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SHAHROKH SAADAT-NEJAD
pacificlawcenters@yahoo.com
Telephone: (646) 225-8213
Defendant

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

PACIFIC LAW CENTER

Plaintiff,

vs.

SHAHROKH SAADAT-NEJAD
USHOSTAGE.COM
PACIFICLAWCENTERS.COM

Defendant.

2007

CASE No.GIC878352

DECLARATION OF
SHAHROKH SAADAT-NEJAD
AND CAUSE FOR
CASE DISMISSAL

Date: March 9, 2007
Time: 3:00pm
Dept. 75

Complaint Filed: January 12,

I/C Judge: Hon. Richard E.L. Strauss

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Shahrokh Saadat-Nejad, the owner of USHOSTAGE.com and the owner of PACIFICLAWCENTERS.com declaration and cause for case dismissal.

I, Shahrokh Saadat-Nejad, declare:

1. I am a muslim and a citizen of The Islamic Republic of Iran.
2. I am a permanent resident of The United States of America.
3. I am the defendant for civil case No.GIC878352
4. I am the owner of USHOSTAGE.com
5. I am the owner of PACIFICLAWCENTERS.com
6. I have not and do not reside at 3713 Mount Ashmun Place , San Diego , California 92111 for minimum of over fifteen months. Pacific Law Center is and has been aware of this fact on record, which I believe that Pacific Law Center may have not wanted to serve me, but only to appear that they are looking for me. I do have evidence to suggest this fact.
7. I have for the first time went to court on Monday, March 5, 2007 to look at the file for civil case No.GIC878352, due to an email that I received on Sunday, March 4, 2007.
8. I called and hired Pacific Law Center while in jail on August 30, 2006 early in the morning for criminal case No.CD200499 and criminal case No.M897962 filed in the County of San Diego, and both cases are still pending as of Tuesday, March 6, 2007.
9. On September 8, 2006 I fired Pacific Law Center from jail for criminal case No.CD200499 and criminal case No.M897962. My Mother and other family members also called Pacific Law Center on September 8, 2006 and fired Pacific Law Center .
10. On September 18, 2006 **MR. MATTHEW SPIEGEL** whom is with Pacific Law Center went to court for criminal case No.CD200499 and

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criminal case No.M897962 and waived my rights to appear in court and continued to represent himself and Pacific Law Center as my legal council, even though Mr. Matthew Spiegel knew 100% that he and Pacific Law Center were fired by me and my family on September 8, 2007.

11. I have read the declaration of Mr. Matthew Spiegel, which he signed and dated February 26, 2007. The declaration was filed on February 26, 2007. On page 2, line 21, item numbers 8 and 9, Mr. Matthew Spiegel wrote [8] "It was approximately two weeks later that I received a message from my paralegal that Mr. Saadatnejad wanted to fired us and I tried to see him in county jail but he refused." Page 2, line 24 [9] "Then I appeared at the readiness conference and indicated to the judge that I thought we may have been fired but I was not sure and did not want prematurely to ask to be relieved as counsel."

12. Mr. Matthew Spiegel needs to be more specific before I can fully respond to his declaration if need be for this civil action. For example in what way did Mr. Matthew Spiegel indicate to the Judge (Commissioner) on September 18, 2006 that Pacific Law Center was fired. Did he give hand signals, or did he use the word fire or fired at all, or did he wink as an indication, or a personal note to the Commissioner.

13. I have heard the audio tape of September 18, 2006 of the hearing that Mr. Matthew Spiegel waived my rights to, and I highly encourage Solomon Ward Seidenwurm & Smith Law Firm to listen too. Solomon Ward Seidenwurm & Smith Law Firm can go to the court on the second floor and order a copy of the hearing which will cost \$10.00, before Solomon Ward Seidenwurm & Smith Law Firm self inflict more harm to their own reputation. [Comm. Rice, Dept.2 PC977/Arr]

14. I have briefly glanced at the declaration that **MR. THOMAS SLATTERY** whom is with Pacific Law Center which was filed on February 26, 2007, and I can only be more angry with him, because I can and I will prove that Mr. Thomas Slattery knowingly and intentionally has fabricated and manufactured false evidence(s) in his declaration and exhibits (A) and (B) to the court. Mr. Thomas Slattery needs to provide world wide web

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addresses of each copies of the alleged postings, and to provide the date(s) of each alleged postings and the date(s) of any copies of the alleged website pacificlawcenters.com that Mr. Thomas Slattery has filed with his declaration.

