

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

INVENTION SUBMISSION CORPORATION)
t/d/b/a INVENTHELP, a Pennsylvania)
corporation,)
))
Plaintiff,)
))
v.)
))
IP WATCHDOG INC., a New York corporation,)
Eugene R. Quinn Jr. an individual, and)
Renee Quinn, an individual.)
))
Defendants.)

Civil Action No. 5 : 10 - cv - 74
(NPM / DEP)

COMPLAINT

AND NOW, comes Plaintiff, INVENTION SUBMISSION CORPORATION, through their attorneys, FRIEDMAN AND FRIEDMAN, and BOND, SCHOENECK & KING, PLLC and files the following Complaint against Defendants, IP Watchdog Inc., Eugene R. Quinn Jr. and Renee Quinn.

PARTIES

1. Plaintiff Invention Submission Corporation (“ISC”) is a Pennsylvania corporation with its principal place of business located at 217 Ninth Street, Pittsburgh, Pennsylvania 15222, and does business under the name InventHelp. Plaintiff is in the business of providing inventor assistance services to inventors under ISC’s registered trademark InventHelp.

2. Upon information and belief, Defendant IP Watchdog Inc. is a New York corporation transacting and doing business at 6701 Manlius Center Rd., East Syracuse, New

York and 932 Edward Ferry Rd. #109, Leesburg, Virginia. Defendant IP Watchdog Inc.'s principal executive office is registered as 400 Brattle Rd., Syracuse, New York. Upon information and belief, IP Watchdog Inc. provides inventor assistance services to inventors throughout the United States in competition with Plaintiff, markets IP Watchdog Inc.'s inventor assistance services to consumers over the Internet on the www.ipwatchdog.com website, and creates and disseminates false and misleading advertising and promotional materials targeting Plaintiff and its potential and existing clients as more fully set forth herein. Upon information and belief, Defendant IP Watchdog Inc. regularly transacts and does business within this state and this judicial district.

3. Upon information and belief, Defendant Eugene R. Quinn Jr., ("G. Quinn") is an individual and registered patent attorney transacting and doing business at 6701 Manlius Center Rd., East Syracuse, New York and 932 Edward Ferry Rd. #109, Leesburg, Virginia. G. Quinn is the registered agent of Defendant IP Watchdog Inc. at 400 Brattle Rd., Syracuse, New York. G. Quinn is the owner and Chief Executive Officer of IP Watchdog Inc. and the owner of the domain name www.ipwatchdog.com. Upon information and belief, G. Quinn provides inventor assistance services to inventors throughout the United States in competition with Plaintiff, markets IP Watchdog Inc.'s inventor assistance services to consumers over the Internet on the www.ipwatchdog.com website, and creates and disseminates false and misleading advertising and promotional materials targeting Plaintiff and its potential and existing clients as more fully set forth herein. Upon information and belief, Defendant G. Quinn regularly transacts and does business within this state and judicial district.

4. Upon information and belief, Defendant Renee Quinn (“R. Quinn”) is an individual transacting and doing business at 6701 Manlius Center Rd., East Syracuse, New York and 932 Edward Ferry Rd. #109, Leesburg, Virginia. Upon information and belief R. Quinn transacted and did business at IP Watchdog’s principal executive office registered as 400 Brattle Rd., Syracuse, New York. R. Quinn is the Chief Operating Officer of IP Watchdog Inc. R. Quinn has an MBA in Ebusiness with a specialty in Internet Marketing. Upon information and belief, R. Quinn provides inventor assistance services to inventors throughout the United States in competition with Plaintiff, markets IP Watchdog Inc.’s inventor assistance services to consumers over the Internet on the www.ipwatchdog.com website, and creates and disseminates false and misleading advertising and promotional materials targeting Plaintiff and its potential and existing clients as more fully set forth herein. Upon information and belief, Defendant R. Quinn regularly transacts and does business within this state and judicial district.

5. At all times hereto material, Defendants were acting and continue to act through their agents, servants, workmen and/or employees acting within the course and scope of their employment.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S. C. §1331 (action arising under the laws of the United States); 15 U.S.C. § 1121(a) (action arising under the Lanham Act); 28 U.S.C §1367 (supplemental jurisdiction); and 28 U.S.C. §1332 (a)(1) (diversity jurisdiction in that this action is between citizens of different states, and the amount in controversy exceeds \$75,000).

7. This court has personal jurisdiction over the Defendants as Defendants reside and/or regularly transact or do business in the State of New York and this judicial district.

