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21 **UNITED STATES DISTRICT COURT**  
22 **DISTRICT OF NEVADA**

23 **CHEMEON SURFACE TECHNOLOGY,**  
24 **LLC, a Nevada limited liability company,**

25 Plaintiff,

26 v.

27 **METALAST INTERNATIONAL, INC., a**  
28 **Nevada corporation; METALAST, INC., a**  
**Nevada corporation; SIERRA DORADO, INC., a**  
**Nevada corporation; DAVID M. SEMAS, an**  
**individual; GREG D. SEMAS, an individual; and**  
**WENDI SEMAS-FAURIA, an individual.**

Defendants.

Case No. \_\_\_\_\_

**COMPLAINT**  
**DEMAND FOR JURY**

Plaintiff CHEMEON Surface Technology, LLC (“Plaintiff” or “CHEMEON”), by and through its counsel, Holland & Hart LLP, for its Complaint against Defendants Metalast International, Inc., Metalast, Inc., Sierra Dorado, Inc., David M. Semas, Greg D. Semas, and Wendi Semas-Fauria (collectively referred to as, “Defendants”), states and alleges as follows:

**NATURE OF THE ACTION**

1  
2 1. Plaintiff seeks injunctive, declaratory, equitable, and monetary relief against  
3 Defendants for trade secret misappropriation, declaratory judgment of no trademark infringement,  
4 cancellation of trademark, common law trademark infringement, copyright infringement,  
5 intentional interference with prospective economic advantage, unfair competition, deceptive trade  
6 practices and unjust enrichment.

**THE PARTIES**

7  
8 2. Plaintiff CHEMEON Surface Technology, LLC, is a Nevada limited liability  
9 company with its principal place of business at 2241 Park Place Ste B, Minden, Nevada 89423.

10 3. Defendant Metalast International, Inc., is a Nevada corporation with its principal  
11 place of business at 2248 Meridian Blvd. Ste. H, Minden, Nevada, 89423 (“MII”).

12 4. Defendant Metalast, Inc., is a Nevada corporation with its principal place of  
13 business at 2248 Meridian Blvd. Ste. H, Minden, Nevada, 89423.

14 5. Defendant Sierra Dorado, Inc., is a Nevada corporation with its principal place of  
15 business at 2248 Meridian Blvd. Ste. H, Minden, Nevada, 89423.

16 6. Defendant David M. Semas is an individual that upon information and belief  
17 resides in Gardnerville, Nevada. Upon information and belief, Mr. Semas is the owner, manager,  
18 member, executive or equity owner of the various co-defendant Metalast entities.

19 7. Defendant Greg D. Semas is an individual that upon information and belief resides  
20 in San Jose, California. Upon information and belief, Greg D. Semas is the owner, manager,  
21 member, executive or equity owner, or other affiliate or representative of the various co-defendant  
22 Metalast entities.

23 8. Defendant Wendi Semas-Fauria is an individual that upon information and belief  
24 resides in Nevada. Upon information and belief, Mrs. Semas-Fauria is the owner, manager,  
25 member, executive or equity owner, or other affiliate or representative of the various co-defendant  
26 Metalast entities.

**JURISDICTION**

27  
28 9. This action arises and is brought under the Declaratory Judgment Act, 28 U.S.C.

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1 §§ 1331, 1338, 2201-2202, the Trademark Act, commonly known as the Lanham Act, 15 U.S.C. §  
2 1051, *et seq.*, the United States Copyright Act, 17 U.S.C. §101 *et seq.*, the Nevada Uniform Trade  
3 Secrets Act (NRS 600A.030, *et seq.*), and other Nevada statutory and common law.

4 10. This Court has supplemental jurisdiction over the factually-related state law claims  
5 in this dispute pursuant to 28 U.S.C. §1367.

6 11. This Court has personal jurisdiction over Defendants because Defendants are  
7 Nevada corporations and limited liability companies with principal places of business in this State  
8 and are individuals who reside in this State.

9 12. On information and belief, Defendant Greg D. Semas is subject to personal  
10 jurisdiction in the District of Nevada, consistent with the principles of due process and the Nevada  
11 long-arm statute, because Greg D. Semas's actions in Nevada caused damage to and give rise to  
12 Plaintiff's claims that occurred in Nevada, including, but not limited to unlawful acquisition and  
13 use of CHEMEON's trade secrets.

14 13. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because  
15 Defendants are subject to personal jurisdiction in this District, and/or a substantial part of the  
16 events giving rise to the claims in this action occurred within this District.

17 **GENERAL ALLEGATIONS**

18 14. This litigation arises out of a twenty year history between the individuals and  
19 companies at the center of the dispute.

20 15. CHEMEON Surface Technology, LLC, is a Nevada limited liability company.  
21 CHEMEON, headquartered in Minden, Nevada, is a business-to-business provider offering metal  
22 surface engineering solutions to its global customers.

23 16. CHEMEON provides metal finishing products including alkaline and acid metal  
24 finishing chemistry cleaners, blended alkaline etches, aluminum anodizing chemical deoxidizers,  
25 organic and inorganic specialty chemical dyes, and nickel and magnesium sealants. The company  
26 offers its products for corrosion resistance, sealing, improving paint adhesion, and coating  
27 durability. The company's products include CHEMEON TCP-HF, an anodizing sealer and  
28 CHEMEON AA-200, an anodizing additive. Additionally, it offers surface engineering chemistry

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1 development and technical support services. Its services include parts processing, customized  
2 technical support, product testing and analyses, research and development, and advanced surface  
3 technology training classes.

4 17. Through an asset purchase agreement arising out of a state court receivership  
5 action, CHEMEON acquired the assets of a Nevada limited-liability company, now defunct,  
6 known as Metalast International, LLC (“Metalast International” and/or “MILLC” and/or “the  
7 Company”).

8 **A. METALAST INTERNATIONAL FORMATION AND OPERATIONS**

9 18. Mr. Semas organized Metalast International in December, 1994, to acquire,  
10 develop, market, and license a patent protected and proprietary product and process for anodizing  
11 aluminum called METALAST®.

12 19. METALAST® has scientifically demonstrated its ability to generally use less  
13 energy than conventional anodizing and accelerate the anodizing process, thus improving  
14 productivity (the “METALAST® process”).

15 20. Metalast International’s operating Agreement provided that the Company would be  
16 managed by a manager elected annually by a majority of the Common Members (as opposed to its  
17 Preferred Members).

18 21. Upon its creation in 1994, Metalast International’s Common Members elected  
19 defendant MII as the Company’s manager. The CEO and Chairman of MII was Mr. Semas.

20 22. In 1995, Metalast International constructed a 17,000 square foot office, warehouse,  
21 and technical center in Minden, Nevada, and assembled a team of chemical and software  
22 engineers, experts, and scientists.

23 23. In 1996, Metalast International developed and manufactured one of the first  
24 industrial process control systems for anodizing.

25 24. During 1998-1999, the Company began to offer its proprietary and patented  
26 anodizing technology to domestic metal finishers including a highly effective chemical additive  
27 called METALAST® AA-200, which greatly increased throughput, required less decanting,  
28

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1 reduced rejects, enhanced lubricity, decreased surface cracking, and provided a superior and  
2 consistent surface finish over all aluminum and titanium substrates.

3 25. By 2002, Metalast International broadened its business with the introduction of a  
4 complete line of eighty (80) specialty chemical products for anodizing that included private label  
5 manufactured additives (11), cleaners (6), etchants (7), deoxidizers (7), defoamer (1), dyes (42),  
6 color enhancements (2), and sealants (4).

7 26. In 2004, the Company was licensed by the Department of Defense, U.S. Navy to  
8 formulate, manufacture, sell and distribute Navy TCP (“Trivalent Chromium Process”). The  
9 Company improved and enhanced Navy TCP into its own brand called METALAST TCP-HF®.

10 27. The Company also offered engineering, design, and manufacturing of complete  
11 turnkey process lines, training, education, R&D, and technical support to both metal finishers and  
12 the manufacturers they support.

13 28. Since its inception through approximately 2012, Metalast International raised and  
14 spent over \$125,000,000 in investment equity and debt.

15 29. At all pertinent times, Mr. Semas and MII knew that, since the creation of Metalast  
16 International in December, 1994, the MILLC was the operating entity of the pertinent  
17 “METALAST” business.

18 30. The Company website, [www.metalast.com](http://www.metalast.com), indicated for many years that:

19 Metalast International, LLC (MILLC) is a Nevada limited liability *company* and  
20 *is the operating entity of the organization*. Metalast International, Inc. is the  
21 manager of the LLC as required by law. *The company and its operations are*  
*commonly referred to as METALAST.*

22 (All emphasis in this document added unless otherwise indicated.)

23 31. At all pertinent times, Mr. Semas and MII knew, and actively promoted to investors  
24 and potential investors in the Company, that the Metalast International Operating Agreement  
25 provided that Mr. Semas and MII owed fiduciary duties to the Company.

26 32. For example, the due diligence packages provided by Mr. Semas and MII to  
27 potential investors from 1995 through at least 2012 included the Company Operating Agreement,  
28 which provided:

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**14.3 Duty of Loyalty and Good Faith.** The Manager and the Members of the Company have *a duty of undivided loyalty to the Company in all matter affecting the Company’s interests and are obligated to act in good faith in dealing with the Company and other members.*

33. In a June 26, 2009, letter to the U.S. Securities and Exchange Commission (“SEC”) referring to the MILLC, Mr. Semas and MII advised the SEC:

At the request of the staff of the Los Angeles Regional Office of the Securities and Exchange Commission (“Commission”) per your letter of July 19, 2009, METALAST International, LLC (“MILLC” of METALAST®), through its Manager METALAST International, Inc. (“MII”) is providing you with answers, documents, and a reply to your request . . . .

. . . . *Management has . . . a proper fiduciary on behalf of the MILLC Members. . .*

34. In a September 2009 speech to the MILLC members, Mr. Semas and MII again emphasized his and MII’s fiduciary duty to the members of the MILLC, which he called “METALAST”:

**Annual Member’s Speech – DVD/Video Presentation**

1. Good Morning! I’m David Semas, Chairman, CEO and founder of METALAST International, Inc., of “MII,” the *Manager for METALAST International, LLC, or “METALAST.”*

. . . . [A]s your Manager and as fiduciary on behalf of the LLC Members, I am obligated and both legally and ethically required to keep you fully apprised and informed as to the current status of the Company.

. . . . If you are looking where to lay the blame “***The Buck Must Stop Here***”, with *me as your Manager.* I stand behind the decisions I have made and take full responsibility for where *METALAST* sits today.

35. At all pertinent times, Mr. Semas and MII knew, and actively promoted to investors and potential investors in Metalast International, that the Company Operating Agreement required the Company, Mr. Semas, and MII to maintain all Metalast International financial records in compliance with generally accepted accounting principles (“GAAP”).

36. For example, the copy of the Company Operating Agreement routinely included by Mr. Semas and MII in the Company Due Diligence packages provided to potential investors stated “All financial records shall be maintained and reported consistent with generally accepted accounting principles.”

1 37. Thus, at all pertinent times Mr. Semas and MII knew that they had a duty to protect  
2 the Company's assets and not to spend Company funds on property, such as trademark  
3 registrations, owned or to be owned by MII or Mr. Semas.

4 38. This duty arose from multiple sources, including their fiduciary duty to Metalast  
5 International, their duty to maintain Company records in compliance with GAAP, and their  
6 contractual and legal obligations such as to accurately report the Company's income and expenses  
7 to Metalast International members and the IRS and to honestly represent ownership of the  
8 Company's METALAST brand and other trademarks and service marks to the SEC and the United  
9 States Patent and Trademark Office ("USPTO").

10 39. From 1995 through 2011, at the direction of Mr. Semas and MII, federal  
11 registrations were applied for in the name of MII, not MILLC, as purported "owner" of the marks,  
12 for the logo and the word mark, "Metalast."

13 40. Nevertheless, consistent with their identification of the MILLC as the operating  
14 entity and MII as merely its Manager, Mr. Semas and MII caused the MILLC to: (i) pay the  
15 attorney fees, attorney expenses, and filing and maintenance fees for the Metalast word and logo  
16 trademarks; (ii) record these expenses as MILLC expenses in the MILLC's financial records; (iii)  
17 identify the Metalast word and logo trademarks as MILLC assets in financial statements given to  
18 potential investors; and (iv) deduct depreciation of the expenditures for the trademark registrations  
19 in the MILLC's IRS tax returns.

20 41. Mr. Semas and MII repeatedly told potential investors, investors, and MILLC  
21 members that MILLC was "METALAST" and the user and owner of the word and logo marks as  
22 defined below.

23 42. In a 1998 "Investment Brief" to potential MILLC investors, Mr. Semas and MII  
24 explained that the MILLC owned the METALAST technology and owned the exclusive rights to  
25 license, distribute, and market the technology as well:

26 **Introduction.** *METALAST International, LLC (the "Company") owns the*  
27 *exclusive worldwide licensing, distribution and marketing right to a new, patent-*  
28 *protected and proprietary aluminum anodizing process called "METALAST."*  
The Company was organized in 1994 to market and license METALAST to  
metal finishers currently anodizing aluminum for end-users or manufacturers.

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*The METALAST Technology (the “Technology”) is the first anodizing technology which provides the benefits of computerized process computerized process control supported by a technology center staffed with anodizing and metallurgical scientists. . . . The Company believes its Technology and technical support capabilities represent the most significant advance in the aluminum surface industry in decades.*

43. In the MILLC’s August 2000 investment summary provided to potential investors at about that time, Mr. Semas and MII identified MILLC as “METALAST” and repeatedly emphasized that the MILLC, “METALAST,” has an internationally recognized, premiere, and growing reputation and name:

**THE COMPANY**

To move anodizing into the 21st century, *METALAST INTERNATIONAL, LLC (“METALAST” or the “Company”)* has developed the first sophisticated and programmable anodizing process control computer. *METALAST* has assembled the finest professional and scientific staff and has built the world’s first multi-million dollar technical and training center dedicated to advancing the state of the art of light metal surface treatment. With its alliance partner capabilities and its proposed acquisition of a leading manufacturer of automated metal finishing equipment, *METALAST* is positioned to expand its products and services greatly. Together with *its growing reputation as the premier technology and process control provider in the anodizing industry*, the Company intends to expand its operations to include other aspects of the metal finishing business and automated processing including metal plating, anodizing, electroplating, E-coat, and circuit board manufacturing, serving the automotive, electronic, aerospace, marine, telecommunications, consumer products, and sporting goods industries.

*METALAST’s growing internationally recognized reputation for its advanced proprietary and patented aluminum anodizing surface-treatment technologies, together with the overall metal finishing automated line manufacturing expertise and credibility of PLASFAB will propel METALAST into the forefront of this multi-billion dollar market place.*

*. . . METALAST has accomplished more toward earning industry-wide respect and name and product recognition that any other company before it.*

*. . . [METALAST management has] launch[ed] the new METALAST ad campaign, ‘METALAST meets the Millenium.’*

*In anticipation of significant revenues and profits by 2004, METALAST is positioning itself for either an IPO, or acquisition [by] one of the large international metal finishing companies.*

44. In 2004, Mr. Semas and MII reported to the MILLC Members that “Metalast™” is “our,” *i.e.*, the MILLC’s, “private label”:

**METALAST INTERNATIONAL, LLC  
Managers Annual Report  
“Year In Review”  
October 9, 2004**

We are providing you with this annual report of METALAST International, LLC (“MILLC” or the “Company”) to provide you with a summary of the activities of the Company during the last quarter of 2003 and the first three quarters of 2004.

...

**YEAR TO DATE SUMMARY**

During the prior year our primary focus was directed toward increasing our sales force . . . . Our METALAST™ private label chemical business and our manufacturing PAVCO alliance are taking shape. We [i.e., the LLC] executed final TCP-HP contracts with the Department of Defense, United States Navy in June of this year . . .

45. In fact, that Navy contract was with MILLC, not MII.

46. In a July 2005 Private Placement Memorandum soliciting investment in the MILLC, Mr. Semas and MII repeatedly explained that the MILLC—again identified as “METALAST”—owned the METALAST technology and brand:

Issuer: Members of METALAST International, LLC (“METALAST” or “Company”)

...  
METALAST Branding: Management believes that the Company has successfully branded the name METALAST® and perfected its process control technology in preparation for bringing its first product to the mass metal finishing market. The Company has built its technology center, hired and trained qualified scientists, industry experts, formulated chemistry and processed samples for well over 600 companies.

47. In addition, in the risk factors section of this document, MII was not identified as being a competitor or as an owner of any METALAST intellectual property.

48. In September 2005, Mr. Semas and MII reported to the MILLC Members that “METALAST” is the MILLC’s brand and that it would be “very rewarding”:

**METALAST INTERNATIONAL, LLC  
Managers Annual Report  
“Year In Review”  
September 19, 2005**

We are providing you with this annual report of METALAST International, LLC (“MILLC” or the “Company”) to provide you with a summary of the activities of the Company during the last quarter of 2004 and the first three (3) quarters of 2005.

**OVERVIEW AND RECAP** The building of METALAST and branding our name, has been a long and tedious journey, but we believe it will soon prove to be very rewarding. At the end of last year’s Annual [LLC] Members Meeting, I emphasized that we were poised, and ready to launch our T-REX marketing campaign and to begin to generate significant revenues. . . . In November 2004, T-REX was successfully launched, and to date, we have presented the

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*METALAST* story to well over 150 of the leading corporations of America. . . .  
Our audience continues to attend *our seminars* and *our message* is being heard.

49. In a June 2009 letter to the SEC, Mr. Semas and MII advised the SEC that the MILLC had spent over \$44,000,000 “branding the METALAST® name,” building the MILLC’s “reputation,” and “always act[ing] as a proper fiduciary” to the MILLC members:

. . . . MILLC has spent fourteen (14) years and \$44 million dollars of our investor’s capital in developing products, *branding the METALAST® name* and *building a quality reputation* with manufacturers from around the globe and throughout the metal finishing industry.

. . . . Management has *always acted as a proper fiduciary on behalf of the MILLC Members*. . . .

50. Mr. Semas and MII included this letter in the Due Diligence package sent to investors soliciting investment in the MILLC in or about July 2009.

51. In the MILLC’s July 2009 Private Placement Memorandum, Mr. Semas and MII promoted the investment as being in “the METALAST brand” and repeatedly referred to the MILLC as “METALAST”:

**PRIVATE PLACEMENT MEMORANDUM  
METALAST INTERNATIONAL, LLC**

*METALAST International, LLC*, a Nevada limited liability company (the “Company”) [was] *organized in December 1994 to acquire, develop, market and license a patent protected and proprietary process for anodizing aluminum called METALAST®*. *METALAST®* has scientifically demonstrated its ability to generally use less energy than conventional anodizing and accelerate the anodizing process, thus improving productivity (*the “METALAST® process”*). *The Company* constructed a 17,000 square foot facility technical center in Minden, Nevada (45 miles south of Reno) and assembled a team of chemical and software engineers, experts and scientists. In 1996 *METALAST* conducted R&D, designed and manufactured one of the first industrial process control systems for anodizing . . . . By 2002 *the business* was broadened with the introduction of a complete line of eighty (80) specialty chemical products for anodizing. In 2004, *METALAST* expanded into all forms of electrochemical processing . . . and was licensed by the DoD, Navy . . . . *METALAST* improved and enhanced Navy TCP into its own brand called METALAST TCP-HF® . . . .

. . . . Proceed of the offering will be used by the Company to . . . provide research and development funds for the continued development of *METALAST® products and services* . . . .

. . . .  
**Need for Proceeds of Offering:** The Company has limited working capital and has an immediate need for the proceeds of the Offering . . . *to finance marketing, advertising, and licensing of its METALAST® Process*.

. . . . Management further anticipates that . . . a good portion of aviation and aerospace industries [will] approve or require use of *METALAST TCP-HF*.

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Management believes that *as such the METALAST brand* should capture at least a 6% to 10% market share over the next five (5) years.

52. In Metalast International’s 2011 Share Purchase Agreement provided to potential investors and signed by Mr. Semas and MII, Mr. Semas and MII explained that the Company’s products were “METALAST®” products and that the MILLC’s “METALAST Products” would “further enhance the trademark name METALAST® as a total solutions provider and ‘green’ specialty chemical company . . . .”

*Metalast International, LLC . . . domestically and internationally provides specialty chemicals, process control software and hardware, wet process line equipment products, R&D, training and technical support services to companies involved in the metal finishing and believes that its product[s] and technical services including METALAST® TCP-HF; METALAST® TCP-HF EPA, METALAST® OCP 6800 (Zero Chrome Process), METALAST® TCP-NP (No Prep), and METALAST® AA-200 anodizing additive chemical products, process line manufacturing, technical support, R&D services and its problem solving market approach (“METALAST Products”) will further enhance the trademark name METALAST® as a total solutions provider and ‘green’ specialty chemical company to metal finishers, coating processors, manufacturers and those in the global metal finishing and coatings industry . . . .*

53. A 2011 Investment Summary stated:

**COMMON LLC ISSUER:** Metalast International, LLC (“MILLC”; “METALAST®” or the “Company”)

. . . The “Better for Industry, Better for the World” tag line identifies the environmental approach that *METALAST has used to effectively brand its name* as the solutions provider to job shops in the metal finishing industry, and to those manufacturers that apply corrosion control techniques or utilize metal finishing to improve the performance durability and/or appearance of their products.

54. The risk factors sections of the Company’s Due Diligence documents never identified MII as presenting an actual or potential competitive or other threat to the MILLC such as by owning trademark registrations or any other aspect of the Company’s business, technology, or intellectual property.

55. Contrary to their fiduciary duties to the Company and its members and their many representations to the MILLC members, MILLC creditors, the IRS, and the SEC, Mr. Semas and MII nevertheless:

- (i) repeatedly executed, and caused to be filed, the required declarations for two of the Metalast trademark registrations, falsely identifying MII as the “applicant” and “owner” of the Metalast marks; and

1 (ii) caused their counsel to repeatedly file such declarations in another five Metalast  
2 registration applications.

3 56. Mr. Semas and MII caused to be filed with the USPTO false statements of  
4 continuing “use” and ownership by MII of three of the trademarks at issue (Logos), when in fact  
5 they knew that: (i) MILLC was the sole owner and user of these marks; and (ii) under the MILLC  
6 Operating Agreement and its fiduciary duty and accounting provisions, the use of these marks, for  
7 whose registration the MILLC paid, could inure only to the benefit of the MILLC as the sole  
8 operating entity.

9 **B. CHEMEON’S OWNERS INVEST HEAVILY IN METALAST INTERNATIONAL**

10 57. Dean Meiling, a principal owner of CHEMEON, first became acquainted with  
11 Metalast International in early 1999, while performing due diligence on behalf of a friend. During  
12 meetings with Mr. Semas, Mr. Meiling agreed to invest. By the end of 1999, Mr. Meiling had  
13 invested about \$1.2 million via Meiling Family Partners, Ltd., a Colorado limited partnership  
14 (investment later transferred to DSM Partners, Ltd.).

15 58. On or about January 8, 2001, Meiling Family Partners further invested in Metalast  
16 International, in the form of a loan for \$300,000, evidenced by a promissory note dated January 8,  
17 2001 (“2001 Note”).

18 59. Mr. Semas individually guaranteed payment of all principal and interest under the  
19 2001 Note and agreed to be fully bound to the terms thereof.

