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8 Attorneys for Defendant/Counterclaimant  
9 MIZUNETWORK, LLC

10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

13 ONLINE LEARNING, LLC dba ONE  
14 CLICK TRAFFIC SCHOOL, a California  
15 limited liability company,

16 Plaintiff,

17 v.

18 MIZUNETWORK, LLC dba TRAFFIC  
19 SCHOOL 4 BUSY PEOPLE, a California  
20 limited liability company,

21 Defendant.

CASE NO.

DEFENDANT'S NOTICE OF REMOVAL

22 **DEFENDANT'S NOTICE OF REMOVAL**

23 Defendant, MIZUNETWORK, LLC dba TRAFFIC SCHOOL 4 BUSY  
24 PEOPLE, a California limited liability company ("Defendant" or "TS4BP"), files this  
25 notice of removal under 28 U.S.C. §1446(a).

26 **A. INTRODUCTION**

27 1. Plaintiff is ONLINE LEARNING, LLC dba ONE CLICK TRAFFIC  
28 SCHOOL, a California limited liability company.

2. On July 27, 2022, Plaintiff sued Defendant for trade name infringement

1 and assorted other business torts in the Superior Court for Santa Clara County,  
2 California in Case No. 22CV402129 (“State Court Case”).

3 3. Defendant was served with citation and a copy of Plaintiff’s Complaint  
4 in the State Court Case on September 14, 2022. Defendant timely files this notice of  
5 removal within the 30-day time period required by 28 U.S.C. §1446(b)(1), because  
6 the State Court Case was removable when originally filed under 28 U.S.C. § 1441(a);  
7 *Hunter v. Phillip Morris USA*, 582 F.3d 1039, 1042 (9th Cir. 2009) (quoting *Ansley v.*  
8 *Ameriquest Mortg. Co.*, 340 F.3d 858, 861 (9th Cir. 2003)).

9 B. BASIS FOR REMOVAL

10 4. Removal is proper because Plaintiff’s suit involves a federal question  
11 under 15 U.S.C. §§1051 – 1141n. (See 28 U.S.C. §§ 1331, 1441(a); *Grable & Sons*  
12 *Metal Prods., Inc. v. Darue Eng’g & Mfg.*, 545 U.S. 308, 312 (2005); *Broader v. Cablevision*  
13 *Sys. Corp.*, 418 F.3d 187, 194 (2d Cir. 2005); *Peters v. Union Pac. R.R.*, 80 F.3d 257, 260  
14 (8th Cir. 1996). Specifically, Plaintiff alleges common law trademark, plus state and  
15 federal trademark registrations as supporting its trade name infringement cause of  
16 action, establishing Federal-question jurisdiction under 15 U.S.C. §§1051 – 1141n.  
17 (See Complaint, paragraph 8, pp. 3 – 4).

18 5. Consent of a defendant is not necessary if that defendant is unknown.  
19 *Green v. Am. Online (AOL)*, 318 F.3d 465, 470 (3d Cir. 2003). Plaintiff’s complaint  
20 includes unknown DOE defendants 1 through 25, inclusive.

21 6. Copies of all pleadings, process, orders, and other filings in the State  
22 Court Case are attached to this notice as required by 28 U.S.C. §1446(a).

23 7. Venue is proper in this district under 28 U.S.C. §1441(a) because the  
24 state court where the State Court Case is pending is located in this district.

25 8. Defendant will promptly file a copy of this notice of removal with the  
26 clerk of the state court where the State Court Case is pending.

27 C. JURY DEMAND

28 9. Plaintiff did not demand a jury in the State Court Case.

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D. CONCLUSION

10. For these reasons, Defendant asks the Court to remove the suit to the United States District Court for the Northern District of California.

Dated: October 5, 2022

Respectfully submitted,  
ASCENDANT IP®  
/s/Charles L. Thoeming  
Charles L. Thoeming

Attorneys for Defendant,  
MIZUNETWORK, LLC dba TRAFFIC  
SCHOOL 4 BUSY PEOPLE, a California  
limited liability company

**CERTIFICATE OF SERVICE**

I certify that on October 5, 2022, I electronically transmitted the foregoing document and all referenced attachments to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants of record in this matter.

I certify that on October 5, 2022, I also served copies of the foregoing documents and all referenced attachments to Plaintiff's lawyers as identified in the State Court Case at the following email addresses:

- [john@rdlaw.net](mailto:john@rdlaw.net); and
- [greg@rdlaw.net](mailto:greg@rdlaw.net).

/s/ Charles L. Thoeming  
Charles L. Thoeming