

IMPORTANT INFO ENCLOSED FOR





Moo Duk Kwan® Identity Defense Frequently Asked Questions



1. Who is the United States Soo Bahk Do Moo Duk Kwan Federation® suing?

International Tang Soo Do Moo Duk Kwan Association a.k.a Tang Soo Karate School, Inc. and Robert Kovaleski and Eric Kovaleski

2. Why are we suing them?

November 9, 1945 Hwang Kee founded his first Moo Duk Kwan® martial art school in Korea.

1974-76 he led formation of the U.S. Federation and assigned it exclusive rights to use the Moo Duk Kwan name and logo in the U.S.

October 2001, Robert and Eric Kovaleski, a.k.a. **Tang Soo Karate School** (incorporated in September 1995,) filed an application to trademark **International Tang Soo Do Moo Duk Kwan Association** and the fist logo. January 4, 2002 their application was rejected by the United States Patent and Trademark Office (USPTO) for likelihood of confusion with existing registered trademarks including the Federation's.



July 5, 2002 the Kovaleski's application for trademark was abandoned.

October 2010 multiple websites and social media bearing the name and design which had previously been rejected by the USPTO came to the Federation's attention.

October 29, 2010 a cease and desist notice was sent to the Kovaleskis by the Federation's intellectual property attorney. An attorney for the Kovaleskis responded saying they needed more time to reply and then no further communication was forthcoming. This is not uncommon in these matters and typically indicates the infringing activity will eventually cease.

August 16 to 23, 2011 the Kovaleskis and a group visited Korea where they formed a relationship with Korea based **World Moo Duk Kwan General Federation** (<http://www.moodukwonkorea.org/>) and unknown to the Federation at that time, the WMDKGF appointed Eric Kovaleski as USA East Coast Regional Representative on August 21, 2011.

The **World Moo Duk Kwan General Federation** website states the motivation for incorporating in 2003 following Hwang Kee's passing (which they characterize as "*formed with the permission of the Korean Government*") as "... *Tragically our founder passed away in 2002. Before he passed on he ignored his original group of protégé's and handed control of his art of Soo Bahk Do to his son. This disrupted the harmony originally established and nurtured by him in the past. His older generation of students (ranging from age 80 to 89) established a corporation, the World Moo Duk Kwan General Federation...*" In an interview **Robert Kovaleski** stated, "*HC Hwang didn't respect his seniors- Let's just say that!*"

November 10, 2011, but undiscovered at that time, Widmer Signs, a sign company in Scranton, PA, posted photos on Facebook of new signage bearing Federation Trademarks and indicated they were being made for the Kovaleskis in preparation for a big event.

February 2012 multiple Federation members received an event solicitation from the Kovaleskis which featured the name and design previously rejected by the USPTO. Federation members reported it was confusingly similar to the Federation's trademarks. The literature indicated that the Kovaleskis were hosting **World Moo Duk Kwan General Federation** representatives including **Yong Duk Kim Dan Bon #2** as President and **Hee Suk Choi Dan #5** as Vice President to present seminars on May 10, 2012 in Dickson City, PA.

February 29 2012 The Federation Board of Directors met and responded to member reports and Kwan Jang Nim's request for prompt follow-up on this serious trademark infringement. The Board approved a motion for Appointed Director Phillip Bartolacci, Sa Bom Nim to reach out to the Kovaleskis and seek an amicable resolution within a few days with the stipulation that if that failed then the Federation's attorney would be authorized to initiate legal action. The Kovaleskis were unresponsive to that outreach.

April 10, 2012 the Federation filed for a preliminary injunction in Federal court in Scranton, PA and a hearing was set for May 8, 2012.

May 3, 2012 the Federation Board held an emergency meeting and authorized the Executive Administrator, Phil Duncan to appear in court with Federation counsel, Chuck Kennedy on May 8, 2012 in Scranton, PA. During the injunction hearing, additional literature published by the **World Moo Duk Kwan General Federation** was procured and it pronounced **Yong Duk Kim Dan Bon #2 and Hee Suk Choi Dan #5** as **co-founders of the Moo Duk Kwan martial art school in 1945**. The Federation possesses photos, rank certification records issued by Hwang Kee to these men as his students and a sworn affidavit by Yong Duk Kim #2 notarized in 1983 contradicting published claims that they were co-founders of Hwang Kee's Moo Duk Kwan martial art school in 1945.

