*now fends this decision at the Federal Court of Justice.*

*Sympathy is one issue, fine tuning of German Law another. Vorwerk talks so quietly at the decisive points as if he was about to break a secret recipe. Then he catches the attention of the First Civil Court of Appeal. Then the law gourmets keep to themselves. The unsympathetic person Schele maybe has some good arguments on his side.*

*Do not dignified companies stockpile a lot of registered trademarks without ever using them – even if it is only to block a competition? In the pharmaceutical branch, this is everyday business, Vorwerk says. He used to work in this field and therefore knows the proceedings. The lawyer reminds the Court that employees of Daimler offered Schele a few hundred thousand DM to obtain the brand from him. Wasn't it the businesses themselves who insisted that the owner of brands does not need to have the intention to use it nor to have an own business? The legislator followed this idea. The automobile company Daimler-Chrysler meanwhile has its own department that does not do anything else but market its brands, Vorwerk stated.* ***As soon as Treudler wants to say a word, he is blocked indulgently****: The lawyers at the Federal Court are highly qualified, the chairman Judge Willi Erdmann moderates, and they filter "what we have to take in consideration". Treudler has written and handed over a one kilogram heavy pleading that was valued according to this criterion by Vorwerk. The Court is not allowed to and will not take it into consideration. Daimler lawyer Götz Jordan says to his client: "I have not even read it".*

*Jordan claims that there has to be an "intention of usage", whatever the form, that has to be named regarding brand descriptions. This matter distinguishes the stock-piling of brands of the industry from Schele. In addition, the "E-CLASS" is not used as "brand name" by Daimler-Chrysler. Goods are not defined against other goods with this term. It is only used as a*

*matter of order and classification of the different type series.*

*However, this reasoning is not free of risks. A few days ago, Schele applied to clear the term "S-CLASS" at the German Patent Office with the same reasoning that he should know from the appeal. The decision of the Federal Court of Justice will be announced on 5th October. –*

*Geiger: Stuttgarter Nachrichten, 14th July 2000"*

99. Later, PA TREUDLER discovered through internet researches that FSC-Judge ERDMANN was a secret GRUR-member. FSC-Judge ERDMANN was engaged in the publishing of the GRUR-essay of the lawyer of ZETSCHE's company MBA in the juridical GRUR-press (09/01/1996) to falsify that Plaintiff is an ambush bad faith applicant. PA TREUDLER discovered step by step that all engaged FSC-Judges were secret GRUR-members. Furthermore, PA TREUDLER found a lawsuit of the GRUR-association suing a German internet company COMPLEX. This lawsuit came to the FSC-Judges who had the intention to handle the GRUR-lawsuit of the GRUR-association where the FSC-Judges were secret members. The sued company COMPLEX was represented by the FSC-lawyer VORWERK who was a secret GRUR-member. PA TREUDLER asked for the FSC-filing number of the lawsuit GRUR v. COMPLEX. Furthermore, PA TREUDLER announced a first motion of partiality because the FSC-Judges were secret GRUR-members. Thereafter, the FSC-Judges disclosed their partiality in the lawsuit GRUR v. COMPLEX (see: <www.bundesgerichtshof.de> file number I ZR 58/00). Later, all Plaintiff's motions of partiality were decided by the FSC-Judges with the hint that the secret GRUR-membership does not constitute an evidence of partiality.

100. In July 2006, there was the World Soccer Championship in Germany. Nobody found a hotel room in Munich. In the second EC-case, PA TREUDLER requested to change the date of the oral hearing in front of the FPC because Plaintiff would travel from France but would not find a hotel room. The FSC-Judges refused the motion to change the hearing date so that Plaintiff would be able to speak to the Judges. On **July 26, 2006**, the

FPC-Judge cancelled Plaintiff's older mark (**M03**) without hearing the Plaintiff. In the registration line, the FPC-Judge STOPPEL pointed out that Plaintiff's mark (**M03**) was not protectable in Germany and Plaintiff's mark (**M03**) was an ambush bad faith mark of a speculator. On **Nov. 13, 2007**, Plaintiff filed a new motion against DCX at the Regional Court of Stuttgart and later an appeal to Defendant FEZER's Court. On **April 19, 2008**, Plaintiff received the decision of the FSC-Judges who are secret GRUR-members who dismissed Plaintiff's motions against the former FPC-decision (06/07/2006) and the Court of Stuttgart (11/07/2007) where FEZER is a Judge. Later, a decision (04/19/2008) of FSC-Judge BORNKAMM put an end to the EC-cases in Germany which started in Jan. 1996. In all the years (1996 to 2008), Plaintiff has never been personally heard by any German Judge. However, the decisions were based on the forgery that the Plaintiff had a wrong conduct.

101. On **May 28, 2003**, Defendants FRG and Defendant LEUTHEUSSER used the FSC-decision of the First EC-case (file number I ZR 93/98 – 11/23/2000) to manipulate the German Trademark Law and the Design Law on the advice of the GRUR-conspiracy. The manipulations of the German Laws are based on the FSC-decision (11/23/2000) and the forgery that the Plaintiff had filed an ambush bad faith mark (see: BT-Drucksache 15/1075, page 67). At this time, there was no decision of a German Court that the Plaintiff had filed a bad faith mark (**M03**). This happened later by FPC-Judge STOPPEL (07/26/2006) and FSC-Judge BORNKAMM (04/19/2008). Therefore, Defendants FRG and LEUTHEUSSER falsified that Plaintiff had filed a bad faith mark (**M03**) without a decision of a German Court in order to serve the interests of the GRUR-conspiracy. Defendants FRG and LEUTHEUSSER willfully arranged and falsified the FSC-decision (I ZR 93/98 – 11/23/2000) in advance, although the EC-cases ended later (04/19/2008). Defendants FRG and LEUTHEUSSER manipulated two German Laws according to the malice guidelines of the GRUR-conspiracy. Plaintiff asserts that the GRUR-conspiracy infiltrates the German legislator and is the leader of an illegal GRUR-Court-System which is based on the secret membership of German Judges within the GRUR-association.

102. On **May 20, 2009**, Defendants FRG and LEUTHEUSSER manipulated the German Trademark Law again. Defendants FRG and LEUTHEUSSER manipulated the German Trademark Law based on the former manipulation (05/28/2003) and the falsified bad faith fact of the EC-cases that the German PTO is now responsible for such bad faith decisions. Indeed, from there on, the EC-case decisions could be decided by the German PTO according to the new legal position that bad faith decisions could be decided by German PTO at lower costs of about 50.000 Euro. The first EC-case within the juridical Court line was performed on higher value of dispute (Mio 2.5 Euro), which was 50 times higher than the registration Court line's value of dispute, and enabled DCX to rob Plaintiff's mark (**M03**) by the legal costs of losing first EC-case lawsuit. FEZER is one leader of the juridical GRUR-press supporting the Defendants FRG and LEUTHEUSSER by the manipulations of the German legislator based on the arranged and falsified EC-cases. Defendant HOLTZBRINCK is the leader of the popular GRUR-press with the newspapers HANDELSBLATT, WIRTSCHAFTSWOCHE, DER TAGESSPIEGEL to falsify that DCX has an older right at the robbed mark "E-CLASS". Since **Feb. 01, 2009**, HOLTZBRINCK's newspapers have published advertisements of DCX with Mercedes car models where the robbed mark "E-CLASS" is mounted at the license plate for the first time. This is a use as a trademark according to the German Trademark Law. All the years before, DCX asserted that there was no trademark use because the designation was not mounted at the Mercedes car model and that the Plaintiff was a speculator hindering the use of a designation.

103. The arranged EC-case decisions and the use of the robbed trademark "E-CLASS" damage the American company General Motors with the German subsidiary company OPEL. Furthermore, CHRYSLER Corp. is a victim. In 1996, OPEL lost market shares because of the defamation campaign of the popular GRUR-press and the forgery that the Plaintiff was an "E-CLASS"- trademark shark. In 1996, MBA was rescued by the GRUR-defamation campaign. In 2010, OPEL's market shares still suffer from this "E-CLASS"- trademark pirate story spread by Defendant HOLTZBRINCK and others.

Documents of OPEL's losses are filed at the enforcement process of DCX (see: Local Court Frankfurt/M – file number – 701 H M 72370/05).

