation of origin in violation of Section 43(a) of the Lanham Act (15
12 U.S.C. § 1125(a)).

13 22. As a result of such activities by Defendants, Plaintiff has suffered and
14 will continue to suffer harm to Plaintiff's reputation and goodwill.

15 23. By reason of Defendants' use of false designation of origin, Plaintiff
16 has suffered and will continue to suffer substantial damage to its reputation and
17 goodwill, as well as diversion and loss of money in an amount to be determined
18 according to proof at trial.

19 24. Defendants' acts of false designation of origin have caused Plaintiff
20 irreparable injury and, unless enjoined by the Court, will continue to cause
21 irreparable injury to Plaintiff.

22 25. Plaintiff has no adequate remedy at law to compensate it for injuries
23 inflicted and threatened by Defendants.

24 26. Defendants' actions were willful and in conscious disregard of the
25 rights of Plaintiff, making this case "exceptional" under 15 U.S.C. § 1117.
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SECOND CLAIM FOR RELIEF

(False Description and Representation in Violation of Lanham Act § 43(a) [15 U.S.C. § 1125(a)])

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4 27. Plaintiff repeats and realleges the foregoing paragraphs as if fully set
5 forth herein.

6 28. In the Video, Defendants have used in commerce explicit and implicit
7 false descriptions and false representations of fact in a manner calculated to mislead
8 members of the public and the media and to create the false impression that the
9 false representations originated from or are sponsored, approved or authorized by
10 Plaintiff.

11 29. Defendants' Video is a commercial advertisement that misrepresents
12 the nature, characteristics, and qualities of the Video itself and that falsely describes
13 the nature characteristics, attributes and qualities of services offered by Plaintiff.

14 30. By reason of Defendants' acts of false descriptions and false
15 representations, Plaintiff has suffered and will continue to suffer substantial damage
16 to its reputation and goodwill, as well as diversion and loss of money in an amount
17 to be determined according to proof at trial.

18 31. Defendants' acts of false description and false representation have
19 caused Plaintiff irreparable injury and, unless enjoined by the court, Defendants'
20 ongoing actions will continue to cause irreparable injury to Plaintiff.

21 32. Plaintiff has no adequate remedy at law to compensate it for injuries as
22 inflicted and threatened by Defendants.

23 33. The actions of Defendants were willful and in conscious disregard of
24 the rights of Plaintiff, making this case "exceptional" under 15 U.S.C. § 1117.
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THIRD CLAIM FOR RELIEF
(Common Law Libel/Defamation)

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34. Plaintiff repeats and realleges the foregoing paragraphs as if fully set forth herein.

35. The Video uses the name Ron Paul in a manner that is calculated to defame and discredit Plaintiff and to mislead the public into believing that the outrageous and false allegations contained in the Video were created or endorsed by or originate with Plaintiff.

36. The Video's reference to the name and mark Ron Paul, its feigned solicitation of support and votes for his candidacy, and the use of the acronym NHLiberty4Paul in association with the Video, create the false impression that Plaintiff created and endorsed the Video and its content.

37. The Video is libelous on its face, and its misleading and highly offensive content clearly exposes Plaintiff to hatred, contempt and ridicule.

38. The Video falsely portrays Plaintiff as unscrupulous, xenophobic and underhanded, and seeks to portray Plaintiff as willing to engage in any unlawful means to support the candidate Ron Paul.

39. On information and belief, several hundred thousand people have viewed the Video, and millions of others have learned of the Video and its content through intensive media coverage, on CNN, the *Los Angeles Times*, *The Huffington Post* and numerous other national and international news outlets and Web sites.

40. As a proximate result of the above-described publication, Plaintiff has suffered injury and a loss of its reputation, all to Plaintiff's damage in an amount to be established by proof at trial.

41. The above-described publication was not privileged because it was published by Defendants with malice, hatred and ill will toward Plaintiff and the desire to injure Plaintiff and its efforts to support and endorse Dr. Paul's

1 presidential candidacy. Because of Defendants' malice in publishing, Plaintiff
2 seeks punitive damages in an amount to be established by proof at trial.

3
4 **PRAYER FOR RELIEF**

5 Wherefore, Plaintiff prays for judgment against Defendants as follows:

- 6 1. For compensatory damages in an amount to be determined at the time
7 of trial;
- 8 2. For consequential damages in an amount to be determined at the time
9 of trial;
- 10 3. For treble damages in an amount to be determined at the time of trial;
- 11 4. For punitive damages in an amount to be determined at the time of
12 trial;
- 13 5. For preliminary and permanent injunctive relief pursuant to Federal
14 and California state law against Defendants and their agents, servants, and
15 employees, as well as all persons in privity or acting in concert with Defendants,
16 from committing further infringing acts including:
- 17 a. using Ron Paul 2012 Presidential Campaign Committee, Ron Paul, or
18 any other name, mark or trade dress that causes confusion or
19 constitutes infringement of Plaintiffs' rights or otherwise constitutes
20 unfair competition and false designation of origin;
- 21 b. otherwise infringing Plaintiff's trademarks or using any similar
22 designation, alone or in combination with any marketing, advertising,
23 distribution or promotion of any services by Defendants;
- 24 c. causing likelihood of confusion or injury to the business, reputation or
25 goodwill of Plaintiff and its services;
- 26 d. causing likelihood of confusion or misunderstanding as to the source
27 or sponsorship of Defendants' services; and
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e. creating or distributing videos, advertisement or other promotional materials that are misleading, confusing or otherwise falsely imply an endorsement by or affiliation with Plaintiff;

6. For an order requiring Defendants to take down and deliver up for destruction all copies of the Video and any other materials that contain unauthorized uses of the name and mark Ron Paul;

7. For restitutionary damages in an amount to be determined at the time of trial;

8. For Defendants' profits in an amount to be determined at the time of trial;

9. For any damages sustained by Plaintiff in an amount to be determined at the time of trial;

10. For pre-judgment and post-judgment interest on all sums awarded, in the maximum amount permitted by law;

11. For attorneys' fees to the extent permitted by contract or law;

12. For its costs of suit herein; and

13. For such other and further relief as the Court may deem just and proper.

Dated: January 13, 2012

ARENT FOX LLP

By: 
JERROLD ABELES
DAVID BAYLES

Attorneys for Plaintiff
RON PAUL 2012 PRESIDENTIAL
CAMPAIGN COMMITTEE, INC.

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury of all issues so triable.

Dated: January 13, 2012

ARENT FOX LLP

By: *Jerrold Abeles*
JERROLD ABELES
DAVID BAYLES

Attorneys for Plaintiff
**RON PAUL 2012 PRESIDENTIAL
CAMPAIGN COMMITTEE, INC.**