JS 44 CAND (Rev. 12/11)

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 NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS
RON PAUL 2012 PRESIDENTIAL CAMPAIGN COMMITTEE, INC.

(b) County of Residence of First Listed Plaintiff Brazoria County, TX
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Jerrold Abeles (SBN 138464)
ARENT FOX LLP
555 West Fifth Street, 48th Floor
Los Angeles, CA 90013

DEFENDANTS
John Does, 1 through 10

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☒ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT
- ☐ 110 Insurance
- ☐ 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
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Med. Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence

Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 463 Habeas Corpus - Alien Detainee (Prisoner Petition)
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 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

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 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
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*
☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district *(specify)* ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
15 U.S.C § 1125
Brief description of cause:
False designation of origin and false description

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

IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2)
(Place an "X" in One Box Only) ☒ SAN FRANCISCO/OAKLA ND ☐ SAN JOSE ☐ EUREKA

January 13, 2012
DATE

SIGNATURE OF ATTORNEY OF RECORD Jerrold Abeles

JERROLD ABELES (SBN 138464)
Abeles.Jerry@arentfox.com
DAVID BAYLES (SBN 208112)
Bayles.David@arentfox.com
ARENT FOX LLP
555 West Fifth Street, 48th Floor
Los Angeles, CA 90013-1065
Telephone: 213.629.7400
Facsimile: 213.629.7401

MICHAEL A. GROW (*pro hac vice application pending*)
Grow.Michael@arentfox.com
JAMES R. DAVIS II (*pro hac vice application pending*)
Davis.james@arentfox.com
ARENT FOX LLP
1050 Connecticut Avenue, NW
Washington, DC 20036-5339
Telephone: 202.857.6000
Facsimile: 202.857.6395

Attorneys for Plaintiff
RON PAUL 2012 PRESIDENTIAL CAMPAIGN COMMITTEE, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CV12 0240 MEJ

RON PAUL 2012 PRESIDENTIAL CAMPAIGN COMMITTEE, INC. A Delaware Corporation, Plaintiff, v. John Does, 1 through 10, Defendants.	Case No. _____ **COMPLAINT FOR FALSE DESIGNATION OF ORIGIN, FALSE ADVERTISING, AND LIBEL/DEFAMATION**

Plaintiff Ron Paul 2012 Presidential Campaign Committee, Inc., by its undersigned counsel, as and for the Complaint against Defendants John Doe, 1 through 10, allege as follows:

1. This is an action for false designation of origin, false advertising, libel and defamation under the statutes of the United States, 15 U.S.C. § 1125(a) and the common law.

2. This is a classic case of dirty politics resulting from the unlawful use in commerce of an underhanded and deceptive advertisement designed to tarnish Plaintiff's reputation, to interfere with its consulting and information dissemination services, and to hinder its efforts to raise funds for and promote Dr. Ron Paul's candidacy for President of the United States.

3. Defendants John Doe 1 through 10 have created and published a scandalous and offensive video containing misrepresentations of fact that are being falsely attributed to Plaintiff. To avoid detection and mislead the public, Defendants have concealed their identities and used a pseudonym to upload the video to the Internet. Defendants' actions have directly caused actual confusion among prospective donors and other members of the public and the media who have erroneously attributed the scandalous video to Plaintiff, thereby damaging Plaintiff and tarnishing its reputation.

THE PARTIES

4. Plaintiff Ron Paul 2012 Presidential Campaign Committee, Inc. is a Delaware corporation with its principal place of business in Clute, Texas.

5. The true names of Defendants John Does 1 through 10 are unknown to Plaintiff at this time and Plaintiff therefore sues Defendants by such fictitious names. However, the Defendants are doing business within the State of California, within this judicial district, and they have caused tortious injury in the state through their use of online media based here. When the true names of John Does 1 through 10 are ascertained through expedited discovery requested simultaneously with the filing of this pleading, Plaintiff will amend the Complaint to identify them.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction under 15 U.S.C. § 1121(a) and 28 U.S.C. § 1331 and 1338, as Plaintiff's claims arise under acts of Congress relating to trademarks, 15 U.S.C. § 1051 *et seq*. This Court has supplemental jurisdiction over Plaintiff's remaining claim under 28 U.S.C. § 1367.

7. Venue is proper in this Court under 28 U.S.C. § 1391(b), because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this District.

FACTUAL BACKGROUND

8. Ron Paul 2012 Presidential Campaign Committee, Inc. is a corporation created to promote, support and endorse Texas Congressman Dr. Ron Paul as the 2012 Republican nominee for President of the United States.