May 9 2012 Federal Judge Mariani signed an order restraining the Kovaleskis from using our marks during their events May 10-12.

May 10-12, 2012 the Kovaleskis complied with the court order during their events; however, the representatives from the **World Moo Duk Kwan General Federation** did not, but they are not parties to this USA legal action.

Federal Judge Mariani has set a trial date for February 9th, 2015 in Scranton, PA.

3. Is the Federation seeking damages from the defendants?

Yes.



Moo Duk Kwan® Identity Defense Frequently Asked Questions



- 4. Why didn't the Federation pursue action years ago prior to this becoming a problem?**
Please refer to #2.
- 5. I have seen others using the name Moo Duk Kwan®. What has been done in those cases?**
- "Using" is an unspecific term that does not indicate the context of use which must be evaluated in order to determine what action, if any, is needed to protect the Federation's intellectual property. For example, if a student attends Harvard university and obtains a degree in education and is no longer enrolled at Harvard university and they display their Harvard degree certificate on their office wall or they wear a Harvard university jacket as a Harvard alumnus, are those actions harmful? Or if a Harvard university alumnus opens a tutoring center in their own name and uses their degree knowledge gained at Harvard university to tutor and teach students, is that action harmful? However, if a Harvard university alumnus opens a business using the name Harvard in their business cards, advertisements, on signs, on websites, on their application forms, on patches, products, certificates, etc. and thereby suggests and represents to the public that they are associated with, endorsed by or affiliated with Harvard university without a license to do so, is their action harmful? In the latter case, Federal laws says, "yes" and provides penalties for those who use another's trademark in a dishonest manner calculated for their own advantage. Such penalties are intended to protect the public from fraud and misrepresentation. When reports are received or discoveries are made where someone else is "using" the Moo Duk Kwan name and fist logo, the circumstances are evaluated in order to determine what, if any, action is required to protect the Federation's intellectual property, reputation, public goodwill and other interests.
 - Since 1976 the Federation has established a diligent history of evaluating and responding to numerous reports and discoveries of potential misuse of its intellectual property and of defending its interests as Founder Hwang Kee charged the Federation to do via provisions built into the Charter and Bylaws. Typically, unintentional infringers have voluntarily ceased their infringing activity after being notified. However, willful infringers seeking to use the Federation's marks in a dishonest manner calculated for their advantage are not usually cooperative and some have required legal recourse in order to stop their activity. The Federation's enforcement action outcomes and the parties involved are available through Board Directors except for those bound by a non-disclosure agreement.
- 6. Are we suing everyone who has ever used the Moo Duk Kwan® name?**
Please refer to #5
- 7. How is Dan Segarra involved in this and are we suing him, too?**
- During the time period of gathering evidence toward trial, Dan Segarra compiled a PDF document telling his personal opinion about a version of history that is favorable to the Kovaleski's position and they entered his document into evidence.
 - No, the Federation has not initiated legal action against him at this time.
- 8. Why should the Gup members have to pay legal defense when they see no benefit or even understand what the Federation is?**
- Every student training under Moo Duk Kwan® certified instructors in Moo Duk Kwan® certified studios and learning the Soo Bahk Do® martial art system is benefitting from the Federation's existence.
 - The Federation is a nonprofit members' organization and all member contributions, dues and fees are used to pursue the Federation's chartered purposes including protection of intellectual property from misuse.
 - If some Gup members do not understand what the Federation is, then unfortunately they may not have been properly oriented when they were enrolled as Federation members and/or they may not have received the 170 page Federation Member manual which explains and educates members about the Federation and the value of membership in the community of practitioners who are the Federation.
- 9. Why isn't there a lawsuit being pursued in Korea instead?**
The U.S. Federation cannot speak for the Korean Federation. The U.S. Federation is defending and protecting U.S. rights.
- 10. This doesn't affect my local school, why should I care about this?**
- The reputation of every legitimate Moo Duk Kwan® alumnus and every certified instructor and studio is diminished by the distribution of counterfeit rank certificates, products, etc. bearing the Federation's trademarks. The identity of the Federation as represented by its trademarks is an important asset for the organization and the art. The reputation and value associated with well known brand names and logos are why unscrupulous individuals attempt to use them for their own advantage without a license from the owner.
 - Will you care if a competitor opens a school near you and advertises that they are a Moo Duk Kwan® martial art school and they say they provide the same Soo Bahk Do® training experience and the same rank certifications as you do?
- 11. What benefit is there in picking this fight? It makes us look bad.**
- Defending and protecting that which belongs to one is not "picking a fight." Observers who characterize a defensive response against bullying, trespassing, rights encroachment, etc. as "picking a fight" or "makes us look bad," may not have adequate information to understand what transpired and resulted in the incident they are judging. This document provides relevant information that may help inform and educate interested parties about this case.
 - First, the Federation's charter requires members to protect and defend the organization's intellectual property.
 - Second, since 1976 Federation members have invested heavily in trademarks and service marks to exclusively identify the Federation as the singular source of services and products which meet the high quality standards of excellence that Founder Hwang Kee charged the Federation to adhere to.
 - Third, a unique identity is crucial to the long-term preservation of Founder Hwang Kee's legacy so that it can be distinguished from imitators. Trademarks and service marks represent the source of products and services to the public and they provide assurances to the public that those employing them in commerce are legitimately certified school owners, instructors and students who have received rigorous, authentic training and education about the requirements, standards, attributes and characteristics expected in Moo Duk Kwan® martial art schools and thus make training in the Soo Bahk Do® martial art system unlike any other.