20 60. On or about April 2, 2003, Dean Meiling made a \$300,000 loan to the Company,  
21 evidenced by a promissory note dated April 2, 2003 (“2003 Note”).

22 61. The 2001 Note and the 2003 Note were assigned and contributed to DSM Partners,  
23 Ltd. (“DSM”), a Colorado limited partnership, by Meiling Family Partners and Dean Meiling,  
24 respectively.

25 62. On July 3, 2009, DSM loaned \$300,000 to the Company, evidenced by a  
26 promissory note-guarantee dated July 3, 2009 (the “July 2009 Note”). As before, Mr. Semas  
27 guaranteed payment of all principal and interest under the July 2009 Note and agreed to be fully  
28 bound to the terms thereof.



1           63.    On July 31, 2009, DSM made a further loan to the Company of \$1,000,000 and in  
2 exchange, the Company executed and delivered to DSM a Senior Unsubordinated Promissory Note  
3 dated July 31, 2009, in the original principal sum of \$3,450,588.00, comprising all unpaid  
4 principal and accrued interest then outstanding.

5           64.    As partial compensation for the Senior Unsubordinated Promissory Note, the  
6 Company executed and delivered to DSM a security agreement whereby the Company granted,  
7 transferred and assigned to DSM a superior unsubordinated security interest in and to all Collateral  
8 defined in the agreement as security for the Company's repayment of the Senior Unsubordinated  
9 Promissory Note.

10          65.    In the July 31, 2009, UCC financing statement, the debtor identified as Metalast  
11 International, warranted to DSM, as the secured party, that the collateral included "[a]ll of  
12 Debtor's right, title and interest in its intellectual property, copyrights and patents . . . , partnership  
13 agreements, accounts receivable, all vendor and sales contracts and all other contracts and  
14 agreements,..."

15          66.    On or about December 17, 2009, the Company borrowed an additional sum of  
16 \$500,000 from DSM, evidenced by the Loan Agreement, Amended and Restated Senior  
17 Unsubordinated Promissory Note in the sum of \$3,950,588 (simply referred to as the "Note"), and  
18 Amended and Restated Security Agreement with interest accruing on the Note at the rate of 18%  
19 per annum, which represented the outstanding principal balance of the Senior Unsubordinated  
20 Promissory Note and the additional \$500,000 loan.

21          67.    The Note was due and payable on July 31, 2010, with an option by the Company to  
22 extend the maturity date for six months upon certain conditions.

23          68.    DSM and the Company amended the Loan Agreement and Note seven times, with  
24 the seventh modification occurring on March 1, 2013.

25          69.    Pursuant to the seventh loan modification, DSM loaned the Company an additional  
26 \$200,000.00, bringing the outstanding unpaid principal balance of the Note to \$9,028,232.57.

27          70.    Although the maturity date of the Note was June 30, 2013, the unpaid balance  
28 would be accelerated upon the occurrence of an event of default.

1 71. An event of default occurs upon, inter alia, the “admission by [Metalast  
2 International] in writing of its inability to pay its debts generally as they become due.”

3 72. On April 3, 2013, Mr. Semas, then Chairman, President, Chief Executive Officer  
4 and Member of Metalast International, informed Dean Meiling in writing as follows:

5 As I stated last month I will either get the funds in place to sustain the business  
6 or not. Unfortunately I have been unsuccessful in arranging for additional funds  
7 in time to make payroll. I sat down with all employees on Monday and told them  
8 we could not make payroll ... Several employees will probably leave in a few  
9 days and the others will likely stay if the Company can make payroll good before  
10 [April] 15th.

11 73. Prior to Mr. Semas’s admission that the Company was unable to pay its debts as  
12 they became due, the Company’s financial documents also revealed the imminent or existing  
13 insolvency.

14 **C. COMPANY’S INSOLVENCY FORCES RECEIVERSHIP ACTION IN STATE**  
15 **COURT**

16 74. On April 16, 2013, DSM filed an action seeking the appointment of a receiver for  
17 Metalast International.

18 75. On April 25, 2013, the Ninth Judicial District Court appointed a receiver to (1) take  
19 possession of Metalast International’s property; (2) preserve and maintain the Company’s  
20 property; (3) bring suit in his own name without further leave of court as the receiver deems  
21 necessary to protect, preserve, and maintain the rights, privileges and property of the receivership  
22 estate; (4) surrender secured collateral if it is in the best interests of the creditor; and (5) implement  
23 a smooth procedure and accomplish the transition of assets to secured creditors in order to preserve  
24 value.

25 76. The receiver reported that approximately 1,000 members of Metalast International  
26 had contributed more than \$95 million, the accumulated losses exceeded \$119 million, and the  
27 accounts payable to its vendors, landlord, suppliers, and employees totaled nearly \$1 million.

28 77. In yet a further blatant act of self-dealing and violation of their fiduciary obligations  
and their representations to the Company members and creditors, the SEC, and IRS, Mr. Semas, on  
behalf of MII, assigned all seven of the Metalast registrations *to himself* on May 7, 2013—while

1 the insolvency proceeding was pending. He then had his counsel record these knowingly incorrect  
2 and unlawful documents with the USPTO on March 21, 2014.

3 78. On July 2, 2013, DSM assigned to D&M-MI, LLC, all of its rights to the loan  
4 documents, and D&M-MI, LLC, agreed to assume all obligations, duties and rights related thereto.

5 79. On November 4, 2013, the Ninth Judicial District Court entered an Order  
6 Approving Sale of Assets to D&M-MI, LLC (“D&M”), which approved the sale of all Metalast  
7 International’s assets to D&M for \$5,000,000.00, free and clear of any and all unsecured claims  
8 against Metalast International, in partial satisfaction of the company’s much larger debt to D&M.

9 80. Metalast International and D&M entered into a Purchase and Sale Agreement on  
10 November 5, 2013.

11 81. Included in the sale was exclusive ownership of all Metalast International company  
12 history and trade secrets, including chemistries, formulations, proprietary computer source code,  
13 products, services, contacts, customer and distributor information, licenses, contracts, copyrights,  
14 product marks, and logos.

15 82. The sale of assets included, *inter alia*, the right to pursue claims to recover  
16 intellectual property in the name of another person or entity that was rightfully the property of  
17 Metalast International, including chose in action against MII to recover intellectual property.

18 83. On November 18, 2013, D&M changed its name to Metalast Surface Technology,  
19 LLC (“MST”).

20 84. On December 16, 2013, the Ninth Judicial District Court issued its order  
21 terminating receivership, which caused the work of the receiver to cease effective December 31,  
22 2013.

23 **D. SEMAS’ PERSONAL BANKRUPTCY LEADS TO A LIMITED SETTLEMENT**  
24 **AGREEMENT**

25 85. On December 11, 2013, several days before the Ninth Judicial District Court  
26 terminated the receivership action, Mr. Semas and his wife, Susan O. Semas, filed a voluntary  
27 petition for Chapter 11 relief in the United States Bankruptcy Court for the District of Nevada.  
28

1 86. On April 8, 2014, and amended on April 14, 2014, MST filed a proof of claim in  
2 the bankruptcy case based on the deficiency claim for the debt owed by Metalast International to  
3 MST in the amount of at least \$4,028,232.57, including \$471,582.08 personally guaranteed by  
4 Mr. Semas to MST.

5 87. On April 13, 2014, MST filed a proof of claim in the bankruptcy case over the  
6 disputed ownership in the intellectual property, including both trademarks and patents, utilized by  
7 Metalast International and sold through the Ninth Judicial District Court sale to MST.

8 88. On July 14, 2014, MST further instituted an adversary proceeding against Mr.  
9 Semas, alleging thirteen claims for relief, including violations of the Nevada Uniform Securities  
10 Act and federal securities laws, fraudulent conveyance and conversion.

11 89. On January 27, 2015, Mr. Semas and MST participated in a settlement conference  
12 and agreed to settle MST's claims and the adversary proceeding.

13 90. The settlement, as placed on the record, provides as follows:

14 That there is a trademark regarding the name Metalast. There is a dispute  
15 regarding ownership. That dispute has been resolved as follows:

16 Metalast Surface Technology through the Meilings will continue to use  
17 the mark for 90 days following entry of the order approving the settlement  
18 agreement by Judge Beesley, if he does approve it. At the end of that 90-day  
19 period, Metalast Surface Technology, the Meilings, and any other entity in which  
the Meilings have an interest, will no longer be able to use the name Metalast in  
any fashion or manner whatsoever. Following that 90 days, the mark will be  
owned by Mr. and Mrs. Semas, or any entity in which they choose to transfer  
that mark.

20 91. In addition, MST agreed to settle its allowed general unsecured claims in the  
21 combined amount of \$540,000.00 for the receipt of \$268,000.00.

22 92. On March 11, 2015, the Bankruptcy Court entered its order approving the  
23 settlement between the parties, thus setting the clock ticking on the 90-day period.

24 93. The referred to trademark includes only the word marks, for "Metalast." This mark  
25 has the following USPTO registration numbers: 2112804, 2097260, 2963106, and 4128211  
26 (collectively, "Word Marks"). According to the Settlement Agreement, Mr. Semas may use the  
27 Word Marks after June 9, 2015. True and correct copies of the Word Marks registrations are  
28 attached as **Exhibit 1**.

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1 94. As a result of the settlement, one of the first actions that MST undertook was to  
2 change its company name to CHEMEON in recognition of the transfer of the Word Marks.

3 95. The Bankruptcy Court’s Order approving settlement, did not include and does not  
4 encompass the logos, both common law rights and those with the following USPTO registration  
5 numbers: 2091140, 2112805, and 2884333 (collectively, “Logo Marks”). These trademark assets  
6 were awarded to CHEMEON as part of the receivership. However, these were fraudulently  
7 registered at the USPTO and transferred or otherwise assigned to Mr. Semas, and therefore should  
8 be cancelled. True and correct copies of the Logo Marks registrations are attached as **Exhibit 2**.

9 96. CHEMEON owns common law rights in the Logo Marks as well as the Federal  
10 Registrations.

11 97. Following the exchange of several letters between the parties, on April 16, 2015,  
12 counsel for MII threatened to sue by taking “appropriate legal action” if CHEMEON uses the  
13 Word Marks.

14 98. As stated, CHEMEON acquired all assets of Metalast International through the  
15 receivership, and the subsequent bankruptcy of Mr. Semas. As a compromise, CHEMEON agreed  
16 to release its rights in the Word Marks and allow Mr. Semas to own them to the extent he may  
17 have any rights in them. CHEMEON did not, however, assign any rights, much less its substantial  
18 goodwill in the Word Marks, to Mr. Semas or anyone else.

19 99. Fair use law and the First Amendment to the U.S. Constitution, provide that  
20 CHEMEON has the right to correctly recite to the public the Company’s history, and thus  
21 CHEMEON can place on its products and literature its CHEMEON mark and, less prominently,  
22 that it was “formerly Metalast.”

23 100. Similarly, CHEMEON is free to forever inform the public about its history,  
24 including: (1) that it purchased the assets of what was formerly Metalast International, LLC; and  
25 (2) for two decades Metalast International, LLC (not Metalast International, Inc.), and more  
26 recently, CHEMEON, sold its products as identified by its Word Marks, Logo Marks and other  
27 common law trademark rights.  
28

1 101. CHEMEON owns common law trademark rights in the following marks: (1) TCP-  
2 HF (and related family of marks, such as TCP-HF EPA and TCP-HF SP); (2) AA-200; and (3) the  
3 logo mark, shown as follows in two exemplary configurations:



4 and (collectively, "CHEMEON Trademarks"). These marks indicate products  
5 associated with CHEMEON (formerly Metalast).  
6

7 102. The CHEMEON common law word marks relate to specific chemical products, at  
8 least two of CHEMEON's top selling products.

9 103. The CHEMEON logo mark is associated with the CHEMEON brand, formerly  
10 Metalast.

11 104. The CHEMEON Trademarks have been used in commerce for these products as  
12 early as 2005.

13 105. The CHEMEON Trademarks have acquired secondary meaning in the metal  
14 surfacing industry.

15 106. Upon information and belief, the CHEMEON Trademarks are not used by any other  
16 company for any product or service in the metal surfacing industry except to the extent being  
17 improperly used by the Defendants.

18 107. The CHEMEON Trademarks and all rights, title, ownership, and claim to priority  
19 therein were acquired by CHEMEON from Metalast International through the receivership.

20 **E. SEMAS INFORMS CHEMEON OF HIS PLANS TO DIRECTLY COMPETE**

21 108. On March 21, 2015, a mere ten days after the Bankruptcy Court's approval of the  
22 parties' settlement, Mr. Semas sent email correspondence to CHEMEON's owners, wherein he  
23 made troubling assertions about his future plans.

24 109. As an initial matter, Mr. Semas agreed to execute an assignment of U.S. Patent No.  
25 7,486,302 B2, commonly known as METALAST OCP 6800, which issued on July 16, 2014, and  
26 had previously been assigned to MII, and which was fraudulently conveyed to Mr. Semas. Mr.  
27 Semas correctly claimed that once assigned to CHEMEON, the chemical product OCP 6800 will  
28

1 be “the only [CHEMEON] chemical that will be protected by a USPTO patent owned by  
2 [CHEMEON].”

3 110. However, and in complete contravention of his actions and statements as Metalast  
4 International’s manager over the past 20 years, Mr. Semas brazenly claimed:

5 ... as we have long maintained the “METALAST” trademark has been branded  
6 over two decades and as such METALAST has received various approvals,  
7 authorizations, certifications and specifications, which will remain in effect. In  
8 the coming months we will continue to make the necessary preparations to offer  
9 our environmentally friendly specialty chemical products through our domestic  
10 and international distribution network to the metal finishing & coatings,  
11 anodizing, corrosion control and galvanizing industries *by providing long-*  
12 *standing METALAST customers*, as well as future new accounts the opportunity  
13 to continue to buy the universally recognized METALAST brand established in  
14 1993. (emphasis added).

15 111. The customers Mr. Semas refers to in his correspondence are CHEMEON  
16 customers and were the customers of CHEMEON’s predecessor, MILLC, and were never the  
17 customers of MII. The identity of these customers is both confidential and a trade secret of  
18 CHEMEON.

19 112. Mr. Semas further asserted that the current METALAST AA-200 additive is a  
20 commercially available chemical and its legal ownership is held by an independent chemical  
21 company. As such, Mr. Semas claimed that his entities would have the exclusive rights to  
22 purchase, re-label and sell the product as METALAST AA-200 for distribution worldwide.

23 113. Mr. Semas further claimed that CHEMEON’s existing line of anodizing chemicals  
24 are presently private label manufactured under the name “METALAST.....” These products  
25 consist of one hundred (100) different types of cleaners, deoxidizers, etchants, seals, additives, and  
26 dyes, but the underlying chemical formulations are owned by a Georgia company, not  
27 CHEMEON.

28 114. Mr. Semas further boldly claimed that:

[CHEMEON] can use the METALAST trademark for 90-days past March 11th,  
after which your company will only own the right of use to the USPTO Navy  
TCP patented chemicals so long as the name METALAST is NOT used. As it  
has for more than twenty (20) years MII will continue to be free to lawfully use  
the METALAST TCP-HF, METALAST TCP-HF SP, METALAST TCP-HF  
EPA names and any other branded METALAST product names as it chooses.  
[CHEMEON] cannot use the “METALAST” trademark or name but is free to  
use its new name followed by TCP-HF or TCP-HF SP and or TCP-HF



1 EPA, however the actual chemical formulas and any modifications thereto will  
2 still continue to be owned by the U.S. Navy under their USPTO patent protection  
with a limited North American only right of use license granted to MST.

3 115. Mr. Semas concluded his correspondence by claiming that other than the exclusive  
4 rights to the OCP 6800 chemical owned by CHEMEON, all other one hundred and nineteen (119)  
5 chemical products are either owned and/or patented by third parties, and thus Mr. Semas and MII  
6 contend they are entirely free to negotiate with, license, partner, and/or form alliances with any of  
7 these companies or others.

8 116. Mr. Semas's current representations are in direct conflict with his and MII's historic  
9 statements, actions, and representations to investors and MILLC members during his near twenty  
10 year tenure as a manager of Metalast International.

11 117. Mr. Semas has no authorization to and cannot use CHEMEON's confidential or  
12 trade secret information, including pricing, processes, sales channels, customers, chemical  
13 formulations, proprietary source code, sources of goods, plans, and personnel information.

14 118. Another trade secret is the identity of the companies that CHEMEON, and the prior  
15 trade secret owner, Metalast International, used exclusively for at least 15 years to purchase and  
16 privately label its entire product line ("Suppliers"). This Supplier information was included on a  
17 confidential internal vendor list maintained by both Metalast International and CHEMEON.

18 119. Mr. Semas is well-aware that the identities of the Suppliers are a strict trade secret  
19 because he himself developed the necessary steps to protect this information and treated it as  
20 confidential for over a decade.

21 120. The protective measures both Metalast International and CHEMEON have taken to  
22 secure and keep secret its confidential and trade secret information, include, but are not limited to,  
23 physical labeling of confidential documents, employee contracts, an employee handbook that  
24 includes a trade secret/confidentiality provisions and employee acknowledgments relating to  
25 receipt of the handbook and the trade secret agreement, distributor, partner, and supplier  
26 agreements that include confidentiality and trade secret provisions (written and oral), electronic  
27 protections such as password protected server access to employees, and other segregation measures  
28 for both physical and electronic confidential and trade secret information, among others.

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1           21. Mr. Semas is also aware that product formulations for the products provided by the  
 2 Suppliers are also trade secrets formerly owned by Metalast International, and now owned by  
 3 CHEMEON. These formulations are and have always been highly proprietary and trade secret  
 4 information.

5           22. Nevertheless, Mr. Semas has used the Suppliers trade secret information, and seeks  
 6 to misuse product formulation trade secrets, by recently contacting a Supplier’s president via  
 7 email, in an effort to establish an independent relationship with this company and to purchase  
 8 CHEMEON labeled products. Mr. Semas also contacted another Supplier, CHEMEON’s largest  
 9 distributor, regarding re-establishing a relationship.

10           23. Mr. Semas’s press releases to investors, consumers of CHEMEON’s products, and  
 11 the public at large utilize copyrights owned by CHEMEON.

12           24. CHEMEON’s copyrights are as follows: (1) Metalast 2011-2015 Narrative  
 13 Proforma Assumptions; (2) Photographs of the MILLC’s, now CHEMEON’s, facilities; (3)  
 14 LinePro Screenshots; (4) JOBPro with PDA Image; (5) JOBPro Image; (6) Turnkey Equipment  
 15 Solutions Brochure Page; and (7) Process Control Solutions Brochure Page. (“CHEMEON  
 16 Copyrights”). True and correct copies of CHEMEON’s Copyright Registration Applications and  
 17 the correlating deposits of the works are attached as **Exhibit 3**.

18           25. CHEMEON is the true and rightful owner of the CHEMEON Copyrights through  
 19 its acquisition of the MILLC’s assets through receivership and settlement agreement with Mr.  
 20 Semas and assignment from the photographer of the copyrighted photographs, Cornelius  
 21 Photography.

22           26. On May 18, 2015, May 28, 2015 and June 1, 2015, CHEMEON filed copyright  
 23 registration applications with the U.S. Copyright Office. *See* Exhibit 3.

24           27. Evidence of Defendants’ copyright infringement is shown below:

<b>CHEMEON Copyrighted Material:</b>	<b>Defendants’ Use / Infringement:</b>
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25  
 26  
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 28

**CHEMEON Copyrighted Material:**



**METALAST 2011-2015 NARRATIVE PROFORMA ASSUMPTIONS**

**Year 2011:** METALAST "Showcase Chemical" product line (METALAST TCP-HF, EPA, NP and AA-200) sales are projected at approximately \$1,400,000 representing 42% of total revenue. Generic chemicals sales and miscellaneous software products are at \$275,000 or 8% of revenues. The next largest single revenue category is equipment at \$1,100,000 or 33% of revenue, of which \$964,000 is already under a PO from the United States Army Rock Island Arsenal, IL. Revenues to date are on pace to meet this projection.

**Year 2012:** As manufacturer specifications begin to filter through supply chains total revenues are expected to triple from \$3,300,000 to \$9,500,000. The projections also assume, with existing independent stocking distributors (Galaxy, John Schneider, Miles, BroCo Products, OS-TECH, RD Taylor, AMZA and DIPSOL Chemical, etc.) becoming better trained on proper installation procedures and coming online, Showcase Chemicals sales increase to almost \$5,000,000 or 52% of total revenue. With the expansion of Showcase specialty products Generic chemicals sales and miscellaneous software more than double to \$650,000. Again, the next largest single revenue category is equipment at \$3,000,000 or 32% of revenue, of which \$2,200,000 will likely come from the pending project with the United States Naval Depot, Fleet Readiness Center at Jacksonville, FL.

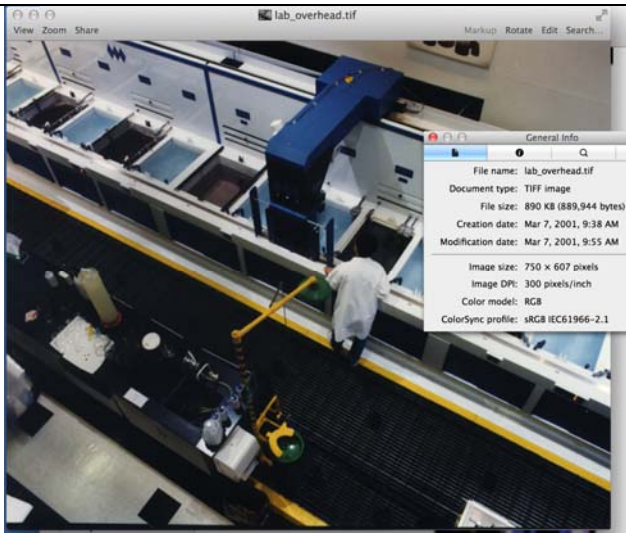
**Year 2013:** An assumption is made that the Dow Chemical, Sherwin-Williams and Drif Coatings formal R&D relationships expand into commercialization agreements by the summer of 2012 and training of their sales departments occurs during the later half of 2012 and continues on throughout most of 2013. With manufacturer specifications and METALAST product implementation throughout supply chains, Showcase Chemicals are expected to begin to gain traction by growing by another 350% to \$19,000,000 or 70% of total revenue. Generic chemicals sales and miscellaneous software products will more than double to \$1,400,000. Equipment sales, as a percentage of revenue will begin to taper off at \$5,500,000 or 20% of total revenue.

**Year 2014:** Beginning in 2014 METALAST specified, QPL approved and branded Showcase Chemicals will see extensive penetration in the global markets, especially considering the sheer size and long-time dominance of one of the world's largest chemical chemical companies Dow Chemical, with its 33,000 customers, in 160 countries supported by 1,500 salesmen. Showcase Chemical sales are projected to increase to more than \$60,000,000, again by 350% over 2013, then equal to 83% of total revenue. Generic chemicals sales and miscellaneous software products will grow accordingly to about \$2,400,000 or 3.2% of revenues. As a percentage of revenue equipment sales are at 10% of total revenue or \$6,600,000.

