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Los Angeles Federal Judge Dismisses 12 of 16 Trademark Claims Against Cofbel Corporation

Federal Court Severely Limits IP Case.

Los Angeles, October 6, 2003: On October 6, 2003, United States District Court Judge Wm. Matthew Byrne, Jr. partially granted a motion to dismiss filed by Cofbel Corporation in a trademark dispute lawsuit filed by Cyclone USA. Cyclone USA, former distributor of the Tornado – an air flow system for internal combustion engines – alleged that Cofbel, in addition to the original inventor and current distributor of the Tornado, violated Cyclone USA's trademark and trade names. In his 11-page decision, Judge Byrne recognized that trademark and unfair competition claims require "actual use" as opposed to "intent to use." As a result, the Judge dismissed all of Cyclone's intellectual property and unfair competition claims Cyclone alleged against Cofbel.

"The Court has effectively gutted Cyclone's case, and this was the right decision," said Anthony Luti, Cofbel's attorney. "We have repeatedly maintained that the majority of these claims in this case against Cofbel were meritless, and apparently the Court agrees." Trial is currently scheduled for November 18, 2003.

Mr. Luti is available to comment on this matter and can be reached at (323) 960-2600. A copy of the court's order can be provided upon request.

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