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10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**

13 **JGX, INC., a California corporation;**  
 14 **NICK BOVIS;**  
 15 **BOVIS FOODS, LLC; and**  
 16 **SMTM TECHNOLOGY, LLC, a limited**  
 17 **liability company,**  
 18 **Plaintiffs,**  
 19 **v.**  
 20 **JON HANDLERY;**  
 21 **HANDLERY HOTELS, a California**  
 22 **corporation;**  
 23 **SAM SINGER; and**  
 24 **SINGER ASSOCIATES, INC.,**  
 25 **Defendants.**

Case No.

COMPLAINT FOR:

1. **TRADEMARK INFRINGEMENT;  
FALSE DESIGNATION OF ORIGIN  
AND FALSE DESCRIPTION (LANHAM  
ACT § 43(A), 15 U.S.C. § 1125(A));**
2. **DILUTION (LANHAM ACT § 43(C),  
15 U.S.C. § 1125(C));**
3. **TRADEMARK INFRINGEMENT  
(COMMON LAW);**
4. **DILUTION (CAL. BUS. & PROF. CODE  
§ 14330 AND COMMON LAW); and**
5. **UNFAIR COMPETITION (CAL. BUS. &  
PROF. CODE § 17200)**

**DEMAND FOR JURY TRIAL**

**TABLE OF CONTENTS**

|   | Page |
|---|------|
| I. <b><u>NATURE OF ACTION</u></b> .....   | 1    |
| II. <b><u>PARTIES</u></b> .....   | 5    |
| A. <b>PLAINTIFFS</b> .....  | 5    |
| B. <b>DEFENDANTS</b> .....  | 5    |
| III. <b><u>JURISDICTIONAL STATEMENT</u></b> .....   | 6    |
| A. <b>JURISDICTION</b> .....  | 6    |
| B. <b>VENUE</b> .....   | 6    |
| C. <b>INTRADISTRICT ASSIGNMENT</b> .....  | 6    |
| IV. <b><u>FACTUAL ALLEGATIONS</u></b> .....   | 6    |
| A. <b>PLAINTIFF USES IN COMMERCE AND PROTECTS LEFTY O’DOUL’S</b> .....  | 6    |
| B. <b>DEFENDANTS UNLAWFULLY USE LEFTY O’DOUL’S AND THREATEN TO<br/>EXPAND THEIR UNLAWFUL USE</b> .....  | 9    |
| V. <b><u>CAUSES OF ACTION</u></b> .....   | 10   |
| <b><u>FIRST CAUSE OF ACTION</u></b><br>(Trademark Infringement; False Designation of Origin/Description<br>Lanham Act § 43(a), 15 U.S.C. § 1125(a)) ..... | 10   |
| <b><u>SECOND CAUSE OF ACTION</u></b><br>(Trademark Infringement - Common Law) .....   | 11   |
| <b><u>THIRD CAUSE OF ACTION</u></b><br>(Dilution — Lanham Act § 43(c), 15 U.S.C. § 1125(c)) .....   | 12   |
| <b><u>FOURTH CAUSE OF ACTION</u></b><br>(Dilution - Cal. Bus. & Prof. Code § 14330 and Common Law) .....  | 13   |
| <b><u>FIFTH CAUSE OF ACTION</u></b><br>(Unfair Competition - Cal. Bus. & Prof. Code § 17200 and Common Law) .....   | 14   |
| <b><u>PRAYER FOR RELIEF</u></b> .....   | 15   |
| <b><u>JURY DEMAND</u></b> .....   | 17   |

1 Plaintiffs JGX, INC., NICK BOVIS, BOVIS FOODS, LLC, and SMTM TECHNOLOGY,  
2 LLC, doing business as LEFTY O'DOUL'S, bring this action to enjoin Defendants, and each of  
3 them, from their threatened and unauthorized use of Plaintiffs' intellectual property, especially the  
4 LEFTY O'DOUL'S trademark. Plaintiffs seek preliminary and permanent injunctive relief and  
5 damages under the laws of the United States and the State of California and allege on knowledge  
6 as to themselves and their own acts, and on information and belief as to all other matters, as  
7 follows:

8 **I. NATURE OF ACTION**

9 1. LEFTY O'DOUL'S is a San Francisco landmark. Since 1958, hundreds of  
10 thousands of San Francisco residents and tourists, young and old, have walked through the doors  
11 of LEFTY O'DOUL'S, many just to sit down for a quick meal and drink and to unwind after a  
12 long day of shopping, sight-seeing, or working. LEFTY O'DOUL'S is more than a restaurant  
13 and lounge. LEFTY O'DOUL'S also offers customers the unique chance to see one of a kind  
14 baseball memorabilia, rare celebrity photos, and "the best deal on the square."



1           2.       Born in San Francisco, Francis “Lefty” O’Doul is considered one of baseball’s  
2 most colorful and popular personalities. Lefty played in the Pacific Coast League as well as the  
3 Major Leagues, where in 1929 he had a .398 batting average, which was the highest average of  
4 any National League outfielder in the 20th century. Lefty was a highly respected coach and  
5 manager for the San Francisco Seals baseball team. He was a friend and teammate to the great  
6 players of all time, such as Joe DiMaggio, Babe Ruth, and Ty Cobb. Lefty was the man who  
7 brought two countries together after World War II. Lefty was credited for bringing America’s  
8 favorite past-time, baseball, to Japan.

9           3.       In 1958, Lefty had an inspiration to open a restaurant bar in San Francisco where  
10 friends and family could come to eat and meet with sports stars, creating a unique environment  
11 where everyone was family. Over the years LEFTY O’DOUL’S restaurant has seen the likes of  
12 some of the greatest figures from sports and Hollywood. LEFTY O’DOUL’S has constantly  
13 stiven for quality food and quality service with the Old World Charm of baseball's past.

14           4.       Plaintiffs also established LEFTY O’DOUL’S Foundation For Kids, in memory  
15 of Lefty. In 1927, in order to stop Lefty from tossing so many baseballs to children in the left-  
16 field bleachers, Seals owner Charlie Graham agreed to sponsor a Kids Day, where youngsters  
17 were admitted to the ballgame for free. 10,000 kids filed into Recreation Park in San Francisco  
18 that day where Lefty helped distribute 5,000 miniature bats, thousands of bags of peanuts and a  
19 half dozen flour sacks full of baseballs. One by one, Lefty tossed the balls from the roof of the  
20 park’s grandstand to screaming children in the crowd below. Needless to say, children loved  
21 Lefty.

