

U.S. DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
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U.S. DISTRICT COURT
DISTRICT OF MASS.

WILLIAM V. AGUIAR, III,)
Plaintiff)
v)
FLOYD WEBB, BARRON SHEPPARD,)
WENDY SHEPPARD and ASHIDO KIM)
a/k/a CHRISTOPHER HUNTER and)
a/k/a BRADFORD DAVIS,)
Defendants)

NO. 07CA11673MLW

**AFFIDAVIT OF WILLIAM V. AGUIAR, III, IN
SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

I, William V. Aguiar, III, first being duly sworn, do under oath depose and state the following:

1. I am an individual with a usual place of residence in Fall River, Bristol County, Massachusetts.
2. I am the Plaintiff (pro se) in the above-captioned matter.
3. I am the owner of copyrights issued by the U.S. Copyright Office as well as trademarks issued by the U.S. Trademark Office. They are:
 - A) HA86679 – World’s Deadliest Fighting Secrets
 - B) TX3161682 – World’s Deadliest Fighting Secrets
 - C) PAU2-673-807 – World’s Deadliest Fighting Secrets
 - D) PAU2-617-092 – World’s Deadliest Fighting Secrets II
 - E) Trademark: The Count Dante Fighting Systems
 - F) Trademark and Copyright: The Black Dragon Fighting Society
4. The Defendant, Ashida Kim a/k/a offers for sale on his website and through other media books and videos which contain all or part of my trademarked and copyrighted materials.

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5. I was successful on past occasions of having the violating materials removed from Defendant Ashida Kim's website via cease and desist order, however, the violating materials always return for sale in one form or another.
6. Defendant Kim has also wrongfully sold membership in the Black Dragon Fighting Society; has granted black belts without authorization of the BDFS; and has franchises to open martial art schools using the BDFS logos, materials and fighting systems without my permission and authority.
7. I have never given permission to Defendant Kim to sell my trademarked or copyrighted material.
8. Upon information and belief, the Defendant Floyd Webb has made a documentary about a martial artist known as Count Dante.
9. Upon information and belief, the documentary contains trademarked images, logos and materials owned by me of Count Dante and used without my permission.
10. I do not claim that any depiction of Count Dante is a violation, however, I do own certain famous images and logos of Count Dante and the Black Dragon Fighting Society.
11. Defendant Webb has refused and ignored my requests to be compensated for the use of the images.
12. Defendant Webb operates a website called the Search for Count Dante.com.
13. Defendant Webb displays on the website copyrighted images of Count Dante that I own as well as the Black Dragon Fighting Society logo.
14. I will be irreparably harmed if Defendant Webb's documentary is allowed to be distributed and displayed in violation of my trademark and copyrights.

15. I will be irreparably harmed if Defendant Ashida Kim a/k/a Christopher Hunter and a/k/a Bradford Davis is allowed to sell any copyrighted and trademarked materials in violation of my intellectual property rights and without compensation to me for same.
16. The Defendants, Barron Sheppard and Wendy Sheppard, upon information and belief, have conspired with the Defendant, Ashida Kim, and others to violate my copyright and trademarks by publishing and producing infringing materials which are offered for sale to the public via the internet and other means in flagrant violation of any rights.
17. Defendants Sheppard and Ashida Kim a/k/a partners in various business entities including 'Badassfightwear.com', "SK Systems" and "dojo.press".
18. The above business entities have violated my trademarks and copyrights by offering for sale books, visual media and apparel containing logos, images and written words that infringe upon my copyrights and trademarks.
19. The above actions are continuing and are done without by permission and authority and without compensation to me for their use.
20. I also have a website on which I offer for sale my copyrighted and trademarked material.
21. Due to the nature of the internet and the varied locations of these Defendants, I have found it extremely difficult to enforce my intellectual property rights and prohibit any further use and violations by these Defendants.
22. The continued infringement and violation of my copyrights and trademarks will cause me to suffer irreparable harm.


WILLIAM V. AGUIAR, III

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, sis

Fall River

September 25, 2007

On this 28th day of September, 2007, before me, the undersigned notary public, personally appeared William V. Aguiar, III, proved to me through satisfactory evidence of identification, which was Massachusetts Drivers License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public
My Commission Expires:



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CERTIFICATE OF SERVICE
I HEREBY CERTIFY THAT ON THIS DAY
A TRUE COPY OF THE ABOVE DOCUMENT
WAS SERVED UPON THE ATTORNEY OF
RECORD FOR EACH PARTY BY MAIL/BY
HAND.
DATE: William V. Aguiar III