

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> The Board of Trustees of the Leland Stanford Junior University	<b>DEFENDANTS</b> Stanford Rehab Medical Group
<b>(b)</b> County of Residence of First Listed Plaintiff Santa Clara County (EXCEPT IN U.S. PLAINTIFF CASES)	County of Residence of First Listed Defendant Santa Clara County (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
<b>(c)</b> Attorney's (Firm Name, Address, and Telephone Number)  Christopher R. Ball Telephone: (415) 983-7231 Pillsbury Winthrop Shaw Pittman LLP 50 Fremont Street, P.O. Box 7880 San Francisco, California 94129-7880	Attorneys (If Known)  <div style="font-size: 2em; font-weight: bold; text-align: center;">C 08 02117</div>

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<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)	<b>CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)																																
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2"></th> <th>PTF</th> <th>DEF</th> <th colspan="2"></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> <td><input 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> <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> <td><input type="checkbox"/> 6</td> <td><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	<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	<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	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only)				
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY
<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	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act <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  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	OTHER STATUTES	
<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"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <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"/> 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"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	

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

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Judge from Magistrate Judgment
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**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 15 USC 1114; 15 USC 1125(a), (c).

Brief description of cause:  
 Infringement of federally registered trademarks and service marks

**VII. REQUESTED IN COMPLAINT:**

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

DEMAND \$ injunction/damages

CHECK YES only if demanded in complaint:  
 JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY**

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

**IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)**

SAN FRANCISCO/OAKLAND  SAN JOSE

DATE: 4/23/08

SIGNATURE OF ATTORNEY OF RECORD: *Christopher R. Ball*

ORIGINAL  
FILED

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RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA S.J.

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ADR

6 Attorneys for Plaintiff  
7 THE BOARD OF TRUSTEES OF THE  
8 LELAND STANFORD JUNIOR UNIVERSITY  
UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 \_\_\_\_\_  
12 THE BOARD OF TRUSTEES OF THE  
LELAND STANFORD JUNIOR  
13 UNIVERSITY,

14 Plaintiff,

15 vs.

16 STANFORD REHAB MEDICAL GROUP,

17 Defendant.  
18 \_\_\_\_\_

Case No. **C08 02117**

**EDL**

STANFORD'S COMPLAINT FOR  
TRADEMARK INFRINGEMENT,  
TRADEMARK DILUTION, FALSE  
DESIGNATION OF ORIGIN AND  
UNFAIR COMPETITION, ETC.

DEMAND FOR JURY TRIAL

19 Comes now plaintiff, THE BOARD OF TRUSTEES OF THE LELAND STANFORD  
20 JUNIOR UNIVERSITY, and alleges as follows:

21 THE PARTIES

22 1. The Board of Trustees of the Leland Stanford Junior University is a trust having  
23 the powers of a California corporation under Section 94000 of the Education Code, with its  
24 principal place of business in Palo Alto, California ("Stanford").

25 2. Stanford is informed and believes, and on that ground alleges, that defendant  
26 "Stanford Rehab Medical Group" ("defendant") is a California corporation with business  
27 addresses in San Jose and Redwood City, California.  
28

1 JURISDICTION

2 3. This Court has original jurisdiction over the federal claims alleged herein  
3 pursuant to 28 U.S.C. §§ 1331 and 1338(a), and 15 U.S.C. § 1121(a), as the claims arise under  
4 the federal Trademark (Lanham) Act, 15 U.S.C. § 1051, *et seq.* The Court has supplemental  
5 jurisdiction over the state law claims under 28 U.S.C. §§ 1338(b) and 1367 because the state  
6 law claims are joined with substantial and related claims under federal laws, thus forming part  
7 of the same case and controversy under Article III of the U.S. Constitution.

8 VENUE

9 4. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because a  
10 substantial part of the trademark and service mark infringement and dilution, trade name  
11 infringement, unfair competition and other illegal conduct complained of herein has occurred  
12 and is occurring in this judicial district, where Stanford maintains its primary place of business.

