

JK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Receipt Number
566023

w/Exhibits

**LIFESTYLE LIFT HOLDING,
INC.**, a Michigan corporation

Case: 2:08-cv-10089
Judge: Duggan, Patrick J
Referral MJ: Whalen, R. Steven
Filed: 01-07-2008 At 02:08 PM
CMP LIFESTYLE LIFT HOLDING INC V RE
AL SELF INC (DAT)

Plaintiffs,

v

COMPLAINT

REAL SELF, INC., a Washington corporation

Defendants

Michael C. McKinnon, Esq. (P41362)
Counsel for Plaintiffs
100 Kirts Blvd., Suite A
Troy, MI 48084
(248) 519-9129

Allan S. Rubin (P44420)
Neil B. Pioch (P67677)
DRAPER, RUBIN & SHULMAN, PLC
Co-counsel for Plaintiffs
29800 Telegraph Road
Southfield, Michigan 48034
(248) 358-9400
allan@drsplc.cim

Now comes the Plaintiff, by and through its attorneys, and for its Complaint,
states as follows:

PARTIES

1. Plaintiff Lifestyle Lift Holding, Inc. ("LLH") is a Michigan corporation located at 100 Kirts Blvd., Ste. A, Troy, MI 48084.
2. Defendant., RealSelf, Inc., ("RealSelf") is a Washington corporation which is the owner of the web site, www.RealSelf.com.

3. Plaintiff LLH is the owner and holder of the registered mark "Lifestyle Lift", which mark is valid and subsisting.

4. This is an action arising under jurisdiction over this action by virtue of the existence of the Lanham Trademark Act and specifically, §43 of the Trademark Act, 15 U.S.C. 1051 et seq., 15 U.S.C. 1114, 1121, 1125(a) and 15 U.S.C. 1125(d).

Jurisdiction is proper in this Court pursuant to 28 U.S.C. 1331 and 1338 as well as under the doctrine of ancillary jurisdiction over the related state claims.

5. Venue is proper under 28 U.S.C. 1391.

FACTS APPLICABLE TO ALL COUNTS

6. Plaintiff LLH is the owner of U.S. Trademark Reg. No. 3,102,900 for the mark "Lifestyle Lift", which mark is used to identify cosmetic and plastic surgery procedures. This mark is valid and subsisting. See attached Exhibit A.

7. Plaintiff LLH licenses the use of the mark "Lifestyle Lift" to cosmetic and plastic surgery centers across the United States (the "Licensed Facilities"), including the County of Oakland, State of Michigan, located in this judicial district.

8. Doctors working in Licensed Facilities specialize in performing minimally invasive facelift procedures which are marketed to the purchasing public under Plaintiff LLH's "Lifestyle Lift" mark. Licensed Facilities, have become well and favorably known in the communities in which they operate, gaining a reputation for quality facelift services at reasonable cost in a caring and pleasant environment.

9. Notable positive television coverage on ABC, CBS, NBC, FOX, UPN (now CW) and WGN which, along with the fine quality of the services rendered by surgeons operating in Licensed Facilities, has resulted in strong consumer recognition of the mark

"Lifestyle Lift" and the quality of the services to the plastic surgeons that operate under the mark "Lifestyle Lift"

10. Defendant's www.RealSelf.com website purports to be an informational site on various aspects of beauty, cosmetics and cosmetic surgery. Upon information and belief, Defendant is responsible for a large percentage of the content appearing on the website.

11. Upon information and belief, Defendant RealSelf's website is a for-profit enterprise which is involved in selling advertising to various persons, including cosmetic surgeons in direct competition with Defendant LLH and its licensed facilities.

12. As is illustrated in Exhibit B, the home page of Defendant RealSelf's site carries a link which is labeled "Lifestyle Lift".

13. Clicking on this link reveals page which purports to be an information page about "Lifestyle Lift". This page also contains a series of other links which are labeled: "Michigan Lifestyle Lift", "Dallas Lifestyle Lift", "Atlanta Lifestyle Lift", "Texas Lifestyle Lift", "New York City Lifestyle Lift".

