

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SAMIAM GROUP, LLC
Plaintiff,

v.

COOPERSBURG ASSOCIATES, INC. dba
COOPERSBURG SPORTS
Defendant.

Case No. **22-cv-02256**

Civil Action

**COMPLAINT AND
DEMAND FOR JURY TRIAL**

SAMIAM GROUP, LLC (“Samiam”) files this Complaint against Defendant COOPERSBURG ASSOCIATES, INC. dba COOPERSBURG SPORTS (“Coopersburg”), alleging as follows:

NATURE OF THIS ACTION

1. Samiam brings this action as a result of Coopersburg’s willful infringement of United States Design Patent No. D888,498 (hereinafter the “D498 Patent”), attached as Exhibit A, relating to a design for a drinking vessel in the shape of a baseball bat, in violation of the United States Patent Act.
2. Samiam also brings this action to enforce its rights for unfair competition and for substantial and related claims under the statutory and common laws of the Commonwealth of Pennsylvania, all arising from Coopersburg’s copying and selling products in the Commonwealth of Pennsylvania and elsewhere which are copies of the designs of drinking vessels in the shape of a baseball bat protected by the D498 Patent, without the consent of Samian.
3. Coopersburg has knowingly, willfully and blatantly designed its product to unfairly capitalize on the goodwill and reputation that Samiam drinking vessel in the shape of a baseball bat to

unabashedly profit from its bad faith infringement. Accordingly, Samiam seeks injunctive relief and monetary damages.

PARTIES

4. Samiam is a limited liability company formed under the laws of the State of Connecticut, having a place of business at 750 Main St, Hartford, CT 06103.

5. Upon information and belief, Coopersburg is a corporation formed under the laws of the Commonwealth of Pennsylvania, having a place of business at 2600 East Saucon Valley Rd, Center Valley, PA 18034.

JURISDICTION AND VENUE

6. This is an action in which Samiam seeks injunctive relief and damages arising from Coopersburg's infringement of the Patent Act, 35 U.S.C. §101 *et seq.*, and violation of the Pennsylvania Unfair Trade Practices and Consumer Protection Law. Coopersburg's illegal acts have irreparably harmed Samiam and have caused Samiam significant damage.

7. This Court has subject matter jurisdiction over this action pursuant to, *inter alia*, 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1338(a) (action arising under the Patent Act); 28 U.S.C. § 1338(b) (unfair competition joined with claims under the Patent Act); and 28 U.S.C. § 1367 (supplemental jurisdiction).

8. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. 1332 (diversity of citizenship) because the parties are citizens of different states and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

9. This Court has personal jurisdiction over Coopersburg because Coopersburg is incorporated in Pennsylvania, has a regular and established place of business in Pennsylvania, has committed acts within Pennsylvania and within this District giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Coopersburg would not offend traditional notions of fair play and substantial justice.

10. This court has personal jurisdiction over Coopersburg because Coopersburg has committed and continues to commit acts of patent infringement and unfair competition in this District, by, among other things, manufacturing, using, offering for sale, and selling infringing drinking vessels in the shape of baseball bats which have a design virtually identical to and a copy of the designs protected under the D498 Patent.

11. This court has personal jurisdiction over Coopersburg under the Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 P.S. §§201-1 - 201-9.2, because, in the Commonwealth of Pennsylvania, Coopersburg is passing off goods as those of Samiam; Coopersburg is causing likelihood of confusion or of misunderstanding as to the source, sponsorship, approval or certification of its goods; and Coopersburg is causing likelihood of confusion or of misunderstanding as to affiliation, connection or association with, or certification by, Samiam

12. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and 28 U.S.C. § 1400(b) because Coopersburg resides in this District and maintains a regular and established place of business in this District and committed acts of infringement in this District.

FACTUAL BACKGROUND

13. Samiam supplies and sells novelty products including drinking vessels in the shape of baseball bats which are sold as souvenirs at baseball games and elsewhere under the name THE BEER BAT.

14. On June 30, 2020, the D498 Patent was duly and legally issued by the United States Patent and Trademark Office. The D498 Patent has remained in force since that time and continues to be in force. Samiam owns all rights to the D498 Patent.

15. Coopersburg supplies and sells novelty products including drinking vessels in the shape of baseball bats sold at baseball games, including Major League Baseball (MLB) and Minor League Baseball (MiLB) and elsewhere in direct competition with Samiam, which drinking vessels are virtually identical in appearance as Samiam's patented THE BEER BAT, under the name BEVERAGE BAT. See Exhibit B which includes a copy of the cover of a Coopersburg catalog and a page of the catalog advertising the infringing BEVERAGE BAT for sale and Exhibit C showing an image from the D498 Patent and a photo of the infringing BEVERAGE BAT.

