

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

RURAL ROUTE 3 HOLDINGS, L.P.,

Plaintiff,

v.

PATRICK A.P. DE MAN,

Defendant.

Case No.: 3:17-cv-01948

**RURAL ROUTE 3 HOLDINGS, LP'S APPLICATION  
FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

TO THE HONORABLE COURT:

COMES NOW Plaintiff Rural Route 3 Holdings, LP ("RR3"), pursuant to Fed. R. Civ. P. 65, and respectfully requests that this Honorable Court immediately enjoin defendant Patrick de Man from using the domain name "ruralroute3.holdings" (the "Infringing Domain Name") or the trademark Rural Route 3 Holdings ("RR3 Mark") for any purpose.

Mr. de Man has no connection to RR3's business and no legitimate interest in using the RR3 Mark. Mr. de Man registered and began using the Infringing Domain Name, which copies and incorporates the RR3 Mark, to create the inaccurate impression that he is affiliated with RR3 and its principal, Adam Sinn, when he is not.

RR3 is likely to succeed on the merits of its claims and Mr. de Man will not suffer any harm from the requested injunction. RR3 is at risk of irreparable harm if Mr. de Man is allowed to continue using the Infringing Domain Name and the RR3 Mark. Mr. de Man's use of the Infringing Domain Name and the RR3 Mark should be stopped immediately.

### **Facts**

RR3 invests in early stage companies and private funds, among other things. *See*, Declaration of Adam Sinn, ¶ 4, attached as **Exhibit 1**. RR3's consistent presentation of its identity and its business orientation and its affiliation with its principal, Adam Sinn, are critical to its receipt of attractive investment opportunities. *Id.* RR3 receives favorable investment opportunities from persons and entities in the investment community because of its reputation. *Id.*

RR3's name and the RR3 Mark have no substantive connection to the nature of RR3's or any other business. *Id.*, ¶ 7. "Rural Route 3" is the name of the country road in Illinois on which RR3's principal, Adam Sinn, grew up. *Id.* RR3 uses and promotes its name in the capital investment business. *Id.*, ¶ 6. RR3 has done business under its tradename and the RR3 Mark since 2012. RR3 has also used the domain name "ruralroute3holdings.com" since April 2016 ("RR3 Domain Name"). *Id.*, ¶ 7.

Mr. de Man has long known of RR3's existence, its name, its use of the RR3 Domain Name and of the RR3 Mark. *Id.*, ¶ 10. Mr. de Man has specifically invested jointly with RR3 in at least one project and thus regularly receives and sends emails to RR3 representatives at the RR3 Domain Name. *Id.*

On June 22, 2017, the domain name "ruralroute3.holdings" was registered. *Id.*, ¶ 11. That domain name is virtually identical to RR3's tradename, the RR3 Mark and the RR3 Domain Name. *Id.* The only difference between the Infringing Domain Name and the RR3 Domain Name is the insertion of a period between the number 3 and letter "h." *Id.* The two are phonetically identical. *Id.*

On June 23, 2017, in connection with an investment in which both RR3 and Mr. de Man participate, Mr. de Man identified his association with the domain name “ruralroute3.holdings.” *Id.*, ¶ 12. He copied himself on an email at the address “Patrick@ruralroute3.holdings” and instructed the others on that email to “[p]lease note my new email address.” *Id.* A representative of that entity in which both RR3 and Mr. de Man have invested has declared that Mr. de Man’s use of the Infringing Domain Name in the same investment as RR3 caused her to believe Mr. de Man is affiliated with or sponsored by RR3. *See*, Declaration of Amy Odom, ¶ 9, attached as **Exhibit 2**.

Mr. de Man has no interest in, and has never claimed an interest in, RR3 or the RR3 Mark. Exhibit 1, ¶ 9. Mr. de Man has nothing to do with RR3’s business. *Id.* His use of a domain name nearly identical to RR3’s tradename and which copies and incorporates the RR3 Mark, in connection with services that are identical to those offered by RR3, can only be for illegitimate, bad faith purposes and should not be allowed.

### **Argument**

There is no reason for Mr. de Man’s registration or use of the Infringing Domain Name or the RR3 Mark, generally or especially in business dealings involving RR3. The only conceivable purposes for Mr. de Man’s use of the RR3 Mark is to attempt to confuse the market into thinking he is affiliated with, sponsored by, or otherwise associated with RR3, to injure RR3, to trade on RR3’s goodwill, or to receive information intended solely for RR3, none of which is a legitimate, good faith reason.

To prevent Mr. de Man from irreparably harming RR3 or unjustly benefitting from market confusion regarding his (non-)affiliation with RR3, he should be immediately stopped

from all uses of the RR3 Mark, the Infringing Domain Name or any other use of RR3's intellectual property that is likely to cause confusion in the marketplace or harm RR3.

**Standard**

A plaintiff is entitled to injunctive relief if it shows: (1) the plaintiff's likelihood of success on the merits; (2) the potential for irreparable harm in the absence of an injunction; (3) issuing an injunction will burden the defendants less than denying an injunction would burden the plaintiffs; and (4) the effect, if any, on the public interest. *Watchtower Bible Tract Soc'y of N.Y., Inc. v. Municipality of Aguada*, 160 F. Supp. 3d 440, 442 (D.P.R. 2016).

“In each case, courts must balance the competing claims of injury and must consider the effect on each party of the granting or withholding of the requested relief.” *Id.* (internal citations and quotations omitted). RR3's request for relief meets all the required elements.

**I. Mr. de Man should be immediately enjoined from any use of the domain name “ruralroute3.holdings”.**

RR3 is likely to succeed on the merits of its Lanham Act claims. Due to the virtual identity between the RR3 Mark and the Infringing Domain Name -- indeed, the Infringing Domain Name copies the RR3 Mark -- Mr. de Man's registration and use of the Infringing Domain Name is likely to confuse the market regarding Mr. de Man's affiliation with RR3 or the source and sponsorship of Mr. de Man's business activity.

