

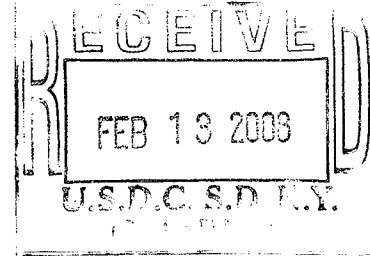
Judge Berman

Document filed at JDSUPRA
http://www.jdsupra.com/post/documentViewer.aspx?fid=cf80f9a-2a8e-4b63-9835-56affd7c5539

08 CV 01477

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HOFFMAN POLLAND & FURMAN, PLLC
Ronald D. Coleman (RC 3875)
220 East 42nd Street – Suite 435
New York, New York 10022
212-338-0700
Attorneys for Plaintiff
Kristin M. Miles



<p>KRISTIN M. MILES,</p> <p>Plaintiff,</p> <p>- vs. -</p> <p>THERESA MUELLER and KARL WILDER,</p> <p>Defendants.</p>	<p>CIVIL ACTION NO. _____</p> <p>VERIFIED COMPLAINT</p>
--	--

INTRODUCTION

Plaintiff Kristin M. Miles, DDS (“Dr. Miles”), by her undersigned attorneys, by and for her complaint against the defendants Theresa Mueller and Karl Wilder, states as follows:

NATURE OF ACTION

This is an action for trademark infringement and false designation of origin under Section 43(a) of the Lanham Act, 15 U.S. §1125(a), and unfair competition under New York State General Business Law §349. As set forth below, plaintiff is a provider of dental services, mainly to children, in New York, who does business under the trademark

MAJESTIC SMILES. Defendant Mueller, a competitor and former landlord and office-suite-mate of plaintiff, with the aid of defendant Wilder, a marketing consultant, began utilizing the names "Majestic Smile Team" or "Majestic Smile Group" for the promotion of defendant Mueller's dental services, offered in the same geographic area as plaintiff. Upon information and belief, defendant is promoting, marketing, offering for sale, and selling dental services in an effort to mislead and confuse prospective purchasers. Despite demands that they cease doing so, they have not stopped. Upon information and belief, defendants' actions are part of a deliberate attempt to divert sales away from plaintiff. These actions will continue unless enjoined by this Court.

THE PARTIES

1. Plaintiff is an individual who resides in the City of New York and maintains a professional practice at 101 Central Park West, New York, New York.
2. Defendant Mueller is an individual who maintains a professional practice at 115 Central Park West, New York, New York.
3. Defendant Wilder is an individual residing at 66 W 85th St, Apt 4B, New York, New York.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §1331 and 1338. The Court has supplemental jurisdiction over the state law claims under 28 U.S.C. § 1367(a).

FACTS

5. Plaintiff has been using the MAJESTIC SMILES trademark and name

consistently and continuously since as early as March 2007 in association with the provision of dental services, primarily to children, in the New York City area.

6. On October 25, 2007, the New York State Department of State certified the mark MAJESTIC SMILES as registered with that Department for dental services, pursuant to Article 24 of the New York General Business Law. A true copy of that registration is attached hereto as Exhibit A.

7. On May 31, 2007, plaintiff entered into a lease for dental office space in defendant Mueller's dental practice.

8. The trademark MAJESTIC SMILES was originated by, and was unique to, plaintiff, and was not used by defendant or, upon information and belief, any other person prior to plaintiff's adoption of it.

9. MAJESTIC SMILES is a distinctive mark that plaintiff has chosen, adopted and uses consistently to identify, promote and distinguish the unique dental services that she offers to the public.

10. Dr. Miles has expended considerable time, effort and money in developing, promoting and protecting the MAJESTIC SMILES brand, and continues to do so.

11. Notwithstanding the foregoing, defendants have, without authorization, and well after the adoption by plaintiff of the MAJESTIC SMILES mark, wrongfully used the names "Majestic Smile Team" and "Majestic Smile Group" in the same geographic area as plaintiff.

12. The names "Majestic Smile Team" and "Majestic Smile Group" for dental services are confusingly similar to plaintiff's MAJESTIC SMILES mark for dental

services.

13. Beginning in early October, 2007, multiple copies of promotional materials advertising defendant Mueller's dental services as those of the "Majestic Smile Group" and making reference to her practice as the "Majestic Smile Team" were prepared and mailed by defendant Wilder. True copies of representative samples of those materials are attached hereto as Exhibit B.

