

(b) United States Copyright Registration TX2 254

697, entitled "Narcotics Anonymous" (4th Edition);

(c) United States Copyright Registration TX2 250  
588, entitled "Narcotics Anonymous" (3rd Edition Revised);

(d) United States Copyright Registration TX2 342  
402, entitled "Narcotics Anonymous" (3rd Edition);

(e) United States Copyright Registration TX2 250  
589, entitled "Narcotics Anonymous" (2nd Edition);

(f) United States Copyright Registration TX2 112  
598, entitled "Narcotics Anonymous" (1st Edition);

3. Reproducing, distributing, copying or selling works  
in violation of WSO's rights in any other proprietary or  
copyrighted subject matter;

4. Diluting or tarnishing in any way Plaintiff's  
reputation, goodwill and exclusive rights in and to the "NARCOTICS  
ANONYMOUS" service mark and trademark;

5. Using, authorizing, or causing the use of "Narcotics  
Anonymous" or any colorable imitation thereof, in or on any books,  
pamphlets, letterhead, business cards, signs, brochures,  
directories, advertisements, promotional items, or otherwise, as  
a name or mark purportedly identifying the Defendant Moorhead or  
any services or goods offered or proposed to be offered by  
Defendant Moorhead; and

6. Discarding, destroying, secreting, distributing, or  
otherwise divesting himself of possession, for any purpose, of any  
financial and/or business or personal records of reflecting or  
related to the purchase, sale, or other distribution of works

reproduced, distributed, copied or sold in violation of WSO's copyrights, trademarks or service marks;

7. Encouraging, directing, or otherwise assisting, either directly or indirectly, any person, company or entity that may have possession of any financial and/or business and/or personal records of, reflecting or related to the purchase, sale, or other distribution of works reproduced, distributed, copied or sold in violation of WSO's copyrights, trademarks or service marks, to discard, destroy, secret or otherwise divest themselves of possession of such records.

8. Discarding, destroying, secreting, distributing or otherwise divesting himself of possession, for any purpose, of any means by which the creation of works violative of WSO's copyrights, trademarks, or service marks have been carried out (including, but not limited to, printing plates);

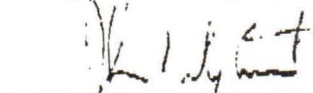
9. Encouraging, directing, or otherwise assisting, either directly or indirectly, any person, company or entity that may have possession of any items used to create copies violative of WSO's copyrights, trademarks or service marks (including, but not limited to, printing plates) to discard, destroy, secret or otherwise divest themselves of possession of such items.

10. Otherwise competing unfairly with Plaintiff.



WSO further moves for an ORDER granting expedited discovery in this matter as provided for by the Federal Rules of Civil Procedure.

Respectfully submitted,



---

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

WORLD SERVICE OFFICE, INC.,  
a Charitable Corporation and  
Trustee of the Copyrights,  
Trademarks and Service Marks  
for the Fellowship of  
Narcotics Anonymous,

Plaintiff,

v.

DAVID MOORHEAD,

Defendant.

Civil Action No.

MEMORANDUM IN SUPPORT OF THE MOTION OF WORLD SERVICE OFFICE  
FOR A PRELIMINARY INJUNCTION AND EXPEDITED DISCOVERY

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## Table of Contents

I.	<u>Introduction</u> . . . . .	1
II.	<u>Factual Background</u> . . . . .	2
III.	<u>Argument</u> . . . . .	5
A.	The Prerequisites for the Grant of A Preliminary Injunction. . . . .	5
B.	Acts of Copyright Infringement . . . . .	6
1.	Moorhead Has Infringed the Copyrights Held in Trust By WSO and WSO Is Likely to Succeed on the Merits . . . . .	6
2.	WSO and the Fellowship Are Suffering and Will continue to Suffer Irreparable Injury and Harm Resulting from Moorhead's Infringement of the Basic Text . . . . .	7
3.	The Denial of a Preliminary Injunction Would Harm Narcotic Anonymous and the Members of the Fellowship . . . . .	7
C.	WSO is also Entitled to Preliminary Injunctive Relief for Moorhead's Acts of Federal and Common Law Trademark and Service Mark Infringement, Violations of 43(a) of the Lanham Act, Unfair Competition, and Trademark and Service Mark Dilution . . . . .	9
1.	It Is Highly Likely That WSO Will Succeed on the Merits . . . . .	9
a.	WSO, as Trustee for the Fellowship, Holds Exclusive Rights in its Registered Trademark and Service Mark NARCOTICS ANONYMOUS . . . . .	10
b.	Moorhead's Current and Threatened Continued Use of "NARCOTICS ANONYMOUS" Infringes WSO's Exclusive Rights in the Trademark and Service Mark "NARCOTICS ANONYMOUS" . . . . .	11
2.	The Harm to Defendant Does Not Outweigh The Fellowship's Irreparable Injury . . . . .	14
3.	The Public Interest Favors the Issuance of a Preliminary Injunction in This Case . . . . .	14
D.	WSO Requires Expedited Discovery . . . . .	15
IV.	<u>Conclusion</u> . . . . .	16

Civil Action No.



and support arm of the Fellowship of Narcotics Anonymous (hereinafter "the Fellowship" or "NA"), a charitable fellowship dedicated to assisting narcotics addicts (Tooredman Decl., ¶ 4, 5). Founded in 1953 in Southern California, the Fellowship is an organization comprising members situated throughout the United States and other parts of the world (Tooredman Decl., ¶ 2). The service structure of Narcotics Anonymous consists of the following. A group is any regularly held meeting of two or more members. Groups in a common geographic location make up an "Area." A significant number of Areas in a geographic location constitute a "Region." (Tooredman Decl., ¶ 3). The Fellowship's decision-making body is the World Service Conference.

WSO publishes Fellowship literature and serves as an information clearinghouse for new groups (Tooredman Decl., ¶ 5). In accordance with the direction of the World Service Conference, WSO holds the copyrights, trademarks and service marks to all Narcotics Anonymous literature as trustee in a charitable trust held on behalf of the entire Fellowship. The World Service Conference is the settlor of the charitable trust and WSO's actions are subject to the direction of the World Service Conference (Tooredman Decl., ¶ 6). To date, the World Service Conference has affirmed that WSO grant permission to four major Fellowship Service Offices in several parts of the world to reproduce certain Fellowship literature. World Service Conference has also specifically directed that WSO prosecute any party who infringes

the Fellowship's copyrights, trademarks and service marks. (Tooredman Decl., ¶ 7).

WSO currently publishes and sells over twenty Fellowship works, including a 286-page basic text (hereinafter "Basic Text") entitled "Narcotics Anonymous". The Basic Text, which sells for approximately \$8.00, discusses the nature of drug addiction and sets forth the fundamental tenets of the Fellowship, including Twelve Steps and Twelve Traditions. (Tooredman Decl., ¶¶ 6, 8).<sup>1</sup>

The sale of the Fellowship's publications by the WSO, and in particular the Basic Text, provides the Fellowship with most of the resources required to fund its worldwide activities (Tooredman Decl., ¶ 9). These activities include the dissemination of starter kits for new groups, assistance for new Narcotics Anonymous communities around the world, salaries for WSO staff members, costs of WSO offices and overhead, translation of Fellowship literature into other languages, and the development of new Fellowship books and pamphlets (Tooredman Decl., ¶ 5).

