

Commonwealth of Massachusetts

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION



Jenzabar, Inc., Ling Chai,
and Robert A. Maginn, Jr.

No. 07-2075-H

_____, Plaintiff(s)

v.

Long Bow Group, Inc.

_____, Defendant(s)

SUMMONS

To the above-named Defendant: Long Bow Group, Inc.

You are hereby summoned and required to serve upon Lawrence M. Kraus, Esq.
Foley & Lardner LLP

plaintiff's attorney, whose address is 111 Huntington Ave., Boston, MA 02199, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Barbara J. Rouse, Esquire, at Boston, the fifteenth day of May, in the year of our Lord two thousand and seven.

Michael Joseph Donovan
Clerk/Magistrate

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED
(1) TORT - (2) MOTOR VEHICLE TORT - (3) CONTRACT - (4) EQUITABLE RELIEF - (5) OTHER

NOTICE TO DEFENDANT - You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein, and also file the original in the Clerk's Office.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION NO.

07-2075 - H

JENZABAR, INC., LING CHAI, and
ROBERT A. MAGINN, JR.,

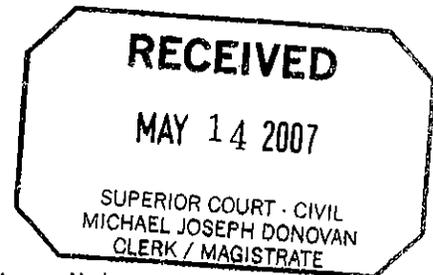
Plaintiffs,

v.

LONG BOW GROUP, INC.,

Defendant.

**COMPLAINT AND
DEMAND FOR JURY TRIAL**



INTRODUCTION

This dispute arises out of Defendant Long Bow Group, Inc.'s malicious attempts to disseminate false and defamatory information about Plaintiffs Ling Chai ("Chai"), Robert Maginn ("Maginn"), and Jenzabar, Inc. ("Jenzabar"). Motivated by ill-will, their sympathy for officials in the Communist government of China, and a desire to discredit Chai, a former student leader in the pro-democracy movement in China's Tiananmen Square, Long Bow Group, Inc. ("Long Bow") has published false content concerning the Plaintiffs on the website it maintains (the "Site") and has collected a misleading sample of statements from outdated articles to circulate half-truths and falsehoods, and to create false impressions about Jenzabar, Chai, and Maginn. To ensure that this content is widely viewed and as damaging as possible, Long Bow makes unauthorized use of Jenzabar's protected trademarks to direct traffic the Site. As a consequence, Jenzabar's clients and prospective clients are diverted to the Site and its

defamatory content, causing reputational injury and loss of business opportunities. As a result thereof, Plaintiffs bring this action for defamation, trademark infringement, and violation of the Massachusetts Consumer Protection Statute, G.L. c. 93A.

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Jenzabar is a corporation duly organized under the laws of Delaware, with its principal place of business at 800 Boylston Street, Boston, Suffolk County, Massachusetts 02199.
2. Plaintiff Maginn is a resident of Cambridge, Middlesex County, Massachusetts.
3. Plaintiff Chai is a resident of Cambridge, Middlesex County, Massachusetts.
4. Defendant Long Bow is, upon information and belief, a corporation duly organized under the laws of Massachusetts, with its principal place of business at 55 Newton Street, Brookline, Massachusetts 02445.

FACTS

THE PLAINTIFFS

5. Founded in 1998, Plaintiff Jenzabar is a leading provider of enterprise software and solutions to institutions of higher education. Jenzabar's products include Web-based enterprise software with student, institutional advancement, human resources, and financial applications; e-learning solutions; and an enterprise information portal. By using Jenzabar's technology and software, an institution can conduct virtually all of its business, including admissions, financial aid, course registration, course development, e-learning, and alumni fundraising.

6. Jenzabar serves students, professors, administrators, and staff on campuses worldwide, including private liberal arts, medical, law, state, and community colleges. Jenzabar is headquartered in Boston and currently employs more than 250 associates located in five regional offices across the United States.