There is no legitimate business reason for Mr. de Man's use of RR3's tradename or the RR3 Mark. And, Mr. de Man's use of RR3's tradename and the RR3 Mark creates the potential to irreparably harm RR3.

Mr. de Man has demonstrated his willingness to misuse others' property for his own benefit. Here, Mr. de Man can exploit market confusion regarding his (non-)affiliation with RR3 to divert opportunities intended for RR3, to convert RR3's opportunities for himself, or simply to

tarnish RR3's reputation in the marketplace. Conversely, the requested injunction will not cause Mr. de Man any harm, of any kind. Accordingly, Mr. de Man should be immediately enjoined from any use of the Infringing Domain Name.

**A. RR3 is likely to succeed on the merits of its Lanham Act and its analogous state law claims.**

**1. Sections 1125(a) and (d) of the Lanham Act.**

Section 1125(a) of the Lanham act (15 U.S.C. § 1125) "broadly prohibits uses of trademarks, trade names, and trade dress that are likely to cause confusion about the [actual] source of a product or service." *General Council of Assemblies of God v. Fraternidad de Iglesia de Asamblea de Dios Autonoma Hispanica, Inc.*, 382 F. Supp. 2d 315, 322 (D. P.R. 2005) (quoting *Moseley v. Secret Catalogue, Inc.*, 537 U.S. 418, 428 (2003)).

Section 1125(d)(1)(A)(i) imposes liability on a person, like Mr. de Man here, who in bad faith intends to profit from the use of another's mark. Section 1125(d) specifically contemplates that the improper use of a domain name can violate 15 U.S.C. § 1125 and allows for cancellation or transfer of the offending domain name. *See*, 15 U.S.C. § 1125(d)(1)(C).

Registration of a name or mark is not a predicate to recovery under Section 1125(a) or 1125(d). "Trademark rights are acquired through use of the mark and not registration. That right, which accrues from the use of a particular name or symbol, is essentially a common law property right...." *Veve v. Corporan*, 977 F. Supp. 2d 93, 100 (D. P.R. 2013) (quoting *Keebler Co. v. Rovira Biscuit Corp.*, 624 F.2d 366, 372 (1st Cir. 1980)). An entity's trademark rights begin when the mark or name is used in commerce. *Id.* RR3's rights in and to the RR3 Mark date back to 2012, when it began doing business under the RR3 Mark.

**a. Section 1125(a)**

To prevail on a Section 1125(a) claim, the plaintiff must show (1) defendant uses the allegedly offending mark or name, (2) in interstate commerce, and (3) that use is likely to cause confusion. *General Council of Assemblies of God*, 382 F. Supp. 2d at 322. Section 1125 applies to both registered and unregistered marks. *Id.*

The First Circuit evaluates the following eight factors to determine whether the use of a mark or name is likely to cause confusion among the public: (1) the similarity of the marks; (2) the similarity of the goods or services; (3) the relationship between the parties' channels of trade; (4) the juxtaposition of their advertising; (5) the classes of prospective purchasers; (6) the evidence of actual confusion; (7) the defendant's intent in adopting its allegedly offending mark; and (8) the strength of the plaintiff's mark. *Id.* at 324. No single factor is dispositive. *Id.*

**Similarity.** “[S]imilarity is determined on the basis of the total effect of the designation, rather than a comparison of the individual features.” *Veve*, 977 F. Supp. at 100 (D. P.R. 2013) (quoting *Boston Athletic Ass'n. v. Sullivan*, 867 F.2d 22, 27 (1st Cir. 1989)). “The test of consumer confusion ‘is not whether the products can be differentiated when subjected to a side-by-side comparison, but rather whether they create the same general overall impression.’” *Veve*, 977 F. Supp. at 100 (quoting *Veryfine Prod., Inc. v. Colon Bros., Inc.*, 799 F.Supp. 240, 251 (D. P.R. 1992)).

The similarity between Mr. de Man's Infringing Domain Name, “ruralroute3.holdings,” and the RR3 Mark is manifest. The Infringing Domain Name wholly incorporates the RR3 Mark. The only difference is the insertion of a period after the number three. Further, the RR3 Mark and the Infringing Domain Name are identical in appearance and sound. Phonetically, the marks at issue are identical. Certainly, the Infringing Domain Name creates the same overall

impression as the RR3 Mark and the RR3 Domain Name -- especially when used in connection with one of RR3's investments -- just as Mr. de Man intended.

**Similarity of Services/Channels of Trade/Advertising/Prospective Purchasers.** The nature and extent of Mr. de Man's intended, improper use of the Infringing Domain Name cannot now be rationally identified, given the recency of its registration and use. Mr. de Man has, however, already used that name in connection with at least one of RR3's investments. *See, Exhibit F* to the First Amended Complaint. Thus, Mr. de Man has used the Infringing Domain Name in the same industry and in the same specific business activity as RR3 and with RR3's business affiliates. Those identical uses are likely to travel through identical channels of trade and be marketed and advertised to identical market participants.

**Actual confusion.** As noted above, RR3 cannot catalogue all examples of actual confusion from Mr. de Man's use of the Infringing Domain Name, given the recency of his improper use. But, a representative of the entity in which both RR3 and Mr. de Man have invested states that Mr. de Man's use of the Infringing Domain Name in the same investment as RR3 caused her to believe Mr. de Man is affiliated with or sponsored by RR3. *See, Exhibit 2, ¶¶ 9.* Thus, even Mr. de Man's limited, known use of the Infringing Domain Name has already caused actual confusion regarding his affiliation with RR3.

**Mr. de Man's bad faith intent.** There is no rational explanation for Mr. de Man's registration and use of the Infringing Domain Name other than to intentionally cause confusion. Mr. de Man does not have a proprietary interest in RR3, nor is an employee of RR3. And, the name "Rural Route 3" has nothing to do with the investment business generally or RR3's investments in particular. "Rural Route 3" is the name of the road in Illinois on which RR3's principal grew up. Mr. de Man could have associated his investment activities with an infinite

variety of names, letters and/or symbols. But he chose “ruralroute3.holdings,” knowing of RR3’s existence, name and mark. He then used that name and mark in connection with an investment in which RR3 participates. The only explanation for Mr. de Man’s choices and behavior is that he hopes the Infringing Domain Name will confuse the market into thinking he is affiliated with RR3 -- when he is not -- for personal gain. That is not a legitimate intent or use and it should not be permitted.

