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Attorney Docket: 1184-7

CV 11 - 3943

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

```
-----------------------------------------------------X
TYPOTHEQUE VOF,                          :
                                         :
                        Plaintiff,       :
                                         :
        -against-                        :
                                         :
RAISEDIGITAL LLC                         :
                                         :
                        Defendant.       :
                                         :
-----------------------------------------------------X
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SUMMONS ISSUED
___ CV ___

COMPLAINT

(Jury Trial Demanded)

REYES, M.J.   JOHNSON, J.

Plaintiff, TYPOTHEQUE VOF ("Typotheque" or Plaintiff), by and through their

attorneys, The Martinez Group PLLC, for their Complaint against Defendant RAISEDIGITAL

LLC ("RaiseDigital"), allege as follows:

NATURE AND SUBSTANCE OF THE ACTION

1.   Plaintiff files this action against Defendant for Copyright infringement under 17 U.S.C. §

101, et seq., Trademark Infringement and Trademark Counterfeiting under 15 U.S.C. §

1114 and False Designation of Origin under 15 U.S.C. § 1125 and applicable State Law.

{00018128 v.1}

2. Defendant created or caused others to create unauthorized derivative versions of Plaintiff's copyrighted FEDRA SERIF a font software works bearing a spurious designation of Plaintiff's registered trademark.

3. Defendant further distributed and/or caused others to use, copy, and distribute counterfeit and unauthorized derivative versions of Plaintiff's copyrighted FEDRA SERIF A type font software bearing a spurious designation of the Plaintiff's registered FEDRA trademark (the "Mark").

4. Defendant has distributed or caused others to distribute the counterfeit software goods throughout the United States and worldwide via the Internet at Defendant's website http://www.ricksantorum.com/ (the "Website").

5. Title 17 of the United States Code (Copyright Act) and Title 15 of the United States Code (Trademark Act) and provisions under State law were enacted to provide remedies to persons who suffer damages by reason of such actions.

JURISDICTION AND VENUE

6. This is an action for Copyright infringement arising under the Copyright Act of 1976, 17 U.S.C. § 101, et seq., Trademark infringement arising under the 15 U.S.C. § 1114, and violation of the laws of Unfair Competition under 15 U.S.C. § 1125(a), and applicable State laws, which seeks the disgorgement of revenues, profits together with damages, statutory damages, costs and fees by reason of Defendant's past and ongoing infringements of Plaintiff's valuable type face font software and trademark associated therewith.

7. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331, 1332, 1338(a), 1338(b), its supplemental jurisdiction, and under Rule 4 of the Federal Rules of Civil Procedure.

8. Venue is proper in this district under 28 U.S.C. § 1391 and § 1400 in that Defendant or Defendant's agents may be found in this District and Defendant transact business in this District.

PARTIES

9. Plaintiff Typotheque is a foreign corporation with its principal place of business located at Zwaardstraat 16, 2584 TX, Den Haag, The Netherlands.

10. Plaintiff Typotheque conducts business throughout the World, the United States, the State of New York and the County of Kings, via Plaintiff's commercial website on the Internet located at http://www.typotheque.com/.

11. Typotheque designs, creates and licenses, *inter alia*, type face font software.

12. Typotheque is the owner of FEDRA SERIF A BOOK, FEDRA SERIF A BOOK ITALIC and FEDRA SERIF A BOLD type face font software which comprise part of the FEDRA SERIF A type face font software collection (collectively, the "FEDRA SERIF A type face font software" or font software), showings of which are annexed hereto as Exhibit A.

13. Typotheque is the creator and exclusive licensor of FEDRA SERIF A type face font software.

14. Defendant RaiseDigital is a Virginia corporation with its corporate headquarters located at 13755 Sunrise Valley Drive, Suite 450, Herndon, Virginia 20171.

15. RaiseDigital also operates over the Internet through their website at http://raisedigital.com/.

16. RaiseDigital is a media consultant that develops and executes media strategies for, among others, politicians and political campaigns.

17. Upon information and belief, RaiseDigital is responsible for the design and creation of http://www.ricksantorum.com/ (the "Website").

18. Upon information and belief, America's Foundation PAC commissioned RaiseDigital to develop the Senator Rick Santorum Website.

19. America's Foundation PAC is not a party to this action.

20. Rick Santorum for President (the "Campaign") is a political campaign that manages former Senator Rick Santorum's 2012 presidential campaign.

21. The Rick Santorum for President Campaign is not a party to this action.

22. Upon information and belief, the Campaign manages or otherwise controls the operation of the Website.

23. Upon information and belief, Defendant RaiseDigital conducts business worldwide, in the United States, in the State of New York, and in the County of Kings.

FACTS COMMON TO ALL CLAIMS

24. Plaintiff is engaged in the business of designing, creating and licensing, *inter alia*, type face font software.

25. Plaintiff is the owner of U.S. Copyright Reg. No.: TX 7-373-502 for Computer Software for a FEDRA SERIF A Family of Typeface Fonts, a showing of which is annexed hereto as Exhibit B.

26. Plaintiffs FEDRA SERIF A Family of typeface font software includes, *inter alia*, the FEDRA SERIF A BOOK, FEDRA SERIF A BOOK ITALIC and FEDRA SERIF A BOLD type face font software (see Exhibit A).[1]

27. Plaintiff is the owner of U.S. Trademark Registration Serial No.: 3,070,309 (FEDRA), a copy of which is annexed hereto as Exhibit C.

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[1] Plaintiff's FEDRA FAMILY of typeface font software comprises the following fonts: FEDRA ARABIC; FEDRA HINDI; FEDRA MONO; FEDRA MONO SCREEN; FEDRA SANS; FEDRA SANS ALT; FEDRA SANS ARMENIAN; FEDRA SANS CONDENSED; FEDRA SANS CONDENSED ALT; FEDRA SANS DISPLAY 1; FEDRA SANS DISPLAY 2; FEDRA SANS SCREEN; FEDRA SERIF A; FEDRA SERIF B; FEDRA SERIF DISPLAY; FEDRA SERIF PHONETIC; and FEDRA SERIF SCREEN.

28. Plaintiff's FEDRA Mark has enjoyed registration since March 21, 2006 (See, <u>Exhibit C</u>).

29. Plaintiff's Mark is valid, subsisting and is now incontestable (See, <u>Exhibit C</u>).

30. Plaintiff's records show no sale of any license to Defendant permitting the use of any of the font software comprising the FEDRA SERIF Family of font software.