104. There is the question why MBA had to rob and use Plaintiff's mark (**M03**) although there are millions of "CLASS"-marks combined with one or more letters. For example: MBA could have used the mark "MERCEDES E" or "X-CLASS". The answer is the merger with the American company CHRYSLER Corp. which was started by discussions in 1996. CHRYSLER was interested in selling different car models in Europe. The best way to hinder CHRYSLER was a merger and was to bring CHRYSLER in a position of a depending subsidiary company of the DCX. There was the cannibalism-problem of the CHRYSLER car models, e.g., the "300 C" which corresponds to the Mercedes car model (W210) named "E-CLASS". CHRYSLER car models hindered the selling of the Mercedes car models. On **Oct. 26, 2005**, the CEO ZETSCHE of DCX explained, during an event in Munich, that the CEO HUBBERT had given advices that a cannibalism between the marks "MERCEDES" and "CHRYSLER" had to be avoided because the CHRYSLER car models were offered cheaper than the MERCEDES car models (see: <www.impulse.de> – "Mercedes-Chef Zetsche bricht mit Tabus seines Vorgängers Hubbert" – IMPULSE). Based on these marketing facts, in 1993, MBA started to use the designation "C-CLASS" for the lower Mercedes car model and the designation "E-CLASS" for the higher Mercedes car model to feign customers that CHRYSLER's "E-CLASS" – the CHRYSLER "300C" had to be compared with the Mercedes "C - CLASS". Furthermore, the FSC-decision feigned that DCX had an older competition right to use the designation "E-CLASS". Therefore, based on the arranged EC-case decisions, CHRYSLER could be hindered by ZETSCHE to demand to be a co-owner of the step by step robbed new "CLASS" marketing system which reaches from "A-CLASS" to "Z-CLASS". CHRYSLER was hindered to use the "CLASS"-marketing system as a co-owner in order to prevent that CHRYSLER car models cannibalize the market shares of MERCEDES car models. CHRYSLER's car models got other designations which differed from the "CLASS"-designations although CHRYSLER had a good reason to use

the designation "E-CLASS". CHRYSLER had an old cancelled US-mark "E-CLASS" filed on **Dec. 08, 1989** and cancelled it on **May 17, 1990** (see: US 73405229). Plaintiff never had contact to CHRYSLER and, in 1992, there was no internet. Plaintiff did not know this cancelled older CHRYSLER-mark "E-CLASS". On **Nov. 24, 1992**, Plaintiff filed his French mark. Anybody could file a new mark "E-CLASS". However, in 1996, neither the Plaintiff nor ZETSCHE could forbid CHRYSLER the use of the designation "E-CLASS". Therefore, MBA, DBA, DCX used the malice trick to arrange a lawsuit with the help of the GRUR-conspiracy to feign in a German EC-case decision that DCX had an older competition right to use the designation "E-CLASS" which was better than CHRYSLER competition right on the US-mark "E-CLASS". Based on the popular and juridical GRUR-press reports of the arranged EC-cases, CHRYSLER's competition right was limited step by step over the years. Today, DCX gives false informations to SEC and the PTO of the United States that DCX is the sole owner of the designation and trademark "E-CLASS". On **Jan. 26, 1993**, ZETSCHE's company MBA used the designation "E-CLASS" for the first time. Today, the GRUR-press falsifies that MBA used the designation "E-CLASS" long time before 1993. For example, there is a book in the United States, "Mercedes-Benz E-CLASS Owner's Bible", comprising the false hint that the 6-cylinder gasoline engines are used in the Mercedes car models from 1986 to 1995 (see: pages 127 and 157) although the first use was later (03/05/1993)..

105. On **May 18, 2007**, the former CHRYSLER Chairman LEE IACOCCA wrote in the Business Week (see: <www.freep.com> – by TIM HIGGINS):

> *"Daimler screwed Chrysler royally... When the companies merged in 1998 Chrysler was the lowest-cost producer and the most profitable car company in the world, with sales of 2.5 millions of cars and light trucks. But it took Daimler less than a decade to drive Chrysler off a cliff"*

106. Plaintiff asserts, in 1996, MBA and the GRUR-conspiracy started the

defamation campaign all over the world about the Plaintiff who was ruined by the arranged "Trademark Shark Story". In 1996, based on this story, MBA was rescued. On **Jun. 01, 1999,** MBA reported that the Mercedes "E-CLASS" car model was the number one of the car models in the middle class category. Each EC-decision from 1996 to 2000 was spread by the GRUR-press to support the selling of the Mercedes car models. In 1998, based on the statements of a public accountant, the DBA received 57 points and the American CHRYSLER only 43 points of the assessment relations (see: Boersen-Zeitung, issue 232, 11/30/2000 – "Merger of Equals..." – written by Sabine Wadewitz). However, there was the mistake that the "57"-points value of DBA was not based on real company facts. In 1998, the "57"-points value of MBA was only based on the "E-CLASS" defamation campaign arranged by the German GRUR-conspiracy. Without this arranged defamation campaign CHRYSLER would have received more than a "43"-points value. Shareholders of CHRYSLER were defrauded by the "E-CLASS" defamation campaign. From 1996 to 1998, SCHREMPP, HUBBERT and ZETSCHE needed the "E-CLASS" defamation campaign to defraud a better value of the older German company with respect to CHRYSLER's American company to get the majority of the new company DCX. American companies, other foreign companies and the Plaintiff are victims because the GRUR-conspiracy had the malice possibility to take influence on the German legislator to manipulate the German Trademark- and Competition Law to the advantages of special GRUR-members. German Laws are manipulated by the GRUR-conspiracy to protect market shares of special GRUR-members.

107. bb) – ***Second, the time control of the two Court lines***: As could be seen from the EC-cases, there were very complex operations which had to be controlled in timing and in results so that the most of the GRUR-usufructuaries could be satisfied. For example, if the German PTO had proceeded the registration in normal time lines MBA would have had to discuss the German license together with the French and Swiss licenses. Only one license contract was necessary. Plaintiff asserts that the French and Swiss licenses (**M01 –**

1994 and **M02** – 1995) were arranged to get the possibility to sue the Plaintiff in Germany later in 1996. The registration of the German part of the IR-mark (**M03**) was willfully protracted (or delayed) by the German PTO to support the malice attacks of the GRUR-conspiracy and MBA. The protraction was necessary to bring Plaintiff's trademark application (**M03**) under the conditions of the new German Trademark Law enacted on **Jan. 01, 1995**. The GRUR-conspiracy and MBA had no chance to arrange a bad faith- and pirate story to rescue MBA and damage other motor car producers if Plaintiff's mark (**M03**) was registered faster.

108. On **Jan. 01, 1995**, 322 trademark applications were filed. Plaintiff's second mark (**M04**) was intentionally selected and got the highest application number (39500045). All 321 German marks were registered in short time. However, only the registration of Plaintiff's mark (**M04**) was willfully protracted seven years so that the Plaintiff could not use it in his own motor car dealer service of used cars. This was necessary to falsify in the EC-case decisions that Plaintiff had no general intention to use. All proceedings of the EC-cases in the registration court line and the juridical court line were exactly coordinated to reach the malice aims of the GRUR-conspiracy.

109. There are other protraction-victims of the GRUR-conspiracy. For example, because MBA was interested to get CHRYSLER's mark "VISION" in order to hinder the selling of a CHRYSLER car model "VISION" in Germany, the registration of CHRYSLER's mark was protracted. On **Apr. 14, 1992**, CHRYSLER filed a German mark "VISION" (see: DE 2074583). On **Aug. 12, 1993**, MBA filed a German mark "VISION" (see: DE 2054865) which was registered on **Feb. 28, 1994**. The older CHRYSLER mark filed on **Apr. 14, 1992** was registered on **Sep. 30, 1994**. CHRYSLER had also a French mark "VISION" which was filed on **Jan. 22, 1992** and registered on **Mar. 26, 1992** (see: F 92402269). Plaintiff asserts the German PTO is under the control of the GRUR-conspiracy.

110. cc) - ***Third, the controlled GRUR-Judges***: There are a lot of trademark- and competition decisions in Germany. Plaintiff asserts that some decisions were arranged and

the results were predetermined by the GRUR-conspiracy before the lawsuit was started against a foreign rival. On **Oct. 09, 1997**, the Judge DEMBOWSKI (secret GRUR-member) manipulated the German Competition Law based on Plaintiff's mark (**M03**) that special juridical proceedings for the advantages of the GRUR-lawyers were possible now (see: Higher Regional Court of Frankfurt – file number 6 U 147/96). Judge DEMBOWSKI falsified the facts which were the basis for the arranged first EC-decision of FSC-Judge ERDMANN (11/23/2000). In Jan. 2000, the leading GRUR-member HARTE-BAVENDAMM defamed the Plaintiff in his juridical book as a trademark pirate before the oral hearing (07/13/2000) and the FSC-decision (11/23/2000). HARTE-BAVENDAMM is the leader of the GRUR-section discussing the German Trademark- and Competition Laws. After the first EC-decision PA TREUDLER found a special database of JURIS (see: <www.juris.com>) which is a company of Defendant FRG. This database published by FSC-Judge ULLMANN and JURIS in April 2000 disclosed the core facts of FSC-ERDMANN's first EC-case decision on **Nov. 23, 2000**. Plaintiff asserts, some GRUR-members knew that Plaintiff would be intentionally ruined with the falsified ambush bad faith fact by the GRUR-conspiracy. Therefore, some GRUR-members plundered the best marks of Plaintiff's French trademark database because they knew in advance that they had nothing to fear because the deciding Judges were the best secret GRUR-friends.

111. Plaintiff asserts, there are other victims of German Judges who are secret GRUR-members. On **Sep. 23, 2004**, Judge DEMBOWSKI made a decision against PHARMACIA & UPJOHN, USA that the German application of a foreign mark by a German trademark user is no bad faith act and no abuse application (see: GRUR-RR 2005, page 184). Besides, in Judge DEMBOWSKI's decision against PHARMACIA & UPJOHN, the Plaintiff is defamed again as an ambush bad faith applicant. Plaintiff asserts, there are further American victims of the GRUR-conspiracy, where the arranged EC-cases decisions are misused in the direction that American companies lose the German lawsuit. For example, CALLAWAY (I ZR 235/00 – "Big Bertha" – 10/10/2002), BROOKSIDE (I ZB 9/01 – "S100" – 10/30/2003), BROOKSIDE (FCP 24 W(pat) 44/05 – "S100" –

11/05/2007). Plaintiff asserts there are other American victims of the GRUR-conspiracy without a citation of the EC-cases. For example, ANHEUSER-BUSH (BGH I ZR 212/98 – "BIT v. BUD" – 04/26/2001), MATTEL (I ZR 326/01 – "Puppenaustattung" – 10/28/2004), OPEL (I ZR 88/08 – "Opel-Blitz" – 01/14/2010), TIME WARNER, and ROWLING (Appeal-Court of Berlin "Harry Potter"). Plaintiff asserts, there are other victims of other countries, e.g., of France (FPC-trademark case "CORDARONE"), of Mexico (FSC-competition case "NILPFERD-FIGUR" – file number unknown), of Turkey – (Soelen Diamond – I ZR 22/04 – 01/25/2007), HOMER TLC (I ZR 33/05 – "The Home Depot" – 09/13/2007).

