

09 CV 3278

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

RECEIVED

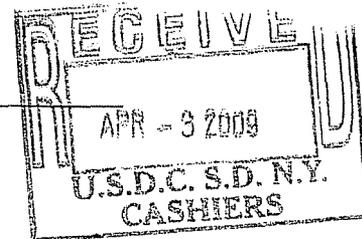
2009 APR -3 P 8:26

U S DISTRICT COURT SDNY

 THE OSS SOCIETY, INC.)
)
 Plaintiff,)
 vs.)
)
 THE PILGRIMS FOUNDATION,)
)
 Defendant.)
 _____ X

JUDGE SCHEIDLIN

Civil Action No. _____



COMPLAINT

This is an action for trademark infringement and unfair competition under the Lanham Act; and copyright infringement under the Copyright Act.

Plaintiff The OSS Society, Inc. ("Plaintiff") is seeking a permanent injunction, damages, profits, treble damages and/or profits, attorneys' fees, and costs. Plaintiff, appearing through its undersigned counsel, alleges as follows:

PARTIES

1. Plaintiff The OSS Society, Inc. is a corporation organized under the laws of the Commonwealth of Virginia, and has its principal place of business at 6723 Whittier Avenue, Suite 200, McLean, Virginia 22101.

2. Upon information and belief, Defendant The Pilgrims Foundation has its principal place of business at 20 West 44th Street, Suite 508, New York, New York 10036.

JURISDICTION AND VENUE

3. This is a claim for damages and injunctive relief for trademark infringement and unfair competition under the Lanham Act, 15 U.S.C. § 1051, et seq., and copyright infringement under the Copyright Act, 17 U.S.C. § 101, et seq.

4. The Court has subject matter jurisdiction over this action pursuant to the Lanham Act, 15 U.S.C. § 1121, and 28 U.S.C. §§ 1331 and 1338. This court has pendant jurisdiction over Plaintiff's claims under New York law pursuant to 28 U.S.C. § 1338(b).

5. Venue is proper in this judicial district under 28 U.S.C. § 1391(b) because Defendants are located within this judicial district, transact business within this district, and the acts complained of herein that have caused and are continuing to cause injury to Plaintiff have occurred and are continuing to occur within this district.

PLAINTIFF'S WILLIAM J. DONOVAN AWARD

6. Plaintiff is a non-profit organization, tax exempt to Section 501(c)(3) of the Internal Revenue Code, that celebrates the accomplishments of the Office of Strategic Services ("OSS") during World War II and the Cold War and the importance of strategic intelligence to national security. The organization is open to OSS veterans, their descendants, current and former members of the U.S. intelligence and U.S. special forces communities, and others committed to Plaintiff's purposes and objectives.

7. One of Plaintiff's primary activities is the granting of the William J. Donovan Award, (hereinafter referred to as the "Donovan Award"), which is granted to a prominent individual who has demonstrated excellence in the field of strategic intelligence. The Donovan Award has been granted by Plaintiff and Plaintiff's predecessor organization, the Veterans of

OSS, since 1961. Plaintiff's Donovan Award has received significant unsolicited media coverage.

8. Recipients of the Donovan Award are selected after a lengthy and intensive vetting process. Past recipients of the Donovan Award include Presidents Eisenhower, Reagan, and George H.W. Bush; Prime Minister Margaret Thatcher, and former OSS and CIA directors Allen Dulles, William Casey, William Colby and Richard Helms. This year's Donovan Award will be granted to General David Petraeus.

PLAINTIFF'S TRADEMARK AND COPYRIGHT OWNERSHIP

9. Plaintiff is the owner of U.S. Trademark Registration No. 3,353,466 for the mark WILLIAM J. DONOVAN AWARD (hereinafter "Plaintiff's WILLIAM J. DONOVAN AWARD Trademark") in connection with "[p]roviding recognition by the way of awards to certain deserving individuals who demonstrate excellence in the field of strategic intelligence" ("Plaintiff's Services"). Plaintiff has used Plaintiff's WILLIAM J. DONOVAN AWARD Trademark since at least as early as May of 2004. A copy of the Certificate of Registration for Plaintiff's WILLIAM J. DONOVAN AWARD Trademark is attached as Exhibit 1.

10. Plaintiff's WILLIAM J. DONOVAN AWARD Trademark is inherently distinctive.

11. Plaintiff has expended significant resources to create value and goodwill in Plaintiff's WILLIAM J. DONOVAN AWARD Trademark. As a result of these efforts, Plaintiff's WILLIAM J. DONOVAN AWARD Trademark has achieved a high level of secondary meaning in the United States among the general public identifying Plaintiff as the sole source of services provided under Plaintiff's WILLIAM J. DONOVAN AWARD Trademark.

12. Plaintiff has developed substantial goodwill and an established reputation in Plaintiff's WILLIAM J. DONOVAN AWARD Trademark and it is an asset of immense value to Plaintiff.

13. Plaintiff is also the owner of U.S. Copyright Registration No. VAu 960-203 for the design of the medallion awarded in connection with the Donovan Award. A copy of the Certificate of Registration for this design is attached as Exhibit 2.

14. Plaintiff is, and at all relevant times has been, the owner of the copyright in Plaintiff's Donovan Award medallion design. Plaintiff has never assigned the copyright in the said design to any other entity.

DEFENDANT'S WILLIAM J. DONOVAN MEDALLION

15. Upon information and belief, Defendant occasionally grants an award called the "William J. Donovan Medallion" (hereinafter "Defendant's infringing Donovan Medallion") to various persons in recognition of their accomplishments in the field of public service.

