

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

BEECEUTICALS LLC, a Florida limited liability company,

Plaintiff,

v.

DREAMWORKS ANIMATION SKG, INC., a Delaware corporation, and PARAMOUNT PICTURES CORPORATION, a Delaware corporation,

Defendants.

Case No. **07-61563**

**INJUNCTIVE RELIEF SOUGHT  
DEMAND FOR JURY TRIAL**

ON/2/007

**MAGISTRATE JUDGE  
SHOW**

FILED by	D.C.
INTAKE	
NOV - 1 2007	
CLARENCE MAUDRY CLERK, U.S. DIST. CT. FORT LAUDERDALE, FLA.	

**VERIFIED COMPLAINT**

Plaintiff, Beeceuticals LLC ("Beeceuticals") hereby sues Dreamworks Animation SKG, Inc. ("Dreamworks"), and Paramount Pictures Corporation ("Paramount") and alleges:

**PARTIES, JURISDICTION, AND VENUE**

1. Plaintiff is a Florida corporation with its principal place of business at 1507 South Andrews Avenue, Fort Lauderdale, Florida 33315, Broward County, Florida.
2. Upon information and belief, and according to the records of the Delaware and California Secretaries of State, Dreamworks is a Delaware corporation.
3. Upon information and belief, and according to the records of the Delaware and California Secretaries of State, Paramount is a Delaware corporation.
4. Upon information and belief, Dreamworks and Paramount are doing business in Broward County, Florida.

5. This is an action to enjoin service mark and trademark infringement and false designation of origin, unfair competition, unfair and deceptive trade practices, and dilution under federal and state law and for damages arising from the foregoing claims, pursuant to 15 U.S.C. §1125, Fla. Stat. §495.151, and Fla. Stat. §501.201 et seq.

6. This Court has subject-matter jurisdiction over this action pursuant to 15 U.S.C. §1121 (actions arising under the Federal Trademark Act), 28 U.S.C. §1338(a) (acts of Congress relating to trademarks), and 28 U.S.C. §1367 (related to supplemental jurisdiction).

7. Venue is proper in this District pursuant to 28 U.S.C. §1391(b) and (c).

8. Beeceuticals, located in Broward County, Florida at all material times hereto, was incorporated by the Florida Secretary of State on October 22, 2003.

9. Generally, Beeceuticals sells cosmetics and honey; provides information and information services regarding bees and bee products; sponsors events regarding bees where its and others' products and services are marketed, promoted and advertised; and, broadcasts, including, without limitation, via Howard Stern's satellite radio show, its cameos, shows, vignettes, and advertisements (hereinafter "radio spots"). Beeceuticals has continuously used the mark *Give Bees A Chance* in commerce since September 1, 2006, and in interstate commerce, since October 7, 2006, with respect to the sale of its products and services.

9. Beeceuticals used the mark *Give Bees A Chance* in Florida as early as September 1, 2006, and in interstate commerce, as early as October 7, 2006. Since October 7, 2006, the mark was and has been continuously used in interstate commerce to brand its:

(a) Advertising, marketing and promotion services;

(b) Cosmetics and skin care products, namely, crèmes, soaps, moisturizers, lotions, lip balms, glosses; hair shampoo and conditioners; sun care products, namely sun tan lotions and gels, after sun care lotions;

(c) Honey; Processed Bee Pollen, Royal Jelly, and Propolis for food purposes; and

(d) Dissemination of information services in the field of bees, saving the bees, bee products, bee myths, facts concerning bees and bee products, together with their effect on humans, animals, plants, minerals, and bee facts concerning the environment and well-"bee"ing.

10. Additionally, since March, 2007, the mark was and has been continuously used in interstate commerce to brand its:

(a) Event and entertainment services; and,

(b) Radio broadcasts, cameos and spots on Howard Stern's world renowned satellite radio show (Sirius).

