

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO.: _____

MICHAEL I. SANTUCCI, P.A.
d/b/a "LIFELONG Legal Center,"
a Florida professional association,

Plaintiff,

v.

LIFELOCK, INC.,
a Delaware corporation,

Defendant.

_____ /

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF
AND DEMAND FOR JURY TRIAL

Plaintiff, MICHAEL I. SANTUCCI, P.A. d/b/a LIFELONG Legal Center, a Florida professional association (hereinafter referred to as "Plaintiff"), as for its complaint against Defendant, LIFELOCK, INC., a Delaware corporation (hereinafter referred to as "Defendant") for damages and injunctive relief, alleges as follows:

1. This is an action for infringement of Plaintiff's valuable service mark, for false designation of origin, and for unfair competition.
2. These Lanham Act and Florida statutory claims involve the willful trademark infringement by a competitor of Plaintiff using nearly identical trademarks on and in connection with services offered through identical means and to identical consumers.

PARTIES

3. Plaintiff is a Florida professional association with its principal place of business at 200 South Andrews Avenue, Suite 100, Fort Lauderdale, Florida 33301. Plaintiff provides credit consultation, credit repair, credit protection, debt, identity theft counseling and legal services.

4. Upon information and belief, Defendant is a Delaware corporation with its principal place of business at 60 East Rio Salado Parkway, Suite 400, Tempe, Arizona 85281, and is a company providing identity theft and credit monitoring services.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331, 1338(a), in that this action arises under the federal Lanham Act/Trademark Act, 15 U.S.C. §1051 *et seq.*, federal common law, and other federal law.

6. This Court also has jurisdiction over this matter under 28 U.S.C. § 1332 in that Plaintiff and Defendant are located in different states, and in that this is an action for damages which exceed \$75,000 exclusive of interest, attorneys' fees and costs.

7. This Court has personal jurisdiction over Defendant because Defendant maintains a website with an internet domain name of www.lifelock.com that is accessible in, and partly targeted toward the State of Florida and this judicial district, which website uses the infringing mark to promote its services. Furthermore, Defendant offers its services in this judicial district and has engaged in many of the complained of acts in this judicial district.

8. Supplemental jurisdiction is proper for the state law claims under 28 U.S.C. § 1367(a) as the claims are so related to the federal claims that they form part of the same general nucleus of facts, case, or controversy under Article III of the United States Constitution.

9. Venue is proper in the Southern District of Florida pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(a) because the effects of Defendant's actions have caused and will cause Plaintiff damage in this judicial district, and many of the complained of acts occurred in this judicial district.

FACTS

10. This case involves Defendant's continued willful infringement of Plaintiff's incontestable LIFELONG service mark used in connection with credit consultation, credit repair, credit protection, debt, identity theft counseling and legal services, and foreclosure defense, by Defendant's use of its LIFELOCK marks in interstate commerce in connection with nearly identical services.

11. Plaintiff has used in commerce the service mark LIFELONG since at least as early as September 1, 2002, to identify credit repair, credit protection, credit debt, and identity theft counseling and legal services.

12. On or about December 31, 2002, Plaintiff applied for registration of the mark LIFELONG with the United States Patent and Trademark Office ("USPTO") on the Principal Register. On March 16, 2004, Registration Number 2,822,613 directed to the mark LIFELONG for credit consultation and debt counseling services, in International Class 036, issued ("Reg. No. 2,822,613"). A true and correct copy of the Certificate of Registration is attached hereto as ***Exhibit "A"***.

13. On March 16, 2010, Plaintiff filed its Combined Declaration of Use and Incontestability under Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§ 1058, 1065 directed to Plaintiff's Reg. No. 2,822,613, which was accepted and acknowledged by the USPTO on March 30, 2010. A true and correct copy of the Notice of Acceptance and Acknowledgement of §§ 8 &

15 Declaration is attached hereto as *Exhibit "B"*. The registration has thereby become incontestable under 15 U.S.C. § 1065, and can only be challenged or cancelled based on abandonment or fraud on the USPTO.

