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Counsel for Plaintiff
Azurous, Inc. d/b/a Cabeau

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

AZUROUS, INC. d/b/a CABEAU,

Plaintiff,

v.

**KENNEDY INTERNATIONAL
INC.,**

Defendant.

Civil Action No :

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff, Azurous, Inc. d/b/a Cabeau (“Plaintiff” or “Cabeau”), for its complaint against Defendant, Kennedy International Inc. (“Kennedy”), alleges:

NATURE OF ACTION

1. This is an action for infringement of U.S. Design Patent No. D619,402 under 35 U.S.C. § 271.

PARTIES

2. Plaintiff is a corporation duly organized and existing under the laws of the State of Wyoming, doing business as Cabeau and having a place of business located at 5950 Canoga Avenue, Suite 610, Woodland Hills, California 91367.

3. Upon information and belief, Kennedy International Inc. is a New Jersey corporation with a principal place of business at 1800 Water Works Road, Old Bridge, New Jersey 08857.

JURISDICTION AND VENUE

4. Subject matter jurisdiction over this action is vested in this Court pursuant to 28 U.S.C. §§ 1331 and 1338.

5. Kennedy is subject to personal jurisdiction in this Court because, based upon information and belief, Kennedy is a New Jersey corporation having a principal place of business in this District and having committed one or more of the infringing acts complained of herein in this District. Kennedy's acts have caused and continue to cause injury to Cabeau within this District and throughout this country.

6. Venue lies in this district by virtue of 28 U.S.C. §§ 1391 and 1400(b).

BACKGROUND

Cabeau's Innovative Designs in Travel Comfort Products

7. Cabeau is a leader in the travel product industry developing distinctive designs and a unique level of craftsmanship that have revolutionized the market for travel comfort products. In particular, among Cabeau's innovative designs and best-selling travel pillows worldwide are its EVOLUTION[®] and EVOLUTION CLASSIC[®] Pillows (referred to collectively as "EVOLUTION[®] Pillow)."

8. The EVOLUTION[®] Pillow was an instant success because of its advanced design. It was praised by *People Magazine* as one of its top "Travel Picks." *Examiner.com* noted that Cabeau's product had "revolutionized the concept" of travel pillows and *The Travel Insider* described the "clever design" of the product as a breakthrough. No travel pillow product on the market before the EVOLUTION[®] Pillow came close to its level of sophistication and quality. It quickly became a ubiquitous best-selling product in its category.

9. Cabeau has invested significant time, effort and capital in developing and marketing its products, including its. Cabeau's products have been shown at trade shows across the United States and have been extensively advertised worldwide through a variety of media channels including the Internet, magazines, newsletters, catalogs and newspapers - with the most advertisements featuring photographs of the products' distinctive designs. Cabeau has invested substantial

amounts of money in advertising its products with millions of dollars being spent for advertising its EVOLUTION[®] Pillow since the launch of that pillow.

10. Cabeau sells its innovative products on its own website at <http://www.cabeau.com> and through major online distributors like Amazon.com and Qualityhomeshop.com. Cabeau's products have also been offered for sale through nationwide mass-market retailers, including without limitation Target, Walmart, T.J. Maxx, Ross Stores, Bon-Ton, Fred Meyer and Meijer.

11. Cabeau also sells its products, including the EVOLUTION[®] Pillow, through targeted channels, such as duty-free magazines and Hudson News, making the product available for purchase in major airports and transportation hubs across the United States and worldwide. Cabeau offers its products, including its EVOLUTION[®] Pillow, for sale in SkyMall magazine, a magazine which is available on flights throughout the United States and able to reach millions of air travelers annually.

12. Cabeau's products, including its EVOLUTION[®] Pillow, have received unsolicited comment and attention in print and broadcast media throughout the United States, including mainstream media outlets such as ABC News, CNN, The New York Times, the Los Angeles Times, USA Today, MSNBC, Gizmodo, Forbes, Good Housekeeping, Popsugar, Goop, Travel & Leisure and The

Washington Post. Cabeau's products are routinely the subject of positive commentary and receive unsolicited praise from independent commentators.

13. Accordingly, Cabeau's dedicated efforts to design superb quality products has resulted in developing substantial goodwill among consumers. That quality and goodwill has made Cabeau products, including its EVOLUTION® Pillow, number one best-sellers in stores across the United States. Consumers have consistently demonstrated they are willing to pay more for the premium quality and superior design of Cabeau's products. The EVOLUTION® Pillow are very successful products.