31. Plaintiff's records show no sale of any license to Defendant permitting the use of the FEDRA Mark.

32. Plaintiff has not authorized or otherwise granted license or permission to Rick Santorum, his agents or representatives Defendant to undertake the actions complained of herein.

33. Defendant created or caused to be created unauthorized derivative versions of Plaintiff's FEDRA SERIF type face font software.

34. Upon information and belief, Defendant converted or caused a third party to convert Plaintiff's FEDRA Font Software into a format suitable for use as a "Webfont" using the CSS @font-face call[2], a programming method used to dynamically call for the serving of font software from a remote server to a viewer's computer when the viewer has opened a website, in this case, the website known as: www.ricksantorum.com. A showing of the CSS coding "calling" for the downloading and use of unauthorized versions of Plaintiff's Font Software as a webfont is shown in <u>Exhibit D</u>.

35. At the time of the alleged infringements, Plaintiff had not converted the FEDRA Font Software for use as a webfont.

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[2] CSS is defined as "Cascading Style Sheets" is computer coding language used to describe the "look and formatting" of a document, most commonly, web pages written in HTML and XHTML. The @font-face "call" is a programming order sent to a remote server to find and serve particular font software to the web browser of a viewer opening a web page. The purpose of the @font-face order is to permit the efficient use and viewing of typographic rich websites without reliance solely upon the type face fonts installed on the computer operating system. In sum, the CSS@font-face tool is a way for publishers of websites to create visual distinction to their offerings made available via the Internet.

36. Plaintiff did not grant any rights or permissions to Rick Santorum, his agents or representatives nor has Plaintiff granted any such rights or permissions to Defendant permitting the conversion of Plaintiff's FEDRA Font Software to a webfont format.

37. The unauthorized derivative versions of Plaintiff's FEDRA Font Software further included letter forms (glyphs[3]) that were not originally associated with Plaintiffs FEDRA font software.

38. Defendant has or has caused others to impermissibly affix the FEDRA Trademark to their unauthorized derivative versions of Plaintiff's FEDRA font software.

39. Defendant's unauthorized derivative versions constitute counterfeit goods bearing the unauthorized showing of the registered FEDRA trademark of Plaintiff.

40. Defendant has distributed or has caused others to distribute unauthorized derivative and counterfeit versions of Plaintiff's FEDRA font software on the Website, showings of the computer source code comprising the unauthorized derivative and counterfeit versions of Plaintiff's Font Software are annexed hereto as Exhibit E.

41. The computer source code of Defendant's unauthorized and counterfeit versions of Plaintiff's Font Software bears Plaintiff's original copyright notice (See, Exhibit E).

42. The copyright notice in downloadable versions of Plaintiff's FEDRA font software that was made available through the Website indicates that the software complained of herein was impermissibly derived from Plaintiff's FEDRA font software (See, Exhibit E).

43. Defendant used, created, distributed or directed the use, creation and/or distribution of the unauthorized derivative versions of the FEDRA SERIF type face fonts under the trademark FEDRA though its website.

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[3] Within the type face font software industry, letterforms, numbers, punctuation marks, ligatures and foreign language letterforms, etc. are each referred to as "glyphs".

44. The unauthorized derivative versions of Plaintiff's FEDRA SERIF type face fonts were
available by way of Defendant's Website, specifically at:

- http://www.ricksantorum.com/fonts/FedraBook.otf,

- http://www.ricksantorum.com/fonts/FedraBold.otf; and

- http://www.ricksantorum.com/fonts/FedraItalic.otf;

showings of which can be seen at Exhibit F.

45. Defendant's Website evinced the unauthorized and unlicensed use of Plaintiff's FEDRA
typeface software, a showing of the website "CSS Code" indicating such unauthorized use
(See, Exhibit D).

46. Defendant has distributed the same throughout the World, the United States, in the State of
New York, and in the County of Kings.

DEFENDANT'S ACTIONS

47. Upon information and belief, at least as early as June 30, 2010, Defendant impermissibly
created, copied and distributed, or caused others to create, copy and distribute,
unauthorized and counterfeit derivative versions of Plaintiff's FEDRA SERIF A type face
software for use in the creation of the Senator Rick Santorum Website (See, Exhibit D).

48. Defendant has used, distributed or caused others to use or distribute the derivative versions
of Plaintiff's FEDRA SERIF type face fonts to consumers of such goods throughout the
United States and worldwide via the Website located at http://www.ricksantorum.com and

- http://www.ricksantorum.com/fonts/FedraBook.otf,

- http://www.ricksantorum.com/fonts/FedraBold.otf; and

- http://www.ricksantorum.com/fonts/FedraItalic.otf.

49. Plaintiff's records indicate that Defendant has not purchased any license to use the FEDRA SERIF type face font software and was not otherwise authorized to use the FEDRA SERIF font software in the manners complained of herein.

50. It is not known at this time to what extent Defendant has distributed or directed the distribution of unauthorized, infringing and counterfeit derivative versions of the FEDRA SERIF type face fonts to graphic designers, advertising vendors, political groups supporting former Senator Rick Santorum, print services providers, or to other third-parties for the purposes of creating and distributing goods, signs, products or other items created using the FEDRA SERIF font software in the creation thereof.

51. Defendant's unauthorized, infringing uses of Plaintiff's FEDRA SERIF font software complained of herein constitute the infringement of Plaintiff's copyrighted work.

52. Defendant's unlicensed, unauthorized and counterfeit uses of Plaintiff's FEDRA trademark complained of herein have caused mistake and confusion as to the source of Plaintiff's copyrighted FEDRA SERIF font software and of the unique designs embodied therein.

53. Defendant's unlicensed, unauthorized and counterfeit uses of Plaintiff's FEDRA trademark complained of herein have created a false association in the minds of consumers.

54. Defendant's unlicensed, unauthorized and counterfeit uses of Plaintiff's FEDRA trademark complained of herein have diluted the distinctiveness of Plaintiff's registered FEDRA trademark.