Beginning in approximately June, 1990, WSO became aware that someone was producing an infringing version of the Basic Text. (Tooredman Decl., ¶ 11). The infringing books have been published with a light blue cover and contain the first ten chapters of the Narcotics Anonymous Basic Text (Third Edition, Revised) version, replacing the material on Traditions 4 and 9 with material from the

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<sup>1</sup>Other works published for the Fellowship by WSO include "Recovery and Relapse"; "Am I an Addict"; "The Triangle of Self-Obsession"; "Youth and Recovery".



Second Edition version (Tooredman Decl., ¶ 11, Hollahan Decl., ¶¶ 5, 6).

Defendant David Moorhead, who resides in this district, has identified himself as the key individual responsible for the creation of the infringing Texts. Moorhead, who uses the pseudonym "Grateful Dave", has produced and distributed 7,000 copies of the illicit text from this district. Based upon statements contained in a letter which Moorhead distributed to members of the Fellowship, Moorhead currently plans to produce 50,000 additional copies of the infringing Basic Texts and make them available to groups for \$.50 each. (Tooredman Decl., ¶ 12, Exhibit A). This threat was repeated to a WSO staff member. (Hollahan Decl., ¶ 3). Moorhead's letter has invited anyone wishing to purchase books to write to him at his address in Philadelphia or to call him at a phone number within this district. (Tooredman Decl., ¶ 12, Exhibit A). Hence, the act of copying has been admitted in this case by the defendant. Moorhead has further threatened to begin distribution of counterfeit basic information pamphlets (Hollahan Decl., ¶ 3).

The illicit text being distributed and sold by defendant Moorhead includes unauthorized reproductions of the Fellowship's federally registered trademark and service mark "NARCOTICS ANONYMOUS" as well as a reference indicating that the illicit text is "Fellowship Approved" (Hollahan Decl., ¶¶ 5, 7). After the failure of repeated and good faith attempts to persuade Moorhead to voluntarily cease and desist from his infringing conduct, the



present action was filed. (Tooredman Decl., ¶¶ 14-21, Hollahan Decl., ¶¶ 3, 4).

As will be shown below and as attested to in the appended Declarations of Stuart Tooredman and George Hollahan, the sale of the infringing texts threatens both the stability of the Fellowship and the cohesiveness of its message, as well as the financial basis of the WSO. In view of the clear damage and ongoing threat to the Fellowship of Narcotics Anonymous, WSO requests the entry of the preliminary injunction appended hereto and the grant of expedited discovery.

### III. Argument

#### A. The Prerequisites for the Grant of A Preliminary Injunction

The conditions prerequisite to the grant of a preliminary injunction include:

- (1) a reasonable probability of eventual success in the litigation; and
- (2) that the movant will be irreparably injured pendente lite.

Moreover, while the burden rests upon the moving party to make these two requisite showings, the District Court should "take into account when they are relevant; the possibility of harm to other interested persons from the grant or denial of the injunction; and the public interest. In re Arthur Treacher's Franchise Litigation, 689 F.2d 1137, 1143 (3d Cir. 1982); Independence HMO Inc. v. Smith, 733 F. Supp. 983 (E.D. Pa. 1990).

B. Acts of Copyright Infringement

1. Moorhead Has Infringed the Copyrights Held in Trust By WSO and WSO Is Likely to Succeed on the Merits

A claim of copyright infringement requires two showings. First, the plaintiff must introduce evidence of ownership of a valid copyright. Second, the plaintiff must introduce evidence from which the reasonable inference of defendant's copying can be drawn. Custom Decore v. Nautical Crafts, 502 F. Supp. 154 (E.D. Pa. 1980); Russ Berri and Co., Inc. v. Jerry Elsner Co., 482 F. Supp. 980, 984 (S.D.N.Y. 1980). WSO has appended true and correct copies of the asserted copyright registrations directed to the Basic Text to the Complaint (See Complaint Exhibits A through F). The registration certificates are presumed to establish the ownership of the copyrights by WSO, are presumed to be valid, and are sufficient to establish a *prima facie* case on the first element of the infringement claim. Russ Berri, supra, 482 F. Supp at 984-985.

The fact that Moorhead is infringing the Basic Text is incontrovertible. Moorhead has, by his own admission, already produced and distributed 7,000 copies of the infringing text (Tooredman Decl., ¶¶ 12-14, Exhibit A). These copies comprise verbatim copies of large portions of the copyrighted Basic Text (Third Edition) with inserted sections from the Second Edition. (Tooredman Decl., ¶ 11, Hollahan Decl., ¶ 6). Moorhead physically handed a copy of the illicit text to a WSO staff member. (Hollahan Decl., ¶ 5). Moorhead has further explicitly threatened to produce



an additional 50,000 of the infringing Basic Text. (Tooredman Decl., ¶ 12).

2. WSO and the Fellowship Are Suffering and Will Continue to Suffer Irreparable Injury and Harm Resulting from Moorhead's Infringement of the Basic Text

A showing of a *prima facie* case of copyright infringement and a reasonable likelihood of success on the merits raises the presumption of irreparable harm. Apple Computer, Inc. v. Franklin Computer Corp., 714 F.2d 1240, 1254 (3d Cir. 1983) (and cases cited therein). A copyright plaintiff who makes out a *prima facie* case of infringement is entitled to a preliminary injunction without any detailed showing of irreparable harm. Id.; See, 3 Nimmer On Copyright, § 14.06 [A], 14-50, 14-51, and N.16 (Collecting Authorities).

Moorhead's acts of infringement are thus presumed to irreparably harm WSO. As stated in Uneda Doll Co., Inc. v. Regent Baby Products Corp., 355 F. Supp. 438, 455 (S.D.N.Y. 1972): "Irreparable damage . . . [in a copyright infringement action] is implicit in the nature of the wrong complained of." WSO has clearly demonstrated the threat and fact of immediate and irreparable harm. WSO has also clearly set forth a *prima facie* case of copyright infringement and is entitled to preliminary injunctive relief under Fed. R. Civ. Proc. 65(b).

3. The Denial of a Preliminary Injunction Would Harm Narcotic Anonymous and the Members of the Fellowship

Even putting aside the legal presumption of irreparable harm created by Moorhead's blatant and wanton acts of copyright infringement, the denial of a preliminary injunction would greatly



harm the Fellowship as a whole. The Narcotics Anonymous Basic Text presents the fundamental message of the Fellowship (Tooredman Decl., ¶ 8). The unauthorized printing of the Basic Text impairs the Fellowship's ability to maintain the integrity of both its identity and message (Tooredman Decl., ¶¶ 6, 7, 8, 10, 14). Further, the acts of infringement undercut many years of work directed toward making the World Service Conference the single focal point where decisions significantly affecting the entire Narcotics Anonymous movement are implemented. Such decisions include those affecting the content of the Basic Text. (Torredman Decl. ¶¶ 8, 9). Finally, the unauthorized publication of the Basic Text undercuts the primary means for the Fellowship to support Narcotics Anonymous World Services. (Tooredman Decl., ¶ 10). As noted above, the bulk of the Fellowship's worldwide services are funded through sales of its literature, and most notably the Basic Text. Moorhead is obviously planning to syphon off as much of those sales as he can. The potential of harm to WSO and the Fellowship is immense and any balancing of hardships tips decidedly toward the plaintiff.<sup>2</sup>

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<sup>2</sup>Any showing of a detrimental effect on Moorhead should not be determinative. If that were a proper factor "then a knowing infringer [like Moorhead] would be permitted to construct his business around his infringement, a result this Court could not condone." Apple Computer, supra, 714 F.2d at 1255. Similarly, public interest considerations overwhelmingly support WSO and the Fellowship. Notwithstanding the fact that the Fellowship is a charitable organization dedicated to aiding narcotics addicts, "it is virtually axiomatic" that the public interest can only be served by upholding copyright protections and, correspondingly, preventing misappropriation of the skills, creative energies, and resources which are invested in the protected work. Id.