16. Upon information and belief, Defendant's first granting of Defendant's infringing Donovan Medallion was subsequent to Plaintiff's first granting of Plaintiff's Donovan Award in May of 2004.

17. Upon information and belief, Defendant has historically granted this award to persons who have demonstrated excellence in fields of public service other than intelligence. However, Defendant has recently begun to grant this award to persons who have demonstrated excellence in the field of intelligence.

18. Upon information and belief, Defendant intends to grant Defendant's infringing Donovan Medallion to the Honorable Mike M. McConnell on April 6, 2009, notwithstanding several cease and desist letters from Plaintiff, as detailed below.

19. Upon information and belief, the actual medallion that Defendant intends to grant to Judge McConnell on April 6, 2009 is identical to Plaintiff's copyrighted medallion granted by Plaintiff in connection with Plaintiff's Donovan Award.

20. On or about March 4, 2009, Plaintiff's counsel sent a letter to Defendant advising Defendant of Plaintiff's rights in Plaintiff's WILLIAM J. DONOVAN AWARD Trademark and Plaintiff's Donovan Award medallion copyright, and demanding that Defendant cease all use of Defendant's infringing Donovan Medallion and the medallion design copyrighted by Plaintiff (Exhibit 3).

21. Subsequent to the March 4, 2009, Defendant's counsel contacted Plaintiff's counsel and the parties briefly discussed a license agreement which would allow Defendant to continue using Defendant's Donovan Medallion under license from Plaintiff, with specific restrictions on Defendant's use. However, the parties were unable to reach an agreement.

22. On March 23, 2009, Plaintiff's counsel sent another letter to Defendant again demanding that Defendant cease all use of Defendant's infringing Donovan Medallion and the medallion design copyrighted by Plaintiff (Exhibit 4). Plaintiff's counsel and Defendant's counsel have had several follow-up discussions via telephone and e-mail but Defendant has thus far refused to comply with Plaintiff's demands.

23. Upon information and belief, Defendant intends to award the William J. Donovan Medallion to Judge McConnell on April 6th, using the infringing Donovan Medallion name and the medallion design copyrighted by Plaintiff. Upon information and belief, Defendant also intends to continue granting the infringing Donovan Medallion after this date using the same medallion design, despite numerous objections by Plaintiff.

24. Upon information and belief, Defendant adopted Defendant's infringing Donovan Medallion with full knowledge of Plaintiff's DONOVAN AWARD Trademark.

25. Upon information and belief, Defendant intentionally chose to use, and is continuing to use, Defendant's infringing Donovan Medallion in order to capitalize on the goodwill and recognition associated with Plaintiff and Plaintiff's DONOVAN AWARD Trademark, and to intentionally create a likelihood of confusion by creating the impression that Defendant's services are offered by, licensed by, or otherwise associated with Plaintiff.

**COUNT I - TRADEMARK INFRINGEMENT UNDER THE LANHAM ACT,
15 U.S.C. § 1114**

26. Plaintiff repeats and realleges Paragraphs 1 through 25 as if fully set forth herein.

27. Defendant, without authorization or permission, has copied Plaintiff's DONOVAN AWARD Trademark and is using Defendant's infringing Donovan Medallion in connection with its services, and is advertising and promoting to the public its services in connection with the infringing Donovan Medallion name, which is confusingly similar to Plaintiff's DONOVAN AWARD Trademark.

28. Upon information and belief, Defendant has offered and provided its services in connection with Defendant's infringing Donovan Medallion in interstate commerce.

29. As a direct consequence of Defendant's actions, Plaintiff's members, customers and the public are likely to be, and have been, deceived or confused as to the source, origin, sponsorship and/or endorsement of Defendant's services and their relationship to Plaintiff.

30. Upon information and belief, Defendant's purpose in adopting and using Defendant's infringing Donovan Medallion without authorization or permission was and is to deceive, mislead and confuse customers and the public into believing that Plaintiff is the source of Defendant's services, or that the services offered in connection with Defendant's infringing

Donovan Medallion are sponsored by, licensed by, or associated with Plaintiff, so as to trade on the substantial reputation and goodwill enjoyed by Plaintiff in connection with Plaintiff's DONOVAN AWARD Trademark.

31. Defendant's unlawful acts constitute trademark infringement in violation of the Lanham Act, 15 U.S.C. § 1114.

32. By reason of Defendant's unlawful acts and practices in violation of the Lanham Act, Plaintiff has suffered, and will continue to suffer damage to its business, reputation and goodwill, for which Plaintiff is entitled to injunctive, monetary and other relief, and will continue to suffer irreparable harm which is not fully compensable by money damages.

**COUNT II - UNFAIR COMPETITION UNDER THE LANHAM ACT,
15 U.S.C. § 1125(a)**

33. Plaintiff repeats and re-alleges paragraphs 1 through 32 as if fully set forth herein.

34. Plaintiff's use of Plaintiff's DONOVAN AWARD Trademark in connection with Plaintiff's Services since at least as early as May of 2004 has established in the minds of consumers and the public an association between Plaintiff's DONOVAN AWARD Trademark and Plaintiff as the source of its services. Plaintiff's DONOVAN AWARD Trademark is inherently distinctive and has secondary meaning as an identification of the source of Plaintiff's Services.

35. Defendant, without Plaintiff's authorization or permission, is using Defendant's infringing Donovan Medallion in connection with its services, and is promoting to the general public its services in connection with the name "William J. Donovan Medallion," which is confusingly similar to Plaintiff's DONOVAN AWARD Trademark.

36. Upon information and belief, Defendant has offered and provided its services in connection with Defendant's infringing Donovan Medallion in interstate commerce.