55. The natural, probable and foreseeable result of Defendant's wrongful conduct has been to deprive Plaintiff of the benefits and revenue from the sale of licenses to use the FEDRA SERIF font software.

56. Plaintiff has lost substantial revenue from Defendant's wrongful use, copying, counterfeiting, unauthorized creation of derivative works and the distribution thereof in the manner complained of herein and their conduct contributing to the same.

57. The natural, probable, and foreseeable result of Defendant's wrongful conduct has been to deprive Plaintiff of those rights reserved to authors of works under copyright law.

58. The natural, probable, and foreseeable result of Defendant's wrongful conduct has been to cause injury to Plaintiff's relationships with present and prospective customers who rely on the cachet that exclusive licensing creates in Plaintiff's various works.

59. Defendant's wrongful conduct has deprived Plaintiff of opportunities for expanding the good will associated with their type face font software and FEDRA trademark.

FIRST CAUSE OF ACTION
COPYRIGHT INFRINGEMENT
17 U.S.C. § 501

60. Plaintiff repeats and re-alleges each and every allegation of the Complaint as set forth in Paragraphs 1 through 59, inclusive and incorporates them herein by this reference.

61. Defendant has used, created, and caused to be created and distributed, unauthorized derivative versions of Plaintiff's FEDRA SERIF font software (Copyright Reg. No.: TX 7-373-502) for and through Defendant's Website located http://www.ricksantorum.com and:

   • http://www.ricksantorum.com/fonts/FedraBook.otf,

   • http://www.ricksantorum.com/fonts/FedraBold.otf; and

   • http://www.ricksantorum.com/fonts/FedraItalic.otf.

62. By reason thereof, Defendant has infringed Plaintiff's valuable Copyright in and to the FEDRA SERIF font software.

63. Defendant's actions constitute the infringement of Plaintiff's Copyright under 17 U.S.C. § 501.

64. Plaintiff is entitled to recover damages it has sustained together with any gains, profits, and advantages obtained by Defendant as a result of the acts of infringement alleged herein.

65. At present, the amount of such damages, gains, profits, and advantages cannot be fully ascertained by Plaintiff but is not less than two million dollars ($2,000,000).

66. Plaintiff has no adequate remedy at law.

SECOND CAUSE OF ACTION
CONTRIBUTORY COPYRIGHT INFRINGEMENT

67. Plaintiff repeats and re-alleges each and every allegation of the Complaint as set forth in Paragraphs 1 through 66, inclusive and incorporates them herein by this reference.

68. By reason of the acts complained of herein, Defendant has engaged in the knowing activities of systematically inducing and materially causing others to contribute to the infringement of Plaintiff's Copyright in the FEDRA SERIF font software (Copyright Reg. No.: TX 7-373-502).

69. Defendant's actions complained of herein constitute contributory copyright infringement.

70. Defendant has derived substantial benefit from the use of unauthorized derivative versions of Plaintiff's FEDRA SERIF font software.

71. Plaintiff is entitled to recover damages it has sustained together with any gains, profits and advantages obtained by Defendant as a result of the acts of infringement alleged herein.

72. At present, the amount of such damages, gains, profits and advantages cannot be fully ascertained by Plaintiff but is not less than two million dollars ($2,000,000).

73. Plaintiff has no adequate remedy at law.

THIRD CAUSE OF ACTION
FEDERAL TRADEMARK COUNTERFEITING
15 U.S.C. § 1114

74. Plaintiff repeats and re-alleges each and every allegation of the Complaint as set forth in Paragraphs 1 through 73, inclusive, and incorporates them herein by this reference.

75. Defendant has used spurious designations that are identical with, or substantially indistinguishable from Plaintiff's federally registered FEDRA Trademark on the same type of goods (type face font software) and the same class of goods (International Class 009) as those identified in Plaintiff's U.S. Trademark with Registration Serial No.: 3,070,309 (FEDRA).

76. Upon information and belief, Defendant knew or had reason to know that the spurious designations were counterfeit when it used them in connection with the advertisement, promotion, offering and distribution of unauthorized derivative versions of Plaintiff's FEDRA SERIF font software through the Website located at http://www.ricksantorum.com/.

77. Defendant's actions complained of herein were performed without any authorization or consent of Plaintiff.

78. Defendant's actions complained of herein were likely to cause confusion, mistake and deception as to the source of the unauthorized and counterfeit derivative versions of FEDRA SERIF font software used, advertised, promoted and distributed by Defendant.

79. Defendant's actions complained of herein were likely to cause the public to believe that the unauthorized and counterfeit derivative versions of FEDRA SERIF font software are of the same nature and quality as Plaintiff's expertly created FEDRA SERIF font software.

80. Defendant's actions complained of herein were likely to cause confusion, mistake and deception as to any affiliation, association or license agreement between Plaintiff and Defendant, America's Foundation PAC and/or the Rick Santorum 2012 Presidential Campaign.

81. Defendant's actions complained of herein have and will result in Defendant's unfair benefit from Plaintiff's good reputation, advertising and investment in their registered FEDRA Trademark at the expense of the public, Plaintiff and the FEDRA Trademark.

82. Defendant's actions complained of herein were both willful and malicious.

83. Defendant's actions complained of herein constitute Trademark Counterfeiting in violation of 15 U.S.C. § 1114.

84. By reason of the foregoing, Defendant is liable to Plaintiff for statutory damages of up to two million dollars ($2,000,000) for each trademark counterfeited as provided by 15 U.S.C. § 1117(c), or, at Plaintiff's election, three times Plaintiff's actual damages or Defendant's profits and costs including reasonable attorney's fees as provided by 15 U.S.C. § 1117(b).

85. Plaintiff has no adequate remedy at law.

FOURTH CAUSE OF ACTION
TRADEMARK INFRINGEMENT and DILUTION
15 U.S.C. § 1117

86. Plaintiff repeats and realleges each and every allegation of the Complaint as set forth in Paragraphs 1 through 85, inclusive, and incorporates them herein by this reference.

87. Defendant has improperly created and distributed infringing and counterfeit derivative versions of Plaintiff's font software.

88. Defendant's improper, infringing and counterfeit derivative versions of Plaintiff's FEDRA SERIF font software each bear the unauthorized use of Plaintiffs registered FEDRA trademark.