**Strength.** The RR3 Mark and tradename are strong. RR3 has been doing business under its tradename since 2012. The RR3 Mark is arbitrary and unrelated to the intrinsic nature of RR3’s services. Mr. de Man registered “ruralroute3.holdings” on June 22, 2017 and began using it on June 23, 2017, approximately a month ago. Mr. de Man has not developed any goodwill or market demand for his “ruralroute3.holdings” name, other than that already created by RR3. Mr. de Man cannot use the strength of RR3’s name and reputation as his own.

In sum, every factor relevant to determining confusion weighs heavily in RR3’s favor. Mr. de Man knowingly chose to use in the same business as RR3 a name that is virtually identical to RR3’s tradename and trademark, with the intent to confuse the market into thinking he is affiliated with RR3. There is no other rational explanation for Mr. de Man’s behavior. There is likelihood of market confusion if Mr. de Man is allowed to continue to use the name “ruralroute3.holdings.” RR3 is, therefore, likely to succeed on its claims under Section 1125(a) of the Lanham Act.

**b. Section 1125(d).**

Mr. de Man registered and began using the Infringing Domain Name, which incorporates the RR3 Mark, in bad faith, with an intent to personally benefit from that use. There is no other rational conclusion.



Mr. de Man knew of RR3's tradename, the RR3 Mark, and the nature of RR3's business prior to his registration and use of the Infringing Domain Name. RR3's rights in and to the RR3 Mark and tradename were established well prior to Mr. de Man's registration of the Infringing Domain Name. He has no connection with RR3 or its business. RR3's name has no logical connection to the investment community or any investment activity. Mr. de Man did not grow up on Rural Route 3 in Illinois. He has never previously conducted business under any name resembling "ruralroute3.holdings." He knowingly began using the Infringing Domain Name in connection with the same investment in which RR3 participates. His choice of "ruralroute3.holdings" was not an innocent misstep, but an intentional, calculated attempt to confuse the market and profit from that confusion. Mr. de Man's registration and use of the Infringing Domain Name violates 15 U.S.C. § 1125(d).<sup>1</sup>

## **2. Unfair competition under Art. 1802 of the PR Civil Code.**

A claim of unfair competition under Article 1802 of the Puerto Rico Civil Code is intended to provide protection from the misappropriation of a business's organization and expenditure of labor, skill and money by another for that other person's undeserved advantage. *In Re San Juan DuPont Plaza Hotel Fire Litigation*, 802 F.Supp. 624, 642 (D. P.R. 1992). "An action for unfair competition lies where a competitive injury occurs, i.e. palming off one's goods as those of a business adversary or passing off a competitor's product as one's own . . . as well as when the commercial advantage of one is misappropriated by another for its own use and profit." *Id.* (internal quotations and citations omitted).

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<sup>1</sup> The analysis for Section 1125 of the Lanham Act applies to RR3's claims under P.R. Laws Ann. title 10, §§ 223w and 223z, as those state law claims mirror Sections 1125(a) and (d) of the Lanham Act. RR3 is, in fact, more likely to succeed on its claim under § 223z due to the presumption of confusion as a result of Mr. de Man's bad faith (described above) and the virtual identity between the offending "ruralroute3.holdings" name and RR3's tradename and trademark.

As noted above, Mr. de Man could have affiliated his investment activities with an infinite number of symbols, names or words, or combinations thereof. Despite that infinite number of options, Mr. de Man chose to use the name of the road on which Mr. Sinn grew up and the name RR3 has used for over five years. The only connection between the words “Rural Route 3” and the investment world comes from RR3’s work and labor over the last five years. There is no inherent or logical connection between the two and there is no connection between that name and Mr. de Man.

Mr. de Man copied “ruralroute3.holdings” from RR3, with the intent to personally benefit from others’ (wrongly) believing he is affiliated with RR3 and from RR3’s goodwill, labor, reputation, knowledge and acumen. That is unfair competition as described by the court in *In Re San Juan DuPont Plaza Hotel Fire Litigation*.

**B. Mr. de Man’s use of the Infringing Domain Name threatens to cause RR3 irreparable harm.**

“Irreparable injury in the preliminary injunction context means an injury that cannot adequately be compensated for either by a later-issued permanent injunction, after a full adjudication on the merits, or by a later-issued damages remedy.” *Rio Grande Community Health Center, Inc. v. Rullan*, 397 F.3d 56 (1st Cir. 2005).

To establish irreparable harm, the movant does not need to show that the absence of the requested injunctive relief will be fatal to the business, only that its legal remedies are inadequate. *Ross–Simons of Warwick, Inc. v. Baccarat, Inc.*, 102 F.3d 12, 15 (1st Cir. 1996). “If the plaintiff suffers a substantial injury that is not accurately measurable or adequately compensable by money damages, irreparable harm is a natural sequel.” *Id.* For example “harm to goodwill, like harm to reputation, is the type of harm not readily measurable or fully

compensable in damages —and for that reason, more likely to be found ‘irreparable’.” *K–Mart Corp. v. Oriental Plaza, Inc.*, 875 F.2d 907, 915 (1st Cir. 1989).

Irreparable harm is measured “on a sliding scale, working in conjunction with a moving party's likelihood of success on the merits,” meaning that “[t]he strength of the showing necessary on irreparable harm depends in part on the degree of likelihood of success shown.” *Braintree Labs., Inc. v. Citigroup Global Mkts. Inc.*, 622 F.3d 36, 42–43 (1st Cir. 2010) (citations omitted).

