

# The Roth Law Firm, PLLC

**FOR IMMEDIATE RELEASE**

## **FEDERAL COURT JUDGE GRANTS MOTION THROWING OUT CASE BROUGHT BY DESTINY USA**

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(Syracuse, NY): Late last week a federal court judge threw out a trademark infringement claim brought by Destiny USA, developer of a \$1 billion mega energy friendly development in Syracuse, New York against another eco-friendly Florida community, telling Destiny USA it must sue in Florida and not New York.

Destiny USA is a planned 75 million square foot retail destination in or about the Carousel Center which is to offer dining, accommodations, entertainment, vacation and research dedicated to renewable energy products. It commenced an action in the United States District Court in Syracuse, New York, claiming that Destiny Florida, an eco-friendly self sustainable community, was infringing on its trademark and causing confusion. Destiny Florida moved to dismiss the matter, claiming there was no personal jurisdiction. The court, in a strongly worded 25 page decision, threw out the litigation, holding that Plaintiffs' attempt to obtain jurisdiction over Defendants is "woefully inadequate."

**Richard A. Roth, Esq.**, of **The Roth Law Firm, PLLC**, attorneys for Destiny Florida, stated he was pleased with the decision, coining a sports terminology: "the Court sent this case to "our house," which is a tremendous result." **Roth** went on to state: "everyone in upstate New York knows Destiny USA and what it is trying to do in Syracuse. The result takes the decision maker from a local jury to a jury in middle-Florida who knows nothing about the Syracuse mega-development. While the game has yet to begin, having literally home Court advantage was a very large first step to winning this litigation."

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**The Roth Law Firm, PLLC**  
545 Fifth Avenue, Suite 960, New York, NY  
(212) 542-8882  
[www.rrothlaw.com](http://www.rrothlaw.com)

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For further information, contact Becci Nottage at [becci@rrothlaw.com](mailto:becci@rrothlaw.com).  
The Roth Law Firm, PLLC, focuses in the litigation of securities, commercial, employment and sports/entertainment matters. The firm is located at 545 Fifth Avenue, Suite 960, New York, New York 10017, (212) 542-8882.

