

1545 Wilshire Blvd, Suite 715

Los Angeles, CA 90017

Phone: (213) 202-3990 Fax: (213) 202-3996

INVOICE DATE: July 8, 2005**INVOICE NUMBER:** 06924-01

Client No. 1082

Client Law Office of Galen Gentry, PC

Address 1875 Century Park East, Suite 1770
Los Angeles, CA 90067

Phone: (310) 282-7521 Fax: (310) 282-7522

Client File No.:

Contact:

Case No.: SACV05 0615 AHS MLGX

Court: UNITED STATES DISTRICT COURT

Plaintiff: All Cities Realty, Inc., etc.

Defendant: CF Real Estate Loans, Inc., etc.

Servee: CF Real Estate Loans, Inc., a California Corporation, Doing Business as Remax A Cities Realty

Documents:

See Attached List of Documents

DESCRIPTION	SERVICES	CHARGES
Not Found - Returned Unserved. Regarding:CF Real Estate Loans, Inc., a California Corporation, Doing Business as Remax All Cities Realty at 400 S. Sepulvda Blvd. Ste. 100, Manhattan Beach, CA 90266. Cancel and return per Galen 7-7-05	Not Found (Bad Address)	\$ 24.00



RE/MAX
All Cities Realty

Fred Wade

Senior Receptionist

Weekend Receptionist Supervisor
"Ambassador of Lasting Impressions"

400 S. Sepulvda Boulevard, Suite 100

Manhattan Beach, California 90266

Office: (310) 376-2225

Fax: (310) 376-6522

Each Office Independently Owned & Operated

INVOICE TOTAL

\$ 24.

Order# 06924

Law Office of Galen Gentry, PC

Galen Gentry, 149413

1875 Century Park East, Suite 1770
Los Angeles, CA 90067

ATTORNEY FOR (Name): plaintiff

TELEPHONE NO.:
(310) 282-7521

FOR COURT USE ONLY

Insert name of court, judicial district or branch court, if any:

Ref. No. or File No.

UNITED STATES DISTRICT COURT
650 CAPITOL MALL
SACRAMENTO, CA 95814

PLAINTIFF:

All Cities Realty, Inc., etc.

DEFENDANT:

CF Real Estate Loans, Inc., etc.

NON SERVICE REPORT	DATE:	TIME:	DEPT/DIV:	CASE NUMBER:
				SACV05 0615 AHS MLGX

I am and was on the dates herein mentioned over the age of 18 and not a party to this action;
I received the following documents:

See Attached List of Documents

After due search, careful inquiry and diligent attempts at the following address(es), I have been unable to effect service of said process on:

Name: **CF Real Estate Loans, Inc., a California Corporation, Doing Business as
Remax All Cities Realty**

Business: **400 S. Sepulvda Blvd., Ste. 100
Manhattan Beach, CA 90266**

Process is being returned without service for the following reason(s):

June 29, 2005 03:29 pm

Service cannot be made at given address because service cannot be effected here. Must serve the authorized agent at another location.

June 29, 2005 03:30 pm

Located subject to: 12100 Wilshire Blvd., # 1700, Los Angeles, CA

Fee for Service: **\$24.50**

Registered California process server.

County: **Los Angeles**

Registration No.: **3368**

Expiration: **February 11, 2005**

**All-N-One Legal Support, Inc.
1545 Wilshire Blvd, Suite 715
Los Angeles, CA 90017
(213) 202-3990**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information is true and correct.

Date: **July 8, 2005**

Signature: _____


Derek Z. Lee

NON SERVICE REPORT

SERVICE LIST:

SUMMONS

COMPLAINT

CERTIFICATION AND NOTICE OF INTERESTED PARTIES

REPORT ON THE FILING OF DETERMINATION OF AN ACTION REGARDING A
PATENT OR TRADEMARK

PAMPHLET FROM UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF
CALIFORNIA CLERK'S OFFICE SERVICES FOR ATTORNEYS AND THE
GENERAL PUBLIC

NOTICE TO COUNSEL (FRONT AND BACK)

OPTICAL SCANNING ENROLLMENT/UPDATE FORM

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

CIVILITY AND PROFESSIONALISM GUIDELINES (4 PAGES)

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR
DISCOVERY

GALEN GENTRY
 Law Offices of Galen Gentry, P.C.
 1875 Century Park East, Suite 1770
 Los Angeles, CA 90067-2518

(310) 282-7521 (310) 282-7522 fax

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

ALL CITIES REALTY, INC.,
 a California Corporation

v.