8. Venue is proper in the Northern District of New York under 28 U.S.C. § 1391 because this is the judicial district where a substantial part of the actions taken by Defendants in furtherance of their false and deceptive advertising scheme occurred and where Defendants are subject to personal jurisdiction.

FACTS

The Inventor Assistance Services Market

9. The market in which Plaintiff and the Defendants compete is comprised of individual inventors, some of whom wish to seek a patent, and seek to submit their invention to companies in the hope that a company will evaluate the invention, find it of interest and enter into a license agreement. Plaintiff and the Defendants both provide services to inventors designed to (i) facilitate submission of inventions to industry and (ii) give access to legal services to those who wish to seek a patent.

10. Within the inventor assistance services market, the purchasing decisions of consumers seeking inventor assistance services are influenced by a number of factors including: a) the desire for patent services; b) the desire for submission services; c) the protection afforded to the invention in the course of the submission process; d) the financial risk and likelihood of success; and e) trust in the service provider.

11. It is recognized within the inventor assistance services market that due to the many factors and risks that companies consider before they license, develop and attempt to commercialize an invention, most inventions do not become financial successes for the inventor/consumer. As a result, companies providing inventor assistance services should disclose to the client that very few inventions are successfully commercialized. The failure of the inventor assistance services provider to disclose their success rate constitutes an omission of information material to the public's purchasing decision.

InventHelp's Inventor Assistance Services

12. Plaintiff offers inventor assistance services under ISC's registered trademark InventHelp in two stages commonly referred to, in the first stage, as the Basic Information Package (BIP) Services and, in the second stage as, submission services.

13. Initially inventors are able to purchase BIP services which involve the preparation of a Basic Information Package report. If requested, Plaintiff also refers the inventor to a patent attorney to obtain a patentability search and opinion.

14. Plaintiff's submission services attempt to submit the client's invention to industry in an effort to obtain a good faith review. Plaintiff prepares submission materials that present the invention at different levels of detail in an attempt to introduce the invention to companies in confidence. Each submission client may request that Plaintiff refer them to a patent attorney to draft a patent application and perform patent application services on behalf of the inventor. If a

company expresses interest in a client's idea or invention, Plaintiff's sister company Intromark Inc. provides assistance to the inventor in attempting to negotiate a license agreement.

15. Plaintiff has implemented a comprehensive consumer disclosure policy which discloses Plaintiff's success statistics and among other things that the purchase of inventor assistance is a high-risk expenditure.

IP Watchdog's Competing Inventor Assistance Services

16. The Defendants represent that through IP Watchdog's inventor services they provide the inventor with a "strategic path" and/or "a plan of action to follow in an effort to protect, market and economically capitalize on your invention." IP Watchdog provides the client with a preliminary patentability search and opinion and a discussion of marketing which Defendants represent "help[s] our clients consider commercial possibilities in light of the prior art found."

17. Next, IP Watchdog recommends that the client achieve "patent pending" status by purchasing Defendants' "Invent + Patent System" which is an online do-it-yourself provisional patent service for those consumers seeking submission services. IP Watchdog also recommends that they refer the inventor to its law firm "partner" for patent application services. Once the client is able to mark their invention "patent pending" IP Watchdog provides various types of submission assistance including: a) a referral to Lambert and Lambert, IP Watchdog's paid sponsor, for an invention evaluation and recommendation report, b) IP Watchdog's consulting

services which provide a “plan of action...to protect, market and economically capitalize on your invention”; and c) IP Watchdog’s instructions for do-it-yourself submissions to industry.

18. Upon information and belief, at no time does IP Watchdog disclose: a) the risk to the client that he or she may lose legal rights to their invention by utilizing IP Watchdog’s patent pending submission methods; and b) the fact that IP Watchdog’s submission methods are ineffective and have not resulted in the successful commercialization of any inventions.

Defendants’ Internet Marketing and Advertising Activities

19. Since late 2008 and early 2009, the Defendants’ main method of advertising their services and soliciting business has been over the Internet through their website www.ipwatchdog.com. Defendants use unique content to drive internet traffic to their website and to create demand for their services. IP Watchdog claims to be the “No. 2 patent blog in a 2009 survey” and represents that it receives between 40,000 to 69,000 visitors per month.

20. Defendants have integrated and linked the web pages published on www.ipwatchdog.com in order to present a unified advertisement and/or sales presentation to consumers for their services which can be accessed from the home page and each interior webpage.