Cabeau's Patent

14. Cabeau has protected its innovative designs and products through obtaining patents on its designs and inventions. One of those patents is United States Design Patent No. D619,402 ("the D'402 Patent") entitled "Travel Pillow."

15. The D'402 Patent was duly and legally issued by the United States Patent and Trademark Office on July 13, 2010. Cabeau owns all right, title, and interest in the D'402 Patent. A true and correct copy of the D'402 Patent is attached as **Exhibit A** hereto. As the owner of the D'402 Patent, Cabeau is authorized and has standing to bring this action to enforce all rights arising under the D'402 Patent.

16. Cabeau's EVOLUTION® Pillow features the design of the D'402 Patent.

17. Cabeau has complied with the marking requirements of 35 U.S.C. § 287 and has consistently marked the number of the D'402 Patent on the sleeve of the packaging of its EVOLUTION® Pillow since it started selling the EVOLUTION® Pillow at least as early as October 4, 2010.

Infringement of Cabeau's D'402 Patent

18. Kennedy has been, and presently is, willfully infringing the D'402 Patent by making, using, selling, offering to sell and/or importing pillows that embody the invention claimed by the D'402 Patent.

19. Kennedy has made, used, sold, offered to sell in, and/or imported into the United States a travel pillow product entitled G-Force 4 Piece Travel Neck Pillow Set that infringes the D'402 Patent. On information and belief, Kennedy willfully copied Cabeau's innovative design.

20. Kennedy's copying is so pervasive that the G-Force 4 piece travel pillow appears to be an actual Cabeau product. When a G-Force 4 piece travel pillow is used in public, there is little doubt that it would be considered a Cabeau product based upon design alone.

21. A side-by-side comparison of Figures 1 and 6 of the D'402 Patent with Kennedy's G-Force 4 piece travel pillow demonstrates that Kennedy has

misappropriated Cabeau's patented travel pillow design in the Kennedy's pillows, infringing the ornamental features of the D'402 Patent:

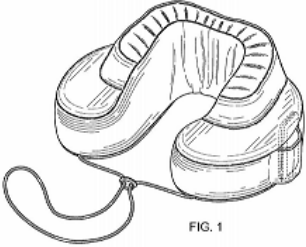

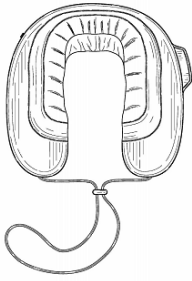

Fig. 1 of the D'402 Patent	Kennedy's G-Force 4 piece travel pillow
 <p>A line drawing of a travel pillow with a strap, labeled FIG. 1. The pillow is shown in a folded, U-shaped position. The strap is attached to the bottom of the pillow and has a buckle. The drawing shows the internal structure of the pillow, including the outer shell and the inner cushioning.</p>	 <p>A photograph of a grey travel pillow with a strap, labeled Kennedy's G-Force 4 piece travel pillow. The pillow is shown in a folded, U-shaped position. The strap is attached to the bottom of the pillow and has a buckle. The pillow has a textured, ribbed appearance.</p>

Fig. 6 of the D'402 Patent	Kennedy's G-Force 4 piece travel pillow
 <p>A line drawing of a travel pillow with a strap, labeled FIG. 6. The pillow is shown in a folded, U-shaped position. The strap is attached to the bottom of the pillow and has a buckle. The drawing shows the internal structure of the pillow, including the outer shell and the inner cushioning.</p>	 <p>A photograph of a black travel pillow with a strap, labeled Kennedy's G-Force 4 piece travel pillow. The pillow is shown in a folded, U-shaped position. The strap is attached to the bottom of the pillow and has a buckle. The pillow has a textured, ribbed appearance.</p>

Cabeau's Trade Dress

22. Cabeau has continuously used and holds trade dress protection in the overall appearance and look and feel of the combination of features embodying its EVOLUTION[®] Pillow, including without limitation their distinctive shape, outer material, attached media pouch and adjustable clasps (the "Product Dress").