PLAINTIFF(S)

CF REAL ESTATE LOANS, INC., a California
 Corporation, Doing Business As REMAX ALL
 CITIES REALTY, and DOES 1 to 20

DEFENDANT(S).

CASE NUMBER

SACV05 0615 AHS

SUMMONS

ME

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney
GALEN GENTRY, whose address is:

GALEN GENTRY
 Law Offices of Galen Gentry, P.C.
 1875 Century Park East, Suite 1770
 Los Angeles, CA 90067-2518

an answer to the complaint amended complaint counterclaim cross-claim
 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, judgement by default will be taken against you for the relief
 demanded in the complaint.

Dated: JUN 22 2005

Clerk, U.S. District Court

By: _____

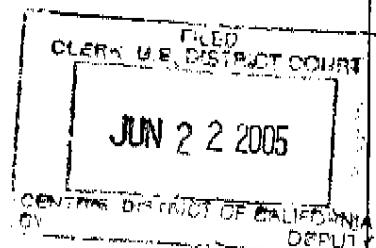
LIZ PADILLA

Deputy Clerk

(Seal of the Court)



1 GALEN GENTRY (State Bar No. 149413)
2 Law Offices of Galen Gentry
3 A Professional Corporation
4 1875 Century Park East, Suite 1770
5 Los Angeles, CA 90067
6 Telephone: (310) 282-7521
7 Facsimile: (310) 282-7522



8
9 Attorneys for Plaintiff
10 ALL CITIES REALTY, INC.

11
12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14 WESTERN DIVISION

15 SACV05 0615AHS

MLGX

16 ALL CITIES REALTY, INC., a California corporation } CASE NO.:
17 Plaintiff, } COMPLAINT FOR:
18 v. } 1. TRADEMARK
19 CF REAL ESTATE LOANS, INC. a California corporation Doing Business As } INFRINGEMENT;
REMAX ALL CITIES REALTY, and } 2. UNFAIR COMPETITION;
DOES 1 through 20, Inclusive, } 3. STATUTORY UNFAIR
Defendants. } COMPETITION [Cal. Bus. & Prof. Code § 17200 *et seq.*]
DEMAND FOR JURY TRIAL

20
21 Plaintiff ALL CITIES REALTY, INC. complains of defendant CF REAL
22 ESTATE LOANS, INC., Doing Business As REMAX ALL CITIES REALTY
23 ("CF REAL ESTATE LOANS, INC.") as follows:
24
25
26
27
28 ///

JURISDICTION AND VENUE

2 1. This action arises under federal trademark laws as well as state unfair
3 competition laws. Subject matter jurisdiction is founded upon 28 U.S.C. §§ 1331,
4 1338, and 1367. Venue lies in this district pursuant to 28 U.S.C. §§ 1391(b) and
5 1391(c).

PARTIES

7 2. ALL CITIES REALTY, INC. is a corporation organized and existing under
8 the laws of the state of California, and has its principal place of business in Costa
9 Mesa, Orange County, California.

10 3. ALL CITIES REALTY, INC. is a real estate broker licensed by the State of
11 California.

12 4. Plaintiff is informed and believes and on that basis alleges that defendant,
13 CF REAL ESTATE LOANS, INC., is a corporation organized and existing under
14 the laws of the state of California, and has its principal place of business in
15 Manhattan Beach, Los Angeles County, California.

16 5. Plaintiff is informed and believes and on that basis alleges that defendant,
17 CF REAL ESTATE LOANS, INC. is a real estate broker licensed by the State of
18 California.

