

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

David Beasley

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

William H. Howard

COMPLAINT

Jury Trial: Yes No

(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name

David Beasley

Street Address

1105 MacArthur Drive

County, City

Camden, Camden

State & Zip Code

NJ 08104

Telephone Number

856-364-0703

FILED
APR 25 2019
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN, NEW JERSEY

B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name William H. Howard
Street Address 104 S. Glenwood Ave.
County, City Aldan
State & Zip Code Pennsylvania, 19018

Defendant No. 2 Name _____
Street Address _____
County, City _____
State & Zip Code _____

Defendant No. 3 Name _____
Street Address _____
County, City _____
State & Zip Code _____

Defendant No. 4 Name _____
Street Address _____
County, City _____
State & Zip Code _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. There are four types of cases that can be heard in federal court: 1) Federal Question - Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case; 2) Diversity of Citizenship - Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case; 3) U.S. Government Plaintiff; and 4) U.S. Government Defendant.

- A. What is the basis for federal court jurisdiction? (check all that apply)
- | | |
|---|--|
| <input checked="" type="checkbox"/> Federal Questions | <input type="checkbox"/> Diversity of Citizenship |
| <input type="checkbox"/> U.S. Government Plaintiff | <input type="checkbox"/> U.S. Government Defendant |

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? Lanham Act False and Misleading Statement of Facts and Protection of an unregistered Trademark First Use in Commerce over 50 years Continuous Use.

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? The internet Go Daddy website And the United States and Patent office.

B. What date and approximate time did the events giving rise to your claim(s) occur? January 25, 2019 And also July 12, 2011.

C. Facts: January 25, 1969 I created a singing group I

What happened to you?

named the Ebonys. I was the original founder and creator of this group. I signed my group to record Label and recorded Albums under the name Ebonys. Now I am being barred from the internet in the use of my name the Ebonys or Original Ebonys. Go Daddy has denied me the right to use my name for a website. William H. Howard I brought in as a member of the Ebonys group. He knew I had created this group the Ebonys. On July 12, 2011 he filed a registered trademark for ownership of the Ebonys when he left the group. By misleading the trademark office into believing he was the creator and founder of the name and group The Ebonys. He deceived the trademark office by registering a trademark for my group the Ebonys that have been performing since I started the group fifty years ago. For fifty consecutive years my group the Ebonys have been performing. I hired William Howard as one of my group singers temporarily over 25 years after I created the Ebonys singing group. I had this group originally registered in NJ in 1969. Over twenty five years because I hired him temporarily to sing with the group.

Who did what?

Was anyone else involved?

Who else saw what happened?

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

The injuries I sustained is I am not able to develop a website under the name of my Original group the Ebony's. When my group of Ebony's are performing, William Howard sends notice and contact other Venues not to hire me and my Original Ebony's Group. My Group the Ebony's are being hindered from making a living after 50 years of having my Group and New Members. He attempted to forged Royalty ownership to my Music. He was unsuccessful. USA and abroad knows my group the Ebony's and he is now lying to audiences and he is founder of the original Ebony's. He was from Memphis Tennessee. I created the Ebony's in Camden, NJ, 1969

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

Vacate Trademark ownership of William Howard's trademark Ebony's Singing group. And \$500,000 Five hundred thousand dollars in monetary compensation for Jobs, Performances and endorsements lost as a result of Trademark and ownership conflicts affecting my Fifty ~~50~~ ⁵⁰ year old Ebony's Singing Group now being barred from Internet Correspondence or websites. Permit me to register ownership with USPTO for my group Ebony's. As I did in New Jersey in 1969 which Counsel advised me then that my Ebony's Group name and trademark would be protected. I thought that sufficient. Until I was informed that William Howard had a USPTO trademark for my group the Ebony's.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 22 day of April, 2019.

Signature of Plaintiff David Beasley
Mailing Address 1105 MacArthur Drive
Camden, NJ 08104
Telephone Number 856 364-0703
Fax Number (if you have one) _____
E-mail Address _____

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint.

Signature of Plaintiff: David Beasley

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS <u>David Beasley</u></p> <p>(b) County of Residence of First Listed Plaintiff <u>Camden</u> <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) <u>David Beasley Pro-Se</u> <u>1105 MacArthur Drive Camden, NJ 08105</u></p>	<p>DEFENDANTS <u>William H. Howard</u></p> <p>County of Residence of First Listed Defendant <u>Delaware</u> <small>(IN U.S. PLAINTIFF CASES ONLY)</small></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%;"> <tr> <td style="width:50%;"> <p>Citizen of This State <input checked="" type="checkbox"/> 1</p> <p>Citizen of Another State <input type="checkbox"/> 2</p> <p>Citizen or Subject of a Foreign Country <input type="checkbox"/> 3</p> </td> <td style="width:50%;"> <p>DEF</p> <p><input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State</p> <p><input checked="" type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State</p> <p><input type="checkbox"/> 3 Foreign Nation</p> </td> </tr> <tr> <td style="width:50%;"> <p>PTF</p> <p><input type="checkbox"/> 4</p> <p><input type="checkbox"/> 5</p> <p><input type="checkbox"/> 6</p> </td> <td style="width:50%;"> <p>DEF</p> <p><input type="checkbox"/> 4</p> <p><input type="checkbox"/> 5</p> <p><input type="checkbox"/> 6</p> </td> </tr> </table>	<p>Citizen of This State <input checked="" type="checkbox"/> 1</p> <p>Citizen of Another State <input type="checkbox"/> 2</p> <p>Citizen or Subject of a Foreign Country <input type="checkbox"/> 3</p>	<p>DEF</p> <p><input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State</p> <p><input checked="" type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State</p> <p><input type="checkbox"/> 3 Foreign Nation</p>	<p>PTF</p> <p><input type="checkbox"/> 4</p> <p><input type="checkbox"/> 5</p> <p><input type="checkbox"/> 6</p>	<p>DEF</p> <p><input type="checkbox"/> 4</p> <p><input type="checkbox"/> 5</p> <p><input type="checkbox"/> 6</p>
<p>Citizen of This State <input checked="" type="checkbox"/> 1</p> <p>Citizen of Another State <input type="checkbox"/> 2</p> <p>Citizen or Subject of a Foreign Country <input type="checkbox"/> 3</p>	<p>DEF</p> <p><input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State</p> <p><input checked="" type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State</p> <p><input type="checkbox"/> 3 Foreign Nation</p>				
<p>PTF</p> <p><input type="checkbox"/> 4</p> <p><input type="checkbox"/> 5</p> <p><input type="checkbox"/> 6</p>	<p>DEF</p> <p><input type="checkbox"/> 4</p> <p><input type="checkbox"/> 5</p> <p><input type="checkbox"/> 6</p>				

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury - Medical Malpractice</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Management Relations</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 751 Family and Medical Leave Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Employee Retirement Income Security Act</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 835 Patent - Abbreviated New Drug Application</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>	<p>OTHER STATUTES</p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input checked="" type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
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V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Unregistered Trademark Act Lanham Act 15 USC § 1125
 Brief description of cause:
I had first use in Commerce for over 50 years now someone filed for my trademark

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ \$500,000.00 CHECK YES only if demanded in complaint. JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 4-22-2019 SIGNATURE OF ATTORNEY OF RECORD David Beasley

FOR OFFICE USE ONLY: RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____