HOW CAN YOU HELP?

***DONATE TO DEFENDING
FOUNDER HWANG KEE'S
MOO DUK KWAN LEGACY
TODAY***



United States Soo Bahk Do Moo Duk Kwan Federation®
 United States Tang Soo Do Moo Duk Kwan Federation®
 20 Millburn Ave Floor 2 Springfield, New Jersey 07081
 (888) SOO-BAHK headquarters@soobahkdo.com www.soobahkdo.com

10/20/2014

Dear Dan Member,

I trust this message finds you in good health and spirits.

Your reputation as a Moo Duk Kwan® Dan holder is backed and strengthened by almost 70 years of high standards and rigorous, disciplined training plus the accomplishments of your fellow Moo Duk Kwan® alumnus worldwide.

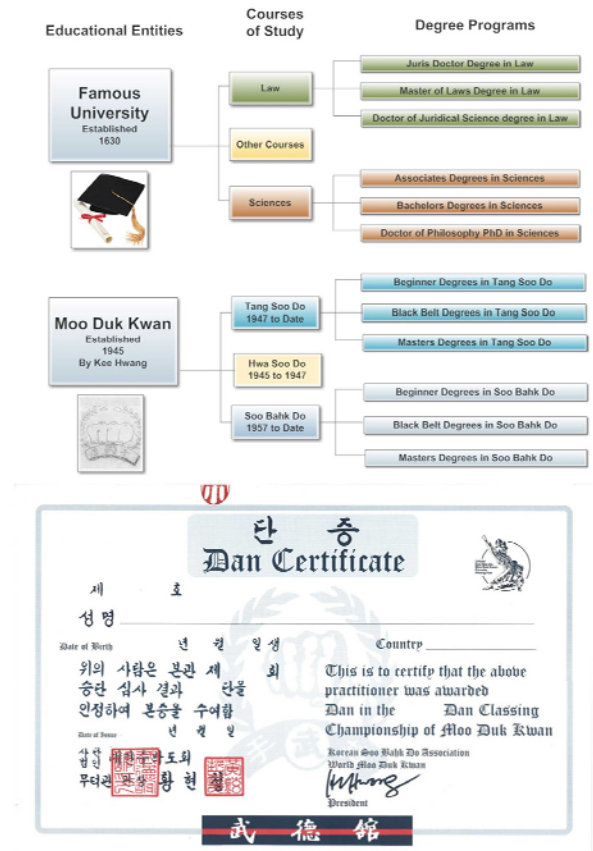
The Moo Duk Kwan® rank certifications and credentials you have received bearing Founder Hwang Kee's Moo Duk Kwan® martial art school name and his fist logo have always been highly regarded and well respected because the requirements to earn them have been so high and the certification process has been so rigorous and well codified.

