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Kimberly A. Warshawsky, SBN 022083, WarshawskyK@gtlaw.com
Attorneys for Plaintiff Celebrity Fight Night Foundation, Inc.

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Celebrity Fight Night Foundation, Inc.,

No.

Plaintiff,

**VERIFIED COMPLAINT IN
SUPPORT OF TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

v.

FilmOn.com, Inc.

Defendant.

(Jury Trial Demanded)

For its Verified Complaint in Support of Temporary Restraining Order and Preliminary Injunction against Defendant FilmOn.com, Inc. (“FilmOn.com”), Plaintiff Celebrity Fight Night Foundation, Inc. (the “Foundation”) alleges as follows:

SUMMARY OF ACTION

1. This is an action brought for trademark infringement under the federal Trademark Act, 15 U.S.C. § 1114(1), for False Designation of Origin pursuant to 15 U.S.C. § 1125(a)(1)(A), and for common law trademark infringement pursuant to the laws of the State of Arizona. The Foundation is the owner of the trademark CELEBRITY FIGHT NIGHT (the “CELEBRITY FIGHT NIGHT Mark”), and, using that mark, hosts a yearly, world-class charity event benefitting the Muhammad Ali Parkinson Center at Barrow Neurological Institute and other charities. The Foundation’s Celebrity Fight Night Event is a star-studded event, which has received significant national media attention year-in and year-out. Notwithstanding the Foundation’s exclusive rights to the CELEBRITY FIGHT NIGHT Mark, and despite having no legitimate reason to do so,

1 Defendant FilmOn.com, Inc. is using the name CELEBRITY FIGHT NIGHT to market
2 and promote amateur boxing matches. FilmOn.com's use of the CELEBRITY FIGHT
3 NIGHT is both likely to cause and has actually caused actual confusion, and thus
4 constitutes a violation of Sections 1114(1) and 1125(a)(1)(A) of the Federal Trademark
5 Act. Plaintiff Celebrity Fight Night Foundation, Inc. seeks damages, attorneys' fees,
6 costs, and preliminary and permanent injunctive relief.

7 **THE PARTIES, JURISDICTION, AND VENUE**

8 2. Plaintiff Celebrity Fight Night Foundation, Inc. is an Arizona non-profit
9 corporation having its principal place of business at 2111 East Highland Avenue, Suite
10 Number 135, Phoenix, Arizona 85016.

11 3. Defendant FilmOn.com, Inc. is a Delaware corporation having its principal
12 place of business at 1141 Summit Drive, Beverly Hills, California 90210.

13 4. Defendant FilmOn.com promotes, markets, and hosts amateur boxing
14 matches between public figures and quasi-celebrities.

15 5. Defendant FilmOn.com's amateur boxing matches are televised nationally
16 on DirectTV Pay-Per-View, including here in Arizona.

17 6. Defendant FilmOn.com also advertises its amateur boxing matches
18 nationally, including in Arizona, and on the Internet, on websites that are accessible to
19 residents of the State of Arizona.

20 7. Defendant FilmOn.com also broadcasts its events over the Internet, and
21 specifically, on the website <filmon.com>. Defendant's website, which is accessible to
22 residents of the State of Arizona, invites visitors to download an HDi player directly from
23 the website, which would allow consumers to view, among other events, Defendant's
24 "Celebrity Fight Night" amateur boxing event.

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1 8. Defendant FilmOn.com’s use of the Foundation’s CELEBRITY FIGHT
2 NIGHT Mark has further caused the Foundation to suffer harm here in Arizona, which is
3 the Foundation’s principal place of business, where the Foundation hosts its yearly charity
4 event, and the location of the Foundation’s principal benefactor, the Muhammad Ali
5 Parkinson Center at Barrow Neurological Institute.

6 9. Upon information and belief, defendant FilmOn.com knew of Plaintiff’s
7 charity event before naming its boxing matches, and its continued use of the Foundation’s
8 famous mark CELEBRITY FIGHT NIGHT is intentional.

9 10. Based upon the above, this Court has personal jurisdiction over Defendant.

10 11. This Court has subject matter jurisdiction under the Lanham Act pursuant to
11 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338(a) and 1338(b). This Court has
12 supplemental jurisdiction over Plaintiff’s state law claims pursuant to 28 U.S.C.
13 § 1367(a), as such claims are so related to the claims over which this Court has original
14 jurisdiction that they form part of the same case or controversy.