7. Jenzabar has received several notable awards making it a leader within its industry, including for example the CODiE Award in 2006 for Best Post-Secondary Portal Solution.¹

8. Chai is the founder, President, and Chief Operating Officer of Jenzabar. Chai is also frequently honored and profiled for her role as a student-leader during the 1989 protests in Tiananmen Square, China.

9. Maginn has been the Chairman of Jenzabar's Board of Directors since 1999 and, since March 2001, its Chief Executive Officer.

PLAINTIFF JENZABAR'S TRADEMARK RIGHTS

10. In connection with its products and services, Jenzabar has used and continues to use the marks JENZABAR and JENZABAR.COM (hereinafter, collectively, the "JENZABAR Marks"). Jenzabar owns federal registrations for both its JENZABAR and JENZABAR.COM marks, as follows:

¹ The CODiE Award is an annual award given by the Software and Information Industry Association for excellence in software development.

Mark	Registration No.	Goods/Services
JENZABAR	3,108,414	Computer software for database management to be used by educational institutions in performing administrative functions, namely, accounting, course summaries, registration, admissions, student advising, financial aid, student life, alumni development, decision support, and human resources management tools for colleges and universities
JENZABAR.COM	2,557,986	Providing telecommunications connections to a global computer network to students, faculty, administrators and alumni in the educational community

11. Jenzabar has used its JENZABAR and JENZABAR.COM marks continuously in commerce in connection with its products and services since at least as early as October 2001 and February 1999, respectively. Jenzabar's products and services marketed under the JENZABAR Marks are distributed throughout the United States and around the world, including but not limited to online marketing via websites accessible through the domain names JENZABAR.COM and JENZABAR.NET, both of which are owned by Jenzabar. According to public information currently available through the website Alexa.com, which tracks Internet traffic to domain names, the JENZABAR.NET domain name has a 3-month average

reach of 1,078,209, and the JENZABAR.COM domain name has a 3-month average of 1,581,195.²

12. As a result of Jenzabar's use and promotion of its JENZABAR Marks as discussed herein, and as demonstrated by the corresponding federal registrations, the JENZABAR Marks are distinctive, and distinguish Jenzabar and its products and services from those of other businesses. As a result of these efforts by Jenzabar, the consuming public in Massachusetts and the United States widely recognizes and associates the JENZABAR Marks with Jenzabar and its products and services.

13. As a result of Jenzabar's use and promotion of its JENZABAR Marks in Massachusetts and elsewhere, Jenzabar has developed great and valuable goodwill and has acquired valuable common law rights in the marks. The maintenance of high standards of quality and excellence for Jenzabar's products and services has contributed to this valuable goodwill and reputation.

14. Jenzabar has expended and continues to expend a significant amount of time and money to advertise, market, offer for sale, and promote its products and services through its distinctive JENZABAR Marks.

DEFENDANT'S ACTIONS

THE FILM

15. In 1995, Long Bow produced *The Gates of Heavenly Peace* (the "Film"), a film concerning the 1989 protest movement in Tiananmen Square, China (the "Protests").

² The "reach" is defined as the number of users multiplied by the number of pages viewed at that particular domain name, thus the total number of pages viewed through that domain name in a given period.

16. The Film is critical of, *inter alia*, the Protests in general, and Chai in particular, and suggests that “the actions of radical protesters undermined moderates in the government.”

17. Similarly, prior to making the Film, the producers were openly critical of Chai’s conduct as a student leader and misrepresented aspects of her involvement in the Protests.

18. Upon information and belief the producers harbor animus toward Chai.

THE WEBSITE

19. Long Bow maintains a website at <http://www.tsquare.tv/film/jenzabar.html> (the “Site”), which provides information about the Film and offers other selective material, either written by or chosen by Long Bow regarding the Protests.

20. The Site purports to “explore the origins and history of the protests, the intense international media coverage, and the underlying themes.” In connection with this purported objective, the Site contains links to a variety of articles and discussions including, *inter alia*, web pages dedicated to an examination of Chai’s involvement in the Protests and her subsequent founding of Jenzabar.

