

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

VERIZON MARYLAND INC.
1 East Pratt Street
Baltimore, Maryland 21202,

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Jury Trial Demanded

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and

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Case No.

VERIZON TRADEMARK SERVICES LLC
1320 North Court House Road
Arlington, Virginia 22201

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VERIZON LICENSING COMPANY
Corporation Trust Center
1209 Orange Street
Wilmington, Delaware 19801

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Plaintiffs,

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vs.

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2COOL GUYS.LLC
3620 Raymond St.
Chevy Chase, Maryland 20815,
Serve: Arnold Trebach
resident agent,
3620 Raymond St.
Chevy Chase, Maryland 20815

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and

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WARREN WEITZMAN
7107 Thomas Branch Dr.
Bethesda, Maryland 20817,

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and

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ARNOLD TREBACH
3620 Raymond St.
Chevy Chase, Maryland 20815

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and

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DOES 1-10,

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Defendants.

COMPLAINT

Plaintiffs, VERIZON MARYLAND INC., VERIZON TRADEMARK SERVICES LLC, and VERIZON LICENSING COMPANY (collectively “Plaintiffs”), by and through their attorneys, file their complaint against 2COOL GUYS.LLC [sic], WARREN WEITZMAN, ARNOLD TREBACH and DOES 1-10 (collectively “Defendants”), for injunctive relief and damages as follows:

Subject Matter Jurisdiction and Venue

1. This is an action for cybersquatting under 15 U.S.C. § 1125(d). This Court has subject matter jurisdiction over the claims pursuant to 15 U.S.C. § 1121, and 28 U.S.C. §§ 1331 and 1338.

2. Venue is proper in this Judicial District as to 2Cool Guys.LLC (“2Cool Guys”) pursuant to 28 U.S.C. § 1391(c) and 28 U.S.C. § 1391(b)(1) as 2Cool Guys is a limited liability company formed under the laws of the State of Maryland.

3. Venue is proper in this Judicial District as to Warren Weitzman and Arnold Trebach pursuant to 28 U.S.C. § 1391(b)(1) as they reside within this District.

Parties and Personal Jurisdiction

4. Plaintiff Verizon Maryland Inc. is a Maryland corporation with its principal place of business in Baltimore, Maryland (“Verizon Maryland”).

5. Plaintiff Verizon Trademark Services LLC is a Delaware limited liability company with its principal place of business in Arlington, Virginia (“Verizon Trademark Services”).

6. Plaintiff Verizon Licensing Company is a Delaware corporation with its principal place of business in Arlington, Virginia (“Verizon Licensing”).

7. Plaintiffs are informed and believe, and on that basis allege, that Defendant 2Cool Guys is a limited liability company formed under the laws of the State of Maryland. This Court has personal jurisdiction over 2Cool Guys because it resides in this district, in Montgomery County, and conducts business within this district.

8. Plaintiffs are informed and believe, and on that basis allege, that Defendants Warren Weitzman and Arnold Trebach are individuals residing in Maryland. This Court has personal jurisdiction over Warren Weitzman and Arnold Trebach because they reside within this district, in Montgomery County.

9. Plaintiffs are not aware of the true names and capacities of Defendants named in this Complaint as Does 1-10, inclusive, and therefore bring this action against these Defendants by such fictitious names. Plaintiffs will amend this Complaint to allege these Defendants' true names and capacities when ascertained.

10. 2Cool Guys, Warren Weitzman and Arnold Trebach each are working together or have worked together as a single entity, and in collusion with each other, for the purpose of perpetrating the unlawful activities complained of in this Complaint.

11. At all times material to this action, each of the Defendants was the agent, servant, employee, partner, alter ego, subsidiary, or joint venturer of each of the other Defendants, and the acts of each Defendant were in the scope of such relationship; in doing the acts and failing to act as alleged in this Complaint, each of the Defendants acted with the knowledge, permission, and the consent of each of the other Defendants; and each of the Defendants aided and abetted the other Defendants in the acts or omissions alleged in this Complaint.