14. On October 24, 2007, Dr. Miles spoke with Dr. Mueller regarding this matter, but defendants' unauthorized use of the trademark did not cease.

15. More recently, on December 5, 2007, holiday correspondence and "welcome to our practice" postcards utilizing the name "Majestic Smile Group" or "Majestic Smile Team" were also prepared and mailed by defendants. True copies of representative samples of those materials are attached hereto as Exhibit C.

16. On December 14, 2007, counsel for plaintiff transmitted correspondence to each of the two defendants by certified mail and overnight courier, demanding that they cease and desist their unauthorized use of the names "Majestic Smile Team" and "Majestic Smile Group" and setting out the legal grounds for this demand. True copies of each of the December 14, 2007 letters are attached hereto as Exhibit D.

17. Neither defendant replied to the December 14, 2007 letters.

18. On the contrary, four days later, defendant Mueller registered the domain name MAJESTICSMILETEAM.COM. A true copy of the WHOIS information, showing defendant Mueller as the registrant of that domain name as of December 18, 1007, is attached hereto as Exhibit E.

19. Upon information and belief, defendants are continuing their unauthorized

use of names confusingly similar to plaintiff's MAJESTIC SMILES mark.

COUNT ONE
(Trademark Infringement)

20. Plaintiff repeats and realleges each and every allegation of the foregoing as though fully set forth herein.

21. Defendants' acts as alleged constitute trademark infringement in violation of the Lanham Act, Section 43(a), 15 U.S.C. § 1125(a), all to the substantial and irreparable injury of the public and of plaintiff's business reputation and goodwill.

22. Plaintiff has no adequate remedy at law.

COUNT TWO
(Unfair Competition Under the Common Law)

23. Plaintiff repeats and realleges each and every allegation of the foregoing as though fully set forth herein.

24. Defendants' aforementioned acts constitute unfair competition in violation of the common law of New York State.

25. Plaintiff has been damaged by defendants' aforementioned acts.

COUNT THREE
(Unfair Competition)

26. Plaintiff repeats and realleges each and every allegation of the foregoing as though fully set forth herein.

27. Defendants' aforementioned acts constitute unfair competition and unfair deceptive acts or practices in violation of New York General Business Law § 349.

28. Plaintiff has been damaged by defendants' aforementioned acts.

WHEREFORE, Plaintiff prays for an order of the Court:

- A. Granting a preliminary and permanent injunction restraining defendants, and all individuals acting in concert or participation with them, from:
1. infringing plaintiff's trademark rights;
 2. unfairly competing with plaintiff;
 3. utilizing the word "MAJESTIC" in any fashion in connection with the marketing, promotion, sale or offering of dental services within 25 miles of New York City; and
 4. registering any domain name utilizing the words "MAJESTIC" and "SMILE."
- B. Directing defendants to use their best efforts to recall from all third parties any and all marketing, advertising and promotional material used in connection with their services.
5. Directing defendants to arrange for the transfer of any domain name utilizing the words "MAJESTIC" and "SMILE" to plaintiff;
- C. Directing defendants to file with the Court and serve on counsel for plaintiff, within thirty days, after entry of any injunction issued by the court in this action, a sworn statement as provided in 15 U.S.C. §1116 setting forth in detail the manner and form in which defendants have complied with the injunction;
- D. Directing defendants to deliver up to plaintiff for destruction or other disposition, within ten days of the entry of final judgment herein, any and all infringing articles and any promotion, marketing, advertising and promotional materials used in connection therewith, now or hereafter in its possession, custody or control;

- E. Directing defendants to account to plaintiff for any and all profits derived by defendants from the sale of goods or services bearing the infringing trademark;
- F. Awarding plaintiff a monetary judgment against defendants for plaintiff's damages and defendants' profits pursuant to 15 U.S.C. § 1117;
- G. Trebling the amount of such award on account of defendants' willful, intentional, and bad faith conduct pursuant to 15 U.S.C. § 1117;
- H. Awarding plaintiff its reasonable attorneys' fees, costs and disbursements incurred herein in view of defendants' intentional and willful infringement, pursuant to 15 U.S.C. § 1117; and
- I. Awarding plaintiff such other and further relief as the Court may deem just and proper.



