

Baughman, Cat11, Standard, Termed

**U.S. District Court
Northern District of Ohio (Cleveland)
CIVIL DOCKET FOR CASE #: 1:07-cv-02326-DCN
Internal Use Only**

Parking Company of America, Inc. v. Parking Company of
America Airports, LLC
Assigned to: Judge Donald C. Nugent
Demand: \$75,000
Cause: 15:1051 Trademark Infringement

Date Filed: 07/31/2007
Date Terminated: 07/24/2008
Jury Demand: Both
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff

Parking Company of America, Inc.

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V.

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Counter-Claimant

**Parking Company of America
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Barbara L. Mandell
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V.

Counter-Defendant

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represented by **Gregory F. Ahrens**
(See above for address)
LEAD ATTORNEY
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Brett A. Schatz
(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/31/2007	<u>1</u>	Complaint with jury demand <i>Against Parking Company of America Airports LLC.</i> (Filing fee 350 receipt number 2573042.). Filed by Parking Company of America, Inc. (Attachments: # <u>1</u> Civil Cover Sheet # <u>2</u> Summons # <u>3</u> Corporate Disclosure Statement)(Schatz, Brett) Modified text on 7/31/2007 (C, Br). (Entered: 07/31/2007)
07/31/2007		(Court only) Utility Event adding attorney Gregory F. Ahrens for Parking Company of America, Inc.. (C,BA) (Entered: 07/31/2007)
07/31/2007	<u>2</u>	Corporate Disclosure Statement filed by Parking Company of America, Inc. (Originally attached to complaint) (C,BA) (Entered: 07/31/2007)
07/31/2007		Judge Donald C. Nugent assigned to case. (C,BA) (Entered: 07/31/2007)
07/31/2007		Random Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge Baughman. (C,BA) (Entered: 07/31/2007)
07/31/2007	<u>3</u>	Summons and Magistrate Consent Form issued for service upon Parking Company of America Airports, LLC. (Attachments: # <u>1</u> Magistrate Consent Form) (C,BA) (Entered: 07/31/2007)
09/11/2007	<u>4</u>	Case Management Conference Scheduling Order with case management conference to be held on 10/18/2007 at 11:15 AM at Courtroom 15A before Judge Hon. Donald C. Nugent. Signed by Judge Donald C. Nugent on 9/11/07.(C,KA) (Entered: 09/11/2007)
09/25/2007	<u>5</u>	Unopposed Motion for extension of time until October 10, 2007 to answer <i>Complaint</i> filed by Parking Company of America Airports, LLC. Related document(s) <u>1</u> . (Klein, Richard) (Entered: 09/25/2007)
09/28/2007	<u>6</u>	Marginal Order granting <u>5</u> Unopposed Motion for Extension of Time to Answer until October 10, 2007 to as to Parking Company of America Airports, LLC. Signed by Judge Donald C. Nugent(R,JM) Modified spelling on 10/4/2007 (R, N). (Entered: 09/28/2007)
10/09/2007	<u>7</u>	Motion for leave <i>To Withdraw Counsel and Substitute New Counsel</i> filed by Parking Company of America Airports, LLC. (Attachments: # <u>1</u> Exhibit A - October 9, 2007 email from Ms. Mandell)(Turnbull, Tracey) (Entered: 10/09/2007)
10/09/2007	<u>8</u>	Unopposed Motion for extension of time until October 12, 2007 to answer <i>Complaint</i> filed by Parking Company of America Airports, LLC. (Turnbull, Tracey) (Entered: 10/09/2007)
10/10/2007	<u>9</u>	Motion for <i>Barbara L. Mandell to Appear Pro Hac Vice</i> Filing fee \$ 100, receipt number 2668667, filed by Parking Company of America Airports, LLC. (Attachments: # <u>1</u> Exhibit A - Affidavit of Barbara L. Mandell) (Turnbull, Tracey) (Entered: 10/10/2007)