21. In conjunction with the promotion of IP Watchdog’s inventor assistance services Defendants have developed a marketing and advertising scheme through which they maliciously

attempt to divert Plaintiff's existing and potential clients to IP Watchdog and its sponsors. In order to carry out their scheme Defendants have:

- a) Published false, defamatory and disparaging statements concerning Plaintiff and Plaintiff's services in an attempt to draw false and misleading comparisons between Plaintiff and Plaintiff's inventor assistance services and Defendants and Defendants' inventor assistance services;
- b) Designed the content of www.ipwatchdog.com so that consumers who seek to search for Plaintiff over the Internet are provided a link to the IP Watchdog.com webpages where they are then subjected to a false and misleading sales presentation.

**Defendants' Commercial Use of False and Misleading
Claims in Their Internet Advertising**

22. Defendants advertise and promote their competing inventor services on their blog in promotional pieces titled "Not All Invention Companies are Created Equal" and in a number of blog postings linked thereto including but not limited to "Beware Invent Help Press Releases", "Avoiding Invent Help & Other Invention Scams", "My Position on Invent Help the UIA and Inventors Digest", "Quinn Resigns from UIA Over Invent Help concern", "How Inventors Can Avoid Scams, Traps and Raw Deals", "Falling Prey to Invention Submission Scams", and "No Holds Barred: IPWatchdog Addresses Ethical Charges" as well as "Inventing" and a number of blog postings linked thereto. Each of these webpages features IP Watchdog's "Patent Pending Today" promotion of its Invent + Patent System. When the consumer clicks on the Defendants' promotion the consumer is taken to a IP Watchdog webpage explaining IP Watchdog's: a)

patentability search and opinion service and b) on-line service for generating a provisional patent application and instructions on “patent pending” submission to industry called the “Invent + Patent System.”

23. Through Defendants’ advertising and other promotions the consumer is lead to believe that they can achieve success by utilizing Defendants’ submission assistance and submit their invention risk free by using the above services. Defendants misstate the role that patents play in the inventor’s submission of their invention to industry. Defendants falsely represent to the consumer that “patent pending” status can be used to prevent the company receiving the consumer’s invention submission from copying the invention. Defendants do not clearly disclose to the consumer: a) that such protection is dependent upon the patent actually issuing; b) that it is unlikely that a patent will ever issue using Defendants Invent + Patent System; and c) that a more effective and expeditious form of protection with respect to the company to which the invention submission is made is afforded to the consumer through the use of confidentiality agreements, in which the company to which the invention is to be submitted agrees in advance not to use or disclose the submitted invention.

24. As part of their promotion of IP Watchdog’s competing inventor assistance services, Defendants have made and will continue to make false and misleading statements about Plaintiff’s inventor assistance services and false and misleading claims of superiority over Plaintiff’s inventor assistance services in their promotional piece titled “Not All Invention Companies are Created Equal” and the above referenced pages linked thereto.

25. Defendants' falsely assert that IP Watchdog's inventor assistance services provide something of value to consumers and that Plaintiff's inventor assistance services do not. Defendants assert as though it were fact that Plaintiff takes their clients' money and performs no useful services. Defendants communicate and reinforce this message through reference to Plaintiff "taking advantage" of its clients and the use of a purported negative testimonial of an alleged InventHelp client who states: "I pay them every month and I hear nothing and I've gotten nothing." Defendants state that InventHelp's "... invention submission model is to get inventors to spend large amounts of money for services of dubious quality." Defendants falsely claim that Plaintiff issues press releases for their clients in bad faith and that Plaintiff is engaged in the business of submitting "ideas" that can not be "monetized". In contrast, Defendants claim that IP Watchdog's invent + patent system allows Defendants' clients to submit "inventions" that can be sold or licensed and that Defendants can refer inventors to a "reputable licensing and marketing company" who will do the licensing work that Plaintiff claims to do rather than "steal all of your money" like Plaintiff does.

26. Defendants' falsely assert that Defendants provide honest advice and that Plaintiff provides fraudulent advice. Defendants assert as though it were fact that Plaintiff fraudulently tells the consumer that their invention is new or novel while Defendants' conduct a patentability search and opinion which will tell the inventor whether their invention is in fact new and novel. This message is communicated through the juxtaposition of statements that IP Watchdog's patentability search and opinion is valuable, the claim that IP Watchdog's clients "are always surprised when our patent search uncovers numerous related inventions" in contrast to Defendants' claim that when the inventor purchases Plaintiff's inventor assistance services they

are typically told “I don’t see anything like it on the market” and “See this is the best invention. We HAVE to get it on the market” and that Plaintiff’s clients “chances of ever finding such ‘prior art’ are slim to none.” Defendants falsely assert that Plaintiff has “searches done that yield no relevant patents” and “lure you in by telling you what you want to hear and by providing woefully inadequate patent searches...” Defendants falsely state that InventHelp provides “pipe dreams” and makes the inventor “... feel like their invention is the best thing in the world” rather than providing “candid advice”.

