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Shahrokh Saadat-Nejad
Mail: 3713 Mount Ashmun Place
San Diego, California 92111
Email: pacificlawcenters@yahoo.com
Telephone: (646)225-8213
Defendant

NUNC PRO TUNC

APR 23 2007

FILED

07 APR 25 AM 8:02

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: *PPL* DEPUTY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SOLOMON WARD SEIDENWURM
AND SMITH,
PACIFIC LAW CENTER

Plaintiffs,

vs.

SHAHROKH SAADAT-NEJAD

Defendant.

CASE No. 07-CV-00460

LAB (POR)

RESPONSE TO PLAINTIFFS
FALSIFIED AND
MANUFACTURED
DOCUMENTS, INTENTIONAL
DECEPTIONS, KNOWINGLY
MISLEADING COURT,
BLACKMAIL(S)

Date: April 26, 2007
Department: 9
Time: 12:00pm

Hon. Judge Larry Alan Burns

1. On March 13, 2007 SOLOMON WARD SEIDENWURM & SMITH,
and PACIFIC LAW CENTER filed this civil complaint against me. On page

CP

1
2 Numbered 4, line numbered 17, and item numbered 24 of the complaint the
3 Plaintiffs wrote:

4
5 **On February 27, 2007, Solomon Ward successfully obtained a**
6 **temporary restraining order against Saadat-Nejad that restrains him**
7 **from:**

8 **“Until further order of this Court Shahrokh Saadatnejad shall**
9 **immediately cease using the website pacificlawcenters.com or any**
10 **similar website.**

11 **Until further order of this Court, Shahrokh Saadatnejad shall not**
12 **use the trade name Pacific Law Center in any published**
13 **communication....”**

14 2. On March 9, 2007 I had appeared with out having been served with the
15 civil complaint, for the first time in court regarding the civil action filed
16 against me on January 12, 2007 in The Superior Court of the State Of
17 California, County Of San Diego by Pacific Law Center, Civil Case
18 No.GIC878352.

19 3. Attached to this document is EXHIBIT 00-1, which is a copy of a Court
20 Reporter’s Transcript of Court Proceedings of March 9, 2007 The Superior
21 Court of The State Of California, County Of San Diego Civil Case
22 No.GIC878352.

23
24 On page numbered 19 all the way to end of page numbered 20 you can
25 see that the Plaintiffs were told in plain English that the only Court order is
26 that I am not to use the website pacificlawcenters.com and that was all.
27
28

1
2 4. On March 29, 2007 I verbally complained to Judge Larry Alan Burns
3 which was after I had filed a declaration that the plaintiffs are Knowingly
4 and intentionally misleading the United States District Court with a court
5 order signed by Judge Richard E.L. Strauss on February 27, 2007. The
6 plaintiffs said that they were not aware of the full intentions of the court
7 order until March 14, 2007.
8

9
10 EXHIBIT 00-1 page 19 and page 20 proves that the plaintiffs
11 intentionally lied to the court on March 29, 2007 and it proves that the
12 plaintiffs knowingly presented a falsified court order as evidence to The
13 United States District Court.
14

15 There are other false statements and falsified evidences manufactured
16 by the plaintiffs on this civil complaint and on the State complaint filed by
17 the plaintiffs.
18

19 5. The plaintiffs have filed in this court a "supplemental memorandum in
20 support of pacific law center and solomon ward's motion for preliminary
21 injunction" filed by Edward J. McIntyre of Solomon Ward Seidenwurm &
22 Smith, dated April 16, 2007.
23

24 If you count up to page 10 by hand you will see a manufactured falsified
25 document created by the plaintiffs in order to get the defendant in trouble
26 with the court in a manner so the defendant would get thrown in jail and or
27
28

1
2 prison. On top of that page you will see:

3 (http://72.14.253.104/search?q=cache:tethCG_0jMsJ:www.100freelawye
4 rs.com/solomonwardconstructionlaw.html+%22solomon+ward+sucks%
5 22&hl=en&ct=clnk&cd=1&gl=us)

6 This web address is a address of a google.com search result after
7 clicking on a button titled cached. What the plaintiffs have done is typed in
8 a google.com search box "SOLOMON WARD SUCKS" and then the
9 plaintiffs clicked on the search button.
10

11 On the google.com search result out of 70,100 results the plaintiffs
12 found 100freelawyers.com/solomonwardconstructionlaw.com and the
13 plaintiffs clicked on the cached button on google.com and it gave them what
14 was on the page the last time google.com web crawlers visited
15 100freelawyers.com. Google.com web crawlers are very smart. The web
16 crawlers keeps a memory of what was on the website the last time
17 it visited. The plaintiffs did not click on the web site rather they clicked on
18 the cached button on google.com in an attempt to mislead the court and to
19 put the defendant in jail and or prison.
20
21
22

23 6. As I am writing this it is April 22, 2007 around 8:00pm and I just did a
24 google.com search for "SOLOMON WARD SUCKS" and the address for
25 the result is:
26
27
28

1
2 <http://www.google.com/search?hl=en&q=solomon+ward+sucks&btnG=Search>

3
4 and as you can see the words Solomon+ward+sucks in the address. Now if I
5 click on a google.com cached button on any of the 70,100 results then the
6 address bar will change which in this case I have clicked the google.com
7 cached button under the domain name of legalstatute.com and the address
8 bar is:
9

10 <http://72.14.253.104/search?q=cache:MB1pUKxDckcJ:www.legalstatute.com/+solomon+ward+sucks&hl=en&ct=clnk&cd=1&gl=us>

11
12 and as you can see that the address has the exact same identical numbers as
13 the address the plaintiffs have filed and you can see the words
14 Solomon+ward+sucks in the address.
15

16 7. The plaintiffs cut the address of their google.com cached result and
17 pasted it on their document that they have filed in order to mislead and
18 confuse the court so they the plaintiffs can get the defendant thrown in jail
19 and or prison. The address on the plaintiffs fake document has been pasted
20 on the top center of their false document. If you count up to page 16 on the
21 plaintiffs "supplemental memorandum in support of pacific law center
22 and solomon ward's motion for preliminary injunction" filed by Edward J.
23
24
25
26
27 McIntyre of Solomon Ward Seidenwurm & Smith, dated April 16, 2007 you
28

1 will see that on the bottom right side of the page it has a date and time stamp
2 of "4/14/2007 3:45 PM" and if you go to the very last page which is page 62
3 you will see a date and time stamp of "4/14/2007 3:28" which means that it
4 took the plaintiffs 17 minutes to print 46 pages.
5

6 From page 16 to 62 all but 2 blank pages have date and time
7 stamp on the bottom Right of each page from the last page time stamped
8 3:28pm to page 16 time stamped 3:45pm all in order.
9

10 From page 16 to page 62 you can see on the top right hand of all pages
11 but 2 blank pages addresses of each page that was allegedly printed out by
12 the plaintiffs.
13

14 Pages 10 to 15 which has the google.com cached search address:

15
16 (http://72.14.253.104/search?q=cache:tethCG_0jMsJ:www.100freelawyers.com/solomonwardconstructionlaw.html+%22solomon+ward+sucks%22&hl=en&ct=clnk&cd=1&gl=us)
17

18 on top center of the page has no date and time stamp on the bottom right of
19 the page and there is no web address on the top right of the papers like on
20 pages 16 to 62 because pages 10 to 15 were manufactured by the plaintiffs to
21 mislead the court and to get the defendant thrown in jail and or prison.
22

23
24 8. On March 27, 2007 The Internet Corporation for Assigned Names and
25 Numbers (ICANN) notified me that there are 2 cases pending against me.

26 One is from Pacific Law Center Case No. FA0703000944798 and the other
27
28

1 is from Solomon Ward Seidenwurm and Smith Case No. FA0703000944660
2 which means that I have had no access to the domain names
3 pacificlawcenters.com, pacific-law-center.com, solomonwardlawfirm.com
4 and solomonwardsandiego.com since March 27, 2007. All four domain
5 names have been kept away from me. What ever was on the web sites since
6 March 27, 2007 stays there until the case is resolved. No one has access to
7 the domain names including me.
8

9
10 If you count up to page 22 on the "supplemental memorandum in
11 support of pacific law center and solomon ward's motion for preliminary
12 injunction" filed by Edward J. McIntyre of Solomon Ward Seidenwurm &
13 Smith, dated April 16, 2007 you will see that pacific-law-center.com is
14 parked free courtesy of godaddy.com which means that I had
15 parked pacific-law-center.com before the domain name was taken out of my
16 account.
17
18

19
20 The plaintiffs are well aware of the situation because the plaintiffs have
21 created it with the intention of misleading the court giving the impression
22 that the defendant is using the domain name pacific-law-center.com which
23 the defendant has zero access to since March 27, 2007.
24

25 The plaintiffs have not told the court of the domain names being taken
26 away from the defendant because the plaintiffs planed on committing
27
28

1 another deception tactic in order to get the defendant thrown in jail and or
2 prison.