22           5.       Among the Foundation’s sponsored activities is LEFTY O’DOUL’S Kids Day at  
23 AT&T Park. LEFTY O’DOUL’S cares deeply about the health and happiness of the many kids  
24 within the San Francisco Bay Area community outreach programs. Lefty's Kids Day gives  
25 under-privileged kids around the Bay Area the chance to experience the excitement of attending

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1 a Giants ballgame. Similarly, LEFTY O'DOUL'S organizes Gloves Across The Bay. LEFTY  
2 O'DOUL'S helps these kids create memories that they can cherish for the rest of their lives.



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15 6. Since 1958, Plaintiffs and their predecessors have been the owners of the LEFTY  
16 O'DOUL'S® brand name and trademark. Plaintiffs have used the LEFTY O'DOUL'S  
17 trademark since 1958 to identify their services in California, in the United States, and worldwide.  
18 The general consuming public of the United States widely recognizes the LEFTY O'DOUL'S  
19 mark as designating Plaintiffs as the source of services and/or goods.

20 7. On December 8, 2009, LEFTY O'DOUL'S® became a registered trademark with  
21 the U.S. Patent and Trademark Office (“USPTO”) for use in connection with “restaurant and  
22 bar” services. *See* USPTO Registration No. 3721083, attached hereto as **Exhibit 1**. The  
23 registration is now owned by Plaintiff SMTM TECHNOLOGY following an assignment of  
24 ownership from Plaintiff JGX, INC.

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1 8. Examples of the displays of numerous pieces of sports memorabilia at LEFTY  
2 O'DOUL'S are set forth below:



13  
14 9. Since 1997, Defendants Handlery Hotels, Inc. and Jon Handlery have known that  
15 Plaintiffs own and have asserted all rights to Plaintiffs' intellectual property, including the  
16 LEFTY O'DOUL'S mark, in connection with a restaurant and bar displaying sports  
17 memorabilia. At no point prior to January 12, 2017 did anyone from Defendants Handlery  
18 Hotels, Inc. or Jon Handlery indicate or suggest that they owned Plaintiffs' intellectual property,  
19 including the LEFTY O'DOUL'S mark, in connection with a restaurant and bar displaying sports  
20 memorabilia.

21 10. On or about January 12, 2017, Handlery Hotels, Inc., through its agents, began to  
22 publicly insist that the Handlery family owns the restaurant name, contents, and all memorabilia.  
23 According to Defendant Sam Singer, who was then acting on behalf of the Handlery defendants:

24 **“None of that belongs to (the Bovis family); it's always belonged to**  
25 **the Handlery family. They better look at their lease more**  
26 **carefully.”**

27 11. At the same time, Defendants, through Defendant Sam Singer, stated the  
28 Handlerys would reopen the restaurant — with the O'Doul's name — under new management:

1           **“After the restaurant closes Feb. 3, a renovation and refurbishment**  
2           **will begin. The memorabilia and interior of property will be part of**  
3           **the establishment in its new form,”** Singer posted on TheSFNews.com  
4           **website. “We don’t have a grand re-opening date yet, but rest assured**  
5           **that Lefty’s will reopen under new and improved management in the**  
6           **same location at 333 Geary as part of the Handlery Hotel family of**  
7           **properties.”**

8           12. Defendants have threatened that they are and will be improperly using Plaintiffs’  
9           intellectual property, including the LEFTY O’DOUL’S mark, in connection with a restaurant and  
10           bar displaying sports memorabilia. Based on Plaintiffs’ registered trademark and use,  
11           Defendants’ uses of Plaintiffs’ intellectual property, including the LEFTY O’DOUL’S mark, is  
12           unauthorized and unlawful.

## 13           **II. PARTIES**

### 14           **A. PLAINTIFFS**

15           13. Plaintiff JGX, INC. is a California corporation, with its principal place of business  
16           at LEFTY O’DOUL’S, 333 Geary St., San Francisco, CA.

17           14. Plaintiff Nick Bovis is a resident of San Mateo County. Nick Bovis manages the  
18           other Plaintiffs.

19           15. Plaintiff Bovis Foods, LLC is a California limited liability corporation, with its  
20           principal place of business at LEFTY O’DOUL’S, 333 Geary St., San Francisco, CA.

21           16. Plaintiff SMTM TECHNOLOGY, LLC, doing business as LEFTY O’DOUL’S, is  
22           a limited liability corporation organized and existing under the laws of the State of California  
23           and has its principal place of business in San Mateo County, California.

### 24           **B. DEFENDANTS**

25           17. Defendant JON HANDLERY is a resident of San Mateo County, CA.

26           18. On information and belief, Defendant HANDLERY HOTELS is a California  
27           corporation, with its principal place of business at 180 Geary St., Suite 700, San Francisco, CA

28           19. Defendant SAM SINGER is a resident of Berkeley, CA.

          20. Defendant SINGER ASSOCIATES, INC. is a California corporation, with its  
          principal place of business at 47 Kearny Street, Second Floor, San Francisco, CA.

1 **III. JURISDICTIONAL STATEMENT**

2 **A. JURISDICTION**

3 21. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and  
4 1338, 15 U.S.C. §§ 1116 and 1125, and 28 U.S.C. § 1367.

5 **B. VENUE**

6 22. Venue lies within this district because a substantial part of the events giving rise  
7 to these claims occurred in this district and Defendants reside in this judicial district for purposes  
8 of 28 U.S.C. §1391(b) and (c).

9 **C. INTRADISTRICT ASSIGNMENT**

10 23. This action arises in San Francisco County because a substantial part of the events  
11 giving rise to the claim occurred in San Francisco County. This is an intellectual property action  
12 subject to district-wide assignment pursuant to Civil Local Rule 3-2(c).

13 **IV. FACTUAL ALLEGATIONS**

14 **A. PLAINTIFF USES IN COMMERCE AND PROTECTS LEFTY O'DOUL'S**

15 24. On or around December 19, 1997, Jim and Gracia Bovis entered into a lease with  
16 Defendant Handlery Hotels, Inc. for the location of LEFTY O'DOUL'S at 333 Geary Street in  
17 San Francisco, CA.

