SJS 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		DEFENDANTS			
Boston Duck Tours, Limited Partnership			Super Duck Tours, LLC		
(b) County of Residence of First Listed Plaintiff Suffolk. (EXCEPT IN U.S. PLAINTIFF CASES)		NOTE: IN LAN	County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.		
(c) Attorney's (Firm Name, Address, and Telephone Number)		Attorneys (If Known)	Attorneys (If Known)		
Lee Bromberg, Kerry Timbers, Julia Huston, Courtney Quish, Bromberg			Victor Polk, Bingham McCutchen, 150 Federal Street, Boston MA		
& Sunstein, 125 Summer Street, Boston MA 02110, 617 443 9292 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					
(For Diversity Cases Only) and One Box for Defe				and One Box for Defendant)	
U.S. Government Plaintiff	Federal Question (U.S. Government Not a Party)		FF DEF 1 D 1 Incorporated or Pr of Business In Thi		
□ 2 U.S. Government Defendant	☐ 4 Diversity	Citizen of Another State	2 D 2 Incorporated and H of Business In A		
	(Indicate Citizenship of Parties in Item III)		3 🗇 3 Foreign Nation		
IV. NATURE OF SUIT	(Place an "X" in One Box Only)	Foreign Country			
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
 110 Insurance 120 Marine 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excl. Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 245 Tort Product Liability 290 All Other Real Property 	PERSONAL INJURY PERSONAL INJURY 310 Airplane 362 Personal Injury 315 Airplane Product Mcd. Malpractice Liability 365 Personal Injury 320 Assault, Libel & Product Liability 330 Federal Employers' J68 Asbestos Person 1330 Federal Employers' Liability 1345 Marine PERSONAL PROPEF 345 Marine Product 370 Other Fraud Liability 371 Truth in Lending 355 Motor Vehicle 380 Other Personal 355 Motor Vehicle Property Damage Product Liability 385 Property Damage 360 Other Personal Product Liability 1354 Marine PRISONER PETITIO CIVIL RIGHTS PRISONER PETITIO 441 Voting 510 Motions to Vaca 442 Employment 530 General 444 Welfare 535 Death Penalty 445 Amer. w/Disabilities - 550 Civil Rights 446 Amer. w/Disabilities - 550 Civil Rights	- C C C C C C C C C C C C C C C C C C C	 422 Appeal 28 USC 158 423 Withdrawal 28 USC 157 PROPERTY RIGHTS 820 Copyrights 830 Patent 840 Trademark SOCIAL SECURITY 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) FEDERAL TAX SUITS 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS—Third Party 26 USC 7609 	 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit 490 Cable/Sat TV 810 Selective Service 850 Securities/Commodities/ Exchange 875 Customer Challenge 12 USC 3410 890 Other Statutory Actions 891 Agricultural Acts 892 Economic Stabilization Act 893 Environmental Matters 894 Energy Allocation Act 995 Freedom of Information Act 950 Constitutionality of State Statutes 	
V. ORIGIN (Place an "X" in One Box Only) (Place an "X" in One Box Only) Appellate to District Ø 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 4 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgement					
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. §125 Brief description of cause: Diversity under set of two damages of two damages in fringement, two damages dilution, and unfair compartition					
Dispute involves claims of trademark infringement, trademark dilution, and unfair competition VII. REQUESTED IN CHECK IF THIS IS A CLASS ACTION DEMAND \$ CHECK YES only if demanded in complaint:					
$\begin{array}{c c c c c c c c c c c c c c c c c c c $					
VIII. RELATED CASE(S) IF ANY JUDGE DOCKET NUMBER					
DATE 07/02/2007	SIGNATURE OF A				
FOR OFFICE USE ONLY					
RECEIPT #	AMOUNT APPLYING IFP	JUDGE	MAG. JUI	DGE	