13 INTRADISTRICT ASSIGNMENT

14 5. Intradistrict assignment to the San Jose Division is appropriate under Civil Local  
15 Rule 3-2(e) because a substantial part of the illegal conduct complained of herein has occurred  
16 and is occurring in Santa Clara County, where the parties are located.

17 GENERAL ALLEGATIONS

18 Stanford's Long-Standing Rights in the "STANFORD" Marks

19 6. Founded by former Governor Leland Stanford and his wife Jane in 1891,  
20 Stanford is a premier educational institution that is world renowned. Stanford is comprised of a  
21 number of graduate schools and associated research and clinical programs, including the  
22 Stanford Medical Center, which itself is comprised of the Stanford School of Medicine, the  
23 Stanford Hospital and a number of affiliated labs and clinics.

24 7. The Stanford School of Medicine is a premier research-intensive medical school  
25 that improves health through leadership and collaborative discoveries and innovation in patient  
26 care, education and research. The Stanford Medical School is the oldest medical school in the  
27 western United States, having been established in 1858 as the medical department of the  
28 University of the Pacific. In 1908, the school was adopted as Stanford's School of Medicine

1 and, in 1959, it moved to the Stanford campus in Palo Alto.

2 8. Since its founding, Stanford has continuously operated under the name and  
3 trademark "STANFORD." For many years, Stanford has been operating the Stanford Medical  
4 Center, the Stanford Medical School, the Stanford Hospital and its affiliated clinics and labs  
5 under the STANFORD name and mark, causing the STANFORD name and trademark to  
6 become famous and associated exclusively with Stanford. Stanford operates websites at  
7 <stanford.edu>; <med.stanford.edu> and <stanfordhospital.com>.

8 9. Stanford owns a number of federal trademark and service mark registrations for  
9 use in connection with a variety of goods and services, including the incontestable federal  
10 trademark registrations listed below:

11 (a) STANFORD (Reg. No. 2,194,918) for inpatient and outpatient medical  
12 services (International Class 042);

13 (b) STANFORD (Reg. No. 1,221,613) for educational services  
14 (International Class 41), research services (International Class 42), paper goods  
15 (International Class 16), clothing (International Class 25), and sporting goods  
16 (International Class 28); and

17 (c) STANFORD UNIVERSITY MEDICAL CENTER (Reg. No. 1,699,544)  
18 for hospital services, medical services and medical research services (International  
19 Class 042).

20 10. The trademark and service mark registrations listed above are valid and  
21 subsisting. True and correct copies of the Federal Registration Certificates for these marks,  
22 received from the United States Patent and Trademark Office ("PTO"), are attached to this  
23 complaint as Exhibits A through C and incorporated herein by reference. These registrations  
24 constitute constructive notice of Stanford's rights in the STANFORD family of marks.

25 11. In addition to its federally registered marks as alleged above, Stanford has  
26 acquired common law rights in the STANFORD mark by virtue of (a) its extensive use of the  
27 STANFORD mark to identify its services and goods in interstate commerce; (b) its investment  
28 in publicizing and advertising its services and goods under the STANFORD mark and the

1 association between the STANFORD mark and Stanford; (c) the public's use and association of  
2 the STANFORD mark to refer to services and goods provided by Stanford; and (d) Stanford's  
3 efforts to protect its rights in the STANFORD marks. For purposes of this complaint, the term  
4 "STANFORD marks" means all of Stanford's federal trademark and service mark registrations  
5 and applications and common law trademark, service mark, and trade name rights.

6 12. Stanford has spent substantial sums of money promoting the goods and services  
7 rendered under the STANFORD marks in California and across the United States and the  
8 world, creating in the public's mind an exclusive association between those marks and Stanford  
9 as the source of high quality, leading edge medical, clinical, educational and research services.

10 13. Through over a century of continuous use, advertising and promotion, Stanford  
11 has created extensive and valuable goodwill in the STANFORD marks, causing the  
12 STANFORD marks to become famous.