89. Defendant has distributed the unauthorized, infringing and counterfeit derivative versions bearing the unauthorized FEDRA to unlicensed parties and, by reason thereof, has infringed Plaintiff's valuable FEDRA trademark.

90. Defendant's actions were likely to cause confusion, mistake and deception as to the source of Plaintiff's valuable type face font software products.

91. Defendant's actions diluted the distinctiveness of Plaintiff's FEDRA trademark.

92. Plaintiff is entitled to recover damages it has sustained together with any gains, profits, and advantages obtained by Defendant as a result of the acts of infringement alleged herein, as well as attorneys' fees.

93. By reason of the foregoing, Defendant are liable to Plaintiff for statutory damages of up to two million dollars ($2,000,000) for each trademark counterfeited as provided by 15 U.S.C. § 1117(c), or, at Plaintiff's election, three times Plaintiff's actual damages or Defendant's profits and costs including reasonable attorney's fees as provided by 15 U.S.C. § 1117(b).

94. Plaintiff has no adequate remedy at law.

FIFTH CAUSE OF ACTION
UNFAIR COMPETITION
15 U.S.C. § 1125(a)

95. Plaintiff repeats and re-alleges each and every allegation of the Complaint as set forth in Paragraphs 1 through 94, inclusive, and incorporates them herein by this reference.

96. Defendant has used, created and caused to be used and created unauthorized and counterfeit derivative versions of Plaintiff's FEDRA SERIF font software in the creation of Defendant's Website.

97. Defendant has distributed or caused others to distribute unauthorized and counterfeit derivative versions of Plaintiff's FEDRA SERIF font software bearing the spurious FEDRA trademark by way of digital downloads directly from Defendant's Website.

98. Defendant's use, creation and distribution of the unauthorized and counterfeit derivative versions of Plaintiff's FEDRA SERIF font software bearing the spurious FEDRA trademark has caused confusion and deception as to the origin of Plaintiff's copyrighted works and registered trademark.

99. Defendant's distribution of unauthorized and counterfeit derivative versions of Plaintiff's FEDRA font software through Defendant's Website, each of which bears the unauthorized showing of Plaintiff's federally registered FEDRA trademark, has created a false affiliation or association between Plaintiff and Defendant, America's Foundation PAC and the Rick Santorum 2012 Presidential Campaign with respect to the goods distributed under Plaintiff's federally registered FEDRA trademark.

100. By reason thereof, Defendant's actions have caused a false designation of origin as to the goods associated with Plaintiff's FEDRA SERIF font software in violation of 15 U.S.C. § 1125(a).

101. Plaintiff is entitled to recover damages it has sustained together with any gains, profits, and advantages obtained by Defendant as a result of the acts alleged herein.

102. At present, the amount of such damages, gains, profits and advantages cannot be fully ascertained by Plaintiff but is not less than two million dollars ($2,000,000).

103. Plaintiff has no adequate remedy at law.

SIXTH CAUSE OF ACTION
BREACH OF CONTRACT

101. Plaintiff repeats and re-alleges each and every allegation of the Complaint as set forth in Paragraphs 1 through 103, inclusive, and incorporates them herein by this reference.

102. Defendant has used, created, distributed and/or caused to be used, created and distributed, unauthorized and counterfeit derivative versions of Plaintiff's FEDRA SERIF font software (Copyright Reg. No.: TX 7-373-502) as a resource in the creation of Defendant's Website.

103. Defendant has used, created, distributed and/or caused to be used, created and distributed, unauthorized and counterfeit derivative versions of Plaintiff's FEDRA SERIF font software bearing the spurious FEDRA trademark copies of which were directly downloadable from the Rick Santorum Website.

104. Plaintiff's records indicate that it has sold no licenses to Defendant that permitted or otherwise authorized the acts complained of herein.

105. Defendant was not otherwise authorized or permitted to create derivative works based upon Plaintiff's FEDRA SERIF font software or portions thereof.

106. To the extent Defendant or its representative has purchased a license to use the FEDRA SERIF font software, the uses complained of herein would not be authorized without the purchase of a special license upgrade from Plaintiff.

107. Defendant was not authorized to use, copy, sell, distribute, license, sublicense or otherwise permit the creation of any derivative works based upon Plaintiff's FEDRA SERIF font software.

108. Plaintiff's records indicate that no third party was authorized to use, copy, sell, distribute, license, sublicense, or otherwise permit the creation of any derivative works based upon Plaintiff's FEDRA SERIF font software for the benefit of Defendant.

109. By reason thereof, Defendant's actions are in breach of any contract that may have existed between Defendant and Plaintiff.

110. Plaintiff is further entitled to recover damages it has sustained together with any gains, profits, and advantages obtained by Defendant as a result of the acts of infringement and breach of contract alleged herein.

111. At present, the amount of such damages, gains, profits and advantages cannot be fully ascertained by Plaintiff but is not less than two million dollars ($2,000,000).

112. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff respectfully requests and prays that this Court will:

1. Preliminarily and permanently enjoin and restrain Defendant, its officers, directors, principals, agents, servants, employees, successors and assigns, and all those in active concert or participation with it under 17 U.S.C. § 502, 15 U.S.C. § 1116(a), and applicable State law from;

    (a)   imitating, copying, distributing, or otherwise making unauthorized use of Plaintiff's FEDRA SERIF font software;

    (b)   manufacturing, creating, producing, advertising, promoting, or displaying any products or advertisements bearing any simulation, reproduction, counterfeit, copy, derivative version, or colorable imitation of Plaintiff's FEDRA SERIF font software.

2. Direct that Defendant deliver to Plaintiff for destruction, at Defendant's expense, *inter alia*, all catalogs, packages, boxes, labels, bags, film, goods, computer files, disks, hard drives, CD-Rom's, data, DVD's, videotapes, prints and all other recorded media together with all other items in its possession or under its control, containing or using any of Plaintiff's FEDRA SERIF font software.

3. Direct the imposition of a constructive trust as to all monies received by Defendant from all sales, licenses, and payments or other benefits received by reason of the infringements of Plaintiff's FEDRA SERIF font software.

