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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY \_\_\_\_\_

8 Attorneys for Plaintiff

9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 CV09-06429 VBF (SSX)

12 JOHN RIGBY & CO. (GUNMAKERS),  
13 Inc., a California corporation,

Case No.:

14 Plaintiff,

COMPLAINT FOR FEDERAL  
TRADEMARK INFRINGEMENT;  
STATE TRADEMARK  
INFRINGEMENT; FEDERAL UNFAIR  
COMPETITION; STATE UNFAIR  
COMPETITION; FEDERAL TRADEMARK  
DILUTION; AND STATE TRADEMARK  
DILUTION

15 v.

16 JOHN RIGBY & CO. (GUNMAKERS),  
17 Ltd., believed to be a United Kingdom  
18 Limited company; PETER NERVING,  
19 believed to be a citizen of Denmark; MARK  
20 NEAL, believed to be a United Kingdom  
21 citizen; and DOES 1-25.

22 Defendants.

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25 Plaintiff JOHN RIGBY & CO. GUNMAKERS, INC. (hereinafter referred to  
26 as "Plaintiff") complains and alleges as follows:  
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JURISDICTION AND VENUE

1. This action arises under the Lanham Act, as amended (15 U.S.C. §§ 1114, 1116, 1117, 1125(a), and 1125(c)); California Business & Professions Code §§ 14320, 14330, 17200, *et seq.*, and 17500; and California common law.

Jurisdiction is proper under 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338(a) and 1338(b). Jurisdiction is also proper pursuant to this Court's supplemental jurisdiction as provided in 28 U.S.C. § 1367 in that the state law claims alleged herein are so related to the federal claims that they form part of the same case or controversy under Article III of the United States Constitution.

2. Venue is proper in this Judicial District under 28 U.S.C. §§ 1391(b) and 1391(c) in that Defendants markets its business to customers within this Judicial District via the internet and events or omissions giving rise to the claims including resulting damages occurred herein.

THE PARTIES

3. Plaintiff JOHN RIGBY & CO. (GUNMAKERS), INC. ("Plaintiff") is a California corporation, having its principal place of business at located at 500 Linne Road, Suite D, Paso Robles, CA 93446. Plaintiff is the exclusive owner of the trademarks which form the basis of this action.

4. a. Plaintiff is informed and believes, and on such basis alleges, that Defendant JOHN RIGBY & CO. (GUNMAKERS), Ltd. (hereinafter individually

1 "U.K. Company Defendant") is a U.K. company , having its principal place of  
2 business at Vicarage House - 58-60 Kensington Church Street - Kensington -  
3 London W8 4DB, UK, and is conducting business in California via the Internet,  
4 including this Judicial District and is likewise conducting specific acts complained  
5 of in this complaint in California, including this Judicial District.  
6

7  
8 b. Plaintiff is informed and believes, and on such basis alleges, that  
9 Defendant PETER NERVING (hereinafter individually "Nerving") is a Denmark  
10 citizen, residing and domiciled at Roennedevej 4, Roennede 4683, DK, and is  
11 conducting business in California via the Internet, including this Judicial District  
12 and is likewise conducting specific acts complained of in this complaint in  
13 California, including this Judicial District.  
14

15  
16 c. Plaintiff is informed and believes, and on such basis alleges, that  
17 Defendant MARK NEAL (hereinafter individually "Neal") is a United Kingdom  
18 citizen, residing and domiciled at Vicarage House - 58-60 Kensington Church  
19 Street - Kensington - London W8 4DB, UK, and is conducting business in  
20 California via the Internet, including this Judicial District and is likewise  
21 conducting specific acts complained of in this complaint in California, including  
22 this Judicial District.  
23

24  
25 d. Plaintiff is ignorant of the true names and capacities of Defendants sued  
26 herein as DOES 1 - 10, inclusive, and therefore sues said Defendants by such  
27 fictitious names. Plaintiff will amend this Complaint to allege said Defendants'  
28

1 true names and capacities when ascertained.