Cabeau also has continuously used and holds trade dress protection in the combination of the Product Dress and its distinctive packaging, which covers only a small part of the Product Dress and allows consumers to view both the Product Dress and packaging concurrently (the "Packaging Dress"). The Product Dress and Packaging Dress, either individually or collectively, are hereinafter referred to as the "Trade Dress." The EVOLUTION CLASSIC[®] Pillow is shown below:



23. The EVOLUTION[®] Pillow is radically different from prior travel pillows. Cabeau's EVOLUTION[®] Pillow has distinct shapes and appearances: it has a U-shaped design with prominently raised side cushions; a soft, velvety covering; a zipper located on the bottom seam for removing the covering; a concave arc along the top-rear side; a media pouch attached on the right side; and an adjustable click-based clasp.

24. The distinct shape and overall appearance of the combination of elements in the EVOLUTION[®] Pillow are considered Cabeau's Product Dress. The Product Dress has become recognized in the industry and marketplace as a symbol uniquely associated with Cabeau and is non-functional because the Product Dress achieves a desired aesthetic effect, yields no particular utilitarian advantage and does not hinder competition because alternative designs are readily available. Indeed, products that compete with the EVOLUTION[®] Pillow come in a variety of shapes and sizes and include distinct features and aesthetic flourishes.

25. Cabeau's skill and effort in designing the high-quality EVOLUTION[®] Pillow and significant investment in marketing, promotion and distribution nationwide have distinguished the Product Dress from other product designs and, as a result, the Product Dress has come to symbolize Cabeau's unique product and level of quality.

26. The Product Dress has been used substantially and continuously in intrastate and interstate commerce, is prominently featured in connection with advertising, promotion, distribution and sales of the EVOLUTION® Pillow, has gained widespread public recognition and appeal, and is a strong indicator of product quality and source to consumers. Cabeau has spent millions of dollars marketing, advertising and promoting the EVOLUTION® Pillow through its Product Dress across the United States to both mass market and targeted consumer bases. Consumers have repeatedly shown they are willing to pay much more for the qualities inherent in Cabeau's EVOLUTION® Pillow despite the presence of competing products readily available in the marketplace, and they rely on the distinctive Product Dress to identify the superior product offered by Cabeau.

27. Cabeau has created equally elegant and distinctive packaging for its EVOLUTION® Pillow. As shown above, the packaging features a high-graphic sleeve with eye-catching typography, with the sides of the sleeve wrapped around to cover the rear portion of the pillow.

28. As with the Product Dress, each of the elements of the EVOLUTION® Pillow packaging is distinctive and when combined in the manner they are, serve to identify Cabeau as the source of the product. Moreover, there are a plethora of alternative packaging options available to Cabeau's competitors.

29. The packaging and the EVOLUTION[®] Pillow are viewed concurrently due to their design and are featured together in Cabeau's promotion of its products. Thus, the overall look and feel of the EVOLUTION[®] Pillow in their packaging include a full display of the Product Dress. This combination of the Product Dress and packaging - herein described as the Packaging Dress - further constitutes Cabeau's distinctive Trade Dress, setting the EVOLUTION[®] Pillow apart from other products sold across the United States, symbolizing Cabeau as the source of the products and evoking the qualities inherent in Cabeau's products.

30. Cabeau has invested considerable time, effort and capital to ensure that its Packaging Dress is consistently presented and readily identifiable to consumers and other purchasers in its presentations at national trade shows, in transportation hub stores, and on store shelves of mass market retailers nationwide. Consumers have repeatedly shown they are willing to pay much more for the qualities inherent in Cabeau's EVOLUTION[®] Pillow despite the presence of competitive products readily available in the market, and they rely on the distinctive Packaging Dress to identify the superior products offered by Cabeau.

Kennedy's Trade Dress Infringement and Unfair Competition

31. Upon information and belief, Kennedy recently released its G-Force 4 Piece Travel Neck Pillow Set. The current model is shown below side-by-side with a Cabeau EVOLUTION CLASSIC[®] Pillow.

Cabeau EVOLUTION CLASSIC® Pillow	G-Force 4 Piece Travel Neck Pillow
 A brown, U-shaped travel neck pillow with a black strap and buckle at the bottom.	 A grey, U-shaped travel neck pillow with a black strap and buckle at the bottom.

32. Kennedy has also imitated the trade dress in the overall appearance of Cabeau’s product packaging, which includes without limitation, a high-graphic sleeve wrapped around the rear, central portion of the pillow, a portion of the sleeve including an image of a person seated on an airplane using the pillow, and including an opening for hanging on a display rack, while also allowing side portions of the pillow to extend to either side of the packaging.