4. Direct that Defendant provide to Plaintiff an accounting and a complete listing of all transactions, downloads and distributions conducted by way of any Internet website or by way of any other means that may have been under the direction or control of Defendant at http://www.ricksantorum.com or

   - http://www.ricksantorum.com/fonts/FedraBook.otf,
   - http://www.ricksantorum.com/fonts/FedraBold.otf; and
   - http://www.ricksantorum.com/fonts/FedraItalic.otf.

5. Direct that Defendant identify every recipient of a digital download of the Fedra SERIF font software from Defendant's web site by the name, address, IP address, and telephone number of each such recipient.

6. Direct that Defendant be required to pay Plaintiff actual damages in an amount not less than $2,000,000 or all profits, damages and costs derived from the infringing use of Plaintiff's FEDRA SERIF font software, whichever is greater.

8. Direct that Defendant be required to pay Plaintiff statutory damages pursuant to 15 U.S.C. § 1117(c) of $2,000,000 for the willful use of Plaintiff's federally registered FEDRA Trademark.

7. Direct that Defendant be required to pay to Plaintiff such other damages that it has sustained as a consequence of Defendant's breach of contract, if any, as well as the unauthorized use, copying, and distribution of Plaintiff's FEDRA SERIF font software.

8. Direct that Defendant be required to pay Plaintiff punitive and exemplary damages in such an amount as is to be awarded at trial.

9. Direct that Defendant be ordered to make a written report within a reasonable period of time to be filed with the Court detailing the manner of compliance with the requested injunctive and mandatory relief above.

10. Award Plaintiff the costs of this action, together with reasonable attorneys' fees.

11. Award Plaintiff such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff, TYPOTHEQUE VOF, hereby demands a trial by jury.

Dated: August 16, 2011

Respectfully submitted,
THE MARTINEZ GROUP PLLC

By: _____
Frank J. Martinez (FJM-2149)
Attorney for Plaintiff TYPOTHEQUE VOF

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Fedra Serif A

Fedra Serif A

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Sample text [My text...] [POLITICAL ACTION COMMITTEE] Size [24]   [Reset]   Std Pro

☑ Small Caps   ☑ All Caps   Numerals [Default]   **Buying Options**
☐ All Small Caps   ☐ Discretionary Ligatures Stylistic sets [Select...]
                                                                                    Complete (16 fonts)   820.00 EUR
Book
POLITICAL ACTION COMMITTEE   Single font   90.00 EUR

Book Italic   Show prices for [1] user in [EUR]
POLITICAL ACTION COMMITTEE

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Medium   with Fedra Sans
POLITICAL ACTION COMMITTEE   Condensed Alt

Medium Italic   or Plan Grotesque
POLITICAL ACTION COMMITTEE   Condensed Stencil

Bold   Try more combinations ⊙
POLITICAL ACTION COMMITTEE
                                                                                    ⚙ Supported languages
Bold Italic
POLITICAL ACTION COMMITTEE   ► Latin (90)
                                                                                    ► Cyrillic (53)
                                                                                    ► Greek (2)

                                                                                    🏷 Tags

Fedra Serif A

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Sample text [My text...] [Join Rick Santorum Contact Cong] Size [24]   [Reset]

☐ Small Caps   ☐ All Caps   Numerals [Default]
☐ All Small Caps   ☐ Discretionary Ligatures   Stylistic sets [Select...]

Book

Join Rick Santorum Contact Congress Today!

Book Italic

Join Rick Santorum Contact Congress Today!

Demi

Join Rick Santorum Contact Congress Today!

Demi Italic

Join Rick Santorum Contact Congress Today!

Medium

Join Rick Santorum Contact Congress Today!

Medium Italic

Join Rick Santorum Contact Congress Today!

Bold

Join Rick Santorum Contact Congress Today

Bold Italic

Join Rick Santorum Contact Congress Today!

Std   Pro

Buying Options

Complete (16 fonts)   820.00 EUR

Single font   90.00 EUR

Show prices for [1] [EUR]

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Combine Fedra Serif A

with Fedra Sans
      Condensed Alt

or Plan Grotesque
    Condensed Stencil

Try more combinations

Supported languages

► Latin (90)
► Cyrillic (53)
► Greek (2)

Tags

Done

Fedra Serif A

Certificate of Registration

This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante

Register of Copyrights, United States of America

Registration Number

TX 7-373-502

Effective date of registration:

March 2, 2011

Title

Title of Work: Computer Software for a FEDRA SERIF Family of Typeface Fonts.

Completion/Publication

Year of Completion: 2009

Date of 1st Publication: March 15, 2009   **Nation of 1st Publication:** Netherlands

Author

■   **Author:** Typotheque VOF

Author Created: text, computer program

Work made for hire: Yes

Citizen of: Netherlands   **Domiciled in:** Netherlands

Copyright claimant

Copyright Claimant: Typotheque VOF

Zwaardstraat 16, 2584 TX, Den Haag, Netherlands

Transfer Statement: By written agreement

Limitation of copyright claim

Material excluded from this claim: text, computer program, Text of a computer program created by the use of the computer program entitled Fontlab.

New material included in claim: text, computer program, Text of new computer programs created by the use of another computer program entitled Fontlab.

Rights and Permissions

Organization Name: Typotheque VOF

Certification

Name: Frank J. Martinez, Esq.

Date: March 2, 2011

Applicant's Tracking Number: 1184-8

Registration #: TX0007373502
Service Request #: 1-575352937

THE MARTINEZ GROUP PLLC
Frank J Martinez, Esq.
55 Washington Street
Suite 316
Brooklyn, NY 11201 United States

TRADEMARK
PRINCIPAL REGISTER

Fedra

BILAK, PETER (SLOVAKIA INDIVIDUAL)
ZWAARDSTRAAT 16
DEN HAAG, NETHERLANDS 2584 TX

FOR: DOWNLOADABLE PRINTING FONTS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-1-2001; IN COMMERCE 9-1-2001.

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

SER. NO. 78-477,122, FILED 9-1-2004.

CAROLYN GRAY, EXAMINING ATTORNEY

**NOTICE OF ACCEPTANCE AND
ACKNOWLEDGEMENT OF §§8 & 15
DECLARATION
MAILING DATE: Mar 26, 2011**

The combined declaration of use and incontestability filed in connection with the
registration identified below meets the requirements of Sections 8 and 15 of the
Trademark Act, 15 U.S.C. §1058 and1065. The combined declaration is accepted
and acknowledged. The registration remains in force.

For further information about this notice, visit our website at: http://www.uspto.gov.
To review information regarding the referenced registration, go to
http://tarr.uspto.gov/.

REG NUMBER: 3070309
MARK: FEDRA
OWNER: Bilak, Peter

