

Op 114353

TTAB

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| TO: Commissioner of Patents and Trademarks Arlington, VA 22202 | REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK |
|---|---|

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court of Maryland on the following ☐ Patents or ☒ Trademarks:

| | | |
|---|--------------------------------|---|
| DOCKET NO. MTG-02-CV-3714 | DATE FILED 11/14/02 | U.S. DISTRICT COURT of Maryland 101 W. Lombard Street, Baltimore, MD 21201 |
| PLAINTIFF Chesapeake Bank of Maryland | | DEFENDANT Chesapeake Financial Shares, Inc., et |
| PATENT OR TRADEMARK NO. | DATE OF PATENT OR TRADEMARK | HOLDER OF PATENT OR TRADEMARK |
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |

11-20-2002
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #11

In the above-entitled case, the following patent(s) have been included:

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

| | | |
|---------------------------------|---|-------------------------|
| DECISION/JUDGEMENT | | |
| CLERK Felicia C. Carr | (BY) DEPUTY CLERK <i>[Signature]</i> | DATE 11/18/02 |

CIVIL COVER SHEET

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 the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Chesapeake Bank of Maryland

(b) County of Residence of First Listed Plaintiff Baltimore
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Fredric D. Abramson
Law Offices of Fredric D. Abramson
21155 Woodfield Road, Gaithersburg, MD 20882
301-840-9733

DEFENDANTS

Chesapeake Financial Shares, Inc., Chesapeake Bank, Inc., Private Business, Inc.

County of Residence of First Listed Defendant Lancaster, VA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

MUG 02 CV 3714

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|--|--|--|--|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights | PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition | LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 |

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Lanham Act, 15 U.S.C. Sec. 1051 et seq.; Defendants infringe Plaintiff's trademarks and compete unfairly

VII. REQUESTED IN COMPLAINT:

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

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S)** (See instructions):

IF ANY

JUDGE

DOCKET NUMBER

DATE

Nov 14, 2002

SIGNATURE OF ATTORNEY OF RECORD

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

IN THE UNITED STATES DISTRICT COURT 2:40
FOR MARYLAND

U.S. OFFICE
BALTIMORE
BY _____ DEPUTY

CHESAPEAKE BANK OF MARYLAND

2001 East Joppa Road
Towson, Maryland
a Federal Savings & Loan

Plaintiff

vs.

CHESAPEAKE FINANCIAL SHARES, INC.

97 N. Main St.
Kilmarnock, VA 22482
a Virginia Corporation

CHESAPEAKE BANK, INC.

97 N. Main St.
Kilmarnock, VA 22482
a Virginia Corporation

PRIVATE BUSINESS, INC.

9010 Overlook Blvd.
Brentwood, TN 37027

Defendants

Civil Action No.

Judge

Magistrate

MJG 02 CV 3714

COMPLAINT FOR TRADEMARK INFRINGEMENT,
UNFAIR COMPETITION, AND DECLARATORY RELIEF

Plaintiff, Chesapeake Bank of Maryland, Inc., ("Chesapeake Bank") brings this Complaint against the Defendants Chesapeake Financial Shares, Inc., Chesapeake Bank, Inc., and Private Business, Inc. (collectively "Defendants").

NATURE OF THE ACTION

1. This action for trademark infringement and unfair competition arises from the Defendants' use of the mark CHESAPEAKE BANK in Maryland in connection with the marketing of banking services that infringes Chesapeake Bank's CHESAPEAKE and CHESAPEAKE BANK trademarks for banking products and services:

2. Plaintiff Chesapeake Bank has for over 40 years continuously and consistently used the CHESAPEAKE mark to identify itself as a source of banking products and services.

3. By contrast, Defendant Chesapeake Financial Shares, Inc., and its subsidiary Chesapeake Bank, Inc. have in those same forty years changed corporate structures, changed names, changed products and services, and changed trademarks by adding and abandoning various trademarks, all in a narrowly restricted area known as the Northern Neck of Virginia.

JURISDICTION AND VENUE

4. This action arises under Sections 32(1) and 43(a) of the Trademark Act of 1946, commonly referred to as the Lanham Act, 15 U.S.C. §1051 et seq., and the common laws of the State of Maryland.

5. This Court has jurisdiction under Section 39 of the Lanham Act, 15 U.S.C. §1121, and 28 U.S.C. § 1338(a) in that this case arises under the Trademark Laws of the United States, 15 U.S.C. §§ 1051 et seq.

6. This Court has jurisdiction of the Maryland state law trademark infringement, unfair competition, false advertising, and business reputation injury claims herein under the provisions of 28 U.S.C. § 1338(b) in that said claims are joined with substantial and related claims under the Trademark laws (15 U.S.C. §§ 1051 et seq.) of the United States.

7. Venue is properly laid in this District pursuant to 28 U.S.C. §§ 1391(b), 1400 and/or 1381 in that each defendant may be found and/or is doing business within this District; a substantial part of the events giving rise to the claims occurred within this judicial district, and this Court has jurisdiction over the person of each defendant.

THE PARTIES

6. Plaintiff Chesapeake is a Maryland business entity and is a federally chartered savings and loan association engaged in banking. It is headquartered in Towson, Maryland.

7. Chesapeake Bank reaches 47% of Maryland's 5.2 million population in the urban region surrounding Towson (Anne Arundle County, Baltimore City, Baltimore County, Carroll County, Harford County and Howard County) and 83% of Maryland including Frederick, Montgomery and Prince George's Counties. (Exhibit 1, map of Chesapeake Bank's market area)

8. Chesapeake Bank has been providing banking services in Maryland and surrounding states continuously since 1960 under the CHESAPEAKE trademark. Since 1997, Chesapeake Bank has been providing banking services under its CHESAPEAKE BANK trademark in Maryland and surrounding states, including the metropolitan Baltimore-Washington DC area.

9. Defendant Chesapeake Financial Shares, Inc. ("CFS") is a Virginia corporation acting as a financial services and bank holding company. It is headquartered in Kilmarnock Virginia.

10. Defendant Chesapeake Bank, Inc. ("Virginia Bank"), is a Virginia corporation that is wholly owned by Defendant CFS. The Virginia Bank is headquartered in Kilmarnock, Virginia.

11. The market area of Defendants CFS and Virginia Bank is rural Southeastern Virginia, covering most of the area north of the Rappahannock River and south of the Potomac River known as

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