15 12. Pursuant to 28 U.S.C. § 1391(b) and (c), venue is proper in this District.

16 **ALLEGATIONS COMMON TO ALL COUNTS**

17 **The Foundation’s Well-Known Event and CELEBRITY FIGHT NIGHT Mark**

18 13. Plaintiff Celebrity Fight Night Foundation started approximately 17 years
19 ago when its founder, Jimmy Walker, thought it would be possible to raise money for
20 local charities through a celebrity charity event. Today, Mr. Walker’s vision, aptly named
21 Celebrity Fight Night, is known as one of the nation’s elite charity events.

22 14. By and through its yearly star-studded charity events Celebrity Fight Night
23 has raised more than \$70 million primarily benefitting the Muhammad Ali Parkinson
24 Center at Barrow Neurological Institute in Phoenix, among other charities.

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1 15. The first event, known just as “Fight Night”, was in 1994, and was much
2 smaller than the event that exists today, and featured Phoenix Suns Charles Barkley and
3 Dan Majerle. The first event was a huge success.

4 16. The next year, Kenny Rogers joined the event by performing a 40-minute
5 concert that changed the dynamic of Celebrity Fight Night from a sports event to a
6 celebrity-filled charity event with live musical entertainment by major marquee
7 entertainers.

8 17. In its third year, in 1997, Celebrity Fight Night took a big leap into the
9 national spotlight when the most recognized man in the world, Muhammad Ali, accepted
10 an invitation to become the featured guest. At the event, the world learned about the
11 Muhammad Ali Parkinson Center at Barrow Neurological Institute in Phoenix.

12 18. After fifteen years of support, Celebrity Fight Night has become
13 synonymous with Mr. Ali and the Muhammad Ali Parkinson Center at Barrow
14 Neurological Institute.

15 19. In 1997, the Foundation established the Muhammad Ali Celebrity Fight
16 Night Awards as a way to acknowledge leaders in the sports, entertainment and business
17 communities who best represent the qualities associated with Mr. Ali and his fight to find
18 a cure for Parkinson’s disease. Previous award recipients have included Halle Berry, Jim
19 Carrey, Robin Williams, Billy Crystal, Reba McEntire, Faith Hill, Arnold
20 Schwarzenegger, Larry King, Michael J. Fox, Donald Trump, Chevy Chase, Sharon
21 Stone, Magic Johnson, Clive Davis, Wayne Gretzky, Steve Nash, Jack Nicklaus, Joe
22 Montana, John Elway, Randy Johnson, Kurt Warner, Forest Whitaker, Jerry Weintraub,
23 Michael Phelps, Curt Schilling, Luis Gonzalez, Evander Holyfield, Emmitt Smith, Tony
24 Hawk, Jerry Colangelo, Foster Friess, Chris Evert, Michael Johnson, David Foster, Cristie
25 Kerr, Harvey Mackay, Bob Parsons, Jeff Mallett, Howard Schultz, Stewart Rahr,
26 LaDainian Tomlinson, Red McCombs, and Dr. Robert Spetzler.

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1 20. Celebrity Fight Night audiences have been treated to some incredible
2 performances throughout the years including those by Garth Brooks, Celine Dion, Rod
3 Stewart, Reba McEntire, Jon Bon Jovi, Faith Hill, Kelly Clarkson, Matchbox Twenty,
4 Diana Ross, Josh Groban, Glenn Frey, Michael Bubl , Lionel Richie, Sinbad, Gloria
5 Estefan, Trisha Yearwood, John Mellencamp, Babyface, Robin Williams, Barry Manilow,
6 Kenny G, Donna Summer, Sam Moore, Dennis Quaid, Kevin Bacon, The Go-Gos, Jordin
7 Sparks, Charice, Michael Bolton, Jackie Evancho, Dionne Warwick, Hootie and the
8 Blowfish, Brian McKnight, the Pointer Sisters and The Village People.

9 21. Celebrity Fight Night has been covered in national publications including
10 People Magazine, Sports Illustrated and USA Today, and on national television shows
11 such as “Entertainment Tonight,” “Access Hollywood,” “Extra,” “E!,” and the
12 “Hollywood Insider.”

13 22. The Foundation’s mark, CELEBRITY FIGHT NIGHT, was registered with
14 the United States Patent and Trademark Office (the “USPTO”) on the Principal Register
15 on December 30, 2008 for, “[o]rganizing and conducting charity auctions for charitable
16 fund raising purposes ... Charitable fund raising; Charitable fund raising services by
17 means of musical concerts”. A true and correct copy of the CELEBRITY FIGHT NIGHT
18 trademark registration certificate as maintained by the USPTO is attached hereto as
19 Exhibit 1.