14. Clicking on the "Michigan Lifestyle Lift" link reveals a page which lists the names, addresses and phone numbers of Drs. Enrique Sabbagh and Lawrence Tong, both of whom are employed by Straith Clinic, P.C. The phrase "Michigan Lifestyle Lift providers" is displayed above their names and addresses. However, neither Drs. Sabbagh and Tong nor Straith Clinic, P.C. are in any way affiliated with Plaintiff.

15. Additionally, the HTML code for the realself.com site contains the words "Lifestyle Lift" in the title, metaname/description and mataname/keywords section within the website's code. A printed copy of this code is attached as Exhibit C. This code, by

incorporating Plaintiff's trademark in such a manner, will cause and is designed to cause search engines such as Google to be directed to Defendants' website when a computer user types in the words "Lifestyle Lift".

16. A Google search will cause Defendants' website to display with the visible header "Lifestyle Lift In Michigan, Lifestyle Lift Using Face Lift At Michigan".

17. The design of the RealSelf.com website with the deliberate use of the words "Lifestyle Lift" is done with the object of confusing and deceiving the public into believing that Defendant and/or its clients and/or customer and/or its agents are associated with Plaintiffs.

COUNT ONE

INFRINGEMENT OF TRADEMARK IN VIOLATION OF 15 USC 1114

18. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 17 of this complaint as a part of this Count.

19. Plastic surgery services provided by Plaintiff's licensed facilities under the mark "Lifestyle Lift" have been rendered in great numbers and continue to be extensively performed by surgeons at the Licensed Facilities.

20. Services provided by Plaintiff's licensed facilities under the mark "Lifestyle Lift" has obtained a reputation of the highest quality giving Licensed Facilities and surgical services they provide an eminent position in the marketplace.

21. Plaintiff LLH has incurred great expense and had devoted substantial resources to make the mark "Lifestyle Lift" and its associated services readily recognizable to consumers.

22. Defendant has used and continues to use the mark "Lifestyle Lift" in connection with the offering for sale, advertising and promotion of cosmetic surgery and skin care services in a manner that is likely to cause confusion or mistake or to deceive purchasers as to the source of origin of such services in violation of 15 USC 1114.

23 Defendants have deliberately misled and will continue to mislead patients, prospective patients, and the public, causing them to believe, contrary to fact, that Defendant's services are marketed, sponsored, endorsed by, or affiliated with Plaintiffs.

24. Defendant has profited by his illegal activities.

25. Unless restrained, Defendant will continue to deceive the public, impair and dilute the value of Plaintiffs' service mark "Lifestyle Lift" and otherwise will continue to cause Plaintiff immediate and irreparable harm for which there is no adequate remedy at law.

26. As a direct and proximate result of these acts, Plaintiff has sustained and will continue to sustain not only irreparable damage and financial damage to its businesses, goodwill, reputation and profits.

COUNT TWO

FEDERAL UNFAIR COMPETITION IN VIOLATION OF 15 USC 1125(a)

27. As a cause of action and ground for relief, Plaintiffs re-allege and incorporate by reference paragraphs 1 through 26 of this complaint as a part of this Count.

28. The aforesaid acts of Defendant constitutes unfair competition and passing off, in that their acts and are likely to cause the trade and the public to erroneously believe that Defendant's products and services originate with and/or are guaranteed by plaintiffs, or otherwise associated with Plaintiffs In violation of 15 U.S.C. 1125(a).

29. Defendant has used in connection with goods and services, a false designation of original and a false description and representation, including words, reproductions and other symbols tending falsely to describe or represent the same as being affiliated or sponsored by Plaintiff in violation of 15 U.S.C. 1125(a).

COUNT THREE

MICHIGAN UNFAIR COMPETITION

30. As a cause of action and ground for relief, Plaintiffs allege and incorporate by reference paragraphs 1 through 29 of this complaint as a part of this Count.