```css
/*
Theme Name: America's Foundation
Theme URI: http://wordpress.org/
Description: The America's Foundation WordPress theme.
Author: Webidextrous.com, RaiseDigital.com
Version: 1.0
Tags: black, white, two-columns, fixed-width,

Copyright America's Foundation, All Rights Reserved.
*/
@import url('960/reset.css');
@import url('960/text.css');
@import url('960/960.css');

@font-face
{
        font-family: 'Fedra';
        src: url('/fonts/FedraBook.otf');
}

@font-face
{
        font-family: 'Fedra';
        font-weight: 900;
        src: url('/fonts/FedraBold.otf');
}

@font-face
{
        font-family: 'Fedra';
        font-style:italic;
        src: url('/fonts/FedraItalic.otf');
}

body
{
        font-family:'Fedra','Georgia','Helvetica Neue', 'Helvetica', 'Arial', 'sans-serif';
        background:#0a0e12;
        font-size:13px;
}
a
{
        color:#426b8c;
}
#photo1
{
        height:542px;
        background:url('/img/photo1.jpg') no-repeat top center;
}
#photo1 a
{
        display:block;
        margin-left:-10px;
        border:none;
}
#photo1 a:active
{
        margin-top:1px;
}
#photo2
{
```

```css
                height:302px;
                background:url('/img/photo2.jpg') no-repeat top center;
}
#blurbold
{
                color:#afcde2;
                text-shadow:0 1px 5px #000;
                font-size:14px;
                font-weight:400;
                width:400px;
                margin-top:240px;
                line-height:1.75;
                margin-left:10px;
}
#blurb
{
                color:#FFF;
                text-shadow:0 1px 5px #000;
                font-size:14px;
                font-weight:400;
                width:400px;
                margin-top:240px;
                line-height:1.75;
                margin-left:10px;
}
#blurb2
{
                color:#2b3138;
                font-size:14px;
                font-weight:900;
                width:400px;
                margin-top:240px;
                line-height:1.75;
                margin-left:10px;
                background:#edeff1;
                border:2px solid #c9cdd1;
                border-radius:10px;
                -moz-border-radius:10px;
                -webkit-border-radius:10px;
}
#white
{
                background:url('/img/white.jpg') repeat-x #FFF;
                padding:30px 0;
}
#left
{
                line-height:1.75;
                color:#464c51;
}
h1
{
                font-family:'Fedra';
                font-weight:900;
                font-size:20px;
                margin-bottom:20px;
                color:#0a0e12;
}
.box
{
                margin-bottom:20px;
```

```css
    text-transform:uppercase;
    font-weight:700;
    font-size:12px;
padding-top:10px;
}
.form_submit {
height:68px;
            background:url('/img/button_bg.png') no-repeat top center;
            display:block;
            text-align:center;
            font-weight:900;
            font-size:16px;
            width:350px;
            color:#4d000a;
            border-bottom:none;

