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Attorneys for Plaintiff
Art of Living Foundation

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ART OF LIVING FOUNDATION, a
California corporation,

Plaintiff,

vs.

DOES 1-10, inclusive,

Defendants.

Case No. 10-cv-5022-LHK-HRL

FIRST AMENDED COMPLAINT FOR:

1. **COPYRIGHT INFRINGEMENT UNDER 17 U.S.C. §501 ET SEQ.;**
2. **MISAPPROPRIATION OF TRADE SECRETS UNDER CAL. CIV. C. §3426 ET SEQ.;**

DEMAND FOR JURY TRIAL

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1 Plaintiff Art of Living Foundation (“Plaintiff”), through its attorneys, alleges as
2 follows:

3 **INTRODUCTION**

4 1. The Art of Living Foundation (“AoL”) is an international educational and
5 humanitarian organization based in Bangalore, India. AoL has regional centers in 140
6 countries and has been accredited as a United Nations non-governmental organization
7 (“NGO”) since 1996. AoL currently serves as one of the United Nation's largest
8 volunteer-based NGOs.

9 2. Plaintiff is the United States chapter of AoL.

10 3. Plaintiff offers courses that employ breathing techniques, meditation, and
11 low-impact yoga to achieve stress relief and general wellness. Plaintiff’s educational
12 programs focus on “Sudarshan Kriya” and its accompanying practices. These practices
13 are time-honored stress management and health promotion techniques, the health
14 benefits of which have been established by modern medical science. Plaintiff and its
15 teaching programs have been praised in the national and international press, including
16 on CNN, MSNBC, and other news outlets¹.

17 4. On information and belief, Defendants are disgruntled former student-
18 teachers and students of Plaintiff. While the true identities of Defendants are unknown at
19 this time, it is known that Defendants have perpetrated an attack-campaign against
20 Plaintiff by publishing false and completely fabricated statements. These statements
21 include the most scurrilous allegations imaginable, all of which are false.

22 5. Defendants created two blogs for the purpose of publishing these false and
23 defamatory statements.

24 6. Also on these two blogs, Defendants published Plaintiff’s trade secret
25 information, despite Plaintiff’s significant efforts to keep this information confidential.

26 _____
27 ¹ See, for e.g., <http://video.google.com/videoplay?docid=1174104283064096256#> (CNN
28 Documentary); and
<http://video.google.com/videoplay?docid=1174104283064096256#docid=6344668166674641527> (Art of Living on MSNBC).

1 7. Additionally, on these blogs, Defendants published—without Plaintiff's
2 consent—Plaintiff's copyrighted publication, the Breath Water Sound Manual.

3 8. Defendants' blogs remain active and viewed by thousands of visitors each
4 month, and Defendants continue to defame and injure Plaintiff with these blogs.

5 9. As a result of Defendants' misconduct, Plaintiff has been—and continues to
6 be—substantially harmed.

7 **JURISDICTION AND VENUE**

8 10. This Court has subject matter jurisdiction over this action under 28 U.S.C.
9 §§1331 and 1338 for Plaintiff's copyright infringement claim. This Court has
10 supplemental jurisdiction over Plaintiff's remaining claims arising under the law of the
11 State of California under 28 U.S.C. §1367.

12 11. Venue is proper pursuant to 28 U.S.C. §1391 because a substantial part of
13 the events, omissions, and harm, giving rise to Plaintiff's claims occurred within the
14 District.

15 **PARTIES**

16 12. Plaintiff the Art of Living Foundation is a California, non-profit corporation
17 based in Goleta, California.

18 13. Plaintiff does not know the true names and capacities, whether individual,
19 associate, corporate or otherwise, of Defendants sued herein as DOES 1-10 inclusive,
20 and Plaintiff therefore sues said Defendants by such fictitious names.

21 14. Plaintiff will amend this Complaint to state the true names and capacities of
22 the Defendants once they have been discovered. Plaintiff is informed and believes, and,
23 on that basis, alleges that each Defendant sued herein by a fictitious name is in some
24 way liable and responsible to Plaintiff based on the facts herein alleged.

25 15. On information and belief, each of the Defendants has conspired and
26 worked with the others to engage in the above-described misconduct, with the shared
27 objective of harming Plaintiff, AoL, and Ravi Shankar.