**Year 2015:** Although at first glance it might appear the proverbial "Hockey Stick" revenue projections are being assumed, in reality management is of the opinion that its financial assumptions are entirely based on logical and conservative reasoning. In support of this theory is the fact that "Sole Source" specifications have been awarded by many of the Fortune 500 and by a large number other respected names in the manufacturing. Additionally, substantial specialty chemical companies like Dow Chemical have already aligned with the METALAST brand. Most of the targeted metal finishing and coating industry related specialty chemical distributors in North America as well as others around the globe have also joined the METALAST team. Considering the worldwide market for corrosion control chemicals is in excess of \$4 billion, \$152,000,000 in METALAST Showcase Chemicals sales or 90% of the \$167,000,000 in projected revenues represents a very conservative worldwide market penetration assumption of something less than 4%. It is much more likely METALAST branded products achieve a market penetration upwards of 25%, considering its growing international sales and distribution organization consisting of a considerable number of large chemical company strategic alliance partners and a substantial group of well positioned independent stocking distributors.

Proforma Narrative Assumptions August 2011

Page - 1 of 1



**Defendants' Use / Infringement:**



**METALAST 2015 - 2019 PROFORMA ASSUMPTIONS**

**Year 2015:** METALAST "Showcase Chemicals" sales (TCP-HF non-hexavalent chromium product line and AA-200) are projected at approximately \$1,175,000, which is equal to 75% of revenue. This represents a modest 12% increase over 2014 annual revenues. METALAST TCP-HF Cost of Goods Sold (COGS) is \$3.50 per gallon (p/g) with an average wholesale price to distributors of \$17.00 p/g = 79% gross margin. AA-200 COGS is \$28.00 p/g with an average wholesale price of \$125.00 p/g = 78% gross margin. Generic chemicals sales are forecasted at \$180,000 or 11.5% of revenues with about 45% gross margin. The R&D, USAF Small Business Research Grant (SBIR) and Technical Support categories are based on average historical results.

**Year 2016:** As METALAST specifications begin to filter through supply chains and as AZZ, Inc., the nation's largest galvanizer continues to convert its 37 North American facilities over to METALAST TCP-HF revenues are expected to grow from approximately \$940,000 (2015) to about \$5,240,000 (2016). The projections assume that with existing independent stocking distributors becoming fully trained on proper installation procedures coming online all Showcase Chemicals sales will increase to about \$6,800,000 or five times (5x) that of the previous year and will remain the largest revenue producing segment of the business model reflecting 94% of total revenue. With the expansion of specialty products and a growing number of new customers Generic Chemical sales are forecasted to grow four times (4x) to \$720,000.

**Year 2017:** An assumption is made that DIPSOL and Okuno Chemical of Japan will formalize their R&D relationships into commercialization agreements by the end of 2016 and training of their sales departments will occur during the later half of 2017. With manufacturer specifications, AZZ, Inc. and METALAST product implementation growing throughout manufacturer global supply chains, Showcase Chemicals are expected gain considerable traction to nearly double over 2016 sales to around \$13,500,000 or 95% of total revenue. Generic chemicals sales are projected to increase by more than 200% to \$1,512,000.

**Year 2018:** Beginning in 2018 METALAST Showcase Chemicals will start to penetrate global markets. In addition to existing strategic alliances and the strong probability of aligning with chemical leaders like Brenntag, or maybe AkzoNobel, the METALAST brand will become further recognized within industrialized countries around the world. For example, founded in 1646 AkzoNobel is the largest coatings company in the world. Today with its 55,000 employees and more than 40,000 customers supported by 1,200 salesmen in 80 countries, they dominate the commercial, military and private aircraft industry. Showcase Chemical sales are projected to increase to around \$24,864,000 and Generic Chemical sales will grow to \$2,700,000 or about 10% of Revenues, with Total Revenues at about \$26,124,854.

**Year 2019:** Management believes its projections are based on logical and conservative assumptions. METALAST TCP-HF, METALAST TCP-HF EPA and METALAST AA-200 "Sole Source" specifications have been awarded by many of the Fortune 500. Well-respected specialty chemical companies are already beginning to align with the METALAST brand. Considering the global market for corrosion control chemicals is estimated at \$4.2 billion, approximately \$42 million in total revenue (2019) only represents a worldwide market penetration assumption of one percent (1%) market share. Leading manufacturers from around the world have independently validated the superior performance of METALAST's Eco-friendly hexavalent chromium replacements. The Company has established a growing international sales organization consisting of a considerable number of large chemical company strategic alliance partners and a substantial group of well positioned independent stocking distributors. Thus, METALAST branded and manufacturer specified specialty products along with a significant number of manufacturer specifications already awarded, and the likelihood more specifications and approvals will be forthcoming, the potential to achieve a much higher market penetration is not only possible but very likely.

Proforma Assumptions



**Metalast International  
Anti-Corrosion Green Chemical Company**

The company holds over 110 patents related to environmentally safe specialty chemicals used in the anti-corrosion surface treatment processing of metal parts and products in all industries including aerospace, aviation, military, automotive, marine, computers, architecture & construction, and leisure.

The global market for anti-corrosion processing is



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**Defendants' Use / Infringement:**




Source:  
<http://www.mhagroup.net/investment-opportunities.html> (last viewed on June 3, 2015).

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CHEMEON Copyrighted Material:	Defendants' Use / Infringement:
	

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128. Defendants' unauthorized copying and use of the CHEMEON Copyrights constitutes copyright infringement.

129. Upon information and belief, Mr. Semas is also soliciting investments in his newly-formed entities, through an entity known as MHA Group.

130. MHA Group has been distributing information to interested investors regarding "METALAST INTERNATIONAL," claiming that there is a limited opportunity to acquire a substantial, controlling interest in this green anti-corrosion chemicals & technology company.

131. The individual behind MHA Group, Marc Harris, claims he was one of the original, first-round investors in Metalast International and has been involved in the company's operations from its inception in 1995. As an investor in Metalast International, Mr. Harris was notified by the receiver of Metalast International concerning the insolvency of Metalast International, updates regarding the insolvency, and the November 2013 sale of the Metalast International assets to D&M. Mr. Harris was also notified about the dissolution of Metalast International, and a final K-1 tax return was sent to him on April 3, 2014. As an investor, Mr. Harris has received and been privy to numerous reports, confidential newsletters and other communications from the Metalast International since 1995.

132. However, Metalast International no longer exists as it did prior to the 2013 receivership action. Instead, it is now CHEMEON. Defendants' attempt to recast the current Metalast International as the former Metalast company is knowingly misleading and deceptive.

1 133. Nevertheless, in soliciting investments, MHA Group makes multiple false  
2 representations about the “new” Metalast International. These misrepresentations include, but are  
3 not limited to MHA Group’s website and other investment solicitation materials identifying  
4 CHEMEON’s website, [www.metalast.com](http://www.metalast.com), that pursuant to bankruptcy and related settlement  
5 agreements, CHEMEON was free to use until June 9, 2015. MHA Group and Defendants  
6 improperly used CHEMEON’s website before this termination date.

7 134. MHA Group claims the company has received over \$90 million of investment  
8 capital to date, which includes \$15 million of R&D invested with its strategic partner, the U.S.  
9 Navy. This information is properly attributable to CHEMEON.

10 135. MHA Group claims “[t]he company is recognized as the foremost leading green  
11 technologies and chemicals that has been converting the entire **\$2 trillion** worldwide metal  
12 coating/anti-corrosion industry to environmentally safe, green technologies; specifically the  
13 replacement for the most widely-used—and most environmentally harmful—metal surface  
14 treatment chemical, **hexavalent chromium**.” (emphasis in original). This information accurately  
15 describes CHEMEON’s business.

16 136. MHA Group claims Metalast International holds over 110 patents related to  
17 environmentally-safe specialty chemicals used in the anti-corrosion surface treatment processing  
18 of metal parts and products in all industries including aerospace, aviation, military, automotive,  
19 marine, computers, architecture & construction, and leisure. This information is completely false  
20 since the only patent ever obtained has been assigned to CHEMEON by MII.

21 137. MHA Group claims that METALAST’s chemicals are now being specified on  
22 blueprints for all four branches of the U.S. Military and many Fortune 500 companies. This  
23 statement is highly misleading in that it implies ownership of chemicals by Metalast International,  
24 where none exists. The formulations and specifications are CHEMEON trade secrets.

25 138. MHA Group’s investment materials, based upon information provided in part by  
26 Mr. Semas, also state: “The Private Equity Investor (PEI) *will receive 100% ownership of target*  
27 *company, Metalast Surface Technology, LLC (MST)* with a priority @ 8% non---compounded  
28 rate of return from cash flow available for distribution. Upon sale in fifth (5th) year PEI receives

1 preferential return of \$20 million capital. Sierra Dorado, Inc. (SDI), or designee will receive a ten  
2 (10) year option to **acquire 50% of MST for \$100,000** subordinate to PEI return of investment and  
3 8% per annum interest rate. **MST sale profits split on 50%/50% basis.**” (emphasis added). This  
4 statement is false, highly misleading, deceptive to the public and represents unfair competition.  
5 Metalast Surface Technology, LLC (MST), is a company organized and controlled by the  
6 Meilings, the owners of CHEMEON, not Mr. Semas, Marc Harris, the MHA Group or any of the  
7 other Defendants. Mr. Semas and his partners, Marc Harris and MHA Group, offer the sale of  
8 shares in a company they are neither affiliated with nor own, nor are they authorized to market  
9 shares for, MST. *See supra* at ¶¶ 78-91.

10 139. Mr. Semas’s and the MHA Group’s marketing and investment materials have  
11 copied and made use of the CHEMEON Copyrights, as identified in the above table. *See supra* at  
12 ¶ 127.

13 140. Mr. Semas and MHA Group knew or should have known that copying and using the  
14 CHEMEON Copyrights constitutes copyright infringement.

15 141. On May 1, 2015, Metalast International released an international press release that  
16 included many misrepresentations about Metalast International’s ownership of assets beyond the  
17 limited award of the “Metalast” trademarks, and about CHEMEON’s owners Dean and Madylon  
18 Meiling. For instance, Metalast International’s law firm stated: “the well-respected Law firm of  
19 Rowe Hales Yturbide LLP of Minden, Nevada confirms that the internationally recognized  
20 METALAST® trademark has been exclusively awarded to their client.” This is a  
21 misrepresentation and demonstrates unfair competition since this mark has not been “awarded” to  
22 MII by anyone and will not be exclusively useable Metalast until June 9, 2015. The May 1st  
23 international press release also stated: “The METALAST® trademark of environmentally friendly  
24 products has been provided to the metal finishing industry since 1993. The METALAST® brand  
25 of specialty chemicals including the Qualified Products List certified METALAST® TCP-HF  
26 family of products as well as high performance specialty chemicals such as the METALAST®  
27 AA-200 anodizing additive have consistently produced impressive results for manufacturers and  
28 their supply chain metal finishers and coating applicators alike. As a result, many METALAST®

1 branded chemicals have been approved or in many cases specified by a wide range of globally  
2 renowned manufacturers including BAE Systems, General Dynamics, Honeywell, Lockheed  
3 Martin, Northrop Grumman, Pratt & Whitney, Sikorsky and others.” The history of providing  
4 environmentally friendly products to the metal finishing industry, the certified chemicals the  
5 MILLC offered, the TCP-HF and AA-200 trademarks, and the identity of the MILLC’s historical  
6 customers are all assets of CHEMEON, not Metalast International. These infringements and  
7 misrepresentations have and will continue to damage CHEMEON.

8 142. The May 1 press release goes on to assert that: “Mr. [David] Semas is presently  
9 conducting discussions with several prominent chemical companies and other industry leaders to  
10 continue offering the trusted METALAST® brand of ‘green’ specialty chemicals to the world  
11 market.” Defendants discussion with chemical companies and other industry leaders demonstrates  
12 misappropriation and improper use of CHEMEON’s trade secret customer, supplier and distributor  
13 lists, and other information that is the property of CHEMEON, not Defendants.

14 143. Through its press releases and other activities, Defendants have violated Metalast  
15 International contracts (acquired by CHEMEON) that prohibit the disclosure of confidential  
16 information with certain parties. Particularly, Metalast International was contractually bound as  
17 follows: “The parties agree that the terms and conditions of this Agreement, the nature of their  
18 business relationship, including, if applicable, the fact that one party provides or may provide  
19 goods or services to the other, and the parties’ discussions concerning the Project will be  
20 considered confidential information covered by this Agreement. . . .”

21 144. Instead Defendants and MHA Group disclosed on their website and in their  
22 marketing materials the existence of this confidential relationship.

23 145. At least Greg D. Semas had direct knowledge of this mutual Confidentiality  
24 Agreement between Metalast International and this other company because on April 2, 2012, Greg  
25 D. Semas signed the Agreement as Senior Vice President of Metalast International.

26 146. Also with the investment materials that the MHA Group has distributed to potential  
27 investors, Mr. Semas and the MHA Group have disclosed CHEMEON’s highly confidential and  
28 trade secret pricing information. Specifically, MHA Group has unlawfully used and disclosed

1 CHEMEON's costs of goods for certain chemicals. This pricing information was provided by Mr.  
2 Semas to MHA Group for the purpose of obtaining investment in Mr. Semas' newly formed  
3 entities.

4 147. In these materials, Defendants also disclose general and specific profit margins for  
5 CHEMEON's core products (TCP-HF and AA-200): "Profit Margins for the company's 120  
6 branded production products range between [\_\_\_\_]."<sup>1</sup> This information is misleading since these  
7 products are CHEMEON's branded products and is a disclosure of CHEMEON's confidential or  
8 trade secret information.

9 148. Defendants' investment materials also reveal CHEMEON's existing and potential  
10 alliances and/or partnerships: "Existing R&D Alliances and/or Partnerships with Chemetall  
11 Americas, DuBois Chemicals, Okuno Chemical Industries (pending), Pratt & Whitney and the  
12 U.S. Naval Air Systems Command." These relationships are attributable to CHEMEON, not  
13 Metalast International.

14 149. Due to the long history between the parties and Mr. Semas' and Mr. Harris' direct  
15 involvement with Metalast International, both past and present, these individuals have knowledge  
16 that this relationship information and more importantly the pricing information are highly  
17 confidential and are trade secrets of CHEMEON.

18 150. Further, upon information and belief, Mr. Semas, Greg D. Semas and Wendi  
19 Semas-Fauria, all former employees of the MILLC, took with them at least six (6) boxes of hard  
20 copy documents, and at least Mr. Semas and Greg D. Semas, removed their company owned  
21 laptop computers following termination of their employment or after CHEMEON acquired all  
22 assets of the MILLC. This information, both hard copy and electronic is owned by CHEMEON.  
23 Furthermore, CHEMEON believes that this hard copy and electronic information contains  
24 CHEMEON's highly proprietary, confidential and trade secret information, including, but not  
25 limited to CHEMEON's pricing information, sales history records, customer lists, supplier lists,  
26 distributors lists, vendor lists, contact information for all company relationships, proprietary source

27 \_\_\_\_\_  
28 <sup>1</sup>The disclosed range has been redacted from this Complaint.



1 code to CHEMEON's Line-Pro, JOBPro and Process Control System software, photographs,  
2 marketing and sales materials, investment materials, and other CHEMEON assets.

3 151. The CHEMEON laptop removed by at least Mr. Semas contained a copy of  
4 CHEMEON's entire database, which was last updated in or about April 2013. Mr. Semas's  
5 practice was to keep his laptop up to date with all electronic files of the Metalast entities. Greg D.  
6 Semas also retained his company laptop, that upon information belief, also contained CHEMEON  
7 owned property. Following the receivership action, these laptops were requested to be returned by  
8 James Proctor, the Receiver for Metalast International, LLC. During the receivership, Mr. Semas  
9 and Greg D. Semas were warned not to use any proprietary, confidential, or trade secret  
10 information that was contained on those laptops. Not only did Mr. Semas and Greg D. Semas  
11 refuse to return the laptops, but Mr. Semas claimed his computer was his personal property and  
12 Greg D. Semas claimed his laptop was a gift from his father, Mr. Semas. However, upon  
13 information and belief, at least Mr. Semas's laptop was fully loaded with the MILLC's entire  
14 database of electronic information, as of April 2013.

15 152. Upon information and belief, Mr. Semas, and perhaps Greg D. Semas, have used  
16 CHEMEON's proprietary, confidential and trade secret information contained on these laptops,  
17 because this information could not have properly originated from any other source.

18 153. Prior to Defendants' departure from the MILLC, Wendi Semas-Fauria and another  
19 accounting department employee requested that the MILLC's chief scientist (Dr. Alp Manavbasi)  
20 provide them trade secret information concerning the MILLC's chemical formulations. Consistent  
21 with the MILLC's policy concerning the trade secret formulations, Dr. Manavbasi confirmed this  
22 request with Greg Semas, the MILLC's Chief Operating Officer at that time. Greg Semas  
23 approved this request for providing the MILLC's trade secret chemical compositions for an alleged  
24 "cost analysis." This information was not accessible to employees of the MILLC, but was rather  
25 available only to certain, need-to-know individuals. Wendi Semas-Fauria was not one of the  
26 approved individuals, therefore Greg Semas needed to provide the requisite approval. Dr.  
27 Manavbasi provided the trade secret information to Wendi Semas-Fauria in a hard copy form,  
28 which was never returned to Dr. Manavbasi.

1 154. Examples of Defendants' improper and unlawful use of CHEMEON's trade secret  
2 information can be found in Mr. Semas' and MHA Group's marketing and investment materials  
3 establishing that Mr. Semas has and is making unlawful use of CHEMEON's trade secrets to  
4 CHEMEON's detriment.

5 155. Defendants' misrepresentations and use of improperly obtained information  
6 concerning Metalast International's position, stature, asset ownership and history, all support  
7 CHEMEON's claims of copyright infringement, trade secret misappropriation, trademark  
8 infringement, intentional interference with prospective economic advantage, unfair competition,  
9 deceptive trade practices, and unjust enrichment.

10 **FIRST CLAIM FOR RELIEF**

11 **(Misappropriation of Trade Secrets – NRS 600A.030, *et seq.*)**

12 156. Plaintiff CHEMEON hereby repeats, re-alleges, and incorporates all of the  
13 allegations contained in the preceding paragraphs as though fully set forth herein.

14 157. CHEMEON's trade secrets include information, pricing, formulas, compilations,  
15 techniques, products, systems, designs, prototypes, sales channels, chemical formulations, sources  
16 of goods, plans, source code, and personnel information.

17 158. CHEMEON's trade secrets derive actual or potential, independent economic value,  
18 from not being generally known.

19 159. CHEMEON's trade secrets are not readily ascertainable by CHEMEON's  
20 competitors, the public or any other persons by proper means due to their secrecy. CHEMEON  
21 employs several protective measures to ensure the secrecy of its trade secrets.

22 160. CHEMEON's trade secrets provide it with competitive advantages that if known  
23 would provide commercial or economic value from their disclosure or use to others.

24 161. CHEMEON has invested significant resources and has taken many reasonable  
25 steps to maintain the secrecy of its trade secrets.

26 162. Due to Defendants prior relationship with the entities that became CHEMEON,  
27 Defendants knew that CHEMEON treated its information, formulas, compilations, techniques,  
28 products, systems, designs, prototypes and procedures, as trade secrets. Defendants have

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1 knowledge of CHEMEON's protective measures and assisted with the development and  
2 deployment of those measures during their previous affiliation with the entities that became  
3 CHEMEON.

4 163. Defendants acquired and used CHEMEON's trade secrets through improper means,  
5 including, but not limited to taking electronic documents, hard-copy documents and using  
6 personal knowledge of CHEMEON's trade secrets that pursuant to, including, but limited to  
7 contract, agreement and fiduciary duties, Defendants were prohibited from acquiring and using.

8 164. Defendants conduct as alleged above constitutes misappropriation of CHEMEON's  
9 trade secrets under the Nevada Uniform Trade Secrets Act, NRS 600A.030, *et seq.*

10 165. Based on the foregoing allegations relating to Defendants' conduct, CHEMEON is  
11 entitled to recover from Defendants all monetary damages sustained as a result of Defendants'  
12 misappropriation, including the actual loss caused by the misappropriation and the unjust  
13 enrichment to Defendants stemming from the wrongful acquisition and use of CHEMEON's  
14 valuable trade secrets.

15 166. Based on information and belief, and in view of the foregoing allegations,  
16 Defendants' misappropriation of CHEMEON's trade secrets was and is willful and malicious.  
17 Accordingly, CHEMEON should be granted exemplary damages and punitive damages, unjust  
18 enrichment damages and attorneys' fees pursuant to NRS 600A.040-060.

19 167. Due to the irreparable harm that CHEMEON has suffered and will continue to  
20 suffer as a result of Defendants' unlawful actions, CHEMEON is entitled to a preliminary and  
21 permanent injunction prohibiting Defendants from (a) any further acquisition or use of  
22 CHEMEON's trade secrets, (b) making, distributing or selling any products developed, designed,  
23 or improved through the use of CHEMEON's trade secrets, (c) engaging in any further dealings of  
24 any kind with CHEMEON's suppliers, distributors, partners and customers, and (d) engaging in  
25 any business with CHEMEON's customers that it would not have but for the misappropriation of  
26 CHEMEON's trade secrets.

27 168. CHEMEON has been forced to retain the services of Holland & Hart LLP to  
28 address the conduct complained of herein and are therefore entitled to all their reasonable

1 attorneys' fees and costs associated with bringing this action.

2 **SECOND CLAIM FOR RELIEF**

3 **(Declaratory Judgment of No Trademark Infringement)**

4 169. Plaintiff CHEMEON hereby repeats, re-alleges, and incorporates all of the  
5 allegations contained in the preceding paragraphs as though fully set forth herein.

6 170. A true, actual, and ripe case or controversy exists between CHEMEON and  
7 Defendants concerning the ownership and proper use of the Word Marks and Logo Marks  
8 following CHEMEON's acquisition of the Metalast International, LLC assets through the Order  
9 Approving Sale of Assets to D&M.

10 171. CHEMEON's use of the term "Metalast" in conjunction with "formerly Metalast"  
11 does not infringe any existing valid trademark right of Defendants under the Lanham Act or the  
12 laws of any state. CHEMEON is free to identify itself as associated with or as "formerly  
13 Metalast" in accordance with the doctrine of fair use and free speech rights set forth by the First  
14 Amendment to the U.S. Constitution.

15 172. The extent of CHEMEON's use of "Metalast" is as follows: "CHEMEON Surface  
16 Technology, LLC (formerly Metalast)." Such use explains CHEMEON's past connection to the  
17 Word Marks, Logo Marks and trade name, particularly since CHEMEON acquired all of the  
18 Metalast's assets through a Court Order Approving Sale of Assets. CHEMEON's use of the Word  
19 Marks clearly falls within the fair use doctrine as defined in trademark law.

20 173. CHEMEON's limited use of the Word Marks and recognition of the past  
21 association is not likely to cause confusion, mistake, or deception, or confuse the relevant public  
22 as to source, sponsorship, or affiliation with CHEMEON.

23 174. Defendants acquired, by registration, the Logo Marks through fraud, breach of  
24 fiduciary duties, and self-dealing, including, but not limited to assigning rights in the Logo Marks  
25 first to the MII instead of the MILLC, and second from MII to Mr. Semas in his personal capacity.  
26 CHEMEON is the correct and legal owner of the Logo Marks and therefore cannot infringe  
27 trademarks that it is the rightful owner of.

