

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

**ZHANGLIANG XU, XIANSHENG HE,  
AND LIJUN SUN,**

Plaintiffs,

v.

**JOHN DOE, 864.COM, 00998.COM,  
00488.COM, 0103.COM, AND 1148.COM,**

Defendants.

Case No. \_\_\_\_\_

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

**COMPLAINT**

This is an action under the Anticybersquatting Consumer Protection Act (“ACPA”) 15 U.S.C. § 1125(d) in which Plaintiffs Zhangliang Xu, Xiansheng He, and Lijun Sun (“Plaintiffs”) make the following allegations against Defendants John Doe (“JD”), and the domain names 864.com, 00998.com, 00488.com, 0103.com, and 1148.com (collectively, the “Domain Names”).

**PARTIES**

1. Plaintiff Zhangliang Xu is an individual and resident at No. 361, Niuzhuang Village, Linqi Town, Linzhou City, Henan Province, China.

2. Plaintiff Lijun Sun is an individual and resident at No. 31 of Mijiazui, Pingmo Village, Pingmo Town, Ximmi City, Henan Province, China.

3. Plaintiff Xiansheng He is an individual and resident at No. 19, Shangjiao Village, Huihua Village Committee, Pengzhai Town, Heping County, Guangdong Province, China.

4. The Subject Domain Names, the *res* of this *in rem* action, 864.com, 00998.com, 00488.com, 0103.com, and 1148.com and their registry, Verisign, Inc., are all located within this judicial district. Verisign, Inc.’s primary place of business is 12061 Bluemont Way, Reston, VA 20190.

### **JURISDICTION AND VENUE**

5. This Court has *in rem* jurisdiction over the subject Domain Names pursuant to the Anticybersquatting Consumer Protection Act (ACPA), 15 U.S.C. §1125(d) insofar as the registry for the Domain Names, VeriSign, Inc. is located within this judicial district at 12061 Bluemont Way, Reston, VA 20190.

6. This Court also has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 as this action arises under the Anticybersquatting Consumer Protection Act (ACPA), 15 U.S.C. § 1125(d).

7. Venue is proper in this judicial district pursuant to 15 U.S.C § 1125(d)(2)(C) as the subject registry, Verisign, Inc. is located within this judicial district at 12061 Bluemont Way, Reston, VA 20190. Venue is further proper pursuant to 28 U.S.C. § 1391(b)(2) as the subjects of this action, the Domain Names reside in this judicial district.

8. The Declaratory Judgment Act, 28 U.S.C. §2201, provides for a declaration of the rights of the Plaintiff in this matter.

### **NOTICE**

9. Pursuant to 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(aa), Plaintiff has attempted to provide notice of the violation to and Plaintiff's intent to proceed with this action to Defendant JD. However, Defendant JD has taken steps to hide its identity and has provided no address or other contact information to which notice may be sent. Plaintiffs have provided notice to the WHOIS address on the subject Domain Names which are Enom.com, 5808 Lake Washington Blvd., NE, Ste. 201, Kirkland, WA 98033, [transfer-disputes@enom.com](mailto:transfer-disputes@enom.com) and [abuse@enom.com](mailto:abuse@enom.com), and GoDaddy.com, Transfer Dispute Support Staff, Corporate Headquarters, 14455 N. Hayden Rd., Ste. 226, Scottsdale, Arizona 85260, [abuse@godaddy.com](mailto:abuse@godaddy.com) and [courtdisputes@godaddy.com](mailto:courtdisputes@godaddy.com).

10. Plaintiffs are providing notice contemporaneously with the filing of this complaint. Pursuant to 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(bb) by sending a copies to transfer-disputes@enom.com, [abuse@enom.com](mailto:abuse@enom.com), [courtdisputes@godaddy.com](mailto:courtdisputes@godaddy.com), and [abuse@godaddy.com](mailto:abuse@godaddy.com). In addition, Plaintiffs will promptly publish notice of this action as the court may direct after filing of this Complaint.

11. Joinder of the subject Domain Names and Plaintiffs is proper under Fed. R. Civ. P. 20(a)(1) and (2) in that the claims set forth herein arise out of the same set of operative facts and questions of law common to all claims and Defendants.

### **FACTUAL BACKGROUND**

12. Plaintiff Zhangliang Xu is the rightful owner of the account (User ID: iamzhang864 at Dynadot.com) and owns the Domain Names, 864.com, and associated trademarks. *See* Declaration of Zhangliang Xu (“Xu Decl.”), at ¶¶ 4-6, attached hereto as Exhibit A.

