

CIVIL COVER SHEET

JS44

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 the 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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFF

Advantus Capital Management, Inc.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANT

Adventus Asset Management, LLC

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT KENT
(IN U.S. PLAINTIFF CASES ONLY)

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

(c) ATTORNEYS FIRM NAME, ADDRESS AND PHONE NO.

Arthur G. Connolly, Jr.
Arthur G. Connolly, III
Connolly Bove Lodge & Hutz -1007 N. Orange Street
Wilmington, DE 19801 (302) 658-9141

ATTORNEYS (IF KNOWN)

DAVID PIKUS
Bressler, AMERY & ROSS PC
17 State Street
NEW YORK, NY 10004

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- 1 U. S. Government Plaintiff [X]3 Federal Question (U. S. Government Not A Party)
- 2 U. S. Government Defendant 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)

	PTF	DEF		PTF	DEF
Citizen of This State	[] 1	1	Incorporated or Principal Place of Business in This State	[] 4	4
Citizen of Another State	2	[] 2	Incorporated and Principal Place of Business in Another State	5	[]
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- [X]1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Another District (specify) 6 Multidistrict Litigation

Appeal to District Judge from 7 Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	362 Personal Injury - Med. Malpractice	610 Agriculture	422 Appeal	400 State Reapportionment
120 Marine	310 Airplane	365 Personal Injury - Product Liability	620 Other Food & Drug	443 Withdrawal	410 Antitrust
130 Miller Act	315 Airplane Product Liability	366 Asbestos Personal Injury Product Liability	625 Drug Related Seizure of Property 21 USC 881	28 USC 157	430 Banks and Banking
140 Negotiable Instrument	320 Assault, Libel & Slander	PERSONAL PROPERTY	630 Liquor Laws	PROPERTY RIGHTS	450 Commerce/ICC Rates/etc.
150 Recovery of Overpayment & Enforcement of Judgment	330 Federal Employers' Liability	370 Other Fraud	640 R.R. & Truck	820 Copyrights	460 Deportation
151 Medicare Act	340 Marine	371 Truth in Lending	650 Airline Regs.	830 Patent	470 Racketeer Influenced and Corrupt Organizations
152 Recovery of Defaulted Student Loans (Excl. Veterans)	345 Marine Product Liability	380 Other Personal	660 Occupational Safety/Health	840 Trademark	810 Selective Service
153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	385 Property Damage Product Liability	690 Other	SOCIAL SECURITY	850 Securities/commodities/Exchange
160 Stockholders' Suits	355 Motor Vehicle	PRISONER PETITIONS	LABOR	861 HIA (1395ff)	875 Customer Challenge
190 Other Contract	360 Other Personal Injury	510 Motions to Vacate Sentence	710 Fair Labor Standards Act	862 Black Lung (923)	12 USC 3410
195 Contract Product Liability	CIVIL RIGHTS	Habeas Corpus:	720 Labor/Mgmt. Relations	863 DIWC/DIWW (405(g))	891 Agricultural Acts
REAL PROPERTY	441 Voting	General	730 Labor/Mgmt. Reporting & Disclosure Act	864 SSID Title XVI	892 Economic Stabilization Act
210 Land Condemnation	442 Employment	530 Death Penalty	740 Railway Labor Act	865 RSI (405(g))	893 Environmental Matters
220 Foreclosure	443 Housing/Accommodations	540 Mandamus & Other	790 Other Labor Litigation	FEDERAL TAX SUITS	894 Energy Allocation Act
230 Rent Lease & Ejectment	440 Other Civil Rights		791 Empl. Ret. Inc. Security Act	870 Taxes (U.S. Plaintiff or Defendant)	895 Freedom of Information Act
240 Torts to Land				871 IRS - Third Party	900 Appeal of Fee Determination Under Equal Access to Justice
245 Tort Product Liability				26 USC 7609	950 Constitutionality of State Statutes
290 All Other Real Property					<input checked="" type="checkbox"/> 890 Other Statutory Actions

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

(1) Trademark Infringement 15 U.S.C. § 1114; (2) 15 U.S.C. § 1051-1127 Unfair Competition

VII REQUESTED IN COMPLAINT:

X DEMAND \$ Damages and Injunctive relief
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:
JURY DEMAND: YES NO

VIII RELATED CASE(S) IF ANY (See instructions)

JUDGE _____ DOCKET NUMBER _____

DATE June 13, 2005 SIGNATURE OF ATTORNEY OF RECORD _____

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.C.P., which requires that jurisdiction 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; 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. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause.

V. 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 IV above, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

VI. Origin. Place an "X" in one of the seven 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 of 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.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

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 dollar amount (in thousands of dollars) 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.