112. Plaintiff asserts the observance of the secrecy of the German Judges that they are secret GRUR-members is the unlawful basis for the illegal enterprise – the GRUR-conspiracy. For example, the German company STUDIVZ is a company of Defendant HOLTZBRINCK. In 2008, there were German and American lawsuits FACEBOOK v. STUDIVZ. The foreign party FACEBOOK lost the German lawsuit. The German lawyer **MAURER** of STUDIVZ gave a declaration to the United District Court Northern District of California San Jose Division which is published in the internet (see: Case No. 5:08-CV-03468 JF). MAURER reported about the German District Court and the Court of Appeal both located in Stuttgart. However, the German lawyer MAURER forgot some essential informations. The Court of Appeal in Stuttgart is the Court where FEZER is Judge who is a secret GRUR-member. Furthermore, lawyer MAURER forgot to remark that most of the persons handling FACEBOOK's German lawsuit against STUDIVZ are secret GRUR-Judges. As could be seen on the internet pages, FACEBOOK's lawyer **SCHELJA** is a secret GRUR-member (see: <www.heylaw.de>).

## VII. CLAIMS FOR RELIEF

**COUNT I**

**INTERFERENCE WITH INTERNATIONAL CONTRACTS –**

**against FRG, MERKEL, and LEUTHEUSSER**

113. Plaintiff incorporates the allegations set forth in paragraphs 2 through 112 above as though fully set forth herein.

114. Defendant FRG has signed the International Contracts of the **Pariser Convention** (03/20/1883), **WIPO/OMPI** (01/02/1979), the **MMA** (04/14/1891), **PMMA** (06/27/1989) and other international agreements of the protection of the intellectual property. ((-1-)) The international agreements have the aim that each foreign applicant receives the same right than a German applicant. On **Aug. 16, 2008**, based on these international contracts, Plaintiff filed a new trademark "E-CLASS" (**M05**) at the German PTO. Plaintiff paid a filing fee to the German PTO which the Defendant FRG received. Plaintiff took notice of all German trademark regulations. ((-2-)) On **Nov. 20, 1995**, the German PTO registered Plaintiff's German part of the international mark (**M03**). On **Dec. 30, 1995**, the popular GRUR-press started an "E-CLASS – trademark shark campaign" against the Plaintiff to defame him and to inform the public that MBA offered a new car model "Mercedes E-CLASS". On **Jan. 08, 1996**, the German PTO Officer MIEHLE reported about Plaintiff's mark (**M03**) in different newspapers. On **Jan. 19, 1996**, ZETSCHE's company MBA filed a demand to the German PTO to cancel Plaintiff's mark. In 1995, the German PTO Officer MIEHLE protracted the registration of Plaintiff's mark (**M03**) by an order to the subordinated Officer. The German PTO announced a trademark meeting. On **Sep. 23, 1997**, PA TREUDLER complained to LEUTHEUSSER that he was not invited to the meeting. On **Dec. 10, 1996**, the German PTO met to discuss the new German Trademark Law (01/01/1995). All rivals of the Plaintiff were present at the meeting. On **Dec. 18, 1996**, the German PTO Officer MIEHLE wrote that no oral hearing was necessary to finish the demand of MBA (01/19/1996) to cancel Plaintiff's mark (**M03**). In 2001, Plaintiff tried to file an official liability lawsuit against Defendant FRG

which was dismissed by the Supreme Court of Berlin on **May 03, 2005** (file numbers 9 W 106/02 and 23 O 298/01). Therefore, Defendants FRG and LEUTHEUSSER had knowledge of these contracts and Plaintiff's German trademark application (**M03**) in Germany. ((**-3-**)) In Germany, a GRUR-lawyer earns more money in the juridical Court line than in the registration Court line because the fee is based on the value in dispute. For example, related to the same "bad faith fact", the value of dispute of the registration Court line has to be multiplied by a factor of 50 to reach the value of dispute of the juridical Court line. The old German Trademark Law had no "bad faith fact". In 1995, and before, the Defendants FRG and LEUTHEUSSER were advised by the GRUR-members, e.g., Defendant FEZER, in which way the new "bad faith fact" should be handled. For own interests of the GRUR-lawyers, the Defendant FRG and LEUTHEUSSER let the malice gaps in the new Trademark Law (01/01/1995) so that the German PTO (registration Court line) was not able to decide new bad faith trademark cases although according to Article 6bis (3) of the Pariser Convention there is a possible motion to cancel a bad faith mark without any limitation of time. The Defendants FRG and LEUTHEUSSER induced the breach of the international agreements for the interests of the GRUR-lawyers to bring the bad faith cases in the expensive juridical Court line. ((**-4-**)) Defendants FRG and LEUTHEUSSER intentionally breached the international agreements to damage the Plaintiff. In 1995, there was the juridical question of which Court line is competent for the new "bad faith trademark cases". In 1996, the GRUR-lawyers needed a foreign applicant and victim to arrange a lawsuit to falsify that the juridical gap could be closed by a decision of Judge Law which was decided by the secret GRUR-Judges. Plaintiff and his mark "E-CLASS" (**M03**) were chosen to willfully arrange a lawsuit with results that were predetermined in advance. However, Plaintiff filed his mark (**M03**) under the old German Trademark Law which has no "bad faith fact". Therefore, the German PTO and Plaintiff's former German patent attorney DREISS, who was the president of the German Patent Attorney Bar, protracted the registration of the German part (**M03**) of Plaintiff's international mark (**M02/M03**). The result of this first registration protraction was that

Plaintiff's mark (**M03**) could be defamed in a false way as an ambush bad faith mark without any legal proceedings by the GRUR-press. In 1995, PA TREUDLER refused the demand of ZETSCHE's company MBA to the German PTO to postpone the application date of the mark (**M03**) to **Jan. 01, 1995** when the new German Trademark Law was enacted. PA TREUDLER advised the Plaintiff to file a second German mark (**M04**) on **Jan. 01, 1995** to let the German part of the first mark (**M03**) filed on **Apr. 19, 1993**, under the old juridical conditions and to receive a mark (**M04**) under the conditions of the new Trademark Law enacted **Jan. 01, 1995**. Based on the defense of Plaintiff's older trademark rights by the application of the second mark (**M04**), the GRUR-association as well as the Defendants FRG and LEUTHEUSSER faced two juridical problems. First, in 2000, Plaintiff's older international mark (**M03**) filed on **Apr. 19, 1993** could not be defamed as a bad faith mark by the GRUR-Judge ERDMANN because this older international mark was not under the juridical conditions of the new German Trademark Law enacted **Jan. 01, 1995**. Furthermore, Plaintiff's second mark (**M04**) could not be canceled by the German PTO because there was the juridical gap that the German PTO was not competent to refuse bad faith marks after the application. Second, there was the problem that the Plaintiff could use his second mark (**M04**) in his motor car dealer company. If the Plaintiff made an own use of this mark, the predetermined and malice results of the arranged lawsuit in the juridical Court line were in danger. The secret GRUR-Judges could not decide that the expensive juridical Court line was competent for the new trademark cases. A German mark could only be used if the registration was finished. Therefore, the Defendants FRG and LEUTHEUSSER were advised by GRUR that the German PTO should protract the registration of Plaintiff's second mark (**M04**) for seven years. On **Nov. 23, 2000**, the FSC-Judge ERDMANN, who was engaged in the GRUR-defamation (09/01/1996) that Plaintiff's mark was an ambush bad faith mark, decided that the Plaintiff had no general intention to use and that Plaintiff's demand for a German license contract was an abusive behavior with respect to DCX, which is the false party. Furthermore, FSC-Judge pointed out that the bad faith fact was not decided in the FSC-decision (11/23/2000). However, the