37. As a direct consequence of Defendant's actions, Plaintiff's members, potential members, customers, potential customers and the general public have been and are likely to continue to be deceived or confused into believing that Defendant's services are offered by, authorized by, licensed by, or otherwise associated with Plaintiff.

38. Upon information and belief, Defendant's purpose in adopting and using Defendant's infringing Donovan Medallion was and is to deceive, mislead and confuse customers and the public into believing that Plaintiff was and is the source of Defendant's services, or that Defendant's services are authorized by, licensed by, or otherwise associated with Plaintiff, so as to enable Defendant to take advantage of Plaintiff's DONOVAN AWARD Trademark and the substantial fame, reputation and goodwill enjoyed by Plaintiff therein.

39. Defendant's use of the name "William J. Donovan Medallion" constitutes false representation as to source in violation of the Lanham Act, 15 U.S.C. § 1125(a).

40. By reason of Defendant's unlawful acts and practices, Plaintiff has suffered, and will continue to suffer damage to its business, reputation and goodwill, for which Plaintiff is entitled to injunctive relief and an award of damages, and will continue to suffer irreparable harm which is not fully compensable by money damages.

COUNT III - COPYRIGHT INFRINGEMENT

41. Plaintiff repeats and re-alleges paragraphs 1 – 40 as if fully set forth herein.

42. Defendant has, without authorization or permission, reproduced Plaintiff's copyrighted Donovan Award medallion design for Defendant's own infringing Donovan Medallion in violation of Plaintiff's exclusive rights under 17 U.S.C. § 106.

43. Plaintiff has been and is likely to continue to be damaged by Defendant's acts of copyright infringement.

44. Plaintiff has suffered and will continue to suffer injury as the result of Defendant's acts of copyright infringement, for which Plaintiff is entitled to injunctive relief and an award of damages, and will continue to suffer irreparable harm which is not fully compensable by money damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court enter judgment in its favor and grant the following relief:

A. An injunction enjoining Defendant and its officers, directors, employees, subsidiaries, affiliates, or agents from using any trademark, trade name or source identifier, which is confusingly similar to Plaintiff's DONOVAN AWARD Trademark, including but not limited to the "William J. Donovan Medallion" name;

B. An injunction enjoining Defendant from providing, offering, advertising or promoting in any way any services that infringe upon Plaintiff's DONOVAN AWARD Trademark;

C. An injunction enjoining Defendant from infringing Plaintiff's copyright in the design of Plaintiff's DONOVAN AWARD medallion in any manner;

D. That the Court order the impounding, pursuant to 17 U.S.C. § 503, of all copies of Defendant's infringing Donovan Medallion that have been made or used in violation of Plaintiff's exclusive rights;

E. That Plaintiff be awarded its actual damages in an amount to be proven at trial;

F. That Defendant be required to account for any revenues attributable to its infringing acts;

G. That Plaintiff be awarded three times any damages sustained by Plaintiff, and prejudgment interest;

H. That punitive damages be awarded to Plaintiff;

I. That all products, labels, signs, prints, packages, brochures, and advertising and promotional materials in the possession of Defendant bearing the name "William J. Donovan Medallion," or any word, term, name, symbol, device, combination thereof, designation, description, or representation that is found in violation of the Lanham Act, or any reproduction, counterfeit, copy, or colorable imitation thereof, and all plates, molds, matrices, and other means of making the same, shall be delivered up by Defendant and destroyed;

J. That pursuant to 15 U.S.C. § 1116, Defendant file and serve a report under oath within thirty days of the issuance of injunctive relief indicating the manner in which it has complied with any injunctive relief ordered by the Court;

K. That Plaintiff be awarded reasonable attorney fees in prosecuting this action; and

L. That Plaintiff be granted such other and further relief which the Court deems just and proper.

Respectfully submitted,
Buchanan Ingersoll & Rooney PC

BY Stuart P. Slotnick
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620 Eighth Avenue, 23rd Floor
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BUCHANAN INGERSOLL & ROONEY, PC
Holly M. Ford (*pro hac admission pending*)
S. Lloyd Smith (*pro hac admission pending*)
Bryce J. Maynard (*pro hac admission pending*)
1737 King Street, Suite 500

Alexandria, Virginia 22314-2756
703-836-6620
703-836-2021 (fax)

Attorneys for Plaintiff The OSS Society, Inc.

Date: April 3, 2009

EXHIBIT

1

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

Reg. No. 3,353,466

United States Patent and Trademark Office

Registered Dec. 11, 2007

**SERVICE MARK
PRINCIPAL REGISTER**

WILLIAM J. DONOVAN AWARD

OSS SOCIETY, INC., THE (VIRGINIA CORPORATION)
6723 WHITTIER AVE., 303-A
MCLEAN, VA 22101

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

FOR: PROVIDING RECOGNITION BY THE WAY OF AWARDS TO CERTAIN DESERVING INDIVIDUALS WHO DEMONSTRATE EXCELLENCE IN THE FIELD OF STRATEGIC INTELLIGENCE, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

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

FIRST USE 5-0-2004; IN COMMERCE 5-0-2004.

SN 78-641,454, FILED 6-1-2005.

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

MIDGE BUTLER, EXAMINING ATTORNEY

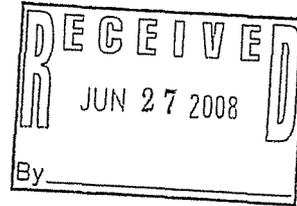
EXHIBIT

2

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.