20 23. The Foundation has been continuously using the CELEBRITY FIGHT
21 NIGHT Mark as the name of its celebrity charity event for the past 12 years.

22 24. The Foundation spends at least \$100,000 per year to promote its Celebrity
23 Fight Night event and the CELEBRITY FIGHT NIGHT Mark in print and broadcast
24 media and on the Internet through various websites, including at
25 <celebrityfightnight.org>.

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1 32. The Foundation understands that Defendant intends to use the Infringing
2 Mark in connection with amateur boxing events between public figures and quasi-
3 celebrities.

4 33. The first such event is scheduled to air nationally on DirectTV Pay-Per-
5 View on November 5, 2011, and will “feature” among other persons, Joey Buttafuoco,
6 Kato Kaelin, and Michael Lohan.

7 34. According to a press release issued by Defendant, a copy of which is
8 attached hereto as Exhibit 3, Defendant’s amateur boxing event purports to be a charitable
9 event, with a portion of the proceeds purporting to go to Defendant’s charitable trust.

10 35. Defendant’s boxing match is not affiliated in any way with the Foundation
11 or its Celebrity Fight Night event.

12 36. Upon information and belief, Defendant intends to use the Infringing Mark
13 to “free ride” on the Foundation’s goodwill, which the Foundation has painstakingly built
14 over the last 17 years.

15 37. Defendant’s advertising and use of the Infringing Mark has caused actual
16 confusion, with at least one writer confusing and conflating Defendant’s event with the
17 Foundation’s event and the celebrities that attend. A true and correct copy of Lori Koff’s
18 article is attached hereto as Exhibit 4.

19 38. On October 28, the Foundation received a call from a reporter with “Access
20 Hollywood”, who was inquiring about Jose Canseco’s upcoming fight, which the reporter
21 believed was being sponsored by the Foundation. Mr. Canseco is fighting during
22 Defendant’s November 5 event. *See* Exhibit 4.

23 39. Defendant’s use of the Infringing Mark in connection with its amateur event
24 has also caused the Foundation to lose donors. One donor from Washington, D.C. refused
25 to donate to the Foundation’s cause, or attend the Foundation’s event because he
26

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1 mistakenly believed that Tareq Salahi was a featured guest of the Foundation’s Celebrity
2 Fight Night. *See* Exhibit 5. In reality, Mr. Salahi is one of the “fighters” to be featured
3 during Defendant’s event. *See* Exhibit 4.

4 40. The Foundation has also had to explain to its major benefactor that
5 Defendant is not affiliated in any way with the Foundation, and the Defendant’s
6 “Celebrity Fight Night” is not the same event that the Foundation holds every year. *See*
7 Exhibit 6.

8 41. By using the CELEBRITY FIGHT NIGHT Mark, Defendant was and is
9 attempting to trade on the goodwill of Plaintiff.

10 42. By using the CELEBRITY FIGHT NIGHT Mark, Defendant was and is
11 attempting to create an association between the Foundation and Defendant.

12 43. Defendant is not associated with the Foundation, and, as a result, is not
13 authorized to use the CELEBRITY FIGHT NIGHT Mark.

14 44. Defendant’s use of the Infringing Mark, which identical to the Foundation’s
15 CELEBRITY FIGHT NIGHT Mark, results in the likelihood that consumers will
16 mistakenly believe that Defendant and its amateur boxing event is associated with the
17 Foundation’s star-studded events.

18 45. Defendant’s use of the Infringing Mark has resulted in actual confusion, and
19 the media, consumers, donors, and even the Foundation’s own benefactor, have
20 mistakenly believed that Defendant and its amateur boxing event is associated with the
21 Foundation’s star-studded events.

22 46. Defendant has no legitimate right to use the CELEBRITY FIGHT NIGHT
23 Mark.

24 47. Defendant’s conduct was and is intentional and willful, and designed to
25 unlawfully misappropriate the Foundation’s goodwill and reputation.

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COUNT II
False Designation of Origin
(15 U.S.C. § 1125(a)(1)(A))

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57. The Foundation incorporates the allegations in the preceding paragraphs as if fully set forth herein.

