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10 UNITED STATE DISTRICT COURT
11 EASTERN DISTRICT OF WASHINGTON
12

13
14 ALLIED SAFE & VAULT CO., INC.)
15 a Washington Corporation)

16)
17 Plaintiff,)

18)
19 v.)

20)
21 ALLIED FIRE SPRINKLERS, INC.)
22 a Washington Corporation)

23)
24)
25 DUANE BARTHOLOMEW,)
26 an individual)

27)
28 and)

29)
30 DOES, 1 through 10)

Case No. **CV-09-00153-LRS**

COMPLAINT

1 COMPLAINT

2 Plaintiff, Allied Safe & Vault Co., Inc., a Washington State Corporation
3 (“Allied Safe & Vault”) hereby alleges upon information and belief the following.
4

5 PARTIES, JURISDICTION AND VENUE

- 6 1. Plaintiff Allied Safe & Vault Co. is a Washington corporation with its principal
7 place of business in Washington.
- 8 2. Upon information and belief, Defendant Allied Fire Sprinklers, Inc. (“Allied
9 Fire Sprinklers”) is a Washington corporation with a place of business at 5215
10 Corrigan Road, Otis Orchards, WA 99027. Defendant Allied Fire Sprinklers
11 has a web-site at www.alliedfiresprinklers.com. Allied Fire Sprinklers may
12 have additional as yet unidentified physical locations. The registered agent of
13 Allied Fire Sprinklers is believed to Duane Bartholomew at 5215 Corrigan
14 Road, Otis Orchards, WA 99027.
- 15 3. Upon information and belief, Defendant Duane Bartholomew is an individual
16 having a mailing address of 5215 Corrigan Road, Otis Orchards, WA 99027.
17 Defendant Duane Bartholomew may have additional as yet unidentified
18 physical locations and employees who may be involved with the subject matter
19 of this Complaint.

1 4. This court has subject matter jurisdiction under 28 U.S.C. § 1338 and 15
2 U.S.C. § 1121.

3 5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391.
4

5 **CAUSES OF ACTION**

6 **I. Plaintiff vs. All Defendants for Trademark Infringement**

7 6. Plaintiff Allied Safe & Vault is the owner of the following U.S. trademark
8 registrations of the mark ALLIED FIRE & SECURITY:

9 a. U.S. Trademark Reg. No. 3,245,277 for ALLIED FIRE & SECURITY
10 (May 22, 2007) for electronic monitoring systems, comprised of cameras
11 and alarms for electronic monitoring and notification of fires, burglaries,
12 temperatures, sprinklers, telephones, hold-up alarms, panic alarms
13 (International Class 009). A copy of Reg. No. 3,245,277 (“the ‘277
14 registration”) is attached hereto as **Exhibit A**.

15 b. U.S. Trademark Reg. No. 3,369,823 for ALLIED FIRE & SECURITY
16 (Jan. 15, 2008) for retail store services and on-line retail store services
17 listed in the registration, including fire detection systems (International
18 Class 035). A copy of Reg. No. 3,369,823 (“the ‘823 registration”) is
19 attached hereto as **Exhibit B**.

1 c. U.S. Trademark Reg. No. 3,392,268 for ALLIED FIRE & SECURITY
2 (Mar. 4, 2008) for installation and repair services including fire
3 detection systems (International Class 037). A copy of Reg. No.
4 3,392,268 (“the ‘268 registration”) is attached hereto as **Exhibit C**.

5
6 Plaintiff also owns additional Federal Trademark Registrations which evidence the
7 notoriety of Plaintiff’s mark in the minds of customers or potential customers for
8 other goods and services.

9 d. U.S. Trademark Reg. No. 3,283,374 for ALLIED FIRE & SECURITY
10 (Aug. 21, 2007) for metal safes (International Class 6). A copy of Reg.
11 No. 3,283,374 (“the ‘374 registration”) is attached hereto as **Exhibit D**.

12 e. U.S. Trademark Reg. No. 3,376,302 for ALLIED FIRE & SECURITY
13 (Jan. 29, 2008) for locksmithing (International Class 40). A copy of
14 Reg. No. 3,376,302 (“the ‘302 registration”) is attached hereto as
15 **Exhibit E**.

16 The registrations listed above as Exhibits A, B and C shall hereinafter
17 be referred to collectively as “the Registrations”.

