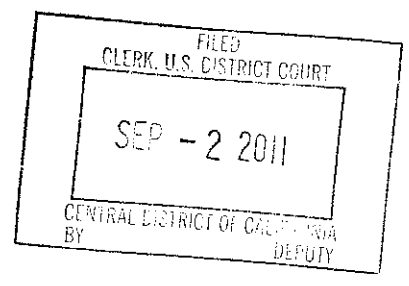


1 MANATT, PHELPS & PHILLIPS, LLP
 2 Jill M. Pietrini, Esq. (Bar No. CA 138335)
 3 jpietrini@manatt.com
 4 Diana Iketani Iorlano (Bar No. CA 193359)
 5 diorlano@manatt.com
 6 Paul A. Bost, Esq. (Bar No. CA 261531)
 7 pbost@manatt.com
 8 11355 West Olympic Boulevard
 9 Los Angeles, CA 90064-1614
 10 Telephone: (310) 312-4000
 11 Facsimile: (310) 312-4224



12 *Attorneys for Plaintiff*
 13 SUMMIT ENTERTAINMENT, LLC

14 UNITED STATES DISTRICT COURT
 15 CENTRAL DISTRICT OF CALIFORNIA
 16 WESTERN DIVISION

17 SUMMIT ENTERTAINMENT, LLC,
 18 a Delaware limited liability company,

19 Plaintiff,

20 v.

21 TOM MARKSON, dba TM
 22 CONSULTING, and DOES 1-10,
 23 inclusive,

24 Defendants.

CV11 07296 SWW (MANX)

Case No. _____
**COMPLAINT FOR FALSE
 DESIGNATION OF ORIGIN,
 TRADEMARK INFRINGEMENT,
 TRADEMARK DILUTION,
 UNFAIR COMPETITION AND
 COPYRIGHT INFRINGEMENT**
DEMAND FOR JURY TRIAL

25 Plaintiff Summit Entertainment, LLC ("Summit"), for its complaint against
 26 defendant Tom Markson, dba TM Consulting ("Defendant") and Does 1-10, alleges
 27 as follows:

28 **JURISDICTION**

1. This action arises under the trademark and anti-dilution laws of the
 United States, 15 U.S.C. § 1051, *et seq.*, under the statutory and common law of
 unfair competition, and under the Copyright Act of 1976, 17 U.S.C. § 501, *et seq.*
 This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) and (b), and §
 1367, 15 U.S.C. § 1121, and 17 U.S.C. § 501. This action arises under the laws of

1 the United States.

2 2. Venue is proper under 28 U.S.C. §§ 1391(b) and (c) in this case
3 because Summit resides in this District, and on information and belief, Defendant is
4 subject to personal jurisdiction in this District, and/or a substantial part of the
5 events or omissions giving rise to property that is the subject of the action is
6 situated in this District.

7 **PARTIES**

8 3. Summit is a Delaware limited liability company having its principal
9 place of business in Santa Monica, California.

10 4. On information and belief, Defendant is an individual doing business
11 as TM Consulting, having his principal place of business in San Mateo, California
12 with another address in Honolulu, Hawaii, and does business in this District.

13 5. Defendant is subject to personal jurisdiction in this District.

14 6. The true names, identities and capacities, whether individual, associate,
15 corporate or otherwise, of Defendants DOES 1 to 10, inclusive, and each of them
16 (“the DOE Defendants”), are unknown to Summit at this time, who therefore sues
17 the DOE Defendants by such fictitious names. When the true names and capacities
18 or participation of the DOE Defendants are ascertained, Summit will amend this
19 complaint to assert the true names, identities and capacities. Summit is informed
20 and believes and thereon alleges that each of the DOE Defendants sued herein is
21 responsible for the wrongful acts alleged herein, and is therefore liable to Summit
22 in some manner for the events and happenings alleged in this complaint. Summit is
23 informed and believes and thereon alleges that at all times herein mentioned, the
24 DOE Defendants were and are doing business and/or residing in this District.

25 **FACTS**

26 **Summit’s Business, Trademarks, and Copyrights**

27 7. Since 1991, Summit and its predecessors have been an active
28 participant in the motion picture industry. Summit has produced and distributed

1 films and related entertainment products, and has also been involved in motion
2 picture financing, production, and distribution services.

3 8. Summit is the producer and distributor of the highly successful
4 *Twilight* motion picture franchise. Initially, Summit released the extremely
5 successful and popular *Twilight* about a teenage girl, Isabella (“Bella”) Swan, who
6 falls in love with a vampire, Edward Cullen. Bella’s other suitor in the film is
7 Jacob Black, a werewolf. The film was released in the United States on November
8 21, 2008. Summit released a second motion picture in the *Twilight* series, *The*
9 *Twilight Saga: New Moon* (“*New Moon*”), in the United States on November 20,
10 2009. Summit released *New Moon* for sale and rental on digital versatile disc
11 (“DVD”) on March 20, 2010. Summit released a third motion picture in the
12 *Twilight* series, *The Twilight Saga: Eclipse* (“*Eclipse*”), in the United States on
13 June 30, 2010. Summit released *Eclipse* for sale and rental on DVD on December
14 4, 2010, and is developing the fourth motion picture in the series, entitled *The*
15 *Twilight Saga: Breaking Dawn*, which will be released in two parts. The motion
16 pictures constituting *The Twilight Saga* series are herein referred to as the “*Twilight*
17 *Motion Pictures*.” Each of the *Twilight* Motion Pictures - that have been released to
18 date - were heavily promoted months before their release, as will the two
19 installments of *Breaking Dawn* be promoted as their release dates approach.

20 9. Summit is the owner of the trademark TWILIGHT in block letters, and
21 in a distinctive stylized font (the “Stylized TWILIGHT mark”), the trademark THE
22 TWILIGHT SAGA, and other marks including the term TWILIGHT (collectively
23 “the TWILIGHT Marks”). Summit owns federal registrations for TWILIGHT in
24 Class 5 (Reg. No. 3,861,517), TWILIGHT in Class 9 (Reg. No. 3,884,386),
25 TWILIGHT in Class 18 (Reg. No. 3,884,385), TWILIGHT in Class 25 (Reg. No.
26 3,944,718), TWILIGHT in Class 26 (Reg. No. 3,867,985), TWILIGHT in Classes
27 41 and 45 (Reg. No. 3,756,560), the Stylized TWILIGHT mark in Class 45 (Reg.
28 No. 3,817,079), LUNA TWILIGHT in Class 3 (Reg. No. 3,929,237), and

1 TWILIGHT TRACKER in Class 9 (Reg. No. 3,793,131). True and correct copies
2 of these certificates of registration are attached hereto as **Exhibit A**. Summit also
3 has many additional pending federal trademark applications to register the
4 TWILIGHT Marks for use on various types of goods and services. Summit's
5 Stylized TWILIGHT mark is shown below:

6 The image shows the word "twilight" in a lowercase, serif font. The letter "i" has a decorative swirl at its base. The word is enclosed in a rectangular border.

7
8 10. Summit has licensed the TWILIGHT Marks to third parties to sell
9 various items of merchandise, including sheet music, clothing, posters, cosmetics
10 and other products and services. Summit's licensees are currently selling a variety
11 of TWILIGHT merchandise and offering services under the TWILIGHT Marks
12 throughout the United States.

13 11. By virtue of the popularity of the *Twilight* Motion Pictures, the
14 significant sales of licensed merchandise, and the significant publicity relating to
15 the *Twilight* Motion Pictures, among other things, Summit's TWILIGHT Marks
16 have become famous.

17 12. Summit owns the copyrights associated with the *Twilight* Motion
18 Pictures, including the copyrights in the *Twilight* Motion Pictures, the copyrights in
19 certain still and unit photography associated with the *Twilight* Motion Pictures, and
20 the copyrights in artwork and images used to promote the *Twilight* Motion Pictures
21 and/or on licensed merchandise.

22 13. Summit's TWILIGHT Marks and copyrights associated with the
23 *Twilight* Motion Pictures are collectively referred to as the "Twilight Intellectual
24 Property."

25 **Defendant and His Infringing Actions**

26 14. On information and belief, Defendant registered the domain name
27 <twilight.com> on February 2, 1994 (the "Domain Name".) Defendant operates a
28 website at the Domain Name, which is currently active (the "Website"), and on

1 information and belief has been active at all relevant times complained of herein.