58. Defendant uses the mark CELEBRITY FIGHT NIGHT in connection with its amateur boxing events.

59. Defendant promotes, televises, and hosts its events throughout the United States, including in Arizona, in connection with these events.

60. Defendant’s use of the CELEBRITY FIGHT NIGHT Mark is likely to cause confusion with the Foundation’s CELEBRITY FIGHT NIGHT Mark and is likely to cause confusion as to the affiliation, connection, or association of Defendant with the Foundation’s celebrity event.

61. Defendant’s use of the CELEBRITY FIGHT NIGHT Mark is likely to cause confusion as to as to the origin, sponsorship, or approval of Defendant’s amateur boxing event by the Foundation.

62. Defendant’s use of the CELEBRITY FIGHT NIGHT Mark has caused actual confusion as to the affiliation, connection, or association of Defendant with the Foundation’s celebrity event.

63. Defendant’s use of the CELEBRITY FIGHT NIGHT Mark has caused actual confusion as to as to the origin, sponsorship, or approval of Defendants’ amateur boxing event by the Foundation.

64. Defendant’s conduct complained of herein was and is intentional and willful.

65. Defendant’s acts complained of herein have damaged the Foundation and, unless enjoined, will continue to damage and cause irreparable injury to the Foundation’s reputation and goodwill.

1 66. The Foundation has no adequate remedy at law.

2 **COUNT III**

3 **Common Law Trademark Infringement and Unfair Competition**

4 67. The Foundation incorporates the allegations in the preceding paragraphs as
5 if fully set forth herein.

6 68. Defendant’s use of the CELEBRITY FIGHT NIGHT Mark is likely to cause
7 confusion.

8 69. Defendant’s use of the CELEBRITY FIGHT NIGHT Mark has caused
9 actual confusion.

10 70. Defendant has violated and infringed the Foundation’s common law rights
11 in its CELEBRITY FIGHT NIGHT Mark in violation of the common law of the State of
12 Arizona.

13 71. Upon information and belief, all of Defendant’s acts were and are
14 intentional and willful.

15 72. Defendant’s acts have damaged the Foundation and, unless enjoined, will
16 continue to damage and cause irreparable injury to the Foundation’s reputation and
17 goodwill.

18 73. The Foundation has no adequate remedy at law.

19 **RELIEF REQUESTED**

20 WHEREFORE, Plaintiff Celebrity Fight Night Foundation respectfully prays that
21 the Court grant the following relief against Defendant FilmOn.com, Inc.:

22 A. A preliminary and permanent injunction prohibiting Defendant, its officers,
23 agents, servants, employees and/or all persons acting in concert or participation with
24 them, or any of them, from: (1) using the Foundation’s trademarks or confusingly similar
25 variations thereof, alone or in combination with any other letters, words, letter strings,
26 phrases or designs, in commerce or in connection with any business or for any other

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1 purpose (including, but not limited to, on web sites and in domain names); and
2 (2) registering, owning, leasing, selling, or trafficking in any domain name containing the
3 Foundation’s trademarks or confusingly similar variations thereof, alone or in
4 combination with any other letters, words, phrases or designs;

5 B. A preliminary and permanent injunction against Defendant’s use of the
6 Foundation’s CELEBRITY FIGHT NIGHT Mark in connection with any event, including
7 in connection with its November 5, 2011 event;

8 C. An Order directing Defendant to deliver up for destruction all printed and
9 electronically stored materials in their possession or under their control bearing all or part
10 of the CELEBRITY FIGHT NIGHT Mark, and all plates, molds, matrices, and other
11 means of making or duplicating the same;

12 D. An award of compensatory, consequential, and punitive damages to Plaintiff
13 Celebrity Fight Night Foundation, Inc. in an amount to be determined at trial;

14 E. An award of interest, costs and attorneys’ fees incurred by the Foundation in
15 prosecuting this action; and

16 F. All other relief to which the Foundation is entitled, and which is equitable
17 and proper.

18 RESPECTFULLY SUBMITTED this 1st day of November, 2011.

19 GREENBERG TRAUIG, LLP

20 By: /s/ Kimberly Warshawsky
21 Kimberly A. Warshawsky
22 Attorneys for Celebrity Fight Night
23 Foundation, Inc.
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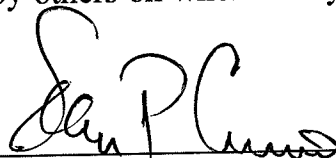
VERIFICATION

STATE OF ARIZONA)
)ss.
County of Maricopa)

Sean Currie, being first duly sworn according to the law, on oath, deposes and says:

1. I am the Executive Director Celebrity Fight Night Foundation, Inc. ("the Foundation") and as such I am authorized to make this Verification on behalf of the Foundation.