21. Although Chai has been the subject of significant media attention – much of it positive – the Site presents a small and misleading sample of articles critical of her past, her political activism, and her business ventures.

22. Significantly, Long Bow has provided this material in a manner that purports to be balanced and fair but, in reality, is biased and deceptive.

23. Although the Site provides background information on many of the Film’s characters, none are subject to the degree of extensive scrutiny and disparagement that Chai, and, by association, Jenzabar and Maginn, receive.

24. In an effort to attract attention to the Site, and disseminate its disparaging content as widely as possible, Long Bow is using the JENZABAR Marks as metatags embedded within the Site.³

25. As a result, the Site, and its false and defamatory content, is among the top “hits” an Internet user receives when he or she conducts a search for information concerning Jenzabar through Google and other popular online search engines.

26. Through this process, Long Bow succeeds in diverting consumers who are searching for Jenzabar’s products and services to the derogatory content published on the Site.

27. In particular, from May 14, 2004, for a period of nearly three years, the Site referred to: “a few articles that reported certain concerns third parties expressed with respect to Chai Ling and Jenzabar.” As evidence of this “concern,” the Site contained an excerpt from a *Boston Globe* column, which read: “[a]ccording to an August 2003 *Boston Globe* column, ‘five former executives have sued Jenzabar, including the former CEO [DiLorenzo], who accused Chai and Maginn of a ‘number of unethical, inappropriate, and/or illegal actions.’”

28. Upon information and believe, the Site reprinted articles from various newspapers and posted them on the Site without having obtained the proper permission to be reprint these articles on the Site.

³ Long Bow is also using “Chai Ling” and “Ling Chai” as metatags within the Site, thus capitalizing upon Chai’s well known name and reputation in a further attempt to divert Internet traffic to the Site.

29. The content of the Site has resulted in numerous inquiries from and misunderstandings with Jenzabar's clients, and, inevitably, there are many more prospective clients that have been dissuaded from contacting Jenzabar entirely.

30. Upon information and belief, Long Bow's defamatory statements are motivated by malice toward Chai, as well as Long Bow's desire to discredit Chai and advance Long Bow's divergent political agenda.

LONG BOW'S KNOWLEDGE OF THE FALSITY

31. On February 9, 2007, Jenzabar notified Long Bow in writing that the Site contained false and defamatory information and that Long Bow was engaging in unauthorized use of the JENZABAR Marks, and demanded that it voluntarily cease and desist from these tortious activities.

32. On March 22, 2007, Jenzabar again made demand that Long Bow cease its offending conduct, and notified it that Jenzabar's former CEO, DiLorenzo, who accused Chai and Maginn of a "number of unethical, inappropriate, and/or illegal actions" – which statement the Site prominently displayed – had *retracted* his baseless allegations about Jenzabar's officers.

33. In fact, DiLorenzo dismissed his complaint, without receiving payment to do so, and provided a letter of apology to Chai and Maginn, which was filed in conjunction with the Stipulation of Dismissal of his case.

34. The apology letter, which Jenzabar provided to Long Bow, stated that "subsequent and extensive discovery that was conducted demonstrated that the *information*

provided to me by others that led to the allegations was not warranted and not supported by the evidence.” (emphasis supplied).

35. Accordingly, DiLorenzo’s allegations that Chai and Maginn were involved in “unethical, inappropriate, and/or illegal actions” are demonstrably false, and Long Bow knew them to be false.

36. Furthermore, despite notice and demand, Long Bow has failed and refused to cease its infringing use of the JENZABAR Marks.

CLAIMS FOR RELIEF

COUNT I

(Business Defamation)

37. Plaintiffs reassert each and every allegation set forth in the foregoing Paragraphs and incorporate them by reference.

38. By the conduct described above, Long Bow has communicated false and defamatory statements to third parties of and concerning Plaintiffs and their business.