28 //

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1 16. Moreover, Plaintiff cannot determine whether the anonymous Defendant
2 operating under the name Skywalker is a single Defendant or multiple Defendants
3 conspiring together.

4 **FACTUAL ALLEGATIONS**

5 17. In 1981, His Holiness Sri Sri Ravi Shankar (“Ravi Shankar”) started the Art
6 of Living Foundation (“AoL”), an international nonprofit educational and humanitarian
7 organization based in Bangalore, India.

8 18. AoL offers instruction on breathing techniques, meditation, and low-impact
9 yoga to achieve stress relief and general wellness. The focus of AoL’s educational
10 programs is “Sudarshan Kriya” and its accompanying practices, which are time-honored
11 stress management and health promotion techniques.

12 19. AoL is also committed to humanitarian aid and community service. AoL
13 volunteers have brought both physical and emotional relief throughout the world in
14 response to natural and manmade disasters.

15 20. AoL was accredited as a United Nations non-governmental organization in
16 1996, and continues to serve as one of the United Nation's largest volunteer-based
17 NGOs.

18 21. AoL works in a special consultative status with the United Nation’s
19 Economic and Social Council, participating in a variety of committees and activities
20 relating to health, education, sustainable development, conflict resolution, and disaster
21 relief.

22 22. AoL is based in Bangalore, India and has regional centers in more than 140
23 countries.

24 23. In 1989 Plaintiff incorporated as a U.S. regional center of AoL. Plaintiff is a
25 California, non-profit corporation and has remained in good standing since its formation
26 in 1989.

27 24. Plaintiff is a non-denominational, non-profit educational and humanitarian
28 organization dedicated to the principles and teachings of AoL.

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1 25. As part of its humanitarian efforts, Plaintiff provides instruction in its core
2 disciplines including breathing, meditation, and yoga. Plaintiff also offers courses and
3 seminars on issues ranging from world peace to emotional self-control. Plaintiff's self-
4 development programs instruct students on methods to eliminate stress and to foster a
5 sense of well-being.

6 26. At the core of Plaintiff's teachings is Sudarshan Kriya, which is a rhythmic
7 breathing exercise. Sudarshan Kriya incorporates specific natural rhythms of breath to
8 release stress and to bring the mind to the present moment.

9 27. The rhythmic breathing pattern of Sudarshan Kriya harmonizes the rhythms
10 of the body and emotions, and brings them in tune with the rhythms of nature. Breathing
11 under the principles of Sudarshan Kriya helps bring about a connection of the body and
12 the mind. Practitioners of Sudarshan Kriya are able to use their breathing to bring about
13 changes in their mental and behavioral patterns. Sudarshan Kriya teaches students to
14 use breathing to release negative emotions such as anger, sadness, fear, anxiety, and
15 worry, while leaving the students' minds relaxed and energized.

16 28. Plaintiff instructs students in Sudarshan Kriya, and offers different courses
17 to practitioners of varying ages and backgrounds.

18 29. The basics of Sudarshan Kriya are taught to students in Plaintiff's Art of
19 Living course.

20 30. In the Art of Living Course, Plaintiff also teaches other breathing
21 techniques, meditation, low-impact yoga, and skills for dealing effectively with
22 challenging emotions and situations.

23 31. The teachings and the mind, body, and emotional achievements of Ravi
24 Shankar are a foundational component of Plaintiff's Art of Living course.

25 32. Plaintiff also offers specialized courses that are designed for specific
26 segments of students. For example, Plaintiff offers an Art Excel course for students
27 between 8 years and 13 years, which teaches six basic principles of successful living
28 through innovative games and interactive processes. Plaintiff also offers its YES! For

1 Teens program, which provides teenagers with a comprehensive toolbox to manage their
2 own emotions and stress as well as to assist teenagers in dynamically navigating
3 adolescence with practical skills and knowledge. Plaintiff also offers a course that
4 targets those affected by HIV/AIDS.

5 33. While the registration process varies, individuals who wish to take a course
6 offered by Plaintiff must register and pay the course fee. The fee is typically \$250 for the
7 Art of Living Course, which teaches the basics of Sudarshan Kriya. The price for a
8 repeater course is typically \$50.