13 14. The Stanford School of Medicine is a leader in medical and health research,  
14 education and clinical programs. The Stanford School of Medicine has numerous world-  
15 renowned research programs and centers, including the Stanford Cancer Center, the Stanford  
16 Institute for Stem Biology and Regenerative Medicine, the Stanford Cardiovascular Institute,  
17 and Neuroscience Institute at Stanford. The Stanford School of Medicine also offers outreach  
18 and general educational programs for the public, such as the Stanford Weight Management For  
19 Women Program.

20 15. The Stanford Hospital and its affiliated clinics are known worldwide for their  
21 advanced, state-of-the-art, high quality patient care and contributions to medical advances. The  
22 Stanford Hospital and its clinics offer a wide range of services, from basic, primary care to  
23 advanced treatments and procedures. Stanford Hospital provides general acute care and tertiary  
24 medical care for patients and is the primary teaching hospital for the Stanford University  
25 School of Medicine, training physicians and other medical professionals. The affiliated  
26 Stanford clinics offer more than 100 specialty and subspecialty services areas, including  
27 specialty clinics offering weight loss and weight management services, such as Stanford's  
28 Center for Weight Loss Surgery, a surgical specialty clinic focused on weight loss treatment

1 and bariatric surgery.

2 16. The Stanford Clinics are located at the Stanford Hospital, with satellite locations  
3 throughout Palo Alto and the greater Bay Area, including various clinic sites in Menlo Park,  
4 Palo Alto, Mountain View, Campbell and San Francisco. In addition, Stanford Hospital has  
5 numerous patient services centers (for laboratory and pathology services), located in San Jose,  
6 Redwood City, San Mateo, Palo Alto, Menlo Park, Los Altos, Mountain View, Sunnyvale,  
7 Cupertino, Santa Clara, Los Gatos, Fremont and San Francisco, as well as numerous additional  
8 sites located in the East Bay, South Bay and Central Coast of California.

9 17. The STANFORD marks are famous, known throughout California, the United  
10 States and the world for clearly and unmistakably calling to mind Stanford as the source of high  
11 quality, leading edge medical, clinical, educational and research services, and other goods and  
12 services. The STANFORD marks became famous long prior to defendant's adoption and  
13 unlawful use of the name "Stanford Rehab."

14 Defendant's Unlawful Infringement of the STANFORD Marks

15 18. Stanford is informed and believes, and on the ground alleges, that defendant  
16 currently operates one or more medical clinics which offer, among other things, weight loss and  
17 weight management treatments and programs.

18 19. Stanford is informed and believes, and on the ground alleges that defendant  
19 operates a weight loss clinic under the names and marks "Stanford Rehab Medical Group"  
20 and/or "Stanford Rehab Weight Loss Clinic" at 88 West Tully Road, Suite 110, San Jose,  
21 California 95111, with additional business addresses at 1394 Tully Road, Suite 208, and 1460  
22 Tully Road, Suite 602, in San Jose, California. Stanford is informed and believes, and on the  
23 ground alleges that defendant recently opened a new weight loss clinic under the names and  
24 marks "Stanford Rehab Medical Group" and/or "Stanford Rehab Weight Loss Clinic" at 801  
25 Brewster Ave in Redwood City, California.

26 20. Defendant is using the names and marks, "Stanford Rehab Medical Group" and/  
27 or "Stanford Rehab Weight Loss Clinic," on exterior signs, business cards and in its  
28 informational, marketing and promotional materials. Copies and photographs of a business

1 card, exterior signage and marketing materials are attached to this complaint as Exhibits D-F.

2 21. Stanford is currently developing a site in Redwood City. The Redwood City site  
3 of Stanford Hospital currently houses the Epic/ CIS team, Physician Referral, Clinic  
4 Registration and Continuing Medical Education. When development is complete, the Campus  
5 will include Orthopedic Surgery, Neurospine, the Sleep Center, Dermatology, the Pain Center,  
6 a new Ambulatory Surgery Center and other clinic support.