Defendants FRG and LEUTHEUSSER needed a bad faith decision. Therefore, the whole juridical GRUR-press falsified in advance from 1996 until today that Plaintiff's mark (**M03**) is an ambush bad faith mark. FSC-Judge ERDMANN's decision (11/23/2000) was intentionally cited falsely by Defendant FEZER and other juridical writers. Based on the falsified citation of FSC-Judge ERDMANN's decision and advised by GRUR – on **May 28, 2003**, the Defendant FRG and LEUTHEUSSER manipulated the German Trademark Law again, and the new German Design Law (see: Bundestagsdrucksache 15/1075, page 67). The Defendants FRG and LEUTHEUSSER falsified in an amendment to the Laws that Plaintiff's mark "E-CLASS" (**M03**) is an **ambush bad faith mark.** According to the official justification of the Defendants FRG and LEUTHEUSSER, these amendments to the German Trademark Law and the German Design Law were necessary as could be seen by Plaintiff's mark (**M03**). Plaintiff's mark "E-CLASS" (**M03**) was named by the Defendants so that everyone in the world could read the forgery that Plaintiff had filed an international mark (**M02/M03**) which is under German conditions an ambush bad faith mark. The Defendants FRG and LEUTHEUSSER falsified in cooperation with secret GRUR-members step by step in official statements of the German government that Plaintiff's mark (**M03**) was an ambush bad faith mark (see: juridical GRUR-press, since 1996, and Bundestagsdrucksache 15/1075, in 2003) although there was no case discussion, Plaintiff was never personally heard by a German Judge, and there was no decision of a German Judge at this time that Plaintiff had filed a wrongdoing mark. The "bad faith fact" in Germany is intentionally directed towards foreign applicants. Especially, the Plaintiff with his mark "E-CLASS" (**M03**) and the American company BROOKSIDE with the marks "S100" and "P21S" are the outstanding bad faith applicants of the juridical GRUR-press, e.g., spread by Defendant FEZER over the world. On **May 20, 2009**, the Defendants FRG and LEUTHEUSSER made a further amendment to the Trademark Law based on Plaintiff's mark that the number of German trademark applications was reduced (see: Bundestagsdrucksache 16/13099 – page 43). According to the Defendants' reasons, in 2009, the German PTO had enough Officers, who were skilled enough at that time to

decide bad faith cases, the German PTO was competent to decide about bad faith applications in the registration Court line without the juridical Court line. Therefore, there are three malice main acts misusing Plaintiff's request for the registration of his mark (**M03**) in Germany. First, from 1996 to 2000, Plaintiff's mark (**M03**) was misused to close the juridical gaps by Judge Law that the juridical Court line has jurisdiction to handle the new lawsuits based on the German Trademark Law enacted on **Jan. 01, 1995** by the German Competition Law. Plaintiff's mark (**M03**) was willfully defamed as an abuse mark. Second, on **May 28, 2003**, Plaintiff's mark (**M03**) was defamed as an ambush bad faith mark ("boesglaeubige Hinterhaltsmarke") by the German Government (see: Bundestagdrucksache 15/1075 – page 67) to amend the German Trademark Law and the Design Law although there was no decision of a German Judge. Third, on **May 20, 2009**, there was the final amendment, based on the forgery that Plaintiff's mark (**M03**) would be an ambush bad faith mark, that the German PTO has jurisdiction to decide bad faith trademark cases. Therefore, from 1995 to 2009, Plaintiff's mark (**M03**) was misused to improve the juridical faults of the new German Trademark Law in the expensive juridical Court line where the Plaintiff had to pay all costs. Furthermore, from 1996 to 2010, Plaintiff's marks (**M03, M04, M05**) were misused to support the malice aims of different GRUR-members, e.g., ZETSCHE's companies as well as to defame other foreign trademark applicants by the "E-CLASS" – bad faith fact. On **Aug. 16, 2008**, Plaintiff filed a new German mark (**M05**) to defend his older trademark rights against ZETSCHE's company DCX and to get a personally hearing by a German Judge that he is no ambush bad faith applicant. However, nobody in Germany was interested in the fact that the Plaintiff could cancel the arranged GRUR-forgery of an ambush bad faith applicant. Therefore, the registration of Plaintiff's mark (**M05**) was protracted again. ((**-5-**)) All EC-cases are based on willfully false citations and juridical GRUR-essays published in advance without nor a decision nor the hearing of the Plaintiff by the Federal FSC-Judges ERDMANN, ULLMANN and BORNKAMM. Plaintiff's damages are caused by the Defendants FRG and LEUTHEUSSER because they are responsible for the protractions of

Plaintiff's marks (**M03, M04, M05**) by the German PTO and the GRUR-forgeries which are arranged by Federal Judges who are secret GRUR-members. ((-6-)) Plaintiff is damaged because the Defendants FRG and LEUTHEUSSER hindered Plaintiff's older trademark right by the malice protractions of the registrations of Plaintiff's marks (**M03, M04, M05**). Plaintiff is damaged by the Defendants FRG and LEUTHEUSSER because malice juridical gaps were left in the new German Trademark Law to bring the arranged EC-cases in the expensive juridical Court line where the Plaintiff had to pay the cost to Defendant FRG and ZETSCHE's company DCX. Plaintiff lost his older trademark right and the German part of his older international mark (**M03**) by arranged decisions decided by secret GRUR-Judges and the official enforcement of ZETSCHE's company DCX because Plaintiff could not pay the cost of the lawsuit. Plaintiff was willfully driven to the expensive juridical Court line to ruin him and his enterprises by the costs of arranged decisions based on forgeries of GRUR-members. Because Plaintiff was ruined by the Defendants FRG and LEUTHEUSSER, he didn't have the money to pay a French Lawyer to defend his French trademark agency. Plaintiff's best marks were plundered by GRUR-members who are the best GRUR-friends of German Judges who are GRUR-members as well and who decide against the Plaintiff. Plaintiff lost his reputation all over the world because the citations of the falsified EC-cases are spread in all juridical ranges of the internet until today.

## COUNT II

## CIVIL CONSPIRACY – against FRG and LEUTHEUSSER

115. Plaintiff incorporates the allegations set forth in paragraphs 2 through 112 above as though fully set forth herein.

116. ((-1-)) The Defendants FRG and LEUTHEUSSER who are responsible for the secret GRUR-Judges allow a secret membership of Federal Judges together with rivals of foreign competitors at the GRUR-association. On **Mar. 12, 2010**, Plaintiff's German

patent attorney TREUDLER received a decision of the County Court of Berlin (03/09/2010) that the German GRUR-association is a private organization. The GRUR-association has members who are German Judges engaged in lawsuits of other GRUR-members. The lawsuits concern foreign parties who are rivals of the GRUR-members. It is the aim of the GRUR-conspiracy to discuss juridical problems of the German Trademark-, Competition-, Design – and Patent Laws. The membership of the GRUR-members is secret. ((-2-)) There are secret GRUR-circles to discuss juridical problems of lawsuits which are decided later. In these secret GRUR-circles, the rivals of foreign parties discuss the juridical problems of their own lawsuits in advance with GRUR-Judges who decide the lawsuits later. The foreign parties or the public are not informed about the results of the juridical discussions of the GRUR-circles. The foreign parties have no possibility to plead in the GRUR-circles. In 1996, the members of the secret GRUR-circle for trademarks and other rivals of the Plaintiff were invited by the German PTO to discuss about the new German Trademark Law (01/01/1995). Therefore, PA TREUDLER asked for an invitation. LEUTHEUSSER refused that PA TREUDLER got the possibility to talk about the new German Trademark Law because PA TREUDLER represents no company and the Plaintiff is a private person. During the legal proceedings, Plaintiff was never heard by a German Judge and PA TREUDLER was intentionally hindered to plead against the false facts. All facts and documents presented by PA TREUDLER were ignored. PA TREUDLER was attacked by the GRUR-conspiracy filing motions to the German Patent Attorney Bar to stop him defending Plaintiff's older trademark rights. The GRUR-conspiracy was represented inside and outside the EC-cases and the Plaintiff had no chance to plead against the arranged facts. ((-3-)) Plaintiff would not have filed a German mark (**M03**) if he had known that there are secret GRUR-circles where the deciding Judges and his rivals are secret GRUR-members. The Plaintiff is a victim of these malice discussions of secret Trademark-circles. Plaintiff lost money, his older German Trademark right and the mark (**M03**) because PA TREUDLER could not plead in these secret Trademark-circles of GRUR and the German PTO against the arranged results of the EC-cases which were

predetermined by the GRUR-conspiracy. Currently, Plaintiff could not file new German marks to extend his trademark agency to Germany because he knew that he would be damaged by the secret GRUR-circles and the German PTO again as could be seen by his mark (**M05**) filed on **Aug. 16, 2008.**

**COUNT III**

**FRAUD – against all Defendants**

117. Plaintiff incorporates the allegations set forth in paragraphs 2 through 112 above as though fully set forth herein.

