

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS: Boston Duck Tours, Limited Partnership; DEFENDANTS: Super Duck Tours, LLC; (b) County of Residence of First Listed Plaintiff: Suffolk; (c) Attorney's (Firm Name, Address, and Telephone Number): Lee Bromberg, Kerry Timbers, Julia Huston, Courtney Quish, Bromberg & Sunstein, 125 Summer Street, Boston MA 02110, 617 443 9292; Victor Polk, Bingham McCutchen, 150 Federal Street, Boston MA 02110, 617 951 8000

II. BASIS OF JURISDICTION (Place an "X" in One Box Only); III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant); Includes checkboxes for U.S. Government Plaintiff/Defendant, Federal Question, Diversity, and various citizenship options.

IV. NATURE OF SUIT (Place an "X" in One Box Only); Grid containing categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only); Includes checkboxes for Original Proceeding, Removed from State Court, Remanded from Appellate Court, Reinstated or Reopened, Transferred from another district, Multidistrict Litigation, Appeal to District Judge from Magistrate Judgment.

VI. CAUSE OF ACTION; Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Lanham Act 15 U.S.C. §1114, and 15 U.S.C. §1125; Brief description of cause: Dispute involves claims of trademark infringement, trademark dilution, and unfair competition

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23; DEMAND \$; CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE; DOCKET NUMBER

DATE: 07/02/2007; SIGNATURE OF ATTORNEY OF RECORD: [Handwritten Signature]

FOR OFFICE USE ONLY: RECEIPT #; AMOUNT; APPLYING IFP; JUDGE; MAG. JUDGE