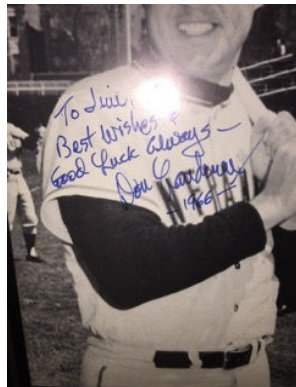
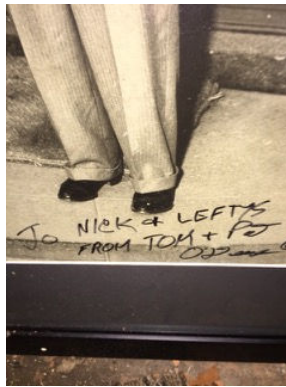
18 25. From on or around December 19, 1997 through early January 1998, Jim Bovis,  
19 Gracia Bovis, and Nick Bovis worked with Don Figone, the previous restaurant and bar operator  
20 at 333 Geary Street, to take over operation of LEFTY O'DOUL'S. Like Mr. Figone and the  
21 famed baseball legend, Lefty O'Doul before him, Jim Bovis, Gracia Bovis, and Nick Bovis were  
22 not simply managers of LEFTY O'DOUL'S. They operated LEFTY O'DOUL'S as if it was one  
23 of San Francisco's true landmarks.

24 26. At no point in any lease negotiations with Defendant Handlery Hotels, Inc. did  
25 anyone from Defendant Handlery Hotels, Inc. indicate or suggest that Defendant Handlery  
26 Hotels, Inc. owned the trademark for LEFTY O'DOUL'S, owned the memorabilia then-existing  
27 at 333 Geary Street, or owned any other aspect of the intellectual property involved in running  
28 the LEFTY O'DOUL'S operation.



1 27. Because Plaintiffs own the intellectual property, including the LEFTY  
2 O'DOUL'S mark, Defendant Handlery Hotels, Inc. and Plaintiff JGX agreed and memorialized  
3 in Section 5.3 of their 2004 Lease, that Plaintiff JGX would pay all city, county, and state taxes  
4 and levies imposed in connection with "any of Tenants property or trade fixtures . . . or personal  
5 property of any kind, owned by or placed in, upon or about the Premises by Tenant." As such,  
6 Plaintiff JGX has paid all applicable California state taxes on the intellectual property.

7 28. One component of the property owned by Plaintiff JGX is memorabilia. Many of  
8 the photographs and other memorabilia in question were given to Plaintiffs; many are even  
9 signed to Plaintiff Nick Bovis personally. Set forth below are pictures depicting just a sample of  
10 the many articles of memorabilia.



24 29. LEFTY O'DOUL'S® is a registered trademark with the U.S. Patent and  
25 Trademark Office ("USPTO") for use in connection with "restaurant and bar" services. See  
26 USPTO Registration No. 3721083, attached hereto as **Exhibit 1**. The registration was issued by  
27 the USPTO on December 8, 2009, and is owned by Plaintiff SMTM TECHNOLOGY following  
28 an assignment of ownership from Plaintiff JGX, Inc.

1           30. Registration of the LEFTY O'DOUL'S® trademark provides: constructive notice  
2 to the public of the registrant's claim of ownership of the mark; a legal presumption of the  
3 registrant's ownership of the mark and the registrant's exclusive right to use the mark nationwide  
4 on or in connection with the services listed in the registration; the owner with the right to file a  
5 trademark infringement lawsuit in federal court and to obtain monetary remedies, including  
6 infringer's profits, damages, costs, and, in some cases, treble damages and attorneys' fees; and a  
7 bar to the registration of another confusingly similar mark with the USPTO.

8           31. The LEFTY O'DOUL'S® registration for restaurant and bar services has also  
9 been granted additional protections because it is more than five years old and a Declaration of  
10 Incontestability under Section 15 of the Trademark Act was acknowledged by the USPTO on  
11 January 21, 2015. See **Exhibit 2** attached hereto. Incontestable status is considered to be  
12 conclusive evidence of the following rights:

- 13           a. the validity of the registered mark;
- 14           b. the registration of the mark;
- 15           c. the owner's ownership of the mark; and
- 16           d. the owner's exclusive right to use the mark with the registered goods and services.

17           32. Not only is the registration of the LEFTY O'DOUL'S® trademark with the  
18 USPTO incontestable, Plaintiffs and their predecessors have clearly exercised control over the  
19 brand, including covering costs and assuming risks, for many years.

20           33. Other details relevant to Plaintiffs' rights in the LEFTY O'DOUL'S® brand name  
21 and trademark include:

22           34. WHOIS records show that the <leftyodouls.biz> domain name was registered to  
23 Plaintiff Nick Bovis at least as early as 2004, and has been owned and maintained by him ever  
24 since. See **Exhibit 3** attached hereto.

25           35. On June 16, 2009, Plaintiff Nick Bovis was issued USPTO Registration No.  
26 3640988 for LEFTY'S BLOODY MARY MIX® for non-alcoholic cocktail mix. See **Exhibit 4**  
27 attached hereto.

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1           36.     On January 24, 2012, Plaintiff Bovis Foods, LLC was issued Registration No.  
2 4091577 for LEFTY O'DOUL'S® for hot dogs. See **Exhibit 5** attached hereto.

3           37.     On January 24, 2012, Plaintiff Bovis Foods, LLC was issued USPTO Registration  
4 No. 4091578 for LEFTY O'DOUL'S® for mustard. See **Exhibit 6** attached hereto.

5           38.     In May of 2012, Plaintiff Bovis Foods, LLC entered into a confidential agreement  
6 with Anheuser-Busch regarding the use and registration of LEFTY O'DOULS®.

7           39.     On August 4, 2015, Plaintiff Bovis Foods, LLC was issued USPTO Registration  
8 No. 4786144 for LEFTY'S® for non-alcoholic cocktail mixes. See **Exhibit 7** attached hereto.

9           40.     On October 6, 2015, Plaintiff Bovis Foods, LLC was issued USPTO Registration  
10 No. 4827339 for LEFTY'S® for energy drinks. See **Exhibit 8** attached hereto.

11           41.     The LEFTY O'DOUL'S trademark was previously registered from 1997 to 2009  
12 by 333 Geary, Inc. See USPTO Registration No. 2667480. The application for registration was  
13 signed by Don Figone, President.