19 6. ALL CITIES REALTY, INC. is unaware of the true names and capacities,
20 whether individual, corporate, associate, or otherwise of defendants Does 1
21 through 20 and therefore sues these defendants by their fictitious names. ALL
22 CITIES REALTY, INC. will seek leave to amend this Complaint when the
23 identities of the Doe defendants are known.

24 7. ALL CITIES REALTY, INC. is informed and believes and on that basis

1 alleges, that at all relevant times mentioned in this Complaint, defendants, and
2 each of them, were acting in concert and active participation with each other in
3 committing the wrongful acts alleged herein, and were the agents of each other
4 and were acting within the scope and authority of that agency and within the
5 knowledge, consent and approval of one another.

6 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

7 8. Pursuant to its license as a real estate broker, ALL CITIES REALTY, INC.
8 acts as an agent for individuals and entities in the purchase and sale of real
9 property.

10 9. ALL CITIES REALTY, INC. is informed and believes and on that basis
11 alleges that CF REAL ESTATE LOANS also acts as an agent for individuals and
12 entities in the purchase and sale of real property.

13 10. On March 21, 1997, Mr. Joseph Miner, President and shareholder of ALL
14 CITIES REALTY, INC. filed the fictitious business name "ALL CITIES
15 REALTY" in Orange County, California.

16 11. On December 14, 1999, Mr. Miner transferred the fictitious business name,
17 "ALL CITIES REALTY" to his corporation, ALL CITIES REALTY, INC.

18 12. On or about November 15, 1996, Mr. Miner registered the Internet domain
19 name "ALLCITIESREALTY.COM."

20 13. Mr. Miner thereafter transferred the domain name to his corporation ALL
21 CITIES REALTY, INC. which hosts a web site advertising its real estate
22 brokerage services.

23 14. On June 19, 2001 ALL CITIES REALTY, INC. was granted the registered
24 federal service mark "ALL CITIES REALTY", registration number 2462619, for

1 the classifications, IC 036; US 100 101 102; Goods and Services: Real Estate
2 Brokerage and Real Estate Appraisal Services.

3 THE INFRINGING ACTIONS

4 15. Plaintiff is informed and believes and on that basis alleges that defendant,
5 CF REAL ESTATE LOANS, INC. is a REMAX franchisee.

6 16. On or about August 8, 2002, defendant, CF REAL ESTATE LOANS, INC.
7 filed a fictitious business name statement for the name "REMAX ALL CITIES
8 REALTY" in Los Angeles County, California.

9 17. Plaintiff is informed and believes and on that basis alleges that defendant,
10 CF REAL ESTATE LOANS, INC., has been using the name REMAX ALL
11 CITIES REALTY to promote its real estate brokerage services.

12 18. Plaintiff is informed and believes and on that basis alleges that on or about
13 April 7, 2003, REMAX Beach Cities Realty registered the Internet domain name
14 "ALLCITIESREALTY.NET."

15 19. Plaintiff is informed and believes and on that basis alleges that, REMAX
16 Beach Cities Realty is a Fictitious Business Name of defendant, CF REAL
17 ESTATE LOANS, INC.

18 20. ALL CITIES REALTY, INC. demanded that CF REAL ESTATE LOANS,
19 INC. stop using the name "REMAX ALL CITIES REALTY," stop using the
20 Internet domain name "ALLCITIESREALTY.NET," and transfer the Internet
21 domain name registration for 'ALLCITIESREALTY.NET" to Plaintiff.

22 21. Defendant CF REAL ESTATE LOANS, INC. did not stop using the name
23 "REMAX ALL CITIES REALTY."

24 22. CF REAL ESTATE LOANS, INC. did cause Internet traffic to the domain
25

1 name "ALLCITIESREALTY.NET" to be redirected to the domain name
2 "ALLCITIESREALTY.COM," but Defendant has still not transferred the domain
3 name registration to ALL CITIES REALTY, INC.