118. ((-1-)) There is a chain of forgeries to fraud that the Plaintiff is an ambush bad faith applicant. From 1995 to 2010, the material facts of the EC-cases have been falsified by the newspapers of Defendant HOLTZBRINCK within the popular GRUR-press. Furthermore, the facts of the EC-cases have been falsified by the juridical GRUR-press since 1996. In 1997, the falsified facts were presented to a secret GRUR-member – Judge DEMBOWSKI of the Supreme Court of Frankfurt – who decided that an oral hearing of the Plaintiff was not necessary. Later, Judge DEMBOWSKI falsified that the Plaintiff had shown an abusive behavior with respect to ZETSCHE's company MBA. Furthermore, Judge DEMBOWSKI's decision was based on the forgery that the Plaintiff had no intention to use his mark (**M03**) in Germany. This wrong fact was the basis for the fraud published later that the Plaintiff had filed an ambush bad faith mark (**M03**). Judge DEMBOWSKI ignored all hints of PA TREUDLER to the French and Swiss license contracts signed by ZETSCHE's company MBA and that MBA promised there would be a German license discussion when Plaintiff's mark (**M03**) was registered in Germany. Based on the French and Swiss license contracts (**M01** and **M02**) and MBA's promises, Plaintiff could not use the older mark "E-CLASS" (**M03**) as well as in Germany, which had been promised by ZETSCHE's company before. Judge DEMBOWSKI's decision was based on an essay by the juridical writers **KIETHE** and **GROSCHKE**. Plaintiff asserts that

KIETHE/GROSCHKE were figureheads to write what the secret circle of the GRUR-conspiracy had decided in advance, that is in which way the EC-cases should be manipulated. KIETHE/GROSCHKE published the three main facts why Plaintiff should be a bad faith applicant. PA TREUDLER never had a possibility to plead against the false facts of the figureheads KIETHE/GROSCHKE. Judge DEMBOWSKI integrated KIETHE/GROSCHKE's false facts in the decision without any previous hint. KIETHE/GROSCHKE refused all questions concerning where they got all the details of Plaintiff's mark "E-CLASS" (**M03**) although they were not engaged in the legal proceedings of the EC-cases. KIETHE/GROSCHKE pointed out that the Plaintiff was a private person with a lot of German marks (main fact one), Plaintiff had no intention to use them in an own business (main fact two) and Plaintiff had filed his various marks for wrongdoing actions in order to receive money from German companies (main fact three). Judge DEMBOWSKI confirmed these arranged false three main facts of KIETHE/GROSCHKE without hearing the Plaintiff once. From 1996 to 2010, Plaintiff has been ruined by the Defendants LEUTHEUSSER, FEZER and HOLTZBRINCK in the GRUR-press based on KIETHE/GROSCHKE's three main facts falsifying that Plaintiff would be a private person without an intention to make business in Germany. From 1996 to 2008, in all EC-decisions, it was falsified by secret GRUR-Judges that the Plaintiff had no intention to use his mark "E-CLASS" (**M03**) in Germany because he made no business in Germany. Plaintiff was willfully ruined by the GRUR-press with the defamation campaign "E-CLASS trademark shark" in order to falsify later that he is a private person without a business and without intention to use his German mark (**M03**). The registration of all Plaintiff's German marks (**M03, M04, M05**) were intentionally protracted by the German PTO to coordinate the forgeries in the juridical Court line. The results of the EC-cases were predetermined by secret GRUR-members and secret GRUR-Judges before the lawsuit was started. Plaintiff was defamed as an ambush trademark applicant by arranged forgeries of secret GRUR-members so that ZETSCHE's company DCX could steal Plaintiff's older mark (**M03**). There is the forgery that ZETSCHE's American/German

company DCX is a party of the EC-cases decided by the Federal Judges who are secret GRUR-members. There are double step by step forgeries. First, the arranged EC-cases are forgeries and second, furthermore, the first forgeries are misused in the following forgery that other foreign trademark applicants, e.g., the American company BROOKSIDE, would also be bad faith applicants in Germany. ((-3-)) The Defendants misused the reliance of the Plaintiff based on the Pariser Convention and other international contracts (WIPO/OMPI, MMA, PMMA etc.) that he gets a fair treatment of his older French trademark priority rights in Germany if he pays the official fee and respects the German application conditions. ((-4-)) The result of this chain of forgeries arranged by secret GRUR-members is that Plaintiff lost his money, his German marks (**M03, M04**), his reputation, is ruined by the endless GRUR-press defamations and the best French marks of his trademark agency are plundered by German GRUR-members. Plaintiff's business activities and enterprises have been willfully ruined over the whole world until today. Plaintiff asserts there are future misuses of forgeries of the EC-cases.

**COUNT IV**

**DEFAMATION – against all Defendants**

119. Plaintiff incorporates the allegations set forth in paragraphs 2 through 112 above as though fully set forth herein.

120. ((-1-)) Plaintiff is intentionally defamed by an endless German conspiracy. From 1995 to 2010, Plaintiff has been defamed as a "trademark shark" and applicant of an ambush bad faith mark "E-CLASS" (**M03, M04, M05**). These arranged defamations happened in the popular GRUR-press of Defendant HOLTZBRINCK, in the juridical GRUR-press of Defendant FEZER, in other juridical GRUR-writers' essays, and by Defendants FRG and LEUTHEUSSER in the official publications of the German Government (Bundestagdrucksachen). All libel defamations, arranged from 1995 to 2010, are published in reports, books and essays which are transmitted in printed forms or

electronic forms by the internet. All defamations could be read in the United States. ((-**2**-)) The libel defamations are intentionally written and contain the false information that the Plaintiff is a "trademark shark" and an ambush bad faith applicant. ((-**3**-)) In all defamations, it was falsified that the Plaintiff is a private person who acts as a trademark speculator, a trademark shark or an ambush trademark applicant. Anyone in the whole world is able to understand these false disparagements. ((-**4**-)) Plaintiff is still the owner of his French and Swiss older marks (**M01, M02**). Plaintiff's German part of his international mark "E-CLASS" (**M03**) has been stolen by arranged and malice lawsuits in Germany. ((-**5**-)) All these written defamations by the GRUR-press damage the intellectual property of the Plaintiff. The written defamations cause the damages of Plaintiff's intellectual property and his business activities. ((-**6**-)) From 1995 to 2010, these defamations were printed in newspapers which are published now in internet archives. Everyone in the whole world could read these old printed publications in electronic archives by using the internet. Plaintiff has discovered these electronic defamations in the internet archives step by step from July 2008 until today. Plaintiff's reputation and trademark agency are ruined by these arranged and coordinated defamations of the Defendants. The juridical GRUR-press defamed the Plaintiff in the United States: many GRUR-members are members of the American association **INTA** (see: <www.inta.com>).

## COUNT V

## EMOTIONAL DISTRESS – against all Defendants

121. Plaintiff incorporates the allegations set forth in paragraphs 2 through 112 above as though fully set forth herein.

122. ((-**1**-)) Each Defendant had own interests in the EC-cases. Defendants FRG, MERKEL and LEUTHEUSSER were interested in closing the juridical gaps of the German Trademark Law to the advantage of special German GRUR-members (companies) and GRUR-lawyers (persons). FEZER was interested in profiting from the juridical

defamations and forgeries given in his book "Trademark Law" (translated) which is offered as an opus magnum of the German Law in the whole world. FEZER intellectually profits from Plaintiff's damages and the GRUR-forgeries of the EC-cases spread in his own book. FEZER is the outstanding juridical bad faith expert based on the "E-CLASS"-forgeries. There is another trademark designer **GOTTA** who is a rival of the Plaintiff. Plaintiff has never been asked by HOLTZBRINCK's newspapers, e.g., TAGESSPIEGEL, to defend his trademark agency or his reputation. HOLTZBRINCK's newspapers sponsor Plaintiff's rival GOTTA who defamed the mark of foreign owners by malice interpretations. On **Jan. 15, 1996**, GOTTA defamed the Plaintiff with the help of HOLTZBRINCK's newspaper HANDELSBLATT. About July 2008, Plaintiff discovered GOTTA's defamation report that the Plaintiff is a criminal person in HOLTZBRINCK's database GENIOS which is an electronic internet database. Anyone in the whole world could read the electronic forgeries. HOTZBRINCK's newspapers receive orders to publish the pictures of the "E-CLASS" car model of ZETSCHE's company DCX with Plaintiff's mark "E-CLASS" (**M03**) in order to spread the forgery throughout the world that DCX was the owner of this "E-CLASS" mark long before CHRYSLER filed its American mark "E-CLASS" canceled in 1990, and long before Plaintiff's French mark (**M01**) filed on **Nov. 24, 1992.** All the Defendants have intentionally been acting to support their own interests until today. ((**-2-**)) Based on the International Conventions, Plaintiff believed that he would be treated in the juridical Court line and registration Court line in the same way as any German applicant. However, there were no case discussions. In all EC-cases, Plaintiff has never been personally heard by any German Judge from 1996 to 2010. All has happened against the Plaintiff in order to support the malice aims of special GRUR-members. On **Aug. 16, 2009**, Plaintiff filed his mark (**M05**) with the intention to receive a personal hearing in front of any German Judge who wouldn't be a secret member of the GRUR-association, in order to get the possibility to plead that he never filed former ambush bad faith marks (**M02/M03** and **M04**) in Germany. The registration of Plaintiff's trademark "E-CLASS" (**M05**) is protracted by the German PTO again.. There was another

malice single act of a falsified FSC-decision which happened to the American company ALMITE. The falsified FSC-decision "ALMITE" was decided on **Mar. 03, 1969** (see: I ZR 36/67 – GRUR Int 1979, page 13), and was never cited in any further German FSC-decision from 1979 to 2000. However, in 2000, Plaintiff's FSC-decision against his mark "E-CLASS" (**M03**) and the old FSC-decision "ALMITE" were cited for the first time with the juridical hints that the Plaintiff only had a "**formal right**" (means: there is no substantive trademark right). This juridical term "formal right" was used by GOTTA in HOLTZBRINCK's newspaper HANDELSBLATT (see: "The case SCHELE and the Pitfalls of the New German Trademark Law" (01/15/1996 – translated). Therefore, in 1996, Plaintiff's rival GOTTA and HOLTZBRINCK's newspaper HANDELSBLATT knew in advance in which way the German FSC-Judges would decide about Plaintiff's mark "E-CLASS" (**M03**) in 2000. The arranged EC-cases and the false citations are an endless juridical story which is extremely and outrageously misused by the Defendants to support their own interests in the arranged EC-cases based on intentionally acts and forgeries. Based on the orders of the Plaintiff, from 1996 to 2010, PA TREUDLER has tried to file about 40 lawsuits against a lot of GRUR-tortfeasors. However, all requests and motions were refused under the influence of secret GRUR-Judges. ((**-3-**)) The falsified EC-case decisions about Plaintiff's mark "E-CLASS" (**M03**) are the supporting basis for what an ambush bad faith mark should be according to GRUR-conspiracy's understanding. These false bad faith facts are spread by GRUR-essays in the whole world. There is the scheme and the conduct of the Defendants to misuse the old FSC-decision "ALMITE" which damaged ALMITE, USA (in 1969) in order to manipulate and falsify the EC-case decisions from 1996 to 2010. Furthermore, in 2003, the arranged and falsified bad faith facts of Plaintiff's mark "E-CLASS" have been misused to falsify, by other FSC-decisions, that the marks "S100" and "P21S" of the American company BROOKSIDE were also bad faith marks. The defamed BROOKSIDE's marks "S100" and "P21S" and Plaintiff's mark "E-CLASS" (**M03**) are further misused to defame and damage other foreign applicants by German decisions arranged by the GRUR-conspiracy. These permanent defamations have