15. I have obtained evidences and I am still collecting evidences of allegations made against Pacific Law Center by me on the world wide web. The pending criminal cases against me must finish first because Pacific Law Center has and is tampering with both criminal cases even after September 21, 2006 which was the day I discovered that Pacific Law Center are hustlers, thieves, fraud Etc.

On September 21, 2006 Commissioner Rice in Dep.2 told me to go file a fraud complaint at the District Attorney Office against Pacific Law Center, and Commissioner Rice respectfully gave back \$5000 out of \$10,100 that I and my family had put up for self bail.

Freedom of Speech in the United States

16. In the United States freedom of expression is protected by the First Amendment to the United States Constitution.

17. The Internet is a common area, a public space like any village square, except that it is the largest common area that has ever existed. Anything that anybody wishes to say can be heard by anyone else with access to the Internet, and this world-wide community is as large and diverse as humanity itself. Therefore, from a practical point of view, no one community's standards can govern the type of speech permissible on the Internet. In the words of John Barlow, a founding member of the Electronic Frontier Foundation (EFF) -- "In Cyberspace, the First Amendment is a local ordinance".

18. In 1996 the US Government passed the Communications Decency Act (CDA) prohibiting distribution of adult material over the Internet, even though the law was widely believed to be unenforceable and

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3 unconstitutional. This gave birth to a blue ribbon campaign to show support
4 for freedom of speech on the Internet. Many sites placed a black background
5 on their web pages for the first 24 hours after the CDA passed. A few
6 months later a three-judge panel imposed an injunction against the law's
7 enforcement, pending resolution of lawsuits launched by several civil
8 liberties groups, and the law was subsequently found to be unconstitutional.

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10 19. In 1996 many countries around the world became frightened of the
11 freedom of speech associated with the Internet. China mandated that Internet
12 users must register with the police. Germany banned access to some adult
13 newsgroups on CompuServe. Saudi Arabia restricted Internet access to
14 universities and hospitals. Singapore mandated that political and religious
15 sites must register with the government. New Zealand courts ruled that
16 computer disks are a type of "publication" that can be censored. None of
17 these efforts had much lasting effect.

18 **Pacific Law Center**

19 20. Some people confuse patents, copyrights, and trademarks. Although
20 there may be some similarities among these kinds of intellectual property
21 protection, they are different and serve different purposes.

22 What Is a Patent?

23 A patent for an invention is the grant of a property right to the inventor,
24 issued by the Patent and Trademark Office. The term of a new patent is 20
25 years from the date on which the application for the patent was filed in the
26 United States or, in special cases, from the date an earlier related application
27 was filed, subject to the payment of maintenance fees. US patent grants are
28 effective only within the US, US territories, and US possessions.

The right conferred by the patent grant is, in the language of the statute and
of the grant itself, The right to exclude others from making, using, offering
for sale, or selling the invention in the United States or Importing the
invention into the United States . What is granted is not the right to make,

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use, offer for sale, sell or import, but the right to exclude others from making, using, offering for sale, selling or importing the invention.

What Is a Trademark or Servicemark?

A trademark is a word, name, symbol or device which is used in trade with goods to indicate the source of the goods and to distinguish them from the goods of others. A servicemark is the same as a trademark except that it identifies and distinguishes the source of a service rather than a product. The terms "trademark" and "mark" are commonly used to refer to both trademarks and servicemarks.

Trademark rights may be used to prevent others from using a confusingly similar mark, but not to prevent others from making the same goods or from selling the same goods or services under a clearly different mark. Trademarks which are used in interstate or foreign commerce may be registered with the Patent and Trademark Office. The registration procedure for trademarks and general information concerning trademarks is described in a separate pamphlet entitled "Basic Facts about Trademarks".

What Is a Copyright?

Copyright is a form of protection provided to the authors of original works of authorship including literary, dramatic, musical, artistic, and certain other intellectual works, both published and unpublished. The 1976 Copyright Act generally gives the owner of copyright the exclusive right to reproduce the copyrighted work, to prepare derivative works, to distribute copies or phonorecords of the copyrighted work, to perform the copyrighted work publicly, or to display the copyrighted work publicly.

The copyright protects the form of expression rather than the subject matter of the writing. For example, a description of a machine could be copyrighted, but this would only prevent others from copying the description; it would not prevent others from writing a description of their own or from making and using the machine. Copyrights are registered by the Copyright Office of the Library of Congress.