2. I have reviewed the Foundation's Verified Complaint in Support of Temporary Restraining Order and Preliminary Injunction, and know said Complaint to be true to the best of my knowledge, information, and belief based on either personal knowledge or information supplied to me by others on whom I rely to supply information in the ordinary course of business.



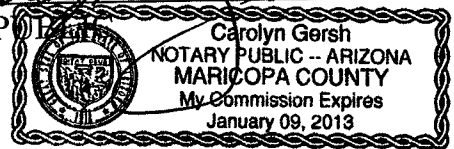
SEAN CURRIE

SUBSCRIBED AND SWORN TO before me this 1st day of November, 2011, by Sean Currie on behalf of Celebrity Fight Night Foundation, Inc.



NOTARY PUBLIC

My Commission Expires:



1-9-2013

EXHIBITS

<u>Exh. No.</u>	<u>Description</u>
1	Plaintiff's CELEBRITY FIGHT NIGHT trademark registration certificate
2	Defendant's Section 1B Trademark Applications
3	Press release: "Alki David's FilmOn Presents 'CELEBRITY FIGHT NIGHT'"
4	Article: "'Celebrity Fight Night' includes Tareq Salahi, Michael Lohan, Coolio, Octomom"
5	Email correspondence from John Budraitis re Mr. Salahi in Fight Night and Reservation Request response, dated October 4, 2011
6	Email correspondence from Kathryn Kramer, dated September 28, 2011

EXHIBIT 1



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CELEBRITY FIGHT NIGHT

Word Mark CELEBRITY FIGHT NIGHT

Goods and Services IC 035. US 100 101 102. G & S: Organizing and conducting charity auctions for charitable fund raising purposes. FIRST USE: 19940414. FIRST USE IN COMMERCE: 19940414

IC 036. US 100 101 102. G & S: Charitable fund raising; Charitable fund raising services by means of musical concerts. FIRST USE: 19940414. FIRST USE IN COMMERCE: 19940414

Standard

Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77474801

Filing Date May 15, 2008

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition October 14, 2008

Registration Number 3553896

Registration Date December 30, 2008

Owner (REGISTRANT) Celebrity Fight Night Foundation, Inc. NON-PROFIT ORGANIZATION
ARIZONA Suite 135 2111 East Highland Phoenix ARIZONA 85016

Attorney of Record Steven B. Powell

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CELEBRITY" APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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EXHIBIT 2



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Celebrity Fight Night

Word Mark CELEBRITY FIGHT NIGHT**Goods and Services**

IC 038. US 100 101 104. G & S: Cable television broadcasting services; Cable television transmission; Internet protocol television (IPTV) transmission services; Pay-per-view television transmission services; Television broadcasting; Television programme broadcasting; Television programme broadcasting via cable

IC 041. US 100 101 107. G & S: Entertainment in the nature of boxing contests; Entertainment in the nature of on-going television programs in the field of boxing; Entertainment in the nature of boxing games; Entertainment services, namely, an on-going television game show and games of chance to be played at a casino; Entertainment services, namely, live, televised and movie appearances by a professional entertainer; Entertainment services, namely, participation in boxing; Organisation of sports competitions; Organization of boxing matches; Organizing sporting events, namely, boxing; Production of cable television programs; Production of radio and television programmes; Production of television programs; Providing facilities for sports tournaments; Providing facilities for boxing tournaments; Providing information relating to sports and sporting events; Providing news and information in the field of sports; Providing online interviews featuring celebrities in the field of boxing for entertainment purposes

Standard Characters Claimed**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

Serial Number

85417947

Filing Date September 8, 2011

Current Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) FilmOn.com Inc CORPORATION DELAWARE 1141 Summit Drive Beverly Hills CALIFORNIA 90210

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Celebrity Fight Night

Word Mark CELEBRITY FIGHT NIGHT**Goods and Services**

IC 009. US 021 023 026 036 038. G & S: Sports equipment for boxing and martial arts, namely, protective headgear; Sports eyewear; Sports glasses; Sports helmets; Sports training eyeglasses; Sports' glasses

IC 018. US 001 002 003 022 041. G & S: All purpose sport bags; Backpacks, book bags, sports bags, bum bags, wallets and handbags; Bags and holdalls for sports clothing; Bags for sports; Sport bags; Sports packs

