

CM/ECF ATTORNEY CIVIL CASE OPENING

TRADEMARK

April 3, 2015

1. Trademark

A trademark is any name, symbol, figure, letter, word or mark adopted and used by a manufacturer or merchant in order to designate his or her goods and to distinguish them from those manufactured or sold by others.

A trademark is usually registered with the Patent and Trademark Office to assure its exclusive use by its owner.

Trademark infringement is a violation of the exclusive rights attached to a trademark without the authorization of the trademark owner or any licensees.

A Trademark case is a legal claim or lawsuit brought by the manufacturer merchant that involves the infringement and/or enforcement of a registered device (including a word, phrase, symbol, product shape, or logo) sold by another party.

2. Enter the Civil Cover Sheet (JS44) Statistical Information

A. Each time a new civil action is filed on the CM/ECF system, the statistical information must be entered. Entering the statistical information for a new civil action must be done before filing the initial pleading in the case. The statistical information that will be entered on the CM/ECF system is the information that is on the Civil Cover Sheet. **(NOTE: Refer to the SDNY Statistical Civil Case Opening Codes Manual for instructions on entering information in the fields below)**

I. **Civil Events**, [Open a Civil Case - Attorney](#)

II. Enter the statistical information for a new civil action

- a. Office - **Foley**
- b. Case Type - **cv**
- c. Other court name (if filing a Notice of Removal)
- d. Other court number (if filing a Notice of Removal)
- e. Jurisdiction - **3 (Federal Question)**

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- f. Cause of action - **15:1114 (Trademark Infringement)**
- g. Nature of suit - **840 (Trademark)**
- h. Origin - **1 (Original Proceeding)**
- i. Citizenship plaintiff (if Jurisdiction is 4 (Diversity))
- j. Citizenship defendant (if Jurisdiction is 4 (Diversity))
- k. Jury Demand - **p(Plaintiff)**
- l. Class action - **n (No Class Action Alleged)**
- m. Demand (\$000)
- n. Arbitration code (**NOTE: Do not select an arbitration code**)
- o. County - **New York**
- p. Fee Status - **paid**
- q. Fee date (**NOTE: Do not change the fee date**)
- r. Date transfer (**NOTE: Do not enter a date transfer**)

3. Add Party Information

- A. Before adding the parties to the civil action, search the database first. If a party name is in the system, use the existing record. Do not add duplicate party names. (**NOTE: Refer to the Party Name Data Conventions for CM/ECF Manual for instructions on entering a party in CM/ECF**)

- I. Search for a party
 - a. Last/Business Name
 - b. First Name
 - c. Middle Name (Optional)
- II. Party Information
 - a. Title (Optional)
 - b. Role
 - c. Pro Se (**NOTE: Do not change unless attorney of record is representing self**)
 - d. Prisoner Id (**NOTE: Do not enter prisoner id code**)
 - e. Unit (**NOTE: Do not enter unit information**)
 - f. Office (**NOTE: Do not enter office information**)

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- g. Address 1 (**NOTE:** Do not add address information)
- h. Address 2 (**NOTE:** Do not add address information)
- i. Address 3 (**NOTE:** Do not add address information)
- j. City (**NOTE:** Do not add city information)
- k. State (**NOTE:** Do not add state information)
- l. Zip (**NOTE:** Do not add zip information)
- m. Country (**NOTE:** Do not add country information)
- n. Prison (**NOTE:** Do not add prison information)
- o. Phone (**NOTE:** Do not add phone information)
- p. Fax (**NOTE:** Do not add fax information)
- q. Party text (Optional)
- r. Start date (**NOTE:** Do not change the start date)
- s. End date (**NOTE:** Do not enter an end date)
- t. Corporation (Optional)
- u. Notice (**NOTE:** Do not change the notice field)

NOTE: Add Alias if needed

III. Search for a party

- a. Last/Business Name
- b. Select Alias (if applicable) or Create New Alias

IV. Alias Information

- a. Verify the Last/Business Name is correct
- b. First name
- c. Middle name
- d. Generation
- e. Type (**NOTE:** select the applicable Alias type)
- f. Start Date (**NOTE:** Do not change the start date)