2 c. Plaintiff is informed and believes, and on such basis alleges that each of  
3 the aforementioned Defendants acted at all times alleged herein as the agent,  
4 employee, representative, and/or alter ego of the other Defendants; is responsible in  
5 some manner for the occurrences alleged herein; and caused the injuries alleged  
6 herein. The Defendants together with the Does shall hereinafter be referred to  
7 collectively as "Defendants."  
8

9  
10 GENERAL ALLEGATIONS  
11 PLAINTIFF AND THE JOHN RIGBY & CO. MARKS

12 5. Plaintiff custom makes, manufactures, sells, distributes, advertises, and  
13 licenses various types of rifles, shotguns and ammunition under its world renowned  
14 JOHN RIGBY & CO. trademarks .  
15

16 6. Plaintiff utilizes its JOHN RIGBY & CO. trademarks in various  
17 combinations on its products, in sales catalogs and in advertising and marketing  
18 materials to identify them as originating from Plaintiff.  
19

20 7. Plaintiff's JOHN RIGBY & CO. marks are extremely well-known in  
21 the United States, the United Kingdom and worldwide. This high level of name  
22 recognition among the public gives these marks lucrative appeal.  
23

24 8. In addition to the longstanding, international use and goodwill  
25 mentioned above, Plaintiff has registered its JOHN RIGBY & CO. marks at the  
26 United States Federal level, and in the United Kingdom. Presently, Plaintiff is the  
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1 owner of the following U.S. Federally Registered trademarks, among others: No.  
2 1386739 for the mark JOHN RIGBY & CO. which was registered with the USPTO  
3 on March 18, 1986 for Rifles, Shotguns and Ammunition in International Class 13;  
4 No. 1411231 for the mark RIGBY'S which was registered with the USPTO on  
5 September 30, 1986 for Rifles, Shotguns and Ammunition in International Class  
6 13; and No. 3500785 for the mark JR EST. 1735, which was registered with the  
7 USPTO on September 16, 2008 for the following goods: Rifles, Shotguns and  
8 Ammunition in International Class 13.

9  
10  
11  
12 9. Plaintiff's above referenced trademarks are hereinafter collectively  
13 referred to as the "JOHN RIGBY & CO. Marks."

14  
15 10. For almost three centuries Plaintiff and its predecessors in interest  
16 have made guns upon which men have staked their lives, including hunting rifles,  
17 'best' sidelock shotguns and other firearms for more serious situations. Rigby's  
18 quality and reliability has been such that John Rigby & Co. has received Royal  
19 Warrants from five British Monarchs dating from the Eighteenth Century to the  
20 present day.

21  
22  
23 11. In addition to this worldwide fame and goodwill dating back to the  
24 1700's, as a result of Plaintiff's efforts through advertising, promotions, sales, and  
25 customer service, as well as favorable recommendations by Plaintiff's customers,  
26 Plaintiff's JOHN RIGBY & CO. products have achieved enormous popularity  
27 among the public. As a result of these efforts and Plaintiff's and its predecessors in  
28

1 interest's exclusive use of the JOHN RIGBY & CO. Marks, the JOHN RIGBY &  
2 CO. Marks have acquired substantial goodwill and secondary meaning for a long  
3 period of time, serving as an indicator of Plaintiff as the source of origin of its  
4 products.  
5

6 12. By virtue of the JOHN RIGBY & CO. Marks' inherent distinctiveness  
7 and acquired secondary meaning; the long duration and international usage  
8 exclusively by Plaintiff and its predecessors in interest of the JOHN RIGBY & CO.  
9 Marks for rifles, shotguns and ammunition, and related products and services;  
10 Plaintiff's extensive advertising and publicity of the JOHN RIGBY & CO. Marks;  
11 and the extremely high degree of recognition of the mark in the trading areas and  
12 channels of trade used by Plaintiff; the JOHN RIGBY & CO. Marks, and each of  
13 them, are famous under 15 U.S.C. § 1125(c)(1) of the Federal Trademark Dilution  
14 Act of 1995.  
15  
16  
17

18 **Defendants' Unlawful Conduct; Trademark Infringement,**

19 **Unfair Competition and Trademark Dilution**

20  
21 13. Plaintiff is informed and believes, and on such basis alleges, that  
22 Defendants market and sell custom made rifles and shotguns under the name JOHN  
23 RIGBY & CO (GUNMAKERS), LTD and JNO. RIGBY & CO, and have  
24 improperly registered the infringing domain name [www.johnrigbylondon.com](http://www.johnrigbylondon.com) to  
25 sell competing knock-off products.  
26  
27

28 14. Plaintiff is informed and believes, and on such basis alleges, that

1 Defendants have advertised their services using the JOHN RIGBY & CO. Marks in  
2 international magazines and on the Internet, where consumers confuse its products  
3 and services with Plaintiff's products sold right alongside one another and in search  
4 results.  
5