10/10/2007	<u>10</u>	Motion for attorney Stephen W. King to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 2669790, filed by Parking Company of America Airports, LLC. (Attachments: # <u>1</u> Exhibit A - Affidavit of Stephen King in Support of Motion)(Turnbull, Tracey) (Entered: 10/10/2007)
10/12/2007	<u>11</u>	Corporate Disclosure Statement filed by Parking Company of America Airports, LLC. (Turnbull, Tracey) (Entered: 10/12/2007)
10/12/2007	<u>12</u>	Answer to Complaint with Jury Demand (Related Doc # <u>1</u>), Counterclaim against Parking Company of America, Inc. filed by Parking Company of America Airports, LLC. (Turnbull, Tracey) (Entered: 10/12/2007)
10/12/2007	<u>13</u>	Marginal Order granting Defendant Parking Company of America Airports, LLC's Motion for leave to Withdraw Counsel and Substitute New Counsel (Related Doc # <u>7</u>) Signed by Judge Donald C. Nugent(R,JM) (Entered: 10/12/2007)
10/12/2007	<u>14</u>	Marginal Order granting <u>8</u> Unopposed Motion for Extension of Time until October 12, 2007 to answer <i>Complaint</i> Signed by Judge Donald C. Nugent (R,JM) (Entered: 10/12/2007)
10/12/2007	<u>15</u>	Marginal Order granting Motion for appearance pro hac vice by attorney Barbara L. Mandell for Parking Company of America Airports, LLC (Related Doc # <u>9</u>) Signed by Judge Donald C. Nugent(R,JM) Modified on 10/15/2007 to correct spelling of attorney's name (G, C). (Entered: 10/12/2007)
10/12/2007		(Court only) Utility Evcnt terminating attorney Richard M. Klein. Related document 13 . (K,K) (Entered: 06/03/2008)
10/15/2007	<u>16</u>	Report of Parties' Planning Meeting. Parties do not consent to this case being assigned to the magistrate judge. filed by all parties. Related document(s) <u>4</u> . (Schatz, Brett) (Entered: 10/15/2007)
10/16/2007		(Court only) Utility Event adding attorney Amy L. DeLuca for Parking Company of America Airports, LLC and Parking Company of America, Inc.. (E,P) (Entered: 10/16/2007)
10/23/2007	<u>17</u>	Reply to Defendant's Counterclaim filed by Parking Company of America, Inc.. Related document(s) <u>12</u> . (Schatz, Brett) (Entered: 10/23/2007)
10/25/2007		Minutes of proceedings of case management conference before Judge Donald C. Nugent. The case is assigned to the Standard Track. Discovery cut off date is 6/01/08 and motion cut off date to be determined. A Status Conference is set for 2/13/2008 11:00 AM in Chambers 15A before Judge Donald C. Nugent. (R,JM) (Entered: 10/25/2007)
12/06/2007		Order (non-document)granting Motion for appearance pro hac vice by attorney Stephen W. King for Parking Company of America Airports, LLC (Related Doc # <u>10</u>)Judge Donald C. Nugent(R,JM) (Entered: 12/06/2007)
02/20/2008	<u>18</u>	Proposed Confidentiality Agreement and Stipulated Protective Order filed by Parking Company of America, Inc., Parking Company of America Airports, LLC. (Turnbull, Tracey) Modified text on 2/26/2008 (E,P). (Entered: 02/20/2008)