14           42.     Lefty O'Doul's Foundation for Kids was established with the California Secretary  
15 of State by Nick Bovis in November 2014. See **Exhibit 9** attached hereto.

16           **B.     DEFENDANTS UNLAWFULLY USE LEFTY O'DOUL'S AND THREATEN TO**  
17           **EXPAND THEIR UNLAWFUL USE**

18           43.     Effective February 3, 2017, the San Francisco landmark, LEFTY O'DOUL'S  
19 Restaurant, will close at 333 Geary Street and move to a new location.

20           44.     As a result of Plaintiffs being forced to close the LEFTY O'DOUL'S Restaurant  
21 at 333 Geary Street, Defendants have recently commenced efforts to use Plaintiffs' intellectual  
22 property, including the LEFTY O'DOUL'S mark. Any use of Plaintiffs' intellectual property,  
23 including the LEFTY O'DOUL'S mark, by Defendants in connection with restaurant and bar  
24 services, will be likely to confuse consumers as to the source of those services, and will infringe  
25 Plaintiffs' registered trademark rights. The foregoing constitutes violations of the Lanham Act  
26 (15 U.S.C. §1051 *et seq.*) and other applicable laws.

27           45.     On or about January 12, 2017, Defendants publicly stated that they intend to use  
28 the LEFTY O'DOUL'S mark:

1           **“We don’t have a grand re-opening date yet, but rest assured that**  
2           **Lefty’s will reopen under new and improved management in the same**  
3           **location at 333 Geary as part of the Handlery Hotel family of**  
              **properties.”**

4           46.     On or about January 16, 2017, counsel for Plaintiffs wrote Defendants that, in the  
5 event that Defendants take any actions to use the LEFTY O’DOUL’S name, Plaintiffs will take  
6 the necessary legal steps to protect their intellectual property rights under the Lanham Act and  
7 state law, including the possibility of filing an infringement action in U.S. District Court  
8 requesting monetary damages (which may be trebled pursuant to 15 U.S.C. § 1117 as a result of  
9 Plaintiffs’ trademark registrations), attorneys’ fees, and costs. In addition, Plaintiffs informed  
10 Defendants that they would seek an injunction pursuant to 15 U.S.C. § 1116.

11     **V. CAUSES OF ACTION**

12                               **FIRST CAUSE OF ACTION**  
13                               **(Trademark Infringement; False Designation of Origin/Description**  
14                               **Lanham Act § 43(a), 15 U.S.C. § 1125(a))**  
                                  **(Against All Defendants)**

15           47.     Plaintiffs repeat and reallege each and every allegation of paragraphs 1 through 46  
16 above, and incorporate them by reference as if fully set forth herein.

17           48.     Plaintiffs have used the LEFTY O’DOUL’S trademark since 1958 to identify  
18 their services in California, in the United States, and worldwide. The general consuming public  
19 of the United States widely recognizes the LEFTY O’DOUL’S mark as designating Plaintiffs as  
20 the source of services and/or goods.

21           49.     Defendants’ use of Plaintiffs’ intellectual property, including the LEFTY  
22 O’DOUL’S mark, constitutes a false designation of origin and/or a false or misleading  
23 description or representation of fact that is likely to cause confusion, to cause mistake, or to  
24 deceive as to: (a) the affiliation, connection, or association of Defendants with Plaintiffs; and/or  
25 (b) the origin, sponsorship, or approval of Defendants’ goods, services, or commercial activities  
26 by Plaintiffs. For example, restaurant customers who want to eat, drink, or otherwise enjoy  
27 sports memorabilia are likely to be confused as to whether Defendants’ restaurant and bar to be  
28

1 named LEFTY O'DOUL'S is sponsored or approved by Plaintiffs or is merely a conduit for  
2 Plaintiffs' LEFTY O'DOUL'S service.

3 50. Defendants' wrongful activities have caused and will continue to cause Plaintiffs  
4 irreparable injury. Plaintiffs are informed and believe that unless said conduct is enjoined by this  
5 Court, Defendants will continue and expand those activities to the continued and irreparable  
6 injury of Plaintiffs. This injury includes a reduction in the distinctiveness of Plaintiffs'  
7 intellectual property, including the LEFTY O'DOUL'S mark, and injury to Plaintiffs' reputation  
8 that cannot be remedied through damages. As such, Plaintiffs have no adequate remedy at law.  
9 Plaintiffs are entitled to preliminary and permanent injunctions pursuant to 15 U.S.C. § 1116  
10 restraining and enjoining Defendants and their agents, servants, employees, and all persons  
11 acting thereunder, in concert with, or on their behalf, from using in commerce Plaintiffs'  
12 intellectual property, including the LEFTY O'DOUL'S mark, or any colorable imitation thereof.

13 51. Pursuant to 15 U.S.C. § 1117, Plaintiffs are also entitled to recover: (i)  
14 Defendants' profits; (ii) Plaintiffs' ascertainable damages; and (iii) Plaintiffs' costs of suit.

15 52. Defendants' willful use of Plaintiffs' intellectual property, including the LEFTY  
16 O'DOUL'S mark, without excuse or justification, renders this an exceptional case and entitles  
17 Plaintiffs to their reasonable attorneys' fees.

18 **SECOND CAUSE OF ACTION**  
19 **(Trademark Infringement - Common Law)**  
20 **(Against All Defendants)**

21 53. Plaintiffs repeat and reallege each and every allegation of paragraphs 1 through 52  
22 above, and incorporate them by reference as if fully set forth herein.

23 54. The general consuming public throughout California widely recognizes Plaintiffs'  
24 intellectual property, including the LEFTY O'DOUL'S mark, as designating Plaintiffs as the  
25 source of services and/or goods. Plaintiffs have common law trademark rights in Plaintiffs'  
26 intellectual property, including the LEFTY O'DOUL'S mark, under California law.