31. By reason of the acts of Defendant herein alleged, Plaintiff has been damaged and, unless restrained, Defendant has and will continue to deceive the public, impair the value of Plaintiff's services, trade dress and trademarks and otherwise will cause Plaintiff immediate and irreparable harm.

32. Defendant is liable to Plaintiff for unfair competition under Michigan law.

33. Plaintiff has suffered damage and Defendant has been unjustly enriched in amounts at present uncertain on account of said complained of acts of Defendant. Plaintiff is entitled to judgment for Defendant's profits and any damages sustained by Plaintiff in consequence of the deliberate nature of the unfair competition and infringement by Defendant.

COUNT FOUR

VIOLATION OF THE MICHIGAN CONSUMER PROTECTION ACT

34. As a cause of action and ground for relief, Plaintiffs allege and incorporate by reference paragraphs 1 through 33 of this complaint as a part of this Count.

35. The aforesaid acts of Defendant violates the Michigan Consumer Protection Act, MCL 445.901 et seq., by causing a probability of confusion or misunderstanding as to the source, sponsorship, approval, or certification of services and by representing that services have sponsorship, approval, or characteristics that they do not have or that a person has sponsorship, approval, status, affiliation, or connection that he does not have.

36. Defendant is liable to Plaintiff for actual damages and reasonable attorney fees pursuant to the Act.

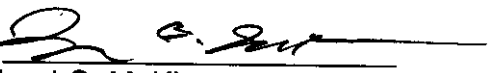
37. Plaintiff has suffered damage and Defendant has been unjustly enriched in amounts at present uncertain on account of said complained of acts of Defendant.

38. Plaintiff is entitled to judgment for Defendant's profits and any damages sustained by Plaintiff in consequence of the deliberate nature of the unfair competition and infringement by Defendant.

WHEREFORE, Plaintiffs Lifestyle Lift Holding, Inc. respectfully requests:

- A. That Defendant be ordered to account for damages to Plaintiff for the business now being operated by them;
- B. That Plaintiff LLH's mark "Lifestyle Lift" be found valid and infringed;
- C. That Plaintiff be awarded damages in an amount equal to Defendant's profits;
- D. That Defendant be preliminarily enjoined during the pendency of this litigation and permanently enjoined and restrained thereafter from utilizing in any way Plaintiff LLH's mark "Lifestyle Lift"; or any colorable imitation thereof.


- F. That Defendant deliver for destruction all infringing materials and that the websites www.RealSelf.com and any other website or domain name controlled by either Defendant containing infringing content be shut down;
- G. That Plaintiff be awarded its costs and attorney fees; and
- H. That this honorable Court grant Plaintiff such other relief that the Court deems proper.

By: 
Michael C. McKinnon, Esq. (P41362)
Attorneys for Plaintiffs
100 Kirts Blvd., Suite A
Troy, MI 48084

Co-Counsel:
ALLAN S. RUBIN (P44420)
NEIL B. PIOCH (P67677)
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Attorneys for Plaintiffs
29800 Telegraph Road
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F: (248) 358-9729

JURY DEMAND

NOW come Plaintiffs, Lifestyle Lift Holding, Inc., hereby demand trial by jury in the above captioned matter.

By: 
Michael C. McKinnon, Esq. (P41362)
Attorneys for Plaintiffs
100 Kirts Blvd., Suite A
Troy, MI 48084

Co-Counsel:
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F: (248) 358-9729

Dated:

Exhibit A

Int. Cl.: 44

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,102,900

Registered June 13, 2006

**SERVICE MARK
PRINCIPAL REGISTER**

LIFESTYLE LIFT

LIFESTYLE LIFT HOLDING, INC. (MICHIGAN
CORPORATION)
100 KIRTS BOULEVARD
TROY, MI 48084

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "LIFT", APART FROM THE MARK
AS SHOWN.

FOR: COSMETIC SURGICAL PROCEDURES, IN
CLASS 44 (U.S. CLS. 100 AND 101).