2 15. On information and belief, after *Twilight* was released and well
3 received by the public, Defendant changed his Website to post links and other
4 material relating to the *Twilight* Motion Pictures, including copyrighted material
5 owned by Summit. True and correct copies of the home page of Defendant's
6 Website printed at various times are attached hereto as **Exhibit B**.

7 16. Summit learned that Defendant is using the *Twilight* Intellectual
8 Property on his Website in a variety of ways, including posting links to download
9 *Twilight* recordings, posting links for unauthorized *Twilight* contests and fake
10 casting calls for the *Twilight* Motion Pictures, posting copyrighted material owned
11 by Summit on Defendant's Website as the Website's banner, linking the Website to
12 other websites featuring Summit's copyrighted material, otherwise using Summit's
13 TWILIGHT Marks on his Website, and leading consumers to believe that they had
14 reached the official *Twilight* Motion Picture website ("Defendant's Website
15 Business"). All of Defendant's acts and activities described herein were, and
16 continue to be, without prior authorization, permission, or license from Summit.

17 17. On information and belief, Defendant generates revenue from the
18 Website and his Website Business through click through advertising, banner
19 advertising, sponsored links, and various affiliate programs with other websites and
20 search engines. Many of these advertisements and links include, without Summit's
21 authorization, the *Twilight* Intellectual Property.

22 18. Summit alleges on information and belief that Summit and its licensees
23 market their *Twilight* Motion Pictures and the associated TWILIGHT-branded
24 goods and services, respectively, to the same consumers to which Defendant
25 markets his Website and Defendant's Website Business.

26 19. On April 17, 2009, Summit sent Defendant a letter to his San Mateo,
27 California address demanding that he cease and desist his infringement of Summit's
28 intellectual property. A true and correct copy of Summit's April 17th demand letter

1 to Defendant is attached hereto as **Exhibit C**.

2 20. On April 20, 2009, Summit sent Defendant another letter to his
3 Honolulu, Hawaii address attaching a copy of the cease and desist letter previously
4 sent on April 17, 2009. A true and correct copy of Summit's April 20th demand
5 letter to Defendant is attached hereto as **Exhibit D**.

6 21. On May 1, 2009, Defendant responded to Summit, and denied
7 Summit's claims. Thereafter the parties discussed Summit's claims to attempt to
8 resolve the matter with no resolution.

9 22. Defendant has not ceased his unlawful activities, and Defendant's
10 Website Business continue to infringe and otherwise violate Summit's Twilight
11 Intellectual Property.

12
13 **FIRST CAUSE OF ACTION**

14 **(False Designation of Origin – 15 U.S.C. § 1125(a))**

15 23. Summit repeats and realleges each and every allegation of paragraphs 1
16 through 22, above, as though fully set forth herein.

17 24. Defendant's use of the Twilight Intellectual Property in conjunction
18 with Defendant's Website Business as alleged herein constitutes a false designation
19 of origin, affiliation or sponsorship in violation of 15 U.S.C. § 1125(a).
20 Defendant's activities constitute a false designation of origin and a false description
21 or representation that wrongfully and falsely designates the Website as originating
22 from Summit, or being associated, affiliated or connected with or approved or
23 sponsored by Summit.

24 25. As a direct and proximate result of Defendant's wrongful acts, Summit
25 has suffered and continues to suffer and/or is likely to suffer damage to its
26 trademarks, business reputation, and goodwill. Defendant will continue, unless
27 restrained, to conduct his Website Business using Summit's Twilight Intellectual
28 Property or other trademarks confusingly similar to Summit's TWILIGHT Marks

1 and will cause irreparable damage to Summit. Summit has no adequate remedy at
2 law and is entitled to an injunction restraining Defendant, his officers, agents,
3 servants, and employees, and all persons acting in concert with Defendant, from
4 engaging in further acts of false designation of origin, affiliation or sponsorship.

5 26. Summit is further entitled to recover from Defendant the actual
6 damages that it sustained and/or is likely to sustain as a result of Defendant's
7 wrongful acts. Summit is presently unable to ascertain the full extent of the
8 monetary damages that it has suffered and/or is likely to sustain by reason of
9 Defendant's acts of false designation of origin, affiliation or endorsement.

10 27. Summit is further entitled to recover from Defendant the gains, profits,
11 and advantages that Defendant has obtained as a result of his wrongful acts.
12 Summit is presently unable to ascertain the extent of the gains, profits, and
13 advantages that Defendant has realized by reason of his acts of false designation of
14 origin, affiliation or endorsement.

15 28. Because of the willful nature of Defendant's wrongful acts, Summit is
16 entitled to an award of treble damages and increased profits pursuant to 15 U.S.C.
17 § 1117.

18 29. Summit is also entitled to recover its attorneys' fees and costs of suit
19 pursuant to 15 U.S.C. § 1117.

20 SECOND CAUSE OF ACTION

21 **(Trademark Infringement – 15 U.S.C. § 1114 and Common Law)**

22 30. Summit repeats and realleges each and every allegation of paragraphs
23 1 through 29, above, as though fully set forth herein.

24 31. Defendant has used in commerce, without Summit's permission, the
25 TWILIGHT Marks in a manner that is likely to cause confusion with respect to the
26 source and origin of Defendant's Website Business and is likely to cause confusion
27 or mistake and to deceive purchasers as to the affiliation, connection, approval,
28 sponsorship, or association of Summit and/or the *Twilight* Motion Pictures with

1 Defendant, the Website, and/or his Website Business.

2 32. Defendant's acts constitute infringement of the TWILIGHT Marks in
3 violation of the common law, and the TWILIGHT mark, the Stylized TWILIGHT
4 Mark, the TWILIGHT TRACKER mark, and the LUNA TWILIGHT mark under
5 15 U.S.C. § 1114.

6 33. As a direct and proximate result of Defendant's wrongful acts, Summit
7 has suffered and continues to suffer and/or is likely to suffer damage to its
8 trademarks, business reputation, and goodwill. Defendant will continue to use,
9 unless restrained, the TWILIGHT Marks or marks confusingly similar thereto and
10 will cause irreparable damage to Summit. Summit has no adequate remedy at law
11 and is entitled to an injunction restraining Defendant, his officers, agents, servants,
12 and employees, and all persons acting in concert with Defendant, from engaging in
13 further acts of infringement.

14 34. Summit is further entitled to recover from Defendant the actual
15 damages that it sustained and/or is likely to sustain as a result of Defendant's
16 wrongful acts.

17 35. Summit is further entitled to recover from Defendant the gains, profits,
18 and advantages that Defendant has obtained as a result of his wrongful acts.

19 36. Because of the willful nature of Defendant's wrongful acts, Summit is
20 entitled to an award of punitive damages under the common law, and treble
21 damages and increased profits under 15 U.S.C. § 1117.

22 **THIRD CAUSE OF ACTION**

23 **(Dilution--15 U.S.C. § 1125(c); Cal. Bus. & Prof. Code § 14247)**

24 37. Summit repeats and realleges each and every allegation of paragraphs 1
25 through 36, above, as though fully set forth herein.

26 38. Summit has used the TWILIGHT Marks to identify its products
27 relating to the *Twilight* Motion Pictures before Defendant began promoting and
28 using the Twilight Intellectual Property on Defendant's Website and in conjunction

1 with Defendant's Website Business. The TWILIGHT Marks are inherently
2 distinctive and have acquired distinction through Summit's extensive, continuous,
3 and exclusive use of the TWILIGHT Marks.

4 39. The TWILIGHT Marks are famous and distinctive within the meaning
5 of 15 U.S.C. §§ 1125(c)(1) and 1127 and Cal. Bus. & Prof. Code § 14247.

6 40. Defendant's use of the TWILIGHT Marks is likely to dilute the
7 distinctive quality of Summit's TWILIGHT Marks in violation of 15 U.S.C.
8 § 1125(c) and Cal. Bus. & Prof. Code § 14247.

9 41. Defendant's acts complained of herein are likely to damage Summit
10 irreparably. Summit has no adequate remedy at law for such wrongs and injuries.
11 The damage to Summit includes harm to its trademarks, goodwill, and reputation
12 that money cannot compensate. Summit is, therefore, entitled to a preliminary and
13 permanent injunction enjoining Defendant's use of the TWILIGHT Marks or any
14 marks confusingly similar thereto or dilutive thereof in connection with the
15 promotion, advertisement and sale of any services offered by Defendant.