Unfortunately, your reputation as a legitimate Moo Duk Kwan® Dan Bon holder and the reputation of excellence associated with your credentials are being diminished by those seeking to use the Moo Duk Kwan name and reputation in a confusing and dishonest manner calculated for their advantage.

Those who have required the Federation to initiate legal action have been producing and distributing confusingly similar rank certifications, products and services bearing the Moo Duk Kwan® name and logo without authorization and without adhering to the standards and quality controls Founder Hwang Kee established and charged the United States Federation to adhere to.

There are federal laws on the books to protect the unsuspecting public from deceptive and fraudulent trade practices like these and the Board made every amicable effort to encourage the defendants to cease their misrepresentative activity before seeking legal recourse, but they refused and our charter required the legal action now underway.

There Is Only One Moo Duk Kwan®



Confusingly Similar



*Do you think a non practitioner among the public might find these **confusingly similar** and thus be unable to discern with certainty which one legitimately represents the source of Founder Hwang Kee's teachings and certifications?*



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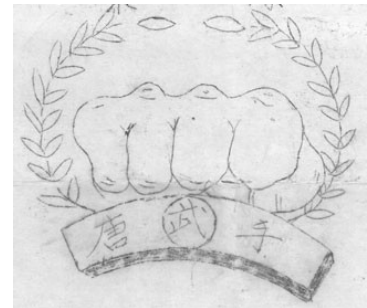
Interestingly, this legal action is mirroring Founder Hwang Kee's 1965-66 case in Korea when the minister of education, Kwon, Oh Byung, sought to dissolve his organization and the case went all way to the Korean Supreme Court with the Founder prevailing.

The Pennsylvania Federal District court has set a trial date of **February 9th, 2015** and should our opponents win, then others may be able to use our Moo Duk Kwan® identity; however, **with your much needed support we can prevail and retain exclusive rights to our Moo Duk Kwan identity.** You are invited to attend any portion of the trial in Scranton, PA that your schedule and proximity allows and show your support for the Moo Duk Kwan® and our Kwan Jang Nim who will be testifying along with other key witnesses.



Don't you agree that every legitimate Moo Duk Kwan® member deserves an opportunity to be part of this historic defense of the Founder's legacy and the Moo Duk Kwan® identity whether in the courtroom or from afar via supportive donations or both?

Regardless of the outcome of this case, every person who has contributed financially to support it can take pride in knowing that they exercised personal ownership in helping defend Founder Hwang Kee's legacy and his unique Moo Duk Kwan® identity.



However, any USA or Moo Duk Kwan® supporters worldwide whom we fail to connect with and inspire, educate and motivate to contribute toward defending the unique Moo Duk Kwan® identity may not have that satisfaction when this action concludes. **Can we count on you to be a leader and reach out to your friends and help them understand how they can contribute?**

The Song of the Sip Sam Seh states, *"...Surprising things will happen when you meet your opponent. Give awareness and purpose to every movement..."* and meeting our opponents in this legal matter has certainly resulted in some surprising member and supporter responses.



Steve Politi,
Gup 044862
1958 - 2012

Steve Politi was a red belt student at WISK Soo Bahk Do led by Kyo Sa Michael Wilson in Arizona and he passed away in 2012.

Bill Milberger was a Certified Sa Bom and Studio Owner from Houston, Texas who passed away unexpectedly after an accident in 2013. You can view a memorial on www.moodukkwon.net



Bill Milberger, Sa Bom
Dan Bon 27713
1965 - 2013

Both men were dedicated practitioners during their lives and yet their living actions did not fully demonstrate the depth of their dedication and support for the Federation and our art.