14. Plaintiff also owns Florida Trademark Registration No. T11000000160 for the mark LIFELONG for credit consultation, debt, and identity theft counseling and legal services, which issued on February 16th, 2011. A true and correct copy of Plaintiff's Certificate of Registration from the Florida Department of State is attached hereto as *Exhibit "C."*

15. Plaintiff has acquired common law trademark rights in the mark LIFELONG LEGAL CENTER used in Florida and interstate commerce in connection with identify credit consultation, credit repair, credit protection, debt, identity theft counseling and legal services, and foreclosure defense.

16. Since at least as early as 2002, Plaintiff has used Plaintiff's Marks, which it has prominently displayed in advertising and marketing of its services, including use of the marks on business cards, client forms, handbills, brochures, internet advertisements, on its website (www.lifelonglegal.com). The designs and logos used by Plaintiff in collection with Plaintiff's Marks include, without limitation, the following:

LIFELONG

-and-

LIFELONG

Legal Center

17. The marks set forth in Paragraphs 11, 14, 15, and 16 above are hereinafter referred to, collectively, as “Plaintiff’s Marks”.

18. Plaintiff’s Marks are part of a family of LIFELONG marks owned by a group of family-owned companies, which includes LIFELONG owned by related company Lifelong Family Healthcare, Inc. A true and correct copy of the Certificate of Registration No. 2,822,748 for the mark LIFELONG issued by the USPTO on March 16, 2004 for use in connection with medical services is attached hereto as *Exhibit “D.”*

19. As a result of Plaintiff offering, advertising, and promoting its services under the mark LIFELONG in commerce throughout the United States, Plaintiff’s Marks have become a distinctive indication of the origin and high level of quality of Plaintiff’s services. Plaintiff is a professional association performing and licensing legal services, credit protection and repair and other services. Plaintiff’s Marks act as an indication of the source of these services and assure consumers a high level of quality, appeal, and satisfaction with which Plaintiff’s services have become synonymous. Examples of Plaintiff’s use of its marks are attached as Composite *Exhibit “E”* hereto.

20. By using Plaintiff’s Marks for over a decade in the credit protection and repair industry and the legal field in interstate and Florida commerce, Plaintiff has developed significant and valuable goodwill in its marks within the industry and with the public.

21. Defendant offers its identity theft and credit protection services under the LIFELOCK mark within Florida and interstate commerce.

22. Defendant is familiar with the services Plaintiff offers under its mark LIFELONG and was put on actual notice of Plaintiff’s Marks and claims at least as early as January of 2012.

23. Plaintiff and Defendant are competitors in the credit protection industry which includes identity theft protection services.

24. Defendant has adopted and is using the mark LIFELOCK and variations thereof which are confusingly similar to Plaintiff's Marks, in connection with marketing of its services, which consist of credit protection and identity theft, without Plaintiff's authorization. True and correct copies showing Defendant's uses of marks confusingly similar to Plaintiff's Marks are attached as Composite *Exhibit "F"* hereto and are shown below:

LIFELOCK

-and-

The image shows the word "LifeLock" in a bold, black, sans-serif font. The letters "Life" are in a lighter weight than "Lock". The entire logo is centered within a light gray rectangular background.

-and-

The image shows a logo consisting of a red circle containing a white padlock icon, followed by the word "LifeLock" in a bold, black, sans-serif font. The entire logo is centered within a light gray rectangular background.

-and-

The image shows a logo consisting of a red circle containing a white padlock icon, followed by the word "LifeLock." in a bold, black, sans-serif font. Below this, the tagline "Relentlessly Protecting Your Identity™" is written in a smaller, black, sans-serif font. The entire logo is centered within a light gray rectangular background.