3
4 9. On April 11, 2007 I went to a settlement conference regarding this
5 matter. The settlement conference is being used by the plaintiffs as tools for
6 other deception tactics and blackmail(s) by the plaintiffs. Their new tactic so
7 far has been to record phone conversations with me speaking about subjects
8 that were spoken at the settlement conference, basically MONEY. Plaintiffs
9 are now trying to blackmail me that they have me on tape asking for money
10 and that they will introduce it at trial.
11
12

13 It was the plaintiffs that asked for a settlement conference in court on
14 April 2, 2007. The plaintiffs want me to stop posting pictures of Israel
15 Zionist Terrorists using chemical weapons as well as posting warnings on
16 the internet to stay away from the plaintiffs because they the plaintiffs are
17 at minimum HUSTLERS, THIEVES, CON-ARTISTS and supporters of
18 Israel Zionist Terrorists.
19
20

21 10. Granting a Preliminary Injunction against me without a Jury Trial
22 would be in violation of my freedom of speech and right to defense. To stop
23 me from using the words pacific, law, center, solomon, ward is nothing short
24 of a person covering up corruption in the Justice System as a whole which
25 includes being held hostage in a United States Jail and exposing corruption
26
27
28

8

1 at its worst in the United States Court procedures.

2 I have been posting my views of court orders signed against me on the
3 World Wide Web and the plaintiffs think they can continue to violate my
4 freedom of speech because of it and because a Mr. Herbert J. Solomon of
5 Solomon Ward Seidenwurm & Smith has a reputation of access to Judges,
6 and they have proven that they Solomon Ward Attorneys at Law do have
7 Judges in their back pockets by having Judge(s) sign court orders behind
8 closed doors, off court calendar, no court reporter present and the defendant
9 having not been served with the civil complaint.
10
11
12

13 11. Three Law Firms [SOLOMON WARD SEIDENWURM & SMITH
14 ATTORNEYS AT LAW CALIFORNIA - PHILLIPS & ASSOCIATES
15 LAW FIRM ARIZONA - PACIFIC LAW CENTER CALIFORNIA] with a
16 total of ninety seven Attorneys according to their websites as of April ninth,
17 two thousand seven and with over five hundred years of combined
18 experience are taking multiple legal actions against USHOSTAGE.com and
19 the owner of USHOSTAGE.com which includes The United States District
20 Court.
21
22
23

24 Attorneys Herbert J. Solomon, Michael D. Breslauer, Adam R.
25 Rosenthal, Jeffrey H. Silberman of "Solomon Ward Seidenwurm & Smith
26 Attorneys at Law in San Diego, California" are or were at minimum
27
28

1 Presidents and or Board Members of Barbaric Israel Zionist Terrorist
2 Organizations Hillel - Brandeis Zionist Alliance, and United Jewish
3 Federation - (Congregation Beth Israel)
4

5 Mr. Herbert J. Solomon of Solomon Ward Seidenwurm & Smith and his
6 Israel Zionist Terrorist partners do not represent the United States
7 Government to be granted such corruption(s).
8

9 12. On September 18, 2006 Pacific Law Center refused to acknowledge
10 that they were fired on September 8, 2006 and went to court for criminal
11 case No.CD200499 and criminal case No.M897962 and waived my rights to
12 appear in court for both criminal cases. Pacific Law Center got a
13 continuance for both criminal cases, and Pacific Law Center remained as
14 legal counsel on record for both cases against my will.
15
16

17 I have heard the audio tape of the court hearings of September 18, 2006
18 for criminal case No.CD200499 and criminal case No.M897962. I have had
19 three meetings after September 19, 2006 and before February 27, 2007 with
20 Pacific Law Center and Pacific Law Center have acknowledged that they did
21 know that they were fired before September 18, 2006.
22
23

24 On March 16, 2007 I had another meeting with Pacific Law Center and
25 Solomon Ward Seidenwurm and Smith at 401 B Street in San Diego and the
26 meeting was recorded. I went to the meeting with a baseball, a baseball
27
28

1 glove and a baseball bat. It was a physiological move from me which
2 allowed the plaintiffs to speak more honestly and it worked like a charm.
3

4 At the March 16, 2007 meeting Pacific Law Center again acknowledged
5 that they knew that they have violated my civil rights on September 18, 2006
6 for profit. They admit that it cost minimum \$500 to fire them – just to fire
7 them – nothing else – If a person (client) refuses to see Pacific Law Center
8 while the person (client) are in jail, then Pacific Law Center will waive the
9 rights of the person (client) to appear in court until the person (client) do see
10 them, or else the person stays in jail and court dates just keep on getting
11 continued. This is called holding a person hostage in the United States of
12 America and the San Diego County District Attorney Office and City of San
13 Diego Attorney Office and Judges refuse do anything about it.
14
15
16

17 **It is all on tape.**

18 On July 25, 2006 The United States Government at minimum took away
19 my passport and \$9800 cash away from me. The United States Government
20 denied it for 8 months. On March 28, 2007 the United States Government
21 admitted that the have my passport and money, and now they deny it again.
22
23

24 Bull Crap after Bull Crap from the United States Government.
25
26
27
28

1 I declare under penalty of perjury under the laws of the State of
2 California that the facts in this document are true and correct of my own
3 personal knowledge.
4

5
6 Date: APRIL 23, 2007



Shahrokh Saadat-Nejad
Defendant

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EXHIBIT

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

DEPARTMENT 75

HON. RICHARD E.L. STRAUSS, JUDGE

PACIFIC LAW CENTER,
A PROFESSIONAL CORPORATION,

PLAINTIFF,

VS.

SHAROKH SAADATNEJAD,
INDIVIDUALLY AND DOING BUSINESS AS
PACIFICLAWCENTERS.COM AND
USHOSTAGE.COM; AND DOES 1 THROUGH 50,
INCLUSIVE,

DEFENDANTS.

CASE NO. GIC 878352

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MARCH 9, 2006

APPEARANCES:

FOR THE PLAINTIFF:

EDWARD J. MCINTYRE, ESQ.
SOLOMON, WARD, SEIDENWURM & SMITH
401 B STREET, SUITE 1200
SAN DIEGO, CALIFORNIA 92101

FOR THE DEFENDANTS:

IN PRO PER

REPORTED BY:

JAMES PARTRIDGE, CSR NO. 6226
OFFICIAL REPORTER
330 WEST BROADWAY
SAN DIEGO, CALIFORNIA 92101

1 A NINTH CIRCUIT COURT OF APPEALS CASE DATED MARCH 10TH, 1999.

2 I'LL GIVE YOU THE CITE IF YOU'D LIKE. IT'S 174 FED.3D 1036.

3 NOW, THERE IS A LOT OF DISCUSSION IN HEAR ABOUT
4 LANHAM ACT, TRADEMARKS AND ALL OF THAT. THEY TALK ABOUT
5 ESTABLISHING PROTECTION BASED ON USE OF REGISTRY AND ALL THAT.
6 I UNDERSTAND. I DON'T THINK THAT'S AN ISSUE IN THE CASE HERE.
7 WHAT'S IN ISSUE -- BECAUSE YOU'RE CORRECT THAT FIRST AMENDMENT
8 RIGHTS CAN BE, IN A LIMITED WAY, REDUCED OR INFRINGED UPON
9 PURSUANT TO A STATUTORY SCHEME THAT WAS PUT IN PLACE TO UPHOLD
10 AN IMPORTANT PUBLIC PURPOSE. AND THAT INCLUDES ISSUING
11 INJUNCTIONS FOR ALL THE VARIOUS THINGS THAT YOU HAVE SET OUT IN
12 YOUR BRIEF, INCLUDING TRADEMARK INFRINGEMENT. BUT TRADEMARK
13 INFRINGEMENT IS BASED UPON A NUMBER OF FACTORS, AND THEY TALK
14 ABOUT EIGHT FACTORS TO SEE IF THE TRADEMARK EXISTS -- TRADEMARK,
15 SERVICEMARK, TRADE NAME, ALL THE SAME IN THAT REGARD -- IN TERMS
16 OF PROTECTABILITY.

17 MR. MCINTYRE: I THINK THAT'S FAIR, YOUR HONOR.

18 THE COURT: OKAY. I'M NOT SAYING THIS IS THE ONLY CASE
19 ON THIS BY ANY MEANS. AND I HAVEN'T DONE A WHOLE LOT OF
20 RESEARCH ON IT. BUT THIS ONE GOES INTO A LOT OF DETAIL ABOUT
21 THESE EIGHT FACTORS. IT MUST ALSO BE SHOWN THAT THE PUBLIC IS
22 LIKELY TO BE SOMEHOW CONFUSED ABOUT THE SOURCE OR SPONSORSHIP
23 OF, IN THIS CASE, A WEB SITE WITH A VERY SIMILAR NAME, AND
24 SOMEHOW TO ASSOCIATE THE SITE WITH, IN THIS CASE, THE DEFENDANT.