16 42. Summit is further entitled to recover from Defendant its actual
17 damages sustained by Summit as a result of Defendant's wrongful acts. Summit is
18 presently unable to ascertain the full extent of the monetary damages it has suffered
19 by reason of Defendant's acts of dilution.

20 43. Summit is further entitled to recover from Defendant the gains, profits,
21 and advantages Defendant has obtained as a result of his wrongful acts. Summit is
22 presently unable to ascertain the extent of the gains, profits and advantages
23 Defendant has realized by reason of Defendant's willful acts of dilution.

24 44. Because of the willful nature of Defendant's actions, Summit is
25 entitled to all remedies available under 15 U.S.C. §§ 1117 and 1118.

26 **FOURTH CAUSE OF ACTION**

27 **(Statutory and Common Law Unfair Competition)**

28 45. Summit repeats and realleges each and every allegation of paragraphs 1

1 through 44, above, as though fully set forth herein.

2 46. By reason of the foregoing, Defendant has been, and is, engaged in
3 “unlawful, unfair or fraudulent business practices” in violation of §§ 17200 *et seq.*
4 of the California Bus. & Prof. Code and acts of unfair competition in violation of
5 the common law.

6 47. Defendant’s acts complained of herein have damaged and will continue
7 to damage Summit irreparably. Summit has no adequate remedy at law for these
8 wrongs and injuries. The damage to Summit includes harm to its Twilight
9 Intellectual Property, goodwill, and reputation in the marketplace that money
10 cannot compensate. Summit is therefore entitled to: (a) injunctive relief restraining
11 and enjoining Defendant and his officers, agents, servants, and employees, and all
12 persons acting thereunder, in concert with, or on their behalf, from using the
13 Twilight Intellectual Property or any mark, name, symbol, or logo which is
14 confusingly similar thereto, in connection with the marketing or sale of any goods
15 or services by Defendant; (b) Summit’s actual damages sustained as a result of
16 Defendant’s wrongful acts; (c) an accounting of Defendant’s profits from his
17 Website Business; (d) the award of Defendant’s unjust profits, as well as sums
18 sufficient to compensate Summit for all harm suffered as a result of Defendant’s
19 conduct; and (e) punitive damages.

20 **FIFTH CAUSE OF ACTION**

21 **(Copyright Infringement)**

22 48. Summit repeats and realleges each and every allegation of paragraphs 1
23 through 47, above, as though fully set forth herein.

24 49. Summit is the copyright owner of the photographs and images
25 associated with the *Twilight* Motion Pictures used by Defendant, and at all times
26 relevant to the complaint, Summit is and has been the sole exclusive authorized
27 licensor of such photographs and images in the United States. Said photographs
28 and images all are original works of authorship owned by Summit and are

1 copyrightable subject matter under the laws of the United States. The photographs
2 were fixed in a tangible medium by development of the photographs and/or by
3 uploading to a hard drive and publishing the artwork bearing the photographs. The
4 photographs comprise unit photography from the *Twilight* Motion Pictures and
5 publicity photographs and/or artwork for publicity of the *Twilight* Motion Pictures.

6 50. The photographs and images used by Defendant on his Website are the
7 subject of valid copyright registrations issued by the U.S. Copyright Office and
8 owned by Summit. Summit registered the copyrights identified in the following
9 copyright registrations:

Description	Reg./App.Date	Reg. No.	Status
Twilight Banner	November 6, 2009	VA 1-689-494	Registered
<i>Eclipse</i> Trading Cards Base Set Series 1	June 26, 2011	VA 1-779-140	Registered
<i>The Twilight Saga: Eclipse</i> Bus Shelter Cullens	June 25, 2011	VA 1-779-144	Registered
<i>The Twilight Saga: Eclipse</i> Bus Shelter Trio	June 25, 2011	VA 1-779-159	Registered

18 Such registrations are valid and subsisting. True and correct copies of
19 Summit's copyright registrations listed above are attached hereto as **Exhibit E**.

20 51. Defendant had access to Summit's photographs and images through
21 online resources, and given the wide publication of the images, the *Twilight* Motion
22 Pictures, and publicity for the *Twilight* Motion Pictures.

23 52. Defendant has violated Summit's exclusive rights in and to Summit's
24 photographs and images by unlawfully using, reproducing, displaying, and
25 distributing them on his Website and using them in his Website Business without
26 authorization and by unlawfully preparing derivative works thereof for use on his
27 Website.

28 53. Upon information and belief, Defendant was at all material times aware

1 that his use of the photographs and images, in the absence of a valid license
2 agreement authorizing Defendant to use them and/or to edit, alter and/or otherwise
3 modify them without Summit's prior written approval, would constitute copyright
4 infringement. Summit has not granted to Defendant any such right or license.

5 54. Summit is informed and believes and on that basis alleges that
6 Defendant had full knowledge that his acts are wrongful and unlawful and has
7 continued to infringe said copyrights, throughout the United States and various
8 other territories of the world.

9 55. By reason of the foregoing, Summit has suffered damages in an
10 amount to be determined at trial, and is entitled, at its election, to either (a) all
11 damages suffered by Summit, along with all gains, profits and advantages derived
12 by Defendant from the acts of infringement, plus exemplary and punitive damages
13 in amounts to be proven at trial, or (b) statutory damages as provided for in the
14 Copyright Act of the United States.

15 56. Summit is also entitled to attorneys' fees under the Copyright Act.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Summit prays that this Court enter judgment against
18 Defendant as follows:

19 1. Finding that Defendant has violated 15 U.S.C. § 1125(a) and the
20 common law, has infringed the TWILIGHT Marks under the common law and
21 infringed the TWILIGHT Marks, the Stylized TWILIGHT, the TWILIGHT
22 TRACKER, and the LUNA TWILIGHT trademarks under 15 U.S.C. § 1114, has
23 violated 15 U.S.C. § 1125(c)(1) and Cal. Bus. & Prof. Code § 14247, has violated
24 Cal. Bus. & Prof. Code § 17200 and the common law by engaging in unlawful,
25 unfair, and fraudulent business practices, and has infringed Summit's copyrights;

26 2. Ordering that Defendant and his officers, agents, servants, directors,
27 employees, servants, partners, representative, assigns, successors, related
28 companies, and attorneys and all persons in active concert or participation with

1 Defendant or with any of the foregoing be enjoined preliminarily during the
2 pendency of this action and permanently thereafter from:

3 a. Using, promoting, advertising, publicizing, distributing,
4 and posting any of the Twilight Intellectual Property for or on his Website or for
5 any other goods or services, or any other mark, name, symbol, or logo which is
6 likely to cause confusion or to cause mistake or to deceive persons into the
7 erroneous belief that Defendant, his Website or his Website Business are sponsored,
8 licensed, or endorsed by Summit, are authorized by Summit, or are connected or
9 affiliated in some way with Summit or the *Twilight* Motion Pictures;

10 b. Using, promoting, advertising, publicizing, distributing,
11 and posting any of the Twilight Intellectual Property or any other mark, name,
12 symbol, or logo that is a copy or colorable imitation of, incorporates, or is
13 confusingly similar to the TWILIGHT Marks on his Website or for any other goods
14 or services related to the *Twilight* Motion Pictures;

15 c. Falsely implying Summit's endorsement of Defendant's
16 Website or Website Business or engaging in any act or series of acts which, either
17 alone or in combination, constitutes unfair methods of competition with Summit
18 and from otherwise interfering with or injuring the Twilight Intellectual Property,
19 the TWILIGHT Marks, or the goodwill associated therewith;

20 d. Engaging in any act which is likely to dilute the
21 distinctive quality of the TWILIGHT Marks and/or injures Summit's business
22 reputation;

23 e. Copying, displaying, featuring, or using Summit's
24 photographs, images, or any other copyrightable subject matter from or related to
25 the *Twilight* Motion Pictures, or any works substantially similar thereto, or
26 engaging in any act in violation of Summit's copyrights;

27 f. Representing or implying that Defendant is in any way
28 sponsored by, affiliated with, or endorsed or licensed by Summit; or

1 g. Knowingly assisting, inducing, aiding, or abetting any
2 other person or business entity in engaging in or performing any of the activities
3 referred to in paragraphs 2(a) to (f) above.

