

1 TERI T. PHAM (SBN 193383)
 Email: *tpham@enensteinlaw.com*
 2 ROBERT A. RABBAT (SBN 254602)
 Email: *rrabbat@enensteinlaw.com*
 3 ENENSTEIN & RIBAKOFF, APC
 233 Wilshire Blvd., Suite 400
 4 Santa Monica, California 90401
 Phone: (310) 899-2070
 5 Fax: (310) 496-1930

6 Attorneys for Plaintiff
 SIN KWANG THE

7
 8 UNITED STATES DISTRICT COURT
 9 CENTRAL DISTRICT OF CALIFORNIA

10
 11 SIN KWANG THE,
 12 Plaintiff,

13 v.

14 JACOB RYDBERG aka JAKE
 MACE, an individual; CHINESE
 15 SHAO-LIN CENTER, LLC, an
 Arizona limited liability company dba
 16 PHOENIX LONGEVITY ARTS;
 KEITH BREWER dba MORNING
 17 MARTIAL ARTS; and DOES 1
 through 10, inclusive,

18 Defendants.
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Case No. CV 11-6471 GHK (JCGx)
[Assigned to Honorable George King]

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Date: December 12, 2011
 Time: 9:30
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Action Filed: August 5, 2011
 Trial Date: Not yet set

DECLARATION OF SIN KWANG THÉ

1
2 I, Sin Kwang Thé, declare as follows:

3 1. I am the plaintiff in this action. I have personal knowledge of the facts
4 stated herein, and if called as a witness, I could and would competently testify
5 thereto.

6 2. Since the age of six, I trained in the art of Shaolin kung fu under then
7 Grandmaster E Chang Ming. At the age of 25, I earned the title of Grandmaster,
8 making me the youngest Grandmaster in the history of Shaolin. Since that time, I
9 have devoted his life to teaching and preserving the art of Shaolin kung fu.

10 3. In connection with my work, I developed my own system of Shaolin
11 kung fu, known as "Shaolin Do," which includes a series of specific martial arts
12 movements and exercises that are performed in a specific manner and order. The
13 exact exercises and movements and the order in which they are to be performed
14 were specifically selected by me. I recorded my system of Shaolin Do on video in
15 or about 1980.

16 4. I am currently the only living Shaolin Do Grandmaster.

17 5. On August 9, 1990, I registered my system of Shaolin Do with the
18 United States Copyright Office, Certificate of Copyright Registration No. PAu-1-
19 493-404. A true and correct copy of my registration form is attached hereto as
20 Exhibit A. A true and copy of a DVD with the copyrighted system is lodged
21 concurrently herewith.

22 6. Since the late 1960's, I have taught my system of Shaolin Do to
23 hundreds of students, and I have trained an elite group of instructors, or "Masters",
24 to oversee and teach my system of Shaolin Do in authorized schools throughout the
25 world. There are presently over 100 schools throughout the world which I have
26 authorized to teach my system of Shaolin Do.

27 7. As a condition of being authorized to teach my system of Shaolin Do, I
28 require the instructors to follow my specific teaching guidelines, and to conduct an

1 annual testing session with me, at which time I would test each student to determine
2 whether they should elevate to next level. My instructors are required to pay me a
3 "test fee" or license fee ranging from \$50 to \$100 per student, depending on the
4 level of the student. Only the instructors who agree to abide by these conditions are
5 authorized to teach my copyrighted system of Shaolin Do.

6 8. I also personally designed and own several service marks and
7 trademarks that are associated with my teachings and my system of Shaolin Do
8 ("the Marks"). True and correct copies of the Marks are attached hereto as Exhibits
9 B through E. I have filed applications with the U.S. Patent & Trademark Office for
10 registration of the Marks.

11 9. Exhibit B is a red and white yin yang symbol with the Chinese
12 characters for "Golden Snake," which is pronounced "Ching Se." Ching Se or
13 Golden Snake is the highest fighting system of Shaolin Do.

14 10. Exhibit C is a red belt engraved with the Chinese characters for my
15 name "Sin Kwang." The red belt is the highest achievement in the Shaolin arts.
16 Authorized students wear the mark as an honor to be taught by me, the Grandmaster
17 of Shaolin.

18 11. Exhibit D is a scroll-like vertical black rectangle with three Chinese
19 characters in white. The characters mean "Shaolin Warrior."