11. On October 16, 2006 Beecuticals filed a federal trademark application for its word mark *Give Bees A Chance* for use in association with a) cosmetics and skin care products, namely, crèmes, oils, soaps, moisturizers, lotions, lip balms and glosses, shaving lotions, shaving balms, and colognes; hair shampoo and conditioners; sun care products, namely sun tan lotions and gels, after sun care lotions; oral care products, namely toothpaste, tooth gels, mouthwash (Class 003); b) honey; processed bee pollen, royal jelly, and propolis for food purposes (Class 030); c) information in the field of bees, saving the bees, bee products, bee myths, facts concerning bees and bee products, together with their effect on humans, animals, plants, minerals, and bee facts concerning the environment and well-"bee"ing (Class 41); and, d) advertising, marketing and promotion services

(Class 035). The application indicates that Beeceuticals filed for all items on the basis that the mark was already in use in interstate commerce. This application is pending under serial number 77021753.

12. Beeceuticals sells its products online and through vendors at the following locations:

<p><b>ALABAMA</b>                      Manna Grocery                      2300 McFarland Blvd. Suite 12                      Tuscaloosa, AL 35404                      205-752-9955</p> <p>Whole Foods Market-Mountainbrook                      3100 Cahaba Village Plaza                      Birmingham, AL 35243                      Phone: 205-912-8400                      Fax: 205-912-8410</p>	<p>Tunie's                      5651 Coral Ridge Drive                      Coral Springs, FL 33076                      954-796-2216</p> <p>Vinny's Vitamins                      666 N Federal Hwy                      Fort Lauderdale, FL 33304                      954-760-9994</p> <p>Vitamin Connection                      7052 Beracasa Way                      Boca Raton, FL 33443                      1-561-361-7000</p> <p>Whole Foods Market                      2000 N Federal Hwy                      Fort Lauderdale, FL 33305                      954-565-5655</p>	<p>Ricky's Empire State                      383 5th Ave                      New York, NY 10016                      212-481-6701</p> <p>Ricky's 13th                      111 3rd Ave                      New York, NY 10003                      212-674-9640</p> <p>Ricky's Union Square                      7 East 14th St                      New York, NY 10003                      212-691-7930</p>
<p><b>ALASKA</b>                      Rain Country Nutrition                      316 Dock St.                      Ketchikan, AL 99901                      907-225-8910</p>	<p>Whole Foods Market                      21105 Biscayne Blvd.                      Aventura, FL 33180                      305.933.1543</p>	<p>Ricky's East Hampton                      50 Main Street                      East Hampton, NY 11937                      631-329-7588</p>
<p><b>CALIFORNIA</b>                      Zen Zen                      13607 Ventura Blvd                      Sherman Oaks, CA 91423                      818-905-3310</p>	<p>Whole Foods Market                      1400 Glades Road, Ste 110                      Boca Raton, FL 33431                      561.447.0000</p>	<p>Ricky's 64th Upper East I                      1189 1st Ave                      New York, NY 10021                      212-879-8361</p>
<p><b>CANADA</b>                      Three Sisters Organic                      140 Case Road                      Sault Ste Marie                      Ontario                      P6A6J8                      705-946-5526</p>	<p>Whole Foods Market                      810 University Drive                      Coral Springs, FL 33071                      954.753.8000</p>	<p>Ricky's 83rd                      472 Columbus Ave                      New York, NY 10024                      212-724-4590</p> <p>Ricky's 57th St                      332 W 57th St                      New York, NY 10019                      212-247-8010</p>
<p><b>DELAWARE</b>                      Good for You                      28841 Lewes Georgetown Highway                      Lewes, DE 19958                      302-735-1825</p>	<p>Whole Foods Market                      11701 Lake Victoria Gardens Drive                      Palm Beach Gardens, FL 33410                      561.691.8550</p>	<p>Ricky's Upper East 79th                      1380 3rd Ave                      New York, NY 10021                      212-737-7723</p>
<p><b>FLORIDA</b>                      Health's                      600 E Third Ave. South Causeway                      New Smyrna Beach, FL 32169                      386-423-5126</p>	<p>Whole Foods Market                      Winter Park Corners                      1989 Aloma Avenue                      Winter Park, FL 32792                      407.673.8788</p>	<p>Ricky's Upper West 72nd                      112 W. 72nd                      New York, NY 10024                      212-769-3678</p>