-and-



25. On April 21, 2006, Defendant filed a service mark application with the USPTO for the mark LIFELOCK TAKE CONTROL, claiming date of first use in commerce of May 1, 2005, which resulted in U.S. Reg. No. 3,232,956 for consultation in the field of data theft and identity theft, in International Class 045. True and correct copies of Defendant's Certificates of Registration are attached hereto as Composite *Exhibit "G"*.

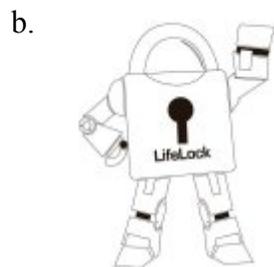
26. On November 10, 2006, Defendant filed a service mark application with the USPTO for the mark LIFELOCK, claiming date of first use in commerce of May 1, 2005, which resulted in U.S. Reg. No. 3,346,847 for providing consultation to third parties in the field of prevention of data theft and identity theft, and prevention of unsolicited commercial electronic mail, namely, removal from junk mail lists and offers for pre-approved credit, in International Class 045. *See Composite Exhibit "G."*

27. On July 28, 2009, Defendant filed a service mark application with the USPTO for the mark LIFELOCK IDENTITY ALERTS, claiming date of first use in commerce of September 9, 2009, which resulted in U.S. Reg. No. 3,740,480 for fraud detection and prevention services in the nature of arranging secure authentication of personal data in requests to open banking, credit, credit card, insurance, loan, and other financial accounts; consultation in the field of data theft and identity theft, in International Class 045. *See Composite Exhibit "G."*

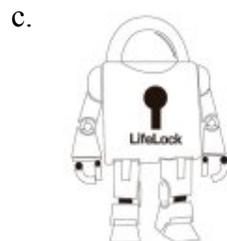
28. On June 10, 2008, Defendant filed a service mark application with the USPTO for the mark MYLIFELOCK, claiming a date of first use in commerce of May 6, 2008, which resulted in U.S. Reg. No. 3,646,012 for providing a website at which customers can manage account information related to telecommunications services, in International Class 035. *See* Composite *Exhibit "G."*

29. Defendant filed the following service mark applications with the USPTO based on a declaration of *bona fide* intention to use the following marks in Interstate Commerce (Printouts of USPTO's TESS records of Defendant's applications are attached hereto as Composite *Exhibit "H"*):

- a. LIFELOCK CREDIT SCORE MANAGER for use in connection with credit score monitoring services (International Class 035) and credit score tracking and reporting services (International Class 036). Serial No. 85/151,036 filed October 12, 2010;



Serial No. 85/214,289
filed on Jan. 10, 2011

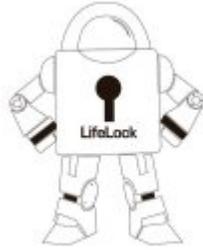


Serial No. 85/214,292
filed on Jan. 10, 2011

The following description of services applies to marks (b)-(e) and mark in Paragraph 29 below:

for use in connection with providing credit reporting data maintained by others; credit risk management and consultation services, namely, assistance with restoring and analyzing credit damaged by identity theft; Tracking and reporting regarding consumer credit reports and changes thereto, providing advice and consultation in the field of credit reports and credit scores; fraud resolution assistance, namely, assistance with restoring credit damaged by identity theft; and providing reimbursement of costs associated with identity theft (International Class 036); and fraud detection and prevention services in the nature of arranging secure authentication of personal data in requests to open banking. credit. credit card. insurance.

d.



Serial No. 85/214,294
filed on Jan. 10, 2011

e. POWERED BY LIFELOCK

Serial No. 85/259,629
filed on March 7, 2011

open banking, credit, credit card, insurance, loan, and other financial accounts; Fraud and identity theft protection services; monitoring the Internet, public records, credit reports, private and public electronic databases, and unregulated global computer networks to facilitate the detection and prevention of identity theft and fraud; providing a secure interactive website concerning notifications of potential fraud and potential identity theft; resolution assistance, namely, providing advice and consultation in the field of data theft and identity theft; consultation in the field of data theft and identity theft (International Class 045).