The Businesses of Plaintiffs

(a) Plaintiffs' Use of the VERIZON and VERIZON WIRELESS Trademarks

12. In 2000, Bell Atlantic Corporation and GTE Corporation merged to form Verizon Communications Inc. (“Verizon Communications”). Today, Verizon Communications, its subsidiaries and affiliates, including Plaintiffs Verizon Maryland, Verizon Trademark Services and Verizon Licensing, form one of the largest, most well-known telecommunications companies in the world. Verizon Communications’ subsidiaries (collectively referred to as the “Verizon Companies”) provide a full array of communications and entertainment product and service offerings, including local, long distance, and wireless telephone services; Internet access; television services; telephones; and related equipment. The Verizon Companies have extensive operations in the United States and some of the Verizon Companies also have operations throughout the world.

13. A publicly traded company on the New York Stock Exchange, Verizon Communications, a Dow 30 company, in 2008 generated consolidated operating revenues of over ninety-seven billion dollars (\$97,000,000,000.00). The Verizon Companies employ a diverse workforce of more than two hundred and thirty five thousand (235,000) employees.

14. Verizon Trademark Services owns the VERIZON and VERIZON WIRELESS trademarks and trade names, as well as logo versions that include a “V Design” above or to the left of the word marks VERIZON and VERIZON WIRELESS (collectively, the “VERIZON Marks”).

15. Verizon Licensing is the exclusive licensor of the VERIZON Marks and has granted, directly or indirectly, licenses to use the VERIZON Marks to its parent company, Verizon Communications, and to the various Verizon Companies.

16. The VERIZON Marks were publicized as early as the first week in April 2000, when Cellco Partnership d/b/a Verizon Wireless, then doing business as Bell Atlantic Mobile, began doing business as “Verizon Wireless.” Upon the launch of Verizon Wireless, on or about April 3, 2000, the VERIZON WIRELESS name and trademark and related logos were featured on the Internet, in television and radio advertisements, and in stories published in major newspapers throughout the United States.

17. The Verizon Companies have offered and provided a full array of communications and entertainment products and services under the VERIZON Marks.

18. Currently, the Verizon Companies’ wireline business uses the VERIZON Marks in connection with the provision of telephone and broadband products and services to consumer and business customers in twenty five (25) states (including Maryland, where such products and services are provided by Plaintiff Verizon Maryland) and the District of Columbia, serving a territory consisting of more than thirty four (34) million access lines and nine (9) million broadband connections. The telephone and broadband products and services offered by the Verizon Companies include voice and data transport, enhanced and custom calling features, network access, directory assistance, private lines, public telephones, nationwide long distance services, customer premises equipment distribution, data solutions and systems integration, billing and collections, Internet access services and inventory management services. The Verizon Companies’ wireline business also provides entertainment products and services, including digital television, video on demand and online games. Additionally, some of the Verizon Companies provide telephone and broadband products and services to customers outside of the United States.

19. The VERIZON Marks are widely known and recognized among consumers and members of the telecommunications industry.

20. The VERIZON Marks are unique and distinctive and, as such, designate a single source of origin.

21. The Verizon Companies spend and have spent many millions of dollars each year since 2000 to extensively advertise and promote VERIZON and VERIZON WIRELESS branded products and services in the United States through a variety of media, including television, radio, print advertisements, direct mail, trade shows, conferences, and the Internet.

22. As a result of the Verizon Companies' extensive and exclusive use, the VERIZON Marks have developed extensive goodwill in the market and are extremely valuable to the Verizon Companies. Verizon Companies expend substantial effort and expense to protect the VERIZON Marks and the VERIZON Marks' distinctiveness in the marketplace.

23. Having been widely promoted to the general public, and having exclusively identified the Verizon Companies and their products and services, the VERIZON Marks symbolize the tremendous goodwill associated with the Verizon Companies and are a property right of incalculable value. Further, the VERIZON Marks have long enjoyed unquestionable fame as a result of favorable general public acceptance and recognition.




24. The VERIZON and VERIZON WIRELESS marks are famous marks protected under 15 U.S.C. § 1125(c).



25. The Verizon Companies' main Internet websites using the VERIZON Marks and featuring information on many of the products and services of the Verizon Companies can be accessed via the domain names verizon.com, verizon.net, and verizonwireless.com. Printouts

from the websites at verizon.com, verizon.net and verizonwireless.com evidencing such use of the VERIZON Marks are attached as Exhibit A.