<p>Las Olas Chemist 1201 E Las Olas Blvd Fort Lauderdale, FL 33301 954-462-4166</p> <p>Mother Nature's Pantry 4042 13th Street St. Cloud, FL 34769 407-892-1962</p> <p>My Nature's Delight 3015 Cypress Gardens Road Winter Haven, FL 33884 863-324-1778</p> <p>Nutrition Smart 125954 Pines Blvd. Pembroke Pines, FL 33027 954-437-0035</p> <p>Nutrition Smart 4155 B Northlake Road Palm Beach Gardens, FL 33401 561-694-0644</p> <p>Nutrition World 516 N. State Road Royal Palm Beach, FL 33411 561-790-4747</p> <p>Pensacola Natural Foods 945 W. Michigan Ave. Suite 3c Pensacola, FL 32505 850-433-8583</p> <p>PSL Herbs and More 394 SE Port St. Lucie Blvd. Port St. Lucie, FL 34984 772-878-0800</p> <p>Ricky's SoBe 536 Lincoln Road Miami, FL 33139 305-674-8511</p> <p>Tuck's 6923 W Broward Blvd. Plantation, FL 33317 954-587-0199</p>	<p>MASSACHUSETTS Green Fields Market 144 Main Street Greenfield, MA 01301 413-773-9567</p> <p>MICHIGAN ZERBOS 34164 Plymouth Rd Livonia, MI 48150 734-427-3144</p> <p>NEW HAMPSHIRE Blueberry Fields 48 Emerald St Keene, NH 03431 603-358-5207</p> <p>NEW YORK Ricky's Flagship 509 5th Ave New York, NY 10017 212-949-7230</p> <p>Ricky's West Village 466 6th Ave New York, NY 10011 212-924-3401</p> <p>Ricky's Chelsea 267 W 23rd St New York, NY 10011 212-206-0234</p> <p>Ricky's Fashion 39 1412 Broadway New York, NY 10018 212-768-1175</p> <p>Ricky's Gramercy 278 3rd Ave New York, NY 10010 212-253-7114</p>	<p>Ricky's 89th 1574 3rd Ave New York, NY 10128</p> <p>Ricky's Hell's Kitchen I 728 9th Ave New York, NY 10019 212-245-1265</p> <p>Ricky's SoHo 590 Broadway New York, NY 10012 212-226-5552</p> <p>Ricky's Greenwich 44 E. 8th St. New York, NY 10003 212-254-5247</p> <p>Ricky's Tribeca 375 Broadway New York, NY 10013</p> <p>NORTH CAROLINA Bevko Vitamins 6511 Creedmoor Rd. Raleigh, NC 27613 919-676-8002</p> <p>PENNSYLVANIA Nutritional Technologies 610-258-1894</p> <p>WASHINGTON Island Health Foods 764 Winslow Way E Bainbridge Island, WA 98110 206-842-3333</p> <p>WYOMING The Jackson Whole Grocer 974 W. Broadway Jackson, WY 83001 307-733-0450</p>
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13. The mark has been continuously in use in connection with the sale of the aforesaid products in interstate commerce since October 7, 2006.

14. Since March 20, 2007, the mark *Give Bees A Chance*, has been used over 400 times on Howard Stern's satellite radio show to brand all Beeceuticals' products and services. Howard Stern's "Cousin Richie," managing member of plaintiff herein, is an occasional personality on the show and uses the Mark as part of his act not only to promote plaintiff's products and services in interstate commerce, but also for its entertainment value.