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21. *From the website of the United States Patent and Trademark Office:*

1209.03(m) Domain Names

Internet domain names raise some unique trademark issues. A mark comprised of an Internet domain name is registrable as a trademark or service mark only if it functions as an identifier of the source of goods or services. Portions of the uniform resource locator (URL) including the beginning, ("http://www.") and the top level Internet domain name (TLD) (e.g., ".com," ".org," ".edu,") function to indicate an address on the World Wide Web, and therefore generally serve no source-indicating function. TLDs may also signify abbreviations for the type of entity for whom use of the cyberspace has been reserved. In re Oppedahl & Larson LLP, 373 F.3d 1171, 1176, 71 USPQ2d1370, 1373 (Fed. Cir. 2004) ("[T]he Board is correct that the overall impression of '.com' conveys to consumers the impression of a company or commercial entity on the Internet."). For example, the TLD ".com" signifies to the public that the user of the domain name constitutes a commercial entity. In re Martin Container, Inc., 65 USPQ2d 1058, 1060-1061 (TTAB 2002) ("[T]o the average customer seeking to buy or rent containers, 'CONTAINER.COM' would immediately indicate a commercial web site on the Internet which provides containers."). See also Goodyear's India Rubber Glove Mfg. Co. v. Goodyear Rubber Co., 128 U.S. 598, 602 (1888) ("The addition of the word 'Company' [to an otherwise generic mark] only indicates that parties have formed an association or partnership to deal in such goods" and does not render the generic mark registrable).

If a proposed mark includes a TLD such as ".com", ".biz", ".info", the examining attorney must provide evidence that the term is a TLD, and, if available, evidence of the significance of the TLD as an abbreviation (e.g. ".edu" signifies an educational institution, ".biz" signifies a business).

Because TLDs generally serve no source-indicating function, their addition to an otherwise unregistrable mark typically cannot render it registrable. Oppedahl, 373 F.3d at 1174, 71 USPQ2d at 1372 (PATENTS.COM merely descriptive of computer software for managing a database of records and for tracking the status of the records by means of the Internet); In re Microsoft

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Corp., 68 USPQ2d 1195, 1203 (TTAB 2003) ("The combination of the specific term and TLD at issue, i.e., OFFICE and .NET, does not create any double entendre, incongruity, or any other basis upon which we can find the composite any more registrable than its separate elements. The combination immediately informs prospective purchasers that the software includes 'office suite' type software and is from a Internet business, i.e., a '.net' type business."); In re CyberFinancial.Net, Inc., 65 USPQ2d 1789, 1792 (TTAB 2002) ("Applicant seeks to register the generic term 'bonds,' which has no source-identifying significance in connection with applicant's services, in combination with the top level domain indicator ".com," which also has no source-identifying significance. And combining the two terms does not create a term capable of identifying and distinguishing applicant's services."); In re Martin Container, 65 USPQ2d at 1061 ("[N]either the generic term nor the domain indicator has the capability of functioning as an indication of source, and combining the two does not result in a compound term that has somehow acquired this capability."). See also Goodyear, 128 U.S. at 602 (the incorporation of a term with no source-indicating function into an otherwise generic mark cannot render it registrable). For example, if a proposed mark is composed of merely descriptive term(s) combined with a TLD, the examining attorney must refuse registration on the Principal Register under Trademark Act (e)(1), 15 U.S.C. 052(e)(1), on the ground that the mark is merely descriptive.

Similarly, if a proposed mark is composed of generic term(s) for the applicant's goods or services and a TLD, the examining attorney generally must refuse registration on the ground that the mark is generic.

When examining domain name marks, it is important to evaluate the commercial impression of the mark as a whole, including the TLD indicator. In Oppedahl, the Court of Appeals for the Federal Circuit cautioned that, while "[t]he addition of a TLD such as '.com' or '.org' to an otherwise unregistrable mark will typically not add any source-identifying significance," this "is not a bright-line, per se rule. In exceptional circumstances, a TLD may render an otherwise descriptive term sufficiently distinctive for trademark registration." 373 F.3d at 1177, 71 USPQ2d at 1374.

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22. United States Law:

The controlling precedent in the United States was set in 1964 by the United States Supreme Court in *New York Times Co. v. Sullivan*. It is considered a key decision in supporting the First Amendment and freedom of the press.

