

1 **JAMES M. BARRETT, ESQ. SBN 190274**
 2 **LAW OFFICE OF JAMES M. BARRETT PLC**
 3 **789 CASTRO STREET**
 4 **MOUNTAIN VIEW, CA 94041**
 5 **PH. 650-969-3687**
 6 **FX 650-969-3699**

7 **Attorney for Claimant Raymond Pestallozzi**

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

10 **RAYMOND PESTALOZZI, an Individual**)
 11 **DBA THINK SECURE LABS**)

12 **Plaintiff,**)

13 **v.**)

14 **PATEK PHILIPPE S. A. , THIERRY**)
 15 **STERN, an Individual.**)

16 **Defendants.**)

Case No: CV 10-1558

**PLAINTIFF'S INITIAL CASE
MANAGEMENT STATEMENT**

ORDER RESETTING CMC

17
18 Pursuant to this Court's Civil Local Rule 16-9 and FRCicP 16(b), Plaintiff hereby submits
19 this Initial Case Management Statement.

20
21 On April 12, 2010 Plaintiff filed a complaint against Patek Philippe S.A. and Thierry
22 Stern an individual.

23 Defendants have not been served but Plaintiff has filed an Amended Complaint which is
24 in the process of being served on Defendants.

25 No Defendants have answered the complaint at this writing.

26 Defendant Patek Philippe is a Corporation based in Switzerland.

27 Defendant Thierry Stern is believed to be a Swiss citizen.
28 .

**Pestallozzi v. Patek
Initial Case Management Statement.**

1 **A. STAMENT OF FACTS AND EVENTS UNDERLYING THE ACTION**

2 Plaintiff has brought this lawsuit to protect his rights of ownership for the Domain
3 Patekwatches.com. Plaintiff has not used this Domain for any commercial purpose or to compete
4 with Defendant in any manner. Plaintiff believes that Defendant has utilized the World
5 Intellectual Property Organization as a tool to take ownership of the Domain without
6 compensation.
7
8

9 **B. PRINCIPAL ISSUES**

10 **1. The principal factual issues:**

11 The right to own the Domain for person use not commercial use
12

13 **2. The principal legal issues**

14 Plaintiff's right to ownership and prevention of a taking without compensation
15

16 **3. The following issues as to service of process, personal jurisdiction, subject
17 matter jurisdiction or venue unresolved.**

18 Defendants are in the process of being served.

19 **4. The following parties have not been served.**

20 Patek Philippe S.A. and Thierry Stern
21

22 **5. Any additional parties that a party intends to join are listed.**

23 Unknown at this time
24

25 **6. Any additional claims that a party intends to add are listed below.**

26 Unknown at this time
27
28

1 **C. ALTERNATE DISPUTE RESOLUTION**

2 Plaintiff is willing to utilize the full scope of ADR services provided by this Court.

3 **The Court Hereby Orders:**

4
5
6
7 **D. CONSENT TO JURISDICTION BY A MAGISTRATE JUDGE**

8 Plaintiff has Consented to the use of a Magistrate Judge

9 **The Court Hereby refers this case for the following purposes to a magistrate judge.**

10
11
12 **E. DISCLOSURES**

13 There have been no disclosures until such time as Defendants are represented by counsel

14
15 **F. EARLY FILING OF MOTIONS**

16 To be determined

17
18 **G. DISCOVERY**

19 To be determined

20
21 **H. PRETRIAL AND TRIAL SCHEDULE**

22 To be determined

23
24 **I. DATE OF NEXT CASE MANAGEMENT CONFERENCE**

25 To be ordered by this Court

26
27 **J. OTHER MATTERS**

1 **K. IDENTIFICATION AND SIGNATURE OF TRIAL COUNSEL**

2
3
4 Dated: July 8, 2010

Respectfully submitted,

The Law Office of JAMES M. BARRETT PLC

7
8 By: .../s/... JAMES M. BARRETT
9 JAMES M. BARRETT
10 ATTORNEY FOR PLAINTIFF

11
12 The Court finds that Plaintiff has submitted an Initial Case Management Statement and
13 that upon the recitals contained herein it is in the best interests for this matter to continue this
14 Case Management Hearing until 10/13/10 at 1:30 p.m. to allow for service of Defendants and
15 the opportunity for Parties to Meet and Confer and submit a subsequent Joint Case management
16 Statement. Plaintiff is ordered to serve a copy of this order upon all defendants.

17
18
19 IT IS SO ORDERED

20
21 Dated: 7/16/10