15. In addition to the foregoing and aside from its main website at [www.Beeceuticals.com](http://www.Beeceuticals.com), Beeceuticals maintains a website especially for the mark *Give Bees A Chance* at [www.GiveBeesAChance.com](http://www.GiveBeesAChance.com). Beeceuticals registered the domain name *GiveBeesAChance.com* on March 14, 2007, and the website went live soon thereafter.

16. Upon information and belief, on or about April 10, 2007, April 23, 2007 and May 21, 2007, Jennifer Cohen, acting on behalf of Beeceuticals, presented, to Dreamworks and Paramount, Beeceuticals' marketing plan, other copyrighted works, together with other proprietary information, including but not limited to its mark *Give Bees A Chance* and its marketing plan for its "Trees for Bees™" program, which provides forage for bees, helps offset global carbon emissions, supports farming and beekeeping and prevents soil erosion brought on by deforestation.

17. Beeceuticals sponsored "Bee-In," a national bee event in Broward County, on or about June 24, 2007. This event was publicized in CSRwire®, an internet news service, on or about May 22, 2007, along with Beeceuticals aforementioned program "Trees for Bees™." Beeceuticals mark *Give Bees A Chance* was used in connection with this event and is still being used in interstate commerce in connection with the program.

18. On or about October 5, 2007 Beeceuticals became aware of defendants' use of its mark in connection with the advertising of its movie "The Bee Movie," sale of related merchandise, and as an endorsement of others' products and services.

19. Upon information and belief, "The Bee Movie" is used to advertise and endorse McDonald's Corporations' products, including but not limited to "McDonald's Grade-A Pure Honey... a product of quality bee farms that have been operated by the same families for generations."

20. Upon information and belief, "The Bee Movie" is used to advertise and endorse "Be Good to the Planet," which is a program sponsored by McDonald's Corporation, DreamWorks, and Conservation International designed to encourage kids to have fun, learn, get outside and take action to "Bee Good to the Planet." This program was announced on or about October 22, 2007 in CSRwire®, in the very same internet news service which announced Beeceuticals' "Trees for Bees™" on or about May 22, 2007, in paragraph 17, supra. The programs are similar.

21. On or about October 24, 2007 counsel for Beeceuticals sent a cease and desist letter to defendants demanding that they cease use of the *Give Bees A Chance* mark no later than October 30, 2007.

22. Between October 30, 2007 and October 31, 2007, counsels for defendants and counsel for plaintiff attempted to resolve the issues raised in this case. On October 31, 2007 those communications broke down and although defendants stated that the television ad containing plaintiff's mark *Give Bees A Chance* was retired, there were no assurances that they would continue not to use the mark in the future.

23. Plaintiff is in possession of the aforementioned trailer of "The Bee Movie" that was broadcast on national television several times during the month of October, 2007, which uses the mark *Give Bees A Chance*. Upon information and belief, the trailer is owned or controlled by defendants, and is used in interstate commerce to advertise "The Bee Movie" and defendants' related products and services, all to the detriment of plaintiff herein. The actions of defendants have and will adversely affect defendants' future plans to make, including without limitation, cartoons, tv shows, and films regarding bees.

24. As a direct result of defendants' wrongful actions, plaintiff had to retain undersigned counsel to protect its rights.

**COUNT ONE - TRADEMARK INFRINGEMENT AND FALSE DESIGNATION OF  
ORIGIN  
(15 U.S.C. §1125(a))**

25. Beceuticals reallages, as if fully set forth herein, the allegations of paragraphs one (1) through twenty-four (24).

26. Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a), provides in relevant part that "[a]ny person who, on or in connection with any goods or services, or any container for goods, uses in commerce any word, term, name, symbol, or device or any combination thereof, or any false designation of origin, false or misleading description of fact, or false or misleading representation of fact which ... is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of such person with another person, or as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person ... shall be liable in a civil action by any person who believes that he or she has or is likely to be damaged by such act."

