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FILED
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CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

THE SERBIAN CROWN, VIRGINIA, INC.,
A Virginia Stock Corporation,

Plaintiff,

v.

GOOGLE INC.,
A Delaware Stock Corporation

Defendant.

CASE NO: 14CV547

NOTICE OF REMOVAL

(Removed from the Circuit Court of
Fairfax County, CL No. 2014 04673)

State Action Filed: April 4, 2014

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO PLAINTIFF AND
ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that under 28 U.S.C. §§ 1331, 1332(a), 1367(a), 1441 and
1446, Defendant Google Inc. ("Google") removes this action from the Circuit Court of Fairfax
County, Virginia. In support of this Notice, Google states as follows:

BACKGROUND

1. On or about April 4, 2014, Plaintiff The Serbian Crown, Virginia, Inc.
("Plaintiff") filed a Complaint against Google in the Circuit Court of Fairfax County, Virginia
(the "Circuit Court"), CL No. 2014 04673, captioned "*The Serbian Crown, Virginia, Inc., A
Virginia Stock Corporation vs. Google, Inc., A Delaware Stock Corporation.*" (the "Complaint").

2. The Complaint asserts claims for false advertising, under the federal Lanham Act, 15 U.S.C. § 1125(a)(1)(B), and negligence and negligent supervision, under Virginia common law. (Compl. at 8.)

3. Google's registered agent was served with a summons and a copy of the Complaint on April 22, 2014. True and accurate copies of the summons and Complaint, and all accompanying papers served on Google are attached hereto as Exhibit A.

4. Based on the allegations of the Complaint and for the reasons discussed below, Google timely removes this action to this Court pursuant to 28 U.S.C. §§ 1331, 1332(a), 1441, and 1446.

BASIS FOR FEDERAL JURISDICTION

5. Pursuant to 28 U.S.C. § 1441(a), "[e]xcept as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending."

6. As set forth below, this Court has original jurisdiction over this action based on both diversity of citizenship and the existence of a federal question, both of which provide an independent basis for federal jurisdiction.

I. Diversity Jurisdiction

7. This Court has original jurisdiction over this civil action under 28 U.S.C. § 1332(a) because the amount in controversy exceeds the sum or value of \$75,000 and the matter is between citizens of different states.

8. Plaintiff prays for damages in the amount of \$1 million. (Compl., Prayer for Relief ¶ (a).) The amount in controversy for purposes of removal based on diversity of citizenship therefore exceeds \$75,000. *See* 28 U.S.C. § 1446(c)(2).

9. Plaintiff alleges that Google is a Delaware corporation with its principal place of business in Mountain View, California. (Compl. ¶ 2.) Google is therefore a citizen of Delaware and California. 28 U.S.C. § 1332(c)(2).

10. Plaintiff alleges that it is a Virginia corporation with its place of business in Fairfax County, Virginia. (Compl. ¶ 1.) Plaintiff is therefore a citizen of Virginia. 28 U.S.C. § 1332(c)(2).

11. As Plaintiff and Defendant are thus citizens of different states, complete diversity exists under 28 U.S.C. § 1332(a).

II. Federal question jurisdiction

12. This Court also has original jurisdiction over this civil action under 20 U.S.C. § 1331, which provides that the “district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws or treaties of the United States.”

13. Plaintiff asserts a false advertising claim under a provision of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B). (Compl. at 8.) This claim thus arises under federal law and is thus sufficient to support federal jurisdiction.

14. Plaintiff’s additional claim for negligence and negligent supervision under Virginia law is based on substantially the same set of factual allegations and is thus “so related to” its claim under the federal Lanham Act that it forms “part of the same case or controversy,” giving this court supplemental jurisdiction under 28 U.S.C. § 1367(a).

VENUE AND PROCEDURAL REQUIREMENTS

15. The Circuit Court is located within the Alexandria Division of this District. Accordingly, venue in this Court is proper under 28 U.S.C. § 1441(a).

16. Upon receiving a file-marked copy of this Notice of Removal, a file-marked copy of this Notice of Removal and the accompanying filings will be served upon counsel for Plaintiff and filed with the Clerk of the Circuit Court of Fairfax County, Virginia, as required by 28 U.S.C. § 1446(d).

17. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b) because Google was served on April 22, 2014, and is filing this Notice of Removal within 30 days of service.

18. Google has given the undersigned attorneys authority to sign and file this Notice of Removal.

WHEREFORE, Defendant Google Inc. respectfully requests that the action captioned as *The Serbian Crown, Virginia, Inc. vs. Google, Inc.*, CL No. 2014 04673, pending in the Circuit Court of Fairfax County, Virginia, be removed to this Court, and that this Court exercise its subject-matter jurisdiction over this action, and for such other relief as the Court may deem just and proper.

DATED: May 13, 2014

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: 

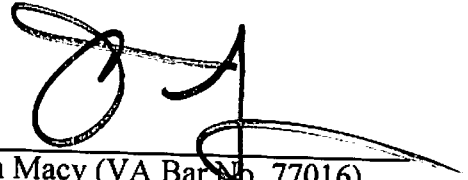
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Attorneys for Defendant
GOOGLE INC.

CERTIFICATE OF SERVICE

I, hereby certify that on May 13, 2014, I will cause a true and correct copy of the following NOTICE OF REMOVAL to be filed via overnight delivery:

Christopher R. Rau
Law Offices of Christopher R. Rau
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Arlington, VA 22205



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