28 175. Defendants have no protectable rights to the Logo Marks because they were

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1 obtained by fraud on the USPTO. Further, the Logo Marks were acquired by Mr. Semas and  
2 assigned to either himself personally or to the managing entity, Metalast International, Inc.,  
3 instead of the parent company, Metalast International, LLC. The Logo Marks should have been  
4 assigned to Metalast International, LLC, and therefore should be the property of CHEMEON.

5 176. Accordingly, CHEMEON is entitled to a judgment declaring that Defendants do  
6 not hold trademark rights in the Logo Marks, and that CHEMEON's use of those terms or similar  
7 terms does not infringe any valid trademark rights held by Defendants.

8 177. In view of the foregoing background regarding Defendants' use of CHEMEON's  
9 trade secrets and fraud, Defendants' allegation of trademark infringement against CHEMEON is  
10 exceptional and CHEMEON is entitled to an award of its attorneys' fees under 15 U.S.C. §  
11 1117(a).

12 178. CHEMEON has been forced to retain the services of Holland & Hart LLP to  
13 address the conduct complained of herein and are therefore entitled to all their reasonable  
14 attorneys' fees and costs associated with bringing this action.

15 **THIRD CLAIM FOR RELIEF**

16 **(Cancellation of the Logo Trademarks)**

17 179. Plaintiff CHEMEON hereby repeats, re-alleges, and incorporates all of the  
18 allegations contained in the preceding paragraphs as though fully set forth herein.

19 180. Defendants' Logo Marks were acquired through Mr. Semas's and the Inc.'s fraud  
20 on the MILLC and its investors. Mr. Semas breached several duties to the MILLC, including, but  
21 not limited to his fiduciary duties to the MILLC. Mr. Semas's registration and assignment of the  
22 Logo Marks to himself, an individual, when Mr. Semas had no rights or authority to do so  
23 constitutes fraud, breach of fiduciary duties and self-dealing.

24 181. The federal registrations (U.S. Trademark Reg. Nos. 2091140, 2112805, and  
25 2884333) were wrongfully obtained, and assigned by and to Mr. Semas in his individual capacity.

26 182. Mr. Semas's improper filing and assignment of the Logo Marks was knowingly  
27 and willfully conducted.

28 183. CHEMEON has been and will continue to be damaged by Defendants purported

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1 federal trademark registrations on the Logo Marks.

2 184. Pursuant to 15 U.S.C. §§ 1064 and 1119, the Court should direct the United States  
3 Patent and Trademark Office to cancel the Logo Marks Registration Nos. 2091140, 2112805, and  
4 2884333.

5 185. CHEMEON has been forced to retain the services of Holland & Hart LLP to  
6 address the conduct complained of herein and are therefore entitled to all their reasonable  
7 attorneys' fees and costs associated with bringing this action.

8 **FOURTH CLAIM FOR RELIEF**

9 **(Common Law Trademark Infringement)**

10 186. CHEMEON hereby repeats, re-alleges, and incorporates all of the allegations  
11 contained in the preceding paragraphs as though fully set forth herein.

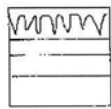
12 187. CHEMEON is entitled to legal protection of its trademarks under Nevada law.

13 188. CHEMEON owns valid and legally protectable marks according to common law  
14 trademark rights in the State of Nevada.

15 189. CHEMEON owns common law trademark rights in the following marks: (1) TCP-  
16 HF (and related family of marks, such as TCP-HF EPA and TCP-HF SP); (2) AA-200; and (3) the  
17 logo mark, shown as follows in two exemplary configurations:



20 and



21 The CHEMEON Trademarks indicate products associated with  
22 CHEMEON (formerly Metalast).

23 190. Metalast International, LLC, the company that CHEMEON acquired its assets  
24 from, including the common law trademarks, consistently used and uses these marks in  
25 commerce, including in the State of Nevada, since 1995.

26 191. CHEMEON acquired the common law trademarks through the Court Order  
27 Approving Sale of Assets of Metalast International, LLC to D&M on November 4, 2013.

28 192. Defendants unauthorized use of the exact marks as CHEMEON's marks in order to  
obtain investment for Defendants' businesses and to market CHEMEON's products as Defendants

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1 products to at least to CHEMEON's suppliers and distributors, is likely to cause confusion.

2 193. The common law trademarks have been substantially, exclusively and continuously  
3 used by CHEMEON in connection with metal surfacing chemicals. To CHEMEON's knowledge,  
4 no other company in its industry has used the common law trademark to identify a particular  
5 product or service.

6 194. Due to CHEMEON's length of use, marketing and sales of its metal surfacing  
7 chemicals, these marks have acquired secondary meaning.

8 195. Defendants have recently adopted the common law trademarks, particularly the  
9 word marks of TCP-HF (and its related family of marks) and AA-200, and CHEMEON's logo  
10 marks (*see supra* at ¶ 189) for chemicals to be marketed under Defendants' new companies.  
11 CHEMEON's and Defendants' products are related goods.

12 196. Defendants have marketed and have sold or intend to sell the same or similar  
13 chemical products identified with these marks to the same distributors and customers to which  
14 CHEMEON has historically sold its goods.

15 197. Defendants market and sell its products in generally the same manner and through  
16 the same marketing channels as CHEMEON, since the parties are direct competitors by virtue of  
17 Defendants unlawful use of CHEMEON's trade secrets to target the identical customers, and use  
18 the same suppliers, blenders and distributors as CHEMEON.

19 198. By virtue of its longstanding and exclusive use in the metal surfacing industry,  
20 CHEMEON's common law trademarks have become strong marks.

21 199. Defendants have used and intend to use the exact same marks owned by  
22 CHEMEON for the same products for the same customers.

23 200. Defendants adoption and use of CHEMEON's marks has caused confusion or will  
24 cause confusion with CHEMEON's suppliers, distributors, customers, and other partners, that  
25 know that only CHEMEON's products derive only from CHEMEON.

26 201. Defendants use of CHEMEON's common law trademarks is likely to cause  
27 confusion or cause mistake or to deceive as to whether Defendants are affiliated, connected or  
28 associated with CHEMEON or as to whether CHEMEON originated, sponsored or approved of



1 Defendants products and related activities.

2 202. By so acting, Defendants have violated § 43(a) of the Lanham Act (15 U.S.C. §  
3 1125(a)).

4 203. On information and belief, Defendants copying of CHEMEON's common law  
5 trademarks was intentional, willful and in bad faith. Defendants intended to create a confusion by  
6 using exact copies of CHEMEON's trademarks and intended to trade off of CHEMEON's brand  
7 recognition in its chemical products and to confuse customers about the origin of these products.

8 204. Defendants acts of trademark infringement or threatened acts of infringement have  
9 caused, continue to cause or will cause damages and injury to CHEMEON.

10 205. CHEMEON may disgorge Defendants' profits and recover for its damages an  
11 award to compensate CHEMEON for the injuries and damages it has sustained as a result of  
12 Defendants' conduct which violates § 43(a) of the Lanham Act.

13 206. Because Defendants actions, on information and belief, were intentional, willful  
14 and deliberate, CHEMEON is entitled to an award of treble damages under § 35(a) of the Lanham  
15 Act (15 U.S.C. § 1117(a)).

16 207. CHEMEON has been forced to retain the services of Holland & Hart LLP to  
17 address the conduct complained of herein and are therefore entitled to all their reasonable  
18 attorneys' fees and costs associated with bringing this action.

19 **FIFTH CLAIM FOR RELIEF**

20 **(Copyright Infringement)**

21 208. CHEMEON hereby repeats, re-alleges, and incorporates all of the allegations  
22 contained in the preceding paragraphs as though fully set forth herein.

23 209. The CHEMEON Copyrights consist of wholly original material and are  
24 copyrightable subject matter under the copyright laws of the United States.

25 210. The CHEMEON Copyrights were applied for at the U.S. Copyright Office on May  
26 18, 2015, May 28, 2015, and June 1, 2015. *See* Exhibit 3.

27 211. Defendants are aware of and have copies of the CHEMEON Copyrights.  
28 CHEMEON has not licensed or otherwise authorized Defendants to sell and distribute or publicly

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1 display any works that are the same or substantially similar to the CHEMEON Copyrights or that  
2 are derivative works based on the CHEMEON Copyrights.

3 212. Defendants have engaged in the copying, distribution, and display of work bearing  
4 infringing copies of the CHEMEON Copyrights.

5 213. CHEMEON is informed and believes, and on that basis alleges, that Defendants  
6 intentionally copied, distributed and displayed infringing copies of the CHEMEON Copyrights  
7 with the knowledge of CHEMEON's rights therein in an attempt to unjustly benefit from the  
8 CHEMEON Copyrights.

9 214. Defendants are infringing the CHEMEON Copyrights in violation of the Copyright  
10 Act, 17 U.S.C. § 101, *et seq.*, by distributing, publicly displaying, offering for sale, and/or selling  
11 products associated with the CHEMEON Copyrights.

12 215. CHEMEON is informed and believes, and on that basis alleges, that Defendants'  
13 copying, distribution, and use of infringing copies of the CHEMEON Copyrights was deliberate,  
14 willful, malicious, oppressive, and without regard to CHEMEON's intellectual property rights.

15 216. Defendants' copyright infringement has caused and will continue to cause  
16 CHEMEON to suffer substantial injuries, loss, and damage to its proprietary and exclusive rights  
17 to the CHEMEON Copyrights, and has further damaged CHEMEON's business reputation and  
18 goodwill, diverted its trade, and caused loss of profits, in an amount to be determined at trial.

19 217. Defendants' copyright infringement, and the threat of continuing infringement, has  
20 caused, and continues to cause, substantial and irreparable damage and injury to CHEMEON.  
21 Thus, CHEMEON is entitled to injunctive and equitable relief against Defendants under 17 U.S.C.  
22 § 502, and to an order under 17 U.S.C. § 503 and 28 U.S.C. § 1651(a) that the infringing copies of  
23 the CHEMEON Copyrights be seized, impounded, and destroyed.

24 218. Defendants are directly, contributorily, and/or vicariously liable for all damages  
25 caused by their unlawful actions.

26 219. Mr. Semas is liable for all damages due to his willful infringement of  
27 CHEMEON's Copyrights.

28 220. CHEMEON has been forced to retain the services of Holland & Hart LLP to

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1 address the conduct complained of herein and are therefore entitled to all their reasonable  
2 attorneys' fees and costs associated with bringing this action.

3 **SIXTH CLAIM FOR RELIEF**

4 **(Intentional Interference with Prospective Economic Advantage)**

5 221. Plaintiff CHEMEON hereby repeats, re-alleges, and incorporates all of the  
6 allegations contained in the preceding paragraphs as though fully set forth herein.

7 222. Prospective contractual relationships exist or existed between CHEMEON and its  
8 suppliers, distributors, blender partners and potential customers with respect to the metal finishing  
9 and coatings, anodizing, corrosion control and galvanizing chemical products.

10 223. Defendants knew or should have known of the existence of CHEMEON's  
11 prospective relationships with its suppliers, distributors, blender partners and customers with  
12 respect to these chemical products because Defendants were previously employed by or affiliated  
13 with the insolvent entity Metalast International, LLC, and its manager, Metalast International, Inc.

14 224. Defendants, by continuing to market, distribute, and collect revenue from  
15 CHEMEON's business assets, intellectual property and other property of CHEMEON, without  
16 authorization and upon information and belief, intended to harm CHEMEON by preventing  
17 CHEMEON's prospective contractual relations with its suppliers, distributors, blender partners  
18 and customers with respect to CHEMEON's complete product line of chemicals.

19 225. Upon information and belief, Defendants' interference with CHEMEON's  
20 prospective economic relations was and is intentional, willful, malicious, without justification or  
21 excuse, and was perpetrated in an effort to obtain an unfair business advantage over CHEMEON  
22 by benefiting from and exploiting CHEMEON's business, including, but not limited to its  
23 intellectual property and other business assets acquired through bankruptcy.

24 226. CHEMEON has suffered and will continue to suffer damages, including but not  
25 limited to compensatory and consequential damages, as a direct and proximate result of  
26 Defendants' intentional interference with CHEMEON's prospective contractual relations with its  
27 distributors, suppliers and customers, in an amount to be proven at trial.

28 227. Upon information and belief, Defendants' interference with CHEMEON's

1 prospective contractual relations with its suppliers, partners, distributors and customers was  
2 intentional, fraudulent, malicious, or oppressive, thereby entitling CHEMEON to an award of  
3 punitive damages.

4 228. Defendants used improper means to intentionally interfere with CHEMEON's  
5 existing or potential economic relations by using CHEMEON's trade secret customer contact  
6 information and customer lists to solicit manufacturers, distributors, customers, retailers,  
7 wholesalers, and other contacts in order to partner with Defendants in direct competition against  
8 CHEMEON.

9 229. Mr. Semas has also contacted CHEMEON's current and pre-existing customers,  
10 suppliers and blender partners to spread misinformation about CHEMEON, what assets  
11 CHEMEON had acquired and the status of Defendants' business operations, all to the detriment of  
12 CHEMEON.

13 230. Based on information and belief, and pursuant to the foregoing allegations,  
14 Defendants have used improper means to interfere with CHEMEON's existing and prospective  
15 economic relations by spreading misinformation about CHEMEON, by soliciting CHEMEON's  
16 customers and by seeking investment money for Defendants based on false information and  
17 mischaracterizations about Defendants' capabilities, the number of patents and other intellectual  
18 property that Defendants are not the rightful owners of.

19 231. Defendants are liable for all damages due to their willful misuse of CHEMEON's  
20 intellectual property and other assets, and intentional interference with CHEMEON's lawful  
21 business operations.

22 232. CHEMEON has been forced to retain the services of Holland & Hart LLP to  
23 address the conduct complained of herein and is therefore entitled to all its reasonable attorneys'  
24 fees and costs associated with bringing this action.

25 **SEVENTH CLAIM FOR RELIEF**

26 **(Unfair Competition – 15 U.S.C. § 1125(a))**

27 233. Plaintiff CHEMEON hereby repeats, re-alleges, and incorporate all of the  
28 allegations contained in the preceding paragraphs as though fully set forth herein.

1           234. By continuing to maintain, market, and distribute information that Defendants own  
2 either the Logo Marks, the CHEMEON Trademarks or the Metalast assets so that Defendants  
3 may re-start a business in competition with CHEMEON is likely to cause confusion, or to cause  
4 mistake, or to deceive as to the affiliation, connection, or association of Defendants and  
5 CHEMEON as to the origin, sponsorship, or approval of Defendants goods, services, and other  
6 commercial activities.

7           235. Defendants commercial advertising and promotion, including, but not limited to its  
8 publications related to investments in Defendants' companies, have misrepresented the nature,  
9 characteristics and qualities of Defendants' goods, services and commercial activities and have  
10 misrepresented the goods, services and commercial activities of CHEMEON.

11           236. By so acting, Defendants have violated § 43(a) of the Lanham Act (15 U.S.C.  
12 § 1125(a)).

13           237. Defendants' conduct also constitutes an attempt to trade on the goodwill developed  
14 in, and owned by CHEMEON in, the CHEMEON Trademarks and Logo Marks, other intellectual  
15 property, including its trade secrets and copyrights, and CHEMEON's customer and supplier  
16 relationships, to the damage of CHEMEON.

17           238. CHEMEON has been and will continue to be irreparably damaged by such  
18 wrongful actions. CHEMEON further has no adequate remedy at law to redress such harm.

19           239. Because Defendants' actions, on information and belief, were intentional, willful,  
20 and/or deliberate, CHEMEON is entitled to an award of treble damages under § 35(a) of the  
21 Lanham Act (15 U.S.C. § 1117(a)).

22           240. By reason of the foregoing, CHEMEON is entitled to preliminary and permanent  
23 injunctive relief and monetary damages against Defendants.

24           241. CHEMEON has been forced to retain the services of Holland & Hart LLP to  
25 address the conduct complained of herein and are therefore entitled to all their reasonable  
26 attorneys' fees and costs associated with bringing this action.

HOLLAND & HART LLP  
5441 Kietzke Lane, 2nd Floor  
Reno, NV 89511  
Phone: (775) 327-3000 ♦ Fax: (775) 786-6179

**EIGHTH CLAIM FOR RELIEF**

**(Statutory Deceptive Trade Practices / Consumer Fraud)**

1  
2  
3 242. Plaintiff CHEMEON hereby repeats, re-alleges, and incorporates all of the  
4 allegations contained in the preceding paragraphs as though fully set forth herein.

5 243. Defendants, by continuing to market themselves as “Metalast” despite  
6 CHEMEON’s acquisition of all assets (with the exception of the Metalast word marks) is  
7 knowingly passing off for sale or least as its own CHEMEON’s metal surfacing goods.

8 244. Defendants are knowingly making false representations regarding their products,  
9 their intellectual property rights, and their affiliations.

10 245. Defendants are using deceptive representations in connection with Defendants  
11 actual or planned goods or services for sale.

12 246. Defendants, by continuing to market and advertise for future sale metal surfacing  
13 chemicals that are proprietary to CHEMEON, are knowingly making a false representation during  
14 the sale or lease of goods as to the source, sponsorship, approval, or certification of such goods.

15 247. Defendants, by continuing to market and advertise for future sale metal surfacing  
16 chemicals, are knowingly making a false representation as to its affiliation, connection,  
17 association with, or certification by CHEMEON.

18 248. Defendants’ actions described above constitute deceptive trade practices under  
19 Nevada law, including, *inter alia*, NRS 598.0915.

20 249. Pursuant to NRS 598.0953(1), the foregoing deceptive trade practices are prima  
21 facie evidence of Defendants’ intent to injure competitors, such as CHEMEON, and to destroy or  
22 substantially lessen competition.

23 250. Pursuant to NRS 41.600(2)(e), Defendants’ foregoing deceptive trade practices  
24 constitute “consumer fraud.”

25 251. Defendants are liable for all damages due to their willful misuse of CHEMEON’s  
26 intellectual property and other assets, and other acts intended to deceive the consuming public,  
27 and by misrepresenting CHEMEON’s lawful business operations.

28 ///

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5441 Kietzke Lane, 2nd Floor  
Reno, NV 89511  
Phone: (775) 327-3000 ♦ Fax: (775) 786-6179

1 252. CHEMEON has been and will continue to be irreparably damaged by Defendants'  
2 statutory deceptive trade practices/consumer fraud, and therefore are victims for purposes of  
3 standing under NRS 41.600.

4 253. CHEMEON has no adequate remedy at law to redress such harm.

5 254. By reason of the foregoing, CHEMEON is entitled to injunctive relief and  
6 monetary damages against Defendants.

7 255. CHEMEON has been forced to retain the services of Holland & Hart LLP to  
8 address the conduct complained of herein and are therefore entitled to all their reasonable  
9 attorneys' fees and costs associated with bringing this action.

10 **NINTH CLAIM FOR RELIEF**

11 **(Unjust Enrichment)**

12 256. CHEMEON hereby repeats, re-alleges, and incorporate all of the allegations  
13 contained in the preceding paragraphs as though fully set forth herein.

14 257. Defendants have obtained a benefit from CHEMEON in the form of the past and  
15 continued use of its intellectual property, including its trade secrets, the CHEMEON Trademarks,  
16 the Logo Marks and copyrights.

17 258. Defendants have marketed, distributed, and exploited CHEMEON's intellectual  
18 property assets and other business assets acquitted by CHEMEON, and thus has used and enjoyed  
19 the benefits derived from CHEMEON's acquisition of these assets through bankruptcy. Assets  
20 the predecessor companies and investors have spent millions of dollars developing and marketing.

21 259. CHEMEON did not provide any permission or license to use CHEMEON's assets.

22 260. Defendants knew or should have known that CHEMEON expected to be  
23 compensated for Defendants' use of the Assets.

24 261. CHEMEON has not been compensated for Defendants' use of the assets.

25 262. As a result of this failure, CHEMEON has conferred a benefit on Defendants for  
26 which it has not been properly compensated.

27 263. Defendants have been unjustly enriched if allowed to retain the benefit conferred  
28 thereon without having to pay CHEMEON for the same.





**HOLLAND & HART LLP**  
5441 Kietzke Lane, 2nd Floor  
Reno, NV 89511  
Phone: (775) 327-3000 ♦ Fax: (775) 786-6179

1 (f) enjoining them from assisting, aiding, or abetting another person or  
2 business entity in engaging or performing any of the activities enumerated in subparagraphs  
3 (a) – (e) above;

4 (e) ordering them to preserve all relevant information involving the instant  
5 litigation, including, but not limited to the information contained in the six boxes of hard  
6 copy documents and the two laptops retained by David Semas and Greg Seams;

7 2. For provisional declaratory relief that:

8 (a) Plaintiff was and is legally permitted to use the Word Marks and any  
9 common law rights to “Metalast”; and

10 (b) Defendants are not the proper and sole owner of all rights, title, and interest  
11 to the Logo Marks.

12 3. Due to Defendants fraud on the U.S. Patent and Trademark office, Defendants’  
13 federally registered Logo Marks with U.S. Registration Nos., 2091140, 2112805, and 2884333  
14 should be cancelled;

15 4. For general and consequential damages, and all profits derived by Defendants from  
16 their wrongful acts (including without limitation under NRS 600) in an amount to be proven at  
17 trial;

18 5. For an award of treble damages due to, and Defendants’ profits derived from, their  
19 wrongful acts pursuant to trademark infringement;

20 6. For an award of actual damages and any additional profits or statutory damages, as  
21 provided by the Copyright Act due to, and Defendants’ profits derived from, their wrongful acts  
22 pursuant to copyright infringement;

23 7. For an award of punitive damages against Defendants in an amount deemed  
24 appropriate;

25 8. For an award of reasonable attorneys’ fees incurred in this action, including  
26 without limitation pursuant to 15 U.S.C. § 1117;

27 9. For all taxable costs;

28 10. For pre and post-judgment interest; and

1 11. For such other and further relief as the Court may deem just and proper.

2 **DEMAND FOR JURY TRIAL**

3 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by  
4 jury on all issues so triable.