- C. WSO is also Entitled to Preliminary Injunctive Relief for Moorhead's Acts of Federal and Common Law Trademark and Service Mark Infringement, Violations of 43(a) of the Lanham Act, Unfair Competition, and Trademark and Service Mark Dilution

As discussed above, in addition to the wholesale misappropriation of the Fellowship's copyrighted Basic Text, Moorhead has sold the infringing books with the "NARCOTICS ANONYMOUS" federal and common law trademark and service mark affixed prominently thereon. Moorhead's infringing text has also been distributed with a prominent mark which falsely indicates that the illicit text is "Fellowship Approved." (Hollahan Decl., § 7, 8). WSO, acting in trust for the Fellowship, is clearly entitled to a preliminary injunction prohibiting further similar acts by defendant.

WSO is highly likely to prevail on the merits of its counts for federal and common law trademark and service mark infringement, violation of §43(a) of the Lanham Act, dilution, and unfair competition. The threatened injury to the Fellowship's goodwill from Moorhead's wrongful acts is irreparable as a matter of law. The public interest clearly demands that Moorhead be restrained from deceiving members of the public into purchasing infringing books.

1. It Is Highly Likely That WSO Will Succeed on the Merits

The merits of WSO's trademark, service mark, §43(a), dilution and unfair competition claims are ultimately grounded on two facts. First, that WSO holds exclusive legal rights in "NARCOTICS ANONYMOUS" as a trademark and service mark. Second,



that Moorhead's current and threatened continued use and counterfeiting of the marks "NARCOTICS ANONYMOUS" clearly infringes those exclusive rights.

- a. WSO, as Trustee for the Fellowship, Holds Exclusive Rights in its Registered Trademark and Service Mark NARCOTICS ANONYMOUS

The federal trademark and service mark registrations for "NARCOTICS ANONYMOUS" for books, pamphlets, instructional manuals and drug counselling services held by WSO, are evidenced by the certificate of registration, appended to the Complaint submitted as Exhibit G (U.S. Reg. No. 1,476,774). The Fellowship has continuously used these marks in interstate commerce since 1953, and the certificate of registration serves as *prima facie* evidence of validity, ownership and use.

A certificate of registration of a mark upon the principal register provided by this chapter shall be *prima facie* evidence of the validity of the registration, registrant's ownership of the mark, and of registrant's exclusive right to use the mark in commerce in connection with goods or services specified in the certificate, subject to any conditions and limitations stated therein. 15 U.S.C. § 1057.

As provided by the Lanham Act, the registrations held by WSO are constructive notice to Moorhead that WSO holds the exclusive enforcement rights in the "NARCOTICS ANONYMOUS" trademark and service mark, as used in connection with the sale of books, instructional manuals, pamphlets and information sheets and drug treatment services.

Registration of a mark on the principal register...shall be constructive notice of the registrant's claim of ownership thereof. 15 U.S.C. §1115



- b. Moorhead's Current and Threatened Continued Use of "NARCOTICS ANONYMOUS" Infringes WSO's Exclusive Rights in the Trademark and Service Mark "NARCOTICS ANONYMOUS"

The federal trademark statute, 15 U.S.C. §1114, provides in pertinent part:

- (1) Any person who shall, without the consent of the registrant--
  - (A) Use in commerce any reproduction, counterfeit, copy, or colorable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive; or
  - (B) Reproduce, counterfeit, copy, or colorably imitate a registered mark and apply such reproduction, counterfeit, copy, or colorable imitation to...advertisements intended to be used in commerce upon or in connection with the sale, distribution or advertising of goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake or deceive;

shall be liable in a civil action by the registrant for the remedies hereinafter provided.

Section 43(a) of the Lanham Act, 15 U.S.C. 1125(a), provides in pertinent part:

- (a) Any person who, on or in connection with any goods or services, or any container for goods, uses in commerce any word, term, name, symbol, or device, or any combination thereof, or any false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which --
  - (1) is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of such person with another person, or as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person, or . . .

shall be liable in a civil action by any person who believes that he or she is or is likely to be damaged by such act.

The standard of liability under 15 U.S.C. §1114, and 15 U.S.C. §1125(a), as under the common law<sup>3</sup>, is whether the defendant has used a trademark or service mark which would be likely to cause confusion as to the source or origin of the goods or services. Horizon Financial F.A. v. Horizon Bancorp, 2 U.S.P.Q.2d 1696, 1701 (E.D. Pa. 1987). To trigger liability under the Lanham Act, the infringer's mark and the owner's mark need only be confusingly similar. They need not be identical.

In the instant case, the marks of WSO and Moorhead are absolutely identical and the WSO marks have been intentionally counterfeited by the defendant. Moreover, the goods and services being sold and rendered by WSO and Moorhead are also virtually identical. Where, as here, the identity of the parties' services and goods is combined with identity of the mark at issue, liability is simply "open and shut," as a leading author on trademark law, Professor McCarthy, has observed:

Cases where a defendant uses an identical mark on competitive goods . . . are 'open and shut' and do not involve protracted litigation to determine liability for trademark infringement. Most businesspeople know enough not to adopt a mark identical to that already in use in the same market. 2 J. McCarthy Trademarks and Unfair Competition § 23:3 at 56 (2d ed. 1984).

In view of the absolute identity of the marks and the products and services at issue, WSO respectfully submits that an extended analysis of the "likelihood of confusion" issue is

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<sup>3</sup>The standard of liability for trademark and service mark infringement under Pennsylvania common law has been repeatedly held to be co-extensive with the standard of liability under Section 43(a). See, e.g., Mercury Foam Corp. v. L&M Sales & Marketing, 625 F.Supp. 87, 91 N. 1 (E.D. Pa. 1985); Artus-Corp. v. Nordic Co., 512 F.Supp. 1184, 1187 (W.D. Pa. 1981).



unnecessary in this case.<sup>4</sup> "Where the marks are identical . . . the marks in themselves are evidence of likelihood of confusion." Interpace Corp. v. Lapp, Inc., 721 F.2d 460, 463 (3d Cir. 1983) (quoting American Plan Corp. v. State Loan & Finance Corp., 365 F.2d 635, 639 (3d Cir. 1966), cert. denied, 385 U.S. 1011 (1967)).

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This court has long looked to the well established factors including the degree of mark similarity, the degree of product similarity, the intent of the defendant, and the degree of care likely to be exercised by consumers in assessing "likelihood of confusion". See American Express v. Pan American Express, 509 F.Supp. 348, 211 U.S.P.Q. 387 (E.D. Pa. 1981). Each factor strongly favors WSO. Moorhead's clear wrongful intent, however, is of particular note. Evidence of such intent justifies an inference that the infringer has been successful in enhancing the likelihood of successfully inducing consumer confusion:

If it can be shown that the selection of a name or symbol is part of a calculated or preconceived plan to play on the drawing power of a "congenial symbol" then this factor will assuredly enhance a plaintiff's position on the issue of likelihood of confusion. Baker v. Simmons Co., 307 F.2d 458, 465 (1st Cir. 1962).