25 THEN THEY SAY -- I'M READING FROM -- I'M NOT SURE
26 WHAT PAGE THIS IS. IN ANY EVENT, IT'S FROM THAT OPINION. IT
27 SAYS, "THE CORE ELEMENT OF TRADEMARK INFRINGEMENT IS THE
28 LIKELIHOOD OF CONFUSION, THAT IS, WHETHER THE SIMILARITY OF

1 MARKS IS LIKELY TO CONFUSE CUSTOMERS ABOUT THE SOURCE OF THE
2 PRODUCTS" OR SERVICES. THEY TALK ABOUT AN EIGHT-FACTOR TEST IN
3 HERE. IT SAYS, "THE SIMILARITY OF THE MARKS WILL ALWAYS BE AN
4 IMPORTANT FACTOR." BY THE WAY, THERE'S OTHER DISCUSSION ABOUT
5 DOMAIN NAMES BEING COVERED.

6 MR. MCINTYRE: THEY ARE.

7 THE COURT: SO MARK OR DOMAIN IS THE SAME. "THE
8 SIMILARITY OF MARKS WILL ALWAYS BE AN IMPORTANT FACTOR. WHERE
9 THE TWO MARKS ARE ENTIRELY DISSIMILAR, THERE IS NO LIKELIHOOD OF
10 CONFUSION. 'PEPSI' DOES NOT INFRINGE COCA-COLA'S 'COKE.'
11 NOTHING FURTHER NEED BE SAID. EVEN WHEN THERE IS PRECISE
12 IDENTITY OF A COMPLAINANT'S AND AN ALLEGED INFRINGER'S MARK,
13 THERE MAY BE NO CONSUMER CONFUSION - AND THUS NO TRADEMARK
14 INFRINGEMENT - IF THE ALLEGED INFRINGER IS IN A DIFFERENT
15 GEOGRAPHIC AREA OR IN A WHOLLY DIFFERENT INDUSTRY."

16 THEN TALKING ABOUT THAT FURTHER THEY SAY, "THE
17 SIMILARITY OF MARKS ALONE, AS WE HAVE EXPLAINED, DOES NOT
18 NECESSARILY LEAD TO CONSUMER CONFUSION. ACCORDINGLY, WE MUST
19 PROCEED TO CONSIDER THE RELATEDNESS OF THE PRODUCTS AND SERVICES
20 OFFERED. RELATED GOODS ARE GENERALLY MORE LIKELY THAN UNRELATED
21 GOODS TO CONFUSE THE PUBLIC AS TO THE PRODUCERS OF THE GOODS."

22 SKIPPING A LITTLE FURTHER DOWN, THEY SAY, "IF, ON
23 THE OTHER HAND, BROOKFIELD AND AND WEST COAST DID NOT COMPETE TO
24 ANY EXTENT WHATSOEVER, THE LIKELIHOOD OF CONFUSION WOULD
25 PROBABLY BE REMOTE." THEN THEY GIVE AN EXAMPLE OF WHERE THE
26 COURT FOUND NO LIKELIHOOD OF CONFUSION WITHIN THE USE OF
27 "EPIX.COM" TO ADVERTISE THE ROCKY HORROR PICTURE SHOW AND THE
28 "EPIX," SPELLED THE SAME WAY, TRADEMARK REGISTERED FOR USE FOR

2 1 COMPUTER CIRCUIT BOARDS. TWO TOTALLY DIFFERENT MARKETS,
2 DIFFERENT INDUSTRIES. THEN THEY SAY, "AT THE LEAST, BROOKFIELD
3 WOULD BEAR THE HEAVY BURDEN OF DEMONSTRATING (THROUGH OTHER
4 RELEVANT FACTORS) THAT CONSUMERS WERE LIKELY TO BE CONFUSED AS
5 TO SOURCE OR AFFILIATION IN SUCH A CIRCUMSTANCE." A LITTLE
6 LATER ON THEY SAY, "INSTEAD, THE FOCUS IS ON WHETHER THE
7 CONSUMING PUBLIC IS LIKELY SOMEHOW TO ASSOCIATE WEST COAST'S
8 PRODUCTS WITH BROOKFIELD."

9 IT KIND OF GOES ON TO -- AND THERE'S MUCH MORE IN
10 HERE. THEY TALK ABOUT THE UNDERLYING IMPORTANT PUBLIC PURPOSE
11 BEHIND THE TRADEMARK, TRADE NAME, SERVICEMARK PROTECTION ACTS --
12 WHICH CAN LEAD TO INJUNCTIONS -- IS THE CONFUSION OF THE PUBLIC
13 BETWEEN COMPETITORS. AS WE TALKED ABOUT BEFORE, IN OTHER WORDS,
14 IF IN THIS CASE SHAHROKH WAS A LAWYER TRYING TO COMPETE WITH
15 PACIFIC LAW CENTER, AND USED THE SAME NAME, THEN YOU COULD SAY
16 THE PUBLIC IS CONFUSED ABOUT WHO IS OFFERING THE SERVICE, AND
17 THE PROTECTION OF THE TRADEMARK WOULD REQUIRE THE ISSUANCE OF
18 THE INJUNCTION.

19 BUT MY PROBLEM HERE -- AND I DON'T NEED TO MAKE A
20 DECISION NECESSARILY ON IT TODAY, IF YOU WANT TO GIVE ME SOME
21 MORE AUTHORITY ON THIS -- IS THAT SINCE HE IS NOT A COMPETITOR
22 AT ALL, AND HE IS NOT IN THE BUSINESS -- AND THIS CASE TALKS
23 ABOUT COMPETITORS IN THE SAME BUSINESS AND THAT SORT OF THING --
24 HOW DO WE GET -- I GUESS THE BASIC QUESTION IS: IS THE MERE
25 FACT THAT A VERY SIMILAR -- AND IT IS SIMILAR -- DOMAIN NAME,
26 ALMOST IDENTICAL, IS BEING USED BY A TOTALLY NON-COMPETITOR, IS
27 THAT ENOUGH TO BRING ABOUT TRADEMARK INFRINGEMENT THAT WOULD
28 LEAD TO AN INJUNCTION? THAT'S THE BOTTOM-LINE QUESTION.

2 1 MR. MCINTYRE: THANK YOU, YOUR HONOR. LET ME ADDRESS IT.
2 BECAUSE I'VE SPENT TWO YEARS SHY OF THIRTY YEARS REPRESENTING
3 JOURNALISTS AND THEIR MEDIA UP AND DOWN CALIFORNIA IN THE U.S..
4 AND CALIFORNIA SUPREME COURT. WE HAVE TO CONCEDE THE FIRST
5 AMENDMENT HAS LIMITS, AND I DO BELIEVE WE'VE RUN UP AGAINST ONE
6 OF THOSE. LET ME TALK ABOUT TRADEMARK.

7 THE COURT IS QUITE CORRECT. THE PURPOSE OF A MARK,
8 BE IT A TRADEMARK, SERVICEMARK, EVEN, ARGUABLY, A TRADE NAME, IS
9 TO POINT THIRD PARTIES TO, ARGUABLY, THE SOURCE OF SOMETHING, A
10 PRODUCT, A SERVICE, TAKING THEM GENERICALLY. THAT'S THE
11 FUNDAMENTAL PURPOSE. THE CONCERN IN TRADEMARK LAW IS CONFUSION
12 OF THE PUBLIC. IT'S NOT THERE TO PROTECT A COMPETITOR. IT'S
13 THERE, FRANKLY, TO PROTECT THE PUBLIC AGAINST CONFUSION.

14 THE COURT: BUT IT'S NOT JUST ANY CONFUSION.

15 MR. MCINTYRE: WELL, IT'S --

16 THE COURT: IT'S CONSUMER CONFUSION --

17 MR. MCINTYRE: IT'S CONSUMER CONFUSION.

18 THE COURT: -- AS TO WHO IS OFFERING THE GOODS OR
19 SERVICES.

20 MR. MCINTYRE: THAT'S RIGHT. I AGREE WITH YOU. THERE
21 ARE TWO WAYS TO -- AND WE HAVE, AT BEST, A COMMON LAW MARK. WE
22 HAVE ESTABLISHED, I THINK, THROUGH MR. SLATTERY'S DECLARATION
23 THAT THERE IS A SECONDARY MEANING ESTABLISHED THROUGH, AMONGST
24 OTHER THINGS, HEAVY ADVERTISING, SUCH AS THE PUBLICLY RECOGNIZED
25 PACIFIC LAW CENTER, ESPECIALLY IF ONE WATCHES LATE NIGHT TV, THE
26 FIRM THAT IS MY CLIENT.