Ronald D. Coleman (RC-3875)

HOFFMAN POLLAND & FURMAN, PLLC
 220 East 42nd Street – Suite 435
 New York, New York 10022
 212-338-0700
 Attorneys for Plaintiff
 Kristin M. Miles

Dated: February 11, 2008

VERIFICATION

STATE OF NEW YORK)
)
 NEW YORK COUNTY)

Kristin M. Miles, under oath, deposes and says:

1. Deponent is the plaintiff in the within action.

2. Deponent has read the foregoing Verified Complaint and knows the contents thereof; and the same is true to Deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters Deponent believes it to be true based on Deponent's investigation.


KRISTIN M. MILES

Sworn to before me this

17th day of February, 2008



Notary Public

Ronald D. Coleman
Notary Public, State of New York
No. 02CO6152988
Qualified in New York County
Commission Expires Sept. 25, 2010

EXHIBIT A

New York State Department of State Certificate of Service Mark Registration

I Daniel E. Shapiro, Special Deputy Secretary of State, do certify that the Service Mark described below and depicted on the attached copy has been duly registered in this Department pursuant to Article 24 of the General Business Law. This registration will remain in force for TEN years from the Date of Registration.

Registration Number: S20239 Registration Date: 10/25/2007

Applicant: KRISTIN M. MILES, DDS
590 WEST END AVE., APT. PH-D
NEW YORK NY 10024-

State of Incorporation or Partnership Organization: NY

Class Numbers: 42

Date First Used in NYS: 3/13/07 Date First Used Anywhere 3/13/07

Service Mark Description:

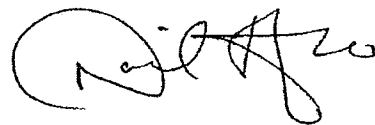
"MAJESTIC SMILES" - Two words used as my business name in advertising, on my website, business cards and stationery.

Description of Services: Dental services - private office.

WITNESS my hand and the seal of the State of New York In the City of Albany on this:

Thursday, November 29, 2007

by:



Special Deputy Secretary of State

DOS-690 (Rev. 3/01)



EXHIBIT B

The Majestic Smile Group

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Dr. Theresa Mueller <http://www.jdsupra.com/post/documentViewer.aspx?fid=cfc0f9a-2a8e-4b63-9e35-56affd7c5539>

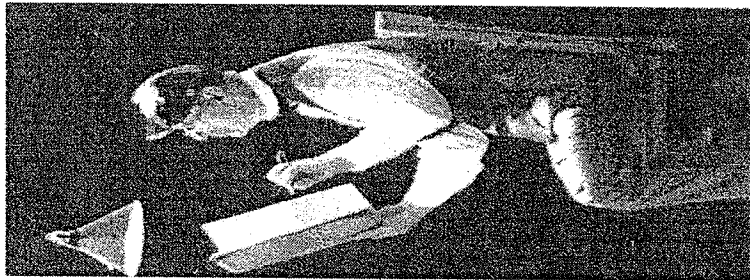
115 Central Park West

NY NY 10023

As you continue in life, we continue to grow. We are proud to announce the addition of ...

1. Saturday Hours (emergency)
2. Pediatric Dentistry
3. Nutritional Counseling
4. Botox and Facial Fillers

EXHIBIT C



Maximize your Insurance Benefits!
Dental benefits and flex spending must be used by the end of the year. As your dental office we wanted to remind you that you use them or lose them. The upcoming Holiday Season can cause us to be fully booked, so please contact our office as soon as possible.

212 580 1134

Yours,

*Dr. Theresa Mueller
and The Majestic Smile Group*

www.smilesoonline.com

Dr. Mueller and The Majestic Smile Group



Would like to welcome you to our
practice!

We are here to make your smile
white, bright, and healthy.

www.smiledoonline.com

212 580-1134

EXHIBIT D

LAW OFFICES OF
ALLEN A. KOLBER, ESQ.

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ROCKLAND COUNTY OFFICE

4 EXECUTIVE BLVD. SUITE 101
MONTEBELLO, NEW YORK 10901
TELEPHONE: (845) 918-1277
FACSIMILE: (845) 369-0673
e-mail: aKolber@KolberLegal.com

GREAT NECK OFFICE

175 EAST SHORE ROAD, SUITE 120
GREAT NECK, NEW YORK 11023
TELEPHONE: (516) 466-4333
FACSIMILE: (845) 369-0673
e-mail: aKolber@KolberLegal.com

OF COUNSEL:

DAVID LINN, ESQ.