27 55. Defendants' wrongful activities in the State of California have caused Plaintiffs  
28 irreparable injury. Plaintiffs are informed and believe that unless said conduct is enjoined by this



1 Court, Defendants will continue and expand those activities to the continued and irreparable  
2 injury of Plaintiffs. This injury includes a reduction in the distinctiveness of Plaintiffs'  
3 intellectual property, including the LEFTY O'DOUL'S mark, and injury to Plaintiffs' reputation  
4 that cannot be remedied through damages. As such, Plaintiffs have no adequate remedy at law.  
5 Plaintiffs are entitled to preliminary and permanent injunctions restraining and enjoining  
6 Defendants and their agents, servants, employees, and all persons acting thereunder, in concert  
7 with, or on their behalf, from using in commerce Plaintiffs' intellectual property, including the  
8 LEFTY O'DOUL'S mark, or any colorable imitation thereof.

9 56. Plaintiffs are also entitled to recover: (i) Defendants' profits; (ii) Plaintiffs'  
10 ascertainable damages; and (iii) Plaintiffs' costs of suit.

11 57. Defendants' willful use of Plaintiffs' intellectual property, including the LEFTY  
12 O'DOUL'S mark, without excuse or justification entitles Plaintiffs to their reasonable attorneys'  
13 fees.

14 **THIRD CAUSE OF ACTION**  
15 **(Dilution — Lanham Act § 43(c), 15 U.S.C. § 1125(c))**  
16 **(Against All Defendants)**

17 58. Plaintiffs repeat and reallege each and every allegation of paragraphs 1 through 57  
18 above, and incorporate them by reference as if fully set forth herein.

19 59. The LEFTY O'DOUL'S mark is famous and distinctive, and that mark became  
20 famous prior to Defendants' commencement of use of the mark.

21 60. Defendants' existing and intended use of Plaintiffs' intellectual property,  
22 including the LEFTY O'DOUL'S mark, for its restaurant and/or bar are likely to cause dilution  
23 by blurring or dilution by tarnishment of Plaintiffs' intellectual property, including the LEFTY  
24 O'DOUL'S mark. For example, Defendants' use of Plaintiffs' intellectual property, including the  
25 LEFTY O'DOUL'S mark, is likely to reduce the distinctiveness of that mark by reducing the  
26 general consuming public's association of the mark with Plaintiffs' services.

27 61. Defendants' wrongful activities have caused irreparable injury to Plaintiffs.  
28 Plaintiffs are informed and believe that unless said conduct is enjoined by this Court, Defendants

1 will continue and expand those activities to the continued and irreparable injury of Plaintiffs.  
 2 This injury includes a reduction in the distinctiveness of Plaintiffs' intellectual property,  
 3 including the LEFTY O'DOUL'S mark, that cannot be remedied through damages, and Plaintiffs  
 4 have no adequate remedy at law. Plaintiffs are entitled to preliminary and permanent injunctions  
 5 pursuant to 15 U.S.C. § 1116 restraining and enjoining Defendants and their agents, servants,  
 6 employees, and all persons acting thereunder, in concert with, or on their behalf, from using in  
 7 commerce Plaintiffs' intellectual property, including the LEFTY O'DOUL'S mark, or any  
 8 colorable imitation thereof.

9 62. Defendants first attempted to use Plaintiffs' intellectual property, including the  
 10 LEFTY O'DOUL'S mark, in or about January 2017. Defendants willfully intended to trade on  
 11 the recognition of Plaintiffs' intellectual property, including the LEFTY O'DOUL'S mark,  
 12 and/or intended to harm the reputation of Plaintiffs' intellectual property, including the LEFTY  
 13 O'DOUL'S mark. *See* 15 U.S.C. §§ 1117 and 1125(c) (5). Plaintiffs are also entitled to recover:  
 14 (i) Defendants' profits; (ii) Plaintiffs' ascertainable damages; and (iii) Plaintiffs' costs of suit.

15 63. Defendants' willful use of Plaintiffs' intellectual property, including the LEFTY  
 16 O'DOUL'S mark, without excuse or justification, renders this an exceptional case and entitles  
 17 Plaintiffs to their reasonable attorneys' fees.

18 **FOURTH CAUSE OF ACTION**  
 19 **(Dilution - Cal. Bus. & Prof. Code § 14330 and Common Law)**  
 20 **(Against All Defendants)**

21 64. Plaintiffs repeat and reallege each and every allegation of paragraphs 1 through 63  
 22 above, and incorporate them by reference as if fully set forth herein.

23 65. Defendants' actual and intended use of Plaintiffs' intellectual property, including  
 24 the LEFTY O'DOUL'S mark, in California: (i) has diluted and, on information and belief, will  
 25 continue to dilute, the distinctive quality of Plaintiffs' intellectual property, including the LEFTY  
 26 O'DOUL'S mark; and/or (ii) has tarnished and, on information and belief, will continue to  
 27 tarnish, the image of Plaintiffs' intellectual property, including the LEFTY O'DOUL'S mark, in  
 28 violation of Section 14330 of the California Business and Professions Code.

1 66. Defendants' wrongful activities in the State of California have caused irreparable  
2 injury to Plaintiffs. Plaintiffs are informed and believe that unless said conduct is enjoined by  
3 this Court, Defendants will continue and expand those activities to the continued and irreparable  
4 injury of Plaintiffs. This injury includes a reduction in the distinctiveness of Plaintiffs'  
5 intellectual property, including the LEFTY O'DOUL'S mark, and injury to Plaintiffs' reputation  
6 that cannot be remedied through damages. As such, Plaintiffs have no adequate remedy at law.  
7 Plaintiffs are entitled to preliminary and permanent injunctions restraining and enjoining  
8 Defendants and their agents, servants, employees, and all persons acting thereunder, in concert  
9 with, or on their behalf, from using in commerce Plaintiffs' intellectual property, including the  
10 LEFTY O'DOUL'S mark, or any colorable imitation thereof.

11 **FIFTH CAUSE OF ACTION**  
12 **(Unfair Competition - Cal. Bus. & Prof. Code § 17200 and Common Law)**  
13 **(Against All Defendants)**

14 67. Plaintiffs repeat and reallege each and every allegation of paragraphs 1 through 66  
15 above, and incorporate them by reference as if fully set forth herein.

16 68. Defendants' acts, as alleged above, constitute unlawful and/or unfair business  
17 practices in violation of the California Unfair Competition Law ("UCL"), Cal. Bus. & Prof. Code  
18 §§ 17200 *et seq.*

19 69. Defendants' acts are unlawful and/or unfair under the UCL because Defendants'  
20 actual and intended use of Plaintiffs' intellectual property, including the LEFTY O'DOUL'S  
21 mark, in California is likely to confuse consumers as to the source, origin, or affiliation of  
22 Defendants' services, to dilute the distinctiveness of Plaintiffs' intellectual property, including  
23 the LEFTY O'DOUL'S mark, and/or to tarnish the image of Plaintiffs' intellectual property,  
24 including the LEFTY O'DOUL'S mark.