27. Beeceuticals has used, promoted, and advertised the *Give Bees A Chance* mark continuously since September 1, 2006, and has acquired substantial common law rights in the trademarks and servicemarks therein.

28. Defendants' use of a virtually identical name and mark in association with the same types of products and services constitutes trademark infringement, false designation or origin, false representation and false description in violation of 15 U.S.C. §1125(a).

29. Defendants' wrongful and infringing activities have caused, and unless enjoined by this Court will continue to cause, irreparable injury and other damage to Plaintiff's business, reputation, and good will in its *Give Bees A Chance* mark. Plaintiff has no adequate remedy at law.

30. Defendants' infringement is willful and entitles Beeceuticals to recover damages sustained as a result of Defendants' unlawful conduct, including defendants' profits, Beeceuticals' damages, trebled, the costs of suit, and attorneys' fees pursuant to 15 U.S.C. §1117.

**COUNT TWO - STATE TRADEMARK DILUTION  
(Section 495.151, Florida Statutes (2006))**

31. Beeceuticals realleges, as if fully set forth herein, the allegations of paragraphs one (1) through twenty-four (24).

32. Section 495.151, Florida Statutes (2006), provides in pertinent part that "[every person ... adopting and using a mark ... may proceed by suit, and all courts having jurisdiction thereof shall grant injunctions, to enjoin subsequent use by another of the same or any similar mark ... if it appears to the court that there exists a likelihood of injury to business reputation or of dilution to the distinctive quality of the mark ... notwithstanding the absence of competition between the parties or of confusion as to the source of goods or services."

33. Defendants' promotion, advertisement, and use of the *Give Bees A Chance* mark in association with its services and products has caused injury to the business reputation of Beeceuticals and diluted the distinctive quality of the Mark.

**COUNT THREE - FLORIDA DECEPTIVE AND UNFAIR TRADE PRACTICES ACT  
(Section 501.204, Florida Statutes (2006))**

34. Beeceuticals realleges, as if fully set forth herein, the allegations of paragraphs one (1) through twenty-four (24).

35. Section 501.204, Florida Statutes (2006), provides in pertinent part that "[unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful."

36. Defendants have, at all material times hereto, engaged in "trade or commerce" as defined in §501.203, Florida Statutes (2006), by promoting, marketing, and selling tickets to "The Bee Movie" and selling and/or endorsing the sale of related products and services.

37. The acts of advertising, manufacturing, marketing, selling and/or endorsing the sale of infringing products and services under an infringing mark are in violation of federal and state law, and are immoral, unethical, oppressive, unscrupulous, and substantially injurious to Beeceuticals and to the public.

38. As the direct and proximate result of defendants' conduct, Beeceuticals has lost customers, sales, and profits and suffered injury to its relationships, goodwill, and reputation.

39. Defendants' deceptive and unfair practices have caused and will continue to cause irreparable harm to Beeceuticals for which no adequate remedy exists in law.

40. In view of the foregoing, Beeceuticals is entitled to injunctive relief enjoining defendants from infringing Beeceuticals' trademarks and copyrights and otherwise trading on

Beeceuticals' goodwill and reputation, as well as compensatory damages resulting from defendants' wrongful conduct and all attorneys' fees incurred in the prosecution of this action.

**COUNT FOUR - FLORIDA COMMON LAW UNFAIR COMPETITION**

41. Beeceuticals realleges, as if fully set forth herein, the allegations of paragraphs one (1) through twenty-four (24).

42. Beeceuticals has used, promoted, and advertised the *Give Bees A Chance* name and mark in commerce since 2006 and has acquired common law trademark rights therein.

43. The above-described conduct of the defendants has damaged Beeceuticals' goodwill and reputation and will continue to damage Beeceuticals and to deceive the public unless enjoined by this Court.

44. Monetary damages will not provide full and adequate relief for all of Beeceuticals' injuries from the defendants' unlawful conduct, and Beeceuticals is, therefore, entitled to an injunction pursuant to the common law of the State of Florida.

