

CLOSED

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:03-cv-02325-JES**

Hotbar.com, Inc. v. Stark, et al
Assigned to: Judge John E. Sprizzo
Demand: \$0
Cause: 15:1125 Trademark Infringement (Lanham Act)

Date Filed: 04/04/2003
Jury Demand: Defendant
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff

Hotbar.com, Inc.

represented by **Lawrence W. Newman**
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LEAD ATTORNEY

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LEAD ATTORNEY

V.

Defendant

Nicolas Stark
also known as

doing business as
LavSoft
doing business as
LAVASOFTUSA.com
doing business as
LAVASOFT.DE
doing business as
LAVASOFT.NU

represented by **Andre K. Cizmarik**
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ATTORNEY TO BE NOTICED

Richard J.J. Scarola
 Scarola, Reavis & Parent
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Defendant

Nicolas Stark Computing AB

represented by **Andre K. Cizmarik**
 (See above for address)
LEAD ATTORNEY

Gary D. Hoppe
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard J.J. Scarola
 (See above for address)
LEAD ATTORNEY

Date Filed	#	Docket Text
04/04/2003	1	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 469564. (laq) (Entered: 04/07/2003)
04/04/2003	2	RULE 7.1 CERTIFICATE filed by Hotbar.com, Inc. . (laq) (Entered: 04/07/2003)
04/04/2003		Magistrate Judge Gabriel W. Gorenstein is so designated. (laq) (Entered: 04/07/2003)
04/07/2003	3	CLERK'S CERTIFICATE OF MAILING of S&C upon Nicolas Stark, Brismene Smaskolan, 521 93 Falkoping, Sweden by Registered Mail#: RB632446011US Return Receipt: 4/15/03. (ae) Modified on 04/24/2003 (Entered: 04/08/2003)
04/07/2003	3	CLERK'S CERTIFICATE OF MAILING of S&C upon Nicolas Stark Computing AB, Brismene Smaskolan, 521 93 Falkoping, Sweden by Registered Mail#: R632446008 Return Receipt: 4/14/03. (ae) Modified on 04/24/2003 (Entered: 04/08/2003)
05/16/2003	4	STIPULATION and ORDER, The time for the defendants to respond to the complaint of plaintiff Hotbar.com, Inc. is extended until 5/22/03. (signed by Judge John E. Sprizzo) (sb) (Entered: 05/20/2003)
06/11/2003	5	RULE 7.1 CERTIFICATE filed by Nicolas Stark, Nicolas Stark Comp. .