27 THERE WERE TWO WAYS, IF I WERE TRYING THIS AS A
28 PURE LANHAM ACT CASE, EITHER IN THE COURT, WHICH HAS

2 1 JURISDICTION, OR ACROSS THE STREET, TO SHOW CONFUSION. I CAN
2 SHOW LIKELIHOOD OF CONFUSION BY DOING AN EXPENSIVE SURVEY, OR I
3 CAN SHOW ACTUAL CONFUSION AMONG CONSUMERS. WHAT WE HAVE, I
4 BELIEVE -- I'LL REFER THE COURT TO IT, BUT IN PARAGRAPHS 10
5 THROUGH 12 OF MR. SLATTERY'S ORIGINAL DECLARATION WE HAVE
6 INSTANCES OF ACTUAL CONFUSION WHERE CLIENTS OF PACIFIC LAW
7 CENTER HAVE BEEN MISDIRECTED TO "PACIFICLAWCENTERS.COM," HAVE
8 COMPLAINED ABOUT IT, OR HAVE EVEN SAID THEY WILL NOT GO TO
3 9 PACIFIC LAW CENTER, THE LAW FIRM, AS A RESULT OF THAT
10 MISDIRECTION.

11 THE COURT: THE MISDIRECTION, OR WHAT THEY READ ON THE
12 WEB SITE?

13 MR. MCINTYRE: WELL, YOU START WITH THE MISDIRECTION.
14 LET ME MAKE CLEAR -- AND I TRIED TO MAKE THIS VERY CLEAR WHEN I
15 HAD THE OPPORTUNITY TO TALK TO MR. SADATNEJAD YESTERDAY BY
16 TELEPHONE EXTENSIVELY, AND VERY, VERY BRIEFLY THIS MORNING.
17 MR. SAADAT-NEJAD HAS A FIRST AMENDMENT RIGHT TO COMPLAIN IN THE
18 PUBLIC FORUM ABOUT THINGS THAT HE DOES NOT LIKE. AND I WILL
19 FIGHT TO THE DEATH FOR HIS RIGHT TO SAY THE SUBSTANCE OF IT.
20 WHAT WE ARE TALKING ABOUT IS THE MANNER IN WHICH HE IS SAYING
21 IT, NAMELY, BY USING A PROTECTED MARK. IT IS THE MISDIRECTION
22 OF PEOPLE TO HIS WEB SITE, AT LEAST THE PACIFICLAWCENTERS.COM
23 WEB SITE, THAT IS THE NARROW ISSUE BEFORE THE COURT.

24 NOW, AS HE SAID IN HIS DECLARATION, HE HAS TWO
25 OTHER WEB SITES -- I'LL SPELL THEM FOR THE REPORTER; IT'S
26 "PHAWKU" AND "PHAWKU2," P-H-A-W-K-U AND THEN THE SAME WITH A "2"
27 AFTER IT -- WHICH HE'S USED, ON WHICH HE HAS PUBLICLY EXPRESSED
28 HIMSELF ON ANY NUMBER OF ISSUES, INCLUDING METHAMPHETAMINE,

3 1 INCLUDING CHILD PORNOGRAPHY, INCLUDING CHILD BONDAGE, AND MANY,
2 MANY OTHERS. HE HAS THE RIGHT TO DO SO. HE IS UPSET ABOUT THE
3 FBI AND THE EXTENT OF ITS POWER. AFTER WE ALL READ OUR
4 NEWSPAPERS THIS MORNING, MAYBE WE ALL SHOULD BE A LITTLE BIT
5 UPSET. HE HAS THE PERFECT RIGHT TO DO SO.

6 WHAT HE DOES NOT HAVE THE RIGHT TO DO, AND IT IS
7 THE ONLY THING WE'VE SOUGHT SO FAR, IS TO USE SUCH A CONFUSINGLY
8 SIMILAR -- AND THAT'S THE TRADEMARK TERM -- SUCH A CONFUSINGLY
9 SIMILAR WEB SITE THAT, BUT FOR ONE LETTER, DIRECTS PEOPLE TO HIM
10 AND TO HIS WEB SITE. THAT'S THE ABUSE THAT WE SEEK TO ENJOIN.

11 THE COURT: BUT IT HAS TO CONFUSE THE CONSUMER, IT SEEMS
12 TO ME; THAT THE CONSUMER WOULD THINK THAT THEY ARE GETTING A
13 SERVICE OR PRODUCT FROM HIM; HE IS MISDIRECTING THEM FROM YOUR
14 CLIENT TO HIM AND HE'S OFFERING THOSE SERVICES.

15 MR. MCINTYRE: AND AFTER THEY GET THERE THEY FIND THAT
16 OUT. TO USE THE ANALOGY THAT YOUR HONOR USED, I THINK, IN
17 READING FROM THE BROOKFIELD CASE, IF PEPSI WANTED TO ADVERTISE
18 COKE SPELLED WITH A "K", K-A-W-K, AND I AS THE CONSUMER THOUGHT
19 IT WAS COKE, UNDER SOME WILD STRETCH OF MY IMAGINATION, AND I
20 TOOK A SIP, I MIGHT KNOW THE DIFFERENCE. THE CONSUMER'S
21 CONFUSION DOESN'T HAVE TO GO ALL THE WAY DOWN TO THE END WHERE
22 THEY GO OFF AND THEY BUY COKE AND THINK IT'S PEPIS, OR PEPSI AND
23 THINK IT'S COKE, WHEN THEY BUY THIS COMPUTER CHIP AND THEY THINK
24 IT'S THE OTHER ONE. IT IS THE LIKELIHOOD OF MISDIRECTING THE
25 CONSUMER. WHEN THE CONSUMER GETS TO THE WEB SITE, I CAN SEE THE
26 CONSUMER, IF THEY DIG THROUGH, AFTER A WHILE -- ALTHOUGH THERE
27 ARE REFERENCES TO OTHER LAW FIRMS ON THERE. MARY -- WHAT'S
28 HER --

3

1 THE COURT: PREVOST.

2 MR. MCINTYRE: MARY PREVOST'S LAW FIRM IS ALSO TOUTED ON
3 HIS WEB SITE. THERE IS ALSO ACTUALLY THE MISDIRECTION TO OTHER
4 LAW FIRMS.

5 MR. SAADAT-NEJAD: EXCUSE ME. SHOW, PLEASE, THAT THERE
6 IS A LINK ON THERE TO HER.

7 MR. MCINTYRE: I BELIEVE IN THE EXHIBITS, IT APPEARS --

8 THE COURT: ONE AT A TIME.

9 MR. SAADAT-NEJAD: SORRY.

10 MR. MCINTYRE: ALL RIGHT.

11 THE COURT: SO THERE IS A LINK ON HIS WEB SITE THAT LINKS
12 INTO HER?

13 MR. MCINTYRE: I DON'T THINK THERE IS A LINK, YOUR HONOR.

14 THE COURT: OKAY. WELL, HOW DOES -- SEE, THAT MAKES A
15 DIFFERENCE IN MY MIND.

16 MR. MCINTYRE: I UNDERSTAND THAT. I'M GOING TO -- I
17 DON'T WANT TO HAVE TO WASTE THE COURT'S TIME STUMBLING THROUGH
18 ALL OF THE ATTACHMENTS TO THE SLATTERY DECLARATIONS.

19 THE COURT: WELL, IF SOMEHOW THERE IS ANOTHER COMPETING
20 ATTORNEY THAT COMES INTO THE PICTURE, THAT'S MAYBE A DIFFERENT
21 THING.

22 MR. SAADAT-NEJAD: YOUR HONOR, MAY I SPEAK?

23 THE COURT: YES.

24 MR. SAADAT-NEJAD: YOUR HONOR, PACIFICLAWCENTERS.COM HAS
25 A TOTAL OF FIVE PAGES. WHAT THE PLAINTIFF HAS PROVIDED THE
26 COURT IS ONLY ONE PAGE. THEY HAVE SKIPPED FOUR OTHER PAGES, AND
27 ALL FOUR PAGES DO CONTAIN THE WORDS "PACIFIC LAW CENTER." THERE
28 IS A PSYCHOLOGICAL REASON THAT THEY DID THIS. I ASK THAT

3 1 THEY -- I WILL PROVIDE IT. I WILL PROVIDE THE OTHER FOUR PAGES.
2 USHOSTAGE.COM HAS BEEN SUED ON THIS COMPLAINT. USHOSTAGE.COM
3 HAS A TOTAL OF 33 PAGES ON ITS WEB SITE RIGHT NOW, AND THERE IS
4 NOT A SINGLE COPY IN ANY OF HIS --

