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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
(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
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

20 MEJ

II. BASIS OF JURISDICTION
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question
4 Diversity

III. CITIZENSHIP OF PRINCIPAL PARTIES
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country

Table with 5 columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, LABOR, IMMIGRATION, FORFEITURE/PENALTY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Contains various legal categories and checkboxes.

V. ORIGIN
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district
6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing: 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 DEMAND UNDER F.R.C.P. 23
CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY
JUDGE
DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2)
SAN FRANCISCO/OAKLAND SAN JOSE EUREKA

January 13, 2012
DATE

SIGNATURE OF ATTORNEY OF RECORD
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RON PAUL 2012 PRESIDENTIAL CAMPAIGN COMMITTEE, INC.

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

15 CV12 0240

16 RON PAUL 2012 PRESIDENTIAL  
CAMPAIGN COMMITTEE, INC.  
17 A Delaware Corporation,

18 Plaintiff,

19 v.

20 John Does, 1 through 10,

21 Defendants.

Case No. \_\_\_\_\_

**COMPLAINT FOR FALSE  
DESIGNATION OF ORIGIN,  
FALSE ADVERTISING, AND  
LIBEL/DEFAMATION**

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

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

FILED  
JAN 13 2012  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
M9  
NP

FILED

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

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

#### 14                                   **THE PARTIES**

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

17           5.       The true names of Defendants John Does 1 through 10 are unknown to  
18 Plaintiff at this time and Plaintiff therefore sues Defendants by such fictitious  
19 names. However, the Defendants are doing business within the State of California,  
20 within this judicial district, and they have caused tortious injury in the state through  
21 their use of online media based here. When the true names of John Does 1 through  
22 10 are ascertained through expedited discovery requested simultaneously with the  
23 filing of this pleading, Plaintiff will amend the Complaint to identify them.

#### 24                                   **JURISDICTION AND VENUE**

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

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

4 **FACTUAL BACKGROUND**

5 8. Ron Paul 2012 Presidential Campaign Committee, Inc. is a corporation  
6 created to promote, support and endorse Texas Congressman Dr. Ron Paul as the  
7 2012 Republican nominee for President of the United States.

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

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

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

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

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

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

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

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

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

19 **FIRST CLAIM FOR RELIEF**

20 **(False Designation of Origin in Violation of Lanham Act § 43(a) [15 U.S.C. §**  
21 **1125(a)])**

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

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

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

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

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

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

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

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

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

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

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

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**SECOND CLAIM FOR RELIEF**

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

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

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

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

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

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

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

23 33. The actions of Defendants were willful and in conscious disregard of  
24 the rights of Plaintiff, making this case "exceptional" under 15 U.S.C. § 1117.  
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**THIRD CLAIM FOR RELIEF**  
**(Common Law Libel/Defamation)**

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

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

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

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

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

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

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

25       41. The above-described publication was not privileged because it was  
26 published by Defendants with malice, hatred and ill will toward Plaintiff and the  
27 desire to injure Plaintiff and its efforts to support and endorse Dr. Paul's  
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1 presidential candidacy. Because of Defendants' malice in publishing, Plaintiff  
2 seeks punitive damages in an amount to be established by proof at trial.

3  
4 **PRAYER FOR RELIEF**

5 Wherefore, Plaintiff prays for judgment against Defendants as follows:

- 6 1. For compensatory damages in an amount to be determined at the time  
7 of trial;
- 8 2. For consequential damages in an amount to be determined at the time  
9 of trial;
- 10 3. For treble damages in an amount to be determined at the time of trial;
- 11 4. For punitive damages in an amount to be determined at the time of  
12 trial;
- 13 5. For preliminary and permanent injunctive relief pursuant to Federal  
14 and California state law against Defendants and their agents, servants, and  
15 employees, as well as all persons in privity or acting in concert with Defendants,  
16 from committing further infringing acts including:
- 17 a. using Ron Paul 2012 Presidential Campaign Committee, Ron Paul, or  
18 any other name, mark or trade dress that causes confusion or  
19 constitutes infringement of Plaintiffs' rights or otherwise constitutes  
20 unfair competition and false designation of origin;
- 21 b. otherwise infringing Plaintiff's trademarks or using any similar  
22 designation, alone or in combination with any marketing, advertising,  
23 distribution or promotion of any services by Defendants;
- 24 c. causing likelihood of confusion or injury to the business, reputation or  
25 goodwill of Plaintiff and its services;
- 26 d. causing likelihood of confusion or misunderstanding as to the source  
27 or sponsorship of Defendants' services; and
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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.

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**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*  
**JERROLD ABELES**  
**DAVID BAYLES**

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