5 DATED this 3rd day of June, 2015.

6 **HOLLAND & HART LLP**

7 /s/ Robert C. Ryan

8 Robert C. Ryan (7164)  
9 Anthony Hall (5977)  
10 Tamara Reid (9840)  
11 5441 Kietzke Lane, Second Floor  
12 Reno, Nevada 89511

13 Christopher B. Hadley  
14 (*Pro hac vice* to be filed)  
15 HOLLAND & HART LLP  
16 222 South Main St., Suite 2200  
17 Salt Lake City, Utah 84101

18 *Attorneys for Plaintiffs*

HOLLAND & HART LLP  
5441 Kietzke Lane, 2nd Floor  
Reno, NV 89511  
Phone: (775) 327-3000 ♦ Fax: (775) 786-6179

19 7822950\_4

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<b>Word Mark</b>	METALAST
<b>Goods and Services</b>	IC 001. US 001 005 006 010 026 046. G & S: chemical surface treatment based on anodic oxidation for use in imparting corrosion resistance, wear-resistance, hardness, and for replacing surface conductivity of aluminum and aluminum alloy parts. FIRST USE: 19960200. FIRST USE IN COMMERCE: 19960200
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75030598
<b>Filing Date</b>	November 30, 1995
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	April 22, 1997
<b>Registration Number</b>	<b>2112804</b>
<b>Registration Date</b>	November 11, 1997
<b>Owner</b>	(REGISTRANT) METALAST International, Incorporated CORPORATION NEVADA 2241 Park Place Minden NEVADA 89423  (LAST LISTED OWNER) SEMAS, DAVID M. INDIVIDUAL UNITED STATES P.O.BOX 618 GENOA NEVADA 89411
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Ian F. Burns
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070428.
<b>Renewal</b>	1ST RENEWAL 20070428

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Indicator**

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<b>Word Mark</b>	METALAST
<b>Goods and Services</b>	IC 040. US 100 103 106. G & S: metal treatment. FIRST USE: 19930600. FIRST USE IN COMMERCE: 19930600
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75139979
<b>Filing Date</b>	July 23, 1996
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	June 24, 1997
<b>Change In Registration</b>	CHANGE IN REGISTRATION HAS OCCURRED
<b>Registration Number</b>	<b>2097260</b>
<b>Registration Date</b>	September 16, 1997
<b>Owner</b>	(REGISTRANT) Metalast International, Inc. CORPORATION NEVADA 2241 Park Place Minden NEVADA 89423  (LAST LISTED OWNER) SEMAS, DAVID M. INDIVIDUAL UNITED STATES P.O. BOX 618 GENOA NEVADA 89411
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Ian F. Burns
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070428.
<b>Renewal</b>	1ST RENEWAL 20070428
<b>Live/Dead Indicator</b>	LIVE

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**Word Mark** METALAST

**Goods and Services** IC 001. US 001 005 006 010 026 046. G & S: Chemicals for use in metal treatment, consisting of cleaners, etchers, deoxidizers, dyes, electrolytic colors, sealants, electro polishers, anodizing additives, surfactants, acidifiers, basifiers, anodizing accelerators, fume suppressants, and anti foaming agents. FIRST USE: 19941231. FIRST USE IN COMMERCE: 19941231

IC 009. US 021 023 026 036 038. G & S: Computer hardware systems comprising central processing units, computer monitors, computer input devices, namely, computer touch screens and keyboards, and computer interface controllers; computer software for controlling and monitoring metal treatment processes, storing data related to metal treatment, and for creating process verification reports. FIRST USE: 19951031. FIRST USE IN COMMERCE: 19951031

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 78267465

**Filing Date** June 26, 2003

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** March 29, 2005

**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED

**Registration Number** **2963106**

**Registration Date** June 21, 2005

**Owner** (REGISTRANT) METALAST International, Inc. CORPORATION NEVADA 2241 Park Place Minden NEVADA 89423

(LAST LISTED OWNER) SEMAS, DAVID M. INDIVIDUAL UNITED STATES P.O. BOX 618 GENOA NEVADA 89411

**Assignment**

**Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Ian F. Burns, Esq.  
**Prior Registrations** 2097260;2112804  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

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# METALAST

**Word Mark**

METALAST

**Goods and Services**

IC 001. US 001 005 006 010 026 046. G &amp; S: Chemicals for use in metal treatment to prevent corrosion, consisting of cleaners, etchers, deoxidizers, dyes, electrolytic colors, sealants, electro polishers, anodizing additives, surfactants, acidifiers, basifiers, anodizing accelerators, fume suppressants, and anti foaming agents. FIRST USE: 19941231. FIRST USE IN COMMERCE: 19941231

IC 009. US 021 023 026 036 038. G &amp; S: Computer hardware systems comprising central processing units, computer monitors, computer input devices, namely, computer touch screens and keyboards, and computer interface controllers; computer software for controlling and monitoring metal treatment processes, storing data related to metal treatment, and for creating process verification reports. FIRST USE: 19951031. FIRST USE IN COMMERCE: 19951031

**Standard Characters Claimed****Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Serial Number**

85358730

**Filing Date**

June 28, 2011

**Current Basis**

1A

**Original Filing Basis**

1A

**Published for Opposition**

January 31, 2012

**Registration Number**

4128211

**Registration Date** April 17, 2012

**Owner** (REGISTRANT) METALAST International, Inc. CORPORATION NEVADA 2241 Park Place Minden NEVADA 89423

(LAST LISTED OWNER) SEMAS, DAVID M. INDIVIDUAL UNITED STATES P.O. BOX 618 GENOA NEVADA 89411

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Ian F. Burns

**Prior Registrations** 2097260;2112804;2963106

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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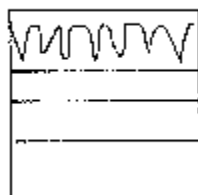
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**Goods and Services** IC 040. US 100 103 106. G & S: metal treatment. FIRST USE: 19940600. FIRST USE IN COMMERCE: 19940600

**Mark Drawing Code** (2) DESIGN ONLY

**Design Search Code** 26.11.12 - Rectangles with bars, bands and lines  
26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

**Serial Number** 75153242

**Filing Date** August 20, 1996

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** June 3, 1997

**Registration Number** **2091140**

**Registration Date** August 26, 1997

**Owner** (REGISTRANT) Metalast International, Inc. LIMITED LIABILITY COMPANY NEVADA 2241 Park Place Minden NEVADA 84923  
  
(LAST LISTED OWNER) SEMAS, DAVID M. INDIVIDUAL UNITED STATES P.O. BOX 618 GENOA NEVADA 89411

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Ian F. Burns

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070428.



**Renewal** 1ST RENEWAL 20070428

**Live/Dead Indicator** LIVE

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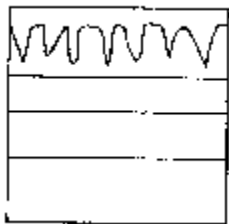
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**Goods and Services** IC 001, US 001 005 006 010 026 046. G & S: chemical surface treatment based on anodic oxidation for use in imparting corrosion resistance, wear-resistance, hardness, and for replacing surface conductivity of aluminum and aluminum alloy parts. FIRST USE: 19960200. FIRST USE IN COMMERCE: 19960200

**Mark Drawing Code** (2) DESIGN ONLY

**Design Search Code** 01.15.03 - Fire (flames), other than emanating from objects, words, numbers, fireplaces or candles; Flames, other than flames emanating from objects, words, numbers, fireplaces or candles  
26.09.12 - Squares with bars, bands and lines

**Serial Number** 75030599

**Filing Date** November 30, 1995

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** April 22, 1997

**Registration Number** 2112805

**Registration Date** November 11, 1997

**Owner** (REGISTRANT) METALAST International Incorporated CORPORATION NEVADA 2241 Park Place Minden NEVADA 89423  
  
(LAST LISTED OWNER) SEMAS, DAVID M. INDIVIDUAL UNITED STATES P.O. BOX 618 GENOA NEVADA 89411

**Assignment**

**Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Ian F. Burns  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070428.  
**Renewal** 1ST RENEWAL 20070428  
**Live/Dead Indicator** LIVE

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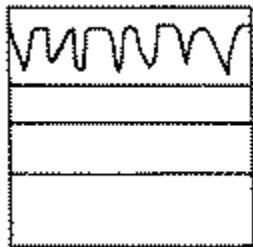
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Please logout when you are done to release system resources allocated for you.

**Record 1 out of 1**

[TSDR](#) | [ASSIGN Status](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)



**Goods and Services** IC 001. US 001 005 006 010 026 046. G & S: Chemicals for use in metal treatment, consisting of cleaners, etchers, deoxidizers, dyes, electrolytic colors, sealants, electro polishers, anodizing additives, surfactants, acidifiers, basifiers, anodizing accelerators, fume suppressants, and anti foaming agents. FIRST USE: 19941231. FIRST USE IN COMMERCE: 19941231

IC 009. US 021 023 026 036 038. G & S: Computer systems comprising central processing units, monitors, input devices, and interface controllers; Computer software for controlling and monitoring metal treatment processes, storing data related to metal treatment, and producing process verification reports. FIRST USE: 19951031. FIRST USE IN COMMERCE: 19951031

**Mark Drawing Code** (2) DESIGN ONLY

**Design Search Code** 26.09.02 - Plain single line squares; Squares, plain single line  
26.09.12 - Squares with bars, bands and lines  
26.17.25 - Other lines, bands or bars

**Serial Number** 78290394

**Filing Date** August 21, 2003

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** June 22, 2004

**Registration Number** 2884333

**Registration Date** September 14, 2004

**Owner** (REGISTRANT) METALAST International, Inc. LIMITED LIABILITY COMPANY NEVADA 2241 Park

Place Minden NEVADA 89423

(LAST LISTED OWNER) SEMAS, DAVID M. INDIVIDUAL UNITED STATES P.O. BOX 618 GENOA NEVADA 89411

**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Ian F. Burns  
**Description of Mark** Color is not claimed as a feature of the mark.  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20140922.  
**Renewal** 1ST RENEWAL 20140922  
**Live/Dead Indicator** LIVE

---

[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)

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**EXHIBIT "3"**

**EXHIBIT "3"**





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Form Pay Submit Work

Case #: 1-2397517313 Application Format: Standard

Type of Case: Literary Work

Date Opened: 5/18/2015

eCO Navigation Tips

Continue >>

Save For Later

Links	Completed
Type of Work	✓
Titles	✓
Publication/Completion	✓
Authors	✓
Claimants	✓
Limitation of Claim	✓
Rights & Permissions	✓
Correspondent	✓
Mail Certificate	✓
Special Handling	✓
Certification	✓
Review Submission	✓

Please select a "Type of Work" appropriate for the work you are registering from the dropdown list. Read the description below and then click the box below to confirm your selection. Click "Continue" to begin the application.

Type of Work cannot be changed after you click "Continue." [Click here](#) for more information.

\* Type of Work: Literary Work

[Help](#)

Select **Literary Work** if you are registering a nondramatic literary work. Literary Works include a wide variety of works such as fiction, nonfiction, poetry, textbooks, reference works, directories, catalogs, advertising copy, compilations of information, computer programs and databases\*.

**Note:** This category also includes an article published in a serial, but does not include an entire issue of a periodical or other serial.

\* This type of Literary Work must be registered using the Standard Application.

\* Click the box to confirm you have read the above description and selected the most appropriate type of work.

Privacy Act Notice: Sections 408-410 of title 17 of the United States Code authorize the Copyright Office to collect the personally identifying information requested on this form in order to process the application for copyright registration. By providing this information you are agreeing to routine uses of the information that include publication to give legal notice of your copyright claim as required by 17 U.S.C. § 705. It will appear in the Office's online catalog. If you do not provide the information requested, registration may be refused or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright law.

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Form Pay Submit Work

Case #: 1-2397517313 Application Format: Standard

Type of Case: Literary Work

Date Opened: 5/18/2015 05:42:54 PM

eCO Navigation Tips

Titles

- Links
- Type of Work ✓
- Titles ✓
- Publication/Completion ✓
- Authors ✓
- Claimants ✓
- Limitation of Claim ✓
- Rights & Permissions ✓
- Correspondent ✓
- Mail Certificate ✓
- Special Handling ✓
- Certification ✓
- Review Submission ✓

<< Back ||| Continue >>

||| Save For Later |||

Give the title(s) exactly as it appears on the work. If there is no title, give an identifying phrase, or state "untitled". To enter the title(s), click "New". After you enter the title, click "Save". Repeat this process for each additional title.

||| New \* |||

To edit or delete a title, click the appropriate link in the list below. When the list is complete and correct, click "Continue" to save the information and proceed to the "Publication/Completion" screen.

All Titles

Title of Work

METALAST 2011-2015 NARRATIVE PROFORMA ASSUMPTIONS

Volume

Number

Issue Date

Type

Title of work being registered

1 - 1 of 1

Edit Delete



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Form Pay Submit Work

Case #: 1-2397517313 Application Format: Standard

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Date Opened: 5/18/2015

eCO Navigation Tips

Publication / Completion

- Links
- Type of Work ✓
- Titles ✓
- Publication/Completion ✓
- Authors ✓
- Claimants ✓
- Limitation of Claim ✓
- Rights & Permissions ✓
- Correspondent ✓
- Mail Certificate ✓
- Special Handling ✓
- Certification ✓
- Review Submission

<< Back ||| Continue >>

||| Save For Later |||

Published work?: Yes

\*Nation of First Publication: United States Help

\*Year of Completion (Year of Creation): 2011

International Standard Number Type: -Select- Help

\*Date of First Publication [MM/DD/YYYY]: 8/1/2011 Help

International Standard Number:

If you have Preregistered your work under 17 U.S.C 408 (f) (and received a Preregistration number beginning with the PRE prefix), give the Preregistration Number here. Click here for further information about Preregistration.

Preregistration Number:

Click "Continue" to save the information and proceed to the "Author" screen.

Privacy Act Notice: Sections 408-410 of title 17 of the United States Code authorize the Copyright Office to collect the personally identifying information requested on this form in order to process the application for copyright registration. By providing this information you are agreeing to routine uses of the information that include publication to give legal notice of your copyright claim as required by 17 U.S.C. § 705. It will appear in the Office's online catalog. If you do not provide the information requested, registration may be refused or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright law.

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**Form** | **Pay** | **Submit Work**

Case #: 1-2397517313  
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Date Opened: 5/18/2015 05:42:54 PM

[eCO Navigation Tips](#)

Authors

Links

Completed

[<< Back](#) | [Continue >>](#)

[Save For Later](#)

- Type of Work ✓
- Titles ✓
- Publication/Completion ✓
- Authors ✓
- Claimants ✓
- Limitation of Claim ✓
- Rights & Permissions ✓
- Correspondent ✓
- Mail Certificate ✓
- Special Handling ✓
- Certification
- Review Submission

Name the author(s) of the work being registered, and give the requested information. Generally, the application should name all the authors of the authorship being registered.

Click "New" to add an author, or, if you are an author and your name appears in the User Profile for this account, click "Add Me".

After you enter the author information, click "Save". Repeat this process for each additional author.

[New \\*](#)

[Add Me](#)

To edit or delete an author, click the appropriate link in the list below. When the list is complete and correct, click "Continue" to save the information and proceed to the "Claimants" screen.

Authors

1 - 1 of 1

Name	Organization Name	Work For Hire	Anonymous	Pseudonym	Edit	Delete
	Metalast International, LLC	Yes	N			

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Form Pay Submit Work

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eCO Navigation Tips

Claimants

Links

Completed

<< Back ||| Continue >>

||| Save For Later |||

- Type of Work ✓
- Titles ✓
- Publication/Completion ✓
- Authors ✓
- Claimants ✓
- Limitation of Claim ✓
- Rights & Permissions ✓
- Correspondent ✓
- Mail Certificate ✓
- Special Handling ✓
- Certification
- Review Submission

Please identify the copyright claimant(s) in this work. The author is the original copyright claimant. The claimant may also be a person or organization to whom copyright has been transferred.

To be named as a claimant by means of a transfer, a person or organization must own all rights under the U.S. copyright law.

In addition, a claimant must own the copyright in all the authorship covered by this registration.

Click "New" to add a claimant, or, if you are a claimant and your name appears in the User Profile for this account, click "Add Me" to add your name and address into the claimants list.

After you enter the claimant information, click "Save". Repeat this process for each additional claimant.

||| New \* |||

||| Add Me |||

To edit or delete a claimant, click the appropriate link in the list below. When the list is complete and correct, click "Continue" to save the information and proceed to the "Limitation of Claim" screen.

Claimants

1 - 1 of 1

Name	Organization Name	Transfer Statement	Address	Edit	Delete
	Cheameon Surface Technology, LLC	By written agreement	2241 Park Place, Building B, Minden, NV, 89423, United States		

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Form Pay Submit Work

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Date Opened: 5/18/2015

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Limitation of Claim

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||| Save For Later |||

Links	Completed
Type of Work	✓
Titles	✓
Publication/Completion	✓
Authors	✓
Claimants	✓
Limitation of Claim	✓
Rights & Permissions	✓
Correspondent	✓
Mail Certificate	✓
Special Handling	✓
Certification	
Review Submission	

Complete this screen to limit your claim if this work contains or is based on previously registered material, previously published material, material in the public domain or material not owned by this claimant. The purpose of this section is to exclude such material from the claim and identify the new material upon which the present claim is based.

If your work does not contain any preexisting material, click "Continue" to proceed to the Rights and Permissions screen.

Material Excluded:

Previous Registration:

New Material Included:

Text

1st Prev. Reg. #:

Text

Artwork

Year:

Artwork

Photograph(s)

2nd Prev. Reg. #:

Photograph(s)

Computer Program

Year:

Computer Program

Other:

Other:

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Rights & Permissions Information (Optional)

Links

Completed

- Type of Work ✓
- Titles ✓
- Publication/Completion ✓
- Authors ✓
- Claimants ✓
- Limitation of Claim ✓
- Rights & Permissions ✓
- Correspondent ✓
- Mail Certificate ✓
- Special Handling ✓
- Certification
- Review Submission

<< Back ||| Continue >>

||| Add Me ||| Save For Later |||

You may provide contact information for a person and/or organization to be contacted regarding copyright management information or permission to use this work.

Important: If you prefer not to provide personally identifying information, you may list a third party agent or a post office box.

Individual:

First Name:

Middle Name:

Last Name:

Email:

Phone:

Alternate Phone:

Organization:

Organization Name:

Address 1:

Address 2:

City:

State:

Postal Code:

Country:

Privacy Act Notice: Sections 408-410 of title 17 of the United States Code authorize the Copyright Office to collect the personally identifying information requested on this form in order to process the application for copyright registration. By providing this information you are agreeing to routine uses of the information that include publication to give legal notice of your copyright claim as required by 17 U.S.C. § 705. It will appear in the Office's online catalog. If you do not provide the information requested, registration may be refused or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright law.

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Correspondent

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||| Add Me ||| ||| Save For Later |||

- Links Completed
Type of Work
Titles
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Authors
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Limitation of Claim
Rights & Permissions
Correspondent
Mail Certificate
Special Handling
Certification
Review Submission

This is the person the Copyright Office will contact if it has questions about this application.
Completion of the name, email address and correspondence address is mandatory.

Individual:

Organization:

\*First Name: Robert
Middle Name: C.
\*Last Name: Ryan

Organization Name: Holland & Hart LLP

\*Email: rcryan@hollandhart.com

\*Address 1: 5441 Kietzke Lane

Phone: (775) 327-3000

Address 2: Second Floor

Alternate Phone:

\*City: Reno

Fax: (775) 786-6179

State: NV

Postal Code: 89511

Country: United States

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**Form** | **Pay** | **Submit Work**

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[eCO Navigation Tips](#)

Mail Certificate

Links	Completed
Type of Work	✓
Titles	✓
Publication/Completion	✓
Authors	✓
Claimants	✓
Limitation of Claim	✓
Rights & Permissions	✓
Correspondent	✓
Mail Certificate	✓
Special Handling	✓
Certification	
Review Submission	

<< Back ||| ||| Continue >>

||| Add Me ||| ||| Save For Later |||

This is the name and address to which the registration certificate should be mailed.  
Completion of Individual and/or Organization Information, Address is mandatory.

**Individual:**

**Organization:**

\* First Name:

Middle Name:

\* Last Name:

\* Address 1:

Address 2:

\* City:

\* Organization Name:

\* State:

\* Postal Code:

Country:

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**Form** | **Pay** | **Submit Work**

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eCO Navigation Tips

Special Handling (Optional)

Links	Completed
Type of Work	✓
Titles	✓
Publication/Completion	✓
Authors	✓
Claimants	✓
Limitation of Claim	✓
Rights & Permissions	✓
Correspondent	✓
Mail Certificate	✓
Special Handling	✓
Certification	
Review Submission	

<< Back ||| ||| Continue >>

||| Save For Later |||

Special handling is expedited service that is available only to filers who satisfy one or more of the compelling reasons below. Special handling also carries a significant surcharge fee. If you do not qualify for special handling service, please click the Continue button without completing this screen.

Note: The significant special handling surcharge fee is non-refundable. Please click [here](#) to review the current fee.

**Special Handling** (The information requested below is required for Special Handling claims)

**Compelling Reason(s)** (At least one must be selected)

- Pending or prospective litigation
- Customs matters
- Contract or publishing deadlines that necessitate the expedited issuance of a certificate

I **certify** that I am the author, copyright claimant of exclusive rights, or the authorized agent of the author, copyright claimant of exclusive rights of this work.

**Explanation for Special Handling:**

This is the place to give any comments/instructions regarding special handling specific to this claim.

Please process as soon as possible.

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**Form** | **Pay** | **Submit Work**

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Type of Work	✓
Titles	✓
Publication/Completion	✓
Authors	✓
Claimants	✓
Limitation of Claim	✓
Rights & Permissions	✓
Correspondent	✓
Mail Certificate	✓
Special Handling	✓
Certification	
Review Submission	

Certification

<< Back ||| ||| Continue >>

||| Save For Later |||

The Application must be certified by the author, copyright claimant, or owner of exclusive right(s), or by the authorized agent of any of the preceding.

**17 USC 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided by section 409, or in any written statement filed with the application, shall be fined not more than \$2500.**

\* I certify that I am the author, copyright claimant, or owner of exclusive rights, or the authorized agent of the author, copyright claimant, or owner of exclusive rights of this work and that the information given in this application is correct to the best of my knowledge.

\* Name of certifying individual:

Applicant's Internal Tracking Number (Optional):

**Note to Copyright Office (Optional):**

This is the place to give any comments specific to this claim, the application, or the deposit copy, if necessary.

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Form Pay Submit Work

1-13P1D3J

Payment successful.

Click the "Continue" button to complete your registration.

Customer Information

Continue >>

Gay Groves

Submissions

Cases

1 - 1 of 1

Case #	Title	Type of Work	Total Fee Paid	Require Submission
1-2397517313	METALAST 2011-2015 NARRATIVE PROFORMA ASSUMPTIONS	Literary Work	855.00	Y

Total Amount Due:

\$855.00

Payment Info

Amount Paid: \$ 855.00  
 Account: 1-3BQK87  
 Paid By: GAY GROVES  
 Pay Date: 5/19/2015  
 Payment Type: DA  
 Confirmation #: 1-13P1D3N

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**Submit Your Work(s)**

To complete your submission, please submit the required copy(ies) of your work (<http://www.copyright.gov/eco/help-deposit-req.html>). You may (1) upload electronic files if the work meets the requirements (<http://www.copyright.gov/eco/help-upload-tutorial.html>); otherwise, you must (2) send the work by mail (do not do both).

(1) Upload your work(s) (<http://www.copyright.gov/eco/help-upload-tutorial.html>): Please perform the following steps for the case(s) in the table below.

**Step 1:** Click the "Select files to upload" button. Using your computer's browser, select your files for the corresponding work then click the "Start upload" button.

**Step 2:** After uploading all files for this work, click the corresponding "Complete Your Submission" (<http://www.copyright.gov/eco/help-upload-complete.html>) button. Files cannot be uploaded later than 5 days after your first upload.