2. The Harm to Defendant Does Not Outweigh WSO's  
and The Fellowship's Irreparable Injury

The issuance of a preliminary injunction prohibiting Moorhead's use of the trademark and service mark "NARCOTICS ANONYMOUS" will not substantially injure Moorhead. Any harm to Moorhead resulting from a preliminary injunction would be harm that Moorhead brought upon himself. Moorhead's counterfeiting and appropriation of the trademark and service mark "NARCOTICS ANONYMOUS" were clearly willful. Having adopted such a willful course of conduct, Moorhead cannot properly complain of preliminary restraint:

Defendant has brought these hardships on itself [himself]. It is the duty of the newcomer to identify its product in a manner that will avoid a likelihood of confusion with the product of the first comer. Lesportsac, Inc. v. K-Mart Corp., 607 F.Supp. 183, 187 (E.D.N.Y. 1984), aff'd, 754 F.2d 71 (2d Cir. 1985). Accord Harold F. Ritchie, Inc. v. Chesebrough-Pond's, Inc., 281 F.2d 755, 758 (2d Cir. 1960); Blumenfeld Development Corp. v. Carnival Cruise Lines, Inc., 669 F.Supp. 1297, 1321 (E.D. Pa. 1987); Johnson & Johnson v. Quality Pure Manufacturing, Inc., 484 F.Supp. 975, 980 (D.N.J. 1979).

3. The Public Interest Favors the Issuance  
of a Preliminary Injunction in This Case

Legal protection of trademarks and service marks rests, first and foremost, on protection of the public:

The trademark laws exist not to 'protect' trademarks, but . . . to protect the consuming public from confusion, concomitantly protecting the trademark owner's right to a non-confused public. Scott Paper Co. v. Scott's Liquid Gold, Inc., 589 F.2d 1225, 1228 (3d Cir. 1978) (quoting James Burrough Ltd. v. Sign of the Beefeater, Inc., 540 F.2d 266, 276 (7th Cir. 1976)).

In this case, the public interest clearly supports the preliminary injunction sought by WSO. Public confusion will



inevitably arise from defendant's use of the mark "NARCOTICS ANONYMOUS" on infringing copies of the Basic Text.<sup>5</sup> "Plaintiff, as well as the public, is entitled to protection from a situation, such as this, that is latent with possibilities of confusion, mistake or deception." Sweetarts v. Sunline, Inc., 380 F.2d 923, 927 (8th Cir. 1967). The individual who is deceived as to the identity of the services and goods he or she receives suffers an injury for which he or she will likely never receive compensation.<sup>6</sup>

**D. WSO Requires Expedited Discovery**

Fed. R. Civ. Proc. 30(a), 33(a), and 33(b) authorize a District Court to grant expedited discovery in appropriate circumstances. WSO has made a clear showing that defendant Moorhead, by his own admission, has sold 7,000 infringing copies of the Basic Text and has stated that he further intends to produce and distribute up to 50,000 additional copies of the infringing Basic Text. Moorhead is currently working through some group and possibly other intermediaries to distribute the infringing text. In order to determine the source and distribution in time to

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<sup>5</sup>The Fellowship, a charitable organization, faces the loss of control over its reputation and goodwill, which have been established for nearly forty years. "These types of injury are notoriously difficult to prove." American Diabetes Association v. National Diabetes Association, 533 F. Supp. 16, 214 U.S.P.Q. 231 (E.D. Pa. 1981). The Fellowship's Traditions further require that it be "self-supporting", declining outside donations. Its "self-support" comes from literature sales. Moorhead's acts are diverting literature sales from the member's intended recipient, the WSO.

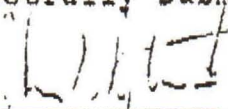
<sup>6</sup>This possibility is significant in the present case. New members to the Fellowship are typically chemically dependent and may be particularly vulnerable to deceptive conduct. Existing members have learned to trust the "Fellowship Approved" marking, and will be deceived into thinking that their literature purchase will in some way be benefitting the Fellowship and/or the Fellowship's World Service Office. Instead, the only beneficiary is David Moorhead.

prevent further irreparable harm, it is necessary that WSO be granted expedited discovery in this action. WSO therefore requests an Order granting leave to take full discovery prior to the hearing on the motion for preliminary injunction.

#### IV. Conclusion

Based upon the foregoing points and authorities, WSO, as trustee of the copyrights, trademarks, and service marks of the Fellowship of Narcotics Anonymous respectfully requests the entry of the attached Order granting preliminary injunctive relief and expedited discovery.

Respectfully submitted,

  
\_\_\_\_\_  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WORLD SERVICE OFFICE, INC., a  
Charitable corporation and  
Trustee of the Copyrights,  
Trademarks and Service Marks  
for the Fellowship of  
Narcotics Anonymous,

Plaintiff,

v.

DAVID MOORHEAD,

Defendant.

DECLARATION OF GEORGE HOLLAHAN

1. I am employed by WORLD SERVICE OFFICE, INC. as an Executive Assistant. I respond directly to the Acting Executive Director of WORLD SERVICE OFFICE, INC., Stuart Tooredman. I am presently the primary manager for WSO's membership service provided to the Fellowship. I have worked within the service structure of the Fellowship of Narcotics Anonymous for in excess of ten years, both in unpaid volunteer positions at the World Service Conference and at World Service Office in paid positions. I am executing this declaration in my present capacity of Executive Assistant of the World Service Office. All the facts and matters set forth herein are true of my own knowledge, or if set forth on information and belief, are believed to be true, and I would and could competently testify thereto.

2. I have known the defendant in this action for six years. I first met him at a Fellowship conference held at Boulder, Colorado when I was sitting as Chairman of the

World Service Conference. In the following years, I have encountered him several times. Defendant Moorhead uses the pseudonym "Grateful Dave".

3. On Friday, September 14, 1990, I spoke to defendant Moorhead by telephone. In this conversation, Moorhead advised me that he was selling copies of a Basic Text that he had produced, and that he planned to produce an additional 50,000 copies. Moorhead indicated that people were contacting him and requesting copies of his version of the Basic Text. He said that he also intended to begin production of copies of WSO's basic information pamphlets, which we refer to as "I.P.s". I told him that this was not right, that he had no right to revise or duplicate the Basic Text, infringe WSO's copyrights, or to use the NARCOTICS ANONYMOUS trademarks. He responded that he did not think his actions were wrong.

4. On Saturday, September 22, 1990, both I and defendant Moorhead attended an Open Meeting of the Fellowship in Fort Lauderdale, Florida. This meeting was set up by a Fellowship group for the purpose of discussing defendant Moorhead's version of the Basic Text. I was to present WSO's view of the problem, and Moorhead was to present his view. During that discussion, Moorhead stated that he felt he had the right to reproduce the Basic Text, however he had no explanation for his claim of right.