39. In publishing the offending material, Long Bow was motivated by malice, ill will, and the desire for retaliation.

40. Long Bow had knowledge of the falsity of its statements or, at a minimum, showed reckless disregard as to their truth or falsity.

41. Through this conduct, Long Bow deterred others from dealing with Plaintiffs in business.

42. As a result of Long Bows false and defamatory statements, Plaintiffs have suffered actual damages, lost profits, and irreparable harm to their business and personal reputations.

COUNT II

(Defamation)

43. Plaintiffs reassert each and every allegation set forth in the foregoing Paragraphs and incorporate them by reference.

44. By the conduct described above, Long Bow has, without any privilege to do so, published and communicated to third parties false and defamatory material of and concerning Plaintiffs that ridicules them, treats them with contempt, and discredits them in the minds of a considerable and respectable segment in the community.

45. Long Bow has published statements that accuse Plaintiffs Maginn and Chai of improper, unethical, and illegal conduct.

46. Long Bow has published and communicated its defamatory statements with actual malice. It had knowledge of the falsity of its statements or, at a minimum showed reckless disregard as to their truth or falsity.

47. Long Bow has been motivated by ill will and a desire to harm Plaintiffs' reputations.

48. As a result of Long Bow's defamatory statements, Plaintiffs have suffered irreparable harm to their personal and business reputations and significant monetary damages in an amount to be proven at trial.

COUNT III

(False Designation of Origin – 15 U.S.C. §§ 1114 and 1125(a))

49. Plaintiffs reassert each and every allegation set forth in the foregoing Paragraphs and incorporate them by reference.

50. Each of the JENZABAR Marks, as previously defined herein, is a valid and protectable trademark and/or service mark.

51. Long Bow's use of the JENZABAR Marks is unauthorized by Plaintiffs and is likely to cause confusion among consumers as to the source of the services and products offered by Long Bow. This is particularly true given that (1) Long Bow is using JENZABAR, JENZABAR.COM, JENZABAR.NET, LING CHAI and CHAI LING as metatags within the Site; and (2) the Site promotes a film which, in part, concerns Chai's well known history. Consumers are thus likely to be confused that the Site and/or the Film are endorsed by, authorized by or affiliated with one or more of the Plaintiffs. Long Bow is therefore infringing the JENZABAR Marks.

52. Long Bow's unauthorized use of the JENZABAR Marks is willful, intentional and with conscious disregard of Jenzabar's rights.

53. Plaintiff Jenzabar has been damaged by Long Bow's infringement of the JENZABAR Marks. Jenzabar has suffered monetary loss in an amount to be determined, and subject to a treble damages award pursuant to 15 U.S.C. § 1117. In addition, Jenzabar is informed and believes that Long Bow has and will derive unlawful gains and profits as a result of its acts. This is an exceptional case and Jenzabar is entitled to recover reasonable attorneys' fees pursuant to 15 U.S.C. § 1117.

54. If the aforesaid acts are permitted to continue, Jenzabar will sustain further loss, damage, and irreparable injury, for which Jenzabar has no adequate remedy at law.

COUNT IV

(Federal Trademark Dilution)

55. Plaintiffs reassert each and every allegation set forth in the foregoing Paragraphs and incorporate them by reference.

56. The JENZABAR Marks are famous and distinctive under the Lanham Act, 15 U.S.C. § 1125(c). The JENZABAR Marks are inherently distinctive and/or have become distinctive through substantially exclusive and continuous use throughout the United States of America and in other countries worldwide. The advertising and publicity associated with the JENZABAR Marks have been of substantial duration and extent. The JENZABAR Marks have substantial renown in their market and channels of trade.

57. Long Bow adopted, used and continues to use the JENZABAR Marks after the JENZABAR Marks became famous. Long Bow's unauthorized use of the JENZABAR Marks on its website and as metatags causes dilution of, and actually dilutes, the distinctive quality of the famous JENZABAR Marks in violation of the Lanham Act, 15 U.S.C. § 1125(c).