Marybeth Peters

Register of Copyrights, United States of America

Registration Number:

VAu 960-203

Effective date of registration:

April 14, 2008

Title _____

Title of Work: WILLIAM J. DONOVAN AWARD

Nature of Work: sculptural design

Completion/ Publication _____

Year of Completion: 1961

Author _____

Author: THE OSS SOCIETY, INC.

Author Created: 3-Dimensional sculpture

Work made for hire: Yes

Copyright claimant _____

Copyright Claimant: The OSS Society, Inc.

6723 Whittier Ave., #303A, McLean, VA, 22101

Limitation of copyright claim _____

Previously registered: No

Certification _____

Name: CHARLES T. PINCK

Date: August 30, 2007

Correspondence: Yes

IPN#: x x

Registration #: VAU000960203

Service Request #: 1-23797267

The OSS Society, Inc.
Charles T. Pinck
6723 Whittier Ave., #303A
McLean, VA 22101

EXHIBIT

3

Buchanan Ingersoll & Rooney PC
Attorneys & Government Relations Professionals

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March 4, 2009

VIA UPS

Jill Spiller
The Pilgrims Foundation
20 West 44th Street
Suite 508
New York, NY 10036

Re: Use of Trademark WILLIAM J. DONOVAN AWARD
Our Ref: 0076035-000001

Dear Ms. Spiller:

Please be advised that this firm represents The OSS Society, Inc. ("OSS"). OSS is the owner of the registered mark WILLIAM J. DONOVAN AWARD (U.S. Reg. No. 3,353,466, see copy attached). OSS is also the owner of the copyrighted work WILLIAM J. DONOVAN AWARD that is associated with the WILLIAM J. DONOVAN medallion (U.S. Copyright No. VAu 960-203, see copy attached). OSS has adopted and made extensive use of the WILLIAM J. DONOVAN AWARD mark and copyright since at least as early 2004. Since that time, OSS has used this trademark and copyrighted work continuously and extensively in interstate commerce with services in connection with providing recognition by the way of awards to certain deserving individuals who demonstrate excellence in the field of strategic intelligence. OSS has expended significant resources to create value and goodwill in the mark and copyrighted work WILLIAM J. DONOVAN AWARD. As a result of this investment, members of the purchasing public throughout the United States associate WILLIAM J. DONOVAN AWARD with the services offered by OSS.

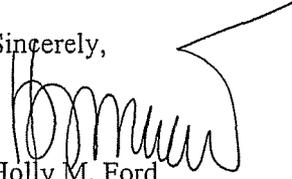
It has come to our attention that your company, The Pilgrims Foundation (the "Foundation"), has used and is using the WILLIAM J. DONOVAN AWARD mark as well as the medallion in connection with its functions and activities. Given the identical nature of the marks and the overlap in channels of use, the Foundation's use of the mark WILLIAM J. DONOVAN AWARD in commerce constitutes not only trademark and copyright infringement and false designation of origin and false description under the Lanham Act, 15 U.S.C. §§ 1114 and 1125(a), but also creates a likelihood of injury to OSS's business reputation and dilutes the distinctive quality of the mark WILLIAM J. DONOVAN AWARD in violation of both federal and state law. In addition, the Foundation's use of the mark and copyrighted medallion WILLIAM J. DONOVAN AWARD would constitute a violation of common law principles of

The Pilgrims Foundation
March 4, 2009
Page 2

unfair competition. Accordingly, we hereby demand that you immediately cease and desist from any and all further use, direct or indirect, of WILLIAM J. DONOVAN AWARD mark and medallion, and/or colorable imitations thereof or variations thereof, in any name, mark, trade name or line of business associated with the Foundation.

OSS is aware of your sponsorship of an annual event such as a lecture to honor William J. Donovan and is willing to discuss a limited license in connection therewith. Until further discussion and agreement, however, given its extensive prior use of the mark and medallion as outlined above, we request that you cease and desist from all further use thereof and that you discontinue any and all uses, immediately. We expect that this matter can be resolved amicably and look forward to hearing from you by **March 10, 2009**.

Sincerely,



Holly M. Ford

HMF/jlg
Attachments
cc: The OSS Society, Inc.

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

Reg. No. 3,353,466

United States Patent and Trademark Office

Registered Dec. 11, 2007

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MCLEAN, VA 22101

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FOR: PROVIDING RECOGNITION BY THE WAY OF AWARDS TO CERTAIN DESERVING INDIVIDUALS WHO DEMONSTRATE EXCELLENCE IN THE FIELD OF STRATEGIC INTELLIGENCE, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

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

FIRST USE 5-0-2004; IN COMMERCE 5-0-2004.

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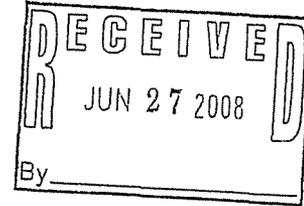
THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

MIDGE BUTLER, EXAMINING ATTORNEY

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.



Marybeth Peters
* *
Register of Copyrights, United States of America

Registration Number:
VAu 960-203

Effective date of
registration:

April 14, 2008

Title _____

Title of Work: WILLIAM J. DONOVAN AWARD

Nature of Work: sculptural design

Completion/ Publication _____

Year of Completion: 1961

Author _____

▪ Author: THE OSS SOCIETY, INC.

Author Created: 3-Dimensional sculpture

Work made for hire: Yes

Copyright claimant _____

Copyright Claimant: The OSS Society, Inc.