caused the damages and emotional distress of the Plaintiff. ((-4-)) By these permanent defamations of secret GRUR-members, Plaintiff lost his health because no end was to be seen. Plaintiff's family suffered from the 'E-CLASS"-forgeries of the GRUR-conspiracy. Because of the permanent world-wide defamations of GRUR-press, Plaintiff lost friends. Plaintiff lost money and his reputation world-widely by the simple one act that he filed a bona fide German mark "E-CLASS" (**M03**) based on an older French trademark right.

| Abstract of RICO – COUNT VI | |
|---|---|
| Predicat Act | 18 U.S.C. § 1503 – Obstruction of Justice |
| Paragraph [ ] * | All paragraphs of the Complaint |
| Victim (s) | Public, BROOKSIDE, CHRYSLER, Plaintiff |
| Legitimated Enterprise | Courts of the United States |

| N** | Main RICO-Person(s) | Un-Legitimated Enterprise | | | |
|---|---|---|---|---|---|
| | LEUTHEUSSER | 1962 (a) | 1962 (b) | 1962 (c) | 1962 (d) |
| | FEZER | --- | --- | X | X |
| | HOLTZBRINCK | Prohibited Acts Occur in | | | |
| | | Germany X | | USA | X |
| | | Association in Fact | | | X |
| | | Defendant as Enterprise | | | - |

* Paragraph in the Complaint ** Number in the list of Defendants

**Short Description of the Un-Legitimated Enterprise**

There is the aim of the RICO-enterprise to spread false informations in the United-States. Plaintiff's mark "E-Class" (M03) and the EC-decisions of the German FSC are misused to inform the Court of the United States in the false way that the Plaintiff is an ambush bad faith trademark applicant.

| No. | Pattern of Racketeering Activity | Points of Time |
|---|---|---|
| 1 | Arranged EC-decisions (M03) of the German FSC | Nov. 23, 2000 ... |
| 2 | Publishing of the false ambush bad faith fact | May 28, 2003 ... |
| 3 | Two arranged "S100" decisions against BROOKSIDE | 2003 to 2009 ... |
| 4 | First German use of the mark "E-CLASS" by DCX | Feb. 01, 2009 ... |
| 5 | Secrecy of the members of the GRUR-association | Mar. 09, 2010 ... |

| Abstract of RICO – COUNT VII | |
|---|---|
| Predicat Act | 18 U.S.C. § 1961 – Trademark Robbery |
| Paragraph [ ] * | All paragraphs of the Complaint |
| Victim (s) | Public, BROOKSIDE, CHRYSLER, Plaintiff |
| Legitimated Enterprise | Patent- and Trademark Office of the United States |

| N** | Main RICO-Person(s) | Un-Legitimated Enterprise | | | |
|---|---|---|---|---|---|
| | LEUTHEUSSER | 1962 (a) | 1962 (b) | 1962 (c) | 1962 (d) |
| | FEZER | X | --- | --- | X |
| | HOLTZBRINCK | Prohibited Acts Occur in | | | |
| | | Germany | X | USA | X |
| | | Association in Fact | | | X |
| | | Defendant as Enterprise | | | - |

* Paragraph in the Complaint ** Number in the list of Defendants

**Short Description of the Un-Legitimated Enterprise**

The first EC-decision, the enforcement of Plaintiff's mark (M03), the false declaration of the ownership of the mark to SEC and the PTO of the United-States, the publishing of informations of DAI's false former use of the mark, and the first use in Germany are committed to rob Plaintiff's mark.

| No. | Pattern of Racketeering Activity | Points of Time |
|---|---|---|
| 1 | Arranged EC-decisions (M03) of the German FSC | Nov. 23, 2000 ... |
| 2 | Finishing of the enforcement of Plaintiff's mark | Aug. 02, 2006 ... |
| 3 | Plaintiff finds DAI's false declarations to USPTO | Oct. 30, 2007 ... |
| 4 | First German use of the mark "E-CLASS" by DAI | Feb. 01, 2009 ... |
| 5 | The use of the robbed mark is published everywhere | Feb. 01, 2009 ... |

| Abstract of RICO – COUNT VIII | |
|---|---|
| Predicat Act | 18 U.S.C. § 1341, 1343 – Mail and Wire Fraud |
| Paragraph [ ] * | All paragraphs of the Complaint |
| Victim (s) | Public, BROOKSIDE, CHRYSLER, Plaintiff |
| Legitimated Enterprise | Databases of JURIS, GENIOS, and BECK, Amazon |

| N** | Main RICO-Person(s) | Un-Legitimated Enterprise | | | |
|---|---|---|---|---|---|
| | LEUTHEUSSER | 1962 (a) | 1962 (b) | 1962 (c) | 1962 (d) |
| | FEZER | X | --- | --- | --- |
| | HOLTZBRINCK | Prohibited Acts Occur in | | | |
| | | Germany | X | USA | X |
| | | Association in Fact | | | - |
| | | Defendant as Enterprise | | | - |

*Paragraph in the Complaint ** Number in the list of Defendants

**Short Description of the Un-Legitimated Enterprise**

Plaintiff's mark (M03) was robbed by the arranged EC-cases in Germany and by fraud which is the racketeering income used and invested by the Defendants FRG, FEZER and HOLTZBRINCK in own books, the internet, and the internet databases to make money in the United-States.

| No. | Pattern of Racketeering Activity | Points of Time |
|---|---|---|
| 1 | Arranged EC-decision (M03) of the German FSC | Nov. 23, 2000 ... |
| 2 | Plaintiff discovered the false facts in GENIOS | Jul. 01, 2008 ... |
| 3 | FEZER's new book "Trademark Law" is sold | Jun. 01, 2009 |
| 4 | Plaintiff discovered the false facts in JURIS | Sep. 10, 2009 |

## VIII. RICO CLAIMS FOR RELIEF

### COUNT VI

**18 U.S.C. § 1503 – Obstruction of the American Justice**

**RICO – against LEUTHEUSSER, FEZER, HOLTZBRINCK**

123. Plaintiff incorporates the allegations set forth in paragraphs 2 through 112 above as though fully set forth herein.

124. Plaintiff is the owner of the marks "E-CLASS" (**M01, M02, M03, M04, M05**) filed in France, Switzerland and Germany. There is the scheme of an unlawful enterprise which is located in the German Association GRUR to rob trademarks used outside of Germany from foreign applicants with older rights, by the forgery that these foreign applicants filed an abusive and/or ambush bad faith mark in Germany. Plaintiff asserts, the unlawful enterprise is a conspiracy provided by RICO-persons who are secret members of the German association GRUR. Plaintiff asserts, this unlawful enterprise (GRUR-conspiracy) commits arranged German lawsuits, which results are predetermined in secret circles before the arranged lawsuit against the foreign party is started. Plaintiff asserts that the GRUR-conspiracy extorts the German PTO by the hints that the German PTO will be omitted by GRUR-members by filing direct European applications without the German PTO and therefore, the German PTO loses a lot of application fees. The lawsuits arranged by the GRUR-conspiracy are decided by German Judges who are secret GRUR-members and members of secret circles.

125. On **Nov. 23, 2000**, the GRUR-conspiracy published a falsified FSC-decision that the Plaintiff had filed an abusive mark "E-CLASS" (**M03**) as a private person and trademark speculator with respect to ZETSCHE's company DCX. There was no hint in the FSC-decision that the Plaintiff had filed a bad faith mark or an ambush bad faith mark. plaintiff had only contact to the former company MBA which promised another license contract for Germany. However, all Defendants published the forgery that CEO's

ZETSCHE's companies MBA and DBA correspond to DCX (DAIMLERCHRYSLER). DCX and today DAI are considered as parties of the arranged lawsuits although the Plaintiff never had contact to the American company CHRYSLER. There was the published forgery that DCX which is a German/American company had a trademark dispute with the Plaintiff. Furthermore, there was a second false reporting because the Defendants spread the citation forgery that the Plaintiff had filed a German ambush bad faith mark "E-CLASS" (**M03**). The bad faith defamation was misused to defame the American company BROOKSIDE with the marks "S100" and "P21S" as another bad faith applicant in Germany. The reasons of BROOKSIDE's German decision were based on the false fact that Plaintiff had filed an ambush bad faith mark. There was a Swiss "S100" trademark lawsuit of the German party against BROOKSIDE at the same time. The Swiss Judge pointed out that BROOKSIDE had no Swiss bad faith mark (see: 4C.76/2005 – 06/30/2005). Based on the same facts, the German FSC-Judges decided to the advantage of the German rival (10/30/2003) that BROOKSIDE had filed a bad faith mark "S100" in Germany. BROOKSIDE sued the German party in the United States with respect to the mark "S100". On **Nov. 05, 2007**, the German FPC-Judges canceled BROOKSIDE's mark "S100". This cancellation was published later (06/15/2008) and discovered by Plaintiff on **Sep. 04, 2009**. Plaintiff's mark "E-CLASS" and the German FSC-decision are misused to inform the Courts of the United States in a false way that BROOKSIDE's mark "S100" is a bad faith mark, as could be seen from the decision of the secret German GRUR-Judges.