“[I]rreparable harm may be shown even in the absence of actual injury to plaintiff's business based on plaintiff's demonstration of a likelihood of success on the merits of its claim of trademark infringement.” *Calamari Fisheries, Inc. v. The Village Catch, Inc.*, 698 F.Supp. 994, 1013 (D. Mass. 1988). That is so because “[t]he public interest purposes of the Lanham Act ... require[ ] a liberal interpretation of the irreparable injury factor.” *Camel Hair & Cashmere Inst. of America, Inc. v. Associated Dry Goods Corp.*, 799 F.2d 6, 14 (1st Cir. 1986). Indeed, the likelihood of market confusion, alone, provides a “potent basis for a finding of irremediable injury.” *Hypertherm, Inc. v. Precision Products, Inc.*, 832 F.2d 697, 699–700 (1st Cir. 1987).

Here, no monetary award can compensate RR3 for the harm Mr. de Man may be able to inflict upon RR3 through his use of RR3's tradename and the RR3 Mark. RR3's success in the investment world depends upon its reputation. Brokers and other entities with investment opportunities bring RR3 opportunities only because of its sound reputation. Mr. de Man's use of RR3's tradename and the RR3 Mark in the same investment circles in which RR3 operates, together with Mr. de Man's bad faith intentions, create the potential for untold and incalculable damage to RR3's reputation and thus to its business. As the First Circuit recognized in *K–Mart*

*Corp. v. Oriental Plaza, Inc.*, 875 F.2d 907, 915 (1st Cir. 1989), that kind of reputational harm is exactly the kind of harm for which injunctive relief is appropriate.

The likelihood that Mr. de Man will use the Infringing Domain Name to harm RR3 is not speculative, but real and imminent. Mr. de Man has repeatedly attempted to harm entities and persons associated with RR3's principal, Adam Sinn.

RR3 is the 99% owner of Aspire, for which Mr. de Man worked. *See, Exhibit A*, ¶ 4. After Mr. de Man's separation from Aspire, Mr. de Man locked Aspire's remaining employees out of the company's servers during Aspire's most intense business days of the year and then demanded a \$1,000,000 ransom payment to restore Aspire's access to its own computers and information. *Id.*, ¶¶ 14-19. Mr. de Man has posted multiple disparaging comments about Aspire, Adam Sinn and Aspire's counsel on social media websites, and made derogatory comments about Mr. Sinn to third parties. *Id.*, ¶¶ 20-21. As recently as July 25, 2017, Mr. de Man falsely accused Adam Sinn of the crime of tax evasion on Mr. de Man's LinkedIn page. *Id.*, ¶ 20, Ex. D.

Mr. de Man's historic behavior, coupled with the absence of any good faith business reason for his registration and use of "ruralroute3.holdings" generate a concrete, realistic threat that Mr. de Man will use his registered domain name to harm RR3.<sup>2</sup> The law does not require that RR3 wait for that harm to occur. Preventing such imminent harm is the precise purpose for RR3's requested injunctive relief.

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<sup>2</sup> It should be noted that the undersigned notified a courtesy copy of the Complaint to Mr. de Man's counsel of record in a case that Mr. de Man brought against various entities and Mr. Adam Sinn in the Court of First Instance, Bayamón Superior Court. To date, however, there has been no indication of Mr. de Man's intention of voluntarily withdrawing his registration of the Infringing Domain Name.

**C. The balance of hardships test clearly favors Plaintiff as the harm to RR3 is greater if the requested injunction is not granted than any possible harm to Mr. de Man if it is granted.**

The risk of harm to RR3 from Mr. de Man's continued use of the Infringing Domain Name is greater than any possible harm Mr. de Man may suffer from being ordered to cease using the Infringing Domain Name or RR3's Mark -- which is zero -- since the RR3 Mark has no inherent value to his business and Mr. de Man has not developed any goodwill around that name beyond that created by RR3 (since Mr. de Man registered "ruralroute3.holdings" and began using it about a month ago). Mr. de Man's loss of joy from not being able to harm RR3, Aspire or Mr. Sinn is not legally cognizable.

**D. No public policy concern supports Mr. de Man's use of "ruralroute3.holdings."**

Public policy prevents the bad faith copying and use of another's trademarks and tradename for personal gain. That is the point of Section 1125 of the Lanham Act. Here, Mr. de Man intends to do just that. There is no countervailing public policy supporting Mr. de Man's actions. He has no legitimate business need for the name "ruralroute3.holdings." That name has no independent connection to the investment world and it has no connection to Mr. de Man. Mr. de Man seeks to use the Infringing Domain Name and the RR3 Mark to confuse the market and either injure RR3 or wrongly capitalize on RR3's goodwill, neither of which are appropriate or consistent with any public policy. The only relevant public policy supports RR3 and its requested injunctive relief.

**Conclusion**

Mr. de Man's bad faith registration and use of RR3's tradename and the RR3 Mark as his domain name is confusing and misleading, violates the Lanham Act, constitutes the tort of unfair competition and threatens to cause, and has actually caused, RR3 irreparable harm. It should be stopped. In light of the foregoing, RR3 respectfully submits that it has: (i) demonstrated the

likelihood of success on its claims; (ii) that it will suffer irreparable harm in the absence of injunctive relief; (iii) that the balance of hardships tips in favor of granting the injunctive relief requested; and (iv) that the public interest favors granting the relief requested herein.

Further, a temporary restraining order is proper under Rule 65(b) of the Federal Rules of Civil Procedure as the First Amended Complaint and its exhibits “clearly show that immediate and irreparable injury, loss or damage will result to [RR3] before the [Defendant] can be heard in opposition.” Indeed, nothing precludes Defendant from unlawfully taking advantage of RR3’s Mark and continuing his malicious acts as described in detail herein which harm Plaintiff’s business and reputation.

Therefore, RR3 respectfully submits that the requested temporary restraining order should be granted immediately, without previous notice, until this Honorable Court holds a preliminary injunction hearing within 14 days from the entry of the order, as provided in Fed. Civ. P. Rule 65(b).