58. Long Bow willfully intended to trade on the Plaintiffs' reputations and to cause dilution of the JENZABAR Marks in violation of the Lanham Act and consciously disregarded Jenzabar's legal rights.

59. As a result of Long Bow's dilution of the JENZABAR Marks in violation of the Lanham Act, Jenzabar has suffered great detriment to its business, goodwill, reputation, and

profits, all to its damage in an amount yet to be fully ascertained, subject to treble damages pursuant to 15 U.S.C. § 1117. In addition, Jenzabar is informed and believes that Long Bow has derived unlawful gains and profits as a result of its acts, and Jenzabar has thereby been caused loss and damage. This is an exceptional case and Jenzabar is entitled to recover reasonable attorneys' fees pursuant to 15 U.S.C. § 1117.

60. If the aforesaid acts are permitted to continue, Jenzabar will sustain further loss, damage, and irreparable injury, for which Jenzabar has no adequate remedy at law.

COUNT V

(Common Law Trademark Infringement)

61. Plaintiffs reassert each and every allegation set forth in the foregoing Paragraphs and incorporate them by reference.

62. Jenzabar's use of the JENZABAR Marks preceded Long Bow's use of said marks. Jenzabar has priority to, and ownership of, the JENZABAR Marks.

63. Long Bow's use of the JENZABAR Marks is unauthorized and infringes the JENZABAR Marks. As a result of Long Bow's aforesaid acts, Long Bow has unlawfully misappropriated and infringed upon the JENZABAR Marks in violation of the common law of several states including but not limited to the Commonwealth of Massachusetts.

64. Long Bow's unauthorized use of the JENZABAR Marks is willful, intentional and with conscious disregard of Jenzabar's rights.

65. As a result of Long Bow's infringement of the JENZABAR Marks, Jenzabar has suffered great detriment to its business, goodwill, reputation, and profits, all to its damage in an amount yet to be fully ascertained. In addition, Jenzabar is informed and believes that

Long Bow has derived unlawful gains and profits as a result of their acts, and Jenzabar has thereby been caused loss and damage.

66. If the aforesaid acts are permitted to continue, Jenzabar will sustain further loss, damage, and irreparable injury, for which Jenzabar has no adequate remedy at law.

COUNT VI

(Trademark Infringement Under State Law)

67. Plaintiffs reassert each and every allegation set forth in the foregoing Paragraphs and incorporate them by reference.

68. The JENZABAR Marks are valid trademarks and/or service marks at common law.

69. Long Bow's aforesaid acts of infringement, imitation, deception and misrepresentation were and are without Jenzabar's prior consent, and constitute an unauthorized use and/or infringement of the JENZABAR Marks, in violation of Massachusetts General Law 110B.

70. Upon information and belief, Long Bow willfully intended to trade on Jenzabar's reputation to enhance the commercial value of Jenzabar's products and services. Upon information and belief, Long Bow willfully intended to infringe upon the JENZABAR Marks, and consciously disregarded Jenzabar's legal rights.

71. As a result of Long Bow's infringement of the JENZABAR Marks, Jenzabar has suffered great detriment to its business, goodwill, reputation, and profits, all to its damage in an amount yet to be fully ascertained. If Long Bow's unlawful infringement of the

JENZABAR Marks is permitted to continue, Jenzabar will sustain further loss, damage, and irreparable injury, for which Jenzabar has no adequate remedy at law.

COUNT VII

(Trademark Dilution Under State Law)

72. Plaintiffs reassert each and every allegation set forth in the foregoing Paragraphs and incorporate them by reference.

73. The JENZABAR Marks are valid trademarks and/or service marks at common law, and have acquired fame and distinctiveness.

74. Long Bow's aforesaid acts of infringement, imitation, deception and misrepresentation dilute and/or create a likelihood of dilution of, the distinctive quality of the JENZABAR Marks, in violation of Massachusetts General Law 110B.

75. Long Bow willfully intended to trade on Jenzabar's reputation, and to cause dilution of the JENZABAR Marks, and consciously disregarded Jenzabar's legal rights.