**COUNT FIVE - TRADEMARK DILUTION  
(Lanham Act §43(a) - 15 U.S.C. §1125(a))**

45. Beeceuticals realleges, as if fully set forth herein, the allegations of paragraphs one (1) through twenty-four (24).

46. Defendants' commercial use of the Mark has and will cause dilution by of the distinctive quality of the Mark by "blurring."

47. Defendants' commercial use of the Mark has and will cause dilution by of the distinctive quality of the Mark by "tarnishment."

48. Defendants willfully intend to cause dilution of plaintiff's famous Mark.

49. Defendants use of the Mark is not "nominative" or "fair use."

50. As a consequence of defendants' willful dilution of plaintiff's famous Mark, plaintiff is entitled to injunctive relief pursuant to §15 U.S.C. 1116. Moreover, because this is an exceptional case involving calculated and willful conduct by defendants as defined in §15 U.S.C. 1125(c)(2), plaintiff is entitled to recover damages and costs.

WHEREFORE, Beeceuticals respectfully requests that the Court enter an Order

- a) Enjoining defendants, their agents, servants, employees, successors and assigns, and all others in concert or privity with them from infringing the Mark, from diluting the Mark, from injuring plaintiff's business reputation, from unfairly competing with plaintiff, and from engaging in unfair and deceptive trade practices; and
- b) Requiring defendants to account for their profits made from its acts of infringement, dilution, false designation of origin, unfair competition, and unfair and deceptive trade practices; and
- c) Awarding plaintiff damages, including all of defendants' profits from the acts of infringement, dilution, false designation of origin, unfair competition, and unfair and deceptive trade practices, and treble damages pursuant to the applicable statutes; and
- d) Requiring defendants to surrender for destruction all packaging, labels, advertisements and other materials constituting infringement or dilution of the Mark;
- e) Awarding plaintiff its reasonable attorneys' fees and costs incurred in bringing this suit pursuant to 15 U.S.C. §1117, §501.2105, Fla. Stat., and §495.141, Fla. Stat.
- f) Granting such further relief as the Court deems just and proper.

**JURY TRIAL DEMANDED**

A trial by jury is demanded on all issues so triable before this Court.

Dated: October 31, 2007

Elliot Zimmerman, P.A.

By: 

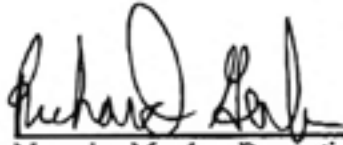
Elliot M. Zimmerman  
FLA. BAR NO. 315291  
100 NW 70<sup>th</sup> Avenue, Suite 203  
Plantation, FL 33317  
Telephone: (954) 565-6996  
Facsimile: (954) 472-5911  
TRIAL COUNSEL FOR PLAINTIFF