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In February 2012 **Steve Politi's** estate attorney called Headquarters and notified us that **he had expressed his financial support for the Federation in his will.** With awareness and purpose Steve had entrusted a portion of his estate to the Federation so that it could benefit all members and the art he loved. Then in February 2013, **Bill Milberger** Sa Bom Nim's attorney called and notified us that he had bequeathed a portion of his estate to the Federation. It was humbling to learn that we, you, the Federation were entrusted with such gifts.

As the **February 9th** trial date rapidly approaches, **your generosity is needed more than ever** to help bring this matter to a favorable conclusion and preserve Founder Hwang Kee's legacy.

Can we count on your generous contribution today to help preserve his legacy and the unique Moo Duk Kwan® identity?

THANK YOU!
 The strong financial support which Federation members and supporters like you have provided to date for the **"There Is Only One Moo Duk Kwan®"** campaign has been impressive and the Board wants every contributor to know that **100% of all funds received by the Federation have been used for the intended purpose.**

- Non-tax deductible donations may be made payable to the **United States Soo Bahk Do Moo Duk Kwan Federation** via phone, mail or www.soobahkdo.com
- Become a Lifetime Member and **SAVE \$500 before December 31, 2014**
<http://soobahkdo.com/save-500-become-a-lifetime-member/>
- Tax deductible donations may be made payable to **United States Soo Bahk Do Moo Duk Kwan FOUNDATION** via phone, mail or www.soobahkdofoundation.org

As a Moo Duk Kwan® Dan member, you are the "Heart of The Art." **Please give from yours.**

Respectfully,

Phil Duncan
 Executive Administrator

P.S. We trust you understand what's at stake and thank you in advance for your generous financial support. Should you have questions or require additional information, please reach out to your elected Board Director or call Headquarters. Time is of the essence.

SPECIAL CONTRIBUTION REPLY

Yes! You can count on my support to help preserve the unique Moo Duk Kwan® identity and Founder Hwang Kee's legacy as follows:

- \$10 \$15 \$20 \$25 \$50 \$70 (70th) Other _____
- one time monthly I will subscribe to the Soo Bahk Do Institute

Method of Payment: Check enclosed Please charge my credit card

Name _____ Member ID / Dan Bon: _____
 Card# _____ Exp _____ CCV _____

Contributions to the United States Soo Bahk Do Moo Duk Kwan Federation are not tax deductible.



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More Ways You Can Support The Moo Duk Kwan®

- I commit to attending the **November 14-21, 2014 Moment With The Masters** or **Ko Dan Ja Shim Sa** as a visitor so I can experience the TAC's exciting new high level training tracks **now open to all Dan members**. I understand that flexible arrival and departures dates allow me to train to fit my schedule. <https://www.facebook.com/momentwiththemasters>
- I commit to encouraging fellow members to subscribe to the Soo Bahk Do Institute because I understand that every subscriber helps support the Federation's chartered purposes. I will also tell them about **Lifetime Institute Subscriptions**. www.soobahkdoinstitute.com
- I commit to hosting or supporting a local **fundraising event like a Kick-a-thon or a Break-a-thon, training seminar, etc.** <http://mykickathon.org/>
- I commit to bid on the **2015 National Festival** destination and will support that event through my attendance and participation. www.bid.soobahkdo.org
- I was touched and inspired by the generous gesture of Mr. Steve Politi and Bill Milberger Sa Bom Nim and am interested in learning more about how I can leave a legacy naming the Federation or FOUNDATION as a beneficiary of a life insurance policy or a bequeathment to support the long term preservation of our art. www.legacy.soobahkdo.org
- I understand that the **Founder's autobiography** is being translated for future publication and because of the tremendous importance of this action a special arrangement has been made with the Kwan Jang Nim so that when it is published, I can be named in that book as one who extended exceptional support to the Moo Duk Kwan® when it was needed most.
 - **Moo Duk Kwan Preservationists \$3000**
 - Your Name

There Is Only One Moo Duk Kwan®

A nonprofit moo do members' organization since 1976

***PLEASE
MAKE YOUR
GENEROUS
DONATION
TODAY***