		02/20/2008)
02/22/2008	<u>19</u>	Minutes of proceedings. Status Conference held on 2/13/2008 before Judge Donald C. Nugent. Discovery cut-off remains 6/1/2008, dispositive motion deadline is 7/7/2008, opposition is due 8/7/2008, reply due 8/21/2008 and another Status Conference is set for 11:00 a.m. on 5/23/2008 11:00 in Chambers 15A before Judge Donald C. Nugent. (Court Reporter None) (B,B) (Entered: 02/22/2008)
02/26/2008	<u>20</u>	Motion for attorney Michelle R. Osinski to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 0647000000002880252, filed by Defendant Parking Company of America Airports, LLC. (Attachments: # 1 Exhibit A - Affidavit of Michelle R. Osinski in Support of Motion to Appear Pro Hac Vice) (Turnbull, Tracey) (Entered: 02/26/2008)
02/26/2008	<u>21</u>	Motion for attorney David S. Nay to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 0647000000002880347, filed by Defendant Parking Company of America Airports, LLC. (Attachments: # 1 Exhibit A - Affidavit of David S. Nay in Support of Motion to Appear Pro Hac Vice)(Turnbull, Tracey) (Entered: 02/26/2008)
02/26/2008		(Court only) Utility Event adding attorney Michelle R. Osinski for Parking Company of America Airports, LLC, David S. Nay for Parking Company of America Airports, LLC. (E,P) (Entered: 02/29/2008)
03/03/2008		Order (non-document) granting Motion for appearance pro hac vice by attorney Michelle R. Osinski for Parking Company of America Airports, LLC and Parking Company of America, Inc. (Related Doc # <u>20</u>) Judge Donald C. Nugent(R,JM) Modified on 3/3/2008 (R,JM). (Entered: 03/03/2008)
03/03/2008		Order (non-document) granting Motion for appearance pro hac vice by attorney David S. Nay for Parking Company of America Airports, LLC (Related Doc # <u>21</u>) Judge Donald C. Nugent(R,JM) (Entered: 03/03/2008)
03/18/2008	<u>22</u>	<i>Notice of Statement of Compliance Pursuant to Appendix K of the Local Rules for Discovery</i> filed by Parking Company of America, Inc.. (Ahrens, Gregory) (Entered: 03/18/2008)
03/19/2008	<u>23</u>	<i>Statement of Compliance Pursuant to Appendix K of the Local Rules for Discovery of Electronically Stored Information</i> filed by Parking Company of America Airports, LLC. (Turnbull, Tracey) Modified text on 3/26/2008 (E,P). (Entered: 03/19/2008)
04/14/2008	<u>24</u>	Motion to bifurcate <i>Liability and Damages</i> or, in the Alternative, to Stay <i>Damages Discovery</i> filed by Defendant Parking Company of America Airports, LLC. (Attachments: # 1 Exhibit A - 12/08/05 Confidential agreement - Filed Under Seal, # 2 Exhibit B - 07/15/06 Report - Filed Under Seal, # 3 Exhibit C - 09/06 Report - Filed Under Seal, # 4 Exhibit D - Draft of Logos - Filed Under Seal, # 5 Exhibit E - Emails and Final Logo - Filed Under Seal, # 6 Exhibit F - 04/10/07 Letter, # 7 Exhibit G - 04/25/07 Letter, # 8 Exhibit H - Delivery dates, # 9 Exhibit I - Plaintiff's signs)(Turnbull, Tracey) (Entered: 04/14/2008)