30. Upon information and belief, Defendant has not begun to use such marks in commerce, but have nonetheless declared, under penalty of perjury, that it has a *bona fide* intention to use such marks in Interstate Commerce.

31. On January 11, 2012, Defendant filed a service mark application with the USPTO for the mark LIFELOCK ULTIMATE (Serial No. 85/514,352) for the services listed in Paragraph 28(b)-(e) above. *See Composite Exhibit "H."*

32. The marks set forth in Paragraphs 23-29 above are hereinafter referred to, collectively, as "Defendant's Marks".

33. On January 4, 2012, Plaintiff sent Defendant a letter notifying Defendant of Plaintiff's rights in Plaintiff's Marks and demanded that Defendant cease all use of the mark LIFELOCK, or any variation thereof which is confusingly similar to Plaintiff's Marks, in connection with its services. A true and correct copy of the letter dated January 4, 2012, is attached hereto as *Exhibit "I"*.

34. Notwithstanding Plaintiff's express refusal to consent to Defendant's use of the LIFELOCK marks, upon information and belief, Plaintiff continued use of marks confusingly similar to Plaintiff's Marks. Subsequently, Defendant filed the intent-to-use application for the mark LIFELOCK ULTIMATE. *See* ¶ 31, above.

35. By virtue of its use, registration and application, Plaintiff has the exclusive right to use the LIFELONG mark in commerce in connection with credit consultation, credit repair, credit protection, debt, identity theft counseling and legal services and entitles Plaintiff a reasonable zone of expansion into the sale and licensing of related goods and services.

36. Defendant adopted and commenced use of Defendant's Marks long after Plaintiff first used Plaintiff's Marks mark in commerce, and after Plaintiff obtained a federal service mark registration of its LIFELONG mark.

37. Defendant had constructive knowledge of Plaintiff's Marks based on the LIFELONG registration as of the date of filing of Serial No. 76/489,705 on December 31, 2002.

38. Plaintiff's Marks are arbitrary when used in connection with credit consultation, credit repair, credit protection, debt, identity theft counseling and legal services, and foreclosure defense, and is therefore inherently distinctive and strong. Plaintiff's marks are neither suggestive nor descriptive of credit consultation, credit repair, credit protection, debt, identity theft counseling or legal services.

39. Plaintiff's Marks are also a strong identification of source by virtue of their long use and long-standing registrations.

40. The marks LIFELONG and LIFELOCK are highly similar, both visually and phonetically. The marks differ in writing only by the last two letters.

41. Plaintiff's services and Defendant's services are offered and provided to the same consumers – customers in need of credit consultation, protection, repair and other services related to identity theft protection and repair services.

42. Upon information and belief, Defendant's acts were done with the willful intent to imitate the Plaintiff, misappropriate, misuse and palm off of the good will, distinctiveness, reputation, and recognition Plaintiff enjoys in the industry by associating its LIFELOCK marks with Plaintiff's LIFELONG marks, to create confusion in the marketplace, and/or to dilute the distinctive quality of Plaintiff's Marks.

43. On January 11, 2012, with actual knowledge of Plaintiff's Marks and claims, Defendant knowingly signed and submitted false declaration before the USPTO for service mark application for the mark LIFELOCK ULTIMATE (Serial No. 85/514,352), stating that to the best of its "knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely ... to cause confusion, or to cause mistake, or to deceive" True and correct copy of Defendant's service mark application for LIFELOCK ULTIMATE (Serial No. 85/514,352) is attached hereto as *Exhibit "J."*

44. Because of the similarity between the marks used by Plaintiff and Defendant, namely, LIFELONG and LIFELOCK, Defendant's use of its LIFELOCK marks is likely to confuse consumers into believing Defendant's services originate from Plaintiff or into assuming that Defendant is affiliated with or endorsed by Plaintiff.