7 22. Stanford sent written notices to defendant on numerous occasions stating that  
8 the use by defendant of the STANFORD name and mark is unauthorized, likely to cause  
9 confusion and/or mistake, to deceive the public, and to dilute the distinctive quality of  
10 Stanford's famous name and mark, thereby infringing on Stanford's rights under federal and  
11 state law. Stanford received no response to its initial letters.

12 23. On October 10, 2007, Stanford's counsel sent a letter to defendant demanding  
13 that defendant immediately cease all use of the STANFORD name and mark.

14 24. On October 19, 2007, Dr. Milliard Syverain of Stanford Rehab Medical Group  
15 responded in writing, agreeing to cease all use of the STANFORD name and mark.  
16 Specifically, the letter stated, "Your case is well understood. Therefore we have elected to be in  
17 compliance with the request made to cease and desist all use of the Stanford name and mark."  
18 Defendant's response further stated that the company was "in the process of asking the office  
19 of the Secretary of State of California to dissolve that corporation under the banner of Stanford  
20 Rehab Medical Group, PC."

21 25. Stanford is informed and believes, and on that ground alleges, that to date  
22 defendant's corporation "Stanford Rehab Medical Group" has not been dissolved and is still  
23 active and in good standing, according to records of the California Secretary of State.

24 26. Defendant continues to use the Stanford Rehab Weight Loss Clinic name and  
25 mark on exterior signage at 88 West Tully Road, San Jose, California. Photographs taken in  
26 March and April 2008, many months after defendant agreed to cease use of the Stanford mark,  
27 are at Exhibit D.

28 27. Stanford is informed and believes, and on that ground alleges, that defendant

1 continues to use business cards displaying the name and mark Stanford Rehab Medical Group.  
2 A copy of a business card is attached at Exhibit E.

3 28. Stanford sent several follow up letters to defendant from December 2007 to  
4 March 2008, regarding its continued use of the STANFORD name and marks. Defendant has  
5 not replied and has continued to use the STANFORD name and mark, thereby infringing  
6 Stanford's rights.

7 29. Consumers encountering the name "Stanford Rehab Medical Group" and/or  
8 "Stanford Rehab Weight Loss Clinic" are likely to be confused about the origin of defendant's  
9 services and mistakenly believe that defendant is affiliated with, or endorsed or sponsored by,  
10 Stanford and/or the Stanford Hospital and its clinics and/or the Stanford University School of  
11 Medicine.

12 30. Defendant's use of the names and marks "Stanford Rehab Medical Group" and  
13 "Stanford Rehab Weight Loss Clinic" has tarnished, and will continue to tarnish, Stanford's  
14 registered and common law trademarks and dilutes the exclusive association in the public's  
15 mind between those STANFORD marks and Stanford's high quality services, including its  
16 world-renowned medical, clinical and health services.

17 31. Stanford has neither authorized nor licensed defendant to use any STANFORD  
18 mark or name in any manner.

19 32. Stanford is informed and believes, and on that ground alleges, that defendant has  
20 caused its unlawful use of the STANFORD marks to enter interstate commerce.

21 33. Defendant has willfully and intentionally violated Stanford's rights in the  
22 STANFORD marks and has intended to tarnish and/or dilute the distinctive quality of the  
23 STANFORD marks.

24 FIRST CLAIM FOR RELIEF

25 Infringement of Federally Registered Trademarks and Service Marks

26 [Lanham Act § 32, 15 U.S.C. § 1114]

27 34. Stanford incorporates the allegations of paragraphs 1 through 33 above as  
28 though fully set forth in this paragraph.







1           49.     Stanford has requested that defendant cease its unlawful acts, and has given  
2 defendant actual notice of Stanford’s trademark and service mark registrations, but defendant  
3 willfully refuses to cease its infringing acts.

4           50.     Defendant’s conduct has damaged Stanford in an amount to be determined at  
5 trial, and, unless restrained, will impair the value of the STANFORD marks.