16. On May 28, 2021, counsel for Samiam sent written notification to Coopersburg of the D498 Patent, advising Coopersburg that the BEVERAGE BAT infringes the patent rights of Samiam and that Samiam is prepared to protect its patent rights if Coopersburg does not cease all manufacturing, offering for sale and sale of the BEVERAGE BAT.

17. On information and belief, Coopersburg had knowledge of the D498 Patent on or about June 30, 2020, the issue date of the D498 Patent.

18. Although Coopersburg had actual knowledge of the D498 Patent, Coopersburg continued supplying and selling the infringing BEVERAGE BAT, willfully infringing the patent rights of Samiam.

CAUSES OF ACTION

COUNT I

Direct Infringement of U.S. Design Patent No. 888,498 Pursuant To 35 U.S.C. § 271(a)

19. Samiam repeats and incorporates by reference each of the preceding paragraphs as if fully set forth herein.

20. Samiam is the lawful owner of all right, title, and interest in and to the D498 Patent.

21. Coopersburg has infringed and continues to infringe the D498 Patent literally and/or under the doctrine of equivalents by, inter alia, making, importing, using, offering to sell, or selling in the United States, including in the Commonwealth of Pennsylvania and within this District, products infringing the ornamental design covered by the D498 Patent in violation of 35 U.S.C. § 271, including but not limited to Coopersburg's infringing BEVERAGE BAT.

22. Coopersburg infringes the D498 Patent literally and under the doctrine of equivalents because, inter alia, in the eye of an ordinary observer, giving such attention as a purchaser usually gives, the design of the D498 Patent and the infringing BEVERAGE BAT are virtually identical in appearance, having the same shape of a baseball bat with an open top. The resemblance of the

design of the D498 Patent and of the infringing BEVERAGE BAT are so substantially similar that that the ordinary observer is deceived, inducing the ordinary observer to purchase the infringing BEVERAGE BAT supposing it to be the patented THE BEER BAT.

23. To the extent there are any differences in features between the design of D498 Patent and the infringing BEVERAGE BAT, those differences involve features of the infringing BEVERAGE BAT that are either insignificant when compared to the totality of the design of D498 Patent or substantially similar ornamental equivalents of the comparable features claimed in the D498 Patent.

24. Coopersburg's acts of infringement of the D498 Patent were undertaken without authority, permission or license from Samiam. Coopersburg's infringing activities violate 35 U.S.C. § 271.

25. Coopersburg has engaged in a pattern of conduct demonstrating: Coopersburg's willful blindness of the D498 Patent; the objectively high likelihood that Coopersburg's actions constitute infringement of the D498 Patent and that the D498 Patent is valid and enforceable; and that this objectively defined risk was so obvious that Coopersburg knew or should have known that their pattern of conduct would infringe the D498 Patent.

26. Coopersburg's infringement has damaged and continues to damage and injure Samiam. The injury to Samiam is irreparable and will continue unless and until Coopersburg is enjoined from further infringement.

27. Samiam is entitled to a complete accounting of all revenue and profits derived by Coopersburg from the unlawful conduct alleged herein, including without limitation, Coopersburg's total profit from the manufacture, importation, use, sale, and offer to sell the infringing BEVERAGE BAT, pursuant to 35 U.S.C. § 289.

28. Coopersburg has engaged and is engaged in willful and deliberate infringement of the D498 Patent. Such willful and deliberate infringement justifies an increase of three times the damages to be assessed pursuant to 35 U.S.C. § 284 and further qualifies this action as an exceptional case supporting an award of reasonable attorney's fees pursuant to 35 U.S.C. § 285.

29. Samiam is entitled to a permanent injunction preventing Coopersburg from further infringing the D498 Patent.

COUNT II

Violation of the Pennsylvania Unfair Trade Practices and Consumer Protection Law

30. Coopersburg has violated the Pennsylvania Unfair Trade Practices and Consumer Protection Law 73 P.S. §§201-1 - 201-9.2, *inter alia*, because, within the Commonwealth of Pennsylvania:

- (i) Coopersburg is passing off goods as those of Samiam;
- (ii) Coopersburg is causing likelihood of confusion or of misunderstanding as to the source, sponsorship, approval or certification of its goods; and
- (iii) Coopersburg is causing likelihood of confusion or of misunderstanding as to affiliation, connection or association with, or certification by, Samiam.