December 14, 2007

**Via Certified Mail, Return Receipt Requested
Via UPS**

Dr. Theresa Mueller
115 Central Park West
New York, NY 10023

Re: Unauthorized Use of MAJESTIC SMILES™

Dr. Mueller:

I represent Kristin Miles, DDS (“Dr. Miles” or “my client”) with respect to the enforcement of her intellectual property rights.

As you are well aware, **MAJESTIC SMILES™** is the distinctive mark and name that my client owns and has chosen, adopted and uses consistently to identify, promote and distinguish the unique dental services that she offers to the public. Unauthorized use of the name “Majestic Smiles” or any similar designation in connection with the provision of dental services in New York is a violation of her exclusive intellectual property rights in the **MAJESTIC SMILES™** mark and name.

It has recently come to my client’s attention that you have, for the second time to her knowledge, intentionally and in bad faith made unauthorized use of her trade name and registered service name **MAJESTIC SMILES™** in connection with your provision of dental services.

Specifically, on October 3, 2007 and on October 16, 2007, at your office, Dr. Miles observed multiple copies of promotional materials advertising your dental services as those of the “Majestic Smile Group” and referencing the “Majestic Smile Team” in the process of being mailed by your marketing director, Karl Wilder. On October 24, 2007, Dr. Miles spoke with you regarding this matter. More recently, on December 5, 2007, at your office, Dr. Miles observed holiday correspondence and “welcome to our practice” postcards with the name “Majestic Smile Group” or “Majestic Smile Team” displayed prominently and/or in the return address.

Such use constitutes unfair competition and a violation of my client’s intellectual property rights. My client considers this to be a very serious matter in view of the substantial investment of time, effort and money that she has made in developing, promoting and protecting the **MAJESTIC SMILES™** brand.

Dr. Miles has been using the **MAJESTIC SMILES™** mark and name consistently and continuously since as early as March 2007, well in advance of your ever considering or using the name. Indeed, as further evidence of your bad faith and intentional violation of my client’s rights, my client recalls disclosing the name to you in one of your early sublease negotiation meetings in May 2007 and your

Law Offices of Allen A. Kolber, Esq.

Dr. Theresa Mueller

December 14, 2007

Page 2

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remarking “that’s cute” when you heard and saw the name and how “you wished you had thought of it.”

As you well know, “Majestic Smiles” appears on my client’s business card, letterhead, office-door sign and in her promotional materials. It is her trade name and the major component of her business listing in the telephone directory, her “doing business as” name registered with the City of New York, and her corporate name registered with the New York Secretary of State. Dr. Miles has registered and maintains the **MAJESTIC SMILES**™ mark with the New York Department of State (registration no. S20239). It is the name under which she conducts her dental business. Dr. Miles has expended considerable time, effort and money in developing, promoting and protecting the **MAJESTIC SMILES**™ brand, and continues to do so.

Your use of the word “Majestic” in conjunction with the words “Smile” or “Smiles” in any manner in connection with the provision of dental services in New York is likely to lead to confusion on the part of potential and existing dental customers as to the source of dental services provided. It may induce others to deal with you and your practice in the mistaken belief that they are dealing with my client and her dental practice (i.e., the person who gave and continues to give good reputation to the **MAJESTIC SMILES**™ brand). This bad faith usage constitutes trade name and service mark infringement and unfair competition and irreparably damages my client’s business, reputation and the goodwill that she has developed in the **MAJESTIC SMILES**™ brand.

Unless you sign the enclosed undertaking and return it to me no later than December 31, 2007, I shall seek my client’s instructions to commence legal proceedings against you for, among other things, trade name and service mark infringement and unfair competition.

In the event you choose not to sign the enclosed undertaking and legal proceedings become necessary, Dr. Miles will claim all relief available to her at law and equity, including temporary and permanent injunction, the greater of my client’s damages and your profits, pre- and post-judgment interest on such amounts, and my client’s legal costs. My client will also bring your actions to the attention of the disciplinary committees of both the New York County Dental Society and the New York State Dental Association.

I look forward to receiving the signed undertaking from you by December 31, 2007.

A similar letter is being delivered to your marketing director, Karl Wilder.

Nothing set forth in this letter will serve to waive any rights or remedies my client may have in law or in equity, all of which are expressly reserved.