6 15. Defendants have no right, license or other authority from Plaintiff to  
7 use any of the JOHN RIGBY & CO. Marks for any purpose.  
8

9 16. Defendants knew of the JOHN RIGBY & CO. Marks and that the  
10 same were owned by someone other than themselves; knew that the JOHN RIGBY  
11 & CO. Marks were distinctive and famous; and knew that Defendants had not  
12 received any authority from Plaintiff to use the JOHN RIGBY & CO. Marks or any  
13 other marks confusingly similar thereto, for any purposes.  
14

15 17. Defendants' unlawful activities result in irreparable injury and damage  
16 to Plaintiff's reputation.  
17

18 18. Additionally, Defendants' unlawful activities injure the public by  
19 depriving the public of the right to be free of confusion in the marketplace.  
20

21 19. Plaintiff is informed and believes, and on such basis alleges, that  
22 Defendant has deliberately, willfully, and maliciously used the JOHN RIGBY &  
23 CO. Marks in order to trade on the goodwill that Plaintiff has attained in the JOHN  
24 RIGBY & CO. Marks, to dilute the JOHN RIGBY & CO. Marks and to confuse the  
25 public into believing that Defendants' unauthorized use is licensed or authorized by  
26 Plaintiff.  
27  
28

1 FIRST CLAIM FOR RELIEF

2 (Federal Trademark Infringement)

3  
4 20. This claim for relief arises under 15 U.S.C. § 1114 and is alleged  
5 against all Defendants.

6  
7 21. Plaintiff realleges the allegations in paragraphs 1 through 19 of this  
8 Complaint as though fully set forth herein.

9  
10 22. Plaintiff is the owner of the Federally Registered trademarks, including  
11 the JOHN RIGBY & CO. Marks set forth above. These trademarks are inherently  
12 distinctive and have, in addition, acquired substantial goodwill and secondary  
13 meaning.

14  
15 23. Plaintiff is informed and believes, and on such basis alleges, that  
16 Defendants are using marks confusingly similar or identical to the JOHN RIGBY &  
17 CO. Marks.

18  
19 24. Defendants have not been authorized by Plaintiff to use any JOHN  
20 RIGBY & CO. Marks or any mark similar thereto, for any purpose whatsoever,  
21 including the use of the JOHN RIGBY & CO. Marks in connection with shotguns,  
22 rifles or any products of any kind.

23  
24 25. Defendants' unauthorized use of the JOHN RIGBY & CO. Marks or  
25 any mark similar thereto is likely to confuse the public as to the source, origin,  
26 sponsorship and affiliation of the goods sold by Defendants.

27  
28 26. Defendants' unauthorized use is likely leading the public to believe



1 Defendants' goods are sponsored by Plaintiff, or with the permission, approval or  
2 endorsement of Plaintiff.

3  
4 27. Defendants' unlawful activities injure the public by depriving the  
5 public of the right to be free from confusion in the marketplace.

6 28. By reason of this unauthorized use of the JOHN RIGBY & CO.  
7 Marks, Defendants have unlawfully and wrongfully derived, and will continue to  
8 unlawfully and wrongfully derive, income and profits from these infringing acts,  
9 and Plaintiff has sustained, and will continue to sustain, substantial injury, loss and  
10 damage in an amount according to proof.

11  
12 29. Plaintiff is informed and believes, and on such basis alleges, that this  
13 infringing use by Defendants has been deliberate and willful, entitling Plaintiff to  
14 increased damages and attorneys fees.

15  
16 30. Plaintiff is informed and believes, and on such basis alleges, unless  
17 restrained and enjoined by this Court, Defendants will continue to infringe  
18 Plaintiff's trademark rights and cause confusion, deception and mistake among the  
19 trade and the consuming public as to the source and sponsorship of the services  
20 provided and sold by Defendants.

21  
22 31. Defendants' activities have caused Plaintiff irreparable injury and  
23 unless Defendants' acts are immediately and permanently enjoined, Defendants will  
24 continue to use the JOHN RIGBY & CO. Marks, thus continuing to infringe upon  
25 Plaintiff's rights.  
26  
27  
28

1 32. Plaintiff has no adequate remedy at law.

2 SECOND CLAIM FOR RELIEF

3  
4 (California Trademark Infringement)

5 33. This claim for relief arises under California Business & Professions  
6 Code § 14320 and California common law and is alleged against all Defendants.