45. As a direct and proximate result of the Defendant's prior acts complained of herein, the Plaintiff has suffered great and irreparable harm and damage which continues each day the Defendant's acts complained of herein are permitted to continue.

46. Plaintiff has no adequate remedy at law relative to the continued and future harm expected to be suffered for Defendant's continued conduct.

47. An order or judgment enjoining Defendant's use of its marks which are confusingly similar to Plaintiff's Marks will serve the public good.

48. The balance of the equities warrant an order or judgment Defendant's use of its marks which are confusingly similar to Plaintiff's Marks.

49. All prerequisites to filing suit have been satisfied, have occurred or have been waived.

50. As a direct and proximate result of the Defendant acts complained of herein, Plaintiff has been forced to retain the undersigned firm, and has agreed to pay it a reasonable fee for its services.

COUNT I
FEDERAL TRADEMARK INFRINGEMENT UNDER 15 U.S.C. § 1114

51. Plaintiff adopts and incorporates Paragraphs 1-50 as if fully alleged herein.

52. Plaintiff is the owner of the incontestable U.S. Trademark Registration No. 2,822,613 for the mark LIFELONG.

53. Defendant is not authorized to use Plaintiff's LIFELONG mark or any mark confusingly similar or that in any way represents or implies that Defendant's services are in any way associated with Plaintiff.

54. Defendant's contemporaneous use of Defendant's Marks for its services is likely to confuse consumers into believing that the services offered by Defendant originate from, are authorized by, or are somehow affiliated with Plaintiff.

55. Defendant intentionally and knowingly infringes Plaintiff's trademark rights.

56. Defendant's infringing activities are likely to cause Plaintiff to lose control of its hard-earned reputation, to damage Plaintiff's reputation and goodwill among consumers, and to divert profits and opportunities away from Plaintiff and to Defendant.

57. Defendant is therefore infringing Plaintiff's rights in violation of Section 32 of the Lanham Act of 1946, 15 U.S.C. § 1114 and has caused damage to Plaintiff in an amount to be determined at trial. Plaintiff is being irreparably harmed by the infringement and has no adequate remedy at law.

COUNT II
FEDERAL UNFAIR COMPETITION UNDER 15 U.S.C. § 1125(a)

58. Plaintiff adopts and incorporates Paragraphs 1-50 as if fully alleged herein.

59. Plaintiff has been using Plaintiff's Marks in conjunction with its services in interstate commerce since at least as early as September 1, 2002 and has developed substantial goodwill in these marks in Plaintiff's common law territory, the entire United States, prior to Defendant's adoption and use of Defendant's Marks in commerce.

60. Defendant's use of Defendant's Marks in interstate commerce in competition with Plaintiff is likely to cause mistake, and/or to deceive consumers as to an affiliation, connection, or association of Defendant with Plaintiff, and/or as to the origin, sponsorship, and/or approval of Defendant's services or commercial activities by Plaintiff.

61. Defendant is therefore engaged in unfair competition and false designation of origin in violation of 15 U.S.C. § 1125(a) and has caused damage to Plaintiff in an amount to be determined at trial. Plaintiff is being irreparably harmed by the infringement and has no adequate remedy at law.

COUNT III

FLORIDA STATE TRADEMARK INFRINGEMENT UNDER FLA. STAT. § 495.131

62. Plaintiff adopts and incorporates Paragraphs 1-50 as if fully alleged herein.

63. Defendant's use of its marks described herein in the State of Florida infringe upon Plaintiff's mark which is the subject of Plaintiff's Florida State Trademark Registration (Florida Reg. No. T11000000160 [LIFELOCK]) in violation of Fla. Stat. § 495.131 *et seq.*

COUNT IV

FLORIDA COMMON LAW TRADEMARK INFRINGEMENT

64. Plaintiff adopts and incorporates Paragraphs 1-50 as if fully alleged herein.

65. Defendant's use of marks confusing similar to Plaintiff's Mark in the State of Florida in connection with Defendant's services likely to cause confusion with Plaintiff's Mark in the State of Florida.