5 THE COURT: I'M NOT SURE I UNDERSTAND THE RELEVANCE OF
6 WHAT YOU'RE SAYING.

7 MR. SAADAT-NEJAD: THEY ARE SUING USHOSTAGE.COM, AND THEY
8 HAVEN'T GIVEN ME A LEGITIMATE REASON WHY.

9 THE COURT: WELL, I DON'T KNOW ABOUT THAT. THAT'S NOT
10 BEFORE ME RIGHT NOW.

11 MR. MCINTYRE: IT'S NOT, YOUR HONOR. IF YOU GO TO THE
12 ATTACHMENTS TO MR. SLATTERY'S DECLARATION, IT'S AN ATTACHMENT
13 FROM PACIFIC LAW CENTER LA JOLLA -- THIS COMES RIGHT OUT OF
14 MR. SAADAT-NEJAD'S WEB SITE. IF YOU GO TO PAGE 7 OF 10 --

15 THE COURT: WAIT A MINUTE. LET ME FIND IT.

16 MR. MCINTYRE: I'M SORRY. THE SLATTERY DECLARATION DATED
17 FEBRUARY 26TH, YOUR HONOR.

18 THE COURT: ALL RIGHT.

19 MR. MCINTYRE: THERE IS AN ATTACHMENT TO IT.

20 THE COURT: I HAVE AN EXHIBIT 1 AND EXHIBIT 2 FOLLOWING
21 THAT.

22 MR. MCINTYRE: THIS WOULD BE EXHIBIT 1, I GUESS, YOUR
23 HONOR. IT IS. IT'S EXHIBIT 1. I BEG YOUR PARDON.

24 THE COURT: ALL RIGHT.

25 MR. MCINTYRE: I'M LOOKING AT THE FOOTER ALL THE WAY DOWN
26 AT THE LOWER RIGHT-HAND SIDE.

27 THE COURT: RIGHT.

28 MR. MCINTYRE: IF THE COURT GOES TO PAGE 7 OF 10. THIS

4 1 IS SIMPLY AN EXAMPLE, BUT IT IS ONE I COULD POINT THE COURT TO
2 VERY QUICKLY.

3 THE COURT: ALL RIGHT, 7 OF 10.

4 MR. MCINTYRE: IF YOU LOOK AT WHAT WOULD BE THE SECOND
5 FULL PARAGRAPH. "QUINN & ASSOCIATES, SAN DIEGO IMMIGRATION
6 ATTORNEY AND U.S. NATURALIZATION LAWYER...LOCATED IN SAN DIEGO,
7 CALIFORNIA IS DEVOTED EXCLUSIVELY TO U." GEEZ, EVEN A TELEPHONE
8 NUMBER THERE. THAT'S ONE OF THE REFERENCES ON THE SAADAT-NEJAD
9 PACIFICLAWCENTERS WEB SITE TO ANOTHER LAW FIRM. I BELIEVE
10 ALSO -- I BELIEVE THERE ARE OTHERS. THAT'S ONE I COULD POINT
11 THE COURT TO VERY QUICKLY.

12 THE COURT: OKAY. WELL, THAT MAKES A DIFFERENCE.

13 MR. MCINTYRE: THERE'S ANOTHER ONE AT PAGE 5 OF 10 -- I
14 BEG YOUR PARDON. THAT LOOKS LIKE THAT'S THE REFERENCE TO --
15 THAT'S REFERENCE, I THINK, TO -- IT'S A LITTLE CONFUSING. IT'S
16 A REFERENCE BACK TO PACIFIC LAW CENTER.

17 THAT'S ONE OF THEM. WE PUT MORE PAGES BEFORE THE
18 COURT WITH MR. SLATTERY'S SECOND DECLARATION. I DON'T WANT TO
19 WASTE THE COURTS TIME PLOWING THROUGH ALL OF THOSE. BUT I
20 RESPECTFULLY SUGGEST THAT THE COURT MAY WELL FIND OTHER
21 REFERENCES.

22 THE COURT: THAT'S A DIFFERENT ANALYSIS, THEN, IN MY
23 MIND.

24 MR. MCINTYRE: FROM A TRADEMARK STANDPOINT, I MEAN, WHAT
25 WE'VE ESTABLISHED, AT LEAST PRELIMINARILY -- WE HAVEN'T BEEN AT
26 THIS VERY LONG. BUT IF YOU LOOK AT PARAGRAPHS 10 THROUGH 12 OF
27 THE SLATTERY DECLARATION, WHICH SHOWS ACTUAL CONFUSION -- WHICH,
28 FRANKLY, BECAUSE I TRY TRADEMARK CASES, IT'S IDEAL IF YOU CAN

4 1 SHOW THE ACTUAL CONFUSION; YOU DON'T NEED A BIG SURVEY. HE'S
2 POINTING TO, AMONG OTHERS, QUINN & ASSOCIATES. AND I DO BELIEVE
3 THERE ARE OTHER REFERENCES TO LAW FIRMS IN THE SITE. IN FACT,
4 MR. SLATTERY, WHO HAS LOOKED AT THE SITE, WHO IS A MEMBER OF THE
5 BAR, CAN ANSWER THAT QUESTION.

6 WHAT WE ARE ASKING IS NOT TO SHUT DOWN HIS SPEECH,
7 BUT TO SHUT DOWN HIS USE OF AN ESTABLISHED MARK BY CLEARLY A
8 VERY DELIBERATE ATTEMPT TO GET AS CLOSE AS HE COULD, ONE LETTER
9 OFF, TO THE PACIFIC LAW CENTER SITE, WHICH IS A LEGITIMATE
10 TRADEMARK. I'LL BE HAPPY AGAIN TO ADDRESS ANY OF THE QUESTIONS
11 THE COURT WANTS. IF THE COURT WANTS FURTHER BRIEFING ON THE
12 TRADEMARK ISSUE --

13 THE COURT: IT'S THE CONFUSION THAT --

14 MR. MCINTYRE: THE CONFUSION --

15 THE COURT: IT'S WHAT KIND OF CONFUSION HAS TO COME OUT
16 OF THIS FOR A COURT TO BE JUSTIFIED IN ISSUING AN INJUNCTION.

17 MR. MCINTYRE: I FULLY UNDERSTAND, YOUR HONOR.
18 ESPECIALLY ONE THAT ALSO, AS THE COURT WAS CONCERNED ABOUT THE
19 LAST TIME WE WERE HERE, IS FRAUGHT A BIT WITH FIRST AMENDMENT
20 IMPLICATIONS. HOPEFULLY, WE'VE ADDRESSED THOSE.

21 THERE ARE JUST TWO THINGS I DO WANT TO ADDRESS FOR
22 THE COURT AND WITH MR. SAADAT-NEJAD HERE. HE WAS KIND ENOUGH TO
23 CALL US YESTERDAY, AND PERHAPS HE WILL -- THE COURT MAY WANT TO
24 INQUIRE OF HIM. THERE WAS CONCERN ABOUT GETTING SUBSTITUTE
25 SERVICE AT HIS FATHER'S RESIDENCE. HE ASKED THAT WE NOT ATTEMPT
26 THAT AGAIN. WE HAVE AN AGREEMENT WITH MR. SAADAT-NEJAD. HE HAS
27 GIVEN US HIS CELL PHONE NUMBER, AND IF THERE IS INDEED A FURTHER
28 NEED TO SERVE HIM, ALL WE HAVE TO DO IS CALL HIM ON THE CELL AND

4 1 HE WILL COME TO OUR OFFICE AND PICK UP THE PAPERS. BECAUSE HE
2 DOESN'T WANT TO BE SERVED AT ANY ADDRESS. I WOULD LIKE TO GET
3 THAT ON THE RECORD. IT'S LITTLE UNUSUAL.

4 THE COURT: IS THAT YOUR AGREEMENT, SIR?

5 MR. SAADAT-NEJAD: PARTLY. YESTERDAY, I THINK IT WAS, I
6 TOLD -- WHAT IS YOUR NAME?

7 THE COURT: MR. MCINTYRE.

8 MR. MCINTYRE: MR. MCINTYRE.

9 MR. SAADAT-NEJAD: MR. MCINTYRE THAT THEY CAN CALL ME AND
10 I WILL COME TO THEIR OFFICE. THERE IS NO REASON TO MAKE ME LOOK
11 LIKE I'M RUNNING. I AM NOT RUNNING. PACIFIC LAW CENTER HAS HAD
12 MY PHONE NUMBER. THEY HAVE MY E-MAIL ADDRESS. MY E-MAIL
13 ADDRESS IS ON --

14 THE COURT: BUT THE LAW DOESN'T PROVIDE FOR --

15 MR. SAADAT-NEJAD: YES, I UNDERSTAND THAT. THEY REALLY
16 MAKE NO ATTEMPT OF CONTACTING ME, EVEN THOUGH THEY COULD HAVE.
17 THEY REALLY HAVE MADE NO ATTEMPTS. THEY WENT TO MY FATHER'S
18 HOUSE.