A fairly high threshold of public activity is necessary to elevate a person to public figure status. Typically, they must either be:

a public figure pervasively involved in public affairs, or a limited purpose public figure, meaning those who have "thrust themselves to the forefront of particular public controversies in order to influence the resolution of the issues involved." A "particularized determination" is required to decide whether a person is a limited purpose public figure, which can be variously interpreted.

A person can become an "involuntary public figure" as the result of unwanted publicity. A person accused of a high profile crime may be unable to pursue actions for defamation even after their innocence is established on this basis. A person can also become a "limited public figure" by engaging in actions which generate publicity within a narrow area of interest. For example, jokes about Terry Rakolta, an activist who spearheaded a boycott of the show *Married With Children*, are fair comments within the confines of her public conduct and are protected because she was a "limited public figure."

23. *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964), was a United States Supreme Court case which established the actual malice standard before press reports could be considered to be defamation and libel; and hence allowed free reporting of the civil rights campaigns in the southern United States. It is one of the key decisions supporting the freedom of the press. The actual malice standard requires that the plaintiff in a defamation or libel case prove that the publisher of the statement in question knew that the statement was false or acted in reckless disregard of its truth or falsity. Because of the extremely high burden of proof on the plaintiff, and the

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difficulty in proving essentially what is inside a person's head, such cases — when they involve public figures — rarely, if ever prevail.

Before this decision there were nearly US\$300 million in libel actions outstanding against news organizations from the Southern states and these had caused many publications to exercise great caution when reporting on civil rights, for fear that they may be held accountable for libel. After the Times prevailed in this case, news organizations were free to report the widespread disorder and civil rights infringements. The Times maintained that the case against it was brought to intimidate news organizations and prevent them from reporting illegal actions of public employees in the South as they attempted to continue to support segregation.

24. PACIFIC LAW CENTER and/or <http://www.pacificlawcenter.com> is not registered in any way shape or form with the United States Patent and Trademark Office and there is no notice of intent to do so, and PACIFIC LAW CENTER and/or <http://www.pacificlawcenter.com> is not registered with the Copyright Office of the library of Congress and there is no notice of intent to do so.

25. I Shahrokh Saadat-Nejad will file a complaint against all parties involved in this fraud with Pacific Law Center and Phillips and Associates Law Firm with the California Bar and with Local and Federal Law Enforcement after my pending criminal cases that Pacific Law Center is still tampering with. Complaint will be filed with the San Diego County Grand Jury as well.

I have suffered psychological and mental trauma because of Pacific Law Center, and I still am suffering.

Any alleged suffering that Pacific Law Center may claim including loss of clients is a direct result of their own fraud, lies, misleading the public and the court of law and I Shahrokh Saadat-Nejad will continue to practice my rights by warning the public on the world wide web, and in news papers, and I will obtain a city/county permit(s) to protest in public not to hire Pacific Law Center, [pacificlawcenter.com](http://www.pacificlawcenter.com) which is owned by Phillips and Associates Law Firm in the State of Arizona.

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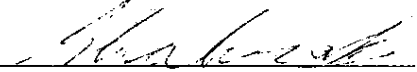
I was born in Iran and raised in San Diego, California and I refuse to stay silent of my horrible experience with Pacific Law Center and their associates. All documents including audio related to this civil action filed against me, USHOSTAGE.com, and PACIFICLAWCENTERS.com by Pacific Law Center will be published which is my right to do so on <http://www.PHAWKU.com> and/or <http://www.PHAWKU2.com> after the pending criminal cases that Pacific Law Center is tampering with.

Pacific Law Center can change their domain name for \$6.95 per year. I highly recommend that Pacific Law Center be more honest with the public and to change their domain name to PATHETICLAWCENTER.com which is available for \$6.95 on the internet.

26. Shahrokh Saadat-Nejad the owner of USHOSTAGE.com and the owner of PACIFICLAWCENTERS.com respectfully ask the court to dismiss civil case No.GIC878352 and give Pacific Law Center a stern warning of filing false documents and statements with the court and practicing fraud.

27. Should the court not dismiss civil case No.GIC878352, this declaration will be amended with exhibits after the pending criminal cases which Pacific Law Center is tampering with.

I declare under penalty of perjury under the laws of the State of California that the facts in this declaration are true and correct of my own personal knowledge.

Date: MARCH 7, 2007 
Shahrokh Saadat-Nejad
Defendant