6723 Whittier Ave., #303A, McLean, VA, 22101

Limitation of copyright claim _____

Previously registered: No

Certification _____

Name: CHARLES T. PINCK

Date: August 30, 2007

Correspondence: Yes

IPN#: * *

Registration #: VAU000960203

Service Request #: 1-23797267

The OSS Society, Inc.
Charles T. Pinck
6723 Whittier Ave., #303A
McLean, VA 22101

EXHIBIT

4

Buchanan Ingersoll & Rooney PC
Attorneys & Government Relations Professionals

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March 23, 2009

VIA UPS

Jill Spiller
The Pilgrims Foundation
20 West 44th Street
Suite 508
New York, NY 10036

Re: Use of Trademark WILLIAM J. DONOVAN AWARD
Our Ref: 0076035-000001

Dear Ms. Spiller:

Further to our letter of March 4, 2009, we write to reiterate our client's request that The Pilgrims Foundation cease and desist all use of the marks WILLIAM J. DONOVAN, WILLIAM J. DONOVAN AWARD and the copyrighted award medallion in connection with awards in the field of intelligence.

We have considered granting the Foundation a license that would allow it to continue to use the WILLIAM J. DONOVAN mark in connection with the award of a medallion. However, our client believes that confusion between the parties' respective awards would be inevitable, since both awards are granted to individuals demonstrating excellence in the field of intelligence.

Therefore, on behalf of our client, we request that the Pilgrims Foundation no longer use the mark WILLIAM J. DONOVAN, or any confusingly similar mark, in connection with any awards in the field of intelligence or any related services. This request is based on our client's extensive intellectual property rights in the name WILLIAM J. DONOVAN in U.S. Trademark Registration No. 3,353,466 (copy attached) as well as our client's copyrighted medallion in Serial No. V Au 960-203 (copy attached).

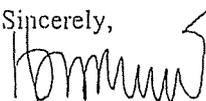
We are aware that the Foundation has scheduled a meeting on April 6, 2009 at which it plans to present the WILLIAM J. DONOVAN medal to the Honorable John M. Mike McConnell. Our client understands that it would be inconvenient for The Pilgrims Foundation to have to cease use of the mark prior to this meeting. Therefore, our client is willing to permit use of the WILLIAM J. DONOVAN mark solely in connection with this luncheon and the presentation of this award, provided that the Foundation agrees to cease all use of the mark and medallion going forward.

March 23, 2009
Page 2

Please confirm in writing that The Pilgrims Foundation will cease and desist from all use of the name WILLIAM J. DONOVAN in connection with providing recognition by the way of awards to individuals who demonstrate excellence in the field of intelligence and all use of the medallion protected under Copyright Registration No. V Au 960-203 (copy attached).

We look forward to hearing from you by April 1, 2009.

Sincerely,



Holly M. Ford

HMF/meh
Enclosures
cc: James Zirn, Sidley Austin
The OSS Society, Inc.

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

United States Patent and Trademark Office

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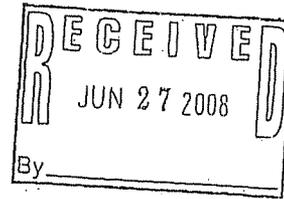
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MIDGE BUTLER, EXAMINING ATTORNEY

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* * *Marybeth Peters*
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Title of Work: WILLIAM J. DONOVAN AWARD

Nature of Work: sculptural design

Completion/ Publication _____

Year of Completion: 1961

Author _____

Author: THE OSS SOCIETY, INC.

Author Created: 3-Dimensional sculpture

Work made for hire: Yes

Copyright claimant _____

Copyright Claimant: The OSS Society, Inc.

6723 Whittier Ave., #303A, McLean, VA, 22101

Limitation of copyright claim _____

Previously registered: No

Certification _____

Name: CHARLES T. PINCK

Date: August 30, 2007

Correspondence: Yes

IPN#: * *

Registration #: VAU000960203

Service Request #: 1-23797267

The OSS Society, Inc.
Charles T. Pinck
6723 Whittier Ave., #303A
McLean, VA, 22101

JUDGE SCHEINDLIN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE OSS SOCIETY, INC.

Plaintiff,

vs.

THE PILGRIMS FOUNDATION,

Defendant.

RECEIVED

2009 APR -3 P 10: 22

U S DISTRICT COURT SDNY

Civil Action No.

FED. R. CIV. P. 7.1 STATEMENT

09 CIV 3278

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APR 3 2009
U.S.D.C. S.D. N.Y.
CLERK'S OFFICE

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Civil Procedure 7.1, The OSS Society, Inc., a nongovernmental corporate party in the above-referenced matter, through its attorneys,

Buchanan Ingersoll & Rooney PC, submits the following Corporate Disclosure Statement:

Plaintiff The OSS Society, Inc., certifies that (1) it does not have a corporate parent; and (2) there are no publicly held corporations owning 10% or more of its stock to Plaintiff's knowledge.

Dated: New York, New York
April 3, 2009

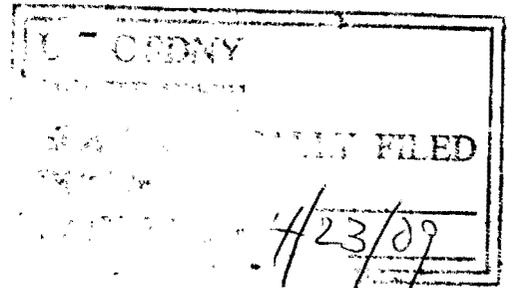
Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Stuart P. Slotnick

Stuart P. Slotnick (SS-1964)
620 Eighth Avenue, 23rd Floor
New York, NY 10018
Phone: 212-440-4400
Fax: 212-440-4401
E-mail: stuart.slotnick@bipc.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
THE OSS SOCIETY, INC., :
 :
 :
 Plaintiff(s), :
 :
 -against- :
 :
 THE PILGRIMS FOUNDATION, :
 :
 Defendant(s), :
 :
 ----- X

**ORDER FOR INITIAL
PRETRIAL CONFERENCE
09 Civ. 3278(SAS)**

SHIRA A. SCHEINDLIN, U.S.D.J.:

This case has been designated an electronic case and has been assigned to me for all purposes. By the date of the initial pretrial conference counsel for all parties are required to register as filing users in accordance with the Procedures for Electronic Case Filing.

