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12 **UNITED STATES DISTRICT COURT**
13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

14 SCAT ENTERPRISES, INC., a
15 California corporation,

16 Plaintiff,

17 vs.

18 CHRYSLER GROUP LLC, a
19 Delaware Limited Liability Company,

20 Defendant.

Case No.

COMPLAINT FOR:

- (1) Infringement of U.S. Registrations;
- (2) False Designation of Origin and Misrepresentation, 15 U.S.C. §1125(a)(1)(A);
- (3) False Advertising, 15 U.S.C. §1125(a)(1)(B);
- (4) Infringement of Marks, California Law; and
- (5) Unfair Competition, California Law

* * * *

DEMAND FOR JURY TRIAL

21 For its Complaint, Plaintiff Scat Enterprises, Inc., alleges:

22 **JURISDICTION AND VENUE**

23 1. This civil action is for: federal claim of infringement of U.S.
24 registrations 15 U.S.C. §1051 et seq., 15 U.S.C. §1114 (first cause of
25 action); federal claim of false designation of origin and misrepresentation,
26 15 U.S.C. §1051 et seq., 15 U.S.C. §1125(a)(1)(A) (second cause of
27 action); federal claim of false advertising, 15 U.S.C. §1125(a)(1)(B) (third
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1 cause of action); state claim of mark infringement under the statutory laws
2 and common law of the State of California, Calif. Bus. & Prof. Code §14330
3 (fourth cause of action); and, state claim of unfair competition under the
4 statutory laws and common law of the State of California, Calif. Bus. &
5 Prof. Code §17200-17203; §17500 (fifth cause of action).

6 2. The Court has jurisdiction over the subject matter and personal
7 jurisdiction over the parties by reason of: 28 U.S.C. §1331 & 1338 (a) and
8 15 U.S.C. §1121 for the first, second and third causes of action; and
9 supplemental and pendent jurisdiction under 28 U.S.C. §1367 & §1338(b)
10 for the third and fourth causes of action.

11 3. The Court also has jurisdiction over the parties and the subject
12 matter of the fourth and fifth causes of action as there is complete diversity
13 of citizenship between the parties - and the matter in controversy, exclusive
14 of interest and costs, exceeds the sum or value of Seventy-Five Thousand
15 Dollars (\$75,000). 15 U.S.C. §1332.

16 4. Venue is proper in this judicial district for all causes of action.
17 28 U.S.C. §§1391(b).

18 **GENERAL ALLEGATIONS**

19 5. Scat Enterprises, Inc. the Plaintiff (usually "Plaintiff") is a
20 corporation duly organized and existing under and by virtue of the laws of
21 the State of California, with its principal place of business within this judicial
22 district at 1400 Kingsdale Avenue, Redondo Beach, California 90278.

23 6. Chrysler Group LLC, the Defendant (usually "Defendant") is,
24 upon information and belief, a limited liability company formed under the
25 laws of the State of Delaware, having a principal place of business at 1000
26 Chrysler Drive, Auburn Hills, Michigan 48326-2766.

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1 7. Plaintiff is engaged in the business of developing, engineering
2 and manufacturing various automotive and related products, primarily for
3 sale and use in the automotive aftermarket. Plaintiff markets and distributes
4 its goods and related services in California, within this judicial district and in
5 interstate commerce.

6 8. Defendant is engaged in the business of developing,
7 engineering and manufacturing automobiles and automotive and related
8 products, including automotive and related products for sale and use in the
9 automotive aftermarket. Defendant markets and distributes its goods and
10 related services in California, within this judicial district and in interstate
11 commerce.

12 9. Since at least as early as the year 1963, Plaintiff has
13 continuously and extensively used the name SCAT and various SCAT-
14 related marks to identify the source of its automotive and related products
15 and to distinguish its goods/services in the marketplace.

16 10. Plaintiff was incorporated in the State of California under the
17 name Scat Enterprises, Inc. in June 1967 and has continuously used that
18 corporate name to the present. Both prior to and subsequent to
19 incorporation, Plaintiff has continuously and extensively used the name
20 “Scat” as the dominant component of related trade names to identify itself
21 as a legal entity since at least as early as the year 1963.

