

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court _____ for the Eastern District of New York _____ on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 11-cv-5596	DATE FILED 11/16/2011	U.S. DISTRICT COURT for the Eastern District of New York
PLAINTIFF Jazzy Electronics, et al.		DEFENDANT Astone Electronics Co., LTD, et al.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 3610945	12/22/1998	Plaintiff
2 842663	5/28/1996	Plaintiff's trademark no. in the People's Republic of China
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT Judgment: ORDERED, ADJUDGED AND DECREED that pursuant to Rule 41 (b) of the Federal Rules of Civil Procedure, the case is dismissed, without prejudice, for lack of prosecution. (Copies of judgment and the complaint are attached.)

CLERK Douglas C. Palmer	(BY) DEPUTY CLERK C. Barrett	DATE 8/14/2012
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JAZZY PRODUCTIONS doing business as SOUND
AROUND, INC., LANZAR AUDIO, INC., PYLE PRO,
PYLE MANUFACTURING, INC.,

Plaintiffs,

-against-

ASTONE ELECTRONICS CO., LTD., AND
HANGZHOU ASTONE ELECTRONICS, CO., LTD.,
HANGZHOU PAN SHI, and STONE XIE,

Defendants.
-----X

JUDGMENT
11-CV- 5596 (JBW)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

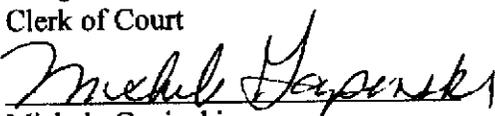
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BROOKLYN OFFICE

An Order of Honorable Jack B. Weinstein, United States District Judge, having been filed on August 13, 2012, dismissing the case, without prejudice, for lack of prosecution, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure; it is

ORDERED, ADJUDGED AND DECREED that pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, the case is dismissed, without prejudice, for lack of prosecution.

Dated: Brooklyn, New York
August 13, 2012

Douglas C. Palmer
Clerk of Court
by: 
Michele Gapinski
Chief Deputy for
Court Operations

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ NOV 16 2011 ★

BROOKLYN OFFICE

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JAZZY ELECTRONICS doing business as SOUND
AROUND, INC., LANZAR AUDIO, INC., PYLE PRO,
PYLE MANUFACTURING LLC.

Plaintiffs,

Case no.

COMPLAINT

-against-

CV 11 - 5596

ASTONE ELECTRONICS CO., LTD., AND
HANGZHOU ASTONE ELECTRONICS CO. LTD
HANGZHOU PAN SHI
STONE XIE

WEINSTEIN, J.

Defendant.

MANN, M.J.

-----x
Plaintiffs, by their attorney, James Klatsky, Esq., for their Complaint against the
defendant, allege as follows:

PARTIES AND JURISDICTION

1. Plaintiffs are corporations and subsidiaries organized under the laws of New York with their principal place of business at 1600 63rd Street, Brooklyn, New York.

2. Upon information and belief, defendant is a corporation organized under the laws of the People's Republic of China with its principal place of business at Pailou Industrial Zone, Liuxia Town, Hangzhou, Zhejiang, China 310023.

2

3. This Court has subject matter jurisdiction over this action under 28 U.S.C. section 1331 because it arises under the Constitution and laws of the United States.

4. This Court has personal jurisdiction over the defendant under Rule 4 (k)(2) of the Federal Rules of Civil Procedure because this action arises under the laws of the United States, the defendant is not subject to general jurisdiction in any state's courts, and the exercise of jurisdiction is consistent with the Constitution and laws of the United States.

5. This action arises under the Lanham Act (15 U.S.C. section 1501 et seq.).

FACTS COMMON TO ALL CLAIMS

6. Plaintiffs are affiliated corporations and are importers and distributors of consumer electronics, including but not limited to car stereos, speakers and equipment.

7. At all relevant times since or about December 22, 1998 plaintiff was the holder of a registered trademark for the mark "Pyle" for use on car stereos, speakers and equipment, U. S. Trademark registration no. 3610945

8. The mark Pyle Pro has been in use for more than ten years and is uncontestable.

9. At all relevant times, plaintiff has used the mark "Pyle" on car stereos, speakers and equipment. A copy of the mark as actually used is annexed as Exhibit A.

10. Plaintiff has acquired considerable goodwill associated with the Pyle mark and has a large and loyal customer base in the United States and in the international export market.

11. The mark Pyle has developed and possesses secondary meaning to purchasers of car stereos, speakers and equipment.

12. Plaintiffs realize annual income from the sale of goods bearing the Pyle mark worth millions of dollars.

13. At all relevant times, plaintiff has used manufacturing facilities located in the People's Republic of China.

14. On or about May 28, 1996, plaintiff registered a trademark in the People's Republic of China for the mark "Pyle" for use on car stereos, speakers and equipment (Trademark Office of the State Administration for Industry and Commerce of the People's Republic of China registration no. 842663).

15. The registration of the mark Pyle in the People's Republic of China has been valid and in effect under Chinese law at all time from on or about May 28, 1996 through on or about May 27, 2016.

16. Upon information and belief, at all relevant times defendant was a manufacturer of consumer electronics, including but not limited to car stereos, speakers and equipment, which it exports to the United States through a subsidiary in Miami, Florida and through other channels.