}
.form_submit1 {
height:68px;
            background:url('/img/asubmit.png') no-repeat top center;
            display:block;
            text-align:center;
            font-weight:900;
            font-family:'Fedra','Georgia','Helvetica Neue', 'Helvetica', 'Arial', 'sans-serif';
            font-size:16px;
            width:350px;
            color:#4d000a;
            border-bottom:none;

}
.form_submit2 {
height:43px;
            background:url('/img/button_tiny.png') no-repeat top center;
            text-align:center;
            font-weight:900;
            font-size:16px;
            width:118px;
            color:#4d000a;
            border-bottom:none;

}
```

Santorum Download
Source Code

Fedra Bold

<Encoding name="StandardEncoding"/>

Santorum Download
Source Code

Fedra Book Italic

```xml
<?xml version="1.0" encoding="ISO-8859-1"?>
<ttFont sfntVersion="OTTO" ttLibVersion="2.0b2">

  <name>
    <namerecord nameID="0" platformID="0" platEncID="0" langID="0x0">
    Copyright (c) Peter Bilak (www.typotheque.com), 2003. All rights
reserved.
    </namerecord>
    <namerecord nameID="1" platformID="0" platEncID="0" langID="0x0">
    FedraSerifA
    </namerecord>
    <namerecord nameID="2" platformID="0" platEncID="0" langID="0x0">
    BookItalic
    </namerecord>
    <namerecord nameID="3" platformID="0" platEncID="0" langID="0x0">
    FedraSerifA BookItalic:1180639066
    </namerecord>
    <namerecord nameID="4" platformID="0" platEncID="0" langID="0x0">
    FedraSerifA BookItalic
    </namerecord>
    <namerecord nameID="5" platformID="0" platEncID="0" langID="0x0">
    001.000
    </namerecord>
    <namerecord nameID="6" platformID="0" platEncID="0" langID="0x0">
    FedraSerifA-BookItalic
    </namerecord>
    <namerecord nameID="0" platformID="1" platEncID="0" langID="0x0">
    Copyright (c) Peter Bilak (www.typotheque.com), 2003. All rights
reserved.
    </namerecord>
    <namerecord nameID="1" platformID="1" platEncID="0" langID="0x0">
    FedraSerifA
    </namerecord>
    <namerecord nameID="2" platformID="1" platEncID="0" langID="0x0">
    BookItalic
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    <namerecord nameID="3" platformID="1" platEncID="0" langID="0x0">
    FedraSerifA BookItalic:1180639066
    </namerecord>
    <namerecord nameID="4" platformID="1" platEncID="0" langID="0x0">
    FedraSerifA BookItalic
    </namerecord>
    <namerecord nameID="5" platformID="1" platEncID="0" langID="0x0">
    001.000
    </namerecord>
    <namerecord nameID="6" platformID="1" platEncID="0" langID="0x0">
    FedraSerifA-BookItalic
    </namerecord>
    <namerecord nameID="0" platformID="3" platEncID="1" langID="0x409">
    Copyright (c) Peter Bilak (www.typotheque.com), 2003. All rights
reserved.
    </namerecord>
    <namerecord nameID="1" platformID="3" platEncID="1" langID="0x409">
    FedraSerifA Book
    </namerecord>
    <namerecord nameID="2" platformID="3" platEncID="1" langID="0x409">
    Italic
    </namerecord>
    <namerecord nameID="3" platformID="3" platEncID="1" langID="0x409">
    FedraSerifA BookItalic:1180639066
    </namerecord>
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    FedraSerifA-BookItalic
    </namerecord>
    <namerecord nameID="5" platformID="3" platEncID="1" langID="0x409">
    001.000
    </namerecord>
    <namerecord nameID="6" platformID="3" platEncID="1" langID="0x409">
    FedraSerifA-BookItalic
    </namerecord>
  </name>

  <head>
    <!-- Most of this table will be recalculated by the compiler -->
    <tableVersion value="1.0"/>
    <fontRevision value="1.0"/>
    <checkSumAdjustment value="0x44162AD3"/>
    <magicNumber value="0x5F0F3CF5"/>
    <flags value="00000000 00000011"/>
    <unitsPerEm value="1000"/>
    <created value="Thu May 31 14:17:46 2007"/>
    <modified value="Thu May 31 14:17:46 2007"/>
    <xMin value="-154"/>
    <yMin value="-645"/>
    <xMax value="1029"/>
    <yMax value="1017"/>
    <macStyle value="00000000 00000010"/>
    <lowestRecPPEM value="6"/>
    <fontDirectionHint value="2"/>
    <indexToLocFormat value="0"/>
    <glyphDataFormat value="0"/>
  </head>

  <CFF>

    <CFFFont name="FedraSerifA-BookItalic">
      <version value="001.000"/>
      <Notice value="Copyright (c) Peter Bilak (www.typotheque.com), 2003.
All rights reserved."/>
      <FullName value="FedraSerifA BookItalic"/>
      <FamilyName value="FedraSerifA"/>
      <Weight value="Book"/>
      <isFixedPitch value="0"/>
      <ItalicAngle value="0"/>
      <UnderlinePosition value="-150"/>
      <UnderlineThickness value="30"/>
      <PaintType value="0"/>
      <CharstringType value="2"/>
      <FontMatrix value="0.001 0 0 0.001 0 0"/>
      <UniqueID value="5125399"/>
      <FontBBox value="-154 -645 1029 1017"/>
      <StrokeWidth value="0"/>
      <!-- charset is dumped separately as the 'GlyphOrder' element -->
      <Encoding name="StandardEncoding"/>
      <Private>
        <BlueValues value="-19 0 557 557 707 725"/>
        <OtherBlues value="-226 -220"/>
        <BlueScale value="0.03129"/>
        <BlueShift value="7"/>
        <BlueFuzz value="1"/>
```

Santorum Download
Source Code

Fedra Book