22 11. Long after Plaintiff first used its SCAT name, various SCAT-
23 related marks and trade names dominated by Scat for its automotive
24 goods, Defendant adopted and commenced commercial use of SCAT
25 PACK (sometimes SCAT PACKAGE) for its automotive goods and
26 promotional materials and caused its automotive goods to be marketed,
27 advertised, promoted and sold under the name SCAT PACK. Defendant
28 has caused its goods identified by SCAT PACK (sometimes SCAT

1 PACKAGE) to be offered for sale, sold and distributed to customers
2 through its network of Dodge automobile dealerships and specifically
3 installed in Dodge models associated with Plaintiff's brand name
4 Challenger.

5
6 (a) Prior Dealings Between Chrysler and Scat Enterprises

7 12. In the early 1980's, Plaintiff commenced selling its automotive
8 parts, including crankshafts and rods, identified by its SCAT and SCAT-
9 related marks and "Scat" trade names directly to Defendant.

10 13. For many years, the parties have engaged in direct business
11 dealings involving Plaintiff as supplier, selling and delivering its automotive
12 parts to Defendant as purchaser, who in turn, installed Plaintiff's
13 automotive parts directly into its vehicle engines for development and for
14 sale to customers. The source of Plaintiff's automotive parts sold directly to
15 Defendant were identified by Plaintiff's SCAT and SCAT-related marks and
16 related "Scat" trade names, including Scat Enterprises, Inc.

17 14. The sales of Plaintiff's automotive products distributed directly to
18 Defendant and identified by Plaintiff's SCAT and SCAT-related marks and
19 "Scat" trade names have been substantial.

20 15. For many years, Plaintiff has sold automotive products,
21 including crankshafts and connecting rods identified by its SCAT and
22 SCAT-related marks and "Scat" trade names to Contract Engine Builders
23 (such as Gary Stanton Racing, Cummins Inc., Ray Barton Racing, and
24 Arrow Racing Engines), which automotive products were assembled into
25 vehicle engines by Contract Engine Builders and sold to Defendant for
26 sales to the general public.

27 16. The sales of Plaintiff's automotive products distributed to
28 Contract Engine Builders and then to Defendant and identified by Plaintiff's

1 SCAT and SCAT-related marks and “Scat” trade names have been
2 substantial.

3 (b) Chrysler’s Earlier Use and Abandonment of “SCAT PACK” -
4 And Its Resumed Use of “SCAT PACK”

5 17. In 1968, Defendant adopted and used the name SCAT PACK
6 for packages of performance parts and accessories to upgrade the appeal
7 of its Dodge Charger, Dodge Coronet and Dodge Dart vehicles - the
8 packages of parts and accessories including items such as hood air scoops
9 to boost engine performance, chromed hood hold-down pins, three speed
10 windshield wipers and special tires.

11 18. In the year 1968, Plaintiff observed that Defendant, through its
12 Dodge division, was displaying and advertising the name SCAT PACK in
13 *Hot Rod* magazine, a prestigious trade publication, for packages and kits of
14 automotive performance parts and accessories identified by the name
15 SCAT PACK. Plaintiff instructed its lawyers to notify Defendant and request
16 that it discontinue use of SCAT PACK and, upon information and belief,
17 Plaintiff’s lawyers sent a notice to Defendant.

18 19. In 1971, Defendant ceased use of SCAT PACK for its packages
19 of automotive performance parts and accessories.

20 20. After more than forty (40) years of non-use and inactivity, in
21 November 2013, Defendant announced at the Specialty Equipment Market
22 Association (SEMA) trade show in Las Vegas that it was resuming use of
23 SCAT PACK for performance parts and accessories and distributed
24 advertising and promotional materials prominently displaying the name
25 SCAT PACK and SCAT PACKAGE.
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1 (c) Chrysler's Unsuccessful Attempts To Register
2 "SCAT PACK" In The USPTO

3 21. The Defendant Chrysler Group, LLC filed a U.S. TM App. S.N.
4 86/048,726, on August 27, 2013, based upon intent-to-use (ITU),
5 requesting registration of SCAT PACK, contemplated for use on goods
6 described as "Motor vehicles, namely, passenger automobiles, their
7 structural parts, trim and badges"/Int. Cl. 12. A TSDR printout of the
8 USPTO is attached to the Complaint and identified as Exhibit A.

9 22. A first Office Action from the TM Examiner of the USPTO was
10 issued on October 11, 2013, refusing to register SCAT PACK under
11 Section 2(d) of The Lanham Act, based upon contentions that SCAT PACK
12 would cause likelihood of confusion with multiple prior U.S. registrations
13 owned by and issued to Plaintiff Scat Enterprises, Inc. directed to its SCAT
14 and SCAT-related marks. (Specifically, by way of cross-reference to the
15 First Cause of Action, the registrations cited by the TM Examiner included
16 those identified by Exhibits B, C, G & F attached to this Complaint).