7  
8 34. Plaintiff realleges the allegations in paragraphs 21 through 32 of this  
9 Complaint as though fully set forth herein.

10 35. Plaintiff is the owner of common law trademarks, and federally  
11 registered trademarks, including the JOHN RIGBY & CO. Marks set forth above.  
12 These trademarks are inherently distinctive and have, in addition, acquired  
13 substantial goodwill and secondary meaning.

14  
15 36. Defendants' unauthorized use of marks confusingly similar to the  
16 JOHN RIGBY & CO. Marks is likely to confuse the public as to the source, origin,  
17 sponsorship and affiliation of the goods sold by Defendants.

18  
19 37. Defendants have infringed upon Plaintiff's rights by using marks  
20 confusingly similar to the JOHN RIGBY & CO. Marks in connection with their  
21 goods well after Plaintiff had used the JOHN RIGBY & CO. Marks and made them  
22 famous.

23  
24 38. By reason of this unauthorized use of marks confusingly similar to the  
25 Plaintiff's Marks, Defendants have unlawfully and wrongfully derived, and will  
26 continue to unlawfully and wrongfully derive, income and profits from these  
27  
28

1 infringing acts, and Plaintiff has sustained, and will continue to sustain, substantial  
2 injury, loss and damage in an amount according to proof.

3  
4 39. Plaintiff is informed and believes, and on such basis alleges, that this  
5 infringing use by Defendants has been deliberate and willful, entitling Plaintiff to  
6 increased damages and attorneys fees.

7  
8 40. Plaintiff is informed and believes, and on such basis alleges, unless  
9 restrained and enjoined by this Court, Defendants will continue to infringe  
10 Plaintiff's trademark rights and cause confusion, deception and mistake among the  
11 trade and the consuming public as to the source of the goods sold by Defendants.

12  
13 41. Defendants' activities have caused Plaintiff irreparable injury and  
14 unless Defendants' acts are immediately and permanently enjoined, Plaintiff will  
15 continue to suffer irreparable harm and injury.

16  
17 42. Plaintiff has no adequate remedy at law.

18 THIRD CLAIM FOR RELIEF

19 (Federal Unfair Competition)

20  
21 43. This claim for relief arises under 15 U.S.C. § 1125(a) and is alleged  
22 against all Defendants.

23  
24 44. Plaintiff realleges the allegations in paragraphs 34 through 42 of this  
25 Complaint as though fully set forth herein.

26  
27 45. As alleged previously, Plaintiff is the owner of the JOHN RIGBY &  
28 CO. Marks, which trademarks have acquired substantial goodwill and secondary

1 meaning.

2 46. As also alleged above, Defendants have used marks confusingly  
3 similar to the JOHN RIGBY & CO. Marks in connection with Defendants'  
4 competing guns, without permission or authority from Plaintiff.  
5

6 47. Defendants have not obtained from Plaintiff any license or other  
7 permission to use any of the JOHN RIGBY & CO. Marks or marks confusingly  
8 similar thereto for any purpose whatsoever.  
9

10 48. Defendants' unauthorized use of marks confusingly similar to the  
11 JOHN RIGBY & CO. Marks, constitutes a false designation of origin and false or  
12 misleading representation of fact, which is likely to cause confusion, mistake, or to  
13 deceive customers and potential customers as to the source, origin, sponsorship and  
14 affiliation of the goods sold by Defendants.  
15

16 49. Defendants' above-mentioned use of the JOHN RIGBY & CO. Marks,  
17 and marks confusingly similar thereto constitute violations of Section 43(a) of the  
18 Lanham Act (15 U.S.C. §1125(a)).  
19

20 50. Defendants have unlawfully and wrongfully derived, and will continue  
21 to unlawfully and wrongfully derive, income and profits from these acts of false  
22 designation of origin and false representation, and Plaintiff has sustained, and will  
23 continue to sustain, substantial injury, loss and damage in an amount to be proven  
24 at trial.  
25

26 51. Defendants' activities have caused Plaintiff irreparable injury and  
27  
28

1 unless Defendants' acts are immediately and permanently enjoined, Plaintiff will  
2 continue to suffer irreparable harm and injury.

3  
4 52. Plaintiff has no adequate remedy at law.