33. The packaging of Kennedy’s G-Force 4 Piece Travel Neck Pillow is shown below side-by-side with that of Cabeau’s EVOLUTION CLASSIC® Pillow. Because portions of the pillows are visible when on display with the packaging, the combination of the packaging and the visible portions of the pillows, which are

themselves virtually identical, creates a similar overall commercial impression, as shown.



34. Kennedy is not authorized and has never been authorized to use Cabeau’s Trade Dress to market and sell its products.

35. Kennedy’s commercial use of a design that slavishly copies Cabeau’s Trade Dress is likely to cause confusion as to the source, association, affiliation, endorsement or sponsorship of the G-Force 4 Piece Travel Neck Pillow. Consumers, purchasers, distributors and others are likely to be deceived into thinking that Kennedy products are Cabeau products, or that they are sponsored by or affiliated with Cabeau when they are not. The copying of the Trade Dress is particularly

problematic because the Kennedy G-Force 4 Piece Travel Neck Pillow will be used in public - on the bus or airplanes - where third parties, who were not present when the product was purchased, will associate the inferior quality of the Kennedy G-Force 4 Piece Travel Neck Pillow with Cabeau because it has the unmistakable look and impression that is evoked by the Product Dress.

36. Upon information and belief, Kennedy has profited and continues to profit from infringement of Cabeau's Trade Dress at the expense of Cabeau.

COUNT I
Infringement of U.S. Des. Pat. No. D619,402

37. Cabeau realleges and incorporates by reference the foregoing paragraphs 1-36 as if fully set forth herein.

38. On July 13, 2010, the United States Patent and Trademark Office duly and legally issued the D'402 Patent. The D'402 Patent claims a non-functional ornamental design, specifically, "the ornamental design for a travel pillow." Cabeau is the owner of the entire right, title, and interest in and to the D'402 Patent as shown by the USPTO Assignment Database. *See Exhibit B.*

39. Cabeau's ownership of the D'402 Patent includes without limitation the exclusive right to enforce the D'402 Patent, the exclusive right to file actions based on infringement of the D'402 Patent, and the exclusive right to recover damages or other monetary amounts for infringement of the D'402 Patent and to be awarded injunctive relief pertaining to the D'402 Patent. As such, Cabeau has

standing to bring legal action to enforce all rights arising under the D'402 Patent.

40. Kennedy has been, and presently is, directly infringing the D'402 Patent within this District and elsewhere by making, using, selling, offering to sell in, and/or importing into, the United States travel pillows that embody the patented invention claimed by the D'402 Patent. Such products include, by way of example and without limitation, Kennedy's G-Force 4 Piece Travel Neck Pillow Set product. Kennedy will continue to manufacture and sell its G-Force 4 Piece Travel Neck Pillow Set unless enjoined by this Court.

41. The G-Force 4 Piece Travel Neck Pillow Set is a travel pillow with ornamental designs that infringe the D'402 Patent. As shown in the comparison of paragraph 21 above, the G-Force 4 Piece Travel Neck Pillow has appropriated the ornamental design for the travel pillow shown and described in the D'402 Patent.

42. In the eye of an ordinary observer, giving such attention as a purchaser usually gives, the non-functional ornamental design for a travel pillow claimed in the D'402 Patent and the G-Force 4 Piece Travel Neck Pillow are substantially the same, with resemblance such as to deceive an ordinary observer, inducing him or her to purchase a G-Force 4 Piece Travel Neck Pillow supposing it to be the design claimed in the D'402 Patent.

43. The G-Force 4 Piece Travel Neck Pillow so closely resembles the invention claimed by the D'402 Patent that an ordinary observer would be deceived

into purchasing the G-Force 4 Piece Travel Neck Pillow in the mistaken belief that it includes the invention claimed by the D'402 Patent. Kennedy's G-Force 4 Piece Travel Neck Pillow infringes the D'402 Patent in violation of 35 U.S.C. §§ 271 and 289.

44. On information and belief, Kennedy, without authority, has directly infringed and continues to directly infringe the D'402 Patent, under 35 U.S.C. §§ 271 and 289, by manufacturing, importing, distributing, selling, offering for sale, and/or using within the United States the G-Force 4 Piece Travel Neck Pillows.