31. Coopersburg's violation of the Pennsylvania Unfair Trade Practices and Consumer Protection Law has damaged and continues to damage and injure Samiam resulting in lost sales of THE BEER BAT and tarnishment of the reputation of Samian for selling high quality products. The injury to Samiam is irreparable and will continue unless and until Coopersburg is enjoined from further violation the Pennsylvania Unfair Trade Practices and Consumer Protection Law.

32. Samiam is entitled to a complete accounting of all revenues and profits obtained by Coopersburg from its unlawful activities and restoration of all moneys which Coopersburg acquired by Coopersburg's unlawful activities as set forth herein.

33. Samiam is entitled to a permanent injunction preventing Coopersburg from further violation of the Pennsylvania Unfair Trade Practices and Consumer Protection Law including, *inter alia*, passing off goods as those of Samiam; causing likelihood of confusion or of misunderstanding as to the source, sponsorship, approval or certification of its goods; and causing likelihood of confusion or of misunderstanding as to affiliation, connection or association with, or certification by, Samiam.

PRAYER FOR RELIEF

WHEREFORE, Samiam prays for the following relief:

- A. A judgment entered in favor of Samiam on its claim that Coopersburg has infringed the D498 Patent;
- B. A permanent injunction restraining the Coopersburg from making, importing, using, selling, and offering to sell infringing products practicing the D498 Patent, including the BEVERAGE BAT, and from otherwise infringing the D498 Patent;
- C. An Order that Samiam be authorized to seize any products that infringe the D498 Patent, including the infringing BEVERAGE BAT, which are in Coopersburg's possession, custody, or control;

- D. An Order that Samiam be authorized to seize any molds or other equipment used to manufacture products that infringe the D498 Patent, including the infringing BEVERAGE BAT, which are in Coopersburg's possession, custody, or control;
- E. A judgment and order that Coopersburg make an accounting to Samiam and pay over to Samiam:
- i. the extent of Coopersburg's total profits and revenues realized and derived from its infringement of the D498 Patent, and actual damages to Samiam;
 - ii. exemplary, compensatory punitive, and/or treble damages pursuant to 35 U.S.C. § 284 for Defendants' malicious, willful, and deliberate infringement, and as permitted under other applicable laws;
- F. An Order deeming this case an exceptional case pursuant to 35 U.S.C. § 285 and that Coopersburg be deemed liable for and be ordered to pay Samiam, in addition to the aforesaid damages, Samiam's costs and attorneys' fees, and that the amount of actual damages be trebled;
- G. A permanent injunction restraining Coopersburg from violation of the Pennsylvania Unfair Trade Practices and Consumer Protection Law including, *inter alia*, passing off goods as those of Samiam; causing likelihood of confusion or of misunderstanding as to the source, sponsorship, approval or certification of its goods; and causing likelihood of confusion or of misunderstanding as to affiliation, connection or association with, or certification by, Samiam; and
- H. Such other and further relief as the Court may deem just and necessary.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff hereby demands a trial by a jury on all issues so triable.

Respectfully submitted,

Date: 06/08/2022

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(*Pro Hac Vice pending*)

Attorneys for Plaintiff Samiam Group, LLC

EXHIBIT A



US00D888498S

(12) **United States Design Patent** (10) **Patent No.:** **US D888,498 S**
McGee, Jr. et al. (45) **Date of Patent:** **** Jun. 30, 2020**

(54) **DRINKING VESSEL**
 (71) Applicant: **SAMIAM GROUP, LLC**, Hartford, CT (US)

D446,748 S * 8/2001 Hutton D11/146
 D474,519 S * 5/2003 Filice D21/725
 D482,749 S * 11/2003 Gumpel D21/725
 (Continued)

(72) Inventors: **Samuel McGee, Jr.**, Hartford, CT (US);
Derrick Johnson, Avon, CT (US);
Brett Virgl, Cedar Rapids, IA (US)

FOREIGN PATENT DOCUMENTS

KR 3000491820000 7/1984

(73) Assignee: **SAMIAM GROUP, LLC**, Hartford, CT (US)

OTHER PUBLICATIONS

Hartford Yard Goats, "First baseball team ever to sell beer baseball bats . . .", Aug. 11, 2018, Twitter, <https://twitter.com/goyardgoats/status/1028344259001413634?lang=en> (Year: 2018).*

(**) Term: **15 Years**

(Continued)

(21) Appl. No.: **29/662,756**

Primary Examiner — Brett Miller
 (74) *Attorney, Agent, or Firm* — Banner & Witcoff, Ltd.