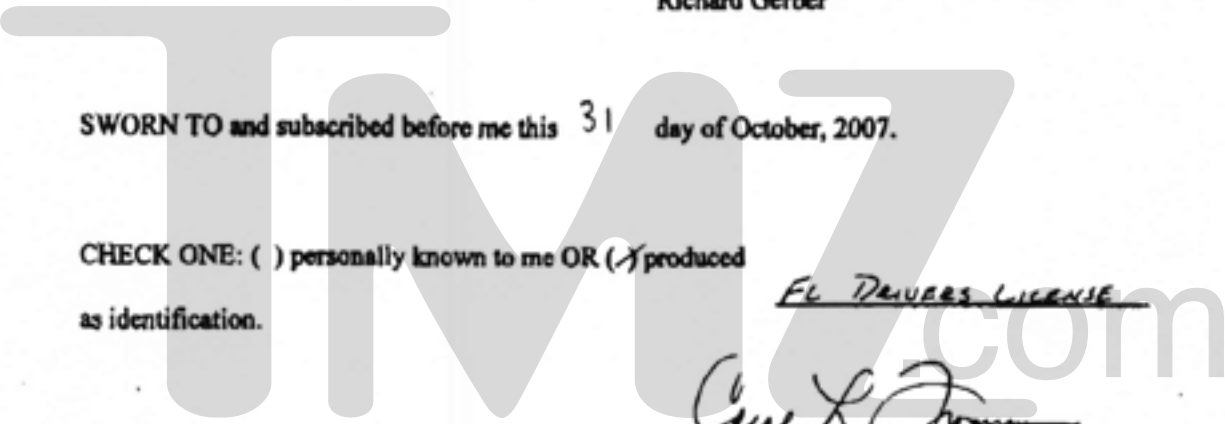
TMZ.com

**VERIFICATION OF COMPLAINT**

STATE OF FLORIDA     )  
COUNTY OF BROWARD    )

Richard Gerber, being first duly sworn, deposes and says that he is the Managing Member of Bececuticals LLC, that he has reviewed the complaint filed herewith, and that the allegations set forth therein in are true and correct.

  
\_\_\_\_\_  
Managing Member, Bececuticals LLC  
Richard Gerber

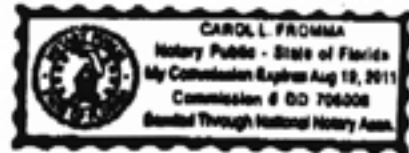


SWORN TO and subscribed before me this 31 day of October, 2007.

CHECK ONE: ( ) personally known to me OR (X) produced  
as identification.

FL DRIVERS LICENSE

  
\_\_\_\_\_  
Notary Public



UNITED STATES DISTRICT COURT  
Southern District of Florida

CIV-ZLOCH

Case Number: 07-01563

MAGISTRATE JUDGE  
SNOW

BEECEUTICALS LLC

Plaintiff

v.

DREAMWORKS ANIMATION  
SKG, INC., PARAMOUNT  
PICTURES CORPORATION

Defendant

FILED by VA D.C.  
INTAKE  
NOV - 1 2007  
CLARENCE MADDOX  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - FL. LAUD.

SUMMONS IN A CIVIL CASE

TO: (Name and address of defendant)

THE PRENTICE-HALL CORPORATION SYSTEM, INC.  
RESIDENT AGENT FOR ~~PARAMOUNT PICTURES CORPORATION~~  
2711 CENTERVILLE ROAD SUITE 400  
WILMINGTON, DE 19808  
Phone: (302)836-5400

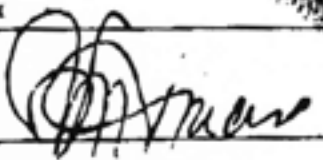
(E2) PARAMOUNT  
PICTURES  
CORPORATION

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Elliot M. Zimmerman  
FLA. BAR NO. 315291  
100 NW 70th Avenue, Suite 203  
Plantation, FL 33317  
Telephone: (954) 565-8996  
Facsimile: (954) 472-5911  
TRIAL COUNSEL FOR PLAINTIFF

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Clarence Maddox  
CLERK OF COURT



NOV - 1 2007

DATE

(BY) DEPUTY CLERK

UNITED STATES DISTRICT COURT  
Southern District of Florida

Case Number: 07-61563 CIV-ZLOCH

BEECEUTICALS LLC

Plaintiff

MAGISTRATE JUDGE  
SNOW

v.

DREAMWORKS ANIMATION  
SKG, INC., PARAMOUNT  
PICTURES CORPORATION

Defendant

FILED by W D.C.  
INTAKE  
NOV - 1 2007  
CLARENCE MADDOX  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - FT. LAUD.