45. Cabeau has consistently marked the number of the D'402 Patent on the sleeve of the packaging of its EVOLUTION® Pillow since it started selling the EVOLUTION® Pillow at least as early as October 4, 2010. Kennedy has had notice of the D'402 Patent since at least as early as October 4, 2010. Kennedy continues to, *inter alia*, make, use, sell, offer for sale in, and/or import into the United States infringing travel pillows, thus intending for its actions to result in infringement or disregarding an objectively high likelihood that such actions will result in infringement. Kennedy's infringement is therefore willful.

46. On information and belief, Kennedy has knowingly induced infringement, and has had specific intent to induce infringement of the D'402 Patent by, *inter alia*, marketing, selling, supporting sales, and/or distributing infringing travel pillows. Kennedy's customers, including without limitation

manufacturers and retailers, directly infringe the D'402 Patent by, *inter alia*, making, using, selling, offering to sell in, and/or importing into the United States, the infringing G-Force 4 Piece Travel Neck Pillows.

47. Due to Kennedy's infringement of the D'402 Patent, Cabeau has suffered, is suffering, and will continue to suffer irreparable injury for which Cabeau has no adequate remedy at law. Such irreparable injury will continue unless Kennedy is preliminarily and permanently enjoined from further infringement of the D'402 Patent.

48. Kennedy has profited and is profiting from its infringement of the D'402 Patent and Cabeau has been and is being damaged and losing profit by such infringement. Cabeau is therefore entitled to recover damages from Kennedy and the total profit derived from such infringement, all in amount to be proven at trial, together with interest and costs as fixed by the Court.

49. Cabeau has complied with 35 U.S.C. § 287 and has placed notice of the D'402 Patent on all EVOLUTION[®] Pillows it manufactures and sells, thereby giving Kennedy notice of that its G-Force 4 Piece Travel Neck Pillow infringes the D'402 Patent.

COUNT II
Trade Dress Infringement – 15 U.S.C. §1125(a)(3)

50. Cabeau realleges and incorporates by reference the foregoing paragraphs 1-49, as if fully set forth herein.

51. Cabeau's Trade Dress includes both the Product Dress and the Packaging Dress, individually and collectively. The combination and arrangement of the elements of the Trade Dress creates an overall visual impression that is aesthetic and non-functional when taken as a whole for at least the reason that travel pillow products can and do come in a variety of other shapes, sizes, configurations and combinations.

52. Cabeau has spent millions of dollars on extensive advertisement and marketing of its EVOLUTION[®] Pillow through Cabeau's Trade Dress resulting in consumer association with the source of the products. The Cabeau Trade Dress has become recognized by consumers and independent observers alike as representative of the quality inherent in Cabeau products. Thus, Cabeau's Trade Dress has acquired secondary meaning worthy of protection.

53. Kennedy has copied Cabeau's Trade Dress in an effort to compete unfairly with Cabeau, and its products, including at least its G-Force 4 Piece Travel Neck Pillow, are unmistakably similar to and exhibit signs of blatant imitation of Cabeau's Trade Dress.

54. Kennedy's marketing, distribution and sales of its G-Force 4 Piece Travel Neck Pillow mimicking Cabeau's Trade Dress is likely to confuse and deceive customers as to the source, affiliation, association, quality and nature of

Kennedy's products because consumers associate the Trade Dress with the qualities inherent in Cabeau products.

55. Kennedy's conduct thus constitutes trade dress infringement in violation of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a).

56. Kennedy's manufacture and distribution of products copying Cabeau's Trade Dress has allowed it to benefit unfairly from deceptively trading on Cabeau's goodwill and market recognition.

57. Cabeau has been and will continue to be irreparably harmed and damaged by Kennedy's conduct unless such conduct is enjoined.

58. Upon information and belief, Kennedy has gained profits by virtue of its infringement of Cabeau's Trade Dress.

59. Upon information and belief, prior to Kennedy's first use of Cabeau's Trade Dress, Kennedy was aware of Cabeau's business and had either actual notice and knowledge, or constructive notice of Cabeau's Trade Dress.