SER. NO. 78-203,868, FILED 1-16-2003.

FIRST USE 12-20-2002; IN COMMERCE 12-20-2002.

ESTHER BELENKER, EXAMINING ATTORNEY

Exhibit B

Code from http://www.realself.com/plastic_surgery/face-lift/lifestyle_lift.html

```
<head>
  <title>Lifestyle lift: is it worth it? Lifestyle lift reviews,
cost, results, photos, side effects</title>
  <meta http-equiv="Content-Type" content="text/html;
charset=utf-8" />
<meta name="description" content="Get the latest unbiased Lifestyle
lift reviews, Lifestyle lift pictures, and expert tips you need to know
about Lifestyle lift surgery before you decide on it." />
```

Exhibit C



HOME

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Get answers

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Answers from pros and treatment reviews to help you look your best

Search



Answers to your questions

- Anti-aging skin care questions
- Hair care questions
- Skin care questions
- Stretch mark questions
- All topics

Which treatments are worth it?

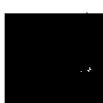
% of reviews with "worth it" rating:

- 92% SmartLipo reviews
- 86% Facelift reviews
- 86% Tummy tuck surgery reviews
- 83% Laser hair removal reviews
- 80% Eyelid surgery reviews
- 78% Botox reviews
- 70% Chemical peel review
- 64% Juvederm reviews
- 62% Sculptra reviews
- 56% IPL reviews

Ask your question :



Is it worth it?



Recent answers



Q: What's the difference between popular wrinkle treatments?
Answered by Dr. David Goldberg in New York City



Q: Do non surgical nose jobs work?
Answered by Alexander Rivkin, M.D. in Los Angeles



Q: Juvederm or Restylane ok while under the knife?
Answered by Joel Caschette, M.D. in Florida

Recent treatment reviews

Juvederm was worth it

Just got it, so far so good

Eaglese, New York, NY, USA



Smartlipo was worth it

Smartlipo is 100% worth it!

Brandy_fay06, Kirksville, MO



Invisalign was **NOT** worth it

Wish i'd done braces.

California Crookedteeth, California

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Popular Topics: Acne - Acne scars - Age spots - Anti-aging skin care - Body image - Botox alternative - Cellulite - Cosmetic plastic surgery - Crows feet - Dark circles - Dry skin - Enlarged pores - Eye Bags - Fine facial lines - Hair care - Hair color - Hair removal - Hairstyle - Laser treatment - Lip augmentation - Liposuction alternative - Makeup - Natural

- Scars or scarring - Sensitive skin - Skin care - Skin tightening - Spider veins - Stretch mark - Style - Wrinkles

Popular Treatments: Accent Laser - Active FX - Artefill - Botox - Breast implant - Chemical peel - Eyelid surgery - Facelift - Fraxel Laser - Invisalign - IPL - Juvederm -

Laser hair removal - Laser skin resurfacing - Lasik - Lifestyle lift - Lipodissolve - Liposuction - Mesotherapy - Microdermabrasion - Perlane - Permanent makeup - Radlesse - Resi
Rhinoplasty - Sculptra - SmartLipo - Teeth whitening - Thermage - Tummy tuck surgery



Home > All treatment reviews > Facelift

Search



Lifestyle lift

50% said worth it (63 reviews)

50% said not worth it (63 reviews)

Cost of Lifestyle lift: \$4,364 (avg of 126 reviews)

Top Lifestyle lift Q & A

What are the best alternatives to a face lift?

How can I speed up my plastic surgery recovery?

How do I know if I'm ready for plastic surgery?

How is a face lift different than a mini face lift or mid face lift?

[View all Lifestyle lift questions](#)

Lifestyle lift reviews from RealSelf users

Add your review

Sort results by: Most recent > Most helpful > Worth it > Not worth it

Love the new me ~ Lifestyle lift was worth it

Angelina Fort Lauderdale Jan 1, 2008 Cost: \$4,000 Pain: Mild

I feel so much better now that I have had this done.... My husband thinks I am the young girl he married years ago. I am more confident and it is...