26. The VERIZON Marks are valid and enforceable trademarks.

27. Verizon Trademark Services owns the following United States trademark registrations for its various VERIZON Marks:

Trademark	Reg. No.	Goods/Services	Reg. Date
VERIZON	2,886,813	Various goods and services in Int'l Classes 9, 16, 35, 36, 37, 38, 41, and 42.	9/21/04
VERIZON	3,085,712	Various goods and services in Int'l Classes 9, 38, and 41.	4/25/06
	2,879,802	Various goods and services in Int'l Classes 9, 16, 35, 36, 37, 38, 41, and 42.	8/31/04
VERIZON WIRELESS	3,077,271	Various goods and services in Int'l Classes 9, 16, 35, 36, and 38.	4/4/06
	2,884,027	Various goods and services in Int'l Class 38.	9/14/04
	3,077,269	Various goods and services in Int'l Class 9.	4/4/06
VERIZON WIRELESS	3,657,287	Various goods in Int'l Class 9.	7/21/09

Trademark	Reg. No.	Goods/Services	Reg. Date
	3,657,677	Various goods and services in Int'l Classes 9 and 35.	7/21/09
	3,660,522	Various services in Int'l Class 35.	7/28/09

Copies of the registration certificates for each registration are attached to this Complaint as Exhibit B.

28. Verizon Trademark Services owns a family of VERIZON trademarks. In addition to the registrations for the VERIZON Marks listed above, Verizon Companies use other VERIZON-formative marks, including, for example, VERIZON AVENUE, VERIZON BUSINESS, VERIZON EXPERIENCE, VERIZON FIOS, VERIZON FREEDOM, and VERIZON PLUS.

The Businesses of Defendants

(a) Defendants' Concealment of their Identities

29. Plaintiffs are informed and believe, and on that basis allege, that Defendants employ various means to conceal their true identities and involvement in the registration, use, or trafficking of domain names, including by conducting business using the names of several shell entities created to shield Defendants from individual liability for their unlawful conduct.

30. Plaintiffs are informed and believe, and on that basis allege, that Defendants conduct business using the alias 2Cool Guys.LLC.

31. Plaintiffs are informed and believe, and on that basis allege, that Defendants conduct business using the alias Caramba LLC.

32. Plaintiffs are informed and believe, and on that basis allege, that Defendants conduct business using the aliases IDC and/or Internet Development Corp.

33. Plaintiffs are informed and believe, and on that basis allege, that Defendants also conceal their identities by using the registrar Lead Networks Private Domains Limited (“Lead Networks”).

34. Plaintiffs are informed and believe, and on that basis allege, that Lead Networks provides a service to assist owners of infringing domain names in concealing their true identities.

35. Plaintiffs are informed and believe, and on that basis allege, that Lead Networks provides a service to assist owners of infringing domain names in avoiding the domain name transfers ordered under the Uniform Domain Name Dispute Resolution Policy (“UDRP”).

36. Plaintiffs are informed and believe, and on that basis allege, that Defendants register and hold the majority of their domain names through the registrar eNom, Inc (“eNom”).

37. Plaintiffs are informed and believe, and on that basis allege, that Defendants register and hold through the registrar Lead Networks only those domain names that may infringe third-party trademarks. A list of some of these potentially infringing domain names, historic and current WHOIS data showing the transfer of these domain names from Defendants’ account at eNom to Lead Networks, and the trademark registrations for the marks that are confusingly similar to these names are attached to this Complaint as Exhibit C.

(b) Defendants’ Registration and Use of Verizon Infringing Domain Names

38. Plaintiffs are informed and believe, and on that basis allege, that Defendants have registered the domain name varizon.com. A printout of the historic WHOIS ownership record for

varizon.com, showing 2Cool Guys, LLC and Arnold Trebach as the registrant and listing the email address warren@warren.com is attached to this Complaint as Exhibit D.