**Please note:** Files cannot be returned or deleted once uploaded. To avoid delays and/or a later effective date of registration, please verify the following before uploading a copy of your work(s):

- It is a category of work that may be uploaded (<http://www.copyright.gov/eco/help-upload-category.html>)
- It is an acceptable file type (<http://www.copyright.gov/eco/help-acceptable-files.html#type>)
- It is an acceptable file size (<http://www.copyright.gov/eco/help-acceptable-files.html#size>)

**Upload Your Work(s)**

Case Details	Step 1: Select & Upload Files	Step 2: Complete Your Submission
<b>Case #:</b> 1-2397517313 <b>Title:</b> METALAST 2011-2015 NARRATIVE PROFORMA ASSUMPTIONS <b>Volume Number:</b> <b>Issue Date:</b> <b>Type of Work:</b> Literary Work		Claim submission completed; no further action required Click here for more information ( <a href="http://copyright.gov/eco/help-upload-questions.html">http://copyright.gov/eco/help-upload-questions.html</a> ) View Uploaded File Names

**(2) Send Your Work(s) by Mail:**

- Click the "Create Shipping Slip" button in the table below; a Shipping Slip link will appear in the Attachments column.
- Click the Shipping Slip link and print out and attach the shipping slip(s) to your deposit copy(ies). For multiple cases, be sure to attach shipping slips to the corresponding copies.
- Mail the deposit copy(ies) within 30 days to the Copyright Office address at the bottom of the slip. Note: Your effective date of registration will be based on the date on which we receive the copies **with corresponding shipping slips attached**.

Click "Home" after uploading files(s) or printing shipping slip(s). You may verify the submission in the open Cases table on your eCO Home page.

**Send Your Work(s) by Mail**

**|| Create Shipping Slip ||**

Attachment Name	Type	File	Size	Date and Time	Comments
(JavaScript:SWESubmitForm (document.SWEForm1_0,s_0,"s_1_1_11_0",""))	(JavaScript:SWESubmitForm (document.SWEForm1_0,s_1,"s_1_2_19_0",""))	(JavaScript:SWESubmitForm (document.SWEForm1_0,s_1,"s_1_2_23_0",""))	(JavaScript:SWESubmitForm (document.SWEForm1_0,s_1,"s_1_2_22_0",""))	(JavaScript:SWESubmitForm (document.SWEForm1_0,s_1,"s_1_2_24_0",""))	(JavaScript:SWESubmitForm (document.SWEForm1_0,s_1,"s_1_2_24_0",""))
(JavaScript:SWESubmitForm (document.SWEForm1_0,s_2,"s_1_2_19_0",""))	(JavaScript:SWESubmitForm (document.SWEForm1_0,s_2,"s_1_2_23_0",""))	(JavaScript:SWESubmitForm (document.SWEForm1_0,s_2,"s_1_2_22_0",""))	(JavaScript:SWESubmitForm (document.SWEForm1_0,s_2,"s_1_2_22_0",""))	(JavaScript:SWESubmitForm (document.SWEForm1_0,s_2,"s_1_2_24_0",""))	(JavaScript:SWESubmitForm (document.SWEForm1_0,s_2,"s_1_2_24_0",""))

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Take Our Survey! (<http://libraryofcongress.polidaddy.com/s/copyright-eco>)



## **METALAST 2011-2015 NARRATIVE PROFORMA ASSUMPTIONS**

**Year 2011:** METALAST "Showcase Chemical" product line (METALAST TCP-HF, EPA, NP and AA-200) sales are projected at approximately \$1,400,000 representing 42% of total revenue. Generic chemicals sales and miscellaneous software products are at \$275,000 or 8% of revenues. The next largest single revenue category is equipment at \$1,100,000 or 33% of revenue, of which \$964,000 is already under a PO from the United States Army Rock Island Arsenal, IL. Revenues to date are on pace to meet this projection.

**Year 2012:** As manufacturer specifications begin to filter through supply chains total revenues are expected to triple from \$3,300,000 to \$9,500,000. The projections also assume, with existing independent stocking distributors (Galaxy, John Schneider, Miles, BroCo Products, OS-TECH, RD Taylor, AMZA and DIPSOL Chemical, etc.) becoming better trained on proper installation procedures and coming online, Showcase Chemicals sales increase to almost \$5,000,000 or 52% of total revenue. With the expansion of Showcase specialty products Generic chemicals sales and miscellaneous software more than double to \$650,000. Again, the next largest single revenue category is equipment at \$3,000,000 or 32% of revenue, of which \$2,200,000 will likely come from the pending project with the United States Naval Depot, Fleet Readiness Center at Jacksonville, FL.

**Year 2013:** An assumption is made that the Dow Chemical, Sherwin-Williams and Deft Coatings formal R&D relationships expand into commercialization agreements by the summer of 2012 and training of their sales departments occurs during the later half of 2012 and continues on throughout most of 2013. With manufacturer specifications and METALAST product implementation throughout supply chains, Showcase Chemicals are expected to begin to gain traction by growing by another 350% to \$19,000,000 or 70% of total revenue. Generic chemicals sales and miscellaneous software products will more than double to \$1,400,000. Equipment sales, as a percentage of revenue will begin to taper off at \$5,500,000 or 20% of total revenue.

**Year 2014:** Beginning in 2014 METALAST specified, QPL approved and branded Showcase Chemicals will see extensive penetration in the global markets, especially considering the sheer size and long-time dominance of one of the world's largest chemical companies Dow Chemical, with its 35,000 customers, in 160 countries supported by 1,500 salesmen. Showcase Chemical sales are projected to increase to more than \$60,000,000, again by 350% over 2013, then equal to 83% of total revenue. Generic chemicals sales and miscellaneous software products will grow accordingly to about \$2,400,000 or 3.2% of revenues. As a percentage of revenue equipment sales are at 10% of total revenue or \$6,600,000.

**Year 2015:** Although at first glance it might appear the proverbial "Hockey Stick" revenue projections are being assumed, in reality management is of the opinion that its financial assumptions are entirely based on logical and conservative reasoning. In support of this theory is the fact that "Sole Source" specifications have been awarded by many of the Fortune 500 and by a large number other respected names in the manufacturing. Additionally, substantial specialty chemical companies like Dow Chemical have already aligned with the METALAST brand. Most of the targeted metal finishing and coating industry related specialty chemical distributors in North America as well as others around the globe have also joined the METALAST team. Considering the worldwide market for corrosion control chemicals is in excess of \$4 billion, \$152,000,000 in METALAST Showcase Chemicals sales or 90% of the \$167,000,000 in projected revenues represents a very conservative worldwide market penetration assumption of something less than 4%. It is much more likely METALAST branded products achieve a market penetration upwards of 25%, considering its growing international sales and distribution organization consisting of a considerable number of large chemical company strategic alliance partners and a substantial group of well positioned independent stocking distributors.





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Form Pay Submit Work

Case #: 1-2397517289

Type of Case: Work of the Visual Arts

Date Opened: 5/18/2015

Application Format: Standard

Continue >>

Save For Later

eCO Navigation Tips

Links	Completed
Type of Work	✓
Titles	✓
Publication/Completion	✓
Authors	✓
Claimants	✓
Limitation of Claim	✓
Rights & Permissions	✓
Correspondent	✓
Mail Certificate	✓
Special Handling	✓
Certification	
Review Submission	

Please select a "Type of Work" appropriate for the work you are registering from the dropdown list. Read the description below and then click the box below to confirm your selection. Click "Continue" to begin the application.

Type of Work cannot be changed after you click "Continue." [Click here](#) for more information.

\* Type of Work: Work of the Visual Arts

[Help](#)

Select **Work of the Visual Arts** if you are registering a pictorial, graphic, or sculptural work. Visual Arts works include two-dimensional and three-dimensional works of fine, graphic, and applied art; photographs; prints and art reproductions, maps, technical drawings; and architectural\* works

\* This type of Visual Arts work must be registered using the Standard Application.

\* Click the box to confirm you have read the above description and selected the most appropriate type of work.

Privacy Act Notice: Sections 408-410 of title 17 of the United States Code authorize the Copyright Office to collect the personally identifying information requested on this form in order to process the application for copyright registration. By providing this information you are agreeing to routine uses of the information that include publication to give legal notice of your copyright claim as required by 17 U.S.C. § 705. It will appear in the Office's online catalog. If you do not provide the information requested, registration may be refused or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright law.

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Titles

Links

Completed

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||| Save For Later |||

- Type of Work ✓
- Titles ✓
- Publication/Completion ✓
- Authors ✓
- Claimants ✓
- Limitation of Claim ✓
- Rights & Permissions ✓
- Correspondent ✓
- Mail Certificate ✓
- Special Handling ✓
- Certification
- Review Submission

Give the title(s) exactly as it appears on the work. If there is no title, give an identifying phrase, or state "untitled". To enter the title(s), click "New". After you enter the title, click "Save". Repeat this process for each additional title.

||| New \* |||

To edit or delete a title, click the appropriate link in the list below. When the list is complete and correct, click "Continue" to save the information and proceed to the "Publication/Completion" screen.

All Titles

Title of Work

Volume

Number

Issue Date

Type

Photographs of Metalast International, LLC.

Title of work being registered

◀ 1 - 1 of 1 ▶

Edit Delete



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Publication / Completion

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||| Save For Later |||

Published work?: Yes

\*Nation of First Publication: United States  [Help](#)

\*Year of Completion (Year of Creation): 2002

YYYY International Standard Number Type: -Select-  [Help](#)

\*Date of First Publication 5/22/2002  [Help](#)  
[MM/DD/YYYY]:

International Standard Number:

If you have **Preregistered** your work under 17 U.S.C 408 (f) (and received a Preregistration number beginning with the PRE prefix), give the Preregistration Number here. Click [here](#) for further information about Preregistration.

Preregistration Number:

Click "Continue" to save the information and proceed to the "Author" screen.

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Authors

Links

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- Type of Work ✓
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- Authors ✓
- Claimants ✓
- Limitation of Claim ✓
- Rights & Permissions ✓
- Correspondent ✓
- Mail Certificate ✓
- Special Handling ✓
- Certification
- Review Submission

Name the author(s) of the work being registered, and give the requested information. Generally, the application should name all the authors of the authorship being registered.

Click "New" to add an author, or, if you are an author and your name appears in the User Profile for this account, click "Add Me".

After you enter the author information, click "Save". Repeat this process for each additional author.

||| New \* |||

||| Add Me |||

To edit or delete an author, click the appropriate link in the list below. When the list is complete and correct, click "Continue" to save the information and proceed to the "Claimants" screen.

Authors

Name

Organization Name

Work For Hire

Anonymous

Pseudonym

Edit

Delete

Fred W. Cornelius

N

1 - 1 of 1



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Claimants

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||| Save For Later |||

Please identify the copyright claimant(s) in this work. The author is the original copyright claimant. The claimant may also be a person or organization to whom copyright has been transferred.

To be named as a claimant by means of a transfer, a person or organization must own all rights under the U.S. copyright law.

In addition, a claimant must own the copyright in all the authorship covered by this registration.

Click "New" to add a claimant, or, if you are a claimant and your name appears in the User Profile for this account, click "Add Me" to add your name and address into the claimants list.

After you enter the claimant information, click "Save". Repeat this process for each additional claimant.

||| New \* |||

||| Add Me |||

To edit or delete a claimant, click the appropriate link in the list below. When the list is complete and correct, click "Continue" to save the information and proceed to the "Limitation of Claim" screen.

Claimants

1 - 1 of 1

Name	Organization Name	Transfer Statement	Address	Edit	Delete
	Cheleon Surface Technology, LLC	By written agreement	2241 Park Place, Building B, Minden, NV, 89423, United States		

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Limitation of Claim

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- Mail Certificate ✓
- Special Handling ✓
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||| Save For Later |||

Complete this screen to [limit your claim](#) if this work contains or is based on previously registered material, previously published material, material in the public domain or material not owned by this claimant. The purpose of this section is to exclude such material from the claim and identify the new material upon which the present claim is based.

**If your work does not contain any preexisting material, click "Continue" to proceed to the Rights and Permissions screen.**

Material Excluded:

- 2-D Artwork
- Photograph
- Jewelry design
- Architectural work
- Sculpture
- Technical Drawing
- Map

Other:

Previous Registration:

1st Prev. Reg. #:

Year:

2nd Prev. Reg. #:

Year:

New Material Included:

- 2-D Artwork
- Photograph
- Jewelry design
- Architectural work
- Sculpture
- Technical Drawing
- Map

Other:

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Rights & Permissions Information (Optional)

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[Add Me](#) | [Save For Later](#)

Links	Completed
Type of Work	✓
Titles	✓
Publication/Completion	✓
Authors	✓
Claimants	✓
Limitation of Claim	✓
Rights & Permissions	✓
Correspondent	✓
Mail Certificate	✓
Special Handling	✓
Certification	
Review Submission	

You may provide contact information for a person and/or organization to be contacted regarding copyright management information or permission to use this work.

**Important: If you prefer not to provide personally identifying information, you may list a third party agent or a post office box.**

**Individual:**

First Name:

Middle Name:

Last Name:

Email:

Phone:

Alternate Phone:

**Organization:**

Organization Name:

Address 1:

Address 2:

City:

State:

Postal Code:

Country:

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Correspondent

Links

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This is the person the Copyright Office will contact if it has questions about this application. Completion of the name, email address and correspondence address is mandatory.

**Individual:**

\* First Name:

Middle Name:

\* Last Name:

\* Email:

Phone:

Alternate Phone:

Fax:

**Organization:**

Organization Name:

\* Address 1:

Address 2:

\* City:

State:

Postal Code:

Country:

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Mail Certificate

Links	Completed
Type of Work	✓
Titles	✓
Publication/Completion	✓
Authors	✓
Claimants	✓
Limitation of Claim	✓
Rights & Permissions	✓
Correspondent	✓
➤ Mail Certificate	✓
Special Handling	✓
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||| Add Me ||| ||| Save For Later |||

This is the name and address to which the registration certificate should be mailed.  
Completion of Individual and/or Organization Information, Address is mandatory.

**Individual:**

\* First Name:

Middle Name:

\* Last Name:

\* Address 1:

Address 2:

\* City:

**Organization:**

\* Organization Name:

\* State:

\* Postal Code:

Country:

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Special Handling (Optional)

**Links**

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**||| Save For Later |||**

Special handling is expedited service that is available only to filers who satisfy one or more of the compelling reasons below. Special handling also carries a significant surcharge fee. If you do not qualify for special handling service, please click the Continue button without completing this screen.

Note: The significant special handling surcharge fee is non-refundable. Please click [here](#) to review the current fee.

**Special Handling** (The information requested below is required for Special Handling claims)

**Compelling Reason(s)** (At least one must be selected)

- Pending or prospective litigation
- Customs matters
- Contract or publishing deadlines that necessitate the expedited issuance of a certificate

**I certify** that I am the author, copyright claimant of exclusive rights, or the authorized agent of the author, copyright claimant of exclusive rights of this work.

**Explanation for Special Handling:**

This is the place to give any comments/instructions regarding special handling specific to this claim.

Please process as soon as possible.

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Certification

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The Application must be certified by the author, copyright claimant, or owner of exclusive right(s), or by the authorized agent of any of the preceding.

17 USC 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided by section 409, or in any written statement filed with the application, shall be fined not more than \$2500.

\* I certify that I am the author, copyright claimant, or owner of exclusive rights, or the authorized agent of the author, copyright claimant, or owner of exclusive rights of this work and that the information given in this application is correct to the best of my knowledge.

\* Name of certifying individual: Madylon Meiling

Applicant's Internal Tracking Number (Optional): 85518.0011

Note to Copyright Office (Optional):

This is the place to give any comments specific to this claim, the application, or the deposit copy, if necessary.

Empty text box for comments with scroll arrows on the right side.

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Online Payment

[Return to your originating application](#)

Step 2: Authorize Payment

1 | 2

Payment Summary [Edit this information](#)

Address Information

Account Holder Name: Robert C. Ryan  
Billing Address: P.O. Box 8749  
Billing Address 2:  
City: Denver  
State / Province: CO  
Zip / Postal Code: 80201-8749  
Country: USA

Account Information

American  
Card Type: Express  
Card Number: \*\*\*\*\*5397  
Filing Fees are NON-refundable.:

Payment Information

Payment Amount: \$855.00  
Transaction Date 05/19/2015 14:15  
and Time: EDT

Email Confirmation Receipt

To have a confirmation sent to you upon completion of this transaction, provide an email address and confirmation below.

Email Address:

Confirm Email Address:

CC:

*Separate multiple email addresses with a comma*

Authorization and Disclosure

Required fields are indicated with a red asterisk \*

I authorize a charge to my card account for the above amount in accordance with my card issuer agreement.  \*

Press the "Submit Payment" Button only once. Pressing the button more than once could result in multiple transactions.

**Note:** Please avoid navigating the site using your browser's Back Button - this may lead to incomplete data being transmitted and pages being loaded incorrectly. Please use the links provided whenever possible.



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Form	Pay	Submit Work
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1-13P1D7F

Payment successful.

Click the "Continue" button to complete your registration.

Continue >>

Customer Information

Gay Groves

Submissions

Cases

1 - 1 of 1

Case #	Title	Type of Work	Total Fee Paid	Require Submission
1-2397517289	Photographs of Metalast International, LLC.	Work of the Visual Arts	855.00	Y

Total Amount Due:

\$855.00

Payment Info

Amount Paid: \$ 855.00

Account: XX5397

Paid By: ROBERT C. RYAN

Pay Date: 5/19/2015

Payment Type: Credit Card

Confirmation #: 221737

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**Submit Your Work(s)**

To complete your submission, please submit the required copy(ies) of your work (<http://www.copyright.gov/eco/help-deposit-req.html>). You may (1) upload electronic files if the work meets the [upload-category.html](http://www.copyright.gov/eco/help-upload-category.html); otherwise, you must (2) send the work by mail (do not do both).

(1) Upload your work(s) (<http://www.copyright.gov/eco/help-upload-tutorial.html>): Please perform the following steps for the case(s) in the table below.

**Step 1:** Click the "Select files to upload" button. Using your computer's browser, select your files for the corresponding work then click the "Start upload" button.

**Step 2:** After uploading all files for this work, click the corresponding "Complete Your Submission" (<http://www.copyright.gov/eco/help-upload-complete.html>) button. Files cannot be uploaded later.

**Please note:** Files cannot be returned or deleted once uploaded. To avoid delays and/or a later effective date of registration, please verify the following before uploading a copy of

- It is a category of work that may be uploaded (<http://www.copyright.gov/eco/help-upload-category.html>)
- It is an acceptable file type (<http://www.copyright.gov/eco/help-acceptable-files.html#type>)
- It is an acceptable file size (<http://www.copyright.gov/eco/help-acceptable-files.html#size>)

**Upload Your Work(s)**

Case Details	Step 1: Select & Upload Files	
Case #: 1-2397517289 Title: Photographs of Metalast International, LLC. Volume: Number: Issue Date: Type of Work: Work of the Visual Arts	<input type="button" value="+ Select files to upload..."/>	<input type="button" value="Start upload"/>
	Photograph Deposit.pdf ( <a href="http://www.copyright.gov/eco/help-acceptable-files.html">http://www.copyright.gov/eco/help-acceptable-files.html</a> )	View Uploaded File Names 3.56 MB <input type="button" value="Remove"/>

**(2) Send Your Work(s) by Mail:**

- Click the "Create Shipping Slip" button in the table below; a Shipping Slip link will appear in the Attachments column.
- Click the Shipping Slip link and print out and attach the shipping slip(s) to your deposit copy(ies). For multiple cases, be sure to attach shipping slips to the corresponding copies.
- Mail the deposit copy(ies) within 30 days to the Copyright Office address at the bottom of the slip. Note: Your effective date of registration will be based on the date on which we receive the copies **with corresponding shipping slips attached**.

Click "Home" after uploading files(s) or printing shipping slip(s). You may verify the submission in the open Cases table on your eCO Home page.

**Send Your Work(s) by Mail**

**|| Create Shipping Slip ||**

Attachment Name	Type	Size	Date and Time
(JavaScript:SWESubmitForm (document.SWEForm1_0,s_0,"s_1_1_11_0",""))	(JavaScript:SWESubmitForm (document.SWEForm1_0,s_1,"s_1_2_23_0",""))	(JavaScript:SWESubmitForm (document.SWEForm1_0,s_1,"s_1_2_22_0",""))	(JavaScript:SWESubmitForm (document.SWEForm1_0,s_1,"s_1_2_24_0",""))
(JavaScript:SWESubmitForm (document.SWEForm1_0,s_1,"s_1_2_19_0",""))	(JavaScript:SWESubmitForm (document.SWEForm1_0,s_2,"s_1_2_23_0",""))	(JavaScript:SWESubmitForm (document.SWEForm1_0,s_2,"s_1_2_22_0",""))	(JavaScript:SWESubmitForm (document.SWEForm1_0,s_2,"s_1_2_24_0",""))
(JavaScript:SWESubmitForm (document.SWEForm1_0,s_2,"s_1_2_19_0",""))	(JavaScript:SWESubmitForm (document.SWEForm1_0,s_2,"s_1_2_23_0",""))	(JavaScript:SWESubmitForm (document.SWEForm1_0,s_2,"s_1_2_22_0",""))	(JavaScript:SWESubmitForm (document.SWEForm1_0,s_2,"s_1_2_24_0",""))

Privacy Act Notice: Sections 408-410 of title 17 of the United States Code authorize the Copyright Office to collect the personally identifying information requested on this form in order to process the application for copyright registration. By providing this information you are agreeing to routine uses of the information that include publication to give legal notice of your copyright claim as required by 17 U.S.C. § 705. It will appear in the Office's online catalog. If you do not provide the information requested, registration may be refused or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright law.

Take Our Survey! (<http://libraryofcongress.poll daddy.com/s/copyright-eco>)





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**Submit Your Work(s)**

To complete your submission, please submit the required copy(ies) of your work (<http://www.copyright.gov/eco/help-deposit-req.html>). You may (1) upload electronic files if the work meets the [upload-category.html](http://www.copyright.gov/eco/help-upload-category.html); otherwise, you must (2) send the work by mail (do not do both).

(1) Upload your work(s) (<http://www.copyright.gov/eco/help-upload-tutorial.html>): Please perform the following steps for the case(s) in the table below.

**Step 1:** Click the "Select files to upload" button. Using your computer's browser, select your files for the corresponding work then click the "Start upload" button.

**Step 2:** After uploading all files for this work, click the corresponding "Complete Your Submission" (<http://www.copyright.gov/eco/help-upload-complete.html>) button. Files cannot be uploaded later.

**Please note: Files cannot be returned or deleted once uploaded. To avoid delays and/or a later effective date of registration, please verify the following before uploading a copy of**

- It is a category of work that may be uploaded (<http://www.copyright.gov/eco/help-upload-category.html>)
- It is an acceptable file type (<http://www.copyright.gov/eco/help-acceptable-files.html#type>)
- It is an acceptable file size (<http://www.copyright.gov/eco/help-acceptable-files.html#size>)

**Upload Your Work(s)**

Case Details	Step 1: Select & Upload Files		
Case #: 1-2397517289 Title: Photographs of Metalast International, LLC. Volume: Number: Issue Date: Type of Work: Work of the Visual Arts	<input type="button" value="+Select files to upload..."/>	<input type="button" value="Start upload"/>	View Uploaded File Names
	Successfully uploaded - photograph_deposit.pdf		3.56 MB

**(2) Send Your Work(s) by Mail:**

- Click the "Create Shipping Slip" button in the table below; a Shipping Slip link will appear in the Attachments column.
- Click the Shipping Slip link and print out and attach the shipping slip(s) to your deposit copy(ies). For multiple cases, be sure to attach shipping slips to the corresponding copies.
- Mail the deposit copy(ies) within 30 days to the Copyright Office address at the bottom of the slip. Note: Your effective date of registration will be based on the date on which we receive the copies **with corresponding shipping slips attached**.