Very truly yours,
LAW OFFICES OF ALLEN A. KOLBER, ESQ.

By: Allen A. Kolber, Esq.

AAK/sb

Law Offices of Allen A. Kolber, Esq.

Dr. Theresa Mueller

December 14, 2007

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UNDERTAKING

I undertake that I and persons under my supervision or control

(i) will, no later than December 31, 2007, discontinue all use, display or advertisement of the word "Majestic" in conjunction with the word "Smile" or "Smiles" in any manner whatsoever in connection with my provision of dental services in New York, including, without limitation, any use, display or advertisement of the phrases "Majestic Smile Group," "Majestic Smiles Group", "Majestic Smile Team" or "Majestic Smiles Team" in any stationery, business cards, advertising or promotional materials, in the electronic media or otherwise,

(ii) will, no later than December 31, 2007, destroy all materials or media in my possession or control using or displaying the word "Majestic" in conjunction with the word "Smile" or "Smiles" in any manner whatsoever in connection with my provision of dental services in New York, including, without limitation, stationary, business cards, advertising and promotional materials (including holiday correspondence and new client postcards) including the phrases "Majestic Smile Group," "Majestic Smiles Group", "Majestic Smile Team" or "Majestic Smiles Team,"

(iii) will not use, display, advertise, register or apply to register any trade name, business name, trademark, service mark or domain name, and discontinue any application to register a trade name, business name, trademark, service mark or domain name, containing the word "Majestic" in conjunction with the word "Smile" or "Smiles" as a component of or the entirety of a trade name, business name, trademark, service mark or domain name in connection with my provision of dental services in New York, and

(iv) will not challenge the use or registration by Kristin Miles, DDS or her affiliates of any trade name, business name, trademark, service mark or domain name containing the word "Majestic" in conjunction with the word "Smile" or "Smiles" as a component of or the entirety of a trade name, business name, trademark service mark or domain name in connection with the provision of dental services in New York.

Date: _____

Dr. Theresa Mueller

LAW OFFICES OF
ALLEN A. KOLBER, ESQ.

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ROCKLAND COUNTY OFFICE

4 EXECUTIVE BLVD. SUITE 101
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GREAT NECK, NEW YORK 11023
TELEPHONE: (516) 466-4333
FACSIMILE: (845) 369-0673
e-mail: aKolber@KolberLegal.com

OF COUNSEL:

DAVID LINN, ESQ.

December 14, 2007

**Via Certified Mail, Return Receipt Requested
Via UPS**

Mr. Karl Wilder
115 Central Park West
New York, NY 10023

Re: Unauthorized Use of MAJESTIC SMILES™

Mr. Wilder:

I represent Kristin Miles, DDS (“**Dr. Miles**” or “**my client**”) with respect to the enforcement of her intellectual property rights.

As you are well aware, **MAJESTIC SMILES™** is the distinctive mark and name that my client owns and has chosen, adopted and uses consistently to identify, promote and distinguish the unique dental services that she offers to the public. Unauthorized use of the name “Majestic Smiles” or any similar designation in connection with the marketing and promotion of dental services in New York is a violation of her exclusive intellectual property rights in the **MAJESTIC SMILES™** mark and name.

It has recently come to my client’s attention that you, as marketing and promotional director for Dr. Theresa Mueller, have, for the second time to my client’s knowledge, made unauthorized use of her trade name and registered service name **MAJESTIC SMILES™** in connection with marketing and promotional materials promoting Dr. Mueller’s dental services.

Specifically, on October 3, 2007 and on October 16, 2007, at the office of Dr. Mueller, Dr. Miles observed multiple copies of marketing materials advertising the dental services of Dr. Mueller as those of the “Majestic Smile Group” and referencing the “Majestic Smile Team” in the process of being mailed by you. Dr. Miles spoke with you regarding this mailing. More recently, on December 5, 2007, at Dr. Mueller’s office, Dr. Miles observed holiday correspondence and “welcome to our practice” postcards with the name “Majestic Smile Group” or “Majestic Smile Team” displayed prominently and/or in the return address. Dr. Miles understands that the unauthorized materials she observed were developed and produced by you in consultation with Dr. Mueller.

Such use constitutes unfair competition and a violation of my client’s intellectual property rights. My client considers this to be a very serious matter in view of the substantial investment of time, effort and money that she has made in developing, promoting and protecting the **MAJESTIC SMILES™** brand.