25 70. Defendants' acts of unfair competition in the State of California have caused  
26 irreparable injury to Plaintiffs. Plaintiffs are informed and believe that unless said conduct is  
27 enjoined by this Court, Defendants will continue and expand those activities to the continued and  
28 irreparable injury of Plaintiffs. This injury includes a reduction in the distinctiveness of

1 Plaintiffs' intellectual property, including the LEFTY O'DOUL'S mark and injury to Plaintiffs'  
2 reputation that cannot be remedied through damages. As such, Plaintiffs have no adequate  
3 remedy at law. Plaintiffs are entitled to preliminary and permanent injunctions restraining and  
4 enjoining Defendants and their agents, servants, employees, and all persons acting thereunder, in  
5 concert with, or on their behalf, from using in commerce Plaintiffs' intellectual property,  
6 including the LEFTY O'DOUL'S mark or any colorable imitation thereof.

7 71. As a direct and proximate result of Defendants' statutory unfair competition,  
8 Defendants has been unjustly enriched in an amount to be determined at trial.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiffs hereby requests that this Court:

- 11 A. Enter preliminary and permanent injunctions restraining and enjoining Defendants  
12 and their agents, servants, employees, and all persons acting thereunder, in  
13 concert with, or on their behalf, from using in commerce Plaintiffs' intellectual  
14 property, including the LEFTY O'DOUL'S mark, or any colorable imitation or  
15 confusingly similar variation thereof.
- 16 B. Enter preliminary and permanent injunctions requiring Defendants and their  
17 agents, servants, and employees, and all persons acting thereunder in concert  
18 with, or on their behalf, to immediately cease from causing any and all dilution  
19 and/or tarnishment of Plaintiffs' intellectual property, including the LEFTY  
20 O'DOUL'S mark.
- 21 C. Award Plaintiffs their ascertainable damages, costs, and attorneys' fees.
- 22 D. Award Plaintiffs the profits attributable to Defendants' unauthorized use of  
23 Plaintiffs' intellectual property, including the LEFTY O'DOUL'S mark.
- 24 E. Impose a constructive trust in favor of Plaintiffs on all profits obtained from  
25 Defendants' misappropriation of Plaintiffs' intellectual property, including the  
26 LEFTY O'DOUL'S mark.
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F. Award Plaintiffs all amounts by which Defendants have been unjustly enriched through their use of Plaintiffs' intellectual property, including the LEFTY O'DOUL'S mark.

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

Dated: January 19, 2017

**COTCHETT, PITRE & McCARTHY, LLP**

  
**JOSEPH W. COTCHETT**  
*Attorneys for Plaintiffs*



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**JURY DEMAND**

Plaintiffs respectfully demand trial by jury on all issues so triable.

Dated: January 19, 2017

**COTCHETT, PITRE & McCARTHY, LLP**

  
**JOSEPH W. COTCHETT**  
*Attorneys for Plaintiffs*

# **EXHIBIT 1**

# United States of America

United States Patent and Trademark Office

## LEFTY O'DOUL'S

**Reg. No. 3,721,083** JGX INC. (CALIFORNIA CORPORATION), DBA LEFTY O'DOUL'S  
Registered Dec. 8, 2009 333 GEARY STREET  
SAN FRANCISCO, CA 94102

**Int. Cl.: 43** FOR: RESTAURANT AND BAR, IN CLASS 43 (U.S. CLS. 100 AND 101).

**SERVICE MARK** FIRST USE 0-0-1958; IN COMMERCE 0-0-1958.  
**PRINCIPAL REGISTER** THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE NAME(S), PORTRAIT(S), AND/OR SIGNATURE(S) SHOWN IN THE MARK DOES NOT IDENTIFY A PARTICULAR LIVING INDIVIDUAL.

SER. NO. 77-625,695, FILED 12-3-2008.

ALEX KEAM, EXAMINING ATTORNEY



*David J. Keam*

Director of the United States Patent and Trademark Office

# **EXHIBIT 2**

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, January 21, 2015 11:02 PM  
**To:** uspto@tm4smallbiz.com  
**Subject:** Official USPTO Notice of Acceptance/Acknowledgement Sections 8 and 15: U.S. Trademark RN 3721083: LEFTY O'DOUL'S

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**Serial Number:** 77625695  
**Registration Number:** 3721083  
**Registration Date:** Dec 8, 2009  
**Mark:** LEFTY O'DOUL'S  
**Owner:** JGX Inc.

Jan 20, 2015

### NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. The Section 8 declaration is accepted.

### NOTICE OF ACKNOWLEDGEMENT UNDER SECTION 15

The declaration of incontestability filed for the above-identified registration meets the requirements of Section 15 of the Trademark Act, 15 U.S.C. §1065. The Section 15 declaration is acknowledged.

The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.

**Class(es):**  
043

TRADEMARK SPECIALIST  
POST-REGISTRATION DIVISION  
571-272-9500

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### REQUIREMENTS FOR MAINTAINING REGISTRATION

**WARNING:** Your registration will be canceled if you do not file the documents below during the specified time periods.

#### Requirements in the First Ten Years

**What and When to File:** You must file a declaration of use (or excusable nonuse) and an application for renewal between the 9th and 10th years after the registration date. See 15 U.S.C. §§1058, 1059.

#### Requirements in Successive Ten-Year Periods

**What and When to File:** You must file a declaration of use (or excusable nonuse) and an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

#### Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*\*\*The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.\*\*\***

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=77625695>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.



# **EXHIBIT 3**

1/15/2017

LeftyOdoUls.biz WHOIS, DNS, & Domain Info - DomainTools

Home > Whois Lookup > LeftyOdoUls.biz

**Whois Record** for LeftyOdoUls.biz

Find out more about Project Whois and DomainTools for Windows.