4 3. Ordering that Summit is the exclusive owner of the TWILIGHT Marks
5 and that such marks are valid and protectable;

6 4. Ordering that Summit is the exclusive owner of the copyrights
7 associated with Summit's photographs and images and that such copyrights are
8 valid and protectable;

9 5. Ordering that Defendant be required to permanently remove all
10 Twilight Intellectual Property from Defendant's Website;

11 6. Granting an award of damages suffered by Summit according to proof
12 at the time of trial;

13 7. Ordering that Defendant account to Summit for any and all profits
14 earned as a result of Defendant's acts of infringement in violation of Summit's
15 rights under the Lanham Act, Cal. Bus. & Prof. Code §§ 14247, 17200, *et seq.*, the
16 Copyright Act, and the common law;

17 8. Granting an award of statutory damages under the Copyright Act;

18 9. Granting an award of three times the amount of compensatory
19 damages and increased profits pursuant to 15 U.S.C. § 1117;

20 10. Granting an award of punitive damages for the willful and wanton
21 nature of Defendant's aforesaid acts;

22 11. For pre-judgment interest on any recovery by Summit;

23 12. Granting an award of Summit's costs, expenses, and reasonable
24 attorney's fees; and

25 ///
26 ///
27 ///
28 ///

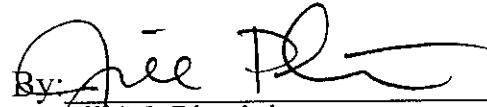
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

13. Granting such other and further relief as is just and proper.

Respectfully submitted,

MANATT, PHELPS & PHILLIPS, LLP

Dated: September 2, 2011

By: 

Jill M. Pietrini
Diana Iketani Iorlano
Paul A. Bost
Attorneys for Plaintiff
SUMMIT ENTERTAINMENT, LLC

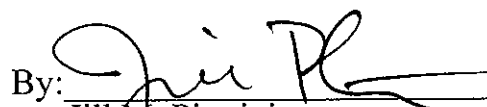
JURY DEMAND

Summit demands a trial by jury of all issues triable by jury.

Respectfully submitted,

MANATT, PHELPS & PHILLIPS, LLP

Dated: September 2, 2011

By: 

Jill M. Pietrini
Diana Iketani Iorlano
Paul A. Bost
Attorneys for Plaintiff
SUMMIT ENTERTAINMENT, LLC

300262588.1

(EXHIBIT A)

EXHIBIT A

United States of America

United States Patent and Trademark Office

TWILIGHT

Reg. No. 3,861,517

Registered Oct. 12, 2010

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)
1630 STEWART STREET
SUITE 120
SANTA MONICA, CA 90404

FOR: ADHESIVE BANDAGES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 3-0-2009; IN COMMERCE 3-0-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-640,049, FILED 12-25-2008.

CYNTHIA TRIPI, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

TWILIGHT

Reg. No. 3,884,386

Registered Nov. 30, 2010

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)
1630 STEWART STREET, SUITE 120
SANTA MONICA, CA 90404

FOR: PRE-RECORDED DVDS AND OTHER AUDIOVISUAL RECORDINGS FEATURING MOTION PICTURES AND DOCUMENTARIES; MOTION PICTURE FILMS IN THE FIELDS OF DRAMA AND ROMANCE; AND MOUSEPADS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-1-2008; IN COMMERCE 9-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-980,354, FILED 6-25-2008.

SKYE YOUNG, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

TWILIGHT

Reg. No. 3,884,385

Registered Nov. 30, 2010

Int. Cl.: 18

TRADEMARK

PRINCIPAL REGISTER

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)
1630 STEWART STREET, STE. 120
SANTA MONICA, CA 90404

FOR: ALL PURPOSE CARRYING BAGS, BACK PACKS, BEACH BAGS, WALLETS, PURSES,
BUSINESS CARD CASES, PET CLOTHING, LUGGAGE, AND MESSENGER BAGS , IN
CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 9-1-2008; IN COMMERCE 9-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-980,353, FILED 6-26-2008.

SKYE YOUNG, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

TWILIGHT

Reg. No. 3,944,718

Registered Apr. 12, 2011

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)
SUITE 200, SOUTH TOWER
1601 CLOVERFIELD BOULEVARD
SANTA MONICA, CA 90404

FOR: CLOTHING, NAMELY, T-SHIRTS, LOUNGEWEAR, SOCKS, PANTS, SWEATSHIRTS, SWEATPANTS, BANDANAS, SCARVES, APRONS, JACKETS, TANK TOPS, VESTS, NECKTIES, JERSEYS, SHIRTS, SWEATERS, BABYDOLL T-SHIRTS, INFANTWEAR, TRACK PANTS, AND HOODED SHIRTS; HEADWEAR; BELTS; AND WRIST CUFFS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 5-1-2008; IN COMMERCE 5-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-511,096, FILED 6-30-2008.

SKYE YOUNG, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

TWILIGHT

Reg. No. 3,867,985

Registered Oct. 26, 2010

Int. Cl.: 26

TRADEMARK

PRINCIPAL REGISTER

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)
SUITE 200, SOUTH TOWER
1601 CLOVERFIELD BOULEVARD
SANTA MONICA, CA 90404

FOR: BELT BUCKLES NOT MADE OF PRECIOUS METAL; ORNAMENTAL CLOTH
PATCHES; EMBROIDERED PATCHES FOR CLOTHING; AND ORNAMENTAL NOVELTY
BUTTONS, IN CLASS 26 (U.S. CLS. 37, 39, 40, 42 AND 50).

FIRST USE 9-0-2008; IN COMMERCE 9-0-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-511,117, FILED 6-30-2008.

SKYE YOUNG, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Int. Cls.: 41 and 45

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Amended

Reg. No. 3,756,560

Registered Mar. 9, 2010

OG Date Apr. 20, 2010

SERVICE MARK
PRINCIPAL REGISTER

TWILIGHT

SUMMIT ENTERTAINMENT, LLC (DE-
LAWARE LIMITED LIABILITY COM-
PANY)
SUITE 200, SOUTH TOWER
1601 CLOVERFIELD BOULEVARD
SANTA MONICA, CA 90404

THE MARK CONSISTS OF STAN-
DARD CHARACTERS WITHOUT CLAIM
TO ANY PARTICULAR FONT, STYLE,
SIZE, OR COLOR.

FOR: [ENTERTAINMENT IN THE
NATURE OF ON-GOING DRAMATIC
TELEVISION PROGRAMS,] PRODUC-

TION AND DISTRIBUTION OF MOTION
PICTURES, PROVIDING INFORMATION
RELATING TO MOTION PICTURES [,
TELEVISION PROGRAMS] AND LIT-
ERARY WORKS, IN CLASS 41 (U.S.
CLS. 100, 101 AND 107).
FIRST USE 4-18-2008; IN COMMERCE
4-18-2008.

FOR: LICENSING OF MERCHANDISE
ASSOCIATED WITH MOTION PICTURES;
PROVIDING ONLINE INFORMATION
ON THE LICENSING OF MERCHANDISE
ASSOCIATED WITH MOTION PICTURES,
IN CLASS 45 (U.S. CLS. 100 AND 101).
FIRST USE 6-1-2008; IN COMMERCE
6-1-2008.
SER. NO. 77-511,175, FILED 6-30-2008.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Apr. 20, 2010.*

United States of America

United States Patent and Trademark Office

twilight

Reg. No. 3,817,079

Registered July 13, 2010

Int. Cl.: 45

SERVICE MARK

PRINCIPAL REGISTER

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)
1630 STEWART STREET, SUITE 120
SANTA MONICA, CA 90404

FOR: LICENSING OF MERCHANDISE ASSOCIATED WITH MOTION PICTURES;
PROVIDING ONLINE INFORMATION ON THE LICENSING OF MERCHANDISE ASSOCI-
ATED WITH MOTION PICTURES, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 6-1-2008; IN COMMERCE 6-1-2008.

THE MARK CONSISTS OF THE WORD "TWILIGHT" IN A STYLIZED FONT.

SER. NO. 77-852,862, FILED 10-20-2009.

INGRID C. EULIN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

LUNA TWILIGHT

Reg. No. 3,929,237

Registered Mar. 8, 2011

Int. Cl.: 3

TRADEMARK

PRINCIPAL REGISTER

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)
1630 STEWART STREET, SUITE 120
SANTA MONICA, CA 90404

FOR: COSMETICS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 8-1-2009; IN COMMERCE 8-1-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-746,864, FILED 5-28-2009.