6   FIFTH CLAIM FOR RELIEF

7   Dilution

8   [California Bus. and Prof. Code § 14330]

9           51.     Stanford incorporates the allegations of paragraphs 1 through 33 above as  
10 though fully set forth in this paragraph.

11          52.     Defendant’s unlawful actions as alleged herein are likely to injure Stanford’s  
12 business reputation and/or dilute the distinctive quality of Stanford’s famous trademarks and  
13 service marks, in violation of California Business and Professions Code section 14330.

14          53.     Defendant’s conduct has damaged, and is damaging, Stanford in an amount to  
15 be determined at trial, and, unless restrained, will impair the value of the STANFORD marks.

16   SIXTH CLAIM FOR RELIEF

17   Unfair Competition

18   [California Bus. and Prof. Code § 17200 et seq.]

19          54.     Stanford incorporates the allegations of paragraphs 1 through 33 above as  
20 though fully set forth in this paragraph.

21          55.     Defendant’s unlawful actions as alleged herein constitute unfair and unlawful  
22 practices in violation of California Business and Professions Code section 17200 *et seq.* and  
23 cause injury to Stanford and the public.

24          56.     Stanford has sustained injury in fact and lost money or property as a result of the  
25 unfair and unlawful practices alleged herein.

26          57.     Defendant’s conduct has damaged Stanford in an amount to be determined at  
27 trial, and, unless restrained, will impair the value of the STANFORD marks.

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SEVENTH CLAIM FOR RELIEF

Common Law Trademark Infringement

58. Stanford incorporates the allegations of paragraphs 1 through 33 above as though fully set forth in this paragraph.

59. Defendant's unlawful actions as alleged herein constitute infringement of Stanford's common law rights in the trademarks and service marks that Stanford owns and uses, in violation of federal and California common law.

60. Stanford has requested that defendant cease its acts of trademark and service mark infringement and has given defendant actual notice of Stanford's rights in the STANFORD name and mark, but defendant willfully refuses to cease its infringing acts.

61. Defendant's conduct has damaged Stanford in an amount to be determined at trial, and, unless restrained, will impair the value of the STANFORD marks.

EIGHTH CLAIM FOR RELIEF

Common Law Unfair Competition

62. Stanford incorporates the allegations of paragraphs 1 through 33 above as though fully set forth in this paragraph.

63. Defendant's unlawful actions as alleged herein constitute unfair and unlawful practices in violation of federal and California common law to the injury and detriment of Stanford and the public.

64. Defendant's conduct has damaged Stanford in an amount to be determined at trial, and, unless restrained, will impair the value of the STANFORD marks.

NINTH CLAIM FOR RELIEF

Common Law Trade Name Infringement

65. Stanford incorporates the allegations of paragraphs 1 through 33 above as though fully set forth in this paragraph.

66. Defendant's activities constitute trade name infringement in violation of California common law to the injury of Stanford and the public.

67. Defendant's conduct has damaged Stanford in an amount to be determined at

1 trial, and, unless restrained, will impair the value of the STANFORD marks.

2 PRAYER

3 WHEREFORE, Stanford prays:

4 1. For permanent injunctions:

5 (a) pursuant to the powers granted to this Court in 15 U.S.C. section  
6 1116, enjoining and restraining Stanford Rehab and its agents, servants and  
7 employees from directly or indirectly using the STANFORD name, marks and  
8 logos or any colorable imitation thereof, or any other terms that infringe or  
9 dilute Stanford's STANFORD name, marks and logos in any manner;

10 (b) pursuant to the powers granted to this Court in 15 U.S.C. section  
11 1118, ordering that all labels, signs, prints, business cards, stationery, packages,  
12 wrappers, receptacles, websites, domain names and advertisements bearing the  
13 STANFORD name, mark or logo, or any other colorable imitation thereof, or  
14 any other terms that infringe or dilute Stanford's STANFORD family of marks  
15 be destroyed;

