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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 GREGORY RICKS,

14 Plaintiff,

15 v.

16 BMEzine.COM, LLC,

17 Defendant.

Case No. 2:08-cv-01174-PMP-GWF

DECLARATION OF ALLEN FALKNER IN
SUPPORT OF COUNTERCLAIM

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18 1. The undersigned, being warned that willful false statements and the like so
19 made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the
20 United States Code, declares that he is qualified to make all statements herein from his
21 own personal knowledge.

22 2. My legal name is Charles Allen Falkner Huff, but I normally use the name
23 Allen Falkner. I am an adult over the age of 18 years, and I am otherwise competent to
24 make all of the statements in this Declaration.

25 3. I am independent of BMEzine.com, LLC and have no motivation to provide
26 this declaration except for the fact that the facts herein are my opinions and are truthful.

27 4. I am the President and sole shareholder of Obscure Enterprises INC DBA
28 Fade Fast Laser Tattoo Removal.

For 15 years, I was the President, manager and primary shareholder of
Obscurities Inc. in Dallas, Texas.

6. I am the publisher and owner of the website, suspension.org, a body-
suspension website.

1 7. I am a founding member of TSD (Traumatic Stress Discipline), a performance
2 art group that performs body-suspension, the art of suspending ones body from fixed
3 objects by placing piercing through the flesh and skin.

4 8. I am a founding member of the Association of Professional Piercers, the
5 largest body piercing organization in the world.

6 9. As such, I am an expert in the field of body piercing, body suspensions, and
7 body art.

8 10. I am intimately familiar with the tattooing, body art, and body piercing
9 marketplace, and in that marketplace (and in the mainstream media), BMEzine.com, LLC
10 and its network of websites is simply known as "BME."

11 11. The entire tattooing, body piercing, and body art community refers to
12 BMEzine.com, LLC and its various other enterprises such as the BME Fest, BME
13 Scholarship, BME News, etc., as simply "BME".

14 12. In my opinion, based upon my knowledge of the industry, I would say that
15 99% to 100% of all people who are involved in the tattooing, body art, body suspension,
16 and piercing industries know of BMEzine.com, LLC, but they know of it as simply, BME.

17 13. I have known about BME since the mid 1990s when BME began as a usenet
18 publication, and I have been familiar with it, using it as a resource for my journalism and for
19 my professional research as an expert in the field of body piercing. BME was world-famous
20 in this field as early as 1994 or 1995.

21 14. I am aware of the following BME websites:

- 22 a. BMEvideo.com,
- 23 b. BMEshop.com,
- 24 c. BMEfest.com,
- 25 d. TeamBME.com,
- 26 e. BMEscholarship.com
- 27 f. AskBME.com
- 28 g. BMEhard.com,
- h. BMEworld.com
- i. BMEboys.com
- j. BMEink.com
- k. TeamBME.com,

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1. BMEjapan.com,

15. All of these websites serve as resources for the body art community, and they are well known in that marketplace, and well beyond. In fact, many people who are not members of the body modification culture are also regular readers of the above sites.

16. There are no other companies, publications, nor any other vendors or commentators of any kind that use the designation BME in the body art marketplace for any purpose except to refer to the BME company and network with which I am familiar, and which is legally referred to as BMEzine.com, LLC.

17. When I, or any other persons with whom I am familiar, hear the name "BME," we immediately identify this as meaning that the content or event or production under that name was produced by BMEzine.com, LLC or was sponsored thereby.

18. The name "BME" can not identify any other organization or person in this industry.

19. If any other company used the designation BME, it would confuse me and anyone else in this marketplace as to the source or origin of the goods or services provided under that name.

20. BME has a reputation in this industry for producing quality content, having high ethical standards, and BME has an enormous amount of good will built up under that name.

21. Since "BME" can only identify goods produced by BMEzine.com, LLC, if anyone else were to use this name on their products or services, this would cause considerable confusion in the marketplace.

22. If any other party were to use the name "BME" in this marketplace, it would only serve to trade upon the reputation and goodwill that BMEzine.com, LLC has generated under this famous name.

23. I visited the website located at www.BME.com. A true and correct copy of the BME.com website as it appeared at the time of my visit (June 2008), is attached as Annex 1 to this Declaration. When I first saw BME.com, I knew immediately it was not a part of BMEzine.com, LLC.

24. In my opinion, there is no other BME except the enterprise run by BMEzine.com, LLC, and any other organization, person, or business that uses that

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designation can only be doing so for one reason – to lure unsuspecting consumers into believing that the user is somehow connected to BMEzine.com, LLC.

