

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION



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VERIDUS GROUP, INC.,

Plaintiff,

v.

STRATEGIC IP INFORMATION PTE LTD.,

Defendant.

Cause No. 1:18-CV-2867

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**COMPLAINT FOR DECLARATORY JUDGMENT**

Plaintiff Veridus Group, Inc. (“Plaintiff”) states as its complaint against Defendant Strategic IP Information Pte Ltd. (“Defendant”) as follows:

**PARTIES**

1. Plaintiff Veridus Group, Inc. is an Indiana corporation having its principal place of business at 6280 N Shadeland Ave, Suite A, Indianapolis Indiana 46220.

2. Strategic IP Information Pte Ltd. is a private limited company headquartered in Singapore with its principal North American place of business located at 8221 Spectrum, Irvine, California, 92618.

**JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over this lawsuit pursuant to 28 U.S.C. §1131; 28 U.S.C. § 1338(a) over a case involving the Lanham Act and Acts of Congress pertaining to trademarks and related actions; and pursuant to 28 U.S.C. § 2201, the Declaratory Judgment Act.

4. This Court has personal jurisdiction over Defendant. Defendant, through counsel, delivered into this District a letter (the “Letter” attached hereto as Exhibit A) demanding that Plaintiff cease and desist in the use of certain words, phrases and trademarks.

5. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to Plaintiff’s sought-after declaratory judgment take place in this district, namely, Plaintiff’s business activities within this district, based upon which Defendant is asserting erroneous trademark infringement, dilution, and related unfair competition claims under federal and state statute and common law.

6. An actual case or controversy has also arisen between the parties under the Lanham Act, including but not limited to 15 U.S.C. § 1114, and 15 U.S.C. § 1125, as Defendant has threatened litigation against Plaintiff in the Letter, asserting that Plaintiff’s use of the mark VERISITE in connection with Plaintiff’s business, including Plaintiff’s website <http://www.verisitecertified.com>, constitutes trademark infringement.

### **GENERAL ALLEGATIONS**

#### **PLAINTIFF’S USE OF THE WORD “VERISITE”**

7. Plaintiff operates a real property, i.e. site, certification program, providing brokers, site selectors, developers, property owners and decision-makers with a confidence in site quality and determination that can only come from the application of a comprehensive and universal certification process for Greenfield, Brownfield and Existing Building sites, nationwide.

8. Plaintiff’s site certification services are specifically for professional property developers, designed to help mitigate the risk for developers and end-users, increase the speed to market, and improve the value and marketability of a site and/or building.

9. Plaintiff uses the mark VERISITE in connection with its advertising, marketing, promotion, and sale of its site certification services and related goods.

10. Relevant to this lawsuit, Plaintiff promotes its services and goods on its website, <http://www.verisitecertified.com>.

#### **DEFENDANT’S USE OF THE WORD “VERI-SITE”**

11. According to Defendant’s website and the cease and desist letter sent to Plaintiff, Defendant is a leading provider of internet and brand management services, including certification systems that help ad networks and publishers identify website hosting content without authorization.

12. Defendant’s services are aimed at reducing involuntary access to and transaction in counterfeit goods, intellectual property theft, art fraud and illicit trade in antiquities, cyber-crime and fraud, human trafficking, illegal weapons dealing, narcotics, terrorism, “sanctioned” activities, fake pharma and unlicensed pharmaceutical prescriptions, and Online Transnational Organized Crime (TOC).

13. In connection with its online-targeted, verification services and related goods, Defendant uses the mark “VERI-SITE,” and is the owner of U.S. Trademark Registration No. 5,294,263 for use in “Advertising and Business services: namely, Internet brand management; Business risk assessment/management; Business data analysis; Compiling of information into computer databases; International business consulting services relating to marketing, advertising, promotion, and domestic and international market research and development; Telecommunications network management services, namely, the operation and administration of telecommunication systems and networks for others.”

14. Defendant advertises, markets, promotes, and sells its services and goods on its websites, <http://www.verisiteglobal.com/> and <https://sipi-ip.com/>, which are active websites and through which Defendant interacts with its customers and the general public.

#### **THE CASE AND CONTROVERSY OVER USE OF THE WORD “VERISITE”**

15. Defendant accuses Plaintiff of infringing its purported exclusive rights to use the word “VERISITE.”

16. Plaintiff denies that Defendant owns the exclusive rights to use the word “VERISITE” in connection with Plaintiff’s business activities related to the evaluation and development of real property, i.e. sites, which are significantly different services and goods than those offered by Defendant under the “VERI-SITE” mark.

17. Plaintiff further asserts that, even assuming Defendant could somehow claim exclusive ownership of “VERISITE” in connection with Plaintiff’s services and goods, which it cannot, Plaintiff’s services and goods are advertised and marketed in starkly different channels of trade, to sophisticated purchasers, such that consumers are not likely to confuse the origin or sources of those services and goods as those of the Defendant, or vice versa.

18. As a result of these dissimilarities in services, goods, and channels of trade, the parties’ sophisticated consumers are not likely to confuse Plaintiff’s services and goods as those of the Defendant, or vice versa.

#### **COUNT I**

##### **Declaratory Judgment of Non-Infringement**

19. Plaintiff incorporates paragraphs 1 - 18 as if separately re-alleged in this Count.

20. An actual case and controversy exists as to whether Plaintiff is infringing and/or diluting Defendant’s purported service marks and trademarks, in violation of the Lanham Act, 15

U.S.C. §§ 114 and 1125, and as to whether Plaintiff has otherwise engaged in unfair competition under federal and state common law.

21. Plaintiff desires a declaration of the rights of the parties regarding Plaintiff's right to use the mark "VERISITE" and its website, <http://verisitecertified.com/>, in connection with its services and goods. Namely, Plaintiff desires a declaration that its uses do not infringe or dilute any of Defendant's purported service mark or trademark rights, or otherwise constitute unfair competition under federal and state law.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests a declaration of judgment in its favor and against Defendant and seeks the following relief:

- (1) A declaration and judgment that:
  - a. Plaintiff has not violated 15 U.S.C. §1114 or 15 U.S.C. §1125, or competed unfairly under federal and state common law through (a) use of the mark VERISITE, OR (b) use of Plaintiff's website; and
  - b. Plaintiff's use of the word VERISITE is unlikely to cause confusion, mistake, or deception among consumers as to an affiliation, connection, or association with Defendant and Defendant's services and goods;
- (2) Other damages, including but not limited to, reasonable attorney's fees and costs; and
- (3) All other relief as the Court may deem just and appropriate.

### **JURY DEMAND**

Plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted,

*/s/ Jonathan G. Polak*

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