		(yv) (Entered: 06/12/2003)
06/11/2003	6	ANSWER to Complaint by Nicolas Stark, Nicolas Stark Comp. (Attorney Andre K. Cizmarik, Richard J.J. Scarola from the Firm: Scarola Reavis & Parent); jury demand. (yv) (Entered: 06/12/2003)
07/15/2003	7	Discovery Plan purs. to FRCP 26(f) by Hotbar.com, Inc. (sb) (Entered: 07/16/2003)
07/28/2003	8	ORDER, that a pretrial conference shall occur at 3:00 p.m. on 8/11/03 in Courtroom 705, 40 Centre Street . (signed by Judge John E. Sprizzo). (tp) (Entered: 07/29/2003)
08/14/2003	9	STIPULATION and ORDER; reset pretrial conference for 3:00 9/22/03 . (signed by Judge John E. Sprizzo) (pl) (Entered: 08/18/2003)
09/22/2003	10	NOTICE of attorney appearance for Hotbar.com, Inc. by Susan Rigmor Knox. (jco) (Entered: 09/25/2003)
09/26/2003	11	STIPULATION and ORDER, The 9/22/03 conference is adjourned to 10/22/03 at 3:00 p.m. (signed by Judge John E. Sprizzo) (sb) (Entered: 09/30/2003)
10/30/2003	12	ORDER, Defendants shall submit their motions, together not to exceed 25 pages, on or before 11/21/03. Plaintiff shall submit its response to defendants' motions, not to exceed 25 pages, on or before 12/23/03. Oral argument shall occur on 2/2/04 at 3:00 p.m. in Courtroom 705, 40 Centre Street . (signed by Judge John E. Sprizzo) (sb) (Entered: 10/31/2003)
12/08/2003	13	PROTECTIVE ORDER; regarding procedures to be followed that shall govern the handling of confidential material. (Signed by Judge John E. Sprizzo on 12/5/2003) (Pecorino, Joseph) (Entered: 12/19/2003)
12/23/2003	14	MEMORANDUM OF LAW in Opposition to defendant Nicholas Stark Computing AB's motion for judgment on the pleadings. Document filed by Hotbar.com, Inc. (jco,) (Entered: 01/09/2004)
01/06/2004	15	STIPULATION AND ORDER: the plaintiff is to respond to defendant, Nicolas Stark's motion to dismiss the complaint by 2/16/04. (Signed by Judge John E. Sprizzo on 12/30/03) (kw,) (Entered: 01/15/2004)
01/29/2004	16	MOTION to Dismiss pursuant to Rule 12(c), MOTION for Judgment on the Pleadings. Document filed by Nicolas Stark Computing AB; w/ atch Declaration in support of Richard J.J. Scarola; Return Date set for 2/2/2004 09:30 AM before Judge John E. Sprizzo.(pl,) (Entered: 02/03/2004)
01/29/2004	17	MEMORANDUM OF LAW in Support re: [16] MOTION to Dismiss. MOTION for Judgment on the Pleadings. MOTION for Judgment on the Pleadings.. Document filed by Nicolas Stark Computing AB. (pl,) (Entered: 02/03/2004)
02/06/2004	18	ORDER; that, as discussed at the aforementioned Conference, plaintiff shall submit its Response to dft. Nicholas Stark's motion, not to exceed 5

		pages, on or before 2/17/04; that Oral Argument on both dfts' motions shall occur on 3/15/04 at 3:00 p.m. in Courtroom 705, 40 Centre Street. (Signed by Judge John E. Sprizzo on 2/5/04) (pl,) (Entered: 02/17/2004)
02/06/2004		SetScheduling Order Deadlines: Oral Argument set for 3/15/2004 03:00 PM before Judge John E. Sprizzo. (pl,) (Entered: 02/17/2004)
02/17/2004	19	MEMORANDUM OF LAW in Opposition re: [16] MOTION to Dismiss. MOTION for Judgment on the Pleadings. MOTION for Judgment on the Pleadings. Document filed by Hotbar.com, Inc. Received in night deposit box on 2/17/04 at 4:58 p.m. (yv,) (Entered: 02/19/2004)
02/17/2004	20	DECLARATION of Jason R. Jahn re: exhibits. Document filed by Hotbar.com, Inc. Received in night deposit box on 2/17/04 at 4:58 p.m. (yv,) (Entered: 02/19/2004)
02/17/2004	21	DECLARATION of Susan R. Knox re: Certificate of Registration for Nicolas Stark Computing AB. Document filed by Hotbar.com, Inc. Received in night deposit box on 2/17/04 at 4:58 p.m. (yv,) (Entered: 02/19/2004)
03/05/2004	22	NOTICE OF MOTION to Dismiss for Lack of Jurisdiction against deft Nicolas Stark. with attached declaration of Richard J.J. Scarola in support. (nite dep. box) Document filed by Nicolas Stark Computing AB, Nicolas Stark. Return Date set for 2/2/2004 09:30 AM before Judge John E. Sprizzo. (pa,) (Entered: 03/09/2004)
03/05/2004	23	DECLARATION of Nicolas Stark in Support re: [22] MOTION to Dismiss for Lack of Jurisdiction.(nite dep. box). Document filed by Nicolas Stark Computing AB, Nicolas Stark. (pa,) (Entered: 03/09/2004)
03/05/2004	24	MEMORANDUM OF LAW in Support re: [22] MOTION to Dismiss for Lack of Jurisdiction. (nite dep. box). Document filed by Nicolas Stark Computing AB, Nicolas Stark. (pa,) (Entered: 03/09/2004)
03/11/2004	25	MEMORANDUM OF LAW in Support re: [16] MOTION to Dismiss. MOTION for Judgment on the Pleadings.(nite dep. box) Document filed by Nicolas Stark Computing AB. (pa,) (Entered: 03/15/2004)
03/18/2004	26	ORDER re: [16] MOTION to Dismiss. MOTION for Judgment on the Pleadings filed by Nicolas Stark Computing AB, [22] MOTION to Dismiss for Lack of Jurisdiction filed by Nicolas Stark, Nicolas Stark Computing AB. that defendant Nicolas Stark Computing AB's motion shall be and hereby is denied; that defendant Nicholas Stark's Motion shall be and hereby is denied; and that a pre-trial conference shall occur on 4/19/04 at 3:00 p.m. in courtroom 705, 40 Centre Street. (Signed by Judge John E. Sprizzo on 3/18/04) (jco,) (Entered: 03/24/2004)
03/19/2004		Pretrial Conference set for 4/19/2004 03:00 PM before Judge John E. Sprizzo. (Signed by Judge John E. Sprizzo on 3/18/04) (jco,) (Entered: 03/24/2004)
04/26/2004	27	TRANSCRIPT of proceedings held on 3/15/04 before Judge John E. Sprizzo.(dfe,) (Entered: 04/26/2004)