Dated: 11/7/08

Charles Allen Falkner Huff, a.k.a. Allen Falkner

Signed: 

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BME.com

Welcome!

May 10, 2008

Search:

Search

Related Searches:

[BODY LIGHTS](#)

[TATTOO SUPPLY](#)

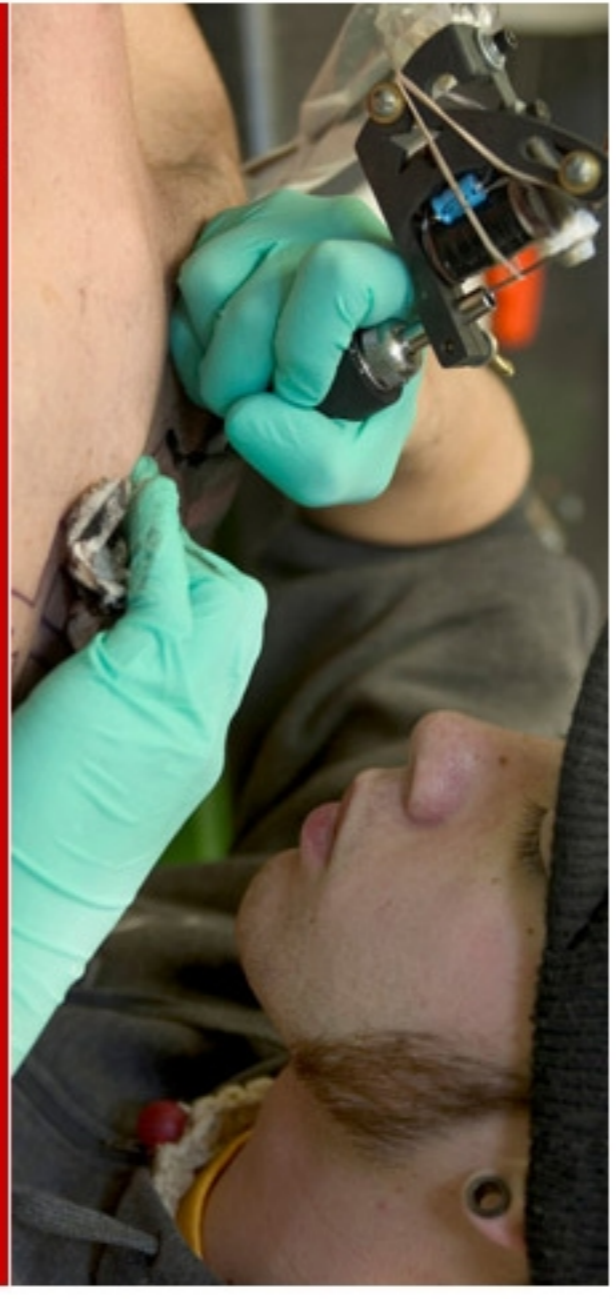
[TATTOO PICTURES](#)

[EXTREME GENITAL PIERCING](#)

RELATED SEARCHES:

- Body Lights
- Tattoo Supply
- Tattoo Pictures
- Extreme Genital Piercing
- Body Piercing
- Body Modification
- Temporary Tattoos
- Permanent Makeup
- Henna Tattoo
- Tattoo Cover Up

Tattoo Kit



TATTOO KIT

RELATED SEARCHES:

-  Henna Tattoo
-  Tattoo Machine
-  Temporary Tattoo

Welcome to BME.com

Search for goods and services on [Body Lights](#), [Tattoo Supply](#), [Tattoo Pictures](#), [Extreme Genital Piercing](#) and more.

Related Searches:

- [Body Piercing](#) | [Body Modification](#) | [Temporary Tattoos](#) | [Permanent Makeup](#)

POPULAR CATEGORIES:

Lighting Accessories

[Switchplates](#), [Wall Plate](#), [Switch](#), [Switch Plate Cover](#), [Light Switch Cover](#)

Bathroom Lighting

[Lighting](#), [Bathroom Lighting](#), [Bathroom Light Fixture](#), [Bathroom Light](#), [Bath Lighting](#)

Office Lighting

[Office Lighting](#), [Office Lamp](#), [Halogen Work Light](#), [Fluorescent Work Light](#), [Office Light](#)

Lamp Shades

[Lamp Shades](#), [Bamboo Shades](#), [Lamp Shade](#), [Chandelier Lamp Shades](#), [Replacement Lamp Shades](#)

Dining Room Lighting

[Lamp](#), [Dining Room Chandelier](#), [Dining Room Lighting](#), [Dining Room Light](#), [Dining Room Light Fixture](#)

Kitchen Lighting

Annex 1