UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HIGHLINE CAPITAL MANAGEMENT, LLC, Plaintiff, - against - HIGH LINE VENTURE PARTNERS, L.P., HIGH LINE VENTURE PARTNERS II, L.P., HIGH LINE VENTURE PARTNERS GP, LLC, HIGH LINE VENTURE PARTNERS GP II, LLC, SHANA FISHER and ALEX BINKLEY, Defendants.	Civil Action No.: **COMPLAINT** **JURY TRIAL DEMANDED** JUDGE CAPRONI

Plaintiff, Highline Capital Management, LLC. ("Plaintiff" or "Highline"), by its attorneys, Tannenbaum Helpern Syracuse & Hirschtritt LLP, for its Complaint herein alleges:

Nature of the Action

1. Highline is a well-established financial services company specializing in the management of private investment funds. Since July 1995, Highline has used its federally registered trademark HIGHLINE® to identify the financial services it provides and, through substantial effort, its HIGHLINE mark has developed substantial and valuable goodwill. It has come to Highline's attention that defendants Shana Fisher and Alex Binkley, through business entities they control named High Line Venture Partners L.P., High Line Venture Partners II, L.P., High Line Venture Partners GP, LLC, and High Line Venture Partners GP II, LLC (collectively, "High Line"), are offering financial services under the confusingly similar service mark HIGH LINE. This has caused actual confusion between Highline and High Line.

2. Accordingly, to protect the goodwill associated with its trademark from infringement and dilution, and to protect its trademark rights, Highline has commenced this action for (a) infringement of federally registered trademarks in violation of § 32 of the Lanham Act, 15 U.S.C. § 1114, (b) trademark infringement and false designation of origin in violation of § 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), (c) use of deceptive acts or practices in the conduct of business, trade or commerce or the furnishing of services in violation of New York General Business Law § 349, (d) trademark infringement and unfair competition in violation of common law, and (e) trademark dilution and injury to business reputation in violation of New York General Business Law § 360-*l*.

The Parties

3. Plaintiff Highline is a Delaware limited liability company having its principal place of business at One Rockefeller Plaza, 30th Floor, New York, New York 10020.

4. Upon information and belief, defendant High Line Venture Partners, L.P. is a Delaware limited partnership, with its principal place of business at 555 West 18th Street, New York, New York 10011.

5. Upon information and belief, defendant High Line Venture Partners II, L.P. is a Delaware limited partnership, with its principal place of business at 555 West 18th Street, New York, New York 10011.

6. Upon information and belief, defendant High Line Venture Partners GP, LLC is a Delaware limited liability company, with its principal place of business at 555 West 18th Street, New York, New York 10011.

7. Upon information and belief, defendant High Line Venture Partners GP II, LLC is a Delaware limited liability company, with its principal place of business at 555 West 18th Street, New York, New York 10011.

8. Upon information and belief, defendant Shana Fisher ("Fisher") is a citizen of the State of New York and a principal of the High Line Venture Partners entities referred to in Paragraphs 4 through 7 above, with a place of business at 555 West 18th Street, New York, New York 10011.

9. Upon information and belief, defendant Alex Binkley ("Binkley") is a citizen of the State of New York and a principal of the High Line Venture Partners entities referred to in Paragraphs 4 through 7 above with a place of business at 555 West 18th Street, New York, New York 10011.

Jurisdiction

10. This action arises, *inter alia,* under the Trademark Act of July 5, 1946, as amended, 15 U.S.C. §§ 1051 *et seq.*, known as the Lanham Act.

11. This Court has jurisdiction of this action pursuant to § 39(a) of the Lanham Act, 15 U.S.C. § 1121(a); 28 U.S.C. §§ 1331, 1338(a) and (b), and 1367(a).

FIRST CLAIM FOR RELIEF

Infringement of Registered Trademark

Plaintiff's Business and Marks

12. Highline engages in the business of investment fund management through, *inter alia,* offering qualified investors opportunities to invest in private investment funds.

Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,502,179

United States Patent and Trademark Office

Registered Oct. 30, 2001

SERVICE MARK
PRINCIPAL REGISTER

HIGHLINE

HIGHLINE CAPITAL MANAGEMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)
1270 AVENUE OF THE AMERICAS
ROCKEFELLER CENTER
NEW YORK, NY 10020

FOR: FINANCIAL SERVICES IN THE NATURE OF INVESTMENT FUND MANAGEMENT, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 7-31-1995; IN COMMERCE 7-31-1995.

SER. NO. 78-035,852, FILED 11-17-2000.

CHRISTOPHER LEADEN, EXAMINING ATTORNEY