17. In or about 2009 defendant registered a trademark in the People's Republic of China for the mark "Pyle Pro" for use on car stereos, speakers and equipment, in a form as an exact facsimile of the mark and Logo Design used by plaintiffs (which in 2000 hired a marketing company (Milton Samuels) to create the Pyle Pro Logo). Defendant furthermore included with its registration copies of Plaintiff photos and model numbers taken directly from Plaintiffs' web site, as set forth below:

The following is a link to Defendant's application records, using Plaintiffs' model numbers and photos (which plaintiff has been selling for the past eight years):

PPHP1288A

PADH215

PWMA600

<http://202.127.48.151/applyrecord/publicinfo/publicapplydetail.asp?id=35330>

The Plaintiffs' web links are as follows:

<http://www.pyleaudio.com/sku/PPHP1288A/800-Watts-Powered-12-Two-Way->

[Plastic-Molded-Speaker-System](#)

<http://www.pyleaudio.com/sku/PADH215/15-2000-Watts-PA-Speaker-Cabinet>

<http://www.pyleaudio.com/sku/PWMA600/100-Watt-Wireless-Battery-Powered->

[PA-System](#)

18. The defendant's act in registering the mark was not done with any bona fide intention of using the mark in the People's Republic of China, but only to interfere with the plaintiffs' ability to obtain manufactured goods from factories in the People's Republic of China. At the same time, the defendant furthermore registered over thirty USA-registered brand names in the People's Republic of China

19. Upon information and belief, defendant has targeted manufacturers in the People's Republic of China who manufacture speakers and stopped shipments destined to the USA.

20. As the result of the defendant's act in registering the mark "Pyle Pro," manufacturers in the People's Republic of China have refused to manufacture goods for plaintiff

21. The use of the mark Pyle Pro is likely to create confusion among prospective purchasers, manufacturers and suppliers, and the general public.

22. Upon information and belief, defendant has engaged in such unauthorized activity in the People's Republic of China and in interstate and international commerce.

23. Plaintiffs have suffered damage and are continuing to suffer damage as the result of the defendant's conduct.

24. Plaintiffs have no adequate remedy at law.

FIRST CLAIM

25. Plaintiffs repeat and reallege the allegations set forth above as if fully set forth herein.

26. Defendant's acts constitute infringement of the registered mark Pyle in violation of 15 U.S.C. section 1114 (1).

27. By reason of the foregoing, plaintiffs are entitled to injunctive relief and damages against defendant with respect to infringement of the plaintiff's mark.

SECOND CLAIM

28. Plaintiffs repeat and reallege the allegations set forth above as if fully set forth herein.

29. The defendant's acts constitute unfair competition within the meaning of the Lanham Act.

30. By reason of the foregoing, plaintiffs are entitled to injunctive relief and damages against defendant with respect to infringement of the plaintiff's mark.

THIRD CLAIM

31. Plaintiffs repeat and reallege the allegations set forth above as if fully set forth herein.

32. The defendant's acts constitute tortious interference with contract between the plaintiff and its manufacturers.

33. Plaintiff has no adequate remedy at law.

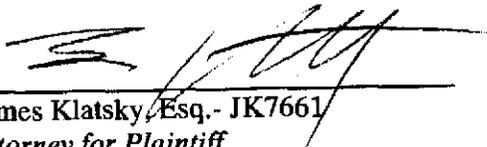
34. By reason of the foregoing, plaintiffs are entitled to injunctive relief and damages against defendant with respect to infringement of the plaintiff's mark.

WHEREFORE, plaintiffs respectfully request that the Court grant judgment against defendant as follows:

- (a) an injunction barring defendant, its employees, agents, contractors and anyone else acting on its behalf, be enjoined from manufacturing, selling, distributing, offering for sale or advertising any products, merchandise or goods bearing the mark Pyle Pro in any location; that the U.S. Marshal, Department of Homeland Security, and any federal, state or local law enforcement are directed to seize and impound any merchandise bearing the mark Pyle Pro, and that all such merchandise be surrendered;
- (b) damages in an amount to be determined by the Court;
- (c) the attorney's fees, costs and disbursements incurred by the plaintiff; and

(d) such further and different relief as the Court may deem just and proper.

Dated: New York, New York
November 10, 2011



James Klatsky, Esq. - JK7661
Attorney for Plaintiff
115 Broadway, Suite 1505
New York, New York 10006
(212) 227-2147

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**JAZZY ELECTRONICS doing business as SOUND
AROUND, INC., LANZAR AUDIO, INC., PYLE PRO,
PYLE MANUFACTURING LLC.**

Plaintiffs,

-against-

ASTONE ELECTRONICS CO., LTD.,

Defendant.

COMPLAINT

**JAMES KLATSKY, ESQ.
Attorney for Plaintiff
115 Broadway, Suite 1505
New York, New York 10006
(212) 227--2147**

Sir: Please take notice

Notice of Entry

**That the within is a (certified) true copy of a
In the office of the clerk of the within named court on**

**duly entered
200**

Notice of Settlement

**That an order
the HON.**

**day of 200
at M.**

**of which the within is a true copy will be presented for settlement to
one of the judges of the within named Court, at on the**

Dated: New York, New York

**JAMES KLATSKY, ESQ.
Attorney for
115 Broadway, Suite 1505
New York, New York 10006
(212) 227--2147**