27. Defendants falsely assert that Plaintiff’s submission services do not protect the clients’ patent rights while Defendants’ “Patent Pending Today” submission services do. This message is communicated through the juxtaposition of IP Watchdog’s advertising tag line “Patent Filing Made Easy- Patent Pending Today...” with the statements “Marketing your product ... should not be done until ... AFTER you have filed at least a Provisional Patent Application and obtained Patent Pending status”, “If you file at least a provisional patent application first, then worry about licensing and marketing your products, you are doing things in the right order” with the claim that Plaintiff makes unprotected submission to companies “without even securing patent protection” and that Plaintiff unwisely has their clients rush into marketing which “can cost you the ability to ever get a patent.”

28. Defendants falsely assert that IP Watchdog’s inventor assistance services are of lower risk to consumers than Plaintiff’s inventor assistance services. This message is communicated through the false claims that Plaintiff rushes its clients into “marketing” which Defendants claim “is usually not wise and can cost you the ability to ever get a patent” and that

Plaintiff's clients typically "go through the entire patenting process only to find out that [their] invention has already been patented..." and cannot be licensed.

29. Defendants falsely assert that consumers have a greater likelihood of successfully commercializing their idea utilizing IP Watchdog's inventor assistance services than by utilizing Plaintiff's inventor assistance services. This message is communicated through the false claims that Plaintiff provides clients "false hopes" and that Plaintiff's disclosed success statistics are so low in comparison to what would be reasonable that they establish that Plaintiff "takes advantage of unsuspecting inventors." The implication is that IP Watchdog's success statistics, which are not disclosed, are significantly greater.

30. Defendants falsely portray Plaintiff as unethical and Plaintiff's services as fraudulent and worthless in contrast to IP Watchdog's inventor assistance services which are portrayed as honest and worthwhile. This message is communicated through the juxtaposition of positive statements about IP Watchdog and its inventor assistance services and false statements and/or claims about Plaintiff and Plaintiff's inventor assistance services including but not limited to the following:

- a. That it is typical for Plaintiff to be dishonest and unethical in its dealings with clients which claim is emphasized by Defendants statement: "I don't think one day goes by where I don't speak to at least one inventor who has either been taken advantage of by or has felt very uncomfortable after talking with the folks at Invent Help" and Defendants assertion that Plaintiff makes fraudulent "claims of riches for an idea."

- b. That it is typical for Plaintiff to provide potential clients with a fraudulent evaluation of their invention which claim is emphasized by Defendants statements that : “Clients tell me that when they go to Invent Help and actually talk to someone, the company makes them feel like their invention is the best thing in the world and they get them so excited....” and Plaintiff “lure[s] you in by telling you what you want to hear and by providing woefully inadequate patent searches and then promise to help you market your invention.”

- c. That Plaintiff is dishonest and Plaintiff’s inventor assistance services worthless which claim is emphasized by Defendants’ reference to Plaintiff as a “well documented scam” that should be avoided, the assertion that Plaintiff offers its clients “pipe dreams” and not “candid advice”, the assertion that Plaintiff’s performs its services in a fraudulent manner, the assertion that Plaintiff’s clients “lose everything and have shattered dreams”, the assertion that Plaintiff “steal[s]” its clients money, and that Plaintiff “give[s] inventors false hopes, then take them to the bank”

**Defendants’ Targeting of Plaintiff’s Existing and Potential Clients
With False and Misleading Claims of Superiority**

31. Many of Plaintiff’s clients are individuals who have access to the Internet and regularly seek to locate and read information posted by Plaintiff on its web site www.inventhelp.com. Clients and potential clients who seek to locate Plaintiff on the Internet

but do not know Plaintiff's web address can type the trade name "InventHelp" into a search engine's search box.

32. In response, a search engine will identify web sites that are deemed to be relevant to a request to locate "InventHelp" and provide a listing of web sites with hyperlinks to web sites meeting the search criteria for locating InventHelp. Relevancy of any specific web site is determined by the information provided to the search engine by the author and/or owner of a web site.