18 7. Defendants are currently using the mark ALLIED FIRE SPRINKLERS (“the
19 infringing mark”) in commerce to promote the sales and servicing of fire

1 sprinkler systems and possibly other manners. Defendant uses the infringing
2 mark on its website, on its service vehicles, on its literature, in telephone
3 directories, and in other ways and means not currently known to Plaintiff.

4 8. The use of the infringing mark by Defendants is without consent of the
5 Plaintiff, who is the owner of the Registrations. Plaintiff has also sought to
6 resolve this by agreement to which the defendants have not meaningfully
7 responded. Such use thus constitutes trademark infringement because such use
8 is likely to cause confusion, or to cause mistake, or to deceive. Defendants'
9 use of the infringing mark is thus in violation of 15 U.S.C. § 1114.

10 9. Defendants' continued use of the infringing mark has and is causing
11 irreparable harm to Plaintiff, and will continue to cause irreparable harm and
12 economic loss to Plaintiff unless Defendants cease all use of the infringing
13 mark.

PRAYER FOR RELIEF

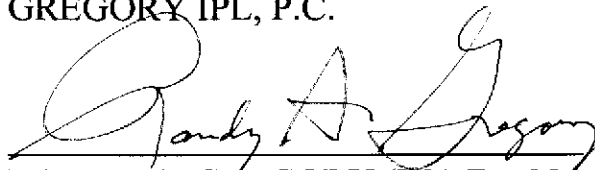
10. WHEREFORE, Plaintiff requests this Court for the following judicial relief:

- a. An injunction enjoining Defendant from continuing to use the infringing mark in connection with their goods and services;
- b. An order from the court ordering Defendant to transfer ownership of the domain name "alliedfiresprinklers.com" to Plaintiff, or in the alternative to order it immediately inaccessible and permanently enjoin use of such domain name;
- c. An order from the court ordering Defendant to deliver up and destroy all labels, signs, prints, packages, wrappers, receptacles, and advertisements in the possession of the Defendant, bearing the infringing mark, and all plates, molds, matrices, and other means of making the same;
- d. Award of Defendant's profits resulting from use of the infringing mark;
- e. Award of damages sustained by Plaintiff as a result of Defendant's use of the infringing mark;
- f. Award of Plaintiff's costs of this action;
- g. Award of attorney fees as deemed appropriate by the Court; and
- h. Such other relief as may be appropriate.

1 11. Such relief is appropriate under one or more of 15 U.S.C. §§ 1114 (general
2 provisions), 1116 (injunction), 1117 (recovery of profits, damages and costs),
3 and 1118 (destruction of infringing articles).

Dated: May 19, 2009

GREGORY IPL, P.C.



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Exhibit A

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,245,277

Registered May 22, 2007

**TRADEMARK
PRINCIPAL REGISTER**

ALLIED FIRE & SECURITY

**ALLIED SAFE & VAULT CO., INC. (WASHINGTON CORPORATION)
425 W. SECOND AVENUE
SPOKANE, WA 99204**

FOR: ELECTRONIC MONITORING SYSTEMS, COMPRISED OF CAMERAS AND ALARMS FOR ELECTRONIC MONITORING AND NOTIFICATION OF FIRES, BURGLARIES, TEMPERATURES, SPRINKLERS, TELEPHONES, HOLD-UP ALARMS, PANIC ALARMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-0-2005; IN COMMERCE 11-0-2005.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FIRE & SECURITY", APART FROM THE MARK AS SHOWN.

SN 76-623,230, FILED 12-6-2004.

DAVID MURRAY, EXAMINING ATTORNEY

Exhibit B

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 3,369,823

Registered Jan. 15, 2008

**SERVICE MARK
PRINCIPAL REGISTER**

ALLIED FIRE & SECURITY

ALLIED SAFE & VAULT CO., INC. (WASHINGTON CORPORATION)
425 W. SECOND AVENUE
SPOKANE, WA 99204

FOR: RETAIL STORE SERVICES AND ON-LINE RETAIL STORE SERVICES FEATURING SAFES, VAULTS, NIGHT DEPOSITORIES, SECURITY FILING CABINETS, LOCKS, MULTI-LOCATION LOCK SYSTEMS, KEYS, KEY SYSTEMS, ACCESS CONTROL SYSTEMS, VIDEO SURVEILLANCE SYSTEMS, INTRUDER DETECTION SYSTEMS, FIRE DETECTION SYSTEMS, IDENTIFICATION BADGE READING AND DETECTION SYSTEMS, REMOTE TRANSACTION SYSTEMS, NAMELY, PNEUMATIC TUBE CONVEYING SYSTEMS FOR MONEY AND DOCUMENTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-0-2005; IN COMMERCE 11-0-2005.