76. As a result of Long Bow's dilution of the JENZABAR Marks, Jenzabar has suffered and will continue to suffer great detriment to its business, goodwill, reputation, and profits, all to its damage in an amount yet to be fully ascertained.

77. If Long Bow's unlawful dilution of the JENZABAR Marks is permitted to continue, Jenzabar will sustain further loss, damage, and irreparable injury, for which Jenzabar has no adequate remedy at law.

COUNT VIII

(Violation of Mass. Gen. Law c. 93A)

78. Plaintiffs reassert each and every allegation set forth in the foregoing Paragraphs and incorporate them by reference.

79. Plaintiffs are engaged in the conduct of trade and commerce.

80. Long Bow's conduct described herein, including without limitation, its unauthorized use of JENZABAR'S Marks to direct traffic to the site for the specific purpose of defaming the Plaintiffs and damaging their reputations, constitutes unfair and deceptive trade practices in violation of General Laws chapter 93A, the Massachusetts Consumer Protection statute.

81. As a result of Long Bow's conduct, Jenzabar was damaged in an amount to be determined at trial.

PRAYERS FOR RELIEF

Wherefore, Plaintiffs prays for judgment as follows:

1. For a permanent injunction restraining Long Bow from the unlawful, unfair, fraudulent, deceptive and misleading acts and conduct set forth above, and enjoining Long Bow from: (a) using any mark that infringes (*i.e.*, is confusingly similar to) any of the JENZABAR Marks for any purpose, including, but not limited to, for use in connection with any domain name or website; and (b) publishing defamatory content concerning the Plaintiffs.

2. During the pendency of this action, for a preliminary injunction to enjoin and restrain Long Bow from the unlawful, unfair, fraudulent, deceptive and misleading acts and conduct set forth above, and enjoining Long Bow from: (a) using any mark that infringes (*i.e.*, is

confusingly similar to) any of the JENZABAR Marks for any purpose, including, but not limited to, for use in connection with any domain name or website; and (b) publishing defamatory content concerning the Plaintiffs.

3. For recovery of all damages sustained by Jenzabar as a result of Long Bow's wrongful acts, including an award, pursuant to 15 U.S.C. § 1117, of Jenzabar's actual damages and Long Bow's profits, in an amount to be proven at trial.

4. For recovery of all damages sustained by Plaintiffs as a result of Long Bow's defamation.

5. For an accounting of the gains and profits realized by Long Bow from its aforesaid wrongful acts, and restitution and/or disgorgement to Jenzabar of Long Bow's ill-gotten gains.

6. For increased and punitive damages as allowed by law, including, but not limited to, those increased damages authorized by 15 U.S.C. § 1117.

7. For attorneys' fees and costs incurred herein.

8. For prejudgment interest according to law.

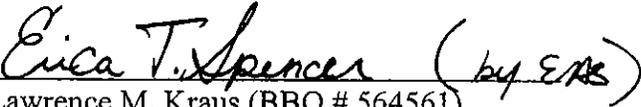
9. For such other and further relief as the Court deems just and proper.

A JURY TRIAL IS DEMANDED ON ALL ISSUES SO TRIABLE

Respectfully submitted,

JENZABAR, INC., ROBERT A. MAGINN, JR.,
and LING CHAI

By their attorneys,

 Erica T. Spencer (by EAS)

Lawrence M. Kraus (BBO # 564561)

Erica Templeton Spencer (BBO #651967)

FOLEY & LARDNER LLP

111 Huntington Avenue

Boston, MA 02199

(617) 342-4000

Dated: May 14, 2007

Commonwealth of Massachusetts
County of Suffolk
The Superior Court

CIVIL DOCKET # SUCV2007-02075-H
Courtroom CtRm 1015, 3 Pemberton Square, Boston

RE: Jenzabar, Inc et al v Long Bow Group, Inc

Lawrence M Kraus, Esquire^{TO}:
Foley and Lardner LLP
111 Huntington Avenue
Boston, MA 02199-4070