(22) Filed: **Sep. 7, 2018**

(51) **LOC (12) Cl.** **07-01**

(57) **CLAIM**

(52) **U.S. Cl.**
 USPC **D7/515**; D7/523

The ornamental design for a drinking vessel, as shown and described.

(58) **Field of Classification Search**

DESCRIPTION

USPC D7/533–536, 509–511, 514, 515, 518,
 D7/523, 529, 532, 316–319, 524, 528,
 D7/607, 608, 619.1, 624.2, 521, 530, 537,
 D7/522; D9/552, 554, 565, 668;
 D11/146, 153, 152; D21/725
 CPC A47G 19/2205; A47G 19/2288; B65D
 81/3876
 See application file for complete search history.

FIG. 1 is a top front perspective view of a drinking vessel showing our new design;
 FIG. 2 is a front view thereof;
 FIG. 3 is a rear view thereof;
 FIG. 4 is a right side view thereof;
 FIG. 5 is a left side view thereof;
 FIG. 6 is a top view thereof;
 FIG. 7 is a bottom view thereof; and,
 FIG. 8 is a cross-sectional view taken along 8-8 of FIG. 6. The even-length broken lines depicting of the unshaded elements of the drinking vessel in FIG. 8 show features that form no part of the claimed design. The uneven-length broken lines depicting the remainder of the drinking vessel in FIGS. 6 and 8 show features that form no part of the claimed design.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D21,149 S * 11/1891 Wilhelm D7/524
 D168,409 S * 12/1952 Kell D7/524
 D217,090 S * 4/1970 Angelakos D7/523
 D386,678 S * 11/1997 Tyra D21/725
 D400,051 S * 10/1998 Miyagi D7/524
 D400,395 S * 11/1998 Wilson D7/396.6
 D405,685 S * 2/1999 Rusnock D9/549
 D419,379 S * 1/2000 Madden D7/515
 D435,194 S * 12/2000 Betras D7/510

1 Claim, 5 Drawing Sheets



US D888,498 S

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(56)

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D594,515 S * 6/2009 Giblin D21/725
 D604,560 S * 11/2009 Priest D7/507
 D626,612 S * 11/2010 Fitzgerald D21/725
 D698,497 S * 1/2014 Smith D28/76
 D717,603 S * 11/2014 Federighi D7/509
 D717,604 S * 11/2014 Klinge D7/523
 D718,576 S * 12/2014 Hinterleitner D7/523
 D719,034 S * 12/2014 Sauczuk D21/725
 D732,870 S * 6/2015 Hollander D7/300.2
 D765,341 S * 9/2016 Pordy D1/105
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Cree Q5 LED, Aug. 24, 2018 (review date), DHgate.com, <https://www.dhgate.com/product/new-cree-q5-led-tactical-flashlight-torch/406164114.html#seo=WAP> (Year: 2018).*

ThirstBat, Apr. 21, 2017 (page last updated), Kickstarter, <https://www.kickstarter.com/projects/423469748/thirstbat> (Year: 2017).*

Baseball Bat Mug | Personalized Gifts for Players, Coaches & Fans [online], [retrieved Sep. 5, 2018], Retrieved from dugoutmugs.com [Internet] <URL: <https://dugoutmugs.com/> [date unknown but prior to filing date].