IC 025. US 022 039. G & S: Clothing shields, namely, pads applied to the underarms of shirts, blouses and sweaters; Crew neck sweaters; Mock turtle-neck sweaters; Short-sleeved or long-sleeved t-shirts; Sweaters; T-shirts; Turtleneck sweaters; V-neck sweaters

IC 028. US 022 023 038 050. G & S: Sport balls; Sporting goods, namely, a sports training device to improve strength, toning, conditioning, balance, and proprioception; Sports apparatus, namely, ball pitching screens; Sports equipment for boxing and martial arts, namely, boxing gloves, boxing bags, punching mitts, belly protectors, groin protectors and shin guards; Sports equipment for boxing and martial arts, namely, boxing gloves, mixed martial arts gloves, punching mitts, and shin guards; Sports equipment for boxing, martial arts, and the like, namely, an apparatus to support a moving heavy bag; Sports equipment for boxing, martial arts, and the like, namely, protective bras; Sports equipment, namely, inline roller skating wheels at the end of a crutch-like frame; Sports equipment, namely, Nordic walking poles

IC 032. US 045 046 048. G & S: Sports drinks; Sports drinks containing electrolytes

IC 035. US 100 101 102. G & S: Product merchandising

**Standard
Characters
Claimed****Mark****Drawing
Code** (4) STANDARD CHARACTER MARK**Serial
Number** 85431078**Filing Date** September 23, 2011**Current
Filing Basis** 1B**Original
Filing Basis** 1B**Owner** (APPLICANT) FilmOn.com, Inc. CORPORATION DELAWARE 1141 Summit Drive Beverly Hills
DELAWARE 90210**Type of Mark** TRADEMARK. SERVICE MARK**Register** PRINCIPAL**Live/Dead
Indicator** LIVE

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305.864.3434 ext. 120/110



ALKI DAVID'S FilmOn PRESENTS "CELEBRITY FIGHT NIGHT"

Notorious celebs join forces to fight for a good cause on national Pay-Per-View event

Los Angeles, CA. (September 19, 2011) – On **Monday, Sept. 26**, entrepreneur and filmmaker, **Alki David**, along with his global Internet cable company, **FilmOn**, invite members of the media to the official **"Celebrity Fight Night"** press conference to promote the upcoming LIVE event available globally on www.FilmOn.com and nationally via your favorite Pay-Per-View provider. The conference will take place from **11 a.m. to 12 p.m.** at the **9021GO Showroom** located in 342 N. Canon Drive, in Beverly Hills, CA.

Media in attendance will have the opportunity to interview "Celebrity Fight Night" contenders and referee **Kevin Federline**, former "Celebrity Fit Club" contestant and ex-husband to pop icon Britney Spears, professional baseball legend **Jose Canseco**. Competing fighters will include tabloid king and Lindsay Lohan's father **Michael Lohan**; reality TV personality and OJ Simpson trial witness **Kato Kaelin**; "Gangsta's Paradise" rapper **Coolio**; former "Baywatch" star and "Celebrity Rehab with Dr. Drew" participant **Jeremy Jackson**; radio personality best known for his scandalous affair with Amy Fisher, **Joey Buttafuoco**; pornographic actress **Amy Fisher**; and tabloid fixture **Nadya "Octomom" Suleman**.

The LIVE PPV event match-up schedule for "Celebrity Fight Night's" knockout championship show on Nov. 5, 2011 will go as follows:

1. Michael Lohan vs. Kato Kaelin
2. Coolio vs. Jeremy Jackson
3. Joey Buttafuoco vs. Amy Fisher's husband, Lou Ballera
4. TareqSalahi vs. Jose Canseco
5. Amy Fisher vs. Nadya "Octomom" Suleman

A portion of "Celebrity Fight Night's" net proceeds will benefit the **FilmOn Charitable Trust**, a foundation in charge of distributing the event's earnings to several children's charities.

WHAT: Celebrity Fight Night
Official Press Conference

WHEN: Monday, September 26, 2011
11:00 a.m. – 12:00 p.m.

WHERE: 9021GO Showroom
342 N, Canon Drive, Beverly Hills, CA 90210

RSVP: Please RSVP to gino@taraink.com and/or shazeen@taraink.com

About Alki David, Chairman of FilmOn

Alki David created 111Pix, FilmOn's parent company, and has developed the business model to drive this revolutionary new service. Alki stars in major Hollywood films and multiple television shows as well as writes, directs and acts in his own independent movies. Highly experienced in traditional commerce and

banking, Alki David brings a unique blend of artistic and commercial acumen to the company that he has created.