SCHEDULING ORDER FOR A TRACK

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated, and case shall be resolved and judgment shall issue by **04/28/2010**

STAGES OF LITIGATION

DEADLINES

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court	08/12/2007	08/12/2007	
Response to the complaint filed (also see MRCP 12)		09/11/2007	
All motions under MRCP 12, 19, and 20	09/11/2007	10/11/2007	11/10/2007
All motions under MRCP 15	07/07/2008	08/06/2008	08/06/2008
All discovery requests and depositions served and non-expert depositions completed	05/03/2009		
All motions under MRCP 56	06/02/2009	07/02/2009	
Final pre-trial conference held and/or firm trial date set			10/30/2009
Case shall be resolved and judgment shall issue by 04/28/2010			04/28/2010

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.

Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

Dated: 06/12/2007

Michael Joseph Donovan
Clerk of the Court

Telephone: 617-788-8147

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION NO. 07-2075-H

JENZABAR, INC., LING CHAI, and
ROBERT A. MAGINN, JR.,

Plaintiffs,

v.

LONG BOW GROUP, INC.,

Defendant.

May 14, 07
Filed & all'd.
By the Court (Beasland J)
Attest: Stephen W. Donovan
Asst. Clerk

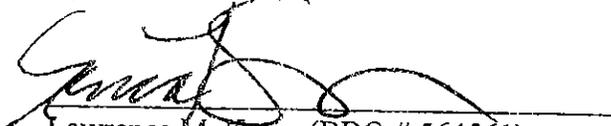
MOTION FOR SPECIAL PROCESS SERVER

Pursuant to Mass. R. Civ. P. 4(c), Plaintiffs hereby move this Court to appoint Beacon Hill Research, Inc., 11 Beacon Street, Suite 720, Boston, Massachusetts as process servers for all purposes in the above-captioned action.

Respectfully submitted,

JENZABAR, INC., ROBERT A. MAGINN, JR.,
and LING CHAI

By their attorneys,



Lawrence M. Kraus (BBO # 564561)
Erica Templeton Spencer (BBO #651967)
FOLEY & LARDNER LLP
111 Huntington Avenue
Boston, MA 02199
(617) 342-4000

Dated: May 14, 2007



PLAINTIFF(S)
Jenzabar, INC. Ling Chai, and Robert A. Maginn, Jr.

DEFENDANT(S)
Long Bow Group, Inc.

ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE
Lawrence M. Kraus, 617-342-4000
Foley & Lardner LLP
111 Huntington Ave., Boston, MA 02199
Board of Bar Overseers number: BBO No. 564561

ATTORNEY (if known)

Origin code and track designation

- Place an x in one box only:
[X] 1. F01 Original Complaint
[] 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) (F)
[] 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)
[] 4. F04 District Court Appeal c.231, s. 97 &104 (After trial) (X)
[] 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)
[] 6. E10 Summary Process Appeal (X)

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)

CODE NO. TYPE OF ACTION (specify) TRACK IS THIS A JURY CASE?
B-15 Defamation (A) (X) Yes () No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS

(Attach additional sheets as necessary)

- A. Documented medical expenses to date:
1. Total hospital expenses \$
2. Total Doctor expenses \$
3. Total chiropractic expenses \$
4. Total physical therapy expenses \$
5. Total other expenses (describe) \$
Subtotal \$
B. Documented lost wages and compensation to date \$
C. Documented property damages to date \$
D. Reasonably anticipated future medical and hospital expenses \$
E. Reasonably anticipated lost wages \$
F. Other documented items of damages (describe) \$
G. Brief description of plaintiff's injury, including nature and extent of injury (describe)
See below.
See below,
TOTAL \$ to be determined.

CONTRACT CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):
Defendant is publishing false and defamatory content concerning the Plaintiffs on a website operated by the Defendant. Defendant uses this site to divert Plaintiffs' customers away from Plaintiffs' website and to the defamatory content on Defendants' website by infringing on Plaintiffs' trademark, "Jenzabar". TOTAL \$ to be determined.

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record [Signature] DATE: 5/14/07