NOTE: Do Not add Corporate Parents/Affiliates. Corporate Parents/Affiliates are added at the time of filing the Rule 7.1 Corporate Disclosure Statement

V. Create Case

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- a. Once the parties have been added to the participant tree on the left hand side of the screen
 - b. Click on the Create Case button on the upper left hand side of the screen
 - c. Prompt the user with the message *Case will be created. Proceed?*
 - d. Make a note of the civil case number that has been opened
4. File Initiating Documents
- A. The case is not considered open until the lead event has been docketed. On the screen that provides the case number, please click on the hyperlink on the screen to docket the lead event.
 - I. [Docket Lead Event, Initial Pleadings and Service, Complaints and Other Initiating Documents](#), Complaint
 - a. Select the Complaint event
 - b. Enter the case number in which the document is to be filed
 - c. Verify that the case number entered is correct
 - d. Select the party or parties filing the initial pleading
 - e. Prompt the user with the following message **WARNING! DO NOT** select the radio buttons All Defendants, All Plaintiffs, All Parties
 - f. Create attorney/party association
(NOTE: This will associate the attorney with the named party
 - g. Select the party or parties the filing is against
(NOTE: Do not select the radio buttons for All Defendant, All Plaintiffs, All Parties)
 - h. Specify the PDF file name from your saved documents with the Browse feature
 - i. Add attachments, if any to the document being filed
 - j. Prompt the user to indicate if the initial pleading is filed to correct a deficient pleading for which the fee was already

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paid or if the initial pleading is filed with an application to proceed without prepayment of fees or if the initial pleading is filed under the Jones Act without prepayment of fees or if the initial pleading is filed on behalf of the USA

(NOTE: If the user selects **Yes**, the system will bypass the payments screen.) If the user selects **No**,

- k. Prompt the user with a message regarding last opportunity to make changes to the filing
- l. Enter payment Information
- m. Prompt the user with a message informing them of the fee payment processed by Pay.gov
- n. Review the final docket text prior to submitting for accuracy and verify the Source Document Path
- o. Submit the transaction to ECF
- p. Review NEF for service by other means to parties not receiving electronic services. Mail or make personal delivery of these documents

II. **Other Filings, [Other Documents](#), Civil Cover Sheet**

- a. Select the Civil Cover Sheet event
- b. Enter the case number in which the document is to be filed
- c. Verify that the case number entered is correct
- d. Specify the PDF file name from your saved documents with the Browse feature
- e. Review the final docket text prior to submitting for accuracy and verify the Source Document Path
- f. Submit the transaction to ECF
- g. Review NEF for service by other means to parties not receiving electronic services. Mail or make personal delivery of these documents

III. **Initial Pleadings and Service, [Service of Process](#), Request for Issuance of Summons**

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- a. Select the Request for Issuance of Summons event
- b. Enter the case number in which the document is to be filed
- c. Verify that the case number entered is correct
- d. Prompt the user with a message to only use the official S.D.N.Y. Summons form
- e. Prompt the user with the following message WARNING! DO NOT add the DATE on the summons form. Leave the Date on the summons BLANK.
- f. Specify the PDF file name from your saved documents with the Browse feature
- g. Add attachments, if any to the document being filed
- h. Enter name(s) of the party or parties Summons is to be issued for
- i. Select the party or parties filing the request
- j. Select the applicable event(s) to which the event relates
- k. Review the final docket text prior to submitting for accuracy and verify the Source Document Path
- l. Submit the transaction to ECF
- m. Review NEF for service by other means to parties not receiving electronic services. Mail or make personal delivery of these documents

IV. **Other Filings, [Other Documents](#),**

AO 120 Form Patent/Trademark - Notice of Submission by Attorney

- a. Select the AO 120 Form Patent/Trademark - Notice of Submission by Attorney event
- b. Enter the case number in which the document is to be filed
- c. Verify that the case number entered is correct
- d. Prompt the user with the following message, select the type of FORM you are filing:
- e. Specify the PDF file name from your saved documents with the Browse feature
- f. Prompt the user with message, select the Pleading to which this relates
- g. Review the final docket text prior to submitting for accuracy and verify the Source Document Path

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- h. Submit the transaction to ECF
- i. Review NEF for service by other means to parties not receiving electronic services. Mail or make personal delivery of these documents