**WHEREFORE**, for the reasons stated herein, Rural Route 3 Holdings, L.P. respectfully requests that this Honorable Court issue a temporary restraining order and a preliminary injunction enjoining Defendant Patrick de Man from directly or indirectly using the domain name “ruralroute3.holdings” or the trademark Rural Route 3 Holdings (“RR3 Mark”) or any other trademark, tradename, or domain name that is confusingly similar to the RR3 Mark, in any business or other activity as there is no legitimate purpose for any such use.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico, this 7th day of August, 2017.

**BARNES & THORNBURG LLP**

*Attorneys for Plaintiff*

11 South Meridian Street

Indianapolis, IN 46204-3535

Tel: (317) 231-7748

Fax: (317) 231-7433

By: s/ T. Joseph Wendt

T. Joseph Wendt

E-mail: Joseph.Wendt@btlaw.com

**O'NEILL & BORGES LLC**

*Attorneys for Plaintiff*

250 Muñoz Rivera Avenue, Suite 800

San Juan, PR 00918-1813

Tel: (787) 764-8181

Fax: (787) 753-8944

By: s/ Alfredo F. Ramírez-Macdonald

Alfredo F. Ramírez-Macdonald

USDC No. 205208

E-mail: alfredo.ramirez@oneillborges.com

By: s/ Ana Margarita Rodríguez-Rivera

Ana Margarita Rodríguez-Rivera

USDC No. 227503

E-mail: ana.rodriguez@oneillborges.com

By: s/ Arturo L.B. Hernández-González

Arturo L.B. Hernández-González

USDC No. 304601

E-mail: arturo.hernandez@oneillborges.com

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

RURAL ROUTE 3 HOLDINGS, LP.,

Plaintiff,

v.

PATRICK A.P. DE MAN,

Defendant.

Case No.: 3:17-cv-01948

**DECLARATION OF ADAM SINN**

I affirm under the penalties for perjury the truth of the following representations:

1. I am an adult of sound mind, competent to testify to the matters in this declaration.
2. Except where obvious from the context, I have personal knowledge of the facts asserted in this declaration.
3. I am the trustee of the Gonemaroon Living Trust, which is the manager of Rural Route 3 Management, LLC, the general partner of Rural Route 3 Holdings, LP ("RR3").
4. RR3 invests in early stage companies and private funds, among other things. RR3's consistent presentation of its identity and its business orientation to the investment community and its affiliation with me and my reputation in the investment community, are critical to its receipt of attractive investment opportunities. RR3 is also the 99% limited partner of Aspire Commodities, LP, an entity that trades financial products related to the generation and transmission of electricity.



5. RR3 began doing business under its tradename in 2012. It began using the domain name "ruralroute3holdings.com" in April 2016.

6. RR3 uses and promotes its name in the capital investment business. For example, attached as Exhibit A is the RR3 business card for RR3's General Counsel, Barry Hammond, which displays the RR3 name, mark and domain name.

7. RR3's name has no inherent relationship to the nature of its business, Aspire's business or any other business, market or channel of trade. Its name comes from the country road in Illinois on which I grew up.

8. Mr. de Man used to work for Aspire. His work for Aspire terminated in 2016.

9. Mr. de Man has no interest in, and has never claimed an interest in, RR3. Mr. de Man is not employed with RR3. Mr. de Man has nothing to do with RR3's business.

10. Mr. de Man has long known of RR3's existence, its name, its use of the RR3 Domain Name and of the RR3 Mark. Mr. de Man has invested jointly with RR3 in at least one project and thus he regularly receives and sends emails to RR3 representatives who use the "ruralroute3holdings.com" domain name.

11. On June 22, 2017, the domain name "ruralroute3.holdings" was registered. See Ex. B. That domain name includes RR3's name and is virtually identical to RR3's domain name; the only difference from RR3's domain name is the insertion of a period between the number 3 and letter "h." The two are phonetically identical.

12. On June 23, 2017, in connection with the business in which both RR3 and Mr. de Man participate, Mr. de Man identified his association with the domain name "ruralroute3.holdings." He copied himself on an email, using the email address

“Patrick@ruralroute3.holdings” and instructed the others on that email to “[p]lease note my new email address.” See Ex. C.

13. Mr. de Man has attempted to harm Aspire and persons with whom I’m affiliated.

14. Aspire trades financial products with certain durations to maturity – e.g. a day, a week, a month. Through its purchase of such financial products, Aspire takes positions regarding the future prices of the relevant market(s) at the end of those durations.

15. Summer and winter seasons expose Aspire to the highest trading risks due to fluctuating weather patterns and thus fluctuating electricity demands.

16. Aspire normally faces its highest trading risk heading into the start of July, and July 2016 was no different. On June 30, 2016, Aspire held trading positions strategically entered months earlier which were approaching maturity. On June 30 the market began a significant shift, adverse to Aspire’s trading positions. That unexpected shift caused extreme stress and worry among Aspire’s traders, including me, regarding the potential adverse financial consequences to Aspire as a result of its existing trading positions. Our group communications reflected our panic about the significant adverse financial circumstances Aspire faced as a result of the market shift if its positions did not change. Patrick de Man had access to those communications.

17. As a result of his access to Aspire’s internal trading communications, Mr. de Man knew Aspire’s level of risk and of the traders’ worry regarding Aspire’s existing trading positions. He also knew the financial stress Aspire faced going into resumed trading the next week if its positions were not changed. Mr. de Man therefore knew he could cause Aspire significant harm by preventing us -- i.e. Aspire’s traders -- from accessing our models and

analytics on the weekend of July 2-3; by doing so, he would prevent us from analyzing Aspire's risk and rationally changing its positions in response to the market shift.

18. Mr. de Man used his computer access to lock Aspire's traders out of Aspire's system and away from our research on the weekend of July 2-3.

19. Mr. de Man then attempted to benefit from that act. He demanded that Aspire pay him \$1,000,000 to restore Aspire's access to its own computers. He restored Aspire's access only after Aspire threatened legal action against him.

20. Subsequent to his separation from Aspire, Mr. de Man has attempted to harm Aspire further by posting on social media sites multiple negative (false) statements and comments about me, Aspire and Aspire's counsel. Representative copies of Mr. de Man's postings are attached as Ex. D.