- A Lifestyle lift (LSL) is considered a less invasive surgical procedure than a facelift to tighten lax facial muscles, remove excess skin.
- The Lifestyle lift is a variable incision SMAS facelift. SMAS stands for the superficial musculoaponeurotic system muscles that are lifted and tightened.
- The lifestyle lift is a plastic surgery procedure that is meant to improve facial contours by removing your excess fat, tightening muscles and repositioning the facial and neck skin. It creates tension using sutures, not your skin.

Lifestyle lift is also known as: Life Style Lift

Lifestyle lift before & after photos



Lifestyle lift pictures

more



**Thermage of Michigan
Non Surgical Facelift Seminar in May**
alluremedicalspa.com

Best thing i have ever done ~ Lifestyle lift was worth it
sandiegosunshine San Diego, CA, USA Dec 27, 2007 Cost: \$5,000 Pain: Mild
I had it done about 2 weeks ago and i feel like a new person. Well worth it--
-my girlfriends love it---my EX hates it (LOL) Since I've been single... more



**Natural Facelifts
Dr. Elliott Rose, New York City Board
certified plastic surgeon**
http://www.facemakemyc.com

My lifestyle lift nightmare ~ Lifestyle lift was NOT worth it
cleopatra NYC, NY Dec 27, 2007 Cost: \$7,400 Pain: Severe

The office in Manhattan never was on time for any appointments, they just jammed people in there with no respect and no regard for their time... more



Ads by CA

Lifestyle lift ---good deal ~ Lifestyle lift was worth it
miamisammy Miami Dec 22, 2007 Cost: \$4,800 Pain: Mild
I have been in the medical field for 20 years---and I've checked around and networked everyone i knew , most of them being surgeons themselves, to... more



Let the pictures tell the story. my ears were symmetrical pre-op, can you see the difference ~ Lifestyle lift was NOT worth it
gw/5004d Phoenix, AZ, USA Dec 21, 2007 Cost: \$7,000 Pain: Worst possible
Not only was the surgery done and feeling every moment of the scapel, I came out looking like Scissorhands had done the surgery. The scar behind... more



Two years post op ~ Lifestyle lift was worth it
FrancesJ St. Louis, MO Dec 19, 2007 Cost: \$6,800 Pain: Mild

Is it worth it?

Percent of consumer reviews saying "Yes

- 92% SmartLipo
- 86% Tummy tuck surgery
- 86% Facelift
- 83% Laser hair removal
- 80% Eyelid surgery
- 78% Botox
- 70% Chemical peel
- 64% Juvederm
- 62% Sculptra
- 56% IPL
- 56% Restylane
- 55% Mesotherapy
- 52% Fraxel Laser
- 50% Lifestyle lift
- 49% Radlesse
- 46% Liposuction
- 42% Lipodissolve

I had my Lifestyle Lift procedure with my upper and lower eyelids done nearly 2 years ago and I am extremley happy. When I made the decision to... more



36% Thernage

[Add your review](#)

Lifestyle lift---loved it!! ~ Lifestyle lift was worth it
californiaclaire Los Angeles Dec 19, 2007 Cost: \$4,800 Pain: Mild
My girlfriends went crazy when i had it done---my best friend is actually having it done in January--- I had it done in november---i had some... more



What is Worth it: A newsletter for bests, latest, greatest
Get the latest trends, tips, and secrets

E-mail: *



Painless, quick recovery, great results in a short time frame, cost-effective ~
Lifestyle lift was worth it
georgiadee St. Louis, MO Dec 10, 2007 Cost: \$4,000 Pain: Painless
Painless, Quick Recovery, Great Results in a short time Frame, Cost-effective Need I say More? I am 54 and have good skin and happy with my basic... more



Loved the lifestyle lift ~ Lifestyle lift was worth it
godwithme Miami, Florida, USA Dec 7, 2007 Cost: \$4,800 Pain: Mild
I thought they did a very good job. Everyone noticed the difference and my neck and face look real good. I'm very happy. I had a large amount... more



Cinderella for 2 months, then back to the pumpkin ~ Lifestyle lift was NOT worth it
2Good2BeTrue Denver, Colorado, USA Nov 29, 2007 Cost: \$4,000 Pain: Uncomfortable
Thanks for hearing my story: I've not been able to air my disappointments because I cannot hurt my husband after the hard-earned money we put into... more



1 2 3 4 5 6 7 8 9 10 next> last»

Lifestyle lift: was it worth it?