17 Under the caption "SECTION 2(d) REFUSAL - LIKELIHOOD
18 OF CONFUSION" of the first Office Action, the TM Examiner stated in part:

19 "Registration of the applied-for mark is refused
20 because of a likelihood of confusion with the marks
21 in U.S. Registration Nos. 3981319, 3944357,
22 3965092, 3944367 and 3217216. Trademark Act
23 Section 2(d), 15 U.S.C. §1052(d); see TMEP
24 §§1207.01 *et seq.* See the enclosed registrations."

25 Under the caption "Conclusion" of the first Office Action, the
26 Trademark Examiner stated in part:

27 "Since the marks are identical and the goods are
28 related, registration of the proposed mark is refused

1 because of a likelihood of confusion with the marks
2 in U.S. Registration Nos. 3981319, 3944367,
3 3965092, 3944367 and 3217216.”

4 23. The Defendant Chrysler Group, LLC filed a response on or
5 about April 10, 2014 relative to the TM Examiner’s first Office Action which
6 was accompanied by argument and evidence in support of its attempt to
7 overcome the TM Examiner’s refusal to register SCAT PACK.

8 24. A Final Action and refusal by the TM Examiner in the USPTO
9 was issued on May 6, 2014, further contending that use of SCAT PACK by
10 Defendant Chrysler Group, LLC would cause likelihood of confusion with
11 the multiple prior U.S. registrations owned by Scat Enterprises, Inc.
12 directed to its SCAT and SCAT-related marks.

13 Under the caption “SECTION 2(d) REFUSAL - LIKELIHOOD
14 OF CONFUSION” of the Final Action, the TM Examiner stated in part:

15 “Registration of the applied-for mark is refused
16 because of a likelihood of confusion with the marks
17 in U.S. Registration Nos. 3981319, 3944367,
18 3965092, 3944367 and 3217216. Trademark Act
19 Section 2(d), 15 U.S.C. §1052(d); see TMEP
20 §§1207.01 *et seq.* See the enclosed registrations.”

21
22 Under the caption “Conclusion” of the Final Action, the
23 Trademark Examiner stated in part:

24 Since the marks are identical and the goods are
25 related, registration of the proposed mark is refused
26 because of a likelihood of confusion with the marks
27 in U.S. Registration Nos. 3981319, 3944367,
28 3965092, 3944367 and 3217216.”

* * *

1 25. Plaintiff owns domain names with “scat” as a component and
2 uses in the regular course of business, related websites including:
3 www.scatenterprises.com; www.scatvw.com; www.scatcrankshafts.com;
4 and www.procarbyscat.com.

5 26. Defendant uses websites in the regular course of business that
6 include “scat” as a component, including: www.scatpackforums.com.

7 27. Plaintiff, through counsel, notified Defendant by certified letter
8 dated November 22, 2013 to discontinue use of SCAT PACK and
9 thereafter, Defendant, through counsel and Plaintiff through counsel,
10 engaged in multiple communications, with the objective of amicably
11 resolving this dispute.

12 28. Defendant sells, markets, advertises, promotes and distributes
13 its goods in the regular course of business in interstate commerce, in the
14 State of California, and within this judicial district.

15 29. Defendant sells, markets, advertises, promotes and distributes
16 its goods using and displaying “SCAT PACK” in the regular course of
17 business, in interstate commerce, in the State of California, and within this
18 judicial district.

19 30. Defendant has transacted and is doing business in interstate
20 commerce, in the State of California, and within this judicial district.

21 31. Defendant has induced and caused its automotive dealers to
22 do business using and displaying SCAT PACK in interstate commerce, in
23 the State of California, and within this judicial district.

24 32. Plaintiff’s claims asserted against Defendant regarding all
25 causes of action stated in these pleadings arose in this judicial district.

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**FIRST CAUSE OF ACTION FOR INFRINGEMENT
OF U.S. TRADEMARK REGISTRATIONS**

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3 33. Plaintiff incorporates by reference as part of this cause of action
4 the allegations contained in ¶¶5 through 32.

5 34. Plaintiff is the exclusive owner of incontestible U.S. TM Reg.
6 No. 3,217,216 for SCAT, listed on the Principal Register, granted March
7 13, 2007 (amended 2009), and used for goods included within Int. Cls. 7 &
8 12. A copy of the registration from the records of the USPTO is attached to
9 this Complaint and identified as Exhibit "B" (2 pp.).