4 23. Defendant's failure to transfer the domain name registration for
5 "ALLCITIESREALTY.NET" to Plaintiff can cause confusion in the marketplace
6 because if a person performs a "whois" look-up to determine the owner of the
7 domain name "ALLCITIESREALTY.NET" Defendant will be listed as the owner
8 instead of Plaintiff.

9 FIRST CLAIM FOR RELIEF

10 (Trademark Infringement - 15 U.S.C. § 1125(a) and 15 U.S.C. § 1114(1))

11 24. ALL CITIES REALTY, INC. repeats and realleges each and every
12 allegation of paragraphs 1 through 23 above as though fully set forth herein.

13 25. ALL CITIES REALTY, INC. currently uses its registered service mark,
14 "ALL CITIES REALTY" in interstate commerce to promote its real estate
15 brokerage services.

16 26. Defendant, CF REAL ESTATE LOANS, INC. has been using the name
17 "REMAX ALL CITIES REALTY" in interstate commerce in the promotion of its
18 real estate brokerage services.

19 27. Plaintiff, ALL CITIES REALTY, INC. has not given defendant, CF REAL
20 ESTATE LOANS, INC., permission to use in any way the registered service mark
21 "ALL CITIES REALTY."

22 28. Defendant's activities complained of herein constitute trademark
23 infringement in violation of 15 U.S.C. sections 1114 and 1125(a).

24 29. Defendant, CF REAL ESTATE LOANS, INC.'s activities are likely to

1 cause confusion, deception, and mistake among the consuming public as to the
2 true identity of Plaintiff's real estate brokerage services, to the injury of Plaintiff.

3 30. ALL CITIES REALTY, INC. has no adequate remedy at law for the above
4 actions of Defendant.

5 31. Unless CF REAL ESTATE LOANS, INC. is restrained by this Court from
6 continuing its unlawful infringement of ALL CITIES REALTY, INC.'s service
7 mark these injuries will continue to occur.

8 32. ALL CITIES REALTY, INC. is therefore entitled to preliminary and
9 permanent injunctions restraining and enjoining Defendant and its agents,
10 servants, and employees and all persons acting thereunder, in concert with, or on
11 their behalf from using ALL CITIES REALTY, INC.'s "ALL CITIES REALTY"
12 service mark or any colorable imitation or variation thereof, in connection with the
13 promotion of its real estate brokerage services or other real estate related services.

14 33. CF REAL ESTATE LOANS, INC. has willfully and deliberately infringed
15 on the service mark of ALL CITIES REALTY, INC. and it is entitled to recover
16 all damages sustained as a result of Defendant's unlawful conduct, including three
17 times Defendant's profits attributable to the unlawful use of the service mark, as
18 well as the costs of suit and reasonable attorney's fees pursuant to 15 U.S.C.
19 sections 1117, 1125(c)(2).

20 SECOND CLAIM FOR RELIEF

21 (California Common Law Unfair Competition)

22 34. ALL CITIES REALTY, INC. repeats and realleges each and every
23 allegation of paragraphs 1 through 23 and paragraphs 25 through 29 as though
24 fully set forth herein.

1 35. By reason of the foregoing, defendant CF REAL ESTATE LOANS, INC.
2 has been, and is, engaged in acts of unfair competition in violation of the common
3 law of California.

4 36. Such acts of unfair competition include deliberately using the service mark
5 "REMAX ALL CITIES REALTY", a confusingly similar service mark to ALL
6 CITIES REALTY, INC.'s "ALL CITIES REALTY" service mark, after such mark
7 had been in use by plaintiff for several years and even after such mark had been
8 registered as a federal service mark.

9 37. By said acts Defendant is exploiting Plaintiff's reputation and good will in
10 the market place for Defendant's own commercial gain.

11 38. As a consequence of Defendant's acts of unfair competition Plaintiff has
12 been damaged in an amount in excess of \$75,000.00 to be proven at trial.

13 39. In addition, the conduct of Defendant has been despicable, wanton,
14 oppressive, willful, malicious, and performed with conscious disregard of
15 Plaintiff's rights and with the intent to deprive Plaintiff of its rights.