Counsel are directed to appear at the United States Courthouse, 500 Pearl Street, New York, Courtroom 15C, on **May 20, 2009** at **4:30 p.m.**, for an initial pretrial conference. Pursuant to Rule 16, Fed. R. Civ. P., as amended on August 1, 1983, the Court will enter an order at this conference that limits the time: (1) to join other parties and to amend the pleadings; (2) to file and hear motions; (3) to set a discovery schedule including the completion of discovery; (4) to set a trial date and (5) to discuss settlement. Counsel who attend the conference must be prepared to discuss these issues. Counsel are referred to amended Rule 16 for a list of further matters which may be discussed at that time.

Pursuant to amended Rule 16(f) the parties shall meet, prior to the date of the conference, to discuss the nature and basis of their claims and defenses and the possibilities for a prompt settlement and to develop a proposed discovery plan. The parties should prepare and submit at the conference a proposed scheduling order on the form attached hereto. **YOU MUST BRING A COMPLETED SCHEDULING ORDER WITH YOU TO THE CONFERENCE!**

If this case has been settled or otherwise terminated, counsel are not required to appear, provided that a stipulation of discontinuance, voluntary dismissal, or other proof of termination is delivered before the date of the conference to the courtroom deputy clerk to chambers of Judge Scheindlin, Room 1620, U.S. Courthouse, 500 Pearl Street, New York, New York 10007. If

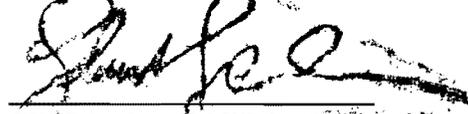
plaintiff(s)' counsel intends to move for a default judgment, the Court should be advised prior to the initial pretrial conference date.

COUNSEL FOR PLAINTIFF(S) ARE DIRECTED TO IMMEDIATELY NOTIFY ALL ATTORNEYS IN THIS ACTION BY SERVING UPON EACH OF THEM A COPY OF THIS ORDER. If issue has not been joined but plaintiff(s)' counsel is aware of the identity of defendant(s)' counsel, plaintiff(s)' counsel is directed to mail a copy of this Order to defendant(s)' counsel forthwith. If at the time of the scheduled pretrial conference plaintiff not yet served the complaint, please advise the Court by letter as to the reason(s) service has not been made. If at the time of the scheduled pretrial conference there has been no answer/appearance on behalf of defendant(s), please advise the court. **ALL PARTIES MUST APPEAR AT THIS CONFERENCE EVEN IF YOU ARE UNAWARE OF THE IDENTITY OF THE DEFENSE COUNSEL.**

Attorneys are directed to consult the Judge's Individual Rules with respect to adjournments, motion practice, communications with chambers and other relevant matters.

Counsel are advised that failure to comply with the terms of this Order may result in dismissal of the action with prejudice, or the entry of judgment by default.

SO ORDERED:


SHIRA A. SCHEINDLIN
U.S.D.J.

Dated: New York, New York
April 22, 2009

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

	:	
	:	<u>SCHEDULING ORDER</u>
Plaintiff,	:	
	:	Civ. (SAS)
- against -	:	
	:	Conference Date:
	:	
Defendant(s).	:	

----- X

SHIRA A. SCHEINDLIN, U.S.D.J.:

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on _____ (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

- (1) the date of the conference and the appearances for the parties;
- (2) a concise statement of the issues as they then appear;
- (3) a schedule including:
 - (a) the names of persons to be deposed and a schedule of planned depositions;
 - (b) a schedule for the production of documents;
 - (c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed;
 - (d) time when discovery is to be completed;
 - (e) the date by which plaintiff will supply its pre-trial order matters to defendant;

(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial; and

(g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

(leave blank)

(4) a statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

(5) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

(6) anticipated fields of expert testimony, if any;

(7) anticipated length of trial and whether to court or jury;

(8) a statement that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference of when justice so requires;

(9) names, addresses, phone numbers and signatures of counsel;

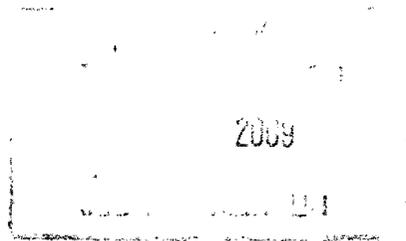
SO ORDERED:

SHIRA A. SCHEINDLIN
U.S.D.J.

Sehndlin J

BUCHANAN INGERSOLL & ROONEY PC
620 Eighth Avenue, 23rd Floor
New York, NY 10018
(212) 440-4400
Leslie J. Harris (LH -1290)
Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**



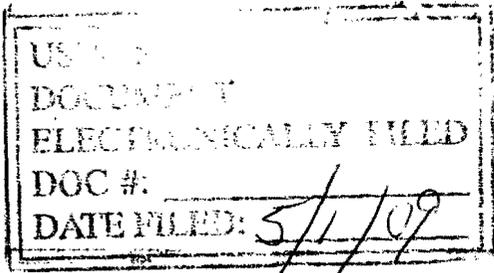
_____	X	
THE OSS SOCIETY, INC.)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:09-cv-03278-SAS
)	
THE PILGRIMS FOUNDATION,)	NOTICE OF DISMISSAL
)	<u>WITH PREJUDICE</u>
Defendant.)	
_____	X	

PLEASE TAKE NOTICE THAT, the Complaint of plaintiff The Oss Society, Inc. against The Pilgrims Foundation is hereby dismissed and withdrawn with prejudice pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure.