9 34. Plaintiff uses the money it raises through its course offerings to maintain its
10 facilities, to train new teachers for its courses, and to provide humanitarian aid and
11 community service.

12 **PLAINTIFF'S TRAINING OF ITS TEACHERS AND PLAINTIFF'S TRADE SECRETS**

13 35. An essential component of the success of Plaintiff's courses—including the
14 Art of Living course—is Plaintiff's training of its teachers.

15 36. Plaintiff's training of its teachers is an essential component for two reasons.
16 First, Plaintiff's breathing techniques take into account various physical and
17 psychological health considerations of the students, such as high blood pressure,
18 depression, and anxiety. Plaintiff trains its teachers to tailor the instruction of its courses
19 based on the students' conditions to ensure that the students' well-being is protected. In
20 Plaintiff's teachers are not able to teach Plaintiff's techniques—and in particular
21 Sudarshan Kriya—to students in an incremental and easily understandable manner,
22 Plaintiff's students will not only fail to achieve the goals of the course, but they could also
23 potentially face difficulties.

24 37. Second, Plaintiff enjoys a financial benefit from offering its courses. In
25 particular, Plaintiff enjoys a financial benefit from being the exclusive organization in the
26 United States that can teach its coursework—including Sudarshan Kriya—in a manner
27 that is accessible to and safe for its students. This financial benefit enables Plaintiff to
28

1 maintain its facilities, to train new teachers for its courses, and to provide humanitarian
2 aid and community service.

3 38. As a result of the importance of instructing Plaintiff's teachers, Plaintiff—in
4 consultation with Ravi Shankar—has developed detailed processes by which Plaintiff's
5 courses are to be taught.

6 39. In particular, Plaintiff has developed a detailed, incremental, and safe
7 process by which Sudarshan Kriya should be taught to students of varying aptitudes and
8 achievements.

9 40. These processes are contained in several written manuals developed by
10 Plaintiff in consultation with Ravi Shankar. These manuals include a) the Training Guide
11 Phase One, b) the Continuation Manual, and c) the Yes! Teacher Notes (collectively, the
12 "Manuals").

13 41. The teaching processes for Sudarshan Kriya have intentionally not been
14 memorialized in writing. Plaintiff has avoided creating a written manual specifically to
15 prevent the unlawful distribution of its Sudarshan Kriya teaching principles. Instead, the
16 teaching processes for Sudarshan Kriya are taught to Plaintiff's teachers through oral
17 presentations, in which the student-teachers may take written notes.

18 42. Plaintiff keeps the Manuals and the teaching processes for Sudarshan
19 Kriya strictly confidential.

20 43. Before student-teachers begin their training programs with Plaintiff, they are
21 told that the information they will receive must be kept in strict confidence to ensure: a)
22 the well-being of their students, b) the preservation of the integrity of Plaintiff's teachings,
23 and c) the financial benefit to Plaintiff from Plaintiff's coursework.

24 44. Student-teachers must agree not to disclose any of these materials or
25 information before they are permitted to take part in Plaintiff's teacher training programs.

26 45. Student-teachers must also agree not to disclose any notes they take
27 during their training program before they can take part in Plaintiff's teacher training
28 programs.

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1 46. This agreement by Plaintiff's student-teachers is a necessary prerequisite
2 to preserve the confidentiality of Plaintiff's Manuals and its teaching processes for
3 Sudarshan Kriya.

4 47. Without this agreement, Plaintiff's Manuals and its teaching processes for
5 Sudarshan Kriya could be made available to the public. Such a disclosure would not
6 only result in a financial loss for Plaintiff, but would also result in the dilution and/or the
7 tarnishing of Plaintiff's teachings. Moreover, the improper instruction of techniques like
8 Sudarshan Kriya could result in students having difficulties if improper and/or untailed
9 instructions are provided. Thus, Plaintiff has a significant interest in closely monitoring
10 the instruction of its courses.

11 **Plaintiff's Publication: The Breath Water Sound Manual**

12 48. Plaintiff has authored and published an informational booklet entitled the
13 Breath Water Sound Manual.