5 FOURTH CLAIM FOR RELIEF

6 (California Unfair Competition)

7  
8 53. This claim for relief arises under the California Business &  
9 Professions Code §§17200, *et seq.* and 17500 and is alleged against all Defendants.

10 54. Plaintiff realleges the allegations in paragraphs 44 through 52 of this  
11 Complaint as though fully set forth herein.

12 55. Defendants' conduct is unfair and deceptive behavior pursued in the  
13 course of their businesses in that their actions were likely to deceive present and  
14 potential customers of Defendants and of Plaintiff.

15 56. Defendants have willfully decided to unfairly compete with Plaintiff  
16 by misappropriating Plaintiff's proprietary Marks by unlawfully using marks  
17 confusingly similar to Plaintiff's proprietary marks in an attempt to trade on  
18 Plaintiff's goodwill and confuse consumers as to the source, origin, sponsorship  
19 and affiliation of the goods sold by Defendants.

20 57. Defendants have unlawfully derived income and profits from their  
21 activities and will continue to so derive income and profits from their acts of unfair  
22 competition, and Plaintiff has sustained, and will continue to sustain, substantial  
23 injury, loss and damage in an amount according to proof.

1 58. Defendants' activities have caused Plaintiff irreparable injury and  
2 unless Defendants' acts are immediately and permanently enjoined, Plaintiff will  
3 continue to suffer irreparable harm and injury.  
4

5 59. Plaintiff has no adequate remedy at law.

6 **FIFTH CLAIM FOR RELIEF**

7  
8 (Federal Trademark Dilution)

9 60. This claim for relief arises under 15 U.S.C. §1125(c) and is alleged  
10 against all Defendants.  
11

12 61. Plaintiff realleges the allegations in paragraphs 54 through 59 of this  
13 Complaint as though fully set forth herein.

14 62. Plaintiff is the owner of the JOHN RIGBY & CO. Marks set forth  
15 above. These trademarks are inherently distinctive, have acquired substantial  
16 goodwill and secondary meaning, and are famous within the meaning of 15 U.S.C.  
17 § 1125(c)(1) of the Federal Trademark Dilution Act of 1995.  
18

19 63. Defendants are using marks confusingly similar to the JOHN RIGBY  
20 & CO. Marks without authorization from Plaintiff in connection with the custom  
21 manufacture and sale of guns.  
22

23 64. Defendants have not been authorized by Plaintiff to use any of the  
24 JOHN RIGBY & CO. Marks or any marks confusingly similar thereto for any  
25 purpose whatsoever, including the manufacture and sale of guns.  
26

27 65. Defendants' use of marks confusingly similar to the JOHN RIGBY &  
28

1 CO. Marks dilutes the marks by lessening their capacity to identify and distinguish  
2 Plaintiff's goods in the stream of commerce.

3  
4 66. Defendants' use of marks confusingly similar to the JOHN RIGBY &  
5 CO. Marks occurred only after the marks had become famous.

6  
7 67. By reason of this unauthorized use of marks confusingly similar to the  
8 JOHN RIGBY & CO. Marks, Defendants have unlawfully and wrongfully derived,  
9 and will continue to unlawfully and wrongfully derive, income and profits from  
10 these diluting acts, and Plaintiff has sustained, and will continue to sustain,  
11 substantial injury, loss and damage in an amount according to proof.

12  
13 68. Plaintiff is informed and believes, and on such basis alleges that,  
14 through this use, Defendants deliberately and willfully intended to trade on the  
15 goodwill that Plaintiff has attained in the JOHN RIGBY & CO. Marks and to cause  
16 dilution of the JOHN RIGBY & CO. Marks, entitling Plaintiff to increased  
17 damages and attorneys fees.

18  
19  
20 69. Plaintiff is informed and believes, and on such basis alleges that,  
21 unless restrained and enjoined by this Court, Defendants will continue to use marks  
22 confusingly similar to the JOHN RIGBY & CO. Marks, thus continuing to cause  
23 the dilution of the JOHN RIGBY & CO. Marks.

24  
25 70. Defendants' activities have caused Plaintiff irreparable injury and  
26 unless Defendants' acts are immediately and permanently enjoined, Plaintiff will  
27 continue to suffer irreparable harm and injury.  
28

1 71. Plaintiff has no adequate remedy at law.

2 SIXTH CLAIM OF RELIEF

3 (California Trademark Dilution)

4  
5 72. This claim for relief arises under California Business & Professions  
6 Code § 14330, and is alleged against all Defendants.