39. Plaintiffs are informed and believe, and on that basis allege, that Defendants have registered the domain name vierzon.com. A printout of the historic WHOIS ownership record for vierzon.com showing IDC and Warren Weitzman as the registrant and listing the email address warren@warren.com is attached to this Complaint as Exhibit E.

40. Plaintiffs are informed and believe, and on that basis allege, that Defendants have registered the domain name virazon.com. A printout of the historic WHOIS ownership record for virazon.com showing IDC and Internet Development Corp as the registrant and listing the email address caramballc@gmail.com is attached to this Complaint as Exhibit F.

41. Plaintiffs are informed and believe, and on that basis allege, that the domain names varizon.com, vierzon.com, and virazon.com (the “Infringing Domain Names”) are identical or confusingly similar to the VERIZON Marks.

42. Plaintiffs are informed and believe, and on that basis allege, that for commercial gain, Defendants have used the Infringing Domain Names to divert customers from Plaintiffs’ online locations.

43. Plaintiffs are informed and believe, and on that basis allege, that Defendants use or used the Infringing Domain Names to host websites that display advertising links to commercial websites. Historic screen captures available from third-party Internet archives of websites hosted at varizon.com and virazon.com are attached to this Complaint as Exhibit G.

44. Plaintiffs are informed and believe, and on that basis allege, that the type of website that predominantly displays advertising links to commercial websites is commonly

called a “pay-per-click” website because the owner or operator of the website receives money when Internet users click on the links or advertisements that appear on that web page.

45. Plaintiffs are informed and believe, and on that basis allege, that Defendants use or used the services of commercial domain name parking companies to provide advertising links to receive payments from “pay-per-click” websites hosted on the Infringing Domain Names.

46. Plaintiffs are informed and believe, and on that basis allege, that many of the websites hosted at the Infringing Domain Names offer goods or services that are identical or directly competitive with those provided by Plaintiffs.

47. Plaintiffs are informed and believe, and on that basis allege, that Defendants register and use numerous Internet domain names which are confusingly similar to famous or distinctive trademarks owned by others.

Harm to Plaintiffs and the General Public

48. Plaintiffs are informed and believe, and on that basis allege, that Defendants’ unauthorized registration and use of the Infringing Domain Names creates a likelihood of confusion as to the source, sponsorship, affiliation or endorsement of the Infringing Domain Names, and is likely to falsely suggest a sponsorship, connection, license, or association of Defendants, and the Infringing Domain Names, with Plaintiffs.

49. Plaintiffs are informed and believe, and on that basis allege, that Defendants’ activities have irreparably harmed and, if not enjoined, will continue to irreparably harm Plaintiffs and their long-used and federally registered VERIZON Marks.

50. Plaintiffs are informed and believe, and on that basis allege, that Defendants’ activities have irreparably harmed, and if not enjoined, will continue to irreparably harm the general public who has an inherent interest in being free from confusion, mistake, and deception.

First Cause of Action

[Cybersquatting on the Plaintiffs' Marks Under 15 U.S.C. § 1125(d)]

51. Plaintiffs reallege and incorporate by reference the paragraphs above as though fully set forth here.

52. Plaintiffs are informed and believe, and on that basis allege, that Defendants registered and used the Infringing Domain Names.

53. The Plaintiffs' VERIZON Marks were distinctive and federally registered at the USPTO at the time Defendants registered and used the Infringing Domain Names.

54. The Infringing Domain Names are confusingly similar to the VERIZON Marks.

55. Plaintiffs are informed and believe, and on that basis allege, that Defendants registered, trafficked in, or used the Infringing Domain Names in bad faith and with a bad faith intent to profit from the goodwill long established by Plaintiffs in the Plaintiffs' VERIZON Marks.

56. Defendants do not have any intellectual property rights or any other rights in the Plaintiffs' VERIZON Marks.

57. Plaintiffs are informed and believe, and on that basis allege, that none of the Infringing Domain Names consist of the legal name of any Defendants, nor a name that is otherwise commonly used to identify any Defendants.

58. Plaintiffs are informed and believe, and on that basis allege, that Defendants have not made any prior use of any of the Infringing Domain Names in connection with the *bona fide* offering of any goods or services.