About FilmOn

FilmOn.com, the world's largest Internet-based HD television service offers more than 80 channels of live content, starting at just \$7.95/month with some channels available free of charge. The FilmOn platform is the way to watch premium content with TV Everywhere technology on TV, Smart Phones, iPads or computers. FilmOn.com is available globally and includes access to thousands of titles via its DivX-enabled VOD store.

First, there was broadcast television, then cable and satellite. Now, FilmOn has developed the revolutionary solution that will enable live, linear television services to be delivered through the Internet.

FilmOn's innovative technology supported the rapid growth of high quality, streamed videos on the Internet as well as enabled consumers to view millions of hours of network programming through dedicated websites. Today, FilmOn continues its leadership position by offering the next generation of live, multi-channel television over the Internet.

For more information, visit www.FilmOn.com

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EXHIBIT 4

National / Arts & Entertainment / TV

'Celebrity Fight Night' includes Tareq Salah, Michael Lohan, Coolio, Octomom

Lori Koff
, Self Help Reality TV Examiner
September 28, 2011

Some of the cast of *Celebrity Rehab 5* were reunited for a good cause recently: A *Celebrity Fight Night* press conference! VH1 reports that this week at a press conference for *Celebrity Fight Night*, Amy Fisher, husband Louis Bellera and *Celebrity Rehab's* Michael Lohan and Jeremy Jackson gathered together to promote the show which they will all participate in. *Celebrity Fight Night* will bring out an eccentric group of fighters this time around, from an ex-cast member of the *Real Housewives* to Joey Buttafuoco and Kato Kaelin! The show will air on DirecTV Pay Per View November 5.

The *Celebrity Fight Night* Lineup Matchups are:

Michael Lohan vs. Kato Kaelin
Tareq Salah vs. Jose Canseco
Coolio vs. Jeremy Jackson
Joey Buttafuoco vs. Amy Fisher's husband, Lou Bellera
Amy Fisher vs. Nadya "Octomom" Suleman.

Celebrities and professional athletes from all over the country join forces to support *Celebrity Fight Night* each year. Past participants include Paula Abdul, Kareem Abdul-Jabbar, Troy Aikman, Buzz Aldrin, Muhammad Ali to name a few. Since its inception, *Celebrity Fight Night* has raised more than \$70 million primarily benefitting the Muhammad Ali Parkinson Center at Barrow Neurological Institute in Phoenix, as well as numerous other worthy charities.

EXHIBIT 5

From: MAgency466@aol.com [mailto:MAgency466@aol.com]
Sent: Tuesday, October 04, 2011 8:52 AM
To: Jimmy Walker; Sean Currie; Kim Bistany
Subject: Mr. Salahi in Fight Night

We're sorry to see that you have chosen Mr. Salahi to participate in such a wonderful event as yours and as such we will wait until the following year to donate to the Champs cause as a result of Mr. Salahi's participation. Given the on going investigations within the Commonwealth of Virginia and other negative press this man is surrounded by, it is our opinion that many will not want to be associated with this individual.

John Budraitis
Washington, DC

From: info@celebrityfightnight.org [mailto:info@celebrityfightnight.org]
Sent: Tuesday, October 04, 2011 8:41 AM
To: Sean Currie
Subject: Reservation Request from Website

Reservation Request

First Name: John
Last Name: Budraitis
Telephone: 703-801-5728
Email: magency466@aol.com

Table for 10: None
Individual Seats: None

Comments

Normally we would donate, but seeing that your having Terqe Salahi as part of this event, we would stay away this year. His name in our opinion bring discredit to your cause and charity given his track record with charities. Mabye again in 2013. Thanks.

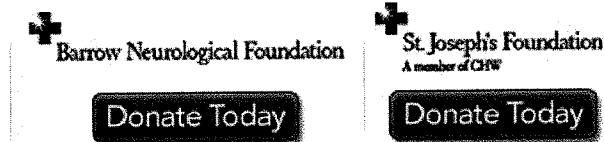
EXHIBIT 6

From: Kramer, Kathryn - SJHMC [mailto:Kathy.Kramer@chw.edu]
Sent: Wednesday, September 28, 2011 10:36 AM
To: Sean Currie
Subject: FW: Surely not. Says money going to Fight night. HELP!