33. Defendants represent that the IP Watchdog web site is the third ranked web site for Google search engine retrievals for the search term "invent help" and "inventhelp." Defendants have achieved this ranking because the content of the above referenced web pages has been written to rank highly for a search for InventHelp so that when Plaintiff's existing and potential clients type "InventHelp" in the Google search engine search box they are directed and/or diverted to Defendants' web site and are exposed to Defendants' false, deceptive, defamatory and disparaging commercial promotions, advertising and solicitations.

34. When Plaintiff's existing and potential clients then contact Defendants in response to the solicitations published on www.ipwatchdog.com, Defendants identify the sales lead as an existing or potential client of Plaintiff and make false, defamatory and disparaging comparisons between Plaintiff and Plaintiff's inventor assistance services and Defendants and Defendants' inventor assistance services in their sales presentation.

Defendants' Willful Attempt to Deceive Consumers

35. Defendants' claims of superiority are deceptive and have misled and continue to mislead consumers as to the nature and qualities of Plaintiff's inventor assistance services when compared to IP Watchdog's inventor assistance services. Contrary to Defendants' claims:

- a. IP Watchdog's inventor assistance services are not of greater value to inventors seeking to commercialize their invention.
- b. The protection afforded unsolicited "Patent Pending" submission does not provide greater legal protection than provided under Plaintiff's confidential submissions.
- c. Defendants are not more honest in their dealings with their clients and do not provide their clients with greater disclosure of the risks inherent in the process of submitting ideas to industry
- d. The number of inventors who have profited financially from the commercialization of their invention utilizing IP Watchdog's inventor assistance services is not greater than the successes of Plaintiff's clients.

36. Defendants deliberately mislead consumers as to the purpose of IP Watchdog by portraying themselves as an industry "Watchdog." Defendants state: "I have long since given up trying to prevent invention scams in any kind of vigilant way, and over the years my writing has transitioned into providing factual information, warnings and educational information to help empower those who don't want to be scammed." Defendants do this in order to gain public trust

in furtherance of their scheme to unfairly compete with and destroy Plaintiff's business and to steal Plaintiff's existing and potential clients.

37. Defendants' false and misleading claims and statements are material to consumers' purchasing decisions as they relate to the essential quality of the inventor assistance services being purchased.

38. Defendants false and misleading statements are intentional, deliberate, willful and/or malicious as Defendants know or should know that their claims and statements are false and they have made these claims and statements with reckless disregard for the truth.

- a. Defendants know that Plaintiff's inventor assistance services do not involve the submission of what Defendants refer to as pure ideas that are incapable of being commercialized.
- b. Defendants know that Plaintiff does not have a practice of misleading consumers.
- c. Defendants know that before Plaintiff is willing to perform submission services, Plaintiff's disclosure policies require the client to acknowledge, among other thing: that the majority of inventions are not licensed by third parties and are not financially successful; that they understand that any questions that they may have on patent matters must be raised with the client's patent attorney and that no InventHelp sales representative is permitted to give patent advice; and, that no one has made statements to them about the future success of their invention and/or stated or implied that the inventor must get started today.

- d. Defendants know that their “Patent Pending” submissions do not provide greater protection for the consumer than Plaintiff’s confidential submissions.
- e. Defendants know that very few, if any, IP Watchdog clients have successfully commercialized their inventions by using IP Watchdog’s inventor assistance services and that Plaintiff’s success statistics are reasonable in the context of the inventor assistance services market.

39. On information and belief Defendants acting with malice have engaged in conduct that demonstrates willful avoidance of facts relating to the true nature and scope of Plaintiff’s inventor assistance services. Defendants have intentionally avoided and/or ignored facts that show the false and misleading nature of their claims about Plaintiff and Plaintiff’s inventor assistance services. Defendants have refused to speak with Plaintiff proclaiming that “There is absolutely nothing to talk about.” Defendant G. Quinn has also refused Plaintiff’s offer to provide a tour of Plaintiff’s facilities in Pittsburgh, PA to see first hand the nature and scope of Plaintiff’s inventor assistance services and Plaintiff’s disclosure policies.

Harm to InventHelp and to the Public

40. Plaintiff is being irreparably injured by Defendants’ past false advertising and deceptive trade practices and defamatory portrayal of Plaintiff and its inventor assistance services in an amount to be determined at trial.