DOMAINTOOLS for Windows
Download Now

Access domain ownership records from your desktop

**Related Domains For Sale or At Auction**

LeftyStudio.com (\$1,895)  
LeftysLinks.com (\$2,095)

LeftysTattoo.com (\$1,695)  
LeftysDeceiver.com (\$1,695)

1 2 3  
More >

**— Whois & Quick Stats**

**Email** webmaster@leftysf.com is associated with -71 domains

**Registrant Org** Bovis Foods INC is associated with -55 other domains

**Dates** Created on 2004-09-29 - Expires on 2017-09-28 - Updated on 2016-09-29

**IP Address** 50.62.149.132 - 10 other sites hosted on this server

**IP Location** 🇺🇸 - Arizona - Scottsdale - Godaddy.com Llc

**ASN** 🇺🇸 AS26496 AS-26496-GO-DADDY-COM-LLC - GoDaddy.com, LLC, US (registered Oct 01, 2002)

**Domain Status** Registered And Active Website

**Whois History** 56 records have been archived since 2006-07-20

**IP History** 11 changes on 7 unique IP addresses over 13 years

**Hosting History** 7 changes on 6 unique name servers over 12 years

**Whois Server** whois.biz

**— Website**

**Website Title** 🍷 Welcome to the Lefty O'Doul's Restaurant & Cocktail Lounge in San Francisco, CA 94102

**Server Type** Apache

**Response Code** 200

**SEO Score** 80%

**Terms** 283 (Unique: 175, Linked: 59)

**Images** 19 (Alt tags missing: 6)

**Links** 43 (Internal: 27, Outbound: 16)

**Whois Record ( last updated on 2017-01-15 )**

```

Domain Name: LEFTYODOULS.BIZ
Domain ID: D7843537-BIZ
Sponsoring Registrar: GODADDY.COM, INC.
Sponsoring Registrar IANA ID: 146
Registrar URL (registration services): whois.godaddy.com
Domain Status: clientDeleteProhibited
Domain Status: clientRenewProhibited
Domain Status: clientTransferProhibited
Domain Status: clientUpdateProhibited
Variant: LEFTYODOULS.BIZ
Registrant ID: CR115216108
Registrant Name: Nick Bovis
Registrant Organization: Bovis Foods INC
Registrant Address1: 555 California St #4925
Registrant City: San Francisco
Registrant State/Province: California
Registrant Postal Code: 94104
Registrant Country: United States
Registrant Country Code: US
Registrant Phone Number: +1.4158191479
Registrant Email: webmaster@leftysf.com
Administrative Contact ID: CR115216222
Administrative Contact Name: Nick Bovis
Administrative Contact Organization: Bovis Foods INC
Administrative Contact Address1: 555 California St #4925
Administrative Contact City: San Francisco
    
```

1/15/2017

LeftyOdoUls.biz WHOIS, DNS, & Domain Info - DomainTools

```

Administrative Contact State/Province: California
Administrative Contact Postal Code: 94104
Administrative Contact Country: United States
Administrative Contact Country Code: US
Administrative Contact Phone Number: +1.4158191479
Administrative Contact Email: webmaster@leftysf.com

Billing Contact ID: CR115216244
Billing Contact Name: Nick Bovis
Billing Contact Organization: Bovis Foods INC
Billing Contact Address1: 555 California St #4925
Billing Contact City: San Francisco
Billing Contact State/Province: California
Billing Contact Postal Code: 94104
Billing Contact Country: United States
Billing Contact Country Code: US
Billing Contact Phone Number: +1.4158191479
Billing Contact Email: webmaster@leftysf.com

Technical Contact ID: CR115216121
Technical Contact Name: Nick Bovis
Technical Contact Organization: Bovis Foods INC
Technical Contact Address1: 555 California St #4925
Technical Contact City: San Francisco
Technical Contact State/Province: California
Technical Contact Postal Code: 94104
Technical Contact Country: United States
Technical Contact Country Code: US
Technical Contact Phone Number: +1.4158191479
Technical Contact Email: webmaster@leftysf.com

Name Server: NS1.LEFTYODDULS.BIZ
Name Server: NS2.LEFTYODDULS.BIZ
Created by Registrar: DNC HOLDINGS, INC.
Last Updated by Registrar: GODADDY.COM, INC.
Last Transferred Date: Wed Jun 06 16:04:37 GMT 2012
Domain Registration Date: Wed Sep 29 11:34:25 GMT 2004
Domain Expiration Date: Thu Sep 28 23:59:59 GMT 2017
Domain Last Updated Date: Thu Sep 29 12:45:30 GMT 2016
DNSSEC: false
    
```

Tools

|                                |   |
|--------------------------------|---|
| Whois History                  |   |
| Hosting History                |   |
| Monitor Domain Properties      | ▼ |
| Reverse Whois Lookup           | ▼ |
| Reverse IP Address Lookup      | ▼ |
| Network Tools                  | ▼ |
| Buy This Domain ▼              |   |
| Visit Website                  |   |
| Preview the Full Domain Report |   |



# **EXHIBIT 4**

**Int. Cl.: 32**

**Prior U.S. Cls.: 45, 46, and 48**

**Reg. No. 3,640,988**

**United States Patent and Trademark Office**

**Registered June 16, 2009**

**TRADEMARK  
PRINCIPAL REGISTER**

**LEFTYS BLOODY MARY MIX**

**BOVIS, NICK (UNITED STATES INDIVIDUAL)**

**414 CLARK DRIVE**

**SAN MATEO, CA 94402**

**FOR: NON-ALCOHOLIC COCKTAIL MIX, IN  
CLASS 32 (U.S. CLS. 45, 46 AND 48).**

**FIRST USE 2-26-2006; IN COMMERCE 2-26-2006.**

**THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.**

**NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "BLOODY MARY MIX", APART  
FROM THE MARK AS SHOWN.**

**SN 77-502,593, FILED 6-19-2008.**

**JASON TURNER, EXAMINING ATTORNEY**

# **EXHIBIT 5**

**United States of America**  
United States Patent and Trademark Office

**LEFTY O'DOUL'S**

**Reg. No. 4,091,577**

**Registered Jan. 24, 2012**

**Int. Cl.: 29**

**TRADEMARK**

**PRINCIPAL REGISTER**

BOVIS FOODS, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)  
414 CLARK DRIVE  
SAN MATEO, CA 94402

FOR: HOT DOGS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-1-2010; IN COMMERCE 1-1-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,640,988 AND 3,721,083.