04/26/2004	28	TRANSCRIPT of proceedings held on 3/15/04 before Judge John E. Sprizzo.(dfe,) (Entered: 04/26/2004)
05/18/2004	29	NOTICE of Appearance by Gary Hoppe on behalf of Nicolas Stark Computing AB, Nicolas Stark (cd,) (Entered: 05/19/2004)
05/27/2004	30	STIPULATION AND ORDER: the conference scheduled for 5/24/04 at 3:00 p.m. shall be adjourned to 7/23/04 at 3:00 p.m. (Signed by Judge John E. Sprizzo on 5/24/04) (kw,) (Entered: 06/01/2004)
05/28/2004	32	ORDER ADMITTING ATTORNEY Tobey B. Marzouk PRO HAC VICE. (Signed by Judge John E. Sprizzo on 5/19/04) (jco,) (Entered: 06/01/2004)
05/28/2004		Transmission to Attorney Admissions Clerk. Transmitted re: [32] Order Admitting Attorney Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jco,) (Entered: 06/01/2004)
06/01/2004	31	STIPULATION AND ORDER allowing the withdrawal of SRP firm as counsel of record for dfts and the substitution of THG as counsel of record for dfts. (Signed by Judge John E. Sprizzo on 5/20/04) (dle,) (Entered: 06/01/2004)
10/05/2004	33	STIPULATION AND ORDER that the date of the conference is adjourned to 11/8/04 at 3:00 p.m. So Ordered. (Signed by Judge John E. Sprizzo on 10/1/04) (jco,) (Entered: 10/08/2004)
12/17/2004	34	SCHEDULING ORDER: Counsel to all parties having appeared before the Court for a pretrial conference obn 11/8/2004 : Plaintiff is granted leave to submit its Motion for the specific performance of the settlement agreement not to exceed 25 pages: Motions due by 1/10/2005. Responses not to exceed 25 pages due by 2/10/2005 Oral Argument set for 3/7/2005 03:00 AM before Judge John E. Sprizzo. (Signed by Judge John E. Sprizzo on 12/16/2004) (jsa,) (Entered: 12/20/2004)
01/04/2005	35	STIPULATION AND ORDER OF DISMISSAL with prejudice and without costs.... (Signed by Judge John E. Sprizzo on 12/31/04) (jf,) (Entered: 01/05/2005)

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