Law Offices of Allen A. Kolber, Esq.

Mr. Karl Wilder

December 14, 2007

Page 2

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Dr. Miles has been using the **MAJESTIC SMILES**™ mark and name consistently and continuously since as early as March 2007 – well in advance of any use by you or Dr. Mueller of similar names in marketing and promotional materials and campaigns for Dr. Mueller.

As you are aware, “Majestic Smiles” appears on my client’s business card, letterhead, office-door sign and in her promotional materials. It is her trade name and the major component of her business listing in the telephone directory, her “doing business as” name registered with the City of New York, and her corporate name registered with the New York Secretary of State. Dr. Miles has registered and maintains the **MAJESTIC SMILES**™ mark with the New York Department of State (registration no. S20239). It is the name under which she conducts her dental business. Dr. Miles has expended considerable time, effort and money in developing, promoting and protecting the **MAJESTIC SMILES**™ brand, and continues to do so.

Your use of the word “Majestic” in conjunction with the words “Smile” or “Smiles” in any marketing or promotional materials promoting Dr. Mueller’s dental services in New York is likely to lead to confusion on the part of potential and existing dental customers as to the source of dental services provided. It may induce others to deal with Dr. Mueller and her practice in the mistaken belief that they are dealing with my client and her dental practice (i.e., the person who gave and continues to give good reputation to the **MAJESTIC SMILES**™ brand). Such usage constitutes trade name and service mark infringement and unfair competition and irreparably damages my client’s business, reputation and the goodwill that she has developed in the **MAJESTIC SMILES**™ brand.

Unless you sign the enclosed undertaking and return it to me no later than December 31, 2007, I shall seek my client’s instructions to commence legal proceedings against you for, among other things, trade name and service mark infringement and unfair competition.

In the event you choose not to sign the enclosed undertaking and legal proceedings become necessary, Dr. Miles will claim all relief available to her at law and equity, including temporary and permanent injunction, the greater of my client’s damages and Dr. Mueller’s profits, pre- and post-judgment interest on such amounts, and my client’s legal costs.

I look forward to receiving the signed undertaking from you by December 31, 2007.

Nothing set forth in this letter will serve to waive any rights or remedies my client may have in law or in equity, all of which are expressly reserved.

Very truly yours,
LAW OFFICES OF ALLEN A. KOLBER, ESQ.

By: Allen A. Kolber, Esq.

AAK/sb

Law Offices of Allen A. Kolber, Esq.

Mr. Karl Wilder

December 14, 2007

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UNDERTAKING

I undertake that I and persons under my supervision or control

(i) will, no later than December 31, 2007, discontinue all use of the word "Majestic" in conjunction with the word "Smile" or "Smiles" in any manner whatsoever in connection with the marketing and promotion of the dental services of Dr. Theresa Mueller in New York, including, without limitation, any use, display or advertisement in any marketing or promotional materials or campaigns in any media of the phrases "Majestic Smile Group," "Majestic Smiles Group", "Majestic Smile Team" or "Majestic Smiles Team", and

(ii) will, no later than December 31, 2007, destroy all materials or media in my possession or control using or displaying the word "Majestic" in conjunction with the word "Smile" or "Smiles" in any manner whatsoever in connection with the marketing and promotion of the dental services of Dr. Theresa Mueller in New York, including, without limitation, stationary, business cards, advertising and promotional materials (including holiday correspondence and new client postcards) including the phrases "Majestic Smile Group," "Majestic Smiles Group", "Majestic Smile Team" or "Majestic Smiles Team" .

Date: _____

Karl Wilder

EXHIBIT E

WHOIS Search Results

Available majesticsmileteam extensions:

<input type="checkbox"/> .net	<input type="checkbox"/> .org	<input type="checkbox"/> .us	<input type="checkbox"/> .mobi	<input type="checkbox"/> .info	<input type="checkbox"/> .biz	<input type="checkbox"/> .de	<input type="checkbox"/> .tv	<input type="checkbox"/> .co.uk	<input type="checkbox"/> .eu	<input type="checkbox"/> .bz
-------------------------------	-------------------------------	------------------------------	--------------------------------	--------------------------------	-------------------------------	------------------------------	------------------------------	---------------------------------	------------------------------	------------------------------

Order Selected Domain(s) >>

Your WHOIS Search Results



majesticsmileteam.com

Services from Network Solutions:

[Certified Offer Service](#) - Let us help you get this domain name!