126. The Defendants falsified, with the German publishings of the successes of ZETSCHE's false company DCX in the arranged German "E-CLASS"-lawsuits, that ZETSCHE's former companies had a better competition right on the robbed mark "E-CLASS" in order to hinder and to damage CHRYSLER, USA to use the designation "E-CLASS" in parallel to ZETSCHE's companies. All the Defendants published false informations about Plaintiff's mark "E-CLASS" and the ownership so that ZETSCHE's company could give false declarations to the SEC and the PTO of the United States. Furthermore, from 1998 to 2007, shareholders of CHRYSLER were damaged by the false

"E-CLASS"-informations given by the Defendants to the public in the United States. As well, the German subsidiary OPEL of GENERAL MOTORS was damaged by the false "E-CLASS"-informations. The motive of the Defendants is the support of ZETSCHE's company DAI and VOLKSWAGEN against foreign rivals. Plaintiff asserts that DAI and VOLKSWAGEN (hereinafter, "**VW**") prepare a new merger to a European company "DAIMLER-VOLKSWAGEN SE". In such a case, the merged company needs a marketing designation system to put together the various ca models. This marketing designation system is ZETSCHE's "CLASS"-designation – and trademark system which has been stolen and robbed step by step from other users since 1995. ZETSCHE's companies MBA to DAI attacked any other user of "CLASS"-designations. However, only VW has been free to use "CLASS"-designations, e.g., the designations "A-CLASS" and "T-CLASS" until today. Plaintiff has been damaged by VW in an outstanding manner until today. VW is a secret GRUR-member, supports ZETSCHE's company by false facts, and is one of Plaintiff's main rivals. Plaintiff's mark "E-CLASS" is the last gap within ZETSCHE's robbed "CLASS"-designation system. The Defendants will profit from a merger into a new company DAI-VW in various ways. Defendants MERKEL and LEUTHEUSSER will get the greatest car producer of the world. GRUR-lawyers will receive lucrative lawsuits against foreign rivals of the new company DAI-VW, and FEZER will have new juridical facts to discuss in his books. HOLTZBRINCK will get preferred orders for new advertisements. CHRYSLER had an old US-mark "E-CLASS" canceled in 1990. CHRYSLER's right to use the canceled mark as a designation still exists. The older designation- and competition right of the American company CHRYSLER to use the term "E-CLASS" in a free way until today will be destroyed if the forgery is spread that Plaintiff is an ambush bad faith "E-CLASS"-applicant. Therefore, the Defendants are interested in supporting the false facts in the United States that the Plaintiff is a wrongdoing applicant and ZETSCHE's DAI has an older right on the designation "E-CLASS" which is older than CHRYSLER's designation right and older than Plaintiff's marks "E-CLASS" (**M01, M02, M03**).

**COUNT VII**

**18 U.S.C. § 1961 – Trademark Robbery**

**RICO – against LEUTHEUSSER, FEZER, HOLTZBRINCK**

127. Plaintiff incorporates the allegations set forth in paragraphs 2 through 112 above as though fully set forth herein.

128. On **Nov. 23, 2000**, Plaintiff lost his older trademark right which was based on an older French mark by International Convention with the arranged FSC-decision (I ZR 93/98) decided by FSC-Judges who were secret members of the German juridical association GRUR. All rivals, e.g., ZETSCHE's companies MBA, DBA and DCX were secret GRUR-members. Plaintiff asserts that DCX was a wrong party because DCX was a newco founded in 1998. According to the German rules of code of civil procedure, Plaintiff had to pay all the cost of the lawsuit because he lost the dispute which was started by ZETSCHE's company MBA in 1996. At this time, the dispute was directed to the juridical Court line (Civil Courts) because there was the juridical gap in the new Trademark Law (01/01/1995) that the registration Court line (German PTO) was not competent to handle bad faith applications. Plaintiff asserts Defendant LEUTHEUSSER let this gap based on the malice advises of the GRUR-conspiracy. The value of dispute is 50 times higher in the juridical Court line that in the registration Court line. Before, the Plaintiff was ruined by the defamation campaign "E-CLASS trademark shark" of the popular GRUR-press. Plaintiff was ruined because his French trademark agency was willfully plundered by GRUR-members. Therefore, Plaintiff could not pay the legal costs of the juridical Court line which were based on a value of dispute of about 2.5 Mio. Euro. Plaintiff asserts that he was enticed to sign the French and Swiss license contracts (08/03/1994 and 03/22/1995) by the false promises of ZETSCHE's company MBA that his mark "E-CLASS" (**M03**) would be used in Germany. ZETSCHE's company requested in the license discussions that Plaintiff had to stop the own use of the mark (**M03**) in the whole world. This was the basic deceit to attack the Plaintiff with an arranged lawsuit in

Germany. Later, ZETSCHE's company alleged and falsified that the Plaintiff had no own intention to use his mark (**M03**) but was interested to hinder ZETSCHE's company to use a designation "E-CLASS". From 1995 to 2010, the juridical GRUR-press defamed the Plaintiff as an ambush bad faith applicant. Plaintiff has never been heard by a German Judge. The FSC-Judges decided that the Plaintiff had an abusive speculator mark (**M03**), that Plaintiff had no intention to use, and therefore that Plaintiff had to pay the costs of the lawsuit with ZETSCHE's company. In 2005, in a second malice main act, ZETSCHE's company DCX demanded the enforcement of the German part of Plaintiff's mark (**M03**). PA TREUDLER alleged that a bad faith mark could not be received by an enforcement. On **May 28, 2003**, Defendant FRG amended the German Trademark Law and defamed Plaintiff's mark "E-CLASS" as an ambush bad faith mark (see: Bundestagdrucksache 15/1075). On **Nov. 01, 2005**, FSC-Judge BORNKAMM defamed Plaintiff's mark (**M03**) in his BECK-book "Wettbewerbsrecht" as a bad faith mark. There was no decision of any German Judge that Plaintiff's mark was a bad faith mark at that time. On **Apr. 27, 2006**, FSC-Judge ULLMANN mentioned in another FSC-decision (see: I ZB 97/05, page 30 and 31) the false fact that Plaintiff's mark (**M03**) was a bad faith mark. **After ten years**, on **July 26, 2006**, the FPC-Judge STOPPEL decided that Plaintiff's mark (**M03**) had to be canceled because it was an ambush bad faith mark and was not registrable in Germany. On **July 27, 2006**, the FSC dismissed Plaintiff's appeal against ZETSCHE's enforcement. On **Aug. 02, 2006**, PA TREUDLER received this FSC-decision refusing the appeal (see: filing number VII ZA 5/06). On **Apr. 19, 2008**, FSC-Judge BORNKAMM dismissed all demands and appeals of the Plaintiff.

129. On **Aug. 30, 1993**, ZETSCHE's company MBA filed a robbed German Mark "E-CLASS", file which was not disclosed by the German PTO. On **Feb. 25, 1994**, ZETSCHE's company MBA filed a mark "E-CLASS" based on the German robbed mark at the PTO of the United States (see: serial no. 74494469). On **Oct. 30, 2007**, Plaintiff discovered on internet in the database of the US PTO that ZETSCHE's company MBA had given a wrong declaration to the US PTO dated on **Feb. 25, 1994.** ZETSCHE's company

MBA declared that there is a bona fide intention to use the said mark and that MBA would be the owner of the mark. On **Aug. 03, 1994**, ZETSCHE's company signed the French license contract. There are further false declarations of ZETSCHE's company given to the US PTO concerning the robbed mark "E-CLASS". In 1998, ZETSCHE's company DBA was canceled by the merger with CHRYSLER. On **Nov. 22, 2000**, the German company DBA sent notice to the US PTO Commissioner that DBA was still awaiting the issuance of the German registration of the mark "E-CLASS" which was robbed by ZETSCHE's company from the Plaintiff. On **Oct. 30, 2007**, Plaintiff filed this document to the Local Court of Stuttgart (see: HRB 19360). On **July 30, 2002**, the US PTO registered the mark "E-CLASS" for ZETSCHE's German company DBA (see: Reg. No. 2.599.862) although this company was canceled in 1998. On **Feb. 01, 2009**, ZETSCHE's company DAI used Plaintiff's mark "E-CLASS" for the first time as a German mark stuck on the Mercedes car model. Defendant HOLTZBRINCK published the Mercedes car model with Plaintiff's mark in his newspapers. On **July 01, 2009**, FEZER sold the new edition of his book "Trademark Law" published by BECK with abstracts in the electronic BECK database. Plaintiff asserts that he lost his older mark by the above trademark robbery with the help of the Defendants LEUTHEUSSER, FEZER and HOLTZBRINCK. Plaintiff asserts that LEUTHEUSSER and FEZER are cooperative helpers of the malice action of ZETSCHE's companies to rob Plaintiff's mark "E-CLASS" and to spread the false ownership in the United-States. Plaintiff asserts Defendant HOLTZBRINCK is an overlook helper. The Defendants supported the wrong use and investment of Plaintiff's mark by ZETSCHE's companies MBA, DBA, DCX and DAI at the PTO of the Unites States. Plaintiff is damaged because he lost his mark "E-CLASS" and everyone in the United States believes it would be a mark of ZETSCHE's company. Plaintiff is injured by the investment of his mark "E-CLASS" at the PTO of the United States because everyone in the United States is feigned by the false fact that Plaintiff is a bad faith applicant or has stolen the mark from ZETSCHE's company. Plaintiff is injured by the false fact spread by the Defendants that Plaintiff is a wrongdoing person.