14 49. The Breath Water Sound Manual is used by Plaintiff in connection with its
15 Breath Water Sound course. The Breath Water Sound Manual explains some basic
16 teachings of Plaintiff, including some basic breath exercises, sound relaxation methods,
17 mediation techniques, tools for healthy living, and effective processes to work together as
18 a community.

19 50. Plaintiff published the Breath Water Sound Manual on June 1, 2003.

20 51. On October 19, 2010, Plaintiff applied to the United States Copyright Office
21 for a copyright registration for the Breath Water Sound Manual. As of the date of the
22 complaint, Plaintiff's application remains pending.

23 **Defendants' Misconduct**

24 52. The true identities of Defendants are unknown at this time.

25 53. On information and belief, Defendants are disgruntled student-teachers
26 and/or students of Plaintiff, AoL, and/or Ravi Shankar.

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1 54. On information and belief, in or around November 2009, Defendants started
2 the blog entitled “Leaving the Art of Living” and located at <artoflivingfree.blogspot.com>
3 (the “Blogspot Blog”).

4 55. On information and belief, in or before November 2010, Defendants started
5 the blog entitled Beyond the Art of Living and located at <aolfree.wordpress.com> (the
6 “Wordpress Blog”; the Blogspot Blog and the Wordpress Blog are referred to collectively
7 as the “Blogs”).

8 56. With few exceptions the Blogs have remained active and accessible
9 through the Internet since their creation.

10 57. The ostensible purposes of the Blogs are to provide former students of
11 Plaintiff and those doubting Plaintiff’s teachings a space to heal, find answers, and
12 understand the processes they went through as “members” and “drop-outs.”

13 58. In fact, the Blogs are used by Defendants to publish falsehoods about
14 Plaintiff, to misappropriate Plaintiff’s trade secrets, and to infringe on Plaintiff’s
15 copyrighted materials.

16 59. The Blogs are viewed by thousands of people each month, and on
17 information and belief have a significant influence on viewers’ perception of Plaintiff and
18 Plaintiff’s teachings.

19 60. Defendants operate and contribute to the Blogs at least under the fictitious
20 name Skywalker, and possibly under additional fictitious names.

21 61. Defendants have been regular publishers on the Blogs, contributing
22 numerous posts and comments about Plaintiff.

23 62. Many of Defendants’ statements are false and completely fabricated. They
24 have been published for the overt purpose of destroying the reputations of Plaintiff and
25 Ravi Shankar.

26 63. The Blogs have had their intended effect: on information and belief,
27 thousands of viewers of the Blogs have been misled about Plaintiff and its services and
28 teachings.

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1 64. Plaintiff has received numerous inquiries from its students about the
2 truthfulness of the statements on the Blogs. Many of these students have expressed
3 anger, frustration, or outrage to Plaintiff based on the Blogs' false statements.

4 65. In addition to publishing false and defamatory statements on the Blogs,
5 Defendants have posted Plaintiff's confidential, trade-secret information.

6 66. Specifically, Defendants posted on the Blogs the full text of the Manuals.

7 67. Additionally, Defendants posted on the Blogs a link to a written description
8 of Plaintiff's processes for teaching Sudarshan Kriya, which as discussed above, Plaintiff
9 holds in the strictest confidence.

10 68. On information and belief, the highly confidential Manuals were viewed by
11 thousands of people on the Blogs, as was the highly confidential written description of
12 Plaintiff's processes for teaching Sudarshan Kriya.

13 69. Additionally, Defendants published on the Blogs the full text of the Breath
14 Water Sound Manual. On information and belief, the Breath Water Sound Manual was
15 viewed by thousands of people on the Blogs before Plaintiff was able to get it removed
16 through a Digital Millennium Copyright Act takedown notice.

17 70. On information and belief, each of the Defendants has conspired and
18 worked with the others to engage in the above-described misconduct, with the shared
19 objective of harming Plaintiff, AoL, and Ravi Shankar.

20 71. As a result of Defendants' misconduct, Plaintiff has been substantially
21 harmed.

22 72. Due to continuing presence of the Blogs, and their false and defamatory
23 statements, Plaintiff continues to suffer irreparable injury.