19 THE COURT: OKAY. THE ARRANGEMENT THAT MR. MCINTYRE
20 OUTLINED HERE, THAT IF THEY NEED TO SERVE YOU WITH SOMETHING,
21 THAT THEY WILL CALL YOU AND THEN YOU WILL COME AND PICK UP
22 WHATEVER THE DOCUMENT IS --

23 MR. SAADAT-NEJAD: I WOULD LIKE TO CHANGE THAT, AFTER
24 THIS MORNING'S MEETING. THAT WAY I DON'T GET ACCUSED OF ANY
25 WRONGDOINGS.

26 THE COURT: WHEN YOU SAY CHANGE, YOU MEAN YOU AGREE?

27 MR. SAADAT-NEJAD: NO, I DO NOT AGREE.

28 THE COURT: YOU DON'T WANT TO DO THAT?

5 1 MR. SAADAT-NEJAD: NO. THIS IS WHAT I AM PROPOSING.
2 THEY CAN MAIL IT TO MY FATHER'S HOUSE, BUT THEY MUST MAIL TWO
3 COPIES OF EACH DOCUMENT IN TWO SEPARATE ENVELOPES. ONE I WOULD
4 OPEN, AND ONE WOULD STAY SEALED. I DO NOT TRUST THE PLAINTIFFS
5 ONE BIT.

6 THE COURT: IS THAT AGREEABLE WITH YOU, MR. MCINTYRE?

7 MR. MCINTYRE: IT'S PERFECTLY FINE, YOUR HONOR. MY
8 CONCERN WOULD BE IF WE RUN INTO A SITUATION WHERE THE COURT'S
9 EITHER DIRECTIVE OR THE RULES WOULD REQUIRE VERY QUICK SERVICE.
10 BUT WE CAN, I THINK, FED-EX TO HIS FATHER'S HOUSE. THAT'S FINE.
11 I JUST WANT TO MAKE SURE THAT WE CAN ADEQUATELY, AS NEED BE
12 THROUGH THE COURSE OF THIS, SERVE MR. SAADAT-NEJAD TIMELY SO HE
13 HAS ACCESS TO ALL THE PAPERS, THAT'S ALL. THAT'S PERFECTLY
14 FINE.

15 MR. SAADAT-NEJAD: WITH TRACKING NUMBER ON THE PACKAGES?

16 MR. MCINTYRE: WE ROUTINELY DO THAT SO WE HAVE A TRACKING
17 NUMBER.

18 MR. SAADAT-NEJAD: ALL RIGHT. THAT'S --

19 MR. MCINTYRE: WE HAVE TRACKING NUMBERS WITH EVERY FED-EX
20 WE DO.

21 THE COURT: BY AGREEMENT, THAT'S THE WAY IT WILL OCCUR,
22 UNLESS WE SEE THERE IS A PROBLEM.

23 MR. MCINTYRE: THANK YOU, YOUR HONOR.

24 THE COURT: AS TO THE ISSUE I'M TALKING ABOUT, I'D LIKE
25 TO KNOW SOMETHING FURTHER ABOUT CONFUSION. BECAUSE IT'S NOT
26 JUST ANYBODY'S CONFUSION. I DON'T KNOW THAT WHAT'S IN
27 MR. SLATTERY'S DECLARATION IS THE KIND OF CONFUSION THAT'S
28 ENJOINABLE UNDER TRADEMARK.

5 1 MR. MCINTYRE: I'LL BE HAPPY TO ADDRESS IT, YOUR HONOR.
2 I REALLY WILL.

3 THE COURT: I THINK WE NEED TO DO THAT.

4 MR. SAADAT-NEJAD: DO I HAVE ALL THE TIME?

5 THE COURT: DO YOU UNDERSTAND WHAT I'M TALKING ABOUT?

6 MR. SAADAT-NEJAD: ACTUALLY, CAN YOU REPEAT THAT AGAIN?

7 THE COURT: TRADEMARK, TRADE NAME, SERVICEMARK, ANY OF
8 THOSE THINGS, CAME ABOUT BECAUSE OF THE IMPORTANT PUBLIC PURPOSE
9 OF MAKING SURE CONSUMERS ARE NOT CONFUSED ABOUT WHO IS OFFERING
10 CERTAIN GOODS AND SERVICES. FOR INSTANCE, IF YOU WERE A CAR
11 MANUFACTURER, YOU COULDN'T CALL YOURSELF GENERAL MOTORS AND TRY
12 TO SELL YOUR CARS UNDER THE NAME GENERAL MOTORS, BECAUSE THAT'S
13 A WELL-KNOWN, ALREADY ESTABLISHED TRADEMARK.

14 ON THE OTHER HAND, MY QUESTION TO MR. MCINTYRE IS
15 HOW MUCH CONFUSION AND WHAT TYPE OF CONFUSION DOES IT TAKE WHEN,
16 IN YOUR CIRCUMSTANCE, YOU'RE NOT OFFERING A SERVICE SIMILAR, OR
17 ANY SERVICE AT ALL COMPARED TO PACIFIC LAW CENTER, ALTHOUGH YOU
18 HAVE CREATED A DOMAIN NAME THAT'S ALMOST IDENTICALLY THE SAME.
19 AND THERE ARE CASES ON THIS. DOMAIN NAMES ARE PROTECTABLE. THE
20 QUESTION IS WHAT KIND OF CONFUSION COMING OUT OF YOUR USE OF
21 YOUR DOMAIN NAME WOULD HAVE TO EXIST FOR ME TO ISSUE AN
22 INJUNCTION. THAT'S WHAT I WANT TO KNOW ABOUT.

23 MR. SAADAT-NEJAD: SIR, IF I MAY. ON THE PAGE OF 100%
24 PERCENT FREE WARNING, THAT IS THE PAGE THAT FOCUSES ON PACIFIC
25 LAW CENTER, THE SECOND PAGE OF PACIFICLAWCENTERS.COM, AND THE
26 VISITOR, WHOEVER VISITS THAT PAGE IS ENCOURAGED TO GO TO
27 PACIFICLAWCENTER.COM AND PHILLIPSLAW.COM, WHICH IS OWNED BY THE
28 PHILLIPS & ASSOCIATES LAW FIRM IN ARIZONA. IT HAS BEEN ON THERE

5 1 FOR SEVERAL WEEKS.

2 AS FAR AS ANY LITERATURE IN THERE THAT ADVERTISES,
3 FOR EXAMPLE, OTHER ATTORNEYS, I FEEL THAT I DO HAVE THE RIGHT TO
4 ADVERTISE MY SPACE. IN THIS CASE IT DOES NOT ADVERTISE. I
5 STILL QUESTION THE AUTHENTICITY OF THESE PAPERS THAT THEY HAVE
6 NOW FILED. I HAVE SAVED ALL OF THE HTML CODES ON THE WEB SITE,
7 E-MAILED THEM TO MYSELF SO IT'S DATED, AND THEN I BROUGHT DOWN
8 EVERYTHING. I HOPE TO BRING THE HTML CODES TO --

9 THE COURT: THE ISSUE HERE IS NOT YOUR ABILITY TO
10 CRITICIZE PACIFIC LAW CENTER. AS MR. MCINTYRE SAID, YOU'RE
11 ENTITLED TO DO THAT.

12 MR. SAADAT-NEJAD: OKAY.

13 THE COURT: SUBJECT TO OTHER RULES THAT MAY APPLY,
14 DEFAMATION AND OTHER THINGS. YOU RUN THE RISK OF BEING
15 RESPONSIBLE FOR THE THINGS THAT YOU SAY.

16 MR. SAADAT-NEJAD: YES.

17 THE COURT: BUT THAT'S NOT WHAT THEY ARE TALKING ABOUT.
18 THAT'S DIFFERENT THAN THIS. THE QUESTION IS WHETHER YOU CAN USE
19 A DOMAIN NAME ALMOST IDENTICALLY SIMILAR; THAT IT WOULD BE
20 CONFUSING TO THE PUBLIC, AND THEREFORE IT WOULD BE IN VIOLATION
21 OF TRADEMARK, TRADE NAME, SERVICEMARK OR NAME RULES, WHICH COULD
22 BE ENJOINABLE. I WANT TO KNOW ABOUT THE NATURE AND TYPE AND
23 EXTENT OF CONFUSION THAT WOULD ALLOW ME, OR NOT ALLOW ME, TO
24 ISSUE AN INJUNCTION. THAT DOESN'T MEAN -- IF I ISSUE AN
25 INJUNCTION ULTIMATELY, THAT MEANS YOU WOULDN'T BE ABLE TO USE
26 THAT DOMAIN NAME. YOU COULD USE SOME OTHER DOMAIN NAME, AND YOU
27 COULD STILL CRITICIZE THEM, IF YOU WANT TO, AND YOU STILL STAND
28 RESPONSIBLE FOR WHATEVER COMES OUT OF IT.

6 1 MR. SAADAT-NEJAD: CAN I DRIVE DOWN TO TIJUANA, WRITE
2 WHATEVER I WANT ON PACIFICLAWCENTERS.COM, AND THEN COME BACK TO
3 THE UNITED STATES?