10 35. Plaintiff is the exclusive owner of U.S. TM Reg. No. 3,981,319
11 for a SCAT Logo, listed on the Principal Register, granted June 21, 2011
12 and used for goods included within Int. Cl. 12. A copy of the registration
13 from the records of the USPTO is attached to this Complaint and identified
14 as Exhibit "C".

15 36. Plaintiff is the exclusive owner of U.S. TM Reg. No. 3,981,318
16 for a SCAT Logo, listed on the Principal Register, granted June 21, 2011
17 and used for goods included within Int. Cl. 7. A copy of the registration from
18 the records of the USPTO is attached to this Complaint and identified as
19 Exhibit "D".

20 37. Plaintiff is the exclusive owner of U.S. TM Reg. No. 3,944,368
21 for a SCAT Logo, listed on the Principal Register, granted April 12, 2011
22 and used for goods within Int. Cl. 7. A copy of the registration from the
23 records of the USPTO is attached to this Complaint and identified as
24 Exhibit "E".

25 38. Plaintiff is the exclusive owner of U.S. TM Reg. No. 3,944,367
26 for SCAT, listed on the Principal Register, granted April 12, 2011 and used
27 for goods within Int. Cl. 12. A copy of the registration from the records of
28 the USPTO is attached to this Complaint and identified as Exhibit "F".

1 39. Plaintiff is the exclusive owner of U.S. TM Reg. No. 3,965,092
2 for PROCAR BY SCAT, listed on the Principal Register, granted May 24,
3 2011 and used for goods within Int. Cl. 12. A copy of the registration from
4 the records of the USPTO is attached to this Complaint and identified as
5 Exhibit "G".

6 40. Plaintiff is the exclusive owner of incontestible U.S. TM Reg.
7 No. 3,222,015 for a SCAT CRANKSHAFTS Logo, listed on the Principal
8 Register, granted March 27, 2007 and used for goods within Int. Cls. 7 &
9 12. A copy of the registration from the records of the USPTO is attached to
10 this Complaint and identified as Exhibit "H" (2 pp.).

11 41. Plaintiff is the exclusive owner of U.S. TM Reg. No. 3,888,716
12 for a U.S. CRANKSHAFT BY SCAT Logo, listed on the Principal Register,
13 granted December 14, 2010 and used for goods within Int. Cls. 7 & 12. A
14 copy of the registration from the records of the USPTO is attached to this
15 Complaint and identified as Exhibit "I" (2 pp.).

16 42. The above registered marks and other marks that include
17 SCAT constitute a family of SCAT marks and will sometimes be referred to
18 collectively as Plaintiff's SCAT and SCAT-related marks.

19 43. Subsequent adoption and commercial use by Defendant of
20 SCAT PACK and SCAT in connection with its automotive products and
21 related goods is likely to cause confusion, mistake and deception in the
22 minds of purchasers, members of the trade and the general public, relative
23 to Plaintiff, Plaintiff's eight (8) above-identified federally registered marks,
24 and the correct source of Defendant's goods.

25 44. Past, present and future commercial usage by Defendant of the
26 SCAT PACK name and commercial designations that include "SCAT"
27 constitutes infringement of Plaintiff's U.S. trademark registrations under the
28 U.S. trademark laws. 15 U.S.C. §1051 et. seq., 15 U.S.C. §1114(a).

1 45. Plaintiff is entitled to a full range of injunctive and monetary
2 relief and remedies under the U.S. trademark laws. 15 U.S.C. §§ 1116,
3 1117 and 1118.

4 * * * * *

5 **SECOND CAUSE OF ACTION FOR FALSE DESIGNATION**
6 **OF ORIGIN AND FALSE REPRESENTATION RE**
7 **TRADEMARKS UNDER THE LANHAM ACT 15 U.S.C. §1125(a)(1)(A)**

8 46. Plaintiff incorporates by reference as part of this cause of action
9 the allegations contained in ¶¶5 through 32.

10 47. The SCAT name and SCAT-related names as used by Plaintiff
11 for its automotive and related products are designations of origin that
12 identify Plaintiff as an exclusive source and distinguish Plaintiff's
13 goods/services in the marketplace.

14 48. The designations of origin SCAT and SCAT-related names, as
15 used by Plaintiff as marks and source indicators were all inherently
16 distinctive when first used and protectable under the U.S. trademark laws
17 long prior to Defendant's entry into the marketplace using identical and
18 closely similar designations, SCAT and SCAT PACK and commercial
19 phrases that include the term SCAT.