41. Plaintiff is being irreparably injured by Defendants’ current false advertising and deceptive trade practices and defamatory portrayal of Plaintiff and its inventor assistance services. As a result of Defendants’ continuing malicious attack on Plaintiff and its inventor

assistance services, Plaintiff will lose sales, market share and goodwill that cannot readily be quantified or recaptured and therefore Plaintiff has no adequate remedy at law.

42. Customers are being harmed by Defendants' false and misleading claims and statements, which may trick customers into making purchasing decisions and incurring risks that they would otherwise not have incurred under the false belief that:

- a) Defendants methods are likely to result in the successful commercialization of their invention;
- b) A patent pending submission utilizing Defendant's Invent + Patent System, and the provisional patent created there under, prohibits a company from ever using the invention without licensing the invention;
- c) That a 12 month period is sufficient time to prepare submission materials, submit the inventors invention to industry and obtain any response from a company;
- d) That Defendants online Invent + Patent System provides an alternative to seeking legal advice from a patent attorney or patent agent.

FIRST CLAIM FOR RELIEF
LANHAM ACT

43. Plaintiff repeats and realleges paragraphs 1 through 42 above with the same force and effect as if fully set forth herein.

44. Section 43(a)(1)(B) of the Lanham Act, 15 U.S.C. § 1125 (a)(1)(B), prohibits, *inter alia*, any "false or misleading description of fact, or false or misleading representation of

fact ... in commercial advertising or promotion, misrepresents the nature, characteristics, [or] qualities ... of ...services, or commercial activities.”

45. By reason of the foregoing, Defendants have violated Section 43 (a) (1)(B) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B) by expressly and impliedly conveying false messages to consumers about Plaintiff’s inventor assistance services and IP Watchdog’s inventor assistance services; that have deceived, and will continue to deceive consumers; the deception has influenced and is likely to continue to influence the purchasing decisions of consumers; and, Plaintiff has been harmed and continues to suffer irreparable harm.

46. The internet advertisements and promotion of IP Watchdog’s services and IP Watchdog’s inventor assistance services have and continue to travel in interstate commerce.

SECOND CLAIM FOR RELIEF
DEFAMATION

47. Plaintiff repeats and realleges paragraphs 1 through 46 above with the same force and effect as if fully set forth herein.

48. Defendants support their defamatory portrayal of Plaintiff as unethical, fraudulent and untrustworthy with false statements and innuendo wherein Plaintiff is identified as a company that a) steals from its clients; b) takes advantage of its clients; and, c) makes fraudulent representations to its clients.

49. The statements and impressions set forth in the preceding paragraphs are false. Plaintiff does not participate in nor encourage fraudulent and/or unethical conduct. On the contrary, Plaintiff has adopted policies and procedures that require full and fair disclosure of their submission and patent referral services to prospective clients. Plaintiff does not steal and does not take advantage of its clients.

50. The Defendants' false portrayal of Plaintiff as unethical, fraudulent and untrustworthy is intended to destroy Plaintiff's business and to discourage the public from purchasing Plaintiff's services.

51. The recipients of the above statements understand that the communications are intended to apply to Plaintiff and are intended to convey the message that Plaintiff is an unethical, fraudulent and untrustworthy company.

52. The Defendants published the above statements world-wide to all individuals having access to the Internet and to Plaintiff's existing and potential clients who contacted Defendants in response to Defendants' solicitations. These defamatory statements and/or publications are not privileged.

53. Upon information and belief, the acts of the Defendants as set forth above were done in concert and with the intent to target Plaintiff's existing and potential clients, to destroy Plaintiff's business and to sell Defendants' inventor assistance services to Plaintiff's existing and potential clients. These acts evidence a reckless and/or malicious disregard for the Plaintiff's

rights and Plaintiff is entitled to recover punitive damages of and from Defendants in an amount to be determined upon the trial of this cause.

54. Upon information and belief, at the time of the foregoing statements and publications, Defendants acted with actual malice in that Defendants knew that the matters contained therein concerning Plaintiff were false and untrue, or Defendants communicated and/or published the matters contained therein with reckless and wanton disregard of whether they were false and untrue.

55. The above statements and publications constitute defamation per se and as a result of the publication and the acts of the Defendants in connection therewith, Plaintiff has suffered economic damages in the loss and deterioration of its business.

56. As a result of Defendants' acts and omissions, Plaintiff has suffered damages in an amount in excess of \$75,000.00, which amount is to be determined upon the trial of this cause.

THIRD CLAIM FOR RELIEF
TRADE LIBEL

57. Plaintiff repeats and realleges paragraphs 1 through 56 above with the same force and effect as if fully set forth herein.