DEBRA LEE, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

TWILIGHT TRACKER

Reg. No. 3,793,131

Registered May 25, 2010

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)
1630 STEWART STREET, SUITE 120
SANTA MONICA, CA 90404

FOR: DOWNLOADABLE SOFTWARE THAT PROVIDES ACCESS TO MOVIE CONTENT AND TO PHOTOGRAPHS, NEWS AND INFORMATION REGARDING MOVIES, MOVIE TICKETS, SHOWTIMES AND MERCHANDISE, AND ALLOWS USERS TO SELECT AVATARS AND INTERACT WITH OTHER USERS, TO INTEGRATE WITH ONLINE SOCIAL NETWORKS, AND TO COMMUNICATE WITH OTHERS VIA A MESSAGE BOARD, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-17-2009; IN COMMERCE 9-17-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-874,255, FILED 11-17-2009.

SALLY SHIH, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

(EXHIBIT B)

EXHIBIT B



www.TalentHunter.com/EnlineCasting

Welcome To Twilight.com

[Twilight Series by Stephenie Meyer](#)

[Twilight DVD](#)

[Download Twilight Motion Picture Soundtrack MP3s](#)

[New Moon Movie Trailers, Interviews, Photo Galleries](#)

[Twilight Blu-Ray \(Ultimate Collector's Set\)](#)

[Visit Amazon.com / MP3 Store](#)

For Fans of Vintage TV Science Fiction

[The Twilight Zone Companion](#)

[Twilight Zone: The Complete Definitive Collection on DVD](#)

Ads by Google

Casting - "Breaking Dawn"

Casting ID# 52152.
Grab a Twilight Role Before the Deadline Ends.
[ExploreTalent.com/Twili](#)

Twilight Quiz

Impress Your Friends Add to Your Profile for Free!
[Webfetti.com](#)



Twilight is Now Casting

No Experience Needed! Make \$300/Day Apply Online | Registration is Free
[www.TalentHunter.com/Twilight](#)

New Photos - New Moon

Exclusive Photos of the Cullens, Volturi and the Wolfpack.
[www.HitFix.com/Twilight](#)

Books by Stephenie Meyer

Big Discounts on Bestselling Stephenie Meyer. See Our Sale!
[www.BooksAMillion.com](#)

Ads by Google



Welcome To Twilight.com

[Twilight Series by Stephenie Meyer](#)

[Twilight DVD](#)

[Download Twilight Motion Picture Soundtrack MP3s](#)

[New Moon Movie Trailers, Interviews, Photo Galleries](#)

[Twilight Blu-Ray \(Ultimate Collector's Set\)](#)

[Visit Amazon.com / MP3 Store](#)

For Fans of Vintage TV Science Fiction

[The Twilight Zone Companion](#)

[Twilight Zone: The Complete Definitive Collection on DVD](#)

Ads by Google

Twilight Fans Com Quiz...

Take the Twilight Fans Com Quiz! ...What Twilight Character Are You?
dumb-spot.com/Twilight-

Twilight Eclipse

New Twilight Breaking Dawn Casting Be In The New Twilight / Make \$300
www.TalentHunter.com/E



Twilight Quiz

Do the Twilight hunks quiz and download content for \$9.99 p/m
www.club28282.com/Twilight

The Twilight Test

Are you Edward...Jacob? Find out!
dumb-spot.com/Twilight-Test

Twilight Eclipse

New Twilight Breaking Dawn Casting Be In The New Twilight / Make \$300
www.TalentHunter.com/EclipseCasting

Ads by Google



ExploreTalent.com

Ads by Google

Welcome To Twilight.com

Twilight Series by Stephenie Meyer

Twilight DVD

Download Twilight Motion Picture Soundtrack MP3s

New Moon Movie Trailers, Interviews, Photo Galleries

Twilight Blu-Ray (Ultimate Collector's Set)

Visit Amazon.com / MP3 Store

For Fans of Vintage TV Science Fiction

The Twilight Zone Companion

Twilight Zone: The Complete Definitive Collection on DVD

Ads by Google

Casting Calls

Casting Calls For Kids & Teens. Apply Now! Ages 6 to 19 Only. ActingCareersNow.com/

Twilight Convention

Stars, Trivia, Contests, and more March 12-14, 2010, Marriott LAX www.creationent.com/



Having a New Moon Party?

Twilight fans! Earn free stuff. We'll Bring Our Merchandise to You. InspiredByTwilight.com

Bella Bracelet And Charms

The Bracelet Described in Eclipse Sterling Silver - Only \$29.95 www.JewelryWarehouse.com

Twilight 2

See New Moon The Movie Trailer & Pictures with Free Movie Toolbar Movies.alot.com

Ads by Google

Find sparkling designs & enjoy **FREE SHIPPING** on Twilight Saga gear. Save on T-shirts, iPhone cases & more with code: IMPRINT **SHOP NOW >**



Welcome To Twilight.com

[Twilight Series by Stephenie Meyer](#)

[Interview, Pictures, Discussions](#)

[Download Twilight Eclipse MP3s](#)

[The Twilight Saga: Eclipse \(Single-Disc Blu-ray/DVD Combo\)](#)

[Visit Amazon.com / MP3 Store](#)

For Fans of Vintage Television

[The Twilight Zone: The Complete Definitive Collection](#)

[Breaking Dawn Twilight](#) Everything to do with Breaking Dawn Twilight [Yahoo.com](#)

[Casting Calls](#) Casting Calls For Kids & Teens. Apply Now! Ages 6 to 19 Only. [ActingCareersNow.com/beverly-hills/](#)

[Twilight Games](#) Search multiple engines for twilight games [www.webcrawler.com](#)

Ads by Google

Twilight Quiz
Which Twilight Character Are You? Take the Free Quiz!
[Webfetti.com](#)

amazon cloud drive
5 GB FREE cloud storage
[Learn more](#)



Ads by Google



Ads by Google

Welcome To Twilight.com

[Twilight Series by Stephenie Meyer](#)

[Interview, Pictures, Discussions](#)

[Download Twilight Eclipse MP3s](#)

[The Twilight Saga: Eclipse \(Single-Disc Blu-ray/DVD Combo\)](#)

[Visit Amazon.com / MP3 Store](#)

For Fans of Vintage Television

[The Twilight Zone: The Complete Definitive Collection](#)

[Twilight Quiz](#) Which Twilight Character Are You? Take the Free Quiz! [Webfetti.com](#)

[MTV Movie Awards 2011](#) Catch A Sneak Peek of Twilight: Breaking Dawn! Sunday 6/5 @ 9/8C [movieawards.MTV.com](#)

[Keeping America Beautiful](#) Energizer® & Peter Facinelli Team Visiting Select National Parks. [www.nowthatspositivener...](#)

Ads by Google

[Watch Full Episodes](#)
 Turn Your Computer
 into a TV! Watch Full
 TV Episodes Online.
[www.TelevisionFanati...](#)

[Twilight Breaking Dawn](#)
 Everything to do with
 Twilight Breaking
 Dawn
[Yahoo.com](#)

amazon cloud player
 5 GB FREE cloud storage
[Learn more](#) [Privacy](#)

amazon.com

(EXHIBIT C)

EXHIBIT C

April 17, 2009

File No. 11186-033

**BY FACSIMILE AND
FEDERAL EXPRESS**

Tom Markson
TM Consulting
30 Mounds Road, Apt. 206
San Mateo, CA 94402-1255

**Re: Infringement of Intellectual Property Derived
From the Motion Picture *Twilight***

Dear Mr. Markson:

We are writing to request that TM Consulting ("TMC") immediately cease and desist from infringing intellectual property owned by Summit Entertainment, LLC ("Summit") through TMC's website, <<www.twilight.com>> (the "Website"). Copies of pages from the website are enclosed for your reference.

We are counsel for Summit, the entity responsible for producing and distributing the motion picture *Twilight*, and owner of many of the trademarks, copyrights, and other intellectual property rights related to and derived from the highly successful movie *Twilight*, including the TWILIGHT mark. Summit licenses the use of this intellectual property for a variety of uses, including, naturally, use for the marketing and sale of media and merchandise related to *Twilight*.