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Popular Treatments: [Accent Laser](#) - [Active FX](#) - [Artefill](#) - [Botox](#) - [Breast implant](#) - [Chemical peel](#) - [Eyelid surgery](#) - [Facelift](#) - [Fraxel Laser](#) - [Invisalign](#) - [IPL](#) - [Juvederm](#) - [Laser hair removal](#) - [Laser skin resurfacing](#) - [Lask](#) - [Lifestyle lift](#) - [Lipodissolve](#) - [Liposuction](#) - [Mesotherapy](#) - [Microdermabrasion](#) - [Perlane](#) - [Permanent makeup](#) - [Radiesse](#) - [Resi Rhinoplasty](#) - [Sculptra](#) - [SmartLipo](#) - [Teeth whitening](#) - [Thermage](#) - [Tummy tuck surgery](#)



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Michigan Lifestyle lift providers

Enrique Sabbagh

Plastic surgeon

(248) 647-5800

32000 Telegraph Rd

Franklin, MI 48025

Lawrence Tong, M.D.

Plastic surgeon

(248) 647-5800

32000 Telegraph Rd

Franklin, MI 48025

Cost of Thermage

Before and After Photos Non-Surgical Thermacool Fat
www.AmericanHealthAndBeauty.com

Is Thermage For You?

Who is performing your thermage? Free Report! Before
After Pics
www.accentcosmeticsurgery.com

Seattle Cosmetic Surgery

Affordable, high quality procedures From board-certified
surgeons.
www.1800BeYourBest.com

Thermage Without Surgery

New, make wrinkles disappear & look younger in hour
without thermage.
www.naturalfaceliftsystem.com

Ads by G

IS it worth it?

Percent of consumer reviews saying "Yes

- 92% SmartLipo
- 86% Tummy tuck surgery
- 86% Facelift
- 83% Laser hair removal
- 80% Eyelid surgery
- 78% Botox
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- 50% Lifestyle lift
- 49% Radiesse
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- 36% Thermage

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CIVIL COVER SHEET County in which this action arose Oakland

This 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 the 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 the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

PLAINTIFFS Lyle Lift Holding, Inc., A Michigan corporation (b) County of Residence of First Listed Plaintiff <u>Oakland</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) Michael C. McKinnon (P41362) 100 Kirts Blvd., Suite A, Troy, MI 48084 248-519-9128	DEFENDANTS RealSelf, Inc., A Washington corporation County of Residence of First Listed Defendant <u>King County, Washington</u> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known)
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

II. BASIS OF JURISDICTION (Select One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Select One Box for Plaintiff and One Box for Defendant)

Citi Case: 2:08-cv-10089 Judge: Duggan, Patrick J Referral MJ: Whalen, R. Steven Filed: 01-07-2008 At 02:08 PM CMP LIFESTYLE LIFT HOLDING INC V RE AL SELF INC (DAT)	DEF <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------

IV. NATURE OF SUIT (Select One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (Select One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 15 USC 1114, 1121, 1125

Brief description of cause:
 Infringement of trademark

VII. REQUESTED IN COMPLAINT:

<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ over \$75,000	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____	DOCKET NUMBER _____
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DATE January 7, 2008	SIGNATURE OF ATTORNEY OF RECORD
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FOR OFFICE USE ONLY

RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____	MAG. JUDGE _____
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ANT TO LOCAL RULE 83.11

Is this a case that has been previously dismissed?

Yes
 No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes
 No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