5. On Sunday, September 23, 1990, I attended a Fellowship workshop in South Dade County, Florida relating to issues relevant to the operation of the WSO. It was general knowledge within the local members of the Fellowship that I would be present to answer questions. At four o'clock in the afternoon, shortly before my presentation began, Moorhead appeared at the workshop. He walked up to me and handed me a brown envelope, and stated "this is 'hot off the press'". I looked in the envelope and found an unauthorized



duplication of the Basic Text. A photocopy of the contents of the envelope is attached hereto as Exhibit A and incorporated herein by reference as though fully set forth herein.

6. I have since compared the unauthorized copy of the Basic Text with authorized copies of the Basic Text. Defendant Moorhead's unauthorized copy consists of the Third Edition (Revised), plus portions of the Second Edition.

7. I received another Basic Text copy claimed by Moorhead which also bears on the cover "FELLOWSHIP APPROVED F.L.C.". A true and correct copy of that cover is attached hereto as Exhibit B and incorporated herein. Within the Fellowship, "F.L.C." is understood as "Fellowship Literature Committee." The Literature Committee is made up of many individuals that are located all over the United States. Literature is submitted to the Committee for careful review to insure that it contains an accurate reflection of the message of the Fellowship. This is a time consuming and sometimes difficult process. However, once literature is reviewed by the Literature Committee and subsequently approved by the World Service Conference, the demand for the literature increases as all members of the Fellowship know that this literature has undergone and passed a scrupulous review.

8. I personally supervise the coordination of the literature approval process at the WSO used by the Literature Committee of the World Service Conference. It is my ultimate responsibility, as directed by the chairperson of the Literature Committee, to make sure that all members of that committee receive notice of L.C. meetings and copies of submitted literature. By reason of my coordination responsibilities, I am familiar with every piece of literature that enters into the process, as well as which pieces of literature are approved. Defendant Moorhead has never even submitted his version of the Basic Text to the

Literature Committee, much less been granted approval status. Defendant Moorhead's version of the Basic Text is not "F.L.C." approved.

I declare under penalty of perjury under the laws of the United States, and the State of Pennsylvania that the foregoing is true and correct and that this declaration was executed on November 27, 1990 at Van Nuys, California.

  
George Hollahan

twm:wpdata  
wso/moorehead/decl.gh



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

WORLD SERVICE OFFICE, INC., a :  
Charitable corporation and :  
Trustee of the Copyrights, :  
Trademarks and Service Marks :  
for the Fellowship of :  
Narcotics Anonymous, :

Plaintiff, :

v. :

DAVID MOORHEAD, :

Defendant. :

DECLARATION OF STUART TOOREDMAN

1. I am the Acting Executive Director of WORLD SERVICE OFFICE, INC. as well as a member of the Board of Directors of WORLD SERVICE OFFICE. I have worked for the benefit of the Fellowship of Narcotics Anonymous (hereinafter "Fellowship" or "NA") and within the "service structure" of the Fellowship (which is defined hereafter) for in excess of seventeen years. All the facts and matters set forth herein are true of my own knowledge, or if set forth on information and belief, are believed to be true, and I would and could competently testify thereto.

2. The Fellowship of Narcotics Anonymous was founded in 1953 in Southern California. The principals and traditions of the Fellowship are loosely based upon those of Alcoholics Anonymous. NA has developed its own Twelve Steps and Twelve Traditions, which its members strive to follow. The only requirement for membership by an individual in the Fellowship is the desire to stop using drugs. The Fellowship consists of recovering

addicts who meet regularly to help each other stay clean. Over the years, the Fellowship has developed literature that reflects its message and guidance. My best estimate is that the Fellowship has between 400,000 and 500,000 members worldwide, and there are approximately 20,000 groups registered with the WSO.

3. The "service structure" of NA consists of the following: An "NA group" is any meeting of members which meets regularly at a specified time and place (provided it follows the Twelve Steps and Twelve Traditions). Each group has an elected group service representative, group secretary and group treasurer. Groups in a common geographic location make up "Areas". A significant number of "Areas" in the same geographic location constitute a "Region". Representatives of "Regions" meet regularly at various conferences, including at an annual "World Service Conference" ("WSC"). The Regional Representatives elect a Board of Trustees for the WSC. Basic organizational and philosophical decisions and directions are discussed and determined at the WSC level.

4. WORLD SERVICE OFFICE, INC. is a California non profit and charitable corporation with its principal place of business at 16155 Wyandotte Street, Van Nuys CA 90025. One of the most important functions of the WSO is to link the widespread groups and members into a single cohesive Fellowship. There are also other Fellowship Service Offices located throughout the world. Each of those Service Offices distributes literature produced by the WSO. The WSO stays in close contact with groups, areas and regions through correspondence, newsletters, and through the representatives within the service structure.

5. WSO offers assistance to new groups, existing groups with special problems, institutional groups, and "loners", who are members without a group affiliation. The other



major function of WSO is the publication and distribution of Fellowship literature. WSO is the exclusive publisher of Fellowship literature, provides direct services, and acts as an information clearing house for the Fellowship. WSO provides "starter kits" for new groups, arranges for translation of Fellowship literature into other languages, and coordinates the development and approval of Fellowship literature.

6. Fellowship literature is typically first developed by the Literature Committee of the World Service Conference. Thereafter, literature is submitted to the World Service Conference for approval. When approved, the final approved version of the literature is provided by the WSC to WSO for purposes of printing and sales. WSO holds legal title to the copyrights, trademarks and service mark of the Fellowship. WSO holds this legal title as a trustee in a charitable trust on behalf of the Fellowship. WSC is the settlor of the charitable trust and WSO's actions are subject to direction of the World Service Conference.

7. To date, World Service Conference has affirmed that WSO grant permission to four major Fellowship Service Offices in several parts of the world (Great Britain, Ireland, Australia, and Germany) to duplicate certain pieces of Fellowship literature. At all times, those Service Offices acknowledge that legal ownership of the literature lays with WSO, and, on information and belief, each piece of literature produced under that permission bears a copyright notice indicating that WSO in Van Nuys, California is the copyright owner. To date, WSC has not permitted WSO to grant permission to duplicate Fellowship literature to any person or entity other than those four Service Offices. In fact, WSC has directed WSO to prosecute any party that infringes WSO's copyrights, trademarks, and service marks.

8. WSO currently publishes and sells over 20 works of literature. The most important of these works is a 286-page book entitled "Narcotics Anonymous" and referred to within the Fellowship as the "Basic Text". The Basic Text, which WSO sells for between \$6.00 and \$8.00, discusses the nature of drug addition, explains the Twelve Steps and Twelve Traditions, the message of the Fellowship to addicts, and 38 personal stories written by recovered addict NA members. In 1989, over 360,000 copies of the Basic Text alone were sold by WSO. WSO also publishes and sells other publications and materials, including information pamphlets (called "I.P.s"). There is a very large market for Fellowship literature.

9. Proceeds from the sale of approved literature by WSO provide the financial support needed to fund the worldwide services offered by WSO and the service offices around the world. The sale of the Basic Text provides the "lion's share" of that funding.

10. The Basic Text has been revised five times, each time through an elaborate review process culminating with WSC approval of the changes. Each revision affected a small portion of the text. The Basic Text is the subject of six United States Copyright registrations duly and legally issued to WSO.