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

OWNER OF U.S. REG. NOS. 1,441,767 AND 1,836,548.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FIRE & SECURITY", APART FROM THE MARK AS SHOWN.

SN 76-623,232, FILED 12-6-2004.

INGRID C. EULIN, EXAMINING ATTORNEY

Exhibit C

Int. Cl.: 37

Prior U.S. Cls.: 100, 103, and 106

United States Patent and Trademark Office

Reg. No. 3,392,268

Registered Mar. 4, 2008

**SERVICE MARK
PRINCIPAL REGISTER**

ALLIED FIRE & SECURITY

ALLIED SAFE & VAULT CO., INC. (WASHING-
TON CORPORATION)
425 W. SECOND AVENUE
SPOKANE, WA 99204

FOR: INSTALLATION AND REPAIR SERVICES
FOR THE FOLLOWING: LOCKS, MULTI-LOCA-
TION LOCK SYSTEMS, KEYS, KEY SYSTEMS,
ACCESS CONTROL SYSTEMS, VIDEO SURVEIL-
LANCE SYSTEMS, INTRUDER DETECTION SYS-
TEMS, FIRE DETECTION SYSTEMS,
IDENTIFICATION BADGE READING AND DETEC-
TION SYSTEMS, SAFES, VAULTS, DEPOSITORIES,
DEAL DRAWERS; REMOTE TRANSACTION SYS-
TEMS, NAMELY, PNEUMATIC TUBE CONVEYING
SYSTEMS FOR MONEY AND DOCUMENTS, IN
CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 11-0-2005; IN COMMERCE 11-0-2005.

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

OWNER OF U.S. REG. NOS. 1,441,767 AND
1,836,548.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "FIRE & SECURITY", APART
FROM THE MARK AS SHOWN.

SN 76-623,229, FILED 12-6-2004.

STEVEN PEREZ, EXAMINING ATTORNEY

Exhibit D

Int. Cl.: 6

Prior U.S. Cls.: 2, 12, 13, 14, 23, 25, and 50

United States Patent and Trademark Office

Reg. No. 3,283,374

Registered Aug. 21, 2007

**TRADEMARK
PRINCIPAL REGISTER**

ALLIED FIRE & SECURITY

ALLIED SAFE & VAULT CO., INC. (WASHINGTON CORPORATION)
425 W. SECOND AVENUE
SPOKANE, WA 99204

OWNER OF U.S. REG. NOS. 1,441,767 AND 1,836,548.

FOR: METAL SAFES, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FIRE & SECURITY", APART FROM THE MARK AS SHOWN.

FIRST USE 11-0-2005; IN COMMERCE 11-0-2005.

SN 76-623,227, FILED 12-6-2004.

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

STEVEN PEREZ, EXAMINING ATTORNEY

Exhibit E

Int. Cls.: 40 and 42

Prior U.S. Cls.: 100, 101, 103, and 106

United States Patent and Trademark Office

Reg. No. 3,376,302

Registered Jan. 29, 2008

**SERVICE MARK
PRINCIPAL REGISTER**

ALLIED FIRE & SECURITY

ALLIED SAFE & VAULT CO., INC. (WASHINGTON CORPORATION)
425 W. SECOND AVENUE
SPOKANE, WA 99204

FOR: LOCKSMITHING, NAMELY, RE-KEYING OF LOCKS AND CUTTING KEYS; CUSTOM FABRICATION OF KEYS OR LOCKS, NAMELY, KEYS, KEY SYSTEMS AND LOCKS, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

FIRST USE 11-0-2005; IN COMMERCE 11-0-2005.

FOR: DESIGN SERVICES FOR OTHERS IN THE FIELD OF KEY SYSTEMS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 11-0-2005; IN COMMERCE 11-0-2005.

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

OWNER OF U.S. REG. NOS. 1,441,767 AND 1,836,548.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FIRE & SECURITY", APART FROM THE MARK AS SHOWN.

SN 76-623,231, FILED 12-6-2004.

INGRID C. EULIN, EXAMINING ATTORNEY