16 (c) pursuant to the powers granted to this Court in California Business  
17 and Professions Code section 17203, ordering that Stanford Rehab immediately  
18 cease and desist using or making reference to the STANFORD mark and name  
19 in any way so as to constitute unfair competition or deceptive, untrue, or  
20 misleading advertising;

21 (d) pursuant to the powers granted to this Court in California Business  
22 and Professions Code section 17203, enjoining and restraining Stanford Rehab  
23 and its agents, servants and employees (1) from directly or indirectly using the  
24 STANFORD marks and logos, or any other colorable imitation thereof, or any  
25 other terms that infringe or dilute Stanford's STANFORD family of marks;  
26 (2) from continuing any and all acts of unfair competition and unfair business  
27 practice by using the STANFORD name, marks or logos or any other colorable  
28 imitation thereof.

1           2. That defendant file with this Court and serve upon Stanford within fifteen (15) days  
2 after issuance of any injunction, a report in writing, under oath, setting forth in detail the  
3 manner and form in which Stanford Rehab has complied with the injunction.

4           3. That defendant be required to account to Stanford for any and all profits derived by  
5 defendant from the use of the STANFORD name, marks and logos and for all damages  
6 sustained by Stanford by reason of defendant's acts of infringement, dilution and unfair  
7 competition complained of in this complaint.

8           4. That the Court award Stanford:

9                   (a) all damages sustained by reason of the wrongful acts complained of  
10 herein;

11                   (b) treble the amount of the actual damages suffered by Stanford under  
12 15 U.S.C. § 1117;

13                   (c) punitive damages against Stanford Rehab and in favor of Stanford,  
14 by reason of defendant's intentional fraud and palming off, in an amount  
15 according to proof;

16                   (d) costs of this action;

17                   (e) reasonable attorneys' fees, in that this is an exceptional case, within  
18 the meaning of 15 U.S.C. § 1117(a); and

19                   (f) such other and further relief as the Court shall deem just.

20   DEMAND FOR JURY TRIAL

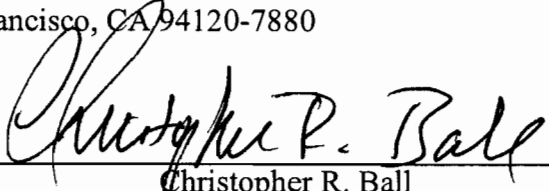
21           Plaintiff demands a jury trial for all claims as provided for in Federal Rule of  
22 Civil Procedure 38.

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Dated: April 23, 2008.

PILLSBURY WINTHROP SHAW PITTMAN LLP  
CHRISTOPHER BALL  
50 Fremont Street  
P.O. Box 7880  
San Francisco, CA 94120-7880

By   
Christopher R. Ball

Attorneys for Plaintiff,  
THE BOARD OF TRUSTEES OF THE LELAND  
STANFORD JUNIOR UNIVERSITY





**Int. Cl.: 42**

**Prior U.S. Cls.: 100 and 101**

**Reg. No. 2,194,918**

**United States Patent and Trademark Office**

**Registered Oct. 13, 1998**

**SERVICE MARK  
PRINCIPAL REGISTER**

**STANFORD**

**BOARD OF TRUSTEES OF LELAND STAN-  
FORD JUNIOR UNIVERSITY, THE (CALI-  
FORNIA BODY CORPORATE POWERS)  
900 WELCH ROAD  
PALO ALTO, CA 94304**

**FOR: INPATIENT AND OUTPATIENT MEDI-  
CAL SERVICES, IN CLASS 42 (U.S. CLS. 100  
AND 101).**

**FIRST USE 0-0-1959; IN COMMERCE  
0-0-1959.**

**OWNER OF U.S. REG. NOS. 1,219,912,  
1,221,613, AND 1,699,544.  
SEC. 2(F).**

**SER. NO. 75-261,226, FILED 3-21-1997.**

**ROBERT LORENZO, EXAMINING ATTORNEY**

**EXHIBIT B**

**Int. Cls.: 16, 25, 28, 41 and 42**

**Prior U.S. Cls.: 22, 37, 38, 39, 100 and 107**

**United States Patent and Trademark Office**

**Reg. No. 1,221,613**

Registered Dec. 28, 1982

**TRADEMARK  
SERVICE MARK  
Principal Register**

**STANFORD**

The Board of Trustees of the Leland Stanford Junior  
University (California corporation)  
Stanford University  
Stanford, Calif. 94305