04/14/2008	<u>25</u>	Motion for leave to file Exhibits to Motion to Bifurcate Liability and Damages Under Seal filed by Defendant Parking Company of America Airports, LLC. Related document(s) <u>24</u> . (Turnbull, Tracey) (Entered: 04/14/2008)
04/22/2008		Order [non-document]granting Defendant Parking Co of America Airports, LLC's Motion for leave to File Exhibits to Motion to Bifurcate Liability and Damages Under Seal(Related Doc # <u>25</u>)Judge Donald c. Nugent(R,JM) (Entered: 04/22/2008)
04/23/2008	<u>26</u>	Exhibits to motion to bifurcate liability and damages or, in the alternative, to stay damages discovery filed by Parking Company of America Airports, LLC. Related document(s) <u>24</u> and non-document order dated 4/22/2008. (B,B)(Document filed under seal pursuant to Court order) (Entered: 04/24/2008)
04/30/2008	<u>27</u>	Opposition to <u>24</u> Motion to bifurcate <i>Liability and Damages or, in the Alternative, to Stay Damages Discovery</i> filed by Parking Company of America, Inc.. (Attachments: # <u>1</u> Exhibit A-Case-Nylok Fastener Corporation v. Industrial Nut Corporation, # <u>2</u> Exhibit B-Case-Michael J. Lokai v. Mac Tools, Inc. et al., # <u>3</u> Exhibit C-Powerhouse Marks LLC v. Chi Hsin Impex, Inc. et al., # <u>4</u> Exhibit D-Case-Hall Publications, Inc. v. Stauffer Communications, Inc.)(Schatz, Brett) (Entered: 04/30/2008)
05/02/2008	<u>28</u>	Unopposed Motion for extension of time until May 30, 2008 to File Reply Brief in Support of Motion to Bifurcate filed by Defendant Parking Company of America Airports, LLC. (Turnbull, Tracey) (Entered: 05/02/2008)
05/07/2008		Order [non-document]granting <u>28</u> Unopposed Motion for Extension of Time until May 30, 2008 to File Reply Brief in Support of Motion to Bifurcate. Judge Donald C. Nugent (R,JM) (Entered: 05/07/2008)
05/27/2008	<u>29</u>	Motion for extension of Time to File a Reply Brief in Support of its Motion to Bifurcate until July 8, 2008 filed by Defendant Parking Company of America Airports, LLC. (Turnbull, Tracey) (Entered: 05/27/2008)
05/28/2008	<u>30</u>	Minutes of proceedings before Judge Donald C. Nugent. Status Conference held on 5/23/2008 Status Conference re-set for 10:00 a.m. on 6/24/2008 10:30 AM in to be held telephonically before Judge Donald C. Nugent. If settlement not complete by that date, defendant's reply will be due on 7/8/2008 and all other dates and deadlines will be confirmed or re-set at that status.(Court Reporter None) (B,B) (Entered: 05/28/2008)
05/30/2008		Order [non-document]granting <u>29</u> Defendants Motion to Extend Deadlines to File a Reply Brief in Support of its Motion to Bifurcate until July 8, 2008. Judge Donald C. Nugent (R,JM) (Entered: 05/30/2008)
06/25/2008	<u>31</u>	Minutes of proceedings before Judge Donald C. Nugent of Status Conference held. Status Conference set for 7/1/2008 08:45 AM to be held telephonically before Judge Donald C. Nugent. (R,JM) (Entered: 06/25/2008)

07/03/2008	<u>32</u>	Joint Proposed Stipulated Entry of Dismissal with Prejudice filed by all parties. (Turnbull, Tracey) Modified text 7/9/2008 (K,K). (Entered: 07/03/2008)
07/24/2008	<u>33</u>	Order of Case Dismissal. Judge Donald C. Nugent (R,JM) (Entered: 07/24/2008)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

PARKING COMPANY OF)	
AMERICA, INC.)	Case No.
250 W. Court Street)	
Cincinnati, Ohio 45202)	Judge:
)	
Plaintiff,)	
)	
vs.)	
)	
PARKING COMPANY OF)	
AMERICA AIRPORTS, LLC)	
11101 Lakewood Boulevard)	
Downey, California 90241)	
)	
Defendant.)	

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Parking Company of America, Inc., a Georgia corporation, for its
Complaint against Defendant Parking Company of America Airports, LLC, states and alleges the
following:

NATURE OF THE ACTION

1. This is an action for trademark infringement, false designation of origin,
unfair competition, and passing off in violation of the laws of the United States and the State of
Ohio.

THE PARTIES

2. Plaintiff Parking Company of America, Inc. ("PCA"), a Georgia corporation, is a provider of, among other things, airport parking facilities and the transportation of airport passengers with a place of business located at 250 W. Court Street, Cincinnati, Ohio 45202.