**COUNT VIII**

**18 U.S.C. § 1341, 1343 – Mail and Wire Fraud**

**RICO – against LEUTHEUSSER, FEZER and HOLTZBRINCK**

130. Plaintiff incorporates the allegations set forth in paragraphs 2 through 112 above as though fully set forth herein.

131. Plaintiff and his mark "E-CLASS" (**M03**) is defamed and robbed by an arranged lawsuit in Germany by fraud. Plaintiff asserts that these false facts which are spread by the Defendants are the racketeering income which is used and invested in electronic databases to earn money in the United States. Defendant FEZER uses and invests the false facts in own books which are sold by AMAZON in the United States. From 1995 to 2010, based on the arranged EC-cases, Plaintiff has been defamed that he should be a trademark pirate. These false facts were published by printed newspapers and essays of the popular and juridical GRUR-press. However, now, the Defendants publish the false facts about the person of the Plaintiff and his mark "E-CLASS" (**M03**) in electronic databases. The access to these electronic databases is possible by the internet. The databases offer abstracts if some key words are used to open the database. For example, if someone uses the key words "ambush" or "bad faith trademark" in translation, the electronic databases will offer the marks "E-CLASS" of the Plaintiff and "S100" of BROOKSIDE as the outstanding decisions of German Courts. Based on these abstracts, a user decides whether he is interested in reading the whole arranged German decisions and essays by paying a fee. Therefore, anyone in the world is able to read the old and new forgeries of the GRUR-press in new internet archives of the electronic databases. Plaintiff's damage occurs as soon as a user of Defendants' electronic databases reads the abstracts. Plaintiff could not stop the misuse of his mark "E-CLASS" that feigned the public and the American companies, e.g., CHRYSLER and BROOKSIDE. Plaintiff lost his reputation by the false fact that he was a wrongdoing trademark applicant. Especially, BROOKSIDE believes that the Plaintiff is a wrongdoing applicant who supplied the false

facts that BROOKSIDE is a bad faith applicant too. Therefore, Plaintiff is damaged by the electronic databases of the Defendants because his mark "E-CLASS" (**M03**) is misused to damage other foreign trademarks' owners. On about July 2008, Plaintiff discovered the false facts in Defendant HOLTZBRINCK's electronic database GENIOS (see: <www.genios.com>). On **Sep. 10, 2009**, PA TREUDLER discovered the false facts of the EC-case in Defendant LEUTHEUSSER's electronic database JURIS (see: <www.juris.com>) by legal researches to find new facts for his lawsuit against FRG and LEUTHEUSSER in front of the Court of Berlin. During these legal researches, PA TREUDLER discovered a "bad faith essay" written by **OSTERLOH** who is the brother of a Judge of the Federal Constitutional Court that dismissed all of Plaintiff's former demands. OSTERLOH's "bad faith essay" is significantly based on the trademarks "E-CLASS" (Plaintiff), "S100"/"P21S" (BROOKSIDE) which are considered as bad faith marks. Furthermore, there is mentioned the FSC-decision "ELEGANCE" (I ZR 29/02 – The Color of Elégance – 01/20/2005) by OSTERLOH where a foreign company lost the lawsuit that the German rival had filed a bad faith mark. In OSTERLOH's essay, the decision "ELEGANCE" is only cited by the citation ["BGH GRUR 2005, 581" – "Elégance"] and the FSC-file number I ZR 29/02 is missing, which produces juridical fog. On **July 01, 2009**, FEZER's new edition of his book "Trademark Law" (translated) was offered by the German publisher BECK. On **Nov. 11, 2009**, PA TREUDLER discovered parts of FEZER's new book "Trademark Law" containing the bad faith EC-case forgeries defaming Plaintiff's mark "E-CLASS" (**M03**) in BECK's electronic database (see: <http://beck-online.beck.de>) in a library of Wiesbaden. BECK's electronic database offers all decisions and essays concerning Plaintiff's mark "E-CLASS" which are published by BECK as German publisher. BECK is the publisher of all GRUR editions of the GRUR-association. BECK offers the GRUR edition IIC of the GRUR-member **PAGENBERG** written in English and spread in the United States. For example, on **Sep. 28, 2007**, PA TREUDLER discovered on a CD-ROM of the German National Library the following IIC-GRUR hints printed by BECK about May 2002 (see: IIC 2002, page 678):

*"Germany: Amendment to Permit Ex-Officio Dismissal of Bad Faith Trademark Applications ... Citing the practical difficulties in connection with so-called "ambush trademarks" – for instance, the decision of the German Federal Supreme Court, 33 IIC 356(202) – Classe E -, it is now intended that the registration can be refused if the trademark examiner finds sufficient indications of an abusive intention on the part of the trademark applicant. – Copyright C.H. Beck"*. At that time, there was no decision of a German Court that the Plaintiff had filed a mark "Classe E" (translated "E-CLASS") in Germany. Now, this IIC essay of GRUR is published by BECK's new electronic database. On **May 28, 2003** (Bundestagsdrucksache 15/1075) and **May 20, 2009** (Bundestagsdrucksache 16/ 13099), Defendant LEUTHEUSSER amended the German Trademark Law based on the false GRUR-advises published by BECK in 2002. About Oct. 2009, PA TREUDLER discovered a book of FSC-Judge ULLMANN "UWG Praxiskommentar" published by JURIS which is a company of Defendant FRG. In this JURIS-book, the former FSC-Judge ULLMANN defamed the Plaintiff and his mark "E-CLASS" (see: pages 388 to 402). FSC-Judge ULLMANN was engaged in the "EC-cases", is a secret GRUR-member, and initiated an attack on PA TREUDLER in order to stop him from defending Plaintiff's older trademark rights in Germany. Plaintiff asserts, the manipulations of the German Law were based on the arranged result that Plaintiff lost his intellectual property of his mark "E-CLASS". Defendants LEUTHEUSSER, HOLTZBRINCK and FEZER profit from the investing of the false EC-case facts in books and in the databases to earn money. Plaintiff is injured because, now, everyone in the world is able to read the old and new forgeries of the popular GRUR-press in new internet archives, e.g., JURIS, GENIOS, BECK, by using the internet. Furthermore, the forgery that the Plaintiff would be an ambush bad faith applicant is an outstanding juridical forgery which is spread by FEZER in his books. From 1995 to 2010, the Defendants LEUTHEUSSER, FEZER and HOLTZBRINCK have been engaged in the forgeries to damage the Plaintiff. Now, the Defendants profit from the publishing of the false facts in electronic databases.

## IX. DEMAND FOR JURY TRIAL

132. Pursuant to Fed. R. Civ. P. 38(b), Plaintiff Ulrich SCHELE demands trial by jury of all issues so triable under the law.

## X. PRAYER FOR RELIEF

**WHEREFORE**, Plaintiff Ulrich SCHELE PRAYS THIS COURT:

A. Find that Defendants FRG, MERKEL and LEUTHEUSSER breached International Conventions by means of German Judges who are secret members of the juridical association GRUR with the aim to support special GRUR-members, e.g. CEO ZETSCHE's companies MBA, DBA, DCX and DAI to commit trademark robbery on various trademarks of Plaintiff's trademark agency.

B. Find that Plaintiff's German mark "E-CLASS" (M03) and the arranged decisions of German Judges were intentionally misused by all Defendants to feign the Patent- and Trademark Office of the United States, the SEC and the public that ZETSCHE's companies MBA, DBA, DCX and DAI are the owner of a German mark "E-CLASS" based on an older German competition right.

C. Find that Plaintiff's German mark "E-CLASS" (M03) and the arranged EC-cases were intentionally misused by all Defendants to damage shareholders of CHRYSLER, the American company CHRYSLER, and Plaintiff's business activities in the United States.

D. Find that Plaintiff's German mark "E-CLASS" (M03) was intentionally misused by all Defendants to damage other American companies, e.g.,

BROOKSIDE, and the Plaintiff by the arranged forgery of the GRUR-conspiracy that Plaintiff's mark E-CLASS" (M03) is an ambush bad faith mark.

E. Award for compensatory damages in an amount to be adduced at trial.

F. Award for treble damages and/or equitable relief under the Racketeer Influence Corrupt Organization Act as alleged herein.

G. Award for punitive damages or treble damages in an amount to be adduced at trial.

H. Award for Plaintiff's attorney fees and costs if the Plaintiff finds an American attorney at law.

I. Award for such other relief as this Court finds justified.

Respectfully submitted

Dated: April 13, 2010

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