Dated: April 27, 2009
New York, New York

BUCHANAN INGERSOLL & ROONEY, PC

BY: *Leslie Harris*
Leslie J. Harris (LH -1290)
New York Times Building
620 Eighth Avenue, 23rd Floor
New York, New York 10018
(212) 440-4400
(212) 440-4401 (fax)
Attorneys for Plaintiff The OSS Society, Inc.



Of Counsel:

BUCHANAN INGERSOLL & ROONEY, PC
Holly M. Ford
S. Lloyd Smith
Bryce J. Maynard
1737 King Street, Suite 500
Alexandria, Virginia 22314-2756
703-836-6620
703-836-2021 (fax)

4/30/09

SO ORDERED:


U.S.D.J.



Party Search Results

Search Criteria: Party Search; Last Name: [The Pilgrims Foundation]

Result Count: 1 (1 page)

Current Page: 1

Party Name	The Pilgrims Foundation (dft)
Case Number	1:2009cv03278
Case Title	The Oss Society, Inc. v. The Pilgrims Foundation
Court	New York Southern District Court
Date Filed	04/03/2009
Date Closed	05/01/2009

PACER Service Center

Receipt 07/21/2020

User

Client Code

Description

All Court Types Party Search

All Courts; Name The Pilgrims Foundation; All Courts; Page: 1

Billable Pages

1 (\$0.10)



U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:09-cv-03278-SAS

The Oss Society, Inc. v. The Pilgrims Foundation
Assigned to: Judge Shira A. Scheindlin
Cause: 15:1051 Trademark Infringement

Date Filed: 04/03/2009
Date Terminated: 05/01/2009
Jury Demand: None
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff

The Oss Society, Inc.

represented by **Stuart P. Slotnick**
Buchanan Ingersoll & Rooney PC
640 Fifth Avenue
9th Floor
New York, NY 10019
212-440-4435
Fax: 212-440-4401
Email: stuart.slotnick@bipc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bryce J. Maynard
Buchanan Ingersoll & Rooney P.C.(VA)
1737 King Street
Alexandria, VA 22314
703-836-6620
Fax: 703-836-2021
PRO HAC VICE
ATTORNEY TO BE NOTICED

Holly M. Ford
Buchanan Ingersoll & Rooney P.C.(VA)
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Alexandria, VA 22314
703-836-6620
Fax: 703-836-2021
PRO HAC VICE
ATTORNEY TO BE NOTICED

S. Lloyd Smith
Buchanan Ingersoll & Rooney PC

1737 King Street
 Suite 500
 Alexandria, VA 22314-2727
 ATTORNEY TO BE NOTICED

V.

Defendant

The Pilgrims Foundation

Date Filed	#	Docket Text
04/03/2009	1	COMPLAINT against The Pilgrims Foundation. (Filing Fee \$ 350.00, Receipt Number 683400)Document filed by The Oss Society, Inc.(ama) (Entered: 04/07/2009)
04/03/2009		SUMMONS ISSUED as to The Pilgrims Foundation. (ama) (Entered: 04/07/2009)
04/03/2009		Magistrate Judge Gabriel W. Gorenstein is so designated. (ama) (Entered: 04/07/2009)
04/03/2009		Case Designated ECF. (ama) (Entered: 04/07/2009)
04/03/2009	2	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by The Oss Society, Inc.(ama) (Entered: 04/07/2009)
04/03/2009		Mailed notice to Commissioner of Patents and Trademarks to report the filing of this action. (ama) (Entered: 04/07/2009)
04/23/2009	3	ORDER FOR INITIAL PRETRIAL CONFERENCE:... Initial Conference set for 5/20/2009 at 04:30 PM in Courtroom 15C, 500 Pearl Street, New York, NY 10007 before Judge Shira A. Scheindlin. (Signed by Judge Shira A. Scheindlin on 4/22/2009) (jpo) (Entered: 04/23/2009)
05/01/2009	4	NOTICE OF DISMISSAL WITH PREJUDICE: Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the plaintiff(s) and or their counsel(s), hereby give notice that the above-captioned action is voluntarily dismissed with prejudice against the defendant(s) The Pilgrims Foundation. (Signed by Judge Shira A. Scheindlin on 4/30/2009) (jpo) Modified on 6/11/2009 (jpo). (Entered: 05/01/2009)

PACER Service Center			
Transaction Receipt			
07/21/2020			
PACER Login:		Client Code:	
Description:	Docket Report	Search Criteria:	1:09-cv-03278-SAS

Billable Pages:	2	Cost:	0.20
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Record 1 out of 1

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WILLIAM J.DONOVAN AWARD

Word Mark	WILLIAM J.DONOVAN AWARD
Goods and Services	IC 041. US 100 101 107. G & S: Providing recognition by the way of awards to certain deserving individuals who demonstrate excellence in the field of strategic intelligence. FIRST USE: 20040500. FIRST USE IN COMMERCE: 20040500
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code	LETS-1 J A single letter, multiples of a single letter or in combination with a design NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks
Serial Number	78641454
Filing Date	June 1, 2005
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	September 5, 2006
Registration Number	3353466
Registration Date	December 11, 2007
Owner	(REGISTRANT) OSS Society, Inc., The CORPORATION VIRGINIA 7700 Leesburg Pike, #324 Falls Church VIRGINIA 22043