20 49. The designations of origin SCAT and SCAT-related marks,
21 used by Plaintiff as its source indicators, are readily recognized and have
22 become famous among customers, members of the trade and the general
23 public by reason of Plaintiff's extensive use of these designations of origin,
24 both in the U.S. and internationally, in connection with selling, promoting
25 and advertising its goods/services.

26 50. Plaintiff has from time to time over the years, used and
27 prominently displayed SCAT and SCAT-related marks on promotional
28 materials, including clothing, t-shirts, hats, sweatshirts, jackets and decals.

1 51. Defendant promotes and advertises its performance packages
2 and kits of performance automotive components identified by SCAT PACK
3 and the related and equivalent name "SCAT PACKAGE" by distributing
4 commercial trade pieces. An exemplar of Defendant's advertising
5 displaying SCAT PACK and "SCAT PACKAGE" and identifying company
6 divisions Dodge and Mopar and its website www.scatpackforums.com - is
7 attached to this Complaint and identified as Exhibit J (2 pp., front & back).
8 Defendant promotes and advertises SCAT PACK by links from other of its
9 websites, including www.dodge.com, www.mopar.com, and
10 www.chrysler.com.

11 52. Defendant's unauthorized usage of SCAT PACK and SCAT is
12 likely to cause initial interest confusion relative to Plaintiff and the correct
13 source of Defendant's goods.

14 53. Defendant's resumed prominent use of SCAT and SCAT PACK
15 will likely cause members of the trade, customers and others to mistakenly
16 believe that Defendant owns SCAT and SCAT-related marks and that
17 Plaintiff is infringing upon Defendant's rights. Defendant's acts constitute
18 reverse confusion.

19 54. By using the above-described false designations of origin SCAT
20 PACK and SCAT, Defendant has passed off its goods as Plaintiff's goods.

21 55. Defendant knew or should have known that in again selecting
22 and resuming use of SCAT PACK and SCAT as designations of origin, it
23 would likely fool purchasers and members of the trade into mistakenly
24 believing that Defendant's goods were produced, sponsored, approved or
25 licensed by Plaintiff.

26 56. Commercial usage by Defendant of SCAT PACK and SCAT is
27 likely to cause confusion, mistake and deception in the minds of
28 purchasers, members of the trade and the general public - relative to

1 Plaintiff's goods/services, Plaintiff's commercial activities, Plaintiff and the
2 correct source of Defendant's goods.

3 57. Existing and potential customers, members of the trade, as well
4 as members of the general public will, upon observing or reacting to
5 Defendant's usage of SCAT PACK and SCAT and other designations of
6 origin including SCAT, likely believe there is a sponsorship, affiliation,
7 association, licensing and/or other business connection between Plaintiff
8 and Defendant.

9 58. Plaintiff has no plain, speedy or adequate remedy at law and
10 will continue to suffer great and irreparable injury to the trade identify rights
11 for which it cannot be fully compensated in damages - unless the Court
12 enjoins Defendant from further use of its confusingly similar and false
13 designations of origin SCAT PACK and SCAT, and other designations
14 including the term SCAT.

15 59. Past, present and future commercial usage by Defendant of
16 SCAT PACK and SCAT, other designations including the terms SCAT -
17 constitute infringement, false designation of origin, false representation and
18 violation of Plaintiff's trade identity rights and the general public's right to be
19 free from confusion and misrepresentations under the U.S. trademark laws.
20 15 U.S.C. §1051, et seq., §1125(a)(1)(A).

21 60. Plaintiff is entitled to a full range of injunctive and monetary
22 relief and remedies under the provisions of The Lanham Act and the U.S.
23 laws relating to trademarks and unfair competition. 15 U.S.C. §§1116, 1117
24 and 1118.

25 * * * * *

26 **THIRD CAUSE OF ACTION FOR FALSE ADVERTISING**
27 **UNDER THE LANHAM ACT 15 U.S.C. §1125(a)(1)(B)**

28 61. Plaintiff incorporates by reference as part of this cause of action
the allegations contained in ¶¶5 through 32 and ¶¶46 through 60.

1 identity rights and related property rights under the common law and
2 statutory laws of the State of California.

3 69. Plaintiff has no adequate remedy at law and will continue to
4 suffer great and irreparable injury for which it cannot be fully compensated
5 in money damages, unless the Court enjoins Defendant from the above-
6 described conduct.