11. During June, 1990, various members called the WSO in Van Nuys and referred to the fact that certain individuals in the Eastern United States were printing a light blue paperback book which contained the first ten chapters of the Basic Text. Several members obtained copies of this book and provided these to the WSO. I have examined this book and determined that the creator of this book has taken a Third Edition Revised version of the Basic Text (which has been superseded for years), replaced certain portions with sections from the Second Edition version, and applied the Narcotics Anonymous trademark



to the front. I did not know the source of this book.

12. Shortly thereafter, WSO received various copies of an Open Letter from "Grateful Dave", which I know to be a pseudonym for David Moorhead, in which he stated that he was the source of the "little illegal illicit blue books". A true and correct copy of that Open Letter is attached hereto as Exhibit A and incorporated herein by reference as though set forth herein. In that letter he states that he has produced and distributed 7,000 copies of these books, that he intends to print 50,000 more copies and sell those at \$.50 each, and he invites orders.

13. I have known "Grateful Dave" for five years. In June, 1990, I called defendant Moorhead just prior to the Florida Regional Convention of Narcotics Anonymous. Moorhead acknowledged to me that he was printing and distributing his version of the Basic Text. I told him that the Basic Text was not his to copy; that it belonged to WSO. I asked him why he was printing and distributing his own version of the Basic Text. He said that he believed that he has the right to revise, print and distribute the Basic Text if he wants to. In this conversation, he acknowledged that he did not write the Basic Text, and that he had not received any permission to revise or reprint the Basic Text from WSO, or the World Service Conference. He stated that he felt he could do whatever he wished with respect to the Basic Text.

14. I explained to him that his conduct was not approved by the WSO and that if he planned to change the Basic Text at will, and expected others to do the same, the Fellowship's message could, and in all probability would, be extremely distorted within a short period of time. I explained that the reason that the Fellowship transferred the copyrights to WSO was so that the WSO had the exclusive control over the printing and

distribution of the Basic Text. I asked him to stop the printing and distribution of his version of the Basic Text. Moorhead refused and stated that it was still his belief that he could do what he wanted. He did ask, however, if I would arrange for him to address the Board of Directors of WSO to discuss his printing and selling of his version of the Basic Text, I told him that I would try and call him back.

15. Within several days, I spoke to the members of the WSO Board of Directors, and they agreed to sit down and talk with Moorhead. Within five or six days of our conversation, I called Moorhead back, told him that the Board wanted to speak with him, that there was an open forum taking place in Arlington, Virginia from July 20 through 22, 1990, at a particular time and location, and that four members of the WSO Board of Directors plus the entire WSC Board of Trustees would be attending. I told him that both Boards were prepared to talk with him for as long as he wished so that he could fully express his views. We discussed the fact that he was close enough to drive to this location. Moorhead said that he would try to attend. I, as well as the Boards, attended that open forum in Arlington. Moorhead did not appear.

16. Throughout the following months, there were repeated attempts made by myself, George Hollahan, and other members of the Board to persuade Moorhead to cease his infringements. Moorhead is very articulate and charismatic. His position is that he can do whatever he wants, and his infringements are causing tremendous confusion and division within the Fellowship, not the least of which is the Fellowship's desire to handle its own problems internally through honest discussion and sharing of views, and without seeking the intercession of a federal court and the unwanted publicity that might generate.

17. In a last ditch attempt to resolve this dispute, in September, 1990, I called



Moorhead again, and on behalf of the Board of Directors of WSO, I extended an invitation to Moorhead to attend the joint meeting of the Boards of Directors of WSO and Trustees of WSC then scheduled for October 6 and 7 in Van Nuys, California. WSO offered to pay his travel and accommodation expenses. He accepted.<sup>1</sup> He then said that he wanted to have a lawyer with him, and he asked if we would also pay the travel expenses of his attorney and his attorney's assistant. We agreed and paid those expenses.

18. On October 6, 1990, both Boards were present and held a joint meeting. Starting at noon, Moorhead, his attorney (who said he was acting as "adviser", not as counsel),<sup>2</sup> the undersigned, the Chairman of the Board of Trustees, George Hollahan, and WSO's intellectual property counsel, Theresa Middlebrook, met for hours and discussed the infringements. We tried to persuade Moorhead to stop his activities. He was non-committal. I explained to him that if he did not voluntarily stop, it was going to cost the Fellowship a great deal of money to sue him to force him to stop. Moorhead said that a lawsuit did not bother him, that he had no assets, was living on social security, and therefore any judgment against him would be useless.

19. On October 6, 1990, commencing at around 4:00 p.m., Moorhead addressed the joint Boards, which consist of 18 individuals. This was followed by a lengthy and heated discussion between the Boards and Moorhead. During the discussion, Moorhead was asked what he did with all the money he received from selling his infringements. He refused to say. Moorhead was asked where the printing plates were that he used. He said that before

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<sup>1</sup> Upon his arrival at the WSO in Los Angeles, he voluntarily reimbursed WSO in cash for the cost of his air fare.

<sup>2</sup>He has since declined any further involvement with Moorhead and specifically requested that he not be identified.

the meeting, he went to a bridge over a river and "threw them in". At the end of that discussion, Moorhead seemed to understand why his actions were a problem, and he agreed that he would stop the infringements. He agreed to sign a written contract and submit to a stipulated judgment and injunction.

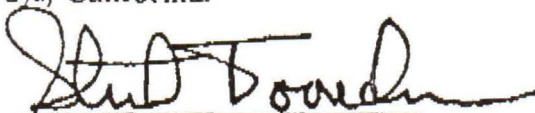
20. Thereafter, counsel for Moorhead and WSO jointly prepared an agreement, stipulated judgment and stipulated injunction for Moorhead's signature. Moorhead was provided a copy to review that evening, and was scheduled to return to the WSO offices the following morning with any changes and to sign the final versions of the documents. The following morning, his lawyer/advisor stated that he was not representing Moorhead any more in any capacity. Moorhead appeared at the WSO offices late, and without explanation, refused to sign any documents.

21. Finally, from October 19 through 21, 1990, there was one more meeting, this time of Regional Service Representatives, at the WSO, at which the infringements problem was discussed. Moorhead was expected to appear at that meeting to plead his case. Prior to the meeting, I personally took one of Moorhead's versions of the Basic Text, and inserted into this book some language from the Alcoholics Anonymous Basic Text that is not consistent with the message of the Fellowship of Narcotics Anonymous. Moorhead did appear. During that meeting, I stood up and started reading from Moorhead's version, including the part I had taken from AA's book. I then explained to the meeting what I had done. Moorhead became very upset and expressed that I had no right to change the contents of the Basic Text. I then explained to him that this was WSO's point, that he had no right to change the contents either and that he should stop the infringements. He had no response.



22. As of the signing of this declaration, I have confirmed that Moorhead is still selling infringing copies of the Basic Text. The continuing infringement by Moorhead has threatened to tear the entire Fellowship apart into factions, losing sight of the main purpose of the Fellowship which is to help each other and provide a haven for the addicts that still suffer. Sales of Basic Texts are dropping in numbers. The continued infringement by Moorhead threatens the stability of the Fellowship and WSO, and therefore places the ability of WSO to fulfill its service role to the Fellowship in jeopardy. Moorhead's acts have irreparably damaged WSO and will continue to do so unless this court issues an order stopping all infringements.

I declare under penalty of perjury under the laws of the United States, California and Pennsylvania that the foregoing is true and correct and that this declaration was executed on 11-27-90 at <sup>GLENDALE</sup>~~Van Nuys~~, California.