[Backorder](#) - Try to get this name when it becomes available.

[SSL Certificates](#) - Get peace of mind with a secure certificate.

[Enhanced Business Listing](#) - Promote your business to millions of viewers for only \$1 a month!

The data contained in GoDaddy.com, Inc.'s Whois database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose is expressly forbidden without the prior written permission of GoDaddy.com, Inc. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. In particular, you agree not to use this data to allow, enable, or otherwise make possible, dissemination or collection of this data, in part or in its entirety, for any purpose, such as the transmission of unsolicited advertising and solicitations of any kind, including spam. You further agree not to use this data to enable high volume, automated or robotic electronic processes designed to collect or compile this data for any purpose, including mining this data for your own personal or commercial purposes.

Please note: the registrant of the domain name is specified in the "registrant" field. In most cases, GoDaddy.com, Inc. is not the registrant of domain names listed in this database.

Registrant:

Dr. Theresa Mueller DDS
115 Central Park West
New York, New York 10023
United States

Registered through: GoDaddy.com, Inc. (<http://www.godaddy.com>)

Domain Name: MAJESTICSMILETEAM.COM
Created on: 18-Dec-07
Expires on: 18-Dec-08
Last Updated on: 18-Dec-07

Administrative Contact:

Mueller, Theresa dr.theresamueller@gmail.com
Dr. Theresa Mueller DDS
115 Central Park West
New York, New York 10023
United States
(212) 580-1134 Fax -- (212) 580-1134

Technical Contact:

Mueller, Theresa dr.theresamueller@gmail.com



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Dr. Theresa Mueller DDS
115 Central Park West
New York, New York 10023
United States
(212) 580-1134 Fax -- (212) 580-1134

Domain servers in listed order:
NS19.DOMAINCONTROL.COM
NS20.DOMAINCONTROL.COM

The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions. Network Solutions, therefore, does not guarantee its accuracy or completeness.

[Show underlying registry data for this record](#)


Current Registrar: GODADDY.COM, INC.
IP Address: 68.178.232.100 (ARIN & RIPE IP search)
IP Location: US(UNITED STATES)-ARIZONA-SCOTTSDALE
Lock Status: clientDeleteProhibited
DMOZ: no listings
Y! Directory: [see listings](#)
Data as of: 14-Jun-2005

your domain name registration be included in a public database known as WHOIS. To learn about actions you can take to protect your WHOIS information visit www.internetprivacyadvocate.org.


NOTICE AND TERMS OF USE: You are not authorized to access or query our WHOIS database through the use of high-volume, automated, electronic processes or for the purpose or purposes of using the data in any manner that violates these terms of use. The Data in Network Solutions' WHOIS database is provided by Network Solutions for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. Network Solutions does not guarantee its accuracy. By submitting a WHOIS query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via direct mail, e-mail, telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to Network Solutions (or its computer systems). The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of Network Solutions. You agree not to use high-volume, automated, electronic processes to access or query the WHOIS database. Network Solutions reserves all rights and remedies it now has or may have in the future, including, but not limited to, the right to terminate your access to the WHOIS database in its sole discretion, for any violations by you of these terms of use, including without limitation, for excessive querying of the WHOIS database or for failure to otherwise abide by these terms of use. Network Solutions reserves the right to modify these terms at any time.

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CIVIL COVER SHEET

<https://www.jdsupra.com/post/documentViewer.aspx?fid=cfcb0f9a-2a8e-4b63-9e35-56affd7c5539>

JS 44C/SDNY
REV. 12/2005

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS Kristin M. Miles DEFENDANTS Theresa Mueller and Karl Wilder

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) ATTORNEYS (IF KNOWN)
 Ronald D. Coleman (RC 3875) / Hoffman, Polland & Furman, PLLC / 220 East 42nd St. / New York, NY 10017 n/a/
 212 338 0700

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

15 USC sec. 1125(a) Trademark infringement and unfair competition

Has this or a similar case been previously filed in SDNY at any time? No Yes? Judge Previously Assigned

If yes, was this case Vol Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY) NATURE OF SUIT