3. Upon information and belief, Defendant Parking Company of America Airports, LLC ("PCAA") is a corporation having a place of business at 11101 Lakewood Boulevard, Downey, CA 90241. Like PCA, PCAA owns and operates airport parking facilities for airline passengers and provides transportation for airline passengers throughout the United States.

JURISDICTION AND VENUE

4. This action arises under the trademark laws of the United States and the Lanham Act, 15 U.S.C. § 1051 *et seq.* It also arises under state statutory and common law.

5. Federal question jurisdiction is conferred pursuant to 28 U.S.C. §§ 1331 and 1338(a), and 15 U.S.C. § 1121(a). Jurisdiction over the claims brought under state common law is conferred pursuant to 28 U.S.C. §§ 1338(b) and 1367(a). PCAA engages in systematic and continuous business in this judicial district through, among other things, an airport parking facility.

6. Venue in this court is based upon 28 U.S.C. § 1391(b).

BACKGROUND FACTS

7. PCA is the owner of United States registered trademarks AIRPORT FAST PARK, AIRPORT FAST PARK (stylized), FASTPARK, and FAST PARK, which are the subjects of U.S. Reg. Nos. 1,486,489; 2,205,535; 3,121,300; and 3,034,034, for, among other things, airport parking facilities and the transportation of airline passengers, and is the owner of rights associated with uses by PCA of variations of those registered trademarks, including FASTPARK & RELAX, which is the subject of United States Trademark Application No. 76/619,253, and fastparkandrelax.com (collectively, "PCA's Fast Park marks"). PCA's Fast Park marks are valid, and a copy of the above-identified registrations and application are attached as Exhibits A-E, respectively.

8. Beginning as early as 1987, PCA has provided facilities under PCA's Fast Park marks.

9. PCA has expended large sums of money over several years in the advertising of airport parking facilities under PCA's Fast Park marks. By way of example, PCA has expended large sums of money advertising and developing name recognition in PCA's Fast Park marks for its airport parking facilities. As a result of this promotion and advertising, PCA has become well known in the airport parking market and among the general public. PCA has established good will and public recognition for PCA's Fast Park marks as an identifier of PCA.

10. On at least one occasion before filing the instant Complaint, PCA informed PCAA, directly and/or through its counsel, that PCA owned PCA's Fast Park marks. PCA also informed PCAA that PCAA has no rights to PCA's Fast Park marks.

11. On at least one occasion before filing the instant Complaint, PCA has notified PCAA that PCAA was using a design that includes features that were "quite reminiscent" of PCA's Fast Park marks.

12. Despite the fact that PCAA had actual knowledge of PCA's claims to ownership of PCA's Fast Park marks, PCAA has intentionally used PCA's Fast Park marks, and/or confusingly similar variations thereof, in its advertisements and in connection with its airport parking facilities.

13. Upon information and belief, PCAA continues to advertise its airport parking facilities under PCA's Fast Park marks, and/or confusingly similar variations thereof.

14. PCAA offers its airport parking facilities nationwide.

15. PCA's airport parking facilities, which are operated under PCA's Fast Park marks, and PCAA's airport parking facilities, which are operated under the marks FASTTRACK, FASTTRACK AIRPORT PARKING, and FASTTRACK AIRPORT PARKING (stylized), can be characterized as airport parking facilities in competition with each other.

16. Upon information and belief, PCAA's use of PCA's Fast Park marks and/or confusingly similar variations thereof has caused and will cause actual confusion and a likelihood of confusion among ordinary airport passengers, including airport passengers utilizing the parking facilities provided by PCA.