Hi Sean,
Please tell me this isn't true.

Kathy X. Kramer
VP, Leadership Gifts
St. Joseph's Foundation
Barrow Neurological Foundation
350 West Thomas Road
Phoenix, AZ 85013
(602) 406-1042

Please remember St. Joe's and Barrow in your estate plan.



From: Reaves, Lynne - SJHMC
Sent: Wednesday, September 28, 2011 8:33 AM
To: Malkovich, Carmelle - SJHMC; Menor, Catherine - SJHMC; Kramer, Kathryn - SJHMC
Cc: Pfister, Suzanne - SJHMC
Subject: Surely not. Says money going to Fight night. HELP!

Octomom Battles Amy Fischer at Celebrity Boxing Match (Pictures)

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(Photo by PacificCoastNews)

Octomom [Nadya Suleman](#) took a break from raising her flock to join the likes of [Michael Lohan](#), [Coolio](#), Kato Kaelin, and a few other quasi-celebrities to prepare for some sparring in the Celebrity Boxing Federation. While the combatants are still doing everything they can to milk the last bits of fame from their names, at least this was for a good cause: Proceeds fight night will go to the Muhammad Ali Parkinson Center.

In a strange twist on the word "celebrity," Suleman will be squaring off against ex-con Amy Fischer, infamous in the '90s for shooting her lover's wife. Oh, and her lover that sent Fischer into a murderous rampage? Yeah, Joey Buttafuoco will also be in the ring against Fischer's now husband. It's a weird world out there folks.

The whole event will be available on Pay-Per-View, so stay tuned.

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

Celebrity Fight Night Foundation, Inc.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Maricopa

(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

FilmOn.com, Inc.

County of Residence of First Listed Defendant Los Angeles.

(IN U.S. PLAINTIFF CASES ONLY)

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

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Kimberly A. Warshawsky
GREENBERG TRAUIG, LLP
2375 East Camelback Road, Suite 700
Phoenix, AZ 85016
TEL: (602) 445-8000

ATTORNEYS (IF KNOWN)

<p>II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)</p> <p>(For Diversity Cases Only)</p> <table style="width:100%;"> <tr> <td style="width:50%;">Citizen of This State</td> <td style="width:10%; text-align: center;">PTF DEF</td> <td style="width:10%; text-align: center;"><input type="checkbox"/>1 <input type="checkbox"/>1</td> <td style="width:20%;">Incorporated or Principal Place of Business in This State</td> <td style="width:10%; text-align: center;">PTF DEF</td> <td style="width:10%; text-align: center;"><input type="checkbox"/>4 <input type="checkbox"/>4</td> </tr> <tr> <td>Citizen of Another State</td> <td></td> <td><input type="checkbox"/>2 <input type="checkbox"/>2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td></td> <td><input type="checkbox"/>5 <input type="checkbox"/>5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td></td> <td><input type="checkbox"/>3 <input type="checkbox"/>3</td> <td>Foreign Nation</td> <td></td> <td><input type="checkbox"/>6 <input type="checkbox"/>6</td> </tr> </table>	Citizen of This State	PTF DEF	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	PTF DEF	<input 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 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
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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 Liab.	<p style="text-align: center;">PERSONAL INJURY</p> <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 <p style="text-align: center;">PERSONAL PROPERTY</p> <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 <p style="text-align: center;">CIVIL RIGHTS</p>	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <p style="text-align: center;">LABOR</p> <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"/> 422 Appeal 28USC 158 <input type="checkbox"/> 423 Withdrawal 28USC 157 <p style="text-align: center;">PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 831 Trademark <p style="text-align: center;">SOCIAL SECURITY</p> <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)) <p style="text-align: center;">FEDERAL TAX SUITS</p>	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking 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 <input type="checkbox"/> 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
<p style="text-align: center;">REAL PROPERTY</p> <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	<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	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	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
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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 (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. § 1114, 15 U.S.C. § 1125

BRIEF DESCRIPTION OF CAUSE.
Trademark Infringement, False Designation of Origin

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
 DEMAND \$ Unspecified
 Check yes only if demanded in complaint: **JURY DEMAND:** YES NO

VIII. RELATED CASE(S) (See instructions):

DATE **October 31, 2011** SIGNATURE OF ATTORNEY OF RECORD
/s/ Kimberly A. Warshawsky

FOR OFFICE USE ONLY

RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE
UNITED STATES DISTRICT COURT				