9. Plaintiff has the exclusive right to use the common law trade name and mark Ron Paul to promote, support and endorse Dr. Paul by providing political consulting and information dissemination services by, among other things, assisting in the creation, publication and distribution of printed, audio video and online information of interest to the media and the general public.

10. On information and belief, on or about January 4, 2012, Defendants uploaded a malicious video from a Twitter account onto YouTube entitled "Jon Huntsman's Values" ("the Video").

11. The Video, which is accompanied throughout with traditional Chinese music in the background, begins by displaying the text "Jon Huntsman – American Values? / The Manchurian Candidate - What's He Hiding?" The term "Manchurian Candidate" is particularly offensive since it is derived from the title of a book and movie depicting an American captured by the Chinese who, after being brainwashed, returns to the United States as an agent of the KGB.

12. The Video shows, among other things, 2012 Republican presidential candidate Jon Huntsman, a former United States ambassador to China, speaking in Mandarin to one of his adopted daughters and then inquires whether Mr. Huntsman is "weak on China." The Video also questions Mr. Huntsman's religious faith, refers to Mr. Huntsman as "China Jon" and asks whether his daughters are "even adopted." The Video ends with a fictitious depiction of Mr. Huntsman in a Mao Zedong uniform and the text "American Values and Liberty – Vote Ron Paul,"

thereby falsely implying that Plaintiff created, endorsed or is affiliated in some way with the Video and its content.

13. Defendants did not use their true names or contact information in association with the Video and, instead, have used the pseudonym NHLiberty4Paul, which further falsely implies that Plaintiff created, endorsed or is affiliated in some way with the Video and its content.

14. Upon information and belief, the Video has been viewed on YouTube and other Internet Web sites by hundreds of thousands of people.

15. Upon information and belief, hundreds of thousands, if not millions, of people have learned of and become familiar with the Video via intensive media coverage and speculation on CNN, the *Los Angeles Times, The Huffington Post* and numerous other national and international cable and broadcast networks, publications, Web sites and news outlets.

16. Much of the press coverage and public commentary has been scathingly negative toward Plaintiff and Dr. Paul, based upon the erroneous assumption – generated as a direct result of the misleading nature of the Video - that Plaintiff created, endorsed or was affiliated in some way with the Video and its offensive content.

FIRST CLAIM FOR RELIEF

(False Designation of Origin in Violation of Lanham Act § 43(a) [15 U.S.C. § 1125(a)])

17. Plaintiff repeats and realleges the foregoing paragraphs as if fully set forth herein.

18. Plaintiff established common law rights in the trade name and trademark Ron Paul. In the Video, Defendants have used Plaintiff's trade name and mark Ron Paul without authorization.

19. Defendants' unauthorized use of the name and mark Ron Paul in commerce, in connection with the false and misleading Video, constitutes a false

designation of origin that is likely to cause and has actually caused confusion, mistake and deception among Plaintiff's prospective donors and others as to the origin, source, sponsorship or approval of the Video.

20. On information and belief, Defendants are using the name and mark Ron Paul without authorization in connection with an information dissemination service that is deliberately calculated to injure Plaintiff and to cause confusion, mistake and deception as to affiliation, connection and association between Defendants and Plaintiff, or as to the origin, sponsorship, or approval of Defendants' services and commercial activities.

21. The use of the name and mark Ron Paul by Defendants constitutes false designation of origin in violation of Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)).

22. As a result of such activities by Defendants, Plaintiff has suffered and will continue to suffer harm to Plaintiff's reputation and goodwill.

23. By reason of Defendants' use of false designation of origin, Plaintiff has suffered and will continue to suffer substantial damage to its reputation and goodwill, as well as diversion and loss of money in an amount to be determined according to proof at trial.

24. Defendants' acts of false designation of origin have caused Plaintiff irreparable injury and, unless enjoined by the Court, will continue to cause irreparable injury to Plaintiff.

25. Plaintiff has no adequate remedy at law to compensate it for injuries inflicted and threatened by Defendants.

26. Defendants' actions were willful and in conscious disregard of the rights of Plaintiff, making this case "exceptional" under 15 U.S.C. § 1117.

SECOND CLAIM FOR RELIEF

(False Description and Representation in Violation of Lanham Act § 43(a) [15 U.S.C. § 1125(a)])

27. Plaintiff repeats and realleges the foregoing paragraphs as if fully set forth herein.

28. In the Video, Defendants have used in commerce explicit and implicit false descriptions and false representations of fact in a manner calculated to mislead members of the public and the media and to create the false impression that the false representations originated from or are sponsored, approved or authorized by Plaintiff.

29. Defendants' Video is a commercial advertisement that misrepresents the nature, characteristics, and qualities of the Video itself and that falsely describes the nature characteristics, attributes and qualities of services offered by Plaintiff.