Click "Home" after uploading files(s) or printing shipping slip(s). You may verify the submission in the open Cases table on your eCO Home page.

**Send Your Work(s) by Mail**

**||| Create Shipping Slip |||**

(JavaScript:SWESubmitForm (document.SWEForm1_0_s_0,"s_1_1_11_0",""))			
<input type="button" value="Create Shipping Slip"/>	<input type="button" value="File"/>	<input type="button" value="Size"/>	<input type="button" value="Date and Time"/>
Attachment (document.SWEForm1_0_s_1,"s_1_2_19_0","")	File (document.SWEForm1_0_s_1,"s_1_2_23_0","")	Size (document.SWEForm1_0_s_1,"s_1_2_22_0","")	Date and Time (document.SWEForm1_0_s_1,"s_1_2_24_0","")
Name (JavaScript:SWESubmitForm (document.SWEForm1_0_s_2,"s_1_2_19_0",""))	Type (JavaScript:SWESubmitForm (document.SWEForm1_0_s_2,"s_1_2_23_0",""))	Size (JavaScript:SWESubmitForm (document.SWEForm1_0_s_2,"s_1_2_22_0",""))	Time (JavaScript:SWESubmitForm (document.SWEForm1_0_s_2,"s_1_2_24_0",""))

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**Submit Your Work(s)**

To complete your submission, please submit the required copy(ies) of your work (<http://www.copyright.gov/eco/help-deposit-req.html>). You may (1) upload electronic files if the work meets the [upload-category.html](http://www.copyright.gov/eco/help-upload-category.html)); otherwise, you must (2) send the work by mail (do not do both).

(1) Upload your work(s) (<http://www.copyright.gov/eco/help-upload-tutorial.html>): Please perform the following steps for the case(s) in the table below.

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**Step 2:** After uploading all files for this work, click the corresponding "Complete Your Submission" (<http://www.copyright.gov/eco/help-upload-complete.html>) button. Files cannot be uploaded later.

**Please note: Files cannot be returned or deleted once uploaded. To avoid delays and/or a later effective date of registration, please verify the following before uploading a copy of**

- It is a category of work that may be uploaded (<http://www.copyright.gov/eco/help-upload-category.html>)
- It is an acceptable file type (<http://www.copyright.gov/eco/help-acceptable-files.html#type>)
- It is an acceptable file size (<http://www.copyright.gov/eco/help-acceptable-files.html#size>)

**Upload Your Work(s)**

Case Details	Step 1: Select & Upload Files	Step 2: Complete Your Submission
Case #: 1-2397517289 Title: Photographs of Metalast International, LLC. Volume: Number: Issue Date: Type of Work: Work of the Visual Arts		Claim submission completed; no further action required Click here for more information ( <a href="http://copyright.gov/eco/help-upload-ques">http://copyright.gov/eco/help-upload-ques</a> ) View Uploaded File Names

**(2) Send Your Work(s) by Mail:**

- Click the "Create Shipping Slip" button in the table below; a Shipping Slip link will appear in the Attachments column.
- Click the Shipping Slip link and print out and attach the shipping slip(s) to your deposit copy(ies). For multiple cases, be sure to attach shipping slips to the corresponding copies.
- Mail the deposit copy(ies) within 30 days to the Copyright Office address at the bottom of the slip. Note: Your effective date of registration will be based on the date on which we receive the copies **with corresponding shipping slips attached**.

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**Send Your Work(s) by Mail**

**||| Create Shipping Slip |||**

(JavaScript:SWESubmitForm (document.SWEForm1_0,s_0,"s_1_1_11_0",""))	(JavaScript:SWESubmitForm (document.SWEForm1_0,s_1,"s_1_2_19_0",""))	File (document.SWEForm1_0,s_1,"s_1_2_23_0","")	Size (document.SWEForm1_0,s_2,"s_1_2_22_0","")	Date and Time (document.SWEForm1_0,s_2,"s_1_2_24_0","")
Attachment Name (document.SWEForm1_0,s_2,"s_1_2_19_0","")	Type (document.SWEForm1_0,s_2,"s_1_2_23_0","")	(document.SWEForm1_0,s_2,"s_1_2_22_0","")	(document.SWEForm1_0,s_2,"s_1_2_24_0","")	(document.SWEForm1_0,s_2,"s_1_2_24_0","")

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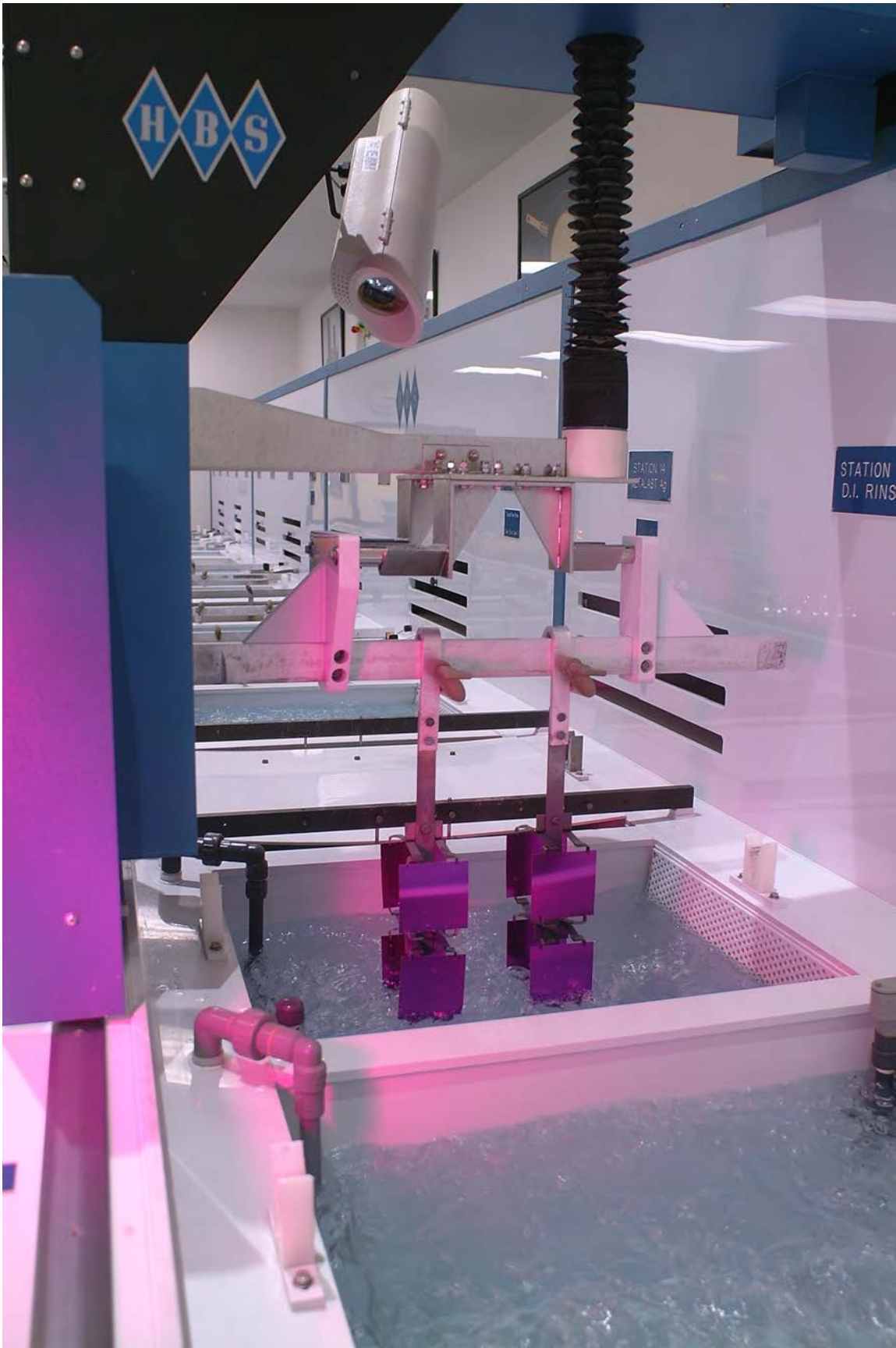


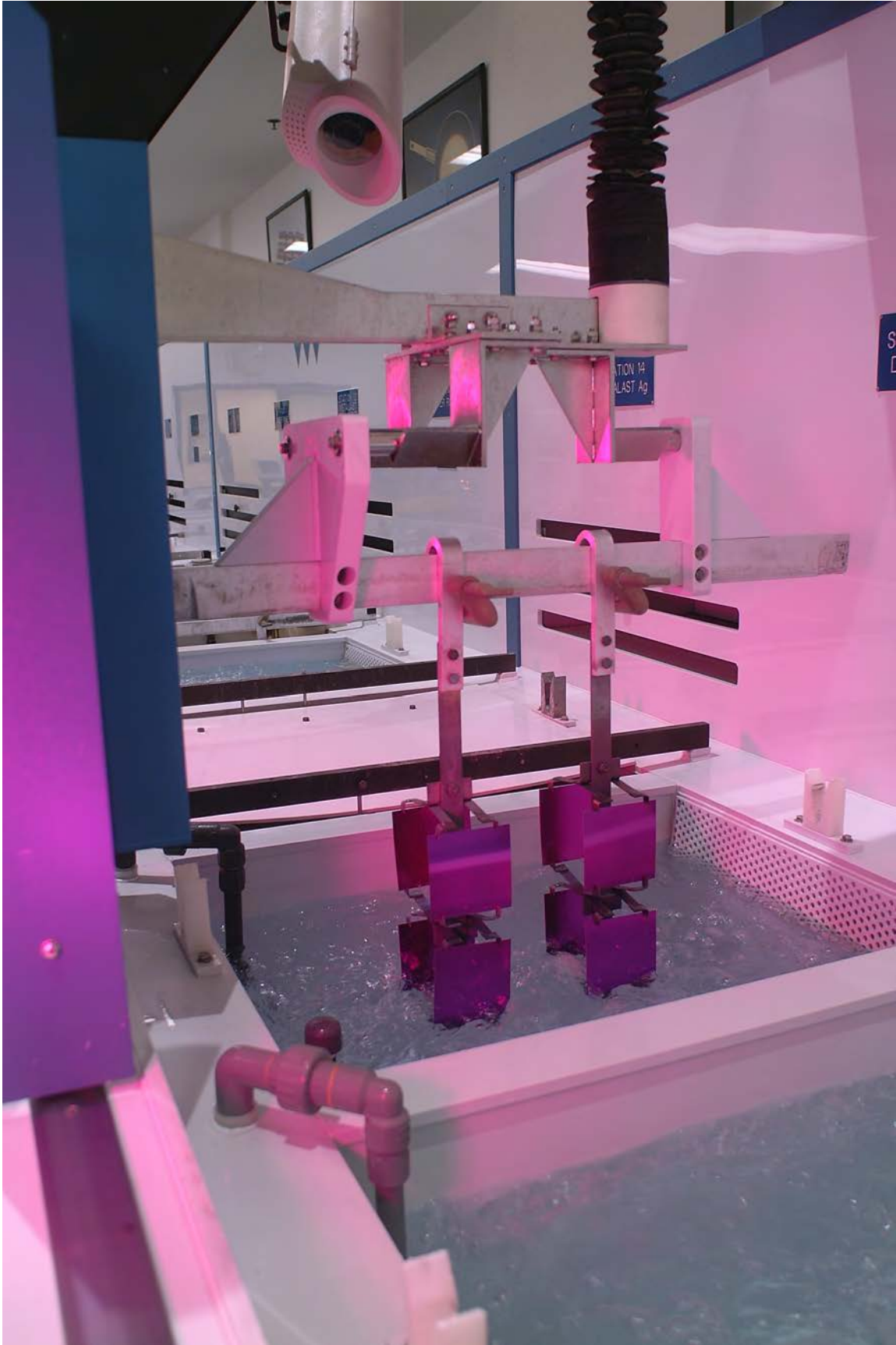


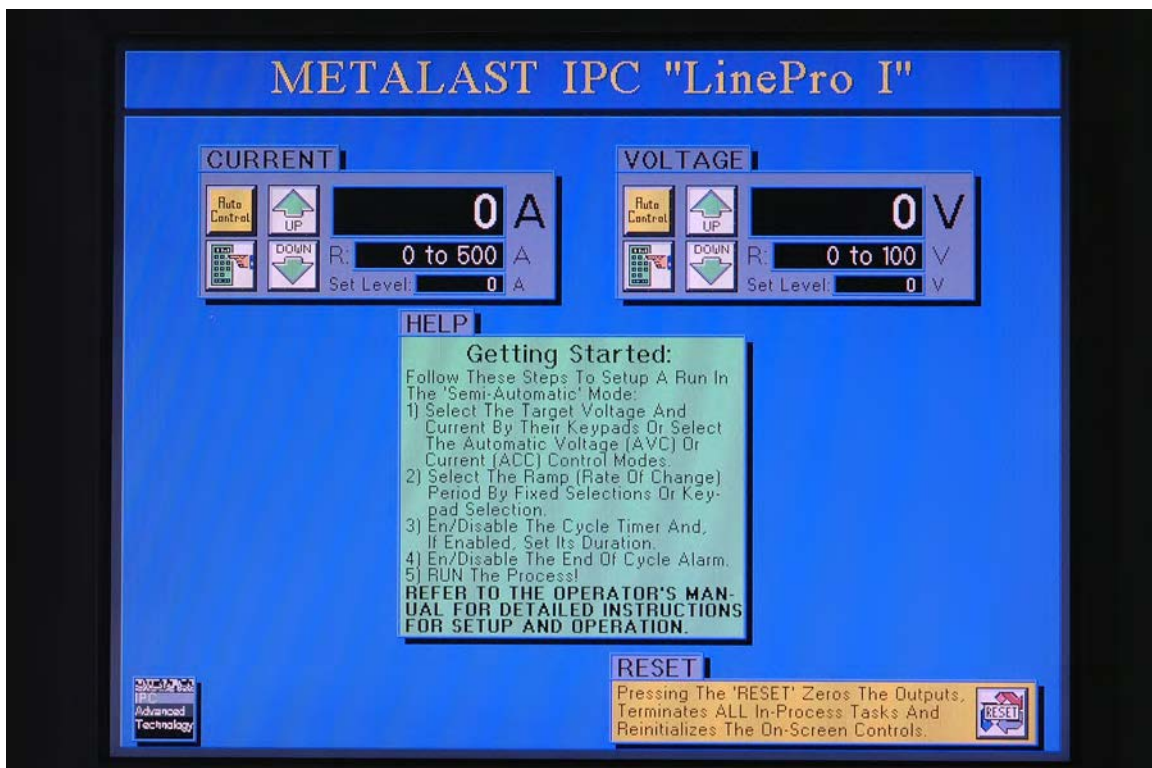
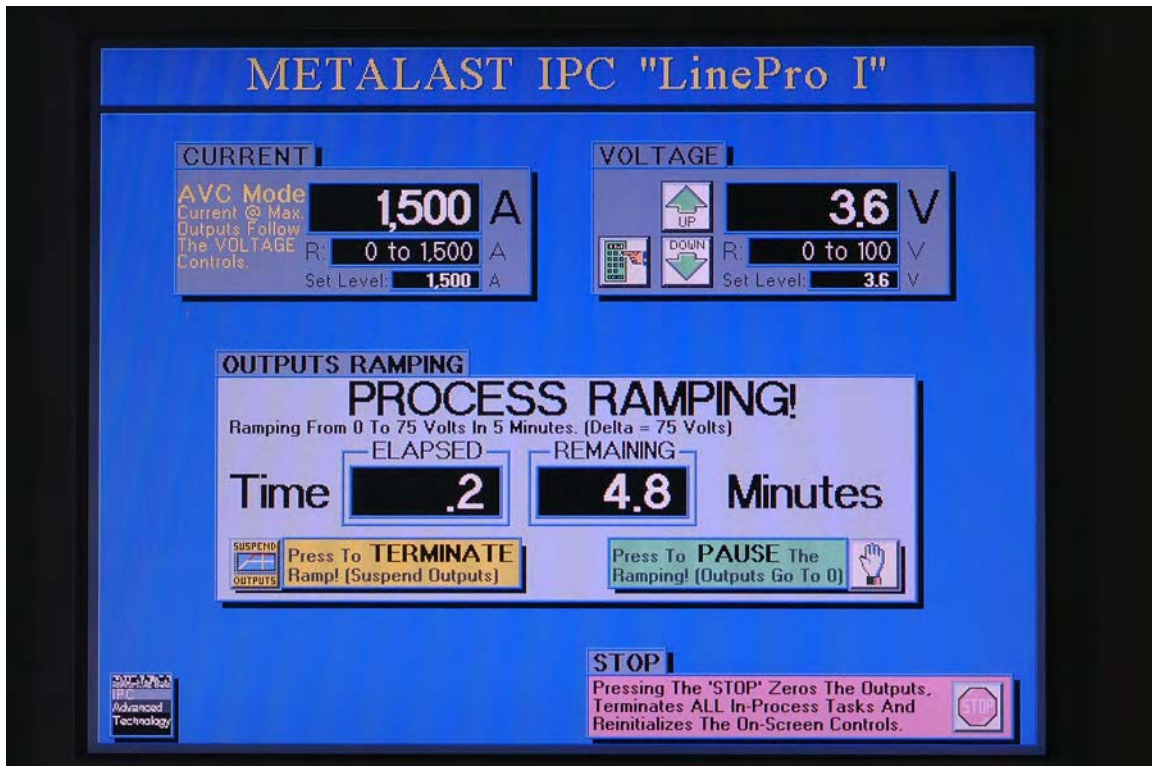












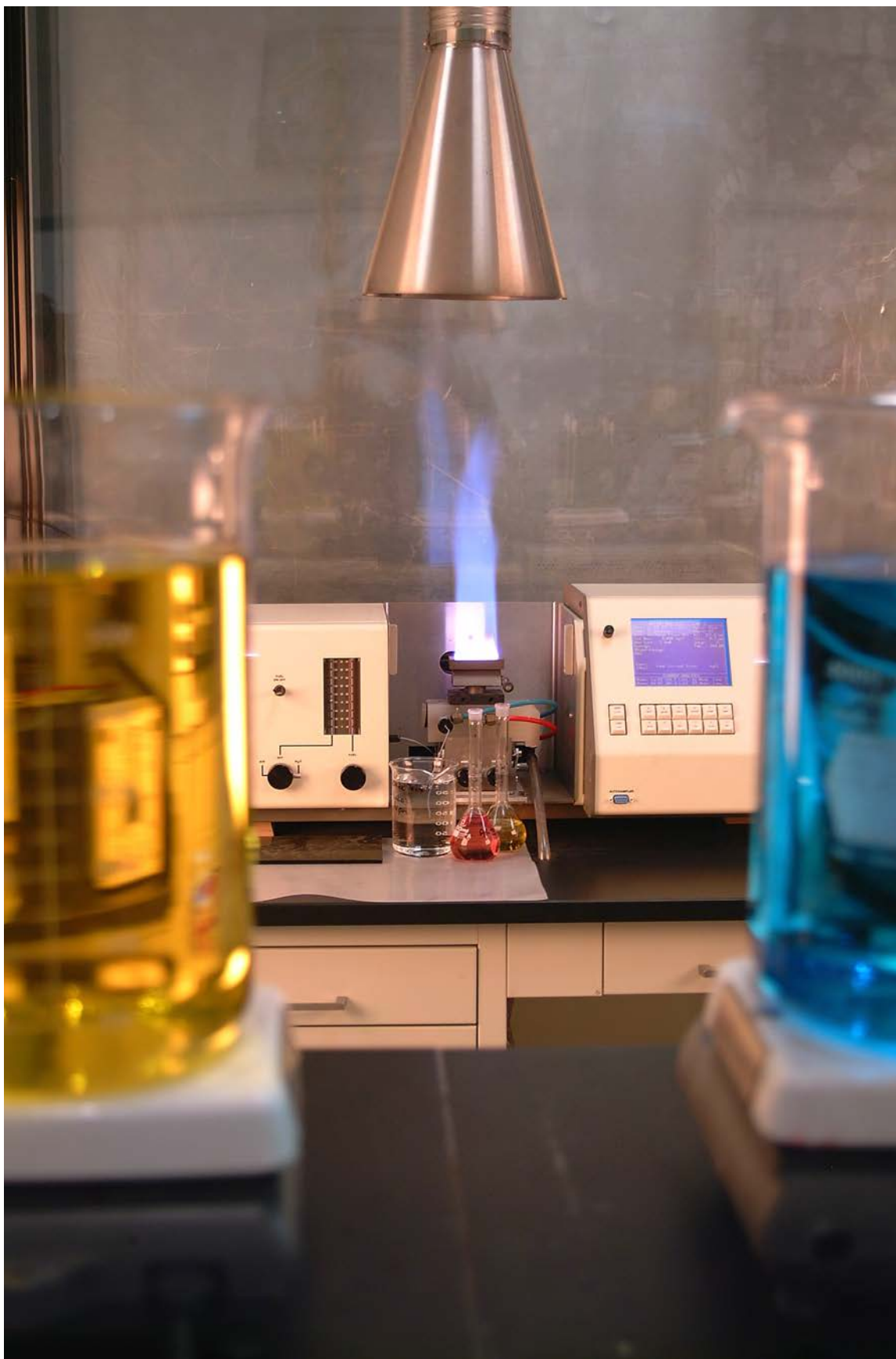












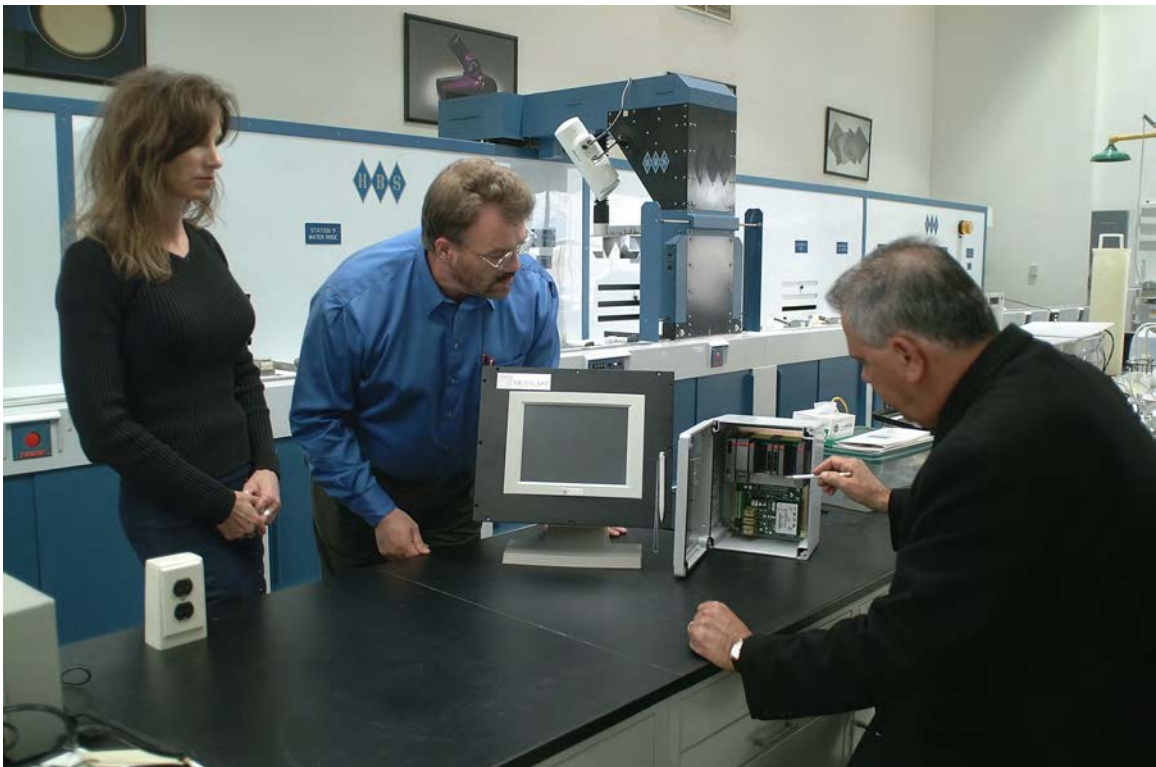




















# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Register of Copyrights, United States of America