COUNT I

Federal Trademark Infringement

17. This is a cause of action for federal trademark infringement under 15 U.S.C. § 1114.

18. The allegations of Paragraphs 1-17 are incorporated by reference as if fully set forth herein.

19. The FASTTRACK, FASTTRACK AIRPORT PARKING, and FASTTRACK AIRPORT PARKING (stylized) designations used by PCAA in connection with its airport parking facilities is a reproduction, counterfeit, copy and/or colorable imitation of PCA's Fast Park marks. Such use has caused and is likely to cause confusion, mistake, and/or deception and will cause serious and irreparable damage to the reputation and good will of PCA in violation of 15 U.S.C. § 1114, for which PCA is without an adequate remedy at law.

20. Upon information and belief, the aforesaid acts were undertaken willfully with the intention of causing confusion, mistake and/or deception.

COUNT II

Violations Of The Lanham Act

21. This is a cause of action for unfair competition and false designation of origin under 15 U.S.C. § 1051, *et seq.*

22. The allegations of Paragraphs 1-21 are incorporated by reference as if fully set forth herein.

23. PCAA's use of the FASTTRACK, FASTTRACK AIRPORT PARKING, and FASTTRACK AIRPORT PARKING (stylized) designations in connection with its airport parking facilities tends falsely to represent or designate that the products and/or services of PCAA are licensed by, sponsored by, and/or otherwise affiliated with PCA, when in fact PCAA has no connection with or authorization from PCA. This constitutes unfair competition and false

designation of origin in violation of 15 U.S.C. § 1051, *et seq.*, which violation is likely to damage PCA, for which PCA is without an adequate remedy at law.

24. Upon information and belief, the aforesaid acts were undertaken willfully with the intention of causing confusion, mistake and/or deception.

COUNT III

Unfair Competition and Passing Off

25. This is a cause of action for unfair competition and passing off under the common law of the State of Ohio.

26. The allegations of Paragraphs 1-25 are incorporated by reference as if fully set forth herein.

27. Upon information and belief, PCAA has engaged in business in Ohio, among other places, and offers airport parking facilities under the FASTTRACK, FASTTRACK AIRPORT PARKING, and FASTTRACK AIRPORT PARKING (stylized) designations with full knowledge of PCA's registrations and prior use of PCA's Fast Park marks. In doing so, PCAA has passed off its products as those of PCA by creating the impression among the public that the services offered by PCAA are licensed or sponsored by PCA, when in fact they are not. PCAA has misappropriated PCA's valuable good will and public recognition of PCA's Fast Park marks which has been developed over a period of years by PCA, and PCAA has unlawfully benefited and been unjustly enriched by such activities. The use by PCAA constitutes unfair competition under the common law of the State of Ohio. This use has injured the business reputation of PCA and diluted the distinctive quality of PCA's Fast Park marks, and will cause irreparable harm, damage, and injury to PCA unless restrained and enjoined by this Court.

COUNT VI

Violations Of Ohio Statutory Law

28. This is a cause of action for PCAA's violations of the Ohio Deceptive Trade Practices Act, O.R.C. § 4165, *et seq.*

29. The allegations of Paragraphs 1-28 are incorporated by reference as if fully set forth herein.

30. PCAA's use of the FASTTRACK, FASTTRACK AIRPORT PARKING, and FASTTRACK AIRPORT PARKING (stylized) designations in connection with its airport parking facilities tends falsely to represent or designate that the products and/or services of PCAA are licensed by, sponsored by, and/or otherwise affiliated with PCA, when in fact PCAA has no connection with or authorization from PCA. This constitutes unfair competition and false designation of origin in violation of the Ohio Deceptive Trade Practices Act, O.R.C. § 4165, *et seq.*, which violation is likely to damage PCA, for which PCA is without an adequate remedy at law.

31. Upon information and belief, the aforesaid acts were undertaken willfully with the intention of causing confusion, mistake and/or deception.

WHEREFORE, Plaintiff Parking Company of America, Inc. prays:

A. That this Court enter a decree holding that Parking Company of America Airports, LLC has infringed Parking Company of America, Inc.'s registered marks under the federal trademark laws.