SUMMONS IN A CIVIL CASE

TO: (Name and address of defendant)

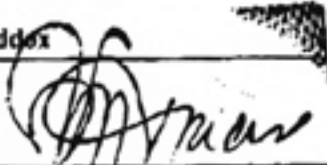
CAPITOL SERVICES, INC.  
RESIDENT AGENT FOR DREAMWORKS ANIMATION SKG, INC.  
815 SOUTH DUPONT HIGHWAY  
DOVER, DE 19901

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (same and address)

Elliot M. Zimmerman  
FLA. BAR NO. 315291  
100 NW 70th Avenue, Suite 203  
Plantation, FL 33317  
Telephone: (954) 565-8996  
Facsimile: (954) 472-5911  
TRIAL COUNSEL FOR PLAINTIFF

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Clarence Maddox  
CLERK OF COURT



(BY) DEPUTY CLERK

NOV - 1 2007

DATE

(c) Attorney's (Firm Name, Address, and Telephone Number)

Elliot Zimmerman, PA  
100 NW 70th Ave, Suite 203  
Plantation, FL 33317 Phone: 954.565.6996 FL Bar#: 315291

**07-61563**

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED

Attorneys (If Known)

FILED BY  
INTAKE  
NOV - 1 2007  
D.C.

(d) Check County Where Action Arose:  MIAMI-DADE  MONROE  BROWARD  PALM BEACH  MARTIN  ST. LUCIE  INDIAN RIVER  OKRECHOREE  
CLARENCE DIST. CT. HIGHLANDS

**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)

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**III. CITIZENSHIP OF PRINCIPAL PARTIES** (For Divorce Case Only)

- |   |                            |                            |   |                                       |                                       |
|---|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 3            | <input checked="" type="checkbox"/> 3 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6            | <input type="checkbox"/> 6            |

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

CONTRACT	TORTS	PERFIDIOUSNESS	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Motor 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 Debated Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' 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	<b>PERSONAL INJURY</b> <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	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 363 Personal Injury - Product Liability <input type="checkbox"/> 368 Arbitration Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Trusts in Land <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 381 Property Damage Product Liability	<input type="checkbox"/> 410 Aggravation <input type="checkbox"/> 420 Other Food & Drug <input type="checkbox"/> 425 Drug Related Sickness of Property 21 USC 841 <input type="checkbox"/> 430 Liquor Laws <input type="checkbox"/> 440 R.R. & Truck <input type="checkbox"/> 450 Airline Regs. <input type="checkbox"/> 460 Occupational Safety/Health <input type="checkbox"/> 490 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <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. Inv. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 138 <input type="checkbox"/> 423 Withdrawal 28 USC 137 <b>INTELLECTUAL PROPERTY</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 NIA (13930) <input type="checkbox"/> 862 Black Lung (933) <input type="checkbox"/> 863 DIWC/DIWW (401(a)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (401(a)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 600 State Reapportionment <input type="checkbox"/> 610 Antitrust <input type="checkbox"/> 620 Bank and Banking <input type="checkbox"/> 630 Commerce <input type="checkbox"/> 640 Deportation <input type="checkbox"/> 670 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 680 Consumer Credit <input type="checkbox"/> 690 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 830 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 13 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <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 Equal Access to Justice <input type="checkbox"/> 910 Constitutionality of State Statute
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Workers <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 449 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 520 Habeas Corpus <input type="checkbox"/> 530 Criminal <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** (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Re-filed (see VI below)
- 4 Retributed or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

**VI. RELATED/RE-FILED CASE(S).**

(See instructions second page.)

a) Re-filed Case  YES  NO

b) Related Cases  YES  NO

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

**VII. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity).

U.S. Civil Statute: Lanham Act §43(a) - 15 U.S.C. §1125(a)  
 Description: Trademark Infringement and Dilution  
 LENGTH OF TRIAL via 20 days estimated (for both sides to try entire case)

**VIII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ INJUNCTION

CHECK YES only if demanded in complaint  
 JURY DEMAND:  Yes  No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD

*Elliot Zimmerman* Nov. 1, 2007

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AMOUNT 350.00 RECEIPT # \_\_\_\_\_ IFP \_\_\_\_\_