Stuart Tooredman

twmf:wpdata/wso/moorehea/decl.st

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

WORLD SERVICE OFFICE, INC., a	:	
Charitable Corporation and	:	
Trustee of the Copyrights,	:	
Trademarks and Service Marks	:	
for the Fellowship of	:	
Narcotics Anonymous	:	
	:	
Plaintiff	:	
	:	
	:	Civil Action No.
v.	:	
	:	
DAVID MOORHEAD,	:	
	:	
Defendant.	:	

ORDER

Having come before me this \_\_\_\_\_ day of December, 1990, upon the Motion of Plaintiff, World Service Office, Inc., it is hereby ordered pursuant to Federal Rule of Civil Procedure 65(b) as follows:

Defendant David Moorhead, his agents, servants, employees, attorneys, and any and all other persons acting in active concert or in participation with him, who receive actual notice of this order, are hereby ordered to cease and desist from:

1. Using, selling, or trading in any manner utilizing the federally registered and common law trademark and service mark "NARCOTICS ANONYMOUS";

2. Reproducing, copying, distributing, or selling works identified in the following subsisting copyright registrations:

(a) United States Copyright Registration TX2 837 638, entitled "Narcotics Anonymous" (5th Edition);



(b) United States Copyright Registration TX2 254 607, entitled "Narcotics Anonymous" (4th Edition);

(c) United States Copyright Registration TX2 250 588, entitled "Narcotics Anonymous" (3rd Edition Revised);

(d) United States Copyright Registration TX2 342 402, entitled "Narcotics Anonymous" (3rd Edition);

(e) United States Copyright Registration TX2 250 589, entitled "Narcotics Anonymous" (2nd Edition);

(f) United States Copyright Registration TX2 112 598, entitled "Narcotics Anonymous" (1st Edition);

3. Reproducing, distributing, copying or selling works in violation of WSO's rights in any other proprietary or copyrighted subject matter;

4. Diluting or tarnishing in any way Plaintiff's reputation, goodwill and exclusive rights in and to the "NARCOTICS ANONYMOUS" service mark and trademark;

5. Using, authorizing, or causing the use of "Narcotics Anonymous" or any colorable imitation thereof, in or on any books, pamphlets, letterhead, business cards, signs, brochures, directories, advertisements, promotional items, or otherwise, as a name or mark purportedly identifying the Defendant Moorhead or any services or goods offered or proposed to be offered by Defendant Moorhead; and

6. Discarding, destroying, secreting, distributing, or otherwise divesting himself of possession, for any purpose, of any financial and/or business or personal records of reflecting or

related to the purchase, sale, or other distribution of works reproduced, distributed, copied or sold in violation of WSO's copyrights, trademarks or service marks;

7. Encouraging, directing, or otherwise assisting, either directly or indirectly, any person, company or entity that may have possession of any financial and/or business or personal records of, reflecting or related to the purchase, sale, or other distribution of works reproduced, distributed, copied or sold in violation of WSO's copyrights, trademarks or service marks to discard, destroy, secret or otherwise divest themselves of possession of such records.

8. Discarding, destroying, secreting, distributing, or otherwise divesting himself of possession, for any purpose, of any means by which the creation of works violative of WSO's copyrights, trademarks or service marks have been created (including but not limited to printing plates);

9. Encouraging, directing, or otherwise assisting, either directly or indirectly, any person, company or entity that may have possession of any items used in the creation of copies violative of WSO's copyrights, trademarks or service marks (including but not limited to printing plates), to discard, destroy, secret or otherwise divest themselves of possession of such items.



10. Otherwise competing unfairly with Plaintiff.

Expedited discovery is hereby ordered in this matter.

Date: \_\_\_\_\_

\_\_\_\_\_  
U.S.D.J.

## EASTERN DISTRICT OF PENNSYLVANIA

(Title &amp; address of court)

Register of Copyrights  
Copyright Office  
Library of Congress  
Washington, D.C. 20559

COPY 1 - Upon  
Initiation of  
action, MAIL TO:

In compliance with the provisions of 17 USC 508 (as stated on reverse of this form) you are advised that there was filed (docketed) on the 30th day of November, 19 90, in this court an action (Appeal).

No. \_\_\_\_\_, entitled:

NAME OF PLAINTIFF, APPELLANT OR PETITIONER  
WORLD SERVICE OFFICE, INC.

ADDRESS OF PLAINTIFF, APPELLANT OR PETITIONER  
16155 Wyandotte Street, Van Nuys, CA 91406

## VERSUS

NAME OF DEFENDANT, APPELLEE OR RESPONDANT  
DAVID MOORHEAD

ADDRESS OF DEFENDANT, APPELLEE OR RESPONDANT  
1110 PALMER STREET, PHILADELPHIA, PA 19125

brought upon the following copyright(s):

COPYRIGHT REGISTRATION NO.	TITLE OF WORK	AUTHOR OF WORK
1 TX2 837 638	"NARCOTICS ANONYMOUS"	THE WORLD SERVICE CONFERENCE
2 TX2 342 402	" "	" "
3 TX2 250 588	" "	" "
4 TX2 250 588	" "	" "
5 TX2 112 598	" "	" "

In the above captioned case, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, the following copyrights have been registered for:  
(Insert amendments, agreements, or other proceedings)

COPYRIGHT REGISTRATION NO.	TITLE OF WORK	AUTHOR OF WORK
1		
2		
3		

Please be advised that on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, a final decision was rendered in the within action, a true copy of which order or judgment, together with the written opinion of the court where such opinion was issued, is attached hereto.

MICHAEL B. PERZ

Date \_\_\_\_\_, 19 \_\_\_\_\_

By Margaret R. Styr Clerk

Deputy Clerk



## EASTERN DISTRICT OF PENNSYLVANIA

(Title &amp; address of court)

FILED

NOV 16 1990

Register of Copyrights  
Copyright Office  
Library of Congress  
Washington, D.C. 20559

MICHAEL E. KUNZ, Clerk  
By mm Dep. Clerk

COPY 1 - Upon  
Initiation of  
action, MAIL TO:

In compliance with the provisions of 17 USC 508 (as stated on reverse of this form) you are advised that there was filed (docketed)

on the 30th day of November, 1990, in this court an action (Appeal).

No. 1-731, entitled: WORLD SERVICE OFFICE, INC. v. DAVID MOOREHEAD.

NAME OF PLAINTIFF, APPELLANT OR PETITIONER

WORLD SERVICE OFFICE, INC.

ADDRESS OF PLAINTIFF, APPELLANT OR PETITIONER

16155 Wyandotte Street, Van Nuys, CA 91406

VERSUS

NAME OF DEFENDANT, APPELLEE OR RESPONDANT

DAVID MOOREHEAD

ADDRESS OF DEFENDANT, APPELLEE OR RESPONDANT

1110 PALMER STREET, PHILADELPHIA, PA 19125

brought upon the following copyright(s):

COPYRIGHT REGISTRATION NO.	TITLE OF WORK	AUTHOR OF WORK
TX2 837 633	"NARCOTICS ANONYMOUS"	THE WORLD SERVICE CONFERENCE
1 TX2 342 402	" "	" " " "
2 TX2 236 589	" "	" " " "
3 TX2 259 388	" "	" " " "
TX2 112 398		

In the above entitled case, on the 1st day of December, 1990,

the following copyrights have been included by the plaintiff.