For: PAPER GOODS—NAMELY, WRITING  
PAPER AND ENVELOPES, PENS, PEN SETS,  
DESK SETS, CALENDARS, BINDERS, NOTE-  
BOOKS, PENCILS, NAPKINS, LETTER OPEN-  
ERS AND PHOTO ALBUMS, in CLASS 16 (U.S.  
Cls. 37 and 38).

First use 1960; in commerce 1960.

For: CLOTHING—NAMELY, SWEATSHIRTS,  
T-SHIRTS, SWEATERS, ROBES, HATS, SOCKS,  
JERSEYS, RUNNING SUITS, JACKETS,  
SHORTS, PONCHOS AND PANTS, in CLASS 25  
(U.S. Cl. 39).

First use 1960; in commerce 1960.

For: SPORTING GOODS—NAMELY, TENNIS  
BALLS, GOLF BALLS, FOOTBALLS AND TOY

FLYING SAUCERS FOR TOSS GAME, in  
CLASS 28 (U.S. Cl. 22).

First use 1960; in commerce 1960.

For: EDUCATIONAL SERVICES, TEACHING  
STUDENTS AT UNIVERSITY LEVEL, in  
CLASS 41 (U.S. Cl. 107).

First use 1891; in commerce 1891.

For: RESEARCH SERVICES, RENDERING  
RESEARCH SERVICES IN THE SCIENCES,  
ARTS AND THE LIKE, in CLASS 42 (U.S. Cl.  
100).

First use 1891; in commerce 1891.

Sec. 2(f).

Ser. No. 254,867, filed Mar. 21, 1980.

J. H. WEBB, Examining Attorney



**Int. Cl.: 42**

**Prior U.S. Cl.: 100**

**United States Patent and Trademark Office** **Reg. No. 1,699,544**  
**Registered July 7, 1992**

---

**SERVICE MARK  
PRINCIPAL REGISTER**

**STANFORD UNIVERSITY MEDICAL CENTER**

BOARD OF TRUSTEES OF THE LELAND  
STANFORD JUNIOR UNIVERSITY, THE  
(CALIFORNIA BODY HAVING CORPORATE  
POWERS)  
STANFORD, CA 94305

FOR: HOSPITAL SERVICES, MEDICAL  
SERVICES AND MEDICAL RESEARCH SERV-  
ICES, IN CLASS 42 (U.S. CL. 100).

