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1	OWEN, WICKERSHAM & ERICKSON, P.C.	MIL MAR SILE D NOSE SILE NAR BOUNDED
2	LAWRENCE G. TOWNSEND CBN 88184 LINDSEY B. FURTADO CBN 275355	MIZ MAD LED
3	455 Market Street, Suite 1910 San Francisco, California 94105	NO RO BO
4	Telephone: 415.882.3200 Facsimile: 415.882.3232	
5	Email: ltownsend@owe.com Email: lfurtado@owe.com	CALCOLO T
6	Attorneys for Plaintiff	
7	ROCKÉT LAWYER INCORPORATED	E-filing
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9	IN THE UNITED STATES DISTRICT COURT	
10	FOR THE NORTHERN DISTRICT OF CALIFORNIA	
11	Rocket Lawyer Incorporated,	12 See No. 1155 JCS
12	Plaintiff,	COMPLAINT FOR DECLARATORY
13	VS.	JUDGMENT OF NON-INFRINGEMENT
14	The Pocket Lawyer Corporation,	DEMAND FOR JURY TRIAL
15	Defendant.	
16		
17		
18	Plaintiff, Rocket Lawyer Incorporated ("Plaintiff"), as and for its complaint against Defendant,	
19	The Pocket Lawyer Corporation ("Defendant"), states as follows:	
20	JURISDICTION AND VENUE	
21	1. This is an action for a declaratory relief judgment that Plaintiff has not infringed any	
22	valid trademark owned by Defendant, including registered trademark no. 3,733,289.	
23	2. This action arises under the trademark laws of the United States, 15 U.S.C. §§ 1051 et	
24	seq., and the declaratory judgment statute, 28 U.S.C. §§ 2201 et seq., and is based upon an immediate	
25	and actual justiciable controversy between the parties with respect to Defendant's allegations that	
26	Plaintiff has infringed one or more of its Trademarks.	
27	3. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1338(a), 2201 and 2202. Venue is	
28	proper in this Court pursuant to 28 U.S.C. §§ 1391.	
	I COMPLAINT FOR DECLARATORY JUDGMENT, ETC.	

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4. Plaintiff is located in and operates its business in this judicial district and elsewhere. 1 2 Defendant conducts business with customers in the Northern District, and its website is accessible to 3 and designed to reach customers in the Northern District. 4 INTRADISTRICT ASSIGNMENT 5. Intradistrict assignment is appropriate under Civil Local Rule 3-2(c) because this is an 5 6 Intellectual Property Action. **FIRST CAUSE OF ACTION** 7 8 **Declaration of Non-Infringement of Trademark** 9 6. Plaintiff is a Delaware corporation having an address at 182 Howard Street #830, San 10 Francisco, CA 94105. 11 7. Plaintiff owns common law trademark rights to the name and mark ROCKET LAWYER, which Plaintiff has used in interstate commerce since at least as early as November 2006 12 ("Plaintiff's Mark.") 13 8. Plaintiff also owns U.S. trademark application no. 85/045,051 for the mark ROCKET 14 LAWYER used in connection with providing online lawyer referrals; cooperative advertising services 15 for lawyers; business management services for others, namely, online timekeeping for lawyers and 16 17 legal professionals, billing, electronic signature verification services provided in connection with legal services, and database management for others of a database comprised of legal documents and forms 18 in International Class 035; Electronic storage of legal documents and forms in International Class 039; 19 20 Providing temporary use of online nondownloadable software for lawyers and legal professionals, for use in online timekeeping for others, billing, electronic signature verification, and creation, preparing, 21 22 editing and database management of legal documents and forms; providing a website that gives 23 multiple computer users simultaneously the ability to upload, create and edit documents in International Class 042; Providing online information to lawyers and non-lawyers in the field of law, 24 25 customizable legal forms, legal self-help, and legal news and commentary; legal document creation, 26 preparation, and editing via an interactive website on the Internet in International Class 045 ("Plaintiff's Application"). Plaintiff's first use date in commerce for these classes is November 2006. 27 28 9. Upon information and belief, Defendant is or was a California corporation with a 2