58. Defendants support their commercial disparagement of Plaintiff's inventor assistance services as worthless with false statements and innuendo wherein Plaintiff's inventor

assistance services are identified as a) fraudulent in nature, and b) typically not performed or performed in bad faith.

59. The statements and impressions set forth in the preceding paragraphs are false. Plaintiff's inventor assistance services are not fraudulent in nature and/or inferior in quality. Plaintiff does not fail to perform its contractual duties and/or render performance in bad faith.

60. The Defendants' false portrayal of Plaintiff's inventor assistance services as fraudulent in nature, inferior in quality, and typically not performed or performed by Plaintiff in bad faith is intended to destroy Plaintiff's business and to discourage the public from purchasing Plaintiff's services.

61. The recipients of the above statements understand that the communications are intended to apply to Plaintiff and are intended to convey the message that Plaintiff's inventor assistance services are fraudulent in nature, inferior in quality, and typically not performed or performed by Plaintiff in bad faith.

62. The Defendants published the above statement world-wide to all individuals having access to the Internet and to Plaintiff's existing and potential clients who contacted Defendants in response to Defendants' solicitations. These commercially disparaging statements and/or publications are not privileged.

63. As a direct and proximate result of Defendants' commercial disparagement of Plaintiff's inventor assistance services, Plaintiff has suffered a direct pecuniary loss.

64. Upon information and belief, the acts of the Defendants as set forth above were done in concert and with the intent to target Plaintiff's existing and potential clients, to destroy Plaintiff's business and to sell Defendants' inventor assistance services to Plaintiff's existing and potential clients. These acts evidence a reckless and/or malicious disregard for the Plaintiff's rights and Plaintiff is entitled to recover punitive damages of and from Defendants in an amount to be determined upon the trial of this cause.

65. Upon information and belief, at the time of the foregoing statements and publications, Defendants acted with actual malice in that Defendants knew that the matters contained therein concerning Plaintiff were false and untrue, or Defendants communicated and/or published the matter contained therein with reckless and wanton disregard of whether they were false and untrue.

66. As a result of the publication and the acts of the Defendants in connection therewith, Plaintiff has suffered damages in an amount in excess of \$75,000.00, which amount is to be determined upon the trial of this cause and is being held up to public contempt, ridicule, disgrace and prejudice.

FOURTH CLAIM FOR RELIEF
INTERFERENCE WITH EXISTING
AND PROSPECTIVE CONTRACTS

67. Plaintiff repeats and realleges paragraphs 1 through 66 above with the same force and effect as if fully set forth herein.

68. At all times material hereto, Plaintiff regularly enters into business relationships and negotiates with inventors seeking to retain Plaintiff to perform its inventor assistance services. Some of Plaintiff's existing and potential clients have been targeted by Defendants' marketing and advertising scheme.

69. With the intent to harm Plaintiff's business relationships, Defendants have caused false, deceptive, disparaging, and defamatory statements to be published to Plaintiff's existing and potential clients. These false, deceptive, disparaging, and defamatory statements, and the manner of their publication, are set forth above.

70. In furtherance of Defendants' scheme to target Plaintiff's existing and prospective clients and to interfere with Plaintiff's contractual relations and contractual negotiations, Defendants have told Plaintiff's existing and prospective clients to terminate all business dealings with Plaintiff.

71. As a direct and proximate result of Defendants' conduct, Plaintiff has sustained the loss or impairment of business relationships together with the loss of the economic expectancy arising from those relationships including, but not limited to, loss of earnings for invention services rendered and the value of the business opportunity or expectancy in an amount in excess of \$75,000.00, which amount is to be determined upon the trial of this cause.

72. The Defendants' acts as set forth above were done with the intent to harm Plaintiff, evidence a reckless and/or malicious disregard for the Plaintiff's rights, were undertaken without justification, and were not privileged.