4 THE COURT: I VERY MUCH DOUBT IT. I DON'T KNOW THE
5 ANSWER TO THAT.

6 MR. SAADAT-NEJAD: WHERE DOES IT STOP? WHERE DOES IT
7 STOP? WHAT COUNTRY CAN I GO TO AND USE PACIFICLAWCENTERS.COM?

8 THE COURT: I'M NOT SURE THAT YOU CAN. I DON'T KNOW THE
9 ANSWER TO THAT. I'M NOT GIVING YOU AN OPINION. THAT'S A WHOLE
10 DIFFERENT ISSUE. BUT IT'S LIKE YOU COULDN'T GO TO MEXICO AND
11 CALL YOURSELF GENERAL MOTORS. GENERAL MOTORS WOULD BE AFTER YOU
12 UP HERE AS SOON AS YOU GOT BACK.

13 MR. SAADAT-NEJAD: YOU MEAN GENERALMOTORS.COM AS A DOMAIN
14 NAME?

15 THE COURT: GENERALMOTORS.COM, TO USE THE EXAMPLE WE
16 TALKED ABOUT BEFORE.

17 I DO HAVE ONE QUESTION. YOU INDICATED -- SOMEBODY
18 INDICATED THAT MAYBE MARY PREVOST IS GOING TO BE ASSISTING YOU.
19 ARE YOU GOING TO HAVE AN ATTORNEY IN THIS MATTER?

20 MR. SAADAT-NEJAD: AS FAR AS RIGHT NOW GOES, NO, YOUR
21 HONOR.

22 THE COURT: OKAY. WELL, THESE ARE COMPLICATED AREAS.

23 MR. SAADAT-NEJAD: YES.

24 THE COURT: IT WOULD BE VERY HELPFUL IF YOU HAD AN
25 ATTORNEY.

26 MR. SAADAT-NEJAD: I WILL CONTACT CIVIL RIGHTS
27 ORGANIZATIONS, WRITE THEM LETTERS, AND SEE IF ANYONE WILL
28 RESPOND.

6 1 THE COURT: IT WOULD BE HELPFUL.

2 MR. SAADAT-NEJAD: OKAY. BUT THIS WILL BE VERY TIME
3 CONSUMING. I WOULD LIKE TO GET A CONTINUANCE ON THIS CASE, IF
4 YOU ARE NOT GOING TO DISMISS THE CASE.

5 THE COURT: WELL, I'M GOING TO ASK MR. MCINTYRE AND YOU
6 TO GIVE ME SOME MORE INFORMATION ABOUT, IN THIS CIRCUMSTANCE,
7 WHAT'S ENJOINABLE AND WHAT'S NOT. I DON'T KNOW HOW MUCH TIME
8 YOU NEED.

9 MR. SAADAT-NEJAD: I WOULD LIKE TO MENTION THERE ARE
10 SEARCH ENGINES BESIDES GOOGLE. I HAVE PUNCHED INTO THE SEARCH
11 BOX THE WORDS "PACIFIC LAW CENTER," ALL SEPARATE, JUST AS THE
12 PLAINTIFF HAS, AND WHEN YOU PUNCH IN "PACIFIC LAW CENTER" SOME
13 SEARCH ENGINES WILL BRING UP ADVERTISEMENTS, SPONSORED
14 ADVERTISEMENTS, AND THERE ARE SPONSORS THAT ARE ATTORNEYS THAT
15 DO COME UP WHEN YOU PUNCH IN "PACIFIC LAW CENTER" ON THE SEARCH
16 ENGINE THAT IS NOT PACIFIC LAW CENTER. ALL THEY SAY, FOR
17 EXAMPLE, "WE ARE THE BEST ATTORNEY IN THE WORLD."

18 THE COURT: ALL I'M CONCERNED WITH IS YOUR DOMAIN NAME
19 AND WHAT COMES UP WHEN THAT'S USED. ALL THAT'S BEFORE ME NOW IS
20 SUBSTANTIALLY SIMILAR DOMAIN NAMES. NOW, THERE ARE OTHER
21 FACTORS WHEN YOU'RE USING THE INTERNET. WE HAVEN'T TALKED ABOUT
22 ANY OF THOSE THINGS. THAT'S NOT WHAT'S BEING ASKED OF ME AT
23 THIS STAGE.

24 MR. MCINTYRE: WHEN WOULD YOU LIKE THE ADDITIONAL
25 BRIEFING, YOUR HONOR?

26 THE COURT: AT YOUR PLEASURE.

27 MR. MCINTYRE: WELL, I WILL SAY THIS FOR

28 MR. SAADAT-NEJAD: APPARENTLY, ONCE HE BECAME AWARE OF THE

6 1 COURT'S TEMPORARY RESTRAINING ORDER, HE HAS BLACKED OUT HIS
2 PACIFICLAWCENTERS SITE. YOUR HONOR MAY HAVE ALREADY TRIED IT.
3 IF ONE --

4 THE COURT: NO.

5 THE COURT: IF ONE GOES AND TRIES TO LOG ON, ALL YOU GET
6 IS A BLACK PAGE. I COMMEND HIM FOR THAT. THAT WAS THE COURT'S
7 ORDER.

8 THE COURT: OKAY.

9 MR. MCINTYRE: BECAUSE OF THAT, I WOULD LIKE TO DO IT
10 PROMPTLY. WOULD WEDNESDAY WORK FOR THE COURT? I HAVE A BRIEF
11 DUE IN L.A. ON MONDAY.

12 THE COURT: I'M IN TRIAL ALL NEXT WEEK.

13 MR. MCINTYRE: WELL, AT LEAST TO GET IT TO THE COURT, SO
14 THE COURT HAS WHATEVER SUPPLEMENTAL PAPERS.

15 THE COURT: IF YOU WANT TO HAVE THIS HEARD FURTHER A WEEK
16 FROM TODAY.

17 MR. MCINTYRE: THAT WOULD BE FINE. BY WEDNESDAY?

18 THE COURT: DOES THAT GIVEN YOU ENOUGH TIME, SIR?

19 MR. SAADAT-NEJAD: I HAVE A PENDING CRIMINAL CASE, TWO OF
20 THEM, AS I PUT IN THE DECLARATION. I'VE PRETTY MUCH LOST FAITH
21 IN THE CRIMINAL ATTORNEY. PACIFIC LAW CENTER HAS MADE CONTACT
22 WITH HIM. I WOULD LIKE TO GET THIS IN APRIL. HOPEFULLY, I CAN
23 GET THE CRIMINAL CASE RESOLVED BY THEN. IF NOT --

24 THE COURT: WELL, AS LONG AS YOU HAVE YOUR DOMAIN BLACKED
25 OUT.

26 DOES THAT WORK FOR YOU?

27 MR. MCINTYRE: IT WORKS FINE, YOUR HONOR. I UNDERSTAND.
28 LIBERTY IS MORE IMPORTANT THAN ALMOST ANYTHING ELSE. TO THE

7 1 EXTENT MR. SAADAT-NEJAD HAS PENDING CRIMINAL MATTERS, IF THE
2 COURT WILL JUST CONTINUE, WITH HIS ACQUIESCENCE, THE TRO IN
3 PLACE. DID YOU WANT TO PICK --

4 THE COURT: WELL, WE WOULD DO IT ON A FRIDAY, SIR.

5 MR. SAADAT-NEJAD: ON A FRIDAY?

6 THE COURT: WHEN IN APRIL?

7 MR. SAADAT-NEJAD: MY NEXT COURT DATE WILL BE MARCH 28TH.
8 I'M SURE THAT IT WILL GET CONTINUED. I WOULD RECOMMEND APRIL
9 20TH.

10 MR. MCINTYRE: THAT'S PERFECTLY FINE WITH ME, YOUR HONOR.
11 THANK YOU.

12 THE COURT: LET'S DO APRIL 20 AT -- WE ALWAYS HAVE
13 MOTIONS IN THE AFTERNOONS. I'M GOING TO SAY THREE O'CLOCK
14 AGAIN, SO YOU DON'T HAVE TO WAIT AROUND.

15 MR. MCINTYRE: THANK YOU. THAT'S VERY GRACIOUS, YOUR
16 HONOR.

17 THE COURT: THIS IS CONDITIONED UPON YOU NOT HAVING THAT
18 WEB SITE --

19 MR. SAADAT-NEJAD: I CANNOT HAVE ANYTHING ON THERE? I
20 CAN'T EVEN HAVE A PICTURE OF A CAT? NOTHING?

21 THE COURT: NOT UNDER THAT NAME.

22 MR. SAADAT-NEJAD: OKAY. NOW, WHAT ABOUT USING THE NAME
23 PACIFIC LAW CENTER IN PUBLIC FORUMS?

24 THE COURT: THEY ARE NOT ASKING THAT YOU BE STOPPED FROM
25 DOING THAT.

26 MR. SAADAT-NEJAD: I UNDERSTAND THAT THEY ARE TRYING TO
27 STOP ME FROM USING EVEN THE WORDS "PACIFIC LAW CENTER." I
28 BELIEVE THE COURT ORDER SETS OUT THE SAME THING.