COMPLAINT FOR DECLARATORY JUDGMENT, ETC.

principal place of business at 19240 Nordhoff Street, C-1, Northridge, California 91324; Plaintiff is
 informed and believes, and therefore alleges, that Defendant's status as qualified to conduct business
 in California was forfeited in or before 2011. Defendant claims to be the owner of the purported
 trademark THE POCKET LAWYER & Design, U.S. trademark registration no. 3,733,289
 ("Defendant's Mark").

In a letter from Defendant's counsel to Plaintiff's counsel in the Northern District,
where Plaintiff is located, dated June 14, 2011, Defendant's counsel states that Defendant is the owner
of trademark registration no. 3,733,289 covering Defendant's Mark, that Plaintiff is infringing
Defendant's Mark, and that Plaintiff must, *inter alia*, cease all use of ROCKET LAWYER in
connection with any printed products and legal services and withdraw Plaintiff's Application.

11 11. On July 4, 2011 Defendant filed a Notice of Opposition in the United States Patent and
 12 Trademark Office before the Trademark Trial and Appeal Board calling for the refusal of Plaintiff's
 13 Application.

14 12. Plaintiff denies that it is committing any acts of trademark infringement and denies that
15 a likelihood of confusion exists between Defendant's Mark and Plaintiff's Mark or Plaintiff's
16 Application.

17 13. As a result of Defendant's allegations and Notice of Opposition, Plaintiff is
18 apprehensive that Defendant will file suit against Plaintiff for alleged infringement of Defendant's
19 Mark.

14. Accordingly, there is an immediate and actual justifiable controversy between the
parties with respect to Defendant's allegations that Plaintiff has infringed Defendant's Mark. Plaintiff
is entitled to judgment declaring that Plaintiff's use of Plaintiff's Mark and the registration of
Plaintiff's Application do not constitute trademark infringement or false designation of origin under
the Lanham Act, 15 U.S.C. § 1051, et seq. and do not violate California law.

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WHEREFORE, Plaintiff prays that this Court:

(a) Declare that Plaintiff's use of Plaintiff's Mark does not infringe Defendant's Mark;
 (b) Declare that the registration of Plaintiff's Application does not infringe Defendant's

28 || Mark;

COMPLAINT FOR DECLARATORY JUDGMENT, ETC.

trademark infringement or false design (d) Enter an Order declarin constitute trademark infringement or f	ng that Plaintiff's use of Plaintiff Mark does not constitute nation of origin with regard to Defendant's Mark; ng that the registration of Plaintiff's Application does not false designation of origin with regard to Defendant's Mark	
(d) Enter an Order declarin constitute trademark infringement or f	ng that the registration of Plaintiff's Application does not	
constitute trademark infringement or f		
	alse designation of origin with regard to Defendant's Mark	
(e) Award Plaintiff his cos		
	Award Plaintiff his costs and attorney's fees; and	
(f) Grant such other relief	Grant such other relief as the Court deems just and appropriate.	
	Respectfully submitted,	
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Dated: March X , 2012	OWEN, WICKERSHAM & ERICKSON, P.C	
	h sie	
	By:	
	Lindsey B. Furtado	
	Attorneys For Plaintiff	
	Rocket Lawyer Incorporated	
	DEMAND FOR JURY TRIAL	
Plaintiff hereby deman	Plaintiff hereby demands a trial by jury.	
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Dated: March 4 , 2012	OWEN, WICKERSHAM & ERICKSON, P.C	
	h sie	
	By:	
	Lindsey B. Furtado	
	Attorneys For Plaintiff	
s:\1clients\rocket\70001\complaint.doc	Rocket Lawyer Incorporated	
COMPLAINT FOR DECLARATORY II	4 IDGMENT ETC	
	Dated: March 2012 Plaintiff hereby deman Dated: March 2012	

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