73. Upon information and belief, the acts of the Defendants as set forth above evidence a reckless and/or malicious disregard for the Plaintiff's rights and Plaintiff is entitled to recover punitive damages of and from Defendants in an amount to be determined upon the trial of this cause.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully demands judgment against IP Watchdog Inc., Eugene R. Quinn Jr. and Renee Quinn, jointly and severally, as follows:

A. An order that preliminarily and permanently enjoins IP Watchdog Inc., Eugene R. Quinn Jr. and Renee Quinn, their officers, agents, servants, employees, attorneys, and all others in active concert or participation with them from:

1. Disseminating anywhere in the United States by any means the advertising and promotional claims described in this complaint, and any other claims substantially similar thereto;

2. Claiming, whether directly or by implication, in any advertising or promotional communication, that:

a. Plaintiff is unethical, dishonest, fraudulent, untrustworthy and/or making any other defamatory statement about Plaintiff;

- b. Plaintiff's inventor assistance services are worthless, fraudulent, inferior and/or making any other statement disparaging Plaintiff's inventor assistance services;
 - c. Plaintiff's contractual performance is fraudulent, in bad faith and/or making any other statement disparaging Plaintiff's contractual performance;
 - d. The inventor assistance services offered by Defendants provide greater value to consumers than Plaintiff's inventor assistance services;
 - e. Defendants provide honest advice as compared to Plaintiff who provides fraudulent advice;
 - f. Plaintiff's inventor assistance services do not protect the client's patent rights;
 - g. Defendants' inventor assistance services are of lower risk to consumers than Plaintiff's inventor assistance services;
 - h. Consumers have a greater likelihood of successfully commercializing their idea utilizing Defendants' inventor assistance services than by utilizing Plaintiff's inventor assistance services;
 - i. Defendants perform their inventor assistance services more honestly than Plaintiff performs its inventor assistance services.
3. An order directing IP Watchdog Inc., Eugene R. Quinn Jr. and Renee Quinn to disseminate, in a form to be approved by the Court, advertising designed to correct the false and misleading claims made by IP Watchdog Inc., Eugene R. Quinn Jr. and Renee Quinn in its

advertising and promotion of IP Watchdog's inventor assistance services including but not limited to:

- a. Retracting the false and misleading claims relating to Plaintiff's inventor assistance services;
- b. Correcting the false and misleading claims of superiority;
- c. Disclosing the risks posed to the consumer who utilizes Defendants' inventor related services;
- d. Disclosing the number of clients who have purchased Defendants' inventor related services along with the statement that no consumer has successfully commercialized an invention utilizing Defendants' inventor assistance services.

4. An order pursuant to 15 U.S.C. § 1116 for the recall and destruction of all materials within the control of IP Watchdog Inc., Eugene R. Quinn Jr. and Renee Quinn, its agents or distributors which in any way falsely advertises and or promotes the inventor assistance services of IP Watchdog and/or misrepresents Plaintiff's inventor assistance services and further directing IP Watchdog Inc., Eugene R. Quinn Jr. and Renee Quinn to file with the Court and serve on Plaintiff, within 30 days after the entry of the injunction, a report, in writing and under oath, setting forth in detail the manner and form in which IP Watchdog Inc., Eugene R. Quinn Jr. and Renee Quinn has complied with the terms of the Court's injunction;

5. An award of Plaintiff's damages attributable to IP Watchdog Inc., Eugene R. Quinn Jr. and Renee Quinn false, misleading, and deceptive advertising, defamation, trade libel, and interference with existing and prospective contracts in an amount to be determined at trial;

6. An accounting and award of Defendants' profits derived by them from any of the wrongful acts complained of herein;

7. A declaration that this is an "exceptional case" due to the willful nature of IP Watchdog Inc's., Eugene R. Quinn Jr.'s and Renee Quinn's false advertising and promotion, and awarding attorneys' fees and costs to Plaintiff pursuant to 15 U.S.C. § 1117;

8. An award of treble damages for the willful violation of 15 U.S.C. § 1125(a) and punitive damages in connection with Plaintiff's common law claims;

9. An award of such other and further relief against IP Watchdog Inc., Eugene R. Quinn Jr. and Renee Quinn in favor of Plaintiff as this Court deems just, equitable and proper.

BOND, SCHOENECK & KING, PLLC

By: s/Candace J. Gomez

John G. McGowan, Esq.
N. D. N. Y. Bar Roll No. 501388
Candace J. Gomez, Esq.
N. D. N. Y. Bar Roll No. 515283
Office and Post Office Address
One Lincoln Center
Syracuse, New York 13202
Ph: (315) 218-8625
Email: jmcgowan@bsk.com
cgomez@bsk.com

FRIEDMAN AND FRIEDMAN

By: s/*Edward B. Friedman*

Edward B. Friedman, Esq.

Pa. I.D. 09688

J. Stephen Purcupile, Esq.

Pa. I.D. 39174

Office and Post Office Address

900 5th Avenue, Suite 2

Pittsburgh, PA 15219

Ph: (412) 261-5834

Email: ebf@friedman-law.com

jsp@friedman-law.com

Attorneys for Plaintiff