21. Mr. de Man has also made derogatory statements about me and others affiliated with me and/or Aspire to third parties, who have no relationship to Aspire or Raiden. For example, in electronic communications I read, he told my friends, who are completely unaffiliated with Mr. de Man, Aspire or Raiden, that I am trying to steal his money and cannot be trusted. He told attendees at a child's birthday party in Puerto Rico that I am a fraud and will be going to jail soon. In a posting on a social media site, Mr. de Man indirectly threatened an Aspire employee.

[the remainder of this page left blank intentionally]

I AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FOREGOING  
REPRESENTATIONS ARE TRUE.

7/26/2017

Date



Adam Sinn

**RURAL ROUTE 3 HOLDINGS, LP**

**BARRY M. HAMMOND, JR.**  
DIRECTOR  
832.819.1020  
Houston, Texas  
barry@ruralroute3holdings.com



### Search the WHOIS Database

Enter a domain name to search

Search

## WHOIS search results

Domain Name: ruralroute3.holdings  
 Registry Domain ID: 880aa0b0f4a24a71bc5cfb5b6176ce26-DONUTS  
 Registrar WHOIS Server: whois.donuts.co  
 Registrar URL: http://domains.google.com  
 Updated Date: 2017-07-13T17:08:14Z  
 Creation Date: 2017-06-22T02:16:15Z  
 Registry Expiry Date: 2018-06-22T02:16:15Z  
 Registrar: Google Inc.  
 Registrar IANA ID: 895  
 Registrar Abuse Contact Email: registrar-abuse@google.com  
 Registrar Abuse Contact Phone: +1.8772376466  
 Domain Status: clientDeleteProhibited  
<https://icann.org/epp#clientDeleteProhibited>  
 Domain Status: clientTransferProhibited  
<https://icann.org/epp#clientTransferProhibited>  
 Domain Status: clientUpdateProhibited  
<https://icann.org/epp#clientUpdateProhibited>  
 Registry Registrant ID: 2a237e9b2eb341bcab97fd4da44f6a76-DONUTS  
 Registrant Name: Patrick de Man  
 Registrant Organization:  
 Registrant Street: 544 Corredor del Bosque

Registrant City: Dorado  
Registrant State/Province: PR  
Registrant Postal Code: 00646  
Registrant Country: US  
Registrant Phone: +1.9392403510  
Registrant Phone Ext:  
Registrant Fax:  
Registrant Fax Ext:  
Registrant Email: pat.deman@gmail.com  
Registry Admin ID: 2a237e9b2eb341bcab97fd4da44f6a76-DONUTS  
Admin Name: Patrick de Man  
Admin Organization:  
Admin Street: 544 Corredor del Bosque  
Admin City: Dorado  
Admin State/Province: PR  
Admin Postal Code: 00646  
Admin Country: US  
Admin Phone: +1.9392403510  
Admin Phone Ext:  
Admin Fax:  
Admin Fax Ext:  
Admin Email: pat.deman@gmail.com  
Registry Tech ID: 2a237e9b2eb341bcab97fd4da44f6a76-DONUTS  
Tech Name: Patrick de Man  
Tech Organization:  
Tech Street: 544 Corredor del Bosque  
Tech City: Dorado  
Tech State/Province: PR  
Tech Postal Code: 00646  
Tech Country: US  
Tech Phone: +1.9392403510  
Tech Phone Ext:  
Tech Fax:  
Tech Fax Ext:  
Tech Email: pat.deman@gmail.com  
Name Server: ns-cloud-d4.googledomains.com  
Name Server: ns-cloud-d2.googledomains.com  
Name Server: ns-cloud-d3.googledomains.com  
Name Server: ns-cloud-d1.googledomains.com

DNSSEC: unsigned

URL of the ICANN Whois Inaccuracy Complaint Form:

<https://www.icann.org/wicf/>

>>> Last update of WHOIS database: 2017-08-02T19:00:18Z <<<

For more information on Whois status codes, please visit

<https://icann.org/epp>

Terms of Use: Users accessing the Donuts WHOIS service must agree to use the data only for lawful purposes, and under no circumstances use the data to: Allow, enable, or otherwise support the transmission by e-mail, telephone, or facsimile of mass unsolicited, commercial advertising or solicitations to entities other than the registrar's own existing customers. Enable high volume, automated, electronic processes that send queries or data to the systems of Donuts or any ICANN-accredited registrar, except as reasonably necessary to register domain names or modify existing registrations. When using the Donuts Whois service, please consider the following: The Whois service is not a replacement for standard EPP commands to the SRS service. Whois is not considered authoritative for registered domain objects. The Whois service may be scheduled for downtime during production or OT&E maintenance periods. Queries to the Whois services are throttled. If too many queries are received from a single IP address within a specified time, the service will begin to reject further queries for a period of time to prevent disruption of Whois service access.

[See Underlying Registry Data](#)

---

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---

**Subject:** FW: April and May DGSP2

**From:** Patrick de Man [<mailto:pat.deman@gmail.com>]

**Sent:** Friday, June 23, 2017 1:54 PM

**To:** 'Amy Odom' <[Amy.Odom@mp2energy.com](mailto:Amy.Odom@mp2energy.com)>; [joonsup.park@gmail.com](mailto:joonsup.park@gmail.com); 'Adam Sinn' <[asinn@aspirecommodities.com](mailto:asinn@aspirecommodities.com)>

**Cc:** 'Carey Jordan' <[Carey.Jordan@mp2energy.com](mailto:Carey.Jordan@mp2energy.com)>; Barry Hammond <[Barry@ruralroute3holdings.com](mailto:Barry@ruralroute3holdings.com)>; [amanda.mussalli@mp2energy.com](mailto:amanda.mussalli@mp2energy.com); [patrick@ruralroute3.holdings](mailto:patrick@ruralroute3.holdings)

**Subject:** RE: April and May DGSP2

Thank you. Great that it finally ran again.  
Please note my new email address.

Cheers, and have a good weekend!  
Patrick.