It has come to Summit's attention that TMC is the owner and operator of the Website, and that the Website repeatedly and willfully uses the trademark TWILIGHT and other information to draw a false association to the motion picture *Twilight* and merchandise and media related to *Twilight*, even though there is no association. For example, TMC uses the stylized font of the *Twilight* movie title, references downloads of the movie, and has quizzes relating to the movie. TMC's use of the TWILIGHT trademark and the other information relating to the Movie on its website is likely to cause consumers to believe that Summit has approved, licensed, and/or authorized TMC's use of its intellectual property, when, in fact, it has not done so. The likelihood of consumer confusion is clearly increased by TMC's hosting of banner advertisements also featuring the TWILIGHT trademark and other *Twilight*-derived intellectual property, including TWILIGHT in its distinctive lower-case letters and font. The Website's additional reference to the television series *The Twilight Zone* does not negate TMC's infringement. Similarly, TMC's use of the TWILIGHT mark remains unauthorized and unlicensed despite any permission to use or link the advertising on the Website from the advertisers.

TMC's actions described above constitute trademark infringement, false association,

Tom Markson

April 17, 2009


Page 2

false designation of origin, and dilution. The remedies available to Summit for these unlawful acts include an injunction against the use of any intellectual property identical or confusingly or substantially similar to that owned by Summit, Summit's actual damages, TMC's profits, and attorneys' fees. The above is not intended to be a complete listing of Summit's rights and remedies, and Summit reserves the right to assert other claims not stated herein.

Notwithstanding these available remedies, Summit requests that TMC agree in writing to immediately: (1) stop all use of the TWILIGHT trademark or any other mark, logo, design, or the like confusingly similar thereto; (2) cease all use of any intellectual property associated with *Twilight* in the future; (3) discontinue all quizzes and other solicitations on the Website to users about the *Twilight* movie or the characters therein; (4) provide us with the number of hits the Website received since it has used the mark TWILIGHT in an infringing manner suggesting an association with *Twilight* or Summit ("Period of Infringement"); (5) disgorge TMC's profits earned from the operation of the Website during the Period of Infringement; and (6) provide us with an accounting of the profits made from the Website during the Period of Infringement. The accounting must include: the total revenue/sales made from the Website during the Period of Infringement, including, but not limited to, advertising sales and revenues generated from clicked links. You may indicate your consent to these requests by signing the original of this letter and returning it to me **by April 27, 2009**. A copy of this letter is attached for your records.

Nothing contained in this letter, nor any act or omission to act by Summit is intended or should be deemed to be a waiver, abridgment, alteration, modification or reduction of any rights, claims, defenses or remedies that Summit may have in regard to this matter and all such rights, claims, defenses and remedies, whether at law or in equity, are hereby expressly reserved.

Very truly yours,



Jill M. Pietrini

Manatt, Phelps & Phillips, LLP

JMP:PB/eke

Attachments

cc: David Friedman, Esq.

AGREED AND ACCEPTED:

TM Consulting

By: _____

Tom Markson

Individually and on behalf of TM Consulting

Date: _____



www.TalentHunter.com

Fearthark - Arts by Google

Welcome To Twilight.com

[Twilight Series by Stephenie Meyer](#)

[Twilight DVD](#)

[Download Twilight Motion Picture Soundtrack MP3s](#)

[Movie Trailers, Interviews, Photo Galleries, Bios](#)

[Twilight Blu-Ray \(Ultimate Collector's Set\)](#)

[Visit Amazon.com / MP3 Store](#)

For Fans of Vintage TV Science Fiction

[The Twilight Zone Companion](#)

[Twilight Zone: The Complete Definitive Collection on DVD](#)

Ads by Google

The Twilight Test
 Are you Edward? Find out. Fun Twilight Test. DumbSpot.com/Twilight

Free Vampire Game
 ReignOfBlood is a free vampire game Free RPG, Signup Today! www.ReignOfBlood.net



The Twilight Movie
 Search multiple engines for the twilight movie
[www.webcrawler.com](#)

Free Vampire Game
 ReignOfBlood is a free vampire game Free RPG, Signup Today!
[www.ReignOfBlood.net](#)

Robert Pattinson
 1-Minute Poll Is Robert Pattinson a Bad Actor?
[Go-Vote.net/Robert-Pattinson](#)



Ads by Google

Quizzes

dumb spot dumb quizzes dumb stuff dumb jokes dumb people dumb videos the dumb test more!
 funny quizzes stupid quizzes mspace quizzes fun quizzes dumb tests dumb pictures dumb laws dumb blondes



What Twilight Book Character Am I?

Have you read the Twilight series books? Are you a huge fan? Then you have to find out which Twilight character you are!

1. Which of these descriptions is closest to your physical appearance?

- A short girl with dark hair, and brown eyes.
- A tall guy with reddish brown hair and a crooked smile.
- A petite girl who is a bit pixie-like.
- A huge guy with long, dark hair and dark eyes.
- A tall, statuesque girl with long, blonde hair.
- A lanky boy with blonde hair.
- A tall, bulky guy with brown curly hair.

2. What would you do on your ideal date?

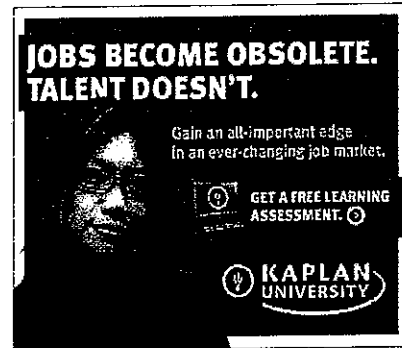
- A movie I guess, something simple.
- A party.
- Dinner at a good restaurant.
- An extravagant night on the town.
- A dance.
- A ballgame.

3. If your friends could choose one word to describe you, what would it be?

- Clumsy
- Adonis
- Sprightly
- Warm
- Beautiful
- Dependable
- Teddy Bear

4. Which car would you like to drive?

- 1953 Chevrolet Pickup Truck
- Volvo S60 R
- Porsche 911 Turbo
- Volkswagen Rabbit
-



- BMW M3
- Jeep Wrangler

5. Which of these jobs would you like to have?

- Chef
- Scientist
- Event Planner
- Mechanic
- Model
- General
- Pro Athlete

6. What did you/will you wear to prom?

- I don't know -- I have no idea what fashions are in.
- A classic, elegant tux.
- A black, floor-length gown, with an edgy twist.
- A long, red gown that shows off my legs.

7. The Twilight books have great male and female characters. Which do you like most?

- I am a man and I like the female Twilight characters more.
- I am a woman and I like the female Twilight characters more.
- I am a man and I like the male Twilight characters more.
- I am a woman and I like the male Twilight characters more.

Continue

Teen Quizzes

- Twilight Test
- Dumb Quiz
- Fat Test
- Intelligence Test
- Are You Sexy Test
- Britney Spears Test
- Dumb Blonde Test

- What Celebrity Am I
- Vampire Test
- Goth Test
- Erno Test
- Secret Valentine Test
- Love Test
- Online IQ Test

Personality Quizzes

- Lesbian Test
- Where to Live Quiz
- Redneck Quiz
- Gay Test
- Political Party Test
- Candidate Quiz
- What Drink Am I Quiz

Dumb Tests & Quizzes

- Dumb Games
- Fun Quizzes
- Funny Jokes
- The Dumb Test
- MySpace Quotes
- Career Quizzes
- MySpace Countdowns

[Privacy Policy](#) [About Dumb Spot](#) [Unsubscribe](#)

© 2009 Pangea Media

This site's quizzes are open to US residents age 13 and up. By completing the quiz and submitting your personal information, you are agreeing that this information may be shared with third parties in accordance with this site's privacy policy. See the complete privacy policy for more details.

At the end of this quiz, you will see a series of advertising offers. These offers are optional. You are not required to accept any offer as a condition for receiving your quiz results.

(EXHIBIT D)

EXHIBIT D

April 20, 2009

File No. 11186-033-095

VIA FEDERAL EXPRESS

Tom Markson
TM Consulting
216A Kulamanu Place
Honolulu, HI 96816

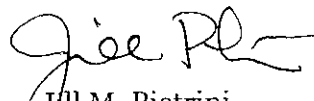
**Re: Infringement of Intellectual Property Derived
From the Motion Picture *Twilight***

Dear Mr. Markson:

We are counsel for Summit, the entity responsible for producing and distributing the motion picture *Twilight*, and owner of many of the trademarks, copyrights, and other intellectual property rights related to and derived from the highly successful movie *Twilight*, including the TWILIGHT mark. On Friday, April 17, 2009, a letter was sent to your San Mateo, California office, a copy of which is enclosed for your review. We note that you also maintain an address in Hawaii, and we are sending our letter to that address as well to ensure that you receive it.

