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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91199132
Party	Plaintiff Mylovebook.com Inc.
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Submission	Response to Board Order/Inquiry
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Date	02/15/2012
Attachments	Complaint.pdf ( 20 pages )(58037 bytes )

## Lawsuit Details

**RFC Case Number:** T-L11-15711M  
**Court Case Number:** 2:11-cv-15711-AC-RSW  
**File Date:** Friday, December 30, 2011  
**Plaintiff:** LoveBook, LLC  
**Plaintiff Counsel:** Russell D. Brown of Brown Assoc.  
**Defendant:** Mylovebook, Incorporated  
**Cause:** 15:44 Trademark Infringement  
**Court:** Michigan Eastern District Court  
**Judge:** District Judge Avern Cohn  
Referred To: Magistrate Judge R. Steven Whalen  
**Notes:**

## Docket Text

Date	#	Docket Text
12/30/2011	2	Trademark Report Sent To Washington (Brown, Russell) (Entered: 12/30/2011)
12/30/2011	1	COMPLAINT filed by LoveBook, LLC against Mylovebook, Incorporated with Jury Demand. Plaintiff requests summons issued. Receipt No: 0645-3319572 - Fee: \$ 350. County of 1st Plaintiff: Oakland County - County Where Action Arose: Out of State - County of 1st Defendant: Out of State. [Previously dismissed case: No] [Possible companion case(s): None] (Attachments: # 1 Index of Exhibits Index of Exhibits, # 2 Exhibit A - USPTO Applications (2), # 3 Exhibit B - Cease and Desist Letter, # 4 Exhibit C - Notice of Opposition, # 5 Exhibit D - CNNMoney.com article, # 6 Exhibit E - Opposition Withdrawal Order) (Brown, Russell) (Entered: 12/30/2011)

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**LOVEBOOK, LLC,**  
a Michigan limited liability company,

Case No. 2:11-cv-15711

Plaintiff,

District Judge Hon.

v.

Referral Judge Hon.

**MYLOVEBOOK, INC.,**  
a Texas corporation,

**COMPLAINT AND  
DEMAND FOR JURY TRIAL**

Defendant.

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**COMPLAINT**

Plaintiff LoveBook, LLC, a Michigan Limited Liability Company (hereinafter, “LoveBook”), by and through its attorneys, for its Complaint against Defendant

MyLovebook, Inc. (hereinafter, “MyLovebook”), states as follows:

### **Nature of Action**

1. LoveBook, LLC is an internet-based business that owns and operates a website at <http://www.lovebookonline.com> (the “LoveBook Website”), where customers use LoveBook’s proprietary authoring system to create and purchase gift books featuring customized declarations of love and appreciation with accompanying graphics.

LoveBook has been marketing said books in interstate commerce on a national basis since approximately February 28, 2008.

2. LoveBook filed two applications with the United States Patent and Trademark Office (“USPTO”) to protect their marks on or about September 17, 2010. See Exhibit A.

3. MyLovebook began offering substantially similar products using substantially similar marks and offering them in interstate commerce on a national basis in early 2010. Upon becoming aware that MyLovebook was infringing on its marks, LoveBook’s attorney, Steven N. Rich, issued a cease and desist letter on February 5, 2011. See Exhibit B.

4. MyLovebook did not cease its wrongful activities and, on March 24, 2011, filed with the Trademark Trial and Appeal Board (TTAB) a Notice of Opposition to LoveBook’s trademark applications. See Exhibit C.

### **The Parties**

5. LoveBook is a Michigan Limited Liability Company with its principal place of business currently in Rochester, Michigan.

6. MyLovebook is a Texas Corporation with its principal place of business in Round Rock, Texas.

7. MyLovebook is currently not in good standing with the Texas Secretary of State.

### **Jurisdiction and Venue**

8. This is a civil action arising under the laws of the United States, more particularly 15 U.S.C. § 1051 *et seq.*, the Lanham Trademark Act, and the statutory and common laws of the State of Michigan.

9. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), to the extent that it arises under the laws of the United States, and pursuant to the doctrine of supplemental jurisdiction, 28 U.S.C. § 1367, to the extent the Court has jurisdiction over ancillary state claims. Jurisdiction is also proper based on 28 U.S.C. § 1332 as the parties are domiciliaries of different states and the amount in controversy, exclusive of costs and interest, exceeds \$75,000.

10. MyLovebook is a foreign corporation that, upon information and belief, has transacted and continues to transact business within the State of Michigan. They have purposely availed themselves of the privilege of doing business in the State of Michigan and have done so on a continuous and systematic basis. Additionally, MyLovebook has committed tortious acts that have caused injury to LoveBook within the Eastern District of Michigan. This Court has both general and limited personal jurisdiction over Defendant pursuant to the Michigan Long-Arm Statute, MCL 600.711 and 600.715, and under the Due Process principles of the United States Constitution.

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