24 **FIRST CLAIM FOR RELIEF**
25 **(COPYRIGHT INFRINGEMENT, VICARIOUS COPYRIGHT INFRINGEMENT,**
26 **AND CONTRIBUTORY COPYRIGHT INFRINGEMENT 17 U.S.C. §501 et seq.**
27 **AGAINST ALL DOE DEFENDANTS OPERATING AS OR WITH**
28 **ANONYMOUS DEFENDANT SKYWALKER)**

73. Plaintiff repeats and incorporates by reference the allegations in
Paragraphs 1-72 above.

1 74. Defendants have reproduced and displayed on the Blogs the Breath Water
2 Sound Manual.

3 75. Defendants' reproduction and display of the Breath Water Sound Manual
4 constitutes copyright infringement and/or vicarious copyright infringement and/or
5 contributory copyright infringement.

6 76. The Breath Water Sound Manual is an original, creative work in which
7 Plaintiff owns protectable copyright interests.

8 77. Plaintiff first published the Breath Water Sound Manual on June 1, 2003.

9 78. Plaintiff has used the Breath Water Sound Manual to explain the teachings
10 of Plaintiff, including some basic breath exercises, sound relaxation methods, mediation
11 techniques, tools for healthy living, and effective processes to work together as a
12 community.

13 79. Plaintiff owns the copyright for the Breath Water Sound Manual and has
14 filed an application to register this copyright with the United States Register of
15 Copyrights.

16 80. Plaintiff served notice of this action on the Register of Copyright at the
17 same time Plaintiff filed its original complaint with the Court, and thus Plaintiff is entitled
18 to maintain this action for copyright infringement.

19 81. Plaintiff has not licensed Defendants to use the Breath Water Sound
20 Manual in any manner, nor has Plaintiff assigned any of its exclusive rights in the
21 copyright to Defendants.

22 82. Without permission or authorization from Plaintiff, and in willful violation of
23 Plaintiff's rights under 17 U.S.C. §106, Defendants reproduced and displayed Plaintiff's
24 Breath Water Sound Manual on the Blogs.

25 83. On information and belief, Defendants had knowledge of the copyright
26 infringement alleged herein and had the ability to stop the reproduction and display of
27 Plaintiffs copyrighted materials.

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1 84. On information and belief, thousands of users of the Blogs viewed the
2 unlawful copies of the Breath Water Sound Manual.

3 85. Defendants' copyright infringement has damaged Plaintiff in an amount to
4 be proved at trial.

5 86. Also as a result of Defendants' infringement, Plaintiff has suffered injury of
6 an irreparable nature.

7 **SECOND CLAIM FOR RELIEF**
8 **(MISAPPROPRIATION OF TRADE SECRETS, Civ. C. §3426 *et seq.***
9 **AGAINST ALL DOE DEFENDANTS OPERATING AS OR WITH**
10 **ANONYMOUS DEFENDANT SKYWALKER)**

11 87. Plaintiff repeats and incorporates by reference the allegations in
12 Paragraphs 1-86 above.

13 88. Plaintiff possesses information that derives independent economic value,
14 actual or potential, from not being generally known to the public or to other persons who
15 can obtain economic value from its disclosure and is the subject of efforts that are
16 reasonable under the circumstances to maintain its secrecy.

17 89. Plaintiff's information constitutes a trade secret under California Civil Code
18 section 3426 *et seq.*

19 90. Plaintiff's trade secret information is contained in Plaintiff's Manuals,
20 namely a) the Training Guide Phase One, b) the Continuation Manual, and c) the Yes!
21 Teacher Notes.

22 91. Additionally, Plaintiff's trade secret information is contained in Plaintiff's
23 teaching processes for Sudarshan Kriya. Plaintiff has avoided creating a written
24 document describing these processes specifically to prevent the unlawful distribution of
25 Plaintiff's Sudarshan Kriya teaching principles.

26 92. Plaintiff's trade secret information provides Plaintiff with an independent
27 economic value because Plaintiff is the sole U.S. organization that is able to teach its
28 breathing, thought, mediation, and yoga principles including Sudarshan Kriya, in a safe

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1 and understandable manner. The trade secret information is instrumental in allowing
2 Plaintiff to effect these teachings.

3 93. But for Plaintiff's efforts to keep this trade secret information confidential,
4 others could employ Plaintiff's teaching techniques, which would not only reduce
5 Plaintiff's registration revenues, but would also tarnish Plaintiff's teachings. Misuse of
6 Plaintiff's trade secret materials could cause students not to comprehend Plaintiff's
7 teachings or for the teachings to result in difficulties for the students.