```xml
<?xml version="1.0" encoding="ISO-8859-1"?>
<ttFont sfntVersion="OTTO" ttLibVersion="2.0b2">

  <name>
    <namerecord nameID="0" platformID="0" platEncID="0" langID="0x0">
    Copyright (c) Peter Bilak (www.typotheque.com), 2003. All rights
reserved.
    </namerecord>
    <namerecord nameID="1" platformID="0" platEncID="0" langID="0x0">
    FedraSerifA
    </namerecord>
    <namerecord nameID="2" platformID="0" platEncID="0" langID="0x0">
    Book
    </namerecord>
    <namerecord nameID="3" platformID="0" platEncID="0" langID="0x0">
    FedraSerifA Book:1180639065
    </namerecord>
    <namerecord nameID="4" platformID="0" platEncID="0" langID="0x0">
    FedraSerifA Book
    </namerecord>
    <namerecord nameID="5" platformID="0" platEncID="0" langID="0x0">
    001.000
    </namerecord>
    <namerecord nameID="6" platformID="0" platEncID="0" langID="0x0">
    FedraSerifA-Book
    </namerecord>
    <namerecord nameID="0" platformID="1" platEncID="0" langID="0x0">
    Copyright (c) Peter Bilak (www.typotheque.com), 2003. All rights
reserved.
    </namerecord>
    <namerecord nameID="1" platformID="1" platEncID="0" langID="0x0">
    FedraSerifA
    </namerecord>
    <namerecord nameID="2" platformID="1" platEncID="0" langID="0x0">
    Book
    </namerecord>
    <namerecord nameID="3" platformID="1" platEncID="0" langID="0x0">
    FedraSerifA Book:1180639065
    </namerecord>
    <namerecord nameID="4" platformID="1" platEncID="0" langID="0x0">
    FedraSerifA Book
    </namerecord>
    <namerecord nameID="5" platformID="1" platEncID="0" langID="0x0">
    001.000
    </namerecord>
    <namerecord nameID="6" platformID="1" platEncID="0" langID="0x0">
    FedraSerifA-Book
    </namerecord>
    <namerecord nameID="0" platformID="3" platEncID="1" langID="0x409">
    Copyright (c) Peter Bilak (www.typotheque.com), 2003. All rights
reserved.
    </namerecord>
    <namerecord nameID="1" platformID="3" platEncID="1" langID="0x409">
    FedraSerifA Book
    </namerecord>
    <namerecord nameID="2" platformID="3" platEncID="1" langID="0x409">
    Regular
    </namerecord>
    <namerecord nameID="3" platformID="3" platEncID="1" langID="0x409">
    FedraSerifA Book:1180639065
    </namerecord>
    <namerecord nameID="4" platformID="3" platEncID="1" langID="0x409">
    FedraSerifA-Book
    </namerecord>
    <namerecord nameID="5" platformID="3" platEncID="1" langID="0x409">
    001.000
    </namerecord>
    <namerecord nameID="6" platformID="3" platEncID="1" langID="0x409">
    FedraSerifA-Book
    </namerecord>
  </name>

  <head>
    <!-- Most of this table will be recalculated by the compiler -->
    <tableVersion value="1.0"/>
    <fontRevision value="1.0"/>
    <checkSumAdjustment value="0x129D8D3C"/>
    <magicNumber value="0x5F0F3CF5"/>
    <flags value="00000000 00000011"/>
    <unitsPerEm value="1000"/>
    <created value="Thu May 31 14:17:45 2007"/>
    <modified value="Thu May 31 14:17:45 2007"/>
    <xMin value="-220"/>
    <yMin value="-645"/>
    <xMax value="2314"/>
    <yMax value="1017"/>
    <macStyle value="00000000 00000000"/>
    <lowestRecPPEM value="6"/>
    <fontDirectionHint value="2"/>
    <indexToLocFormat value="0"/>
    <glyphDataFormat value="0"/>
  </head>

  <CFF>

    <CFFFont name="FedraSerifA-Book">
      <version value="001.000"/>
      <Notice value="Copyright (c) Peter Bilak (www.typotheque.com), 2003.
All rights reserved."/>
      <FullName value="FedraSerifA Book"/>
      <FamilyName value="FedraSerifA"/>
      <Weight value="Book"/>
      <isFixedPitch value="0"/>
      <ItalicAngle value="0"/>
      <UnderlinePosition value="-150"/>
      <UnderlineThickness value="30"/>
      <PaintType value="0"/>
      <CharstringType value="2"/>
      <FontMatrix value="0.001 0 0 0.001 0 0"/>
      <UniqueID value="5125391"/>
      <FontBBox value="-220 -645 2314 1017"/>
      <StrokeWidth value="0"/>
      <!-- charset is dumped separately as the 'GlyphOrder' element -->
      <Encoding name="StandardEncoding"/>
      <Private>
        <BlueValues value="-20 0 557 557 707 725"/>
        <OtherBlues value="-223 -220"/>
        <BlueScale value="0.03129"/>
        <BlueShift value="7"/>
        <BlueFuzz value="1"/>
```

http://www.ricksantorum.com/

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http://www.google-analytics.co...Cutmcmd%3D(none)%386utmu=H	79 bytes
http://www.google-analytics.com/ga.js	25.1 KB
http://www.ricksantorum.com/	25.6 KB
http://www.ricksantorum.com/fonts/FedraBold.od
http://www.ricksantorum.com/fonts/FedraBook.od
http://www.ricksantorum.com/fonts/FedraItalic.od
http://www.ricksantorum.com/img/asubmit.png

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