* cited by examiner

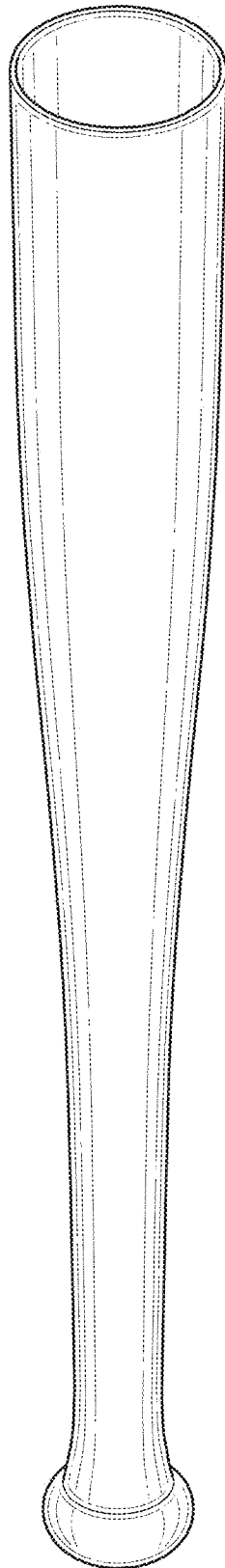


FIG. 1

U.S. Patent

Jun. 30, 2020

Sheet 2 of 5

US D888,498 S

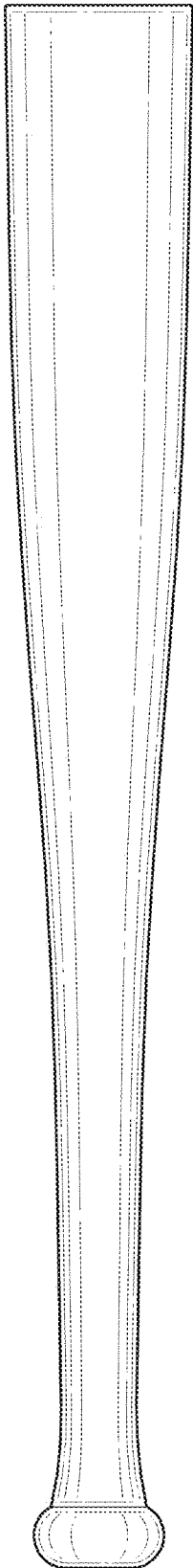


FIG. 2

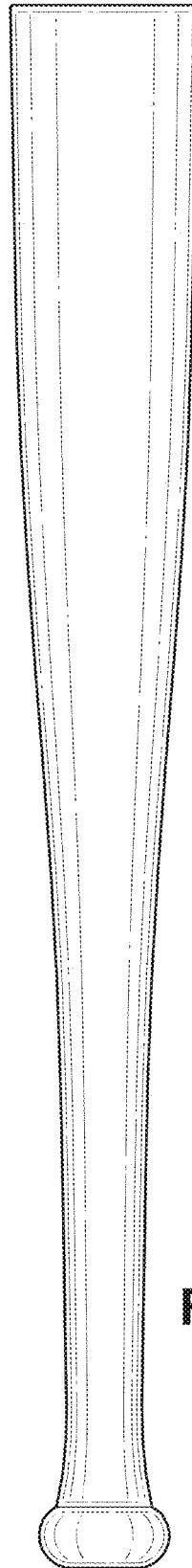


FIG. 3

U.S. Patent

Jun. 30, 2020

Sheet 3 of 5

US D888,498 S

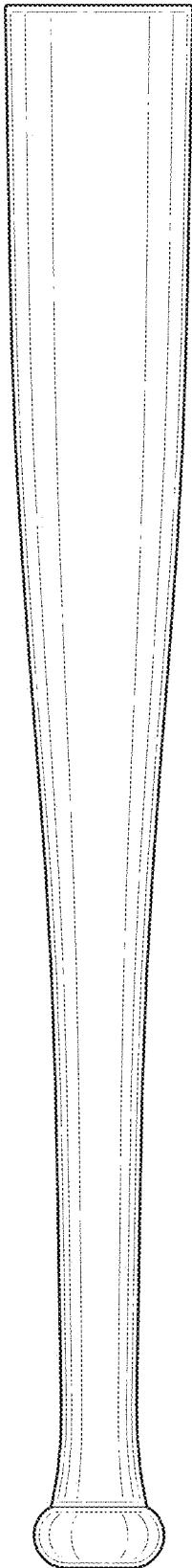


FIG. 4

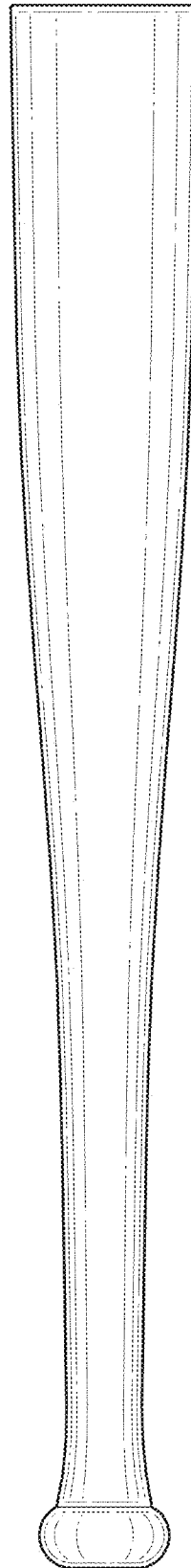


FIG. 5

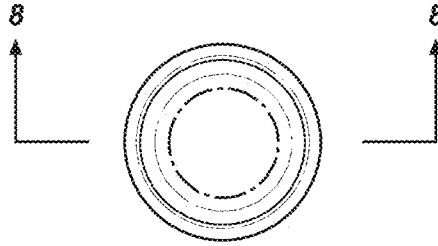


FIG. 6

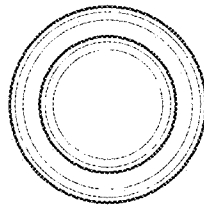


FIG. 7

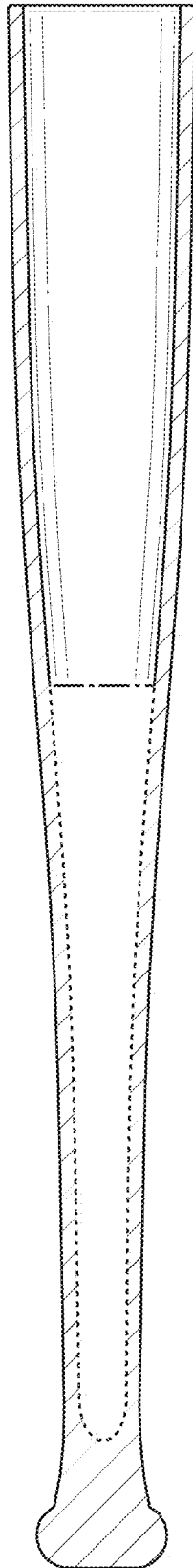


FIG. 8

EXHIBIT B



**MINOR LEAGUE
BASEBALL**

MINOR LEAGUE BASEBALL CATALOG

2022 CONCESSION

Pricing valid through 3/31/22

www.coopersburgsports.com





BEVERAGE BAT

ART WORK SETUP FEES
\$125
EACH ADDITIONAL
\$50 PER DESIGN



BEVERAGE BAT
ITEM# BVB-TEAM NAME

- MADE OF HIGH DENSITY POLY ETHYLENE
- HOLDS 16-24oz OF YOUR FAVORITE BEVERAGE
- BPA FREE! - MEETS CA65
- PACKED 50pcs PACKAGE
- THE BEV BAT IS 24" LONG
- REUSABLE!

RETAIL HANG TAG
\$.45 Extra

QTY	PRICE
250	\$5.00
500	\$4.75
1000	\$4.50
2500	\$4.25
5000	\$4.00





DRINK YOUR BAT!



SPILL-PROOF
SILICONE LID
\$.39 Extra

EXHIBIT C

Exemplary Figure from SAMIAM Drinking Vessel Design Patents	Exemplary Images of Coopersburg Infringing Beverage Bats
	

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.)

I. (a) PLAINTIFFS

SAMIAM GROUP, LLC

(b) County of Residence of First Listed Plaintiff Hartford County, CT (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Jonathan R. Miller, Esq., 100 Overlook Center, 2nd Floor, Princeton, NJ 08540 Tel. 609-955-1226

DEFENDANTS

COOPERSBURG ASSOCIATES, INC.

County of Residence of First Listed Defendant Lehigh County, PA (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

unknown

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Labor, etc.

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, 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): 35 U.S.C. §101 et seq. Brief description of cause: Patent Infringement

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ not less than \$75,000 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE Jun 7, 2022 SIGNATURE OF ATTORNEY OF RECORD /s/ Jonathan R. Miller, Esq.

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 750 Main St, Hartford, CT 06103
 Address of Defendant: 2600 East Saucon Valley Rd, Center Valley, PA 18034
 Place of Accident, Incident or Transaction: 2600 East Saucon Valley Rd, Center Valley, PA 18034

RELATED CASE, IF ANY:

Case Number: none Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case is / is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 06/07/2022 /s/ Jonathan R. Miller, Esq. PA #201210
Must sign here
Attorney-at-Law / ~~Pro Se Plaintiff~~ Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): _____
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Jonathan R. Miller, Esq., counsel of record or pro se plaintiff, do hereby certify:

- Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- Relief other than monetary damages is sought.

DATE: 06/07/2022 /s/ Jonathan R. Miller, Esq. PA #201210
Sign here if applicable
Attorney-at-Law / ~~Pro Se Plaintiff~~ Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.