30. By reason of Defendants' acts of false descriptions and false representations, Plaintiff has suffered and will continue to suffer substantial damage to its reputation and goodwill, as well as diversion and loss of money in an amount to be determined according to proof at trial.

31. Defendants' acts of false description and false representation have caused Plaintiff irreparable injury and, unless enjoined by the court, Defendants' ongoing actions will continue to cause irreparable injury to Plaintiff.

32. Plaintiff has no adequate remedy at law to compensate it for injuries as inflicted and threatened by Defendants.

33. The actions of Defendants were willful and in conscious disregard of the rights of Plaintiff, making this case "exceptional" under 15 U.S.C. § 1117.

THIRD CLAIM FOR RELIEF

(Common Law Libel/Defamation)

34. Plaintiff repeats and realleges the foregoing paragraphs as if fully set forth herein.

35. The Video uses the name Ron Paul in a manner that is calculated to defame and discredit Plaintiff and to mislead the public into believing that the outrageous and false allegations contained in the Video were created or endorsed by or originate with Plaintiff.

36. The Video's reference to the name and mark Ron Paul, its feigned solicitation of support and votes for his candidacy, and the use of the acronym NHLiberty4Paul in association with the Video, create the false impression that Plaintiff created and endorsed the Video and its content.

37. The Video is libelous on its face, and its misleading and highly offensive content clearly exposes Plaintiff to hatred, contempt and ridicule.

38. The Video falsely portrays Plaintiff as unscrupulous, xenophobic and underhanded, and seeks to portray Plaintiff as willing to engage in any unlawful means to support the candidate Ron Paul.

39. On information and belief, several hundred thousand people have viewed the Video, and millions of others have learned of the Video and its content through intensive media coverage, on CNN, the *Los Angeles Times, The Huffington Post* and numerous other national and international news outlets and Web sites.

40. As a proximate result of the above-described publication, Plaintiff has suffered injury and a loss of its reputation, all to Plaintiff's damage in an amount to be established by proof at trial.

41. The above-described publication was not privileged because it was published by Defendants with malice, hatred and ill will toward Plaintiff and the desire to injure Plaintiff and its efforts to support and endorse Dr. Paul's

presidential candidacy. Because of Defendants' malice in publishing, Plaintiff seeks punitive damages in an amount to be established by proof at trial.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment against Defendants as follows:

1. For compensatory damages in an amount to be determined at the time of trial;

2. For consequential damages in an amount to be determined at the time of trial;

3. For treble damages in an amount to be determined at the time of trial;

4. For punitive damages in an amount to be determined at the time of trial;

5. For preliminary and permanent injunctive relief pursuant to Federal and California state law against Defendants and their agents, servants, and employees, as well as all persons in privity or acting in concert with Defendants, from committing further infringing acts including:

a. using Ron Paul 2012 Presidential Campaign Committee, Ron Paul, or any other name, mark or trade dress that causes confusion or constitutes infringement of Plaintiffs' rights or otherwise constitutes unfair competition and false designation of origin;

b. otherwise infringing Plaintiff's trademarks or using any similar designation, alone or in combination with any marketing, advertising, distribution or promotion of any services by Defendants;

c. causing likelihood of confusion or injury to the business, reputation or goodwill of Plaintiff and its services;

d. causing likelihood of confusion or misunderstanding as to the source or sponsorship of Defendants' services; and

e. creating or distributing videos, advertisement or other promotional materials that are misleading, confusing or otherwise falsely imply an endorsement by or affiliation with Plaintiff;

6. For an order requiring Defendants to take down and deliver up for destruction all copies of the Video and any other materials that contain unauthorized uses of the name and mark Ron Paul;

7. For restitutionary damages in an amount to be determined at the time of trial;

8. For Defendants' profits in an amount to be determined at the time of trial;

9. For any damages sustained by Plaintiff in an amount to be determined at the time of trial;

10. For pre-judgment and post-judgment interest on all sums awarded, in the maximum amount permitted by law;

11. For attorneys' fees to the extent permitted by contract or law;

12. For its costs of suit herein; and

13. For such other and further relief as the Court may deem just and proper.

Dated: January 13, 2012

ARENT FOX LLP

By: _____
JERROLD ABELES
DAVID BAYLES

Attorneys for Plaintiff
RON PAUL 2012 PRESIDENTIAL CAMPAIGN COMMITTEE, INC.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury of all issues so triable.

Dated: January 13, 2012

ARENT FOX LLP

By: _____
JERROLD ABELES
DAVID BAYLES

Attorneys for Plaintiff
RON PAUL 2012 PRESIDENTIAL CAMPAIGN COMMITTEE, INC.