B. That Parking Company of America Airports, LLC has falsely designated that its products and services originate from Parking Company of America, Inc. and that Parking Company of America Airports, LLC has unfairly competed with Parking Company of America, Inc. and passed off its products and services as those of Parking Company of America, Inc. in violation of the laws of the State of Ohio.

C. That Parking Company of America Airports, LLC be preliminarily and permanently enjoined and restrained from any use of the FASTTRACK, FASTTRACK AIRPORT PARKING, and FASTTRACK AIRPORT PARKING (stylized) designations, or any other colorable imitation of the Parking Company of America, Inc.'s Fast Park marks, including but not limited to in connection with the provision of airport parking facilities, and from any other acts which will injure or likely to injure the business reputation of Parking Company of America, Inc.

D. That Parking Company of America Airports, LLC be preliminarily and permanently enjoined from representing or passing off by words or implication that it and/or any company with which it is involved, is affiliated or associated with, or sponsored or authorized by, Parking Company of America, Inc., and that it be enjoined from infringing Parking Company of America, Inc.'s Fast Park marks or otherwise competing unfairly with Parking Company of America, Inc. in any manner whatsoever.

E. That Parking Company of America Airports, LLC be ordered to deliver up for destruction all products and advertising and promotional materials containing the FASTTRACK, FASTTRACK AIRPORT PARKING, and FASTTRACK AIRPORT PARKING (stylized) designations, and discontinue use of such on any signs, newspaper or other

advertisements, telephone directory listings, telephone directory databases, and/or any other printed or otherwise published materials.

F. That Parking Company of America Airports, LLC be ordered to remove any and all listings in any directories, including but not limited to any telephone directory and/or telephone directory assistance database, of any colorable imitation of Parking Company of America, Inc.'s Fast Park marks.

G. That Parking Company of America Airports, LLC be ordered to file with this Court and serve on Parking Company of America, Inc. within thirty (30) days after entry of the final judgment of this cause a report in writing under oath setting forth in detail the manner and form in which Parking Company of America Airports, LLC has complied with the final judgment.

H. That Parking Company of America, Inc. be awarded all profits realized by Parking Company of America Airports, LLC and all damages sustained by Parking Company of America, Inc. by reason of Parking Company of America Airports, LLC's trademark infringement, passing off, unfair competition, and/or injury to business reputation, and that such damages be trebled as a result of Parking Company of America Airports, LLC's willful infringement.

I. That this is an exceptional, willful, and flagrant case pursuant to 15 U.S.C. § 1117(a), and that Parking Company of America, Inc. be awarded the cost of this action and reasonable attorney fees.

J. For such other and further relief as the nature of the case may require and as may be deemed just and equitable.

JURY DEMAND

Parking Company of America, Inc. hereby demands and requests trial by jury of all issues raised that are triable by jury.

Respectfully submitted,

Dated: July 31, 2007

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Motion Granted. s/Donald C. Nugent, USDJ

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

PARKING COMPANY OF AMERICA, INC.,)	CASE NO. 1:07-cv-02326
)	
Plaintiff,)	JUDGE NUGENT
)	
vs.)	
)	
PARKING COMPANY OF AMERICA AIRPORTS, LLC,)	
)	
Defendant.)	

STIPULATED ENTRY OF DISMISSAL WITH PREJUDICE

Pursuant to the Settlement Agreement dated July 1, 2008, the Plaintiff and Defendant, hereby dismiss, *with prejudice*, all claims and counterclaims in accordance with Fed. R. Civ. P. 41(a) and (c). The Court, however, shall retain exclusive jurisdiction to enforce the Settlement Agreement, pursuant to its terms, to the exclusion of all other courts.

Each party shall be responsible for its own costs and attorney fees arising from this litigation.

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ATTORNEYS FOR DEFENDANT,
Parking Company of America Airports, LLC

CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2008 a copy of foregoing Stipulated Entry of Dismissal With Prejudice was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

/s/ Tracey L. Turnbull

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