60. Cabeau is informed and believes, and on that basis alleges, that Kennedy's infringement of Cabeau's Trade Dress has been and continues to be intentional, willful and without regard to Cabeau's Trade Dress, and committed with the intent to cause confusion or mistake as to the actual source of its products and the intent to unfairly profit from the reputation and goodwill associated with Cabeau's distinctive Trade Dress.

COUNT III
Common Law Unfair Competition

61. Cabeau realleges and incorporates by reference the foregoing paragraphs 1-60, as if fully set forth herein.

62. Cabeau has valid and protectable rights in its Trade Dress. Its Trade Dress does not serve any function other than to identify Cabeau as the source of its product. The Trade Dress has come to be associated with Cabeau as the source of the EVOLUTION[®] Pillow.

63. Kennedy is willfully and unlawfully attempting to pass off, and is passing off, its infringing pillows, including the G-Force 4 Piece Travel Neck Pillow Set, as those sold, approved and/or authorized by Cabeau by imitating Cabeau's Trade Dress.

64. Kennedy's use in commerce of the G-Force 4 Piece Travel Neck Pillow Set continues to confuse and deceive consumers as to the source and origin of the goods and services for which Cabeau has invested substantial time, effort, and capital in developing, and further damages Cabeau's goodwill and reputation. Kennedy's conduct as set forth above constitutes unfair competition with Cabeau.

65. Cabeau has no adequate remedy at law in that the continuing nature of the unfair competition will result in ongoing irreparable harm to Cabeau should Kennedy not be enjoined from its acts of unfair competition. Kennedy has also unfairly profited from trading on Cabeau's goodwill and reputation associated with

its distinctive product. Kennedy should be required to restore to Cabeau any and all profits earned as a result of its unfair competition and provide Cabeau with any other restitution as the Court deems appropriate.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Adjudge that Kennedy has directly infringed, literally or under the doctrine of equivalents, the claim of the D'402 patent, and that the manufacture, use, sale, offer for sale, and/or importation of at least the Accused Products infringes the claim of the D'402 patent;
2. Adjudge that Kennedy has infringed Plaintiff's Trade Dress and has competed unfairly with Plaintiff;
3. Permanently enjoin Kennedy, its officers, agents, servants and employees, and those in active concert or participation with any of them, from infringing the D'402 patent, infringing Plaintiff's Trade Dress and unfairly competing with Plaintiff;
4. Enter judgment directing that any pillows, goods, labels, emblems, and/or packaging in the possession or under the control of Kennedy that infringe the D'402 Patent and/or Plaintiff's Trade Dress, or any colorable imitation thereof, be delivered up and destroyed within 10 days of entry of judgment, and that all instrumentalities used in the production of such pillows, goods, labels, emblems, or

packaging, including any and all items, objects, tools, machines, mold, and equipment used in such production, be delivered up and destroyed within 10 days of entry of judgment;

5. Enter judgment directing Kennedy to recall all infringing goods and any other materials sold, distributed, advertised or marketed that infringe any and all of the D'402 Patent, Plaintiff's Trade Dress, or any colorable imitation thereof;

6. Award Plaintiff damages adequate to compensate for Kennedy's infringement of the D'402 patent, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284, together with prejudgment interest from the date the infringement began;

7. Award Plaintiff the total profit made by Kennedy from its infringement of the D'402 patent under 35 U.S.C. § 289;

8. Award Plaintiff increased damages under 35 U.S.C. § 284 for Kennedy's willful and deliberate infringement of the D'402 patent;

9. Declare this to be an exceptional case under 35 U.S.C. § 285;

10. Award Plaintiff its attorney fees and costs incurred in prosecuting this action, together with prejudgment and post-judgment interest;

11. Award Plaintiff all damages sustained by Plaintiff as a result of Kennedy's infringement of Plaintiff's Trade Dress and Kennedy's acts of unfair competition including any and all profits Kennedy earned as a result of its unfair

competition; and

12. Grant Plaintiff such other and further relief as this Court deems just and proper, including an injunction.

JURY DEMAND

Plaintiff hereby respectfully requests a trial by jury of all issues so triable, pursuant to Rule 38 of the Federal Rules of Civil Procedure.

LOCAL CIVIL RULE 11.2 CERTIFICATION

The undersigned hereby certifies upon information and belief that this matter in controversy is not related to any other matters that are currently pending.

Respectfully submitted,

AZUROUS, INC. D/B/A CABEAU

Dated: August 16, 2023

/s/ Michael F. Snyder

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