THE NAME(S), PORTRAIT(S), AND/OR SIGNATURE(S) SHOWN IN THE MARK DOES NOT IDENTIFY A PARTICULAR LIVING INDIVIDUAL.

SN 77-982,277, FILED 2-13-2010.

MARC LEIPZIG, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office



# **EXHIBIT 6**

**United States of America**  
United States Patent and Trademark Office

**LEFTY O'DOUL'S**

**Reg. No. 4,091,578**

**Registered Jan. 24, 2012**

**Int. Cl.: 30**

**TRADEMARK**

**PRINCIPAL REGISTER**

BOVIS FOODS, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)  
414 CLARK DRIVE  
SAN MATEO, CA 94402

FOR: CONDIMENTS, NAMELY, MUSTARD, IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-1-2010; IN COMMERCE 1-1-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,640,988 AND 3,721,083.

THE NAME(S), PORTRAIT(S), AND/OR SIGNATURE(S) SHOWN IN THE MARK DOES NOT IDENTIFY A PARTICULAR LIVING INDIVIDUAL.

SN 77-982,278, FILED 2-13-2010.

MARC LEIPZIG, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office

# **EXHIBIT 7**

**United States of America**  
United States Patent and Trademark Office

**LEFTY'S**

**Reg. No. 4,786,144**  
**Registered Aug. 4, 2015**  
**Int. Cl.: 32**

**TRADEMARK**  
**PRINCIPAL REGISTER**

BOVIS FOODS, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)  
414 CLARK DRIVE  
SAN MATEO, CA 94402

FOR: NON-ALCOHOLIC COCKTAIL MIXES, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).  
FIRST USE 0-0-2006; IN COMMERCE 0-0-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-629,591, FILED 5-18-2012.

BRIAN CALLAGHAN, EXAMINING ATTORNEY



*Michelle K. Lee*  
Director of the United States  
Patent and Trademark Office

# **EXHIBIT 8**

**United States of America**  
United States Patent and Trademark Office

**LEFTY'S**

**Reg. No. 4,827,339**

**Registered Oct. 6, 2015**

**Int. Cl.: 32**

**TRADEMARK**

**PRINCIPAL REGISTER**

BOVIS FOODS, I.L.C. (CALIFORNIA LIMITED LIABILITY COMPANY)  
414 CLARK DRIVE  
SAN MATEO, CA 94402

FOR: ENERGY DRINKS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 3-0-2015; IN COMMERCE 3-0-2015.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-629,568, FILED 5-18-2012.

BRIAN CALLAGHAN, EXAMINING ATTORNEY





*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

# **EXHIBIT 9**



14-104099

|   |  |  |  |
|---|--|--|--|
|    | <h2 style="margin:0;">State of California</h2> <h3 style="margin:0;">Secretary of State</h3> | <div style="border: 1px solid black; padding: 2px; width: 20px; margin: 0 auto;">N</div> |  |
| <p><b>Statement of Information</b><br/>(Domestic Nonprofit, Credit Union and Consumer Cooperative Corporations)</p> <p>Filing Fee: \$20.00. If this is an amendment, see instructions.<br/><b>IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM</b></p>   |  |  | <p><b>FILED</b><br/>Secretary of State<br/>State of California<br/><b>NOV 18 2014</b></p>              |
| <p>1. CORPORATE NAME</p> <p>Lefty O'Doul's Foundation for Kids<br/>333 Geary Street<br/>San Francisco, CA 94102-1801</p>  |  |  | <p>119<br/>74</p>  |
| <p>2. CALIFORNIA CORPORATE NUMBER</p> <p style="text-align:center; font-size:1.2em;">C3294584</p>   |  |  | <p>21/20/PC<br/>This Space for Filing Use Only</p>   |
| <p><b>Complete Principal Office Address</b> (Do not abbreviate the name of the city. Item 3 cannot be a P.O. Box.)</p>  |  |  |  |
| 3. STREET ADDRESS OF PRINCIPAL OFFICE IN CALIFORNIA, IF ANY   |  | CITY   | STATE ZIP CODE   |
| 333 Geary Street  |  | San Francisco  | CA 94102-1801  |
| 4. MAILING ADDRESS OF THE CORPORATION   |  | CITY   | STATE ZIP CODE   |
| 333 Geary Street  |  | San Francisco  | CA 94102-1801  |
| <p><b>Names and Complete Addresses of the Following Officers</b> (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)</p>   |  |  |  |
| 5. CHIEF EXECUTIVE OFFICER/ Pres  | ADDRESS  | CITY   | STATE ZIP CODE   |
| Nick Bovis  | 333 Geary Street   | San Francisco  | CA 94102-1801  |
| 6. SECRETARY  | ADDRESS  | CITY   | STATE ZIP CODE   |
| Al Casciato   | 342 Imperial Drive   | Pacifica   | CA 94044   |
| 7. CHIEF FINANCIAL OFFICER/ Treas   | ADDRESS  | CITY   | STATE ZIP CODE   |
| Carlos Alvarez  | 3031 Yancy Drive   | San Jose   | CA 95148   |
| <p><b>Agent for Service of Process</b> If the agent is an individual, the agent must reside in California and Item 9 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 9 must be left blank.</p>   |  |  |  |
| 8. NAME OF AGENT FOR SERVICE OF PROCESS   |  |  |  |
| Nick Bovis  |  |  |  |
| 9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL   |  | CITY   | STATE ZIP CODE   |
| 333 Geary Street  |  | San Francisco  | CA 94102-1801  |
| <p><b>Common Interest Developments</b></p>  |  |  |  |
| <p>10. <input type="checkbox"/> Check here if the corporation is an association formed to manage a common interest development under the Davis-Stirling Common Interest Development Act, (California Civil Code section 4000, et seq.) or under the Commercial and Industrial Common Interest Development Act, (California Civil Code section 6500, et seq.). The corporation must file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code sections 5405(a) and 6780(a). Please see instructions on the reverse side of this form.</p> |  |  |  |
| 11. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.   |  |  |  |
| <p>11-1-2014</p> <p>DATE</p>  | <p>Nick Bovis</p> <p>TYPE/PRINT NAME OF PERSON COMPLETING FORM</p>                           | <p>President/CEO</p> <p>TITLE</p>  |  <p>SIGNATURE</p> |
| SI-100 (REV 01/2014)  |  |  | APPROVED BY SECRETARY OF STATE   |