16 40. Accordingly, Plaintiff is entitled to an award of punitive and exemplary
17 damages pursuant to California Civil Code section 3294.

18 41. Defendant's acts have damaged and will continue to cause irreparable
19 damage to Plaintiff's reputation and goodwill in the marketplace that money
20 cannot compensate, and Plaintiff therefore has no adequate remedy at law for
21 these wrongs and injuries.

22 42. Plaintiff, ALL CITIES REALTY, INC., is therefore entitled to preliminary
23 and permanent injunctions restraining and enjoining defendant and its agents,
24 servants, and employees and all persons acting thereunder, in concert with, or on

their behalf from using ALL CITIES REALTY, INC.'s "ALL CITIES REALTY" service mark or any colorable imitation or variation thereof, in connection with the promotion of its real estate brokerage services or other real estate related services.

THIRD CLAIM FOR RELIEF

(Statutory Unfair Competition - California Business and Professions Code § 17200 *et seq.*)

43. ALL CITIES REALTY, INC. repeats and realleges each and every allegation of paragraphs 1 through 23, paragraphs 25 through 29, and paragraphs 35 through 39 as though fully set forth herein.

44. By reason of the foregoing, defendant, CF REAL ESTATE LOANS, INC. has been and is engaged in unlawful, unfair, and fraudulent business practices in violation of California Business and Professions Code section 17200 *et seq.*

45. Such unlawful conduct includes violation of false advertising laws by perpetration of a scheme of false, unfair, misleading and deceptive advertising.

46. Defendant's acts have damaged and will continue to cause irreparable damage to Plaintiff's reputation and goodwill in the marketplace that money cannot compensate, and Plaintiff therefore has no adequate remedy at law for these wrongs and injuries.

47. Plaintiff, ALL CITIES REALTY, INC., is therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant and its agents, servants, and employees and all persons acting thereunder, in concert with, or on their behalf from using ALL CITIES REALTY, INC.'s "ALL CITIES REALTY" service mark or any colorable imitation or variation thereof, in connection with the promotion of its real estate brokerage services or other real estate related services.

1 Plaintiff is also entitled to an award of Defendant's unjust profits, Plaintiff's
2 actual damages, and Plaintiff's lost profits.

3 PRAYER FOR RELIEF

4 Plaintiff, ALL CITIES REALTY, INC., requests that this Court:

5 A. Enter preliminary and permanent injunctions requiring defendant, and all
6 those acting in concert or participation with Defendant, to refrain from infringing
7 or encouraging, aiding, or abetting others to infringe the "ALL CITIES REALTY"
8 service mark or any variation thereof, including without limitation in connection
9 with the promotion of defendant's real estate brokerage services or other real estate
10 services.

11 B. Award ALL CITIES REALTY, INC. damages, including costs, attorney's
12 and investigator's fees, ALL CITIES REALTY, INC.'s actual damages, and an
13 award of Defendant's profits attributable to Defendant's unauthorized use of the
14 "ALL CITIES REALTY" service- mark pursuant to 15 U.S.C. § 1117(a) and other
15 applicable laws.

16 C. Award ALL CITIES REALTY, INC. enhanced and treble damages
17 pursuant to 15 U.S.C. § 1117(a) as well as punitive and exemplary damages as a
18 consequence of Defendant's wanton, deliberate, malicious, and willful
19 infringement and misconduct.

20 D. Award such other and further relief as this Court deems just and proper.

21 ///

22 ///

23 ///

24

25

1 June _____, 2005

2 Law Offices of Galen Gentry

3 By: _____

4 Galen Gentry, Attorney for Plaintiff
5 ALL CITIES REALTY, INC.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

JURY DEMAND

Plaintiff, ALL CITIES REALTY, INC. respectfully requests a jury trial on all issues triable before a jury.

June 21, 2005

By:

Law Offices of Galen Gentry

Galen Gentry, Attorney for Plaintiff
ALL CITIES REALTY, INC.