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RICHARD W. WICKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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6 Attorneys for Plaintiff  
7 ROCKET LAWYER INCORPORATED

E-filing

9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 Rocket Lawyer Incorporated,  
12 Plaintiff,

CV 12 Case No. 1155

JCS

13 vs.

14 The Pocket Lawyer Corporation,  
15 Defendant.

COMPLAINT FOR DECLARATORY  
16 JUDGMENT OF NON-INFRINGEMENT  
17 OF TRADEMARK

18 DEMAND FOR JURY TRIAL

19 Plaintiff, Rocket Lawyer Incorporated ("Plaintiff"), as and for its complaint against Defendant,  
20 The Pocket Lawyer Corporation ("Defendant"), states as follows:

21 JURISDICTION AND VENUE

22 1. This is an action for a declaratory relief judgment that Plaintiff has not infringed any  
23 valid trademark owned by Defendant, including registered trademark no. 3,733,289.

24 2. This action arises under the trademark laws of the United States, 15 U.S.C. §§ 1051 et  
25 seq., and the declaratory judgment statute, 28 U.S.C. §§ 2201 et seq., and is based upon an immediate  
26 and actual justiciable controversy between the parties with respect to Defendant's allegations that  
27 Plaintiff has infringed one or more of its Trademarks.

28 3. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1338(a), 2201 and 2202. Venue is  
proper in this Court pursuant to 28 U.S.C. §§ 1391.



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

6 10. In a letter from Defendant's counsel to Plaintiff's counsel in the Northern District,  
7 where Plaintiff is located, dated June 14, 2011, Defendant's counsel states that Defendant is the owner  
8 of trademark registration no. 3,733,289 covering Defendant's Mark, that Plaintiff is infringing  
9 Defendant's Mark, and that Plaintiff must, *inter alia*, cease all use of ROCKET LAWYER in  
10 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.

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

25 WHEREFORE, Plaintiff prays that this Court:

26 (a) Declare that Plaintiff's use of Plaintiff's Mark does not infringe Defendant's Mark;

27 (b) Declare that the registration of Plaintiff's Application does not infringe Defendant's

28 Mark;

1 (c) Enter an Order declaring that Plaintiff's use of Plaintiff Mark does not constitute  
2 trademark infringement or false designation of origin with regard to Defendant's Mark;

3 (d) Enter an Order declaring that the registration of Plaintiff's Application does not  
4 constitute trademark infringement or false designation of origin with regard to Defendant's Mark;

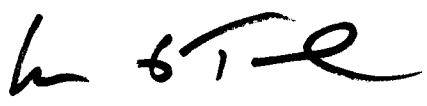
5 (e) Award Plaintiff his costs and attorney's fees; and

6 (f) Grant such other relief as the Court deems just and appropriate.

7  
8 Respectfully submitted,

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10 Dated: March 8, 2012

OWEN, WICKERSHAM & ERICKSON, P.C

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13 By: 

14 Lawrence G. Townsend  
Lindsey B. Furtado

15 Attorneys For Plaintiff

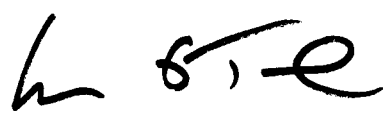
16 Rocket Lawyer Incorporated

17  
18 **DEMAND FOR JURY TRIAL**

19  
20 Plaintiff hereby demands a trial by jury.

21  
22 Dated: March 8, 2012

OWEN, WICKERSHAM & ERICKSON, P.C

23  
24  
25 By: 

26 Lawrence G. Townsend  
Lindsey B. Furtado

27 Attorneys For Plaintiff

28 Rocket Lawyer Incorporated