66. By reason of the foregoing activities, Defendant has violated and infringed Plaintiff's rights in Plaintiff's Mark and has otherwise competed unfairly with Plaintiff, in violation of the common law of the State of Florida.

COUNT V

FLORIDA COMMON LAW UNFAIR COMPETITION

67. Plaintiff adopts and incorporates Paragraphs 1-50 as if fully alleged herein.

68. Defendant's activities constitute unfair competition with Plaintiff by creating a likelihood of confusion in the trade as to the source or sponsorship of the services or is likely to lead the public to believe Plaintiff is in some way connected to Defendant and is likely to mislead persons in the ordinary course of purchasing the services of Defendant and induce them to believe they are purchasing genuine services of Plaintiff, thereby injuring that reputation and goodwill and unjustly diverting from Plaintiff to Defendant the benefits arising therefrom.

69. Defendant's unlawful activities constitute unfair competition and passing off as proscribed by the common law and have caused Plaintiff to sustain monetary damage, loss and injury in an amount to be determined at the time of trial.

70. Plaintiff reserves the right to amend Count VI of its Complaint to seek punitive damages from Defendant as permitted and authorized by Fla. Stat. § 768.72 after further discovery.

71. Defendant's acts of unfair competition and misappropriation, unless enjoined by this Court, will continue to cause Plaintiff to sustain irreparable damages, loss and injury, for which Plaintiff has no adequate remedy at law.

COUNT VI
**CANCELLATION OF U.S. TRADEMARK REGISTRATIONS AND
DISALLOWANCE OF PENDING APPLICATIONS FOR REGISTRATION**

72. Plaintiff adopts and incorporates Paragraphs 1-50 as if fully alleged herein.

73. In light of the above described infringements and unfair competition, this Court should exercise its authority to order the USPTO to cancel Defendant's U.S. Trademark Registration Nos. 3,232,956, 3,346,847, 3,780,480 and 3,646,012 in light of Plaintiff's incontestable, prior issued Registration No. 2,822,613, the mark for which Plaintiff is the senior user.

74. In light of the above described infringements and unfair competition, this Court should exercise its authority to order the USPTO to disallow and issue final refusals of Defendant's applications for U.S. Trademark Registration, Application Serial Nos. 85/151,036, 85/214,289, 85/214,292, 85/214,294, 85/259,629, 85/514,352 in light of Plaintiff's incontestable, prior issued Registration No. 2,822,613 for which Plaintiff is the senior user.

PRAYER FOR RELIEF

Plaintiff demands judgment against the Defendant, and any co-defendants subsequently joined in this action, jointly and severally, as follows:

A. A preliminary injunction effective during the pendency of this action, and an order and judgment of this Court, effective permanently thereafter, restraining and enjoining Defendant and its officers, agents, employees, licensees, affiliated and related business entities, all others acting in concert with any of them from:

- (i) Using in any manner Plaintiff's Marks or any variation thereof which is confusing similar to Plaintiff's Marks, including, without limitation, LIFELONG and LIFELOCK, in the advertising, marketing, selling or providing of credit or identity theft protection and repair, credit counseling, legal services or services which are related to any of the above;
- (ii) Using in any manner any trademark, service mark, words, abbreviations, designs, arrangements, or other combinations thereof that would imitate, resemble, or suggest Plaintiff's Marks;
- (iii) Otherwise infringing Plaintiff's Marks;
- (iv) Unfairly competing with Plaintiff by copying or imitating Plaintiff's Marks;
- (v) Implying, directly stating, or creating the impression that Defendant or its services are affiliated, sponsored by or associated with Plaintiff or its services; and
- (vi) Assisting, inducing, contributing to, licensing or enabling any third party from engaging in any of the above described conduct.