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

STATUS	DOCUMENTS	MAINTENANCE	Back to Search	Print
Generated on: This page was generated by TSDR on 2020-07-25 11:25:55 EDT				
Mark: WILLIAM J.DONOVAN AWARD				
WILLIAM J.DONOVAN AWARD				
US Serial Number:	78641454	Application Filing Date:	Jun. 01, 2006	
US Registration Number:	3353466	Registration Date:	Dec. 11, 2006	
Register:	Principal			
Mark Type:	Service Mark			
TM5 Common Status Descriptor:		LIVE/REGISTRATION/Issued and Active		
		The trademark application has been registered		
Status:	The registration has been renewed.			
Status Date:	Feb. 13, 2017			
Publication Date:	Sep. 05, 2006	Notice of Allowance Date:	Nov. 28, 2006	
▼ Mark Information ▼ Expand All				
Mark Literal Elements:	WILLIAM J.DONOVAN AWARD			
Standard Character Claim:	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.			
Mark Drawing Type:	4 - STANDARD CHARACTER MARK			
Disclaimer:	"AWARD"			
Name Portrait Consent:	The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.			
▼ Goods and Services				
Note:				
The following symbols indicate that the registrant/owner has amended the goods/services:				
<ul style="list-style-type: none"> • Brackets [...] indicate deleted goods/services; • Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and • Asterisks *.* identify additional (new) wording in the goods/services. 				
For:	Providing recognition by the way of awards to certain deserving individuals who demonstrate exceptional intelligence			
				Privacy - Terms

International Class(es):	041 - Primary Class	U.S Class(es):	100, 101,
Class Status:	ACTIVE		
Basis:	1(a)		
First Use:	May 2004	Use in Commerce:	May 2004

▼ Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes
Filed ITU:	No	Currently ITU:	No
Filed 44D:	No	Currently 44E:	No
Filed 44E:	No	Currently 66A:	No
Filed 66A:	No	Currently No Basis:	No
Filed No Basis:	No		

▼ Current Owner(s) Information

Owner Name:	OSS Society, Inc., The		
Owner Address:	7700 Leesburg Pike, #324 Falls Church, VIRGINIA UNITED STATES 22043		
Legal Entity Type:	CORPORATION	State or Country Where Organized:	VIRGINIA

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name:	Wendy Peterson		
Attorney Primary Email Address:	wsp@njpls.com	Attorney Email Authorized:	Yes

Correspondent

Correspondent Name/Address:	Wendy Peterson Not Just Patents LLC 1248 Victoria St N St. Paul, MINNESOTA UNITED STATES 55117		
Phone:	6515007590		
Correspondent e-mail:	wsp@njpls.com wspnjpls@gmail.com	Correspondent e-mail Authorized:	Yes

Domestic Representative - Not Found

▼ Prosecution History

Date	Description	Proceeding Number
Nov. 19, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Nov. 19, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 07, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 07, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Feb. 13, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 13, 2017	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	74704
Feb. 13, 2017	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	74704
Feb. 13, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	74704
Dec. 11, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 11, 2016	TEAS SECTION 8 & 9 RECEIVED	
Dec. 11, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jul. 16, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jul. 16, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 16, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jan. 16, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	74886
Jan. 10, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	74886
Dec. 12, 2012	TEAS SECTION 8 & 15 RECEIVED	
Dec. 12, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 14, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 14, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 11, 2007	REGISTERED-PRINCIPAL REGISTER	
Nov. 07, 2007	LAW OFFICE REGISTRATION REVIEW COMPLETED	68658
Nov. 07, 2007	ASSIGNED TO LIE	68658
Oct. 09, 2007	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 27, 2007	STATEMENT OF USE PROCESSING COMPLETE	66154
Sep. 13, 2007	USE AMENDMENT FILED	66154
Sep. 13, 2007	TEAS STATEMENT OF USE RECEIVED	
May 28, 2007	EXTENSION 1 GRANTED	98765
May 28, 2007	EXTENSION 1 FILED	98765
May 28, 2007	TEAS EXTENSION RECEIVED	
Nov. 28, 2006	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 05, 2006	PUBLISHED FOR OPPOSITION	

Aug. 16, 2006	NOTICE OF PUBLICATION	
Jul. 13, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	77978
Jul. 07, 2006	ASSIGNED TO LIE	77978
Jul. 03, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 27, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	74221
Jun. 20, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	74221
Jun. 20, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 22, 2005	NON-FINAL ACTION E-MAILED	6325
Dec. 22, 2005	NON-FINAL ACTION WRITTEN	68788
Dec. 22, 2005	ASSIGNED TO EXAMINER	68788
Jun. 08, 2005	NEW APPLICATION ENTERED IN TRAM	

▼ **TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 13, 2020

▼ **Assignment Abstract Of Title Information - None recorded**

▼ **Proceedings - None recorded**

Attorney of Record Wendy Peterson

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Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20170213.

Renewal 1ST RENEWAL 20170213

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GEN'L WILLIAM J. DONOVAN.

Type of Work: Visual Material

Registration Number / Date: VAu000960203 / 2008-04-14

Application Title: WILLIAM J. DONOVAN AWARD.

Title: GEN'L WILLIAM J. DONOVAN.

Description: Photoprint.

Copyright Claimant: The OSS Society, Inc.. Address: 6723 Whittier Ave., #303A, McLean, VA, 22101

Date of Creation: 1961

Authorship on Application: THE OSS SOCIETY, INC., employer for hire. Authorship: 3-Dimensional sculpture.

Copyright Note: C.O. correspondence.

Names: [The OSS Society, Inc.](#)



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