59. Plaintiffs are informed and believe, and on that basis allege, that Defendants have not made any *bona fide* fair use of the Plaintiffs' VERIZON Marks on a website accessible under any of the Infringing Domain Names.

60. Plaintiffs are informed and believe, and on that basis allege, that Defendants registered and used the Infringing Domain Names to divert consumers from Plaintiffs' websites to websites accessible under the Infringing Domain Names for Defendants' commercial gain by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of these websites.

61. Defendants' registration, use, or trafficking in the Infringing Domain Names constitutes cybersquatting in violation of 15 U.S.C. § 1125(d), entitling Plaintiffs to relief.

62. The Defendants engaged in the activities complained of above with a bad faith intent to profit from the registration or maintenance of the Infringing Domain Names.

63. By reason of Defendants' acts alleged herein, Plaintiffs' remedy at law is not adequate to compensate them for the injuries inflicted by Defendants. Accordingly, Plaintiffs are entitled to preliminary and permanent injunctive relief pursuant to 15 U.S.C. § 1116.

64. By reason of Defendants' acts alleged herein, Plaintiffs are entitled to recover Defendants' profits, actual damages and the costs of the action, or statutory damages under 15 U.S.C. § 1117, on election by Plaintiffs, in an amount of one hundred thousand dollars (\$100,000) per domain name infringement.

65. This is an exceptional case making Plaintiffs eligible for an award of attorneys' fees under 15 U.S.C. § 1117.

Request For Relief

Therefore, Plaintiffs respectfully request judgment as follows:

1. That the Court enter a judgment that all Defendants:
 - a) have violated the rights of Plaintiffs in the VERIZON Marks in violation of 15 U.S.C. § 1125(d);
 - b) be ordered to transfer every domain name they own which is identical or confusingly similar to the VERIZON Marks to Plaintiff Verizon Trademark Services;
2. That Defendants, their agents, representatives, employees, assigns and suppliers, and all persons acting in concert or privity with Defendants be preliminarily and permanently enjoined from the following activities:
 - a) Registering or using, in any manner, any Internet domain name that incorporates, in whole or in part, the VERIZON Marks, or any name, mark or designation confusingly similar thereto;
 - b) Using any of the VERIZON Marks, or any other name, mark, designation or depiction in a manner that is likely to cause confusion regarding whether Defendants are affiliated or associated with or sponsored by Plaintiffs;
 - c) Registering any Internet domain name that incorporates, in whole or in part, the VERIZON Marks, or any name, mark or designation confusingly similar thereto;
 - d) Registering any domain name without providing complete and accurate contact information, including Defendants' full legal name as the registrant, and not maintaining complete and accurate contact information, including Defendants' full legal name as the registrant;
 - e) Cybersquatting against Plaintiffs or any violation of Plaintiffs' trademark rights; and

- f) Assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs 2(a) through 2(e) above;
3. That Defendants be ordered to engage in corrective advertising to the extent necessary to correct any consumer confusion or misperceptions resulting from Defendants' unlawful acts complained of above;
 4. That Defendants be ordered to account to Plaintiffs for, and disgorge, all profits they have derived by reason of the unlawful acts complained of above;
 5. That Defendants be ordered to pay damages, and that those damages be trebled, under 15 U.S.C. § 1117;
 6. That Defendants be ordered to pay statutory damages under 15 U.S.C. § 1117(d), on election by Plaintiffs, in an amount of One Hundred Thousand Dollars (\$100,000) per domain name infringement;
 7. That Defendants be ordered to pay Plaintiffs' reasonable attorney fees, prejudgment interest, and costs of this action under 15 U.S.C. § 1117;
 8. That Defendants be ordered to file with the Court and serve upon Plaintiffs a written report under oath setting forth in detail the manner and form in which Defendants have complied with the injunction and judgment within thirty (30) days after the service of the injunction and judgment upon Defendants; and
 9. That Plaintiffs be awarded such other relief as may be appropriate.

Jury Demand

Plaintiffs demand a trial by jury to decide all issues so triable in this case.

Dated: October 15, 2009

Respectfully submitted,

By /s/ James M. Webster III

James M. Webster III, Bar No. 23376

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