**Registration Number**

**VA 1-954-928**

**Effective Date of Registration:**

May 19, 2015

## Title

---

**Title of Work:** Photographs of Metalast International, LLC.

## Completion/Publication

---

**Year of Completion:** 2002  
**Date of 1st Publication:** May 22, 2002  
**Nation of 1st Publication:** United States

## Author

---

- Author:** Fred W. Cornelius  
**Author Created:** photograph  
**Citizen of:** United States  
**Domiciled in:** United States

## Copyright Claimant

---

**Copyright Claimant:** Chemeon Surface Technology, LLC  
2241 Park Place, Building B, Minden, NV, 89423, United States  
**Transfer statement:** By written agreement

## Rights and Permissions

---

**Organization Name:** Holland & Hart LLP  
**Name:** Robert C. Ryan  
**Email:** rcryan@hollandhart.com  
**Telephone:** (775)327-3000  
**Address:** 5441 Kietzke Lane  
Second Floor  
Reno, NV 89511 United States

## Certification

---

**Name:** Madylon Meiling  
**Date:** May 19, 2015



**Applicant's Tracking Number:** 85518.0011

---

**Copyright Office notes:** Regarding registration of multiple works: made as unpublished collection.



**Registration #:** \*-APPLICATION-\*

**Service Request #:** 1-2421603301

## Mail Certificate

---

Holland & Hart LLP  
Robert C. Ryan  
5441 Kietzke Lane  
Second Floor  
Reno, NV 89511 United States

**Priority:** Routine

**Application Date:** May 28, 2015

## Correspondent

---

**Organization Name:** Holland & Hart LLP  
**Name:** Robert C. Ryan  
**Email:** rryan@hollandhart.com  
**Telephone:** (775)327-3000  
**Fax:** (775)786-6179  
**Address:** 5441 Kietzke Lane  
Second Floor  
Reno, NV 89511 United States

Registration Number

**\*-APPLICATION-\***

**Title** \_\_\_\_\_

**Title of Work:** METALAST IPC LinePro

**Completion/Publication** \_\_\_\_\_

**Year of Completion:** 2002  
**Date of 1st Publication:** May 22, 2002  
**Nation of 1<sup>st</sup> Publication:** United States

**Author** \_\_\_\_\_

- Author:** Fred W. Cornelius  
**Author Created:** photograph  
**Work made for hire:** No  
**Citizen of:** United States

**Copyright Claimant** \_\_\_\_\_

**Copyright Claimant:** Chemeon Surface Technology, LLC  
2241 Park Place, Building B, Minden, NV, 89423  
**Transfer statement:** By written agreement

**Limitation of copyright claim** \_\_\_\_\_

**Material excluded from this claim:** photograph  
**New material included in claim:** photograph, 2-D artwork

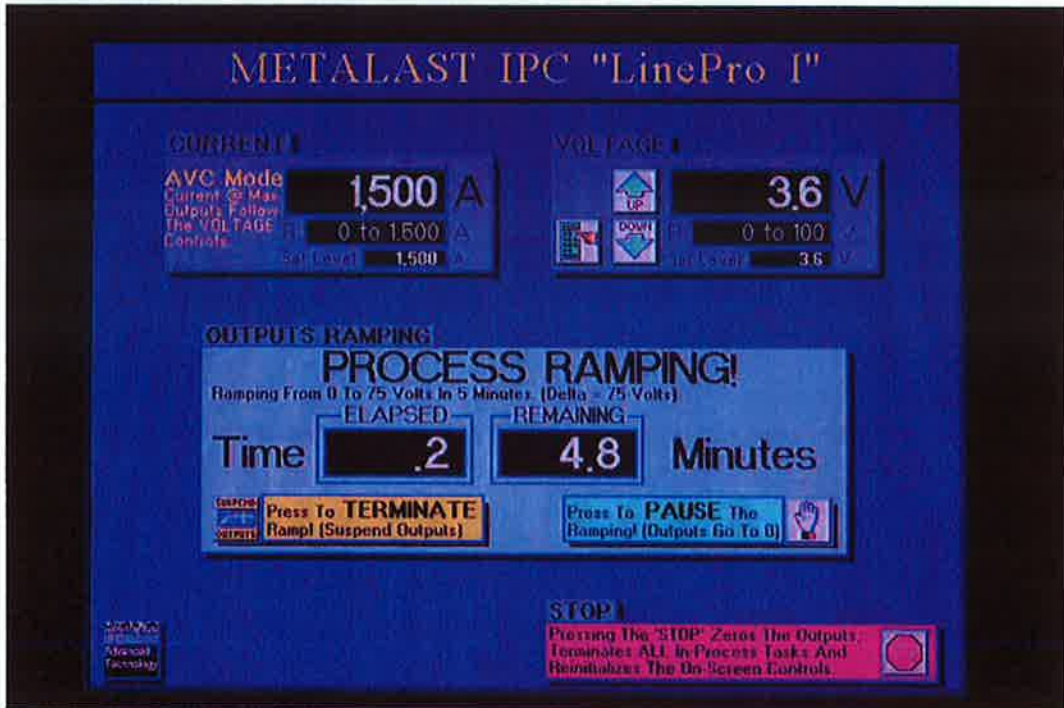
**Rights and Permissions** \_\_\_\_\_

**Organization Name:** Holland & Hart LLP  
**Name:** Robert C. Ryan  
**Email:** rcryan@hollandhart.com  
**Telephone:** (775)327-3000  
**Address:** 5441 Kietzke Lane  
Second Floor  
Reno, NV 89511 United States

**Certification** \_\_\_\_\_

**Name:** Madylon Meiling  
**Date:** May 28, 2015  
**Applicant's Tracking Number:** 85518.0013

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**Registration #:** \*-APPLICATION-\*

**Service Request #:** 1-2421695607

## Mail Certificate

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Holland & Hart LLP  
Robert C. Ryan  
5441 Kietzke Lane  
Second Floor  
Reno, NV 89511 United States

**Priority:** Routine

**Application Date:** May 28, 2015

## Correspondent

---

**Organization Name:** Holland & Hart LLP  
**Name:** Robert C. Ryan  
**Email:** rryan@hollandhart.com  
**Telephone:** (775)327-3000  
**Fax:** (775)786-6179  
**Address:** 5441 Kietzke Lane  
Second Floor  
Reno, NV 89511 United States

Registration Number

**\*-APPLICATION-\***

**Title**

---

**Title of Work:** Metalast JobPro & PDA Image

**Completion/Publication**

---

**Year of Completion:** 2004  
**Date of 1st Publication:** September 09, 2004  
**Nation of 1<sup>st</sup> Publication:** United States

**Author**

---

- Author:** Metalast International, LLC  
**Author Created:** Artwork  
**Work made for hire:** Yes  
**Citizen of:** United States

**Copyright Claimant**

---

**Copyright Claimant:** Chemeon Surface Technology, LLC  
2241 Park Place, Suite B, Minden, NV, 89423, United States  
**Transfer statement:** By written agreement

**Limitation of copyright claim**

---

**Material excluded from this claim:** photograph, 2-D artwork

**New material included in claim:** 2-D artwork, Claimant is unsure if the image PDA and hands holding it and the pen are original to this work

**Rights and Permissions**

---

**Organization Name:** Holland & Hart LLP  
**Name:** Robert C. Ryan  
**Email:** rcrayan@hollandhart.com  
**Telephone:** (775)327-3000  
**Address:** 5441 Kietzke Lane  
Second Floor  
Reno, NV 89511 United States

**Certification**

---

**Name:** Madylon Meiling

**Date:** May 28, 2015

**Applicant's Tracking Number:** 85518.0016

---



**Registration #:** \*-APPLICATION-\*

**Service Request #:** 1-2421603522

## Mail Certificate

---

Holland & Hart LLP  
Robert C. Ryan  
5441 Kietzke Lane  
Second Floor  
Reno, NV 89511 United States

**Priority:** Routine

**Application Date:** May 28, 2015

## Correspondent

---

**Organization Name:** Holland & Hart LLP  
**Name:** Robert C. Ryan  
**Email:** rcryan@hollandhart.com  
**Telephone:** (775)327-3000  
**Fax:** (775)786-6179  
**Address:** 5441 Kietzke Lane  
Second Floor  
Reno, NV 89511 United States

Registration Number

**\*-APPLICATION-\***

**Title** \_\_\_\_\_

**Title of Work:** Metalast JobPro Image

**Completion/Publication** \_\_\_\_\_

**Year of Completion:** 2004  
**Date of 1st Publication:** August 17, 2004  
**Nation of 1st Publication:** United States

**Author** \_\_\_\_\_

- **Author:** Metalast International, LLC  
**Author Created:** Images  
**Work made for hire:** Yes  
**Citizen of:** United States

**Copyright Claimant** \_\_\_\_\_

**Copyright Claimant:** Chemeon Surface Technology, LLC  
2241 Park Place, Suite B, Minden, NV, 89423, United States  
**Transfer statement:** By written agreement

**Limitation of copyright claim** \_\_\_\_\_

**Material excluded from this claim:** photograph  
**New material included in claim:** photograph, 2-D artwork

**Rights and Permissions** \_\_\_\_\_

**Organization Name:** Holland & Hart LLP  
**Name:** Robert C. Ryan  
**Email:** rcryan@hollandhart.com  
**Telephone:** (775)327-3000  
**Address:** 5441 Kietzke Lane  
Second Floor  
Reno, NV 89511 United States

**Certification** \_\_\_\_\_



**Name:** Madylon Meiling  
**Date:** May 28, 2015  
**Applicant's Tracking Number:** 85518.0015

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**Registration #:** \*-APPLICATION-\*

**Service Request #:** 1-2421603327

## Mail Certificate

---

Holland & Hart LLP  
Robert C. Ryan  
5441 Kietzke Lane  
Second Floor  
Reno, NV 89511 United States

**Priority:** Routine

**Application Date:** May 28, 2015

## Correspondent

---

**Organization Name:** Holland & Hart LLP  
**Name:** Robert C. Ryan  
**Email:** rcryan@hollandhart.com  
**Telephone:** (775)327-3000  
**Fax:** (775)786-6179  
**Address:** 5441 Kietzke Lane  
Second Floor  
Reno, NV 89511 United States

Registration Number

**\*-APPLICATION-\***

**Title** \_\_\_\_\_

**Title of Work:** Turnkey Equipment Solutions Brochure Page

**Completion/Publication** \_\_\_\_\_

**Year of Completion:** 2004  
**Date of 1st Publication:** September 09, 2004  
**Nation of 1st Publication:** United States

**Author** \_\_\_\_\_

- Author:** Metalast International, LLC  
**Author Created:** text, Layout  
**Work made for hire:** Yes  
**Citizen of:** United States

**Copyright Claimant** \_\_\_\_\_

**Copyright Claimant:** Chemeon Surface Technology, LLC  
2241 Park Place, Suite B, Minden, NV, 89423, United States  
**Transfer statement:** By written agreement

**Limitation of copyright claim** \_\_\_\_\_

**Material excluded from this claim:** photograph(s), artwork

**New material included in claim:** text, artwork

**Rights and Permissions** \_\_\_\_\_

**Organization Name:** Holland & Hart LLP  
**Name:** Robert C. Ryan  
**Email:** rcryan@hollandhart.com  
**Telephone:** (775)327-3000  
**Address:** 5441 Kietzke Lane  
Second Floor  
Reno, NV 89511 United States

**Certification** \_\_\_\_\_

**Name:** Madylon Meiling  
**Date:** May 28, 2015  
**Applicant's Tracking Number:** 85518.0014

---

## TURNKEY/EQUIPMENT solutions

IMAGINE THE ADVANTAGES OF TEAMING WITH ONE COMPANY HAVING THE EXPERTISE TO COORDINATE ANY OR ALL ASPECTS OF YOUR NEXT PROJECT. CONSIDER ONE POINT OF CONTACT FOR ALL OF YOUR CONSULTING, DESIGN, ENGINEERING, CONSTRUCTION, EQUIPMENT, CHEMISTRY, TRAINING AND MANAGEMENT NEEDS. ENVISION THE COMBINED RESOURCES OF THE WORLD'S MOST QUALIFIED FIRMS SEAMLESSLY INTEGRATED INTO A SINGLE OPERATION TO ASSURE YOUR PROJECT SUCCESS...

### IT'S A NEW ERA IN METAL FINISHING. EXPLORE THE POSSIBILITIES.

#### Turnkey Finishing Facility Solutions

METALAST provides complete turnkey finishing systems from concept to completion. Our partnership with GRM HILL (a respected industry leader) with public and private clients worldwide allows us to offer unparalleled expertise in engineering, construction, operations, project management and technical services for any major facility project.

#### Facility Support and Equipment Solutions

METALAST can build an operation from the ground up, managing all the aspects of permitting, facility design and build, equipment specification and implementation, employee staffing and training, as well as long term facility, technical management and support. Whether your needs are for one piece of the puzzle or an answer to all of your requirements, METALAST is the most efficient solution for an honest, cost-effective project management and implementation. With one company taking full responsibility of the project, delivery is shortened, quality is assured and project costs are reduced.

#### Automated and Manual Process Line Solutions

METALAST can provide equipment from single tanks to completely automated wet process lines. METALAST equipment is produced to your specifications using the best manufacturing processes available. METALAST has the knowledge to design equipment around a specific process, thereby optimizing productivity and quality.

#### Waste Management Solutions

METALAST has closed loop or flow through waste management solutions that can fit your requirements, regardless of the size or complexity of the job. We offer all the resources for program and project management, planning and integration, environmental sciences, natural resource economics, and strategic environmental management.

• professionalism • proficiency • project success

"GOPro"

FACILITATE PROVEN EXPERTISE



**Registration #:** \*-APPLICATION-\*

**Service Request #:** 1-2434790521

## Mail Certificate

---

Holland & Hart LLP  
Robert C. Ryan  
5441 Kietzke Lane  
Second Floor  
Reno, NV 89511 United States

**Priority:** Routine

**Application Date:** June 01, 2015

## Correspondent

---

**Organization Name:** Holland & Hart LLP  
**Name:** Robert C. Ryan  
**Email:** rcrayan@hollandhart.com  
**Telephone:** (775)327-3000  
**Address:** 5441 Kietzke Lane  
Second Floor  
Reno, NV 89511 United States

Registration Number

**\*-APPLICATION-\***

**Title** \_\_\_\_\_

**Title of Work:** Process Control Solutions Brochure Page

**Completion/Publication** \_\_\_\_\_

**Year of Completion:** 2004  
**Date of 1st Publication:** September 20, 2004  
**Nation of 1<sup>st</sup> Publication:** United States

**Author** \_\_\_\_\_

- Author:** Metalast International, LLC  
**Author Created:** Text, Layout  
**Work made for hire:** Yes  
**Domiciled in:** United States

**Copyright Claimant** \_\_\_\_\_

**Copyright Claimant:** Chemeon Surface Technology, LLC  
2241 Park Place, Suite B, Minden, NV, 89423, United States  
**Transfer statement:** By written agreement

**Limitation of copyright claim** \_\_\_\_\_

**Material excluded from this claim:** photograph(s), artwork  
**New material included in claim:** Text, layout, layout artwork

**Rights and Permissions** \_\_\_\_\_

**Organization Name:** Holland & Hart, LLP  
**Name:** Robert C. Ryan  
**Email:** rcryan@hollandhart.com  
**Telephone:** (775)327-3000  
**Address:** 5441 Kietzke Lane  
Second Floor  
Reno, NV 89511 United States

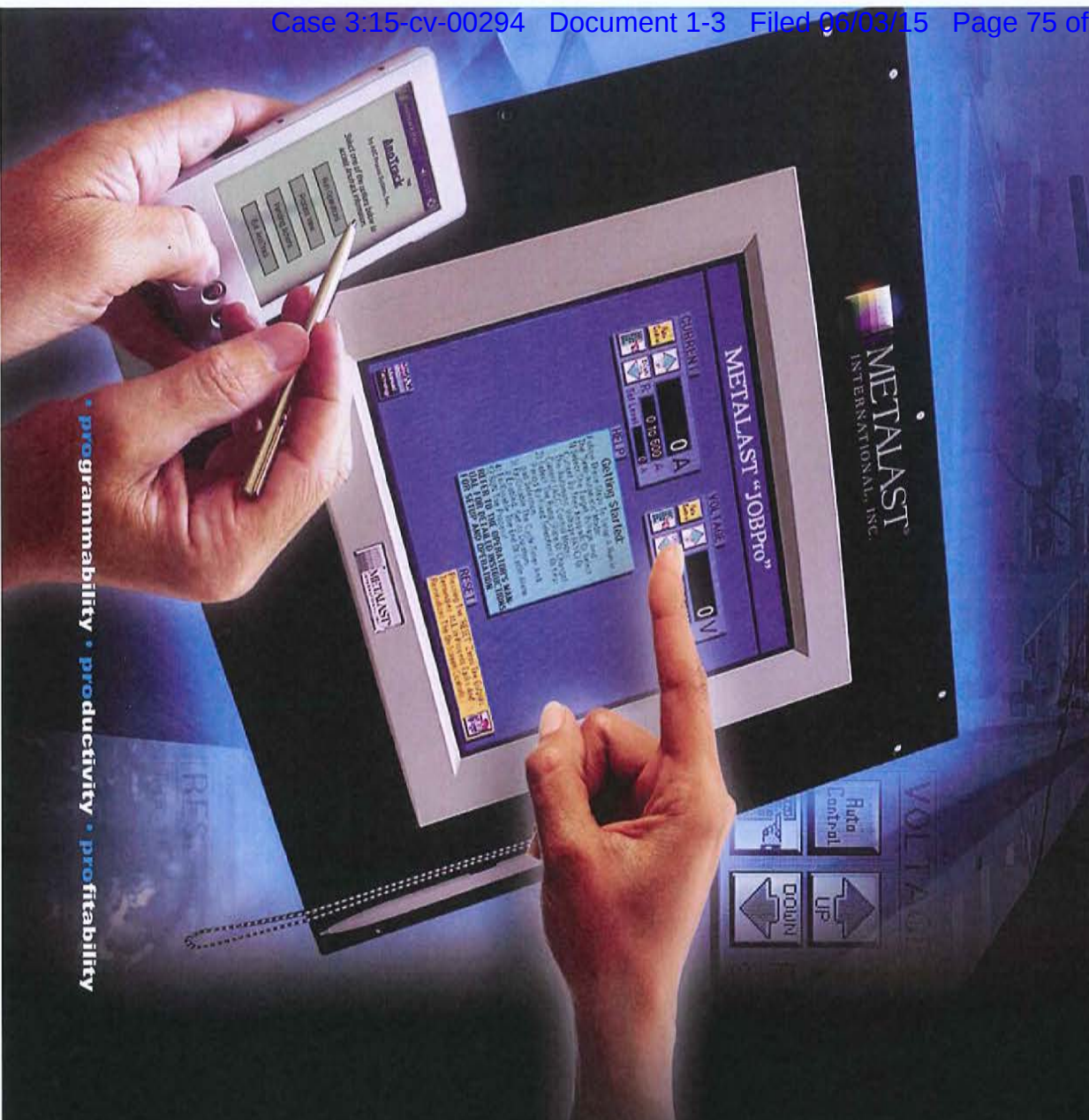
**Certification** \_\_\_\_\_

**Name:** Madylon Meiling  
**Date:** June 01, 2015  
**Applicant's Tracking Number:** 85519.0014

---

# PROCESS CONTROL solutions

IMAGINE A CHOICE OF PROCESS CONTROL SYSTEMS THAT BENEFIT BOTH METAL FINISHERS AND THE MANUFACTURERS THEY SERVE - AFFORDABLE, EASY-TO-USE, OFF-THE-SHELF, TOUCH SCREEN CONTROLLERS THAT INSTALL TO EXISTING EQUIPMENT, STORE HUNDREDS OF RUN STRATEGIES, AND AUTOMATE THE PRIMARY BATH (OR THE ENTIRE PROCESS LINE), PROVIDES GREATER THROUGHPUT FOR THE FINISHER AND THE SUPERIOR ACCURACY, QUALITY, CONSISTENCY, AND REPEATABILITY THAT INDUSTRY NEEDS TO STAY COMPETITIVE...



IT'S A NEW ERA IN METAL FINISHING. EXPLORE THE POSSIBILITIES.

## JOBPro™

The JobPro is designed for manually operated job shops as well as fully automated facilities. The JobPro controls all of the electrolytic wet processes in the primary process tank, and is ISO, QS and MADCAP compliant. Key benefits for JobPro users include: increased throughput and productivity, improved product consistency, fewer rejects and reworks and printable process verification. In addition, the JobPro allows the facility to create, save and edit custom voltage or current density strategies and settings.

## JOBProTECH™

The JobProTech is a licensed METALAST product, only available to pre-qualified companies. It uses METALAST current density recipes developed and maintained via modern connection by the METALAST Support Team at the METALAST Technical Center. A key element of the METALAST Technology is the METALAST proprietary anodizing additive, AA-200. The AA-200 allows JobProTech users to operate at higher current densities with METALAST specified recipes, resulting in increased throughput and decreased burning tendencies.

## ANOTRACKPro™

A fully programmable solution for process tracking, alarming and reporting on products as they progress through a manual process line or facility. It features wireless, handheld PDAs, able to guide operators through all aspects of a manual process or multiple processes simultaneously. Real time data for each lot can be monitored and reported to a base station computer.

programmability • productivity • profitability

**"GO Pro"**  
**PROFIT FROM PROCESS**



CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Cheleon Surface Technology, LLC

(b) County of Residence of First Listed Plaintiff Douglas County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Robert C. Ryan, Esq., Tamara Reid, Esq., Holland & Hart LLP 5441 Kietzke Lane, Second Floor Reno, Nevada 89511 (775) 327-3000

DEFENDANTS

Metalast International, Inc.; Metalast, Inc.; Sierra Dorado, Inc.; David M. Semas; Susan O. Semas

County of Residence of First Listed Defendant Douglas County (IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

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

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Estate, etc.

V. 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, 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 USC §1051, 17 USC §101. Brief description of cause: Trademark and copyright infringement

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 06/03/2015 SIGNATURE OF ATTORNEY OF RECORD /s/ Robert C. Ryan

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.