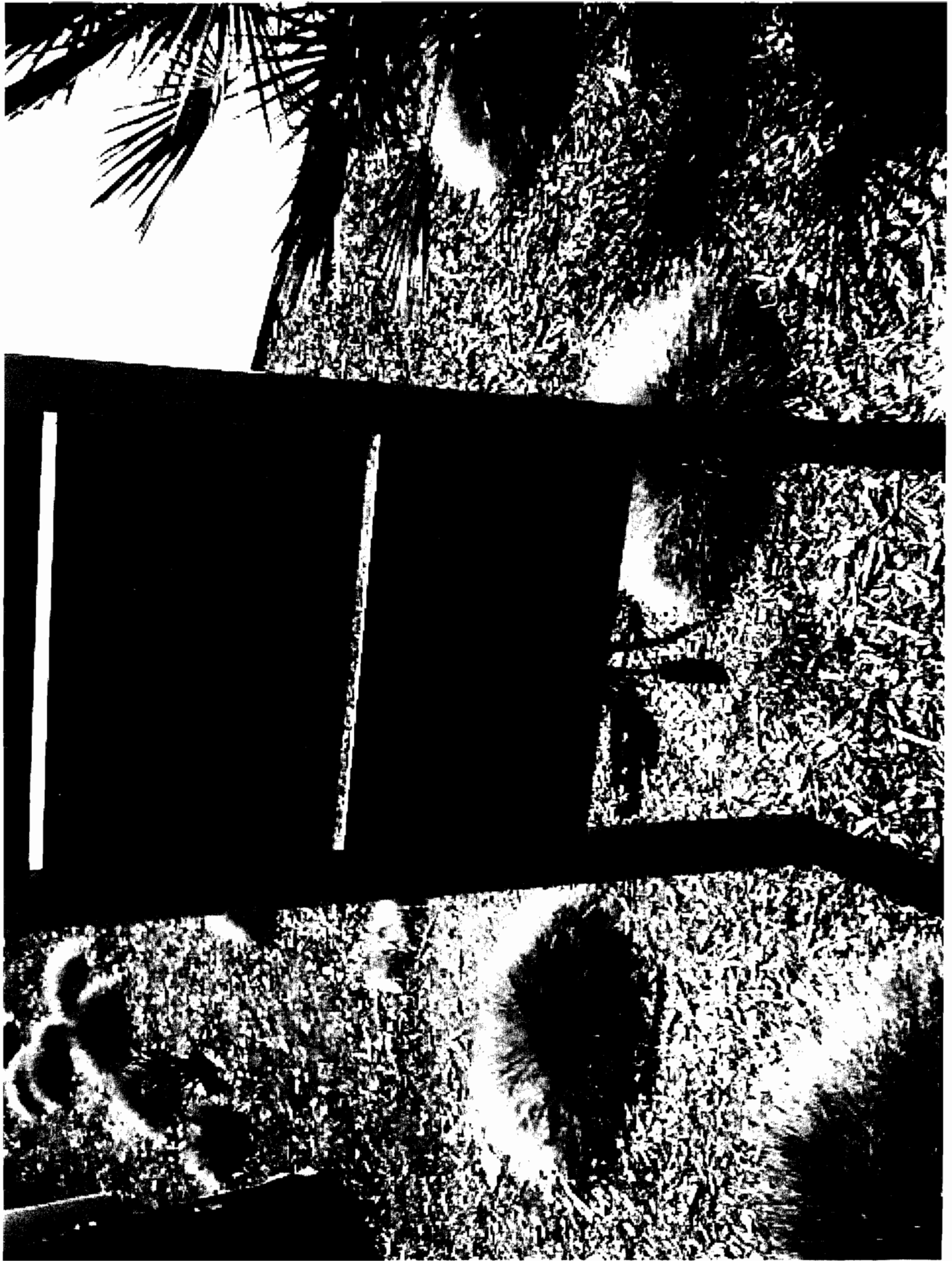
FIRST USE 0-0-1908; IN COMMERCE  
0-0-1908.

OWNER OF U.S. REG. NO. 1,221,613.  
NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "UNIVERSITY MEDICAL  
CENTER", APART FROM THE MARK AS  
SHOWN.  
SEC. 2(F).

SER. NO. 74-058,248, FILED 5-14-1990.

KATHLEEN M. VANSTON, EXAMINING AT-  
TORNEY













## STANFORD REHAB MEDICAL GROUP

**MILLIARD SYVERAIN, MD**

*Director; General Medicine*

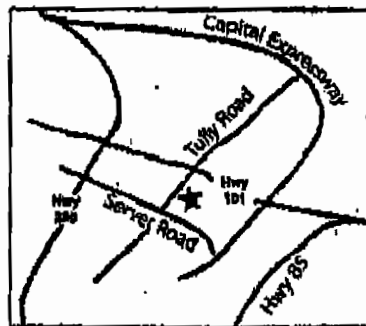
**YVES-RENEE SYVERAIN, RN, BSN**

*Assistant Director*

Se Habla Español  
88 W. Tully Road, Suite 110  
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ATENDEMOS A: **ADULTOS Y NIÑOS**



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Milliard, Syverain, MD  
Director,  
General Medicina

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