20 12. Exhibit E is a fan-like shape with a broad bottom (rather than coming
21 to a point). The inside of the fan shape is red with a white band across the bottom.
22 In the white band, the words "Martial Arts" are written across the bottom of the fan-
23 shape. In the top are the words "SHAO-LIN." In the middle of the fan are two
24 hands -- one is clenched in a fist and the other is in a karate-chop formation. In
25 between the two hands is the Chinese character for "Warrior" in a white circle.

26 13. Since at least the late 1960's, I have continuously used the Marks in
27 commerce to promote and advertise my name and reputation and my system of
28 Shaolin Do. Both I and the schools and instructors authorized to teach my system,

1 have spent a substantial amount of funds over the last four decades in advertising
2 and promoting me and my system of Shaolin Do through the use of these Marks.

3 These Marks are widely known in the martial arts world to be associated with me.

4 14. Only instructors who agree to abide by the conditions set forth by me,
5 including the required annual testing by me, are authorized to use my name, image
6 and Marks in their advertisements and materials.

7 15. I have also spent a substantial amount of time and money protecting
8 my copyrighted materials and Marks through the legal system throughout the
9 United States.

10 16. Beginning in 2002, I authorized Jacob Rydberg to teach my
11 copyrighted system of Shaolin Do, under the tutelage of one of my Elder Masters,
12 David Soard. In accordance with my requirements, Mr. Rydberg taught my system
13 of Shaolin Do to the students who enrolled at his school in Phoenix, Arizona, which
14 at that time was known as the "Chinese Shao-lin Center." I conducted annual
15 testing of his students, and he paid me the required testing/license fees.

16 17. In December 2008, Mr. Rydberg, came to California to meet with me
17 at my home, and requested that he be allowed to teach my copyrighted system of
18 Shaolin Do directly under me, rather than under Elder Master Soard.

19 18. I agreed to Mr. Rydberg's request on the condition that he continue to
20 abide by my teaching guidelines, including the annual testing requirements. Mr.
21 Rydberg agreed to abide by my conditions.

22 19. In early February 2009, Mr. Rydberg again met with me at my home in
23 California together with his wife, Laura Adams, and he reaffirmed his agreement to
24 abide by my conditions in order to teach my copyrighted system of Shaolin Do.

25 20. Mr. Rydberg failed to comply with my guidelines and the guidelines of
26 my Elder Master, however, and on August 26, 2009, I revoked his authorization to
27 teach and promote my copyrighted system of Shaolin Do, as well as to use any of
28

1 my Marks and images. A true and correct copy of my revocation letter is attached
2 hereto as Exhibit F.

3 21. Mr. Rydberg thereafter pleaded with me to allow him to continue
4 teaching my Shaolin Do system under a different Elder Master. As an
5 accommodation, on October 13, 2009, I agreed to reinstate his authorization to
6 teach my system and to use my Marks under the direction of two different Elder
7 Masters. A true and correct copy of my reinstatement letter is attached hereto as
8 Exhibit G.

9 22. Mr. Rydberg thereafter continued to teach my Shaolin Do system
10 subject to my guidelines, including the testing requirements. Attached hereto as
11 Exhibit H is a true and correct copy of an email sent by Mr. Rydberg to me on April
12 5, 2010, confirming his obligations for the testing requirements.

13 23. However, Mr. Rydberg repeatedly stalled and delayed the required
14 testing sessions. Subsequently, on October 3, 2010, Mr. Rydberg met with me in
15 California and informed me that he would not comply with the annual testing
16 requirement, meaning he would not pay me the test/license fees. Mr. Rydberg
17 nonetheless announced that he would continue to teach my copyrighted system of
18 Shaolin Do even without my consent.

19 24. On October 29, 2010, I sent a letter to Mr. Rydberg through my
20 attorneys, demanding that he immediately cease and desist from teaching,
21 promoting, publicizing or otherwise using my copyrighted system of Shaolin Do. I
22 further demanded that he cease and desist from claiming any association with
23 Grandmaster Thé, or from using his name, image, likeness or any of his Marks in
24 any website, flyers, brochures, or publications of any kind. A true and correct copy
25 of the letter from my attorney to Mr. Rydberg is attached hereto as Exhibit I.

26 25. Notwithstanding my demands, Mr. Rydberg has continued to use,
27 teach and publish my copyrighted material for profit, and without my authorization
28 or consent. Mr. Rydberg has also continued to use my name, image, likeness and

1 Marks in connection with his advertisements and marketing materials, including on
2 his websites, on Facebook, and in promotional videos and blogs.

3 I declare under penalty of perjury under the laws of the State of California
4 that the foregoing is true and correct.

5 Executed this 30 day of October, in Los Angeles, California

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7 Sin Kwang The

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