

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 16-3063 FMO (GJSx)	Date	August 29, 2016
Title	Gibson Brands, Inc. v. George Anthony Leicht		

Present: The Honorable Fernando M. Olguin, United States District Judge

Vanessa Figueroa

None

None

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorney Present for Plaintiff(s):

Attorney Present for Defendant(s):

None Present

None Present

Proceedings: (In Chambers) Order to Show Cause Re: Personal Jurisdiction and Venue

On May 4, 2016, plaintiff Gibson Brands, Inc. (“plaintiff”) filed a Complaint against defendant George Anthony Leicht (“defendant”) alleging: (1) trademark infringement, 15 U.S.C. § 1114; (2) unfair competition, 15 U.S.C. § 1125(a); (3) false advertising, 15 U.S.C. § 1125(a); (4) trademark dilution, 15 U.S.C. § 1125(c); (5) trade dress infringement, 15 U.S.C. § 1125(a); (6) common and statutory law trademark infringement; and (7) common and statutory law unfair competition. (See Dkt. 1, Complaint at ¶¶ 30-57). Plaintiff alleges that the court has subject matter jurisdiction because this case arises out of a violation of federal law. (See *id.* at ¶ 6). Plaintiff alleges that venue is proper because “Defendant is subject to personal jurisdiction in this District and a substantial part of the events giving rise to these claims occurred” here. (*Id.* at ¶ 8).

A defendant may be subject to either general or specific personal jurisdiction. See *Daimler AG v. Bauman*, 134 S.Ct. 746, 754 (2014). General jurisdiction applies when a defendant’s contacts with the forum state are “so continuous and systematic as to render it essentially at home” there. *Id.* at 761 (quotation and alteration marks omitted). Specific jurisdiction applies when the cause of action “is related to or ‘arises out of’ a defendant’s contacts with the forum” state. *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 414 (1984). Specific jurisdiction does not apply unless a defendant commits an act by which it “purposefully avails itself of the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its laws.” *Hanson v. Denckla*, 357 U.S. 235, 253 (1958). The defendant must have sufficient “minimum contacts” with the forum state “such that he should reasonably anticipate being haled into court there.” *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 291 & 297 (1980). The court’s analysis “looks to the defendant’s contacts with the forum State itself, not the defendant’s contacts with persons who reside there.” *Walden v. Fiore*, 134 S.Ct. 1115, 1122 (2014). “[T]he plaintiff cannot be the only link between the defendant and the forum.” *Id.*

Plaintiff generally alleges that “Defendant has purposefully availed himself of the opportunity to conduct commercial activities in this forum, and this Complaint arises out of those activities.” (See Dkt. 1, Complaint at ¶ 8). Plaintiff further alleges that “Defendant maintains continuous and systematic contacts with the forum[.]” (*Id.*). However, plaintiff does not allege any