(insert amendment, answer, cross bill, or other pleading):

COPYRIGHT REGISTRATION NO.	TITLE OF WORK	AUTHOR OF WORK
1		
2		
3		

Please be advised that on the 1st day of December, 1990,

a final decision was rendered in the within action, a true copy of which order or judgment, together with the written opinion of the court where such opinion was issued, is attached hereto.

~~MICHAEL E. KUNZ~~

Clerk

Date \_\_\_\_\_, 19\_\_\_\_

By \_\_\_\_\_ Deputy Clerk



TO: 13133814141

FROM: MACAE

## I (a) PLAINTIFFS

WORLD SERVICE OFFICE, INC.

## DEFENDANTS

DAVID MOORHEAD

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Los Angeles  
(EXCEPT IN U.S. PLAINTIFF CASES)COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Philadelphia  
(IN U.S. PLAINTIFF CASES ONLY) (PA)

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

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Synnestvedt & Lechner  
2600 One Reading Center  
1101 Market Street  
Philadelphia, PA 19107  
(215) 923-4466

ATTORNEYS (IF KNOWN)

## II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

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

## III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- Citizen of This State ☒ PTF ☒ DEF
- Citizen of Another State ☐ 2 ☐ 3
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3
- Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4
- Incorporated and Principal Place of Business in Another State ☒ 5 ☐ 5
- Foreign Nation ☐ 4 ☐ 6

## IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY Cause of action for copyright infringement, trademark/service mark infringement under 17 U.S.C. §101, et seq, and 15 U.S.C. §1051, et seq, respectively, and related claims of unfair competition.

## V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	310 Airplane	610 Agriculture	422 Appear 28 USC 134	400 State
120 Marine	315 Airplane Product Liability	620 Other Food & Drug	423 Window 28 USC 157	401 Reapportionment
130 Miller Act	320 Assault, Libel & Slander	625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	410 Antitrust
140 Negotiable Instrument	330 Federal Employers Liability	630 Liquor Laws	820 Copyright	430 Banks and Banking
150 Recovery of Overpayment & Enforcement of Judgment	340 Marine	640 R.A. & Truck	830 Patent	450 Commerce/ICC Rates/etc.
151 Mortgage Act	345 Marine Product Liability	650 Airline Rage	840 Trademark	460 Corporation
152 Recovery of Defaulted Student Loans (Excl. Veterans)	350 Motor Vehicle	660 Occupational Safety/Health	SOCIAL SECURITY	470 Repealed/Influenced and Control Organizations
153 Recovery of Overpayment of Veterans Benefits	355 Motor Vehicle Product Liability	670 Other	861 MIA (1992)	480 Securities Services
160 Shareholders Suits	360 Other Personal Injury	LABOR	862 Black Lung (1993)	490 Securities/Commodities/Exchange
190 Other Contract	365 Other Personal Injury	710 Fair Labor Standards Act	863 CIVIC/OWN (405(g))	510 Securities/Commodities/Exchange
195 Contract Product Liability	370 Other Fraud	720 Labor/Mgmt. Relations	864 SSID Title XVI	520 Securities/Commodities/Exchange
REAL PROPERTY	CIVIL RIGHTS	730 Labor/Mgmt. Reporting & Disclosure Act	865 ASI (405(g))	530 Securities/Commodities/Exchange
210 Land Condemnation	441 Voting	740 Railway Labor Act	FEDERAL TAX SUITS	540 Securities/Commodities/Exchange
220 Foreclosure	442 Employment	790 Other Labor Unions	870 Taxes (U.S. Plaintiff or Defendant)	550 Securities/Commodities/Exchange
230 Rent Lease & Easement	443 Housing	791 Amer. Rel. Inc. Sm. Injury Act	871 IRS—Third Party 26 USC 7609	560 Securities/Commodities/Exchange
240 Torts to Land	444 Accommodations			570 Securities/Commodities/Exchange
245 Tort Product Liability	445 Welfare			580 Securities/Commodities/Exchange
290 All Other Real Property	446 Other Civil Rights			590 Securities/Commodities/Exchange
	PRISONER PETITIONS			
	510 Motions to Vacate Sentence			
	520 Habeas Corpus			
	530 General			
	534 Death Penalty			
	540 Mandamus & Other			
	540 Other			

## VI. 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 (specify)
- ☐ 6 Multi-district Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION  
☐ UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:  
JURY DEMAND: ☐ YES ☒ NO

## VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

UNITED STATES DISTRICT COURT

NOV 30 1990



category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 16155 Wyandotte Street, Van Nuys, CA 91406Address of Defendant: 1110 Palmer Street, Philadelphia, PA 19125Place of Accident, Incident or Transaction: Philadelphia, PA  
(Use Reverse Side For Additional Space)

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒**RELATED CASE IF ANY**

Case Number: \_\_\_\_\_ 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 ☐ No ☐
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 ☐ No ☐
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 in this court? Yes ☐ No ☐

**CIVIL: (Place ☒ 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) copyright; federal trademark

**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**

(Check appropriate category)

I, John T. Synnestvedt, counsel of record do hereby certify:☐ Pursuant to Local Civil Rule 8, Section 4(a)(2), that, to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$100,000 exclusive of interest and cost;☒ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

John T. Synnestvedt  
Attorney-at-Law

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

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

DATE: \_\_\_\_\_

John T. Synnestvedt  
Attorney-at-Law

NOV 27 1990

FROM:MACAE

TO:13133814141

DEC 13, 1990 7:29PM #083 P.44

4





This certificate, issued under the seal of the Copyright Office in accordance with the provisions of section 410(a) of title 17, United States Code, attests that copyright registration has been made for the work identified below. The information in this certificate has been made a part of the Copyright Office records.

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United States of America

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TX	TXU
EFFECTIVE DATE OF REGISTRATION	
6	15
(Month)	(Year)

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	If a periodical or serial, give Vol. No. Issue Date	
PUBLICATION AS A CONTRIBUTION: (If this work was published as a contribution to a periodical, serial, or collection, give information the collective work in which the contribution appeared)		
Title of Collective Work Vol. No. Issue Date Pages		

2 Author(s)	<b>IMPORTANT:</b> Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). If any part was "made for hire," check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) of this part, and leave the space for dates blank.	
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	Was this author's contribution to the work a "work made for hire"? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
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	Was this author's contribution to the work a "work made for hire"? Yes <input type="checkbox"/> No <input type="checkbox"/>	
	WAS THIS AUTHOR'S CONTRIBUTION THE WORK: Anonymous? Yes <input type="checkbox"/> No <input type="checkbox"/> Pseudonymous? Yes <input type="checkbox"/> No <input type="checkbox"/> If the answer to either of these "Yes," see detailed instructions on sheet 2.	
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EXHIBIT A



17 USC 105: Any person who knowingly makes a false declaration of a material fact in the application for copyright registration or in the application for registration of a work shall be liable for the same as in section 102.

(Certificates will be mailed in window envelope)

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TO

Theresa Wagner Middlebrook  
3541 Ocean View Blvd.  
Glendale, CA 91208

Typed or printed name: Theresa Wagner Middlebrook, Esq.  
Date: Dec 10, 1987

Handwritten signature (X)  
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