8 94. Plaintiff has engaged in diligent efforts to keep its trade secrets confidential,
9 including by requiring all student-teachers to agree to maintain the confidentiality of these
10 materials.

11 95. On information and belief, Defendants are former student-teachers of
12 Plaintiff.

13 96. On information and belief, Defendants agreed to keep Plaintiff's trade
14 secret information confidential, and only to use Plaintiff's trade secret information to
15 instruct Plaintiff's students.

16 97. On information and belief, Defendants conspired with each other to publish
17 Plaintiff's trade secret information on the Blogs, including the publishing of a) the Training
18 Guide Phase One, b) the Continuation Manual, and c) the Yes! Teacher Notes.

19 98. Additionally, on information and belief, Defendants conspired to publish on
20 the Blogs a link to a written summary of Plaintiff's teaching processes for Sudarshan Kriya.

21 99. Defendants have acquired Plaintiff's trade secrets knowing or having
22 reason to know that the trade secrets were acquired by improper means.

23 100. Defendants have disclosed and used Plaintiff's trade secrets without the
24 express or implied consent of Plaintiff, having used improper means to acquire
25 knowledge of the trade secrets and at the time of the disclosure and use.

26 101. Defendants have disclosed and used Plaintiff's trade secrets without the
27 express or implied consent of Plaintiff, and having at the time of the disclosure and use,
28 knowledge or a reason to know that their knowledge of Plaintiff's trade secrets had been

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1 derived from or through a person who had utilized improper means to acquire the trade
2 secrets.

3 102. Defendants have disclosed and used Plaintiff's trade secrets without the
4 express or implied consent of Plaintiff, and having at the time of the disclosure and use,
5 had knowledge or reasons to know that their knowledge of the trade secret was acquired
6 under circumstances giving rise to a duty to maintain their secrecy or limit their use.

7 103. Defendants have disclosed and used Plaintiff's trade secrets without the
8 express or implied consent of Plaintiff, and having at the time of the disclosure and use,
9 had knowledge or reasons to know that their knowledge of the trade secrets derived from
10 or through a person who owed a duty to Plaintiff to maintain their secrecy or limit their
11 use.

12 104. As a result of Defendants' misappropriation of Plaintiff's trade secrets,
13 Plaintiff was substantially harmed in an amount to be proved at trial.

14 105. Also as a result of Defendants' misappropriation of Plaintiff's trade secrets,
15 Plaintiff has suffered injury of an irreparable nature.

16 **PRAYER FOR RELIEF**

17 **WHEREFORE**, Plaintiff respectfully requests judgment as follows:

- 18 1. That the Court enter a judgment finding that:
 - 19 a. Defendants have infringed on Plaintiff's copyright in the Breath
 - 20 Sound Water Manual;
 - 21 b. Defendants have misappropriated Plaintiff's trade secrets;
- 22 2. That the Court award damages and monetary relief as follows:
 - 23 a. Damages in an amount to be determined at trial, including the actual
 - 24 damages suffered by Plaintiff and the wrongful profits earned by
 - 25 Defendants under 17 U.S.C. §501(b);
 - 26 b. Compensatory damages and unjust enrichment and/or a reasonable
 - 27 royalty under Civ. C. section 3426.3, including exemplary damages
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- of two times the amount found as actual damages and unjust enrichment;
- c. Plaintiff's attorneys' fees under Civ. C. section 3426.4 and 17 U.S.C. §505;
- d. Plaintiff's costs;
- 3. Such other relief that the Court determines is just and proper.

Respectfully Submitted,

DATED: July 14, 2011

KRONENBERGER BURGOYNE, LLP

By: s/ Karl S. Kronenberger
Karl S. Kronenberger

Attorneys for Plaintiff
Art of Living Foundation

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REQUEST FOR JURY TRIAL

Plaintiff hereby demands a trial of this action by jury.

DATED: July 14, 2011

KRONENBERGER BURGOYNE, LLP

By: s/ Karl S. Kronenberger
Karl S. Kronenberger

Attorneys for Plaintiff
Art of Living Foundation

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