Should you have any question, please contact me.

Very truly yours,


Jill M. Pietrini
Manatt, Phelps & Phillips, LLP

JMP/PB:eke

Enclosure
cc: David Friedman, Esq.
41385888.1

April 17, 2009

File No. 11186-033

**BY FACSIMILE AND
FEDERAL EXPRESS**

Tom Markson
TM Consulting
30 Mounds Road, Apt. 206
San Mateo, CA 94402-1255

**Re: Infringement of Intellectual Property Derived
From the Motion Picture *Twilight***

Dear Mr. Markson:

We are writing to request that TM Consulting ("TMC") immediately cease and desist from infringing intellectual property owned by Summit Entertainment, LLC ("Summit") through TMC's website, <<www.twilight.com>> (the "Website"). Copies of pages from the website are enclosed for your reference.

We are counsel for Summit, the entity responsible for producing and distributing the motion picture *Twilight*, and owner of many of the trademarks, copyrights, and other intellectual property rights related to and derived from the highly successful movie *Twilight*, including the TWILIGHT mark. Summit licenses the use of this intellectual property for a variety of uses, including, naturally, use for the marketing and sale of media and merchandise related to *Twilight*.

It has come to Summit's attention that TMC is the owner and operator of the Website, and that the Website repeatedly and willfully uses the trademark TWILIGHT and other information to draw a false association to the motion picture *Twilight* and merchandise and media related to *Twilight*, even though there is no association. For example, TMC uses the stylized font of the *Twilight* movie title, references downloads of the movie, and has quizzes relating to the movie. TMC's use of the TWILIGHT trademark and the other information relating to the Movie on its website is likely to cause consumers to believe that Summit has approved, licensed, and/or authorized TMC's use of its intellectual property, when, in fact, it has not done so. The likelihood of consumer confusion is clearly increased by TMC's hosting of banner advertisements also featuring the TWILIGHT trademark and other *Twilight*-derived intellectual property, including TWILIGHT in its distinctive lower-case letters and font. The Website's additional reference to the television series *The Twilight Zone* does not negate TMC's infringement. Similarly, TMC's use of the TWILIGHT mark remains unauthorized and unlicensed despite any permission to use or link the advertising on the Website from the advertisers.

TMC's actions described above constitute trademark infringement, false association,

Tom Markson

April 17, 2009


Page 2

false designation of origin, and dilution. The remedies available to Summit for these unlawful acts include an injunction against the use of any intellectual property identical or confusingly or substantially similar to that owned by Summit, Summit's actual damages, TMC's profits, and attorneys' fees. The above is not intended to be a complete listing of Summit's rights and remedies, and Summit reserves the right to assert other claims not stated herein.

Notwithstanding these available remedies, Summit requests that TMC agree in writing to immediately: (1) stop all use of the TWILIGHT trademark or any other mark, logo, design, or the like confusingly similar thereto; (2) cease all use of any intellectual property associated with *Twilight* in the future; (3) discontinue all quizzes and other solicitations on the Website to users about the *Twilight* movie or the characters therein; (4) provide us with the number of hits the Website received since it has used the mark TWILIGHT in an infringing manner suggesting an association with *Twilight* or Summit ("Period of Infringement"); (5) disgorge TMC's profits earned from the operation of the Website during the Period of Infringement; and (6) provide us with an accounting of the profits made from the Website during the Period of Infringement. The accounting must include: the total revenue/sales made from the Website during the Period of Infringement, including, but not limited to, advertising sales and revenues generated from clicked links. You may indicate your consent to these requests by signing the original of this letter and returning it to me **by April 27, 2009**. A copy of this letter is attached for your records.

Nothing contained in this letter, nor any act or omission to act by Summit is intended or should be deemed to be a waiver, abridgment, alteration, modification or reduction of any rights, claims, defenses or remedies that Summit may have in regard to this matter and all such rights, claims, defenses and remedies, whether at law or in equity, are hereby expressly reserved.

Very truly yours,



Jill M. Pietrini
Manatt, Phelps & Phillips, LLP

JMP:PB/eke

Attachments

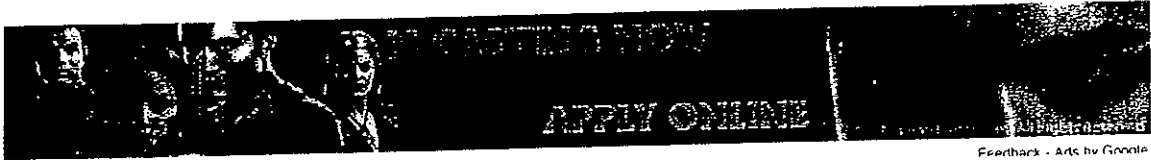
cc: David Friedman, Esq.

AGREED AND ACCEPTED:

TM Consulting

By: _____
Tom Markson
Individually and on behalf of TM Consulting

Date: _____



www.TalentHunter.com

Feedback - Ads by Google

Search input field with a 'Search' button.

Welcome To Twilight.com

[Twilight Series by Stephenie Meyer](#)

[Twilight DVD](#)

[Download Twilight Motion Picture Soundtrack MP3s](#)

[Movie Trailers, Interviews, Photo Galleries, Bios](#)

[Twilight Blu-Ray \(Ultimate Collector's Set\)](#)

[Visit Amazon.com / MP3 Store](#)

For Fans of Vintage TV Science Fiction

[The Twilight Zone Companion](#)

[Twilight Zone: The Complete Definitive Collection on DVD](#)

Ads by Google

The Twilight Test
Are you Edward? Find out Fun Twilight Test
[DumbSpot.com/Twilight](#)

Free Vampire Game
ReignOfBlood is a free vampire game
Free RPG, Signup Today!
[www.ReignOfBlood.net](#)



The Twilight Movie
Search multiple engines for the twilight movie
[www.webcrawler.com](#)

Free Vampire Game
ReignOfBlood is a free vampire game Free RPG, Signup Today!
[www.ReignOfBlood.net](#)

Robert Pattinson
1-Minute Poll Is Robert Pattinson a Bad Actor?
[Go-Vote.net/Robert-Pattinson](#)

Ads by Google



Quizzes

dumb spot dumb quizzes dumb stuff dumb jokes dumb people dumb videos the dumb test more!
funny quizzes stupid quizzes myspace quizzes lun quizzes dumb tests dumb pictures dumb laws dumb blondes

What Twilight Book Character Am I?

Have you read the Twilight series books? Are you a huge fan? Then you have to find out which Twilight character you are!

1. Which of these descriptions is closest to your physical appearance?

- A short girl with dark hair, and brown eyes.
- A tall guy with reddish brown hair and a crooked smile.
- A petite girl who is a bit pixie-like.
- A huge guy with long, dark hair and dark eyes.
- A tall, statuesque girl with long, blonde hair.
- A lanky boy with blonde hair.
- A tall, bulky guy with brown curly hair.

2. What would you do on your ideal date?

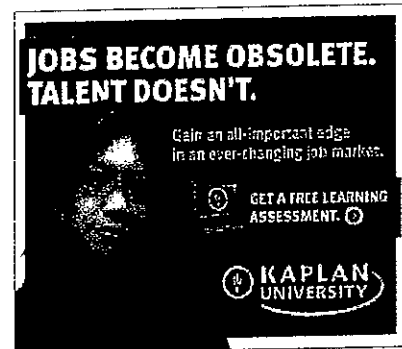
- A movie I guess, something simple.
- A party.
- Dinner at a good restaurant.
- An extravagant night on the town.
- A dance.
- A ballgame.

3. If your friends could choose one word to describe you, what would it be?

- Clumsy
- Adonis
- Sprightly
- Warm
- Beautiful
- Dependable
- Teddy Bear

4. Which car would you like to drive?

- 1953 Chevrolet Pickup Truck
- Volvo S60 R
- Porsche 911 Turbo
- Volkswagen Rabbit
-



- BMW M3
- Jeep Wrangler

5. Which of these jobs would you like to have?

- Chef
- Scientist
- Event Planner
- Mechanic
- Model
- General
- Pro Athlete

6. What did you/will you wear to prom?

- I don't know -- I have no idea what fashions are in.
- A classic, elegant tux.
- A black, floor-length gown, with an edgy twist.
- A long, red gown that shows off my legs.