**From:** Amy Odom [<mailto:Amy.Odom@mp2energy.com>]

**Sent:** Wednesday, June 21, 2017 2:47 PM

**To:** 'joonsup.park@gmail.com' <[joonsup.park@gmail.com](mailto:joonsup.park@gmail.com)>; 'Adam Sinn' ([asinn@aspirecommodities.com](mailto:asinn@aspirecommodities.com))' <[asinn@aspirecommodities.com](mailto:asinn@aspirecommodities.com)>; 'pat.deman@gmail.com' <[pat.deman@gmail.com](mailto:pat.deman@gmail.com)>

**Cc:** Carey Jordan <[Carey.Jordan@mp2energy.com](mailto:Carey.Jordan@mp2energy.com)>; 'Barry Hammond' <[Barry@ruralroute3holdings.com](mailto:Barry@ruralroute3holdings.com)>

**Subject:** April and May DGSP2

Have a great day!

Amy Odom  
Director of Accounting  
MP2 Energy  
21 Waterway Avenue, Suite 450  
The Woodlands, TX 77380  
832.510.1055 phone  
832.510.1128 fax  
[www.mp2energy.com](http://www.mp2energy.com)



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**Patrick de Man**

Telecommuter at Any company owning a phone

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**Kevin Mohr of King & Spalding** on what Adam Sinn has been up to in Puerto Rico. "They don't do any business in Puerto Rico. They just sit there because you can do the trading on a computer from anywhere."

Shocking: "The business is in Texas."

From cause number 2016-59077 in Harris County (TX)  
**#AdamSinnPublicRecord #BarringtonMHammondJr #PuertoRico #Act22**

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Court records can be shocking: attorney Barry Hammond was described by a fellow lawyer as "not exactly living up to the highest standards of professionalism by upholding his middle finger instead of the dignity of the profession" as the rules require."

Unfortunately, I found this out a bit too late. Do your due diligence!

From cause number 2014-40964 in Harris County (TX)  
**#AdamSinnPublicRecord #BarringtonMHammondJr #AspireCommoditiesLP**

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"Amateur hour" over at **King & Spalding**, where **Kevin Mohr** needs some help complying with his word count for the appellant's brief.

After we caught him trying to sneak this in as an "accelerated appeal," how he can't make it in time for the deadline, after two extensions, because he is unable to write a brief that is compliant with the Texas Rules of Appellate Procedure.  
**#KingSpalding #wordcount #AmateurHour #AdamSinnPublicRecord #BarringtonMHammondJr #AspireCommoditiesLP**

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**Exhibit D**

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Founder and CEO, Thrive Global  
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Chief Economic Ad Allianz  
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**Patrick de Man**

Telecommuter at Any company owning a phone

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**Jim Edited**  
Court records can be shocking; attorney Barry Hammond was described by a fellow lawyer as "not exactly living up to the highest standards of professionalism by upholding his middle finger instead of the dignity of the profession, as the rules require."

Unfortunately, I found this out a bit too late. Do your due diligence!

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**Patrick de Man**



Telecommuter at Any company owning a phone

2 mins

A well-earned reputation for prevarication in litigation: Adam Sinn and Eric M. Torres "both now admit that though they warranted and represented under oath that rights under the settlement agreement had not been assigned, Torres had in fact assigned his interest in the settlement agreement to Sinn."

"Torres and Sinn have each offered testimony at odds with other statements they have made under oath at different times when it suited their interests."

From cause number 2014-40964 in Harris County (TX)  
#AdamSinnPublicRecord #BarringtonMHammondJr  
#AspireCommoditiesLP



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**Bruce Brownson** commented on this



## Patrick de Man

Telecommuter at any company owning a phone

60m Edited

An observant attorney wrote:

"The Rules notwithstanding, [Adam] Sinn insisted that the deposition end by noon because he had to make a flight back to Puerto Rico, lest he put his tax evasion scheme at risk."

From case number 2014-40964 in Harris County TX

#AdamSinnPublicRecord #BarringtonMHammondJr #PuertoRico #Act22

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

RURAL ROUTE 3 HOLDINGS, LP.,

Plaintiff,

v.

PATRICK A.P. DE MAN,

Defendant.

Case No.: 3:17-cv-01948

**DECLARATION OF AMY ODOM**

I, Amy Odom, affirm the truth of the following representations:

1. I am an adult of sound mind, competent to testify to the matters in this declaration.
2. Except where obvious from the context, I have personal knowledge of the facts asserted in this affidavit.
3. I work for a company named MP2 Energy LLC ("MP2").
4. Rural Route 3 Holdings, LP ("RR3") and Patrick de Man are investors in DGSP2 LLC ("DGSP2").
5. Pursuant to an Administrative Services Agreement between DGSP2 and MP2, MP2 provides certain administrative services for DGSP2.
6. In my work for MP2 and in this regard, I exchange emails with representatives of RR3, including Barry Hammond and Adam Sinn. I also exchange emails with Patrick de Man.
7. Attached as Exhibit A is a copy of an email exchange between me, Barry Hammond, Adam Sinn and Patrick de Man, among others.



8. In his email to the group, Mr. de Man instructed those on the email to “[p]lease note my new email address,” which was Patrick@ruralroute3.holdings.

9. As Mr. de Man requested, I noted the above email address. The inclusion of RR3’s name in Mr. de Man’s email address and Mr. de Man’s participation in MP2 Energy, caused me to believe Mr. de Man was – or is -- affiliated with RR3 and Mr. Sinn.

I AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

7-26-17  
Date

Amy Odom  
Amy Odom

---

**Subject:** FW: April and May DGSP2

**From:** Patrick de Man [<mailto:pat.deman@gmail.com>]

**Sent:** Friday, June 23, 2017 1:54 PM

**To:** 'Amy Odom' <[Amy.Odom@mp2energy.com](mailto:Amy.Odom@mp2energy.com)>; [joonsup.park@gmail.com](mailto:joonsup.park@gmail.com); 'Adam Sinn' <[asinn@aspirecommodities.com](mailto:asinn@aspirecommodities.com)>

**Cc:** 'Carey Jordan' <[Carey.Jordan@mp2energy.com](mailto:Carey.Jordan@mp2energy.com)>; Barry Hammond <[Barry@ruralroute3holdings.com](mailto:Barry@ruralroute3holdings.com)>; [amanda.mussalli@mp2energy.com](mailto:amanda.mussalli@mp2energy.com); [patrick@ruralroute3.holdings](mailto:patrick@ruralroute3.holdings)

**Subject:** RE: April and May DGSP2

Thank you. Great that it finally ran again.  
Please note my new email address.

Cheers, and have a good weekend!  
Patrick.

**From:** Amy Odom [<mailto:Amy.Odom@mp2energy.com>]

**Sent:** Wednesday, June 21, 2017 2:47 PM

**To:** 'joonsup.park@gmail.com' <[joonsup.park@gmail.com](mailto:joonsup.park@gmail.com)>; 'Adam Sinn' ([asinn@aspirecommodities.com](mailto:asinn@aspirecommodities.com))' <[asinn@aspirecommodities.com](mailto:asinn@aspirecommodities.com)>; 'pat.deman@gmail.com' <[pat.deman@gmail.com](mailto:pat.deman@gmail.com)>

**Cc:** Carey Jordan <[Carey.Jordan@mp2energy.com](mailto:Carey.Jordan@mp2energy.com)>; 'Barry Hammond' <[Barry@ruralroute3holdings.com](mailto:Barry@ruralroute3holdings.com)>

**Subject:** April and May DGSP2

Have a great day!

Amy Odom  
Director of Accounting  
MP2 Energy  
21 Waterway Avenue, Suite 450  
The Woodlands, TX 77380  
832.510.1055 phone  
832.510.1128 fax  
[www.mp2energy.com](http://www.mp2energy.com)



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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

RURAL ROUTE 3 HOLDINGS, L.P.,

Plaintiff,

v.

PATRICK A.P. DE MAN,

Defendant.

Case No. 17-01948 (JAG)

RE: Sections 1125(a) and (d) of the Lanham Act, 15 U.S.C. §§1125(a) and (d); Articles 26 and 29 of the Puerto Rico Trademark Act, P.R. Laws Ann. Tit. 10, §§223w and 223z; Damages pursuant to Article 1802 of the Puerto Rico Civil Code, P.R. Laws Ann. Tit. 31, §5141

**[PROPOSED] TEMPORARY RESTRAINING ORDER**

On July 11, 2017, Rural Route 3 Holdings, L.P. commenced the instant case by filing a Complaint (Docket No. 1), which was subsequently amended on August 7, 2017 by means of the First Amended Complaint (Docket No. 11), averring causes of action pursuant to sections 1125(a) and (d) of the Lanham Act and Articles 26 and 29 of the Puerto Rico Trademark Act. Plaintiff also alleged damages pursuant to Article 1802 of the Puerto Rico Civil Code.

Plaintiff's claims arise from Defendant Patrick A.P. De Man's alleged intentional, bad faith use of the domain name "ruralroute3.holdings". Plaintiff also alleges that Defendant's actions amount to unfair competition and have caused, and will continue to cause, Plaintiff damages to its business, reputation and good name sanctionable pursuant to Article 1802 of the Civil Code. Plaintiff thus asks that Defendant's actions, as described in the First Amended Complaint, be stopped immediately. Specifically, Plaintiff requests the entry of a temporary restraining order against Defendant as well as a

preliminary injunction preventing Defendant from directly or indirectly using the name “ruralroute3.holdings” or any substantially similar name.

Together with the First Amended Complaint, Plaintiff filed an Application for a Temporary Restraining Order and Preliminary Injunction (Docket No.\_\_\_\_) (the “Application for Injunctive Relief”) in further support of its request for the entry of such injunctive relief, including statements under penalty of perjury by Mr. Adam Sinn and Ms. Amy Odom.

After a careful review of the documents, statements and other evidence, as well as the supporting arguments submitted by Plaintiff with its Application for Injunctive Relief, it is evident that Plaintiff satisfies all the elements for a temporary restraining order pursuant to Federal Rule of Civil Procedure 65(b), as the specific facts included in the First Amended Complaint “clearly show that immediate and irreparable injury, loss, or damage will result to the movant [Rural Route 3 Holdings L.P.] before the adverse party [Defendant] can be heard in opposition”. RR3 has produced evidence that Defendant has attempted to confuse the market in which RR3 conducts its operations into thinking he is associated with RR3 when he is not. Further, Plaintiff has demonstrated to the satisfaction of this Court that Defendant’s actions, consisting of Mr. de Man’s intentional, bad faith use of the name “ruralroute3.holdings”, have already caused damages and will continue to cause damages to RR3’s reputation and good name. The irreparable nature of the damages caused by Defendant’s actions lies in the fact that these actions have resulted in the potential association of Defendant’s name with the operations of Plaintiff within a particular market and the confusion arising therefrom. In addition, Plaintiff has demonstrated that it gave sufficient notice to opposing counsel of the existence of this

case but that, nonetheless, Defendant has failed to take any action to cease and desist the use of the name “ruralroute3.holdings”.

Defendant’s actions move this Court to enter a temporary restraining order so as to ensure that Mr. Patrick A.P. de Man immediately refrains from using the domain name “ruralroute3.holdings” or any other substantially similar name.

For the above stated reasons, this Court hereby GRANTS Plaintiff’s request for a temporary restraining order. Consequently, Defendant is immediately enjoined from directly or indirectly using the name “ruralroute3.holdings” or any substantially similar name.

This Order shall be in effect for fourteen (14) days from its entry unless extended by this Court or by consent of the parties in this case. The parties are further ordered to appear before this Court on August \_\_, 2017 for a hearing pursuant to Fed. R. Civ. P. 65(b).

SO ORDERED.

In San Juan, Puerto Rico, this \_\_\_ of August, 2017 at \_\_\_\_\_.

---

United States District Judge