7  
8 73. Plaintiff realleges the allegations of paragraphs 61 through 71 of this  
9 Complaint as though fully set forth herein.

10 74. Plaintiff is the owner of common law trademarks, and federally  
11 registered trademarks, including the JOHN RIGBY & CO. Marks set forth above.  
12 These trademarks are inherently distinctive and have, in addition, acquired  
13 substantial goodwill and secondary meaning.

14  
15 75. Plaintiff is informed and believes, and on such basis alleges that  
16 Defendants, with full knowledge of the public recognition of the JOHN RIGBY &  
17 CO. Marks, have used marks confusingly similar to the JOHN RIGBY & CO.  
18 CO. Marks, have used marks confusingly similar to the JOHN RIGBY & CO.  
19 Marks on their goods, on their website, and in Internet marketing of products  
20 without authorization from Plaintiff.

21  
22 76. The aforementioned actions of Defendants have caused, and are likely  
23 to continue to cause, injury to Plaintiff's business and professional reputation and to  
24 dilute the distinctive quality of the JOHN RIGBY & CO. Marks in violation of  
25 Section 14330 of the California Business & Professions Code.

26  
27 77. Defendants' activities have caused Plaintiff irreparable injury and  
28



1 unless Defendants' acts are immediately and permanently enjoined, Plaintiff will  
2 continue to suffer irreparable harm and injury.

3  
4 78. Plaintiff has no adequate remedy at law.

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

6  
7 1. That the Court issue a preliminary injunction restraining, enjoining and  
8 prohibiting Defendants, and their officers, agents, employees and attorneys, and any  
9 person in active concert or participation with them or who are acting under their  
10 direction, and each of them, from the following:

11  
12 (a) diluting the JOHN RIGBY & CO. Marks and damaging Plaintiff's  
13 goodwill, reputation and business related thereto,

14  
15 (b) using the JOHN RIGBY & CO. Marks in any manner or form or any  
16 mark confusingly similar thereto, including but not limited to JOHN RIGBY & CO.  
17 (GUNMAKERS), LTD. and JNO RIGBY & CO., and from causing, contributing to  
18 or participating in, the unauthorized display and/or distribution of the JOHN  
19 RIGBY & CO. Marks to the public in connection with any service or product,

20  
21 (c) engaging in conduct which tends falsely to represent or is likely to  
22 confuse, mislead or deceive members of the public,

23  
24 (d) Otherwise unfairly competing with Plaintiff in any manner, and

25  
26 (e) Continuing to perform in any manner whatsoever any of the other acts  
27 complained of in this Complaint;

28 2. That this Court issue a permanent injunction, prohibiting Defendants

1 from directly or indirectly diluting or infringing the JOHN RIGBY & CO. Marks in  
2 any manner or form or any mark confusingly similar thereto, including but not  
3 limited to JOHN RIGBY & CO. (GUNMAKERS), LTD. and JNO RIGBY & CO.,  
4 and in any manner unfairly competing with Plaintiff; and from inducing, or  
5 contributing to or participating in any such acts referred to in paragraph 1 of this  
6 prayer;  
7

8  
9 3. That the Court award Plaintiff its damages from Defendants including  
10 recovery of any compensatory damages sustained by Plaintiff as a result of  
11 Defendants' diluting, infringing and/or tortuous activities described herein;  
12

13 4. That the Court order Defendants to account for all gains, profits and  
14 advances derived by Defendants from the acts complained of, together with  
15 appropriate interest thereon;  
16

17 5. That the Court further award Plaintiff an increase in damages in an  
18 amount found or assessed as a result of willful acts of trademark dilution, trademark  
19 infringement, and unfair competition under 15 U.S.C. § 1117;  
20

21 6. That Defendants pay Plaintiff's costs and disbursements in this action,  
22 together with reasonable attorneys' fees;  
23

24 7. That Plaintiff be awarded punitive damages;

25 8. That Defendants domain name [johnrigbylondon.com](http://johnrigbylondon.com) be transferred to  
26 Plaintiff; and  
27

28 8. That Plaintiff have such other and further relief as the Court may deem

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1 just and proper.

2

3

4 DATED: August 24, 2009

**CHARLSTON, REVICH & WOLLITZ  
LLP**

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6

7

By: 

8

**Michael P. Martin**

9

Attorneys for Plaintiff, John Rigby &  
Co. (Gunmakers), Inc.

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