7 1 THE COURT: IT'S THE DOMAIN NAME THAT YOU'RE CONCERNED
2 WITH, AS I UNDERSTAND IT.

3 MR. MCINTYRE: IN THIS INSTANCE IT'S THE DOMAIN NAME.
4 THAT'S THE MARK.

5 THE COURT: AS YOU SAID, IF HE WANTED TO STAND OUTSIDE
6 YOUR CLIENT'S OFFICE AND SAY PACIFIC LAW CENTER IS NO GOOD, HE
7 CAN DO THAT.

8 MR. MCINTYRE: HE CAN CARRY HIS PICKET SIGN AND SAY, DO
9 NOT HIRE PACIFIC LAW CENTER. THAT IS OBVIOUSLY WITHIN AN AREA
10 OF PROTECTED SPEECH. IT IS THE USE OF THE MARK AS A DOMAIN NAME
11 IN ANY OTHER FASHION HE WOULD USE THE MARK. IT'S NOT THE
12 SPEECH. IT'S THE MARK.

13 THE COURT: I CAN'T ENJOIN HIM FROM USING THE NAME IN
14 CONVERSATION IN E-MAIL ON THE INTERNET. IF HE WANTS TO TALK
15 ABOUT PACIFIC LAW CENTER, HE IS ENTITLED TO DO THAT. HE CAN'T
16 HAVE A DOMAIN NAME, HOWEVER, THAT SAYS "PACIFIC LAW CENTER" OR
17 "PACIFIC LAW CENTERS" IN THIS CASE. BUT IF HE CALLED IT THE
18 DONALD DUCK WEB SITE, AND IT'S ALL ABOUT -- AND HE SAYS, I WANT
19 YOU TO KNOW I DON'T LIKE PACIFIC LAW CENTER, HE CAN DO THAT.

20 MR. MCINTYRE: I'M NOT ARGUING THAT POINT, YOUR HONOR.

21 THE COURT: OKAY.

22 MR. MCINTYRE: YOU'RE RIGHT, HE CAN'T.

23 MR. SAADAT-NEJAD: YEAH, I -- JUST FOR THE RECORD, I AM
24 NOT AFTER THE NAME THAT THEY CLAIM THAT THEY OWN, PACIFIC LAW
25 CENTER. I HIGHLY RECOMMEND THEY DO A BASIC REGISTRATION OF
26 OWNING THAT NAME.

27 THE COURT: THEY HAVE USED IT FOR A LONG TIME. IT'S
28 WIDELY KNOWN IN THE PUBLIC. THERE'S OTHER WAYS THAT SOMETHING

7 1 BECOMES PROTECTABLE, AND ONE OF THEM IS WIDESPREAD USE. TO MY
2 SATISFACTION, THEY'VE ESTABLISHED THAT. IT DOESN'T HAVE TO BE
3 REGISTERED TO BE PROTECTED.

4 MR. SAADAT-NEJAD: WELL, DON'T THEY BECOME A PUBLIC
5 FIGURE FROM THIS?

6 THE COURT: WELL, THAT'S ANOTHER ISSUE. I'M NOT MAKING
7 ANY COMMENT THERE.

8 MR. SAADAT-NEJAD: THAT ISSUE WILL COME UP ON APRIL 20TH.

9 THE COURT: OKAY.

10 MR. SAADAT-NEJAD: THEY ARE A PUBLIC FIGURE.

11 THE COURT: WELL, WE ARE GOING TO CONTINUE THIS TO THAT
12 DATE. SINCE IT'S THAT FAR OUT, MR. MCINTYRE, IF YOU COULD LET
13 ME HAVE YOUR SUPPLEMENTAL POINTS AND AUTHORITIES AND ALL MAYBE
14 TEN DAYS AHEAD.

15 MR. MCINTYRE: I WAS GOING TO SUGGEST BY THE SIXTH, YOUR
16 HONOR, TWO WEEKS BEFORE THE HEARING. DOES THAT WORK FOR YOU?
17 MR. SAADAT-NEJAD WILL THEN HAVE A CHANCE TO RESPOND.

18 THE COURT: THAT'S RIGHT. THANK YOU.

19 MR. SAADAT-NEJAD: THANK YOU, YOUR HONOR.

20 MR. MCINTYRE: THANK YOU FOR TAKING THE TIME THIS
21 AFTERNOON, YOUR HONOR. APPRECIATE IT.

22 THE COURT: ALL RIGHT.

23 SIR, ONCE YOU RECEIVE MR. MCINTYRE'S -- HE'S GOING
24 TO HAVE EVERYTHING OUT ON APRIL THE 6TH, AND WE ARE GOING TO
25 MEET ON THE 20TH. I WOULD LIKE TO HAVE ANYTHING THAT YOU WOULD
26 HAVE IN RESPONSE -- COULD I HAVE THAT BY THE 13TH OF APRIL?
27 THAT WOULD GIVE YOU A WEEK.

28 MR. SAADAT-NEJAD: IF WORST COMES TO WORST, I CAN GET A

8 1 CONTINUANCE ON THE 20TH?

2 THE COURT: WELL, WE ARE NOT INCLINED TO DO THAT.

3 MR. SAADAT-NEJAD: I AM CURRENTLY OUT ON BAIL. I MAY
4 EVEN GET REMANDED. THEY ARE INFLUENCING MY CRIMINAL CASE, AND
5 THEY HAVE GIVEN SO MANY INDICATIONS THAT WE CAN HAVE THE
6 DISTRICT ATTORNEY FILE MORE CHARGES TO PUT ME BEHIND BARS IN
7 JAIL.

8 THE COURT: I DON'T KNOW WHAT'S GOING TO HAPPEN TO YOU IN
9 THAT REGARD. LET'S SAY ANY RESPONSE THAT YOU WISH TO GIVE ME --
10 HE IS GOING TO GET IT OUT TO YOU ON APRIL 6TH. I WOULD LIKE TO
11 HAVE YOUR RESPONSE BY APRIL 16TH. THAT'S A MONDAY. THAT'S TEN
12 DAYS LATER. IT TAKES ME TIME TO READ ALL OF THIS.

13 MR. SAADAT-NEJAD: I FULLY UNDERSTAND. BUT WHAT IF I AM
14 INCARCERATED?

15 THE COURT: I DON'T KNOW. WE WILL HAVE TO ADDRESS THAT
16 WHEN WE GET THERE. HOPEFULLY THAT WON'T HAPPEN. IF YOU ARE, WE
17 WILL SEE WHAT WE ARE GOING TO DO ABOUT IT.

18 MR. SAADAT-NEJAD: FROM JAIL? I MEAN --

19 THE COURT: I CAN'T ANSWER THAT, SIR. I DON'T KNOW. WE
20 WILL SEE WHAT HAPPENS.

21 MR. MCINTYRE: AS THE COURT SAID, HOPEFULLY THAT WON'T
22 OCCUR.

23 THE COURT: WELL, HOPE NOT. THANK YOU VERY MUCH.

24 MR. SAADAT-NEJAD: THANK YOU.

25 MR. MCINTYRE: THANK YOU AGAIN, YOUR HONOR. APPRECIATE
26 YOUR TIME.

27 THE COURT: ALL RIGHT.

28 (PROCEEDINGS ADJOURNED.)

1 STATE OF CALIFORNIA)
: SS.
2 COUNTY OF SAN DIEGO)

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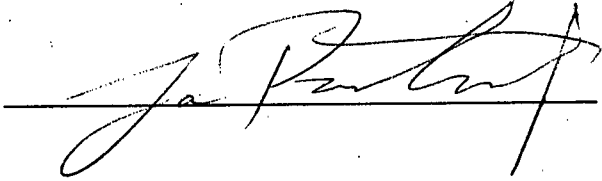
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I, JAMES PARTRIDGE, CSR NO. 6226, AN OFFICIAL
REPORTER FOR THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN
AND FOR THE COUNTY OF SAN DIEGO, DO HEREBY CERTIFY THAT I
REPORTED IN MACHINE SHORTHAND THE PROCEEDINGS HAD IN THE ABOVE
ENTITLED MATTER, AND THAT THE FOREGOING TRANSCRIPT, CONSISTING
OF PAGES NUMBERED 1 TO 22, INCLUSIVE, IS A FULL, TRUE AND
CORRECT TRANSCRIPT OF SAID PROCEEDINGS.

DATED AT SAN DIEGO, CALIFORNIA, THIS 23RD DAY OF
MARCH 2007.



JAMES PARTRIDGE, CSR NO. 6226