		ACTIONS UNDER STATUTES			
		TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	[] 610 AGRICULTURE	[] 422 APPEAL	[] 400 STATE
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY -	[] 620 FOOD & DRUG	28 USC 158	[] 410 REAPPORTIONMENT
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 MED MALPRACTICE	[] 625 DRUG RELATED	[] 423 WITHDRAWAL	[] 430 ANTITRUST
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 365 PERSONAL INJURY PRODUCT LIABILITY	SEIZURE OF PROPERTY	28 USC 157	[] 430 BANKS & BANKING
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	21 USC 881		[] 450 COMMERCE/ICC RATES/ETC
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE		[] 630 LIQUOR LAWS	PROPERTY RIGHTS	[] 460 DEPORTATION
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY		[] 640 RR & TRUCK	[] 820 COPYRIGHTS	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 370 OTHER FRAUD	[] 650 AIRLINE REGS	[] 830 PATENT	[] 480 CONSUMER CREDIT
[] 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 371 TRUTH IN LENDING	[] 660 OCCUPATIONAL SAFETY/HEALTH	[] 840 TRADEMARK	[] 490 CABLE/SATELLITE TV
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 690 OTHER		[] 810 SELECTIVE SERVICE
[] 190 OTHER CONTRACT		[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	LABOR	[] 861 MIA (1395FF)	[] 850 SECURITIES/COMMODITIES/EXCHANGE
[] 195 CONTRACT PRODUCT LIABILITY			[] 710 FAIR LABOR STANDARDS ACT	[] 862 BLACK LUNG (923)	[] 875 CUSTOMER CHALLENGE
[] 196 FRANCHISE			[] 720 LABOR/MGMT RELATIONS	[] 863 DIWW (405(g))	[] 891 AGRICULTURE ACTS
			[] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT	[] 864 DIWW (405(g))	[] 892 ECONOMIC STABILIZATION ACT
			[] 740 RAILWAY LABOR ACT	[] 864 SSID TITLE XVI	[] 893 ENVIRONMENTAL MATTERS
			[] 790 OTHER LABOR LITIGATION	[] 865 RSI (405(g))	[] 894 ENERGY ALLOCATION ACT
			[] 791 EMPL RET INC SECURITY ACT	FEDERAL TAX SUITS	[] 895 FREEDOM OF INFORMATION ACT
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		[] 870 TAXES	[] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
[] 210 LAND CONDEMNATION	[] 441 VOTING	[] 510 MOTIONS TO VACATE SENTENCE		[] 871 IRS-THIRD PARTY	[] 950 CONSTITUTIONALITY OF STATE STATUTES
[] 220 FORECLOSURE	[] 442 EMPLOYMENT	28 USC 2255		20 USC 7609	[] 890 OTHER STATUTORY ACTIONS
[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING ACCOMMODATIONS	[] 530 HABEAS CORPUS			
[] 240 TORTS TO LAND	[] 444 WELFARE	[] 535 DEATH PENALTY			
[] 246 TORT PRODUCT LIABILITY	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 540 MANDAMUS & OTHER CIVIL RIGHTS			
[] 290 ALL OTHER REAL PROPERTY	[] 446 AMERICANS WITH DISABILITIES -OTHER	[] 555 PRISON CONDITION			
	[] 440 OTHER CIVIL RIGHTS				

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
 JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN *x* IN ONE BOX ONLY)

<https://www.jdsupra.com/post/document/viewer.aspx?fid=cfcb0f9a-2a8e-4b63-9e35-56affd7c5539>

ORIGIN

1 Original Proceeding 2a. Removed from State Court 2b. Removed from State Court AND at least one party is a pro se litigant 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from (Specify District) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judge Judgment

(PLACE AN *x* IN ONE BOX ONLY)

BASIS OF JURISDICTION

1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION (U.S. NOT A PARTY) 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [] 1 [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] 5 [] 5
CITIZEN OF ANOTHER STATE	[] 2 [] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

101 Central Park West, New York, New York

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Mueller does business at 115 Central Park West, New York, New York. Wilder resides at 66 West 85th St., New York, New York.

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS FOLEY SQUARE
(DO NOT check either box if this a PRISONER PETITION.)

DATE	SIGNATURE OF ATTORNEY OF RECORD	ADMITTED TO PRACTICE IN THIS DISTRICT
RECEIPT #		[] NO [x] YES (DATE ADMITTED Mo. <u>Oct.</u> Yr. <u>1990</u>) Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)