7. The Twilight books have great male and female characters. Which do you like most?

- I am a man and I like the female Twilight characters more.
- I am a woman and I like the female Twilight characters more.
- I am a man and I like the male Twilight characters more.
- I am a woman and I like the male Twilight characters more.

Continue

Teen Quizzes

- Twilight Test
- Dumb Quiz
- Fat Test
- Intelligence Test
- Are You Sexy Test
- Britney Spears Test
- Dumb Blonde Test

- What Celebrity Am I
- Vampire Test
- Goth Test
- Emo Test
- Secret Valentine Test
- Love Test
- Online IQ Test

Personality Quizzes

- Lesbian Test
- Where to Live Quiz
- Redneck Quiz
- Gay Test
- Political Party Test
- Candidate Quiz
- What Drink Am I Quiz

Dumb Tests & Quizzes

- Dumb Games
- Fun Quizzes
- Funny Jokes
- The Dumb Test
- MySpace Quotes
- Career Quizzes
- MySpace Countdowns

© 2009 Pangea Media

[Privacy Policy](#) [About Dumb Spot](#) [Unsubscribe](#)

This site's quizzes are open to US residents age 13 and up. By completing the quiz and submitting your personal information, you are agreeing that this information may be shared with third parties in accordance with this site's privacy policy. See the complete privacy policy for more details.

At the end of this quiz, you will see a series of advertising offers. These offers are optional. You are not required to accept any offer as a condition for receiving your quiz results.

(EXHIBIT E)

EXHIBIT E

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

Registration Number
VA 1-689-494

Effective date of
registration:
November 6, 2009

Title

Title of Work: Twilight Banner
Nature of Work: Photograph with Artwork

Completion/Publication

Year of Completion: 2008
Date of 1st Publication: October 13, 2008
Nation of 1st Publication: United States

Author

- Author: Joey Lawrence
Author Created: Photograph
Work made for hire: No
Domiciled in: United States
Anonymous: No
Pseudonymous: No
- Author: The Cimarron Group
Author Created: 2-Dimensional artwork
Work made for hire: Yes
Citizen of: United States

Copyright claimant

Copyright Claimant: Summit Entertainment, LLC
1630 Stewart Street, Suite 120, Santa Monica, CA 90404
Transfer Statement: By Assignment.

Limitation of copyright claim

Previously registered: No

Certification

Name: Kathryn Vaclavik, authorized agent of Summit Entertainment,
LLC

Date: November 5, 2009

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante

Register of Copyrights, United States of America

Registration Number
VA 1-779-140

Effective date of registration:
June 26, 2011

Title

Title of Work: ECLIPSE trading cards base set SERIES 1
Previous or Alternative Title: The Twilight Saga: Eclipse trading cards base set 1-80

Completion/Publication

Year of Completion: 2009
Date of 1st Publication: June 7, 2010
Nation of 1st Publication: United States

Author

■ **Author:** Summit Entertainment, LLC
Author Created: text, photograph(s), 2-D artwork, Compilation
Work made for hire: Yes
Citizen of: United States

Copyright claimant

Copyright Claimant: Summit Entertainment, LLC
1630 Stewart Street, Suite 120, Santa Monica, CA, 90404, United States

Limitation of copyright claim

Material excluded from this claim: text, photograph(s), Pre-existing photograph of eclipse; materials from previously registered motion picture The Twilight Saga: Eclipse

New material included in claim: text, photograph(s), 2-D artwork, Compilation

Certification

Name: Monica Danner
Date: June 26, 2011
Applicant's Tracking Number: 11186-033

Correspondence: Yes

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maui A. Pallante

Register of Copyrights, United States of America

Registration Number
VA 1-779-144

Effective date of
registration:
June 25, 2011

Title

Title of Work: The TWILIGHT SAGA: ECLIPSE bus shelter Cullens

Completion/Publication

Year of Completion: 2009

Date of 1st Publication: May 21, 2010

Nation of 1st Publication: United States

Author

▪ Author: Summit Entertainment, LLC

Author Created: photograph(s), 2-D artwork

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

Copyright claimant

Copyright Claimant: Summit Entertainment, LLC

1630 Stewart Street, Suite 120, Santa Monica, CA, 90404, United States

Limitation of copyright claim

Material excluded from this claim: photograph(s), Pre-existing photograph of eclipse

New material included in claim: photograph(s), 2-D artwork

Certification

Name: Monica Danner

Date: June 25, 2011

Applicant's Tracking Number: 11186-033

Correspondence: Yes

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante

Register of Copyrights, United States of America

Registration Number
VA 1-779-159

Effective date of registration:

June 25, 2011

Title

Title of Work: The TWILIGHT SAGA: ECLIPSE bus shelter Trio

Completion/Publication

Year of Completion: 2009

Date of 1st Publication: May 18, 2010

Nation of 1st Publication: United States

Author

▪ **Author:** Summit Entertainment, LLC

Author Created: photograph(s), 2-D artwork

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

Copyright claimant

Copyright Claimant: Summit Entertainment, LLC

1630 Stewart Street, Suite 120, Santa Monica, CA, 90404, United States

Limitation of copyright claim

Material excluded from this claim: photograph(s), Pre-existing photograph of eclipse

New material included in claim: photograph(s), 2-D artwork

Certification

Name: Monica Danner

Date: June 25, 2011

Applicant's Tracking Number: 11186-033

Correspondence: Yes

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Stephen V. Wilson and the assigned discovery Magistrate Judge is Margaret A. Nagle.

The case number on all documents filed with the Court should read as follows:

CV11- 7296 SVW (MANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT
for the
CENTRAL DISTRICT OF CALIFORNIA

SUMMIT ENTERTAINMENT, LLC, a Delaware
limited liability company,
Plaintiff
v.
TOM MARKSON, dba TM CONSULTING, and DOES
1-10, inclusive,
Defendant

Civil Action No.
CV11 07296SVW (MANx)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

TOM MARKSON, dba TM CONSULTING
216A Kulamanu Place
Honolulu, HI 96816

TOM MARKSON, dba TM CONSULTING
30 Mounds Road, Apt. 206
San Mateo, CA 94402-1255

A lawsuit has been filed against you.


Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jill M. Pietrini (SBN 138335)
Diana Iorlano (SBN 193359)
Paul Bost (SBN 261531)
MANATT, PHELPS & PHILLIPS, LLC
11355 West Olympic Boulevard
Los Angeles, CA 90064

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: September 2, 2011

CHRISTOPHER POWERS
Signature of Clerk or Deputy Clerk

1181

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(1))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$. _____

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) SUMMIT ENTERTAINMENT, LLC, a Delaware limited liability company	DEFENDANTS TOM MARKSON, dba TM CONSULTING, and DOES 1-10, inclusive
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) MANATT, PHELPS & PHILLIPS, LLP Jill M. Pietrini (SBN 138335) jpietrini@manatt.com Diana Iketani Iorlano (SBN 193359) diorlano@manatt.com Paul Bost (SBN 261531) pbost@manatt.com 11355 West Olympic Boulevard Los Angeles, CA 90064-1614 Telephone: (310) 312-4000; Facsimile: (310) 312-4224	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%; text-align: center;">PTF DEF</td> <td style="width:33%;"></td> <td style="width:33%; text-align: center;">PTF DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>		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
	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. 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 Multi-District Litigation
 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. 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.)
False Designation of Origin – 15 U.S.C. § 1125(a); Trademark Infringement – 15 U.S.C. § 1114 and Common Law; Dilution – 15 U.S.C. § 1125(c), Cal. Bus. & Prof. Code § 14247; Statutory and Common Law Unfair Competition

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <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 Act <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 Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State 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 Loan (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 <hr/> 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	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. 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 <hr/> IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<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 <hr/> BANKRUPTCY <input type="checkbox"/> 22 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <hr/> 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 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<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 <hr/> FORFEITURE/PENALTY <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"/> 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 <hr/> PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark <hr/> SOCIAL SECURITY <input type="checkbox"/> 61 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)) <hr/> FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

CV11 07296

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact, or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Summit Entertainment, LLC – Los Angeles County	

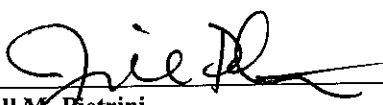
(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Tom Markson, Db a Tm Consulting – Honolulu, HI

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
All claims – Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date September 2, 2011
Jill M. Pietrini

Notice to Counsel/Parties: The CV-71 (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. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3 -1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))