B. An order requiring Defendant to publish for a period of not less than twelve months corrective advertising in all media in which the confusingly similar marks have been

published in the past five (5) years, stating to customers that Defendant and its LIFELOCK Marks are not, and have never been affiliated with or endorsed by Michael I. Santucci, P.A., LIFELONG or LIFELONG Legal Center;

C. An order directing the USPTO to cancel Defendant's U.S. Registration No. 3,232,956;

D. An order directing the USPTO to cancel Defendant's U.S. Registration No. 3,346,847;

E. An order directing the USPTO to cancel Defendant's U.S. Registration No. 3,780,480;

F. An order directing the USPTO to cancel Defendant's U.S. Registration No. 3,646,012;

G. An order directing the USPTO to disallow Defendant's registration of the mark which is the subject of U.S. Application Serial No. 85/151,036;

H. An order directing the USPTO to disallow Defendant's registration of the mark which is the subject of U.S. Application Serial No. 85/214,289;

I. An order directing the USPTO to disallow Defendant's registration of the mark which is the subject of U.S. Application Serial No. 85/214,292;

J. An order directing the USPTO to disallow Defendant's registration of the mark which is the subject of U.S. Application Serial No. Serial No. 85/214,294;

K. An order directing the USPTO to disallow Defendant's registration of the mark which is the subject of U.S. Application Serial No. Serial No. 85/259,629;

L. An order directing the USPTO to disallow Defendant's registration of the mark which is the subject of U.S. Application Serial No. Serial No. 85/514,352;

M. An accounting by Defendant of its profits attributable to Defendant's wrongful conduct, and a judgment against Defendant, in such amount, together with interest thereon as provided by law;

N. An enhancement of any award under Paragraphs B or C of this Prayer;

O. An enhancement of any award under Paragraphs B or C of this Prayer, under 495.141(1), Fla. Stat., equal to three (3) times any award for damages and/or profits;

P. Any and all damages suffered by Plaintiff resulting from Defendant's wrongful conduct, including, without limitation, compensatory, incidental, and consequential damages;

Q. Any and all relief to which Plaintiff may be entitled pursuant to the Lanham Act, 15 U.S.C. §§ 1051 *et seq.*, including treble damages and Plaintiff's attorneys' fees;

R. An award of Plaintiff's reasonable attorneys' fees as the prevailing party under §§ 501.2105(1), 495.141(1), Fla. Stat., the Lanham Act and other applicable law;

S. An award of full costs incurred by the Plaintiff herein;

T. Such additional relief as the Court deems fair and just.

DEMAND FOR TRIAL BY JURY

Plaintiff demands trial by jury on all issues so triable as a matter of right.

DATED this 21st day of February, 2012.

Respectfully submitted,

SANTUCCI PRIORE, P.L.
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By: s/Michael I. Santucci/
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Exhibits:

Exhibit "A"	Plaintiff's Certificate of Registration
Exhibit "B"	Notice of Acceptance and Acknowledgement of §§ 8 & 15 Declaration
Exhibit "C"	Plaintiff's Florida Certificate of Registration
Exhibit "D"	Plaintiff's related company's Certificate of Registration No. 2,822,748 issued by the USPTO
Composite Exhibit "E"	Examples of Plaintiff's use of its marks
Composite Exhibit "F"	Examples of Defendant's uses of marks confusingly similar to Plaintiff's Marks
Composite Exhibit "G"	Defendant's Certificates of Registration
Composite Exhibit "H"	Printouts of USPTO's TESS records of Defendant's applications
Exhibit "I"	Plaintiff's cease and desist letter to Defendant dated January 4, 2012
Exhibit "J"	Defendant's service mark application for LIFELOCK ULTIMATE (Serial No. 85/514,352)