7 * * * * *

8 **FIFTH CAUSE OF ACTION FOR UNFAIR**
9 **COMPETITION UNDER CALIFORNIA LAW**

10 70. Plaintiff incorporates by reference as part of this cause of action
11 the allegations contained in ¶¶5 through 32 and ¶46 through 69.

12 71. Defendant’s above-described conduct constitutes unfair
13 competition under the common law and statutory laws of the State of
14 California. California Business and Professions Code §§ 17,200, 17,203,
15 and 17,500.

16 72. Defendant has misappropriated the good will symbolized by
17 Plaintiff’s distinctive mark SCAT and SCAT-related marks, and names
18 including SCAT.

19 73. Defendant had prior awareness of and imitated Plaintiff’s
20 established SCAT and SCAT-related marks - and has unjustly enriched
21 itself at Plaintiff’s expense.

22 74. Defendant’s above-described conduct was and is: intended to
23 cause injury to Plaintiff; despicable conduct carried on with willful and
24 conscious disregard of the rights of Plaintiff; and despicable conduct that
25 subjects Plaintiff to cruel and unjust hardship in conscious disregard of
26 Plaintiff’s rights, thereby making Defendant liable for exemplary and/or
27 punitive damages.

28 * * * * *

RELIEF SOUGHT

WHEREFORE, Plaintiff Scat Enterprises, Inc., prays for:

I. Judgment for preliminary and permanent injunctions enjoining Defendant Chrysler Group LLC, all of its officers, directors, owners, partners, Chrysler dealerships, Dodge dealerships, employees, servants and agents; its parent company Fiat S.p.A. (of Italy); its related companies and divisions including Dodge and Mopar -and- all those persons in active concert or participation with Defendant from violating Plaintiff's rights by way of:

(a) using SCAT, SCAT PACK, SCAT PACKAGE, or any name or phrase including "SCAT" for or in connection with selling, marketing, advertising, promoting and/or distributing automotive components, parts, accessories, kits, vehicles or related goods/services.

(b) using any word, name, mark, designation, logo or other materials for or in connection with selling, marketing, advertising, promoting and/or distributing automotive components, parts, accessories, kits, vehicles or related goods/services - which is likely to cause confusion, mistake or deception as to source relative to any of Plaintiff's names, marks, designations of origin, logos, including SCAT, SCAT-related marks, or phrases including "SCAT".

(c) using a website or domain name including the word "scat" for automotive business.

(d) passing off Defendant's goods/services as Plaintiff's goods/services.

(e) practicing unfair competition, unfair trade practices, false advertising and/or misappropriation against Plaintiff.

(f) practicing any conduct aimed at or likely to result in diverting business intended for Plaintiff or injuring Plaintiff's good will and

1 business reputation by way of imitation, misappropriation, false statements,
2 fraud, advertising and/or deception.

3 II. An Order from the Court commanding that Defendant mail
4 notice letters at its expense to all Dodge and other dealerships, distributors,
5 jobbers, Contract Engine Builders, customers, accounts, distributors,
6 dealers, salesmen, sales reps, and suppliers - informing them that
7 Defendant has committed unfair competition and trademark
8 infringement against Plaintiff and that it has no affiliation with Plaintiff.

9 III. An Order from the Court commanding that Defendant deliver to
10 Plaintiff for destruction, all advertising, labeling, packaging, sales literature,
11 promotional literature, catalogs, marketing materials and other trade pieces
12 within its possession or control which use or display:

- 13 (a) SCAT
- 14 (b) SCAT PACK
- 15 (c) SCAT PACKAGE
- 16 (d) Any phrase including the term "SCAT".

17 IV. Money damages and treble damages suffered by Plaintiff in an
18 amount to be ascertained.

19 V. An accounting for all Defendant's profits.

20 VI. Exemplary and punitive damages against Defendant.

21 VII. Reasonable attorneys' fees and costs of this civil action. 15
22 U.S.C. §1117(a).

23 VIII. All other injunctive and monetary relief which the Court deems
24 justifiable.

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DEMAND FOR JURY TRIAL

Plaintiff Scat Enterprises, Inc., hereby demands a trial by jury.

Dated: October 15, 2014

Respectfully submitted:

KELLY & KELLEY, LLP

/s/ Michael A. DiNardo

By: _____

John E. Kelly, Esq.
Michael A. DiNardo, Esq.
Attorneys for Plaintiff,
Scat Enterprises, Inc.