13. Plaintiffs Lijun Sun and Xiansheng He are the rightful owners of the account (Customer No. 129261381 at GoDaddy.com) and owns the Domain Names, 00998.com, 00488.com, 0103.com, and 1148.com, and associated trademarks (the “Marks”). *See* Declaration of Xiansheng He (“He Decl.”), at ¶¶ 4-6, attached hereto as Exhibit B. Declaration of Lijun Sun (“Sun Decl.”), at ¶¶ 4-6, attached hereto as Exhibit C.

14. The Defendant domain name, 864.com, was used in commerce in conjunction with online services by Plaintiff as early as June 2016. Xu Decl. at ¶ 9. Plaintiff Zhangliang Xu owned and used the domain name in commerce until the domain name was unlawfully taken without consent into JD’s control around July 4, 2018. Xu Decl. at ¶ 6. The Domain Name, 864.com, has 200 visits on average each day since its first operation. *Id* at ¶ 9.

15. The Defendant domain names, 00998.com, 00488.com, 0103.com, and 1148.com, were used in commerce in conjunction with online services by Plaintiffs Xiansheng He and Lijun Sun as early as July 2017, February 2017, December 2016, and May 2016, respectively. He Decl. at ¶ 8; Sun Decl. at ¶¶ 8-11. Plaintiffs Xiansheng He and Lijun Sun owned and used the domain names in commerce until the domain names were unlawfully taken without consent into JD's control around March 1, 2018. He Decl. at ¶ 6; Sun Decl. at ¶ 6. The Domain Names, 00998.com, 00488.com, 0103.com, and 1148.com have 100, 100, 300, and 300, respectively, visits on average each day since their first operations. He Decl. at ¶ 8; Sun Decl. at ¶¶ 8-11.

16. The illegal transfer of the Defendant domain name, 864.com, to JD's Worldbizdomains.com account occurred around July 4, 2018, by an unnamed individual. Xu Decl. at ¶ 6. Defendant JD subsequently illegally transferred 864.com from Defendant JD's Worldbizdomain.com account to Defendant JD's Enom.com account to try to sell. *Id.*

17. The illegal transfer of the Defendant domain names, 00998.com, 00488.com, 0103.com, and 1148.com, to JD's GoDaddy.com account occurred around March 1, 2018, by JD. He Decl. at ¶ 6; Sun Decl. at ¶ 6.

18. The hacking of the Defendant domain name 864.com was immediately reported to Dynadot, LLC ("Dynadot"), which owns Dynadot.com, by Plaintiff Xu. Dynadot contacted Worldbizdomains to return the domain to Plaintiff Xu. Worldbizdomains agreed to return the domain to Plaintiff Xu, but did not freeze the domain, thus it was subsequently transferred to Enom.com. Xu Decl. at ¶¶ 6-8.

19. The hacking of the Defendant domain names 00998.com, 00488.com, 0103.com, and 1148.com was immediately reported to GoDaddy.com, LLC ("GoDaddy"), which owns

GoDaddy.com, by Plaintiffs He and Sun. GoDaddy refused to return the Domain Names. He Decl. at ¶ 7; Sun Decl. at ¶ 7.D

20. The Defendant Domain Names were illegally transferred without Plaintiffs' authorization. Xu Decl. at ¶ 6; He Decl. at ¶ 6; Sun Decl. at ¶ 6.

21. It is believed that Defendant JD hacked into Plaintiff Xu's Dynadot.com account and then transferred the Domain Name 864.com away from Plaintiff's account to his own Worldbizdomains.com account. Xu Decl. at ¶ 6. JD subsequently transferred 864.com to his Enom.com account. *Id.*

22. It is believed JD hacked into Plaintiffs He and Sun's GoDaddy.com account and then transferred the Domain Names 00998.com, 00488.com, 0103.com, and 1148.com away from Plaintiff He and Sun's account to his own. He Decl. at ¶ 6; Sun Decl. at ¶ 6.

23. Upon information and belief, JD is the same individual who hacked into the accounts for Plaintiffs. On March 1 and July 4, 2018, Plaintiff Xu's account and Plaintiffs He and Sun's account were hacked after similar scam emails. *See* He Dec. at ¶ 6, Sun Decl. at ¶ 6, Xu Decl. at ¶ 6.

24. The Domain Names are still under control of JD. Xu Decl. at ¶ 10; He Decl. at ¶ 9; Sun Decl. at ¶ 12.

25. Plaintiffs have retained this law firm to retrieve the Defendant Domain Names and take legal action against those responsible for the illegal transfer.

**COUNT I**  
**CLAIM FOR DECLARATORY JUDGMENT**

26. Plaintiffs repeat and reallege all previous statements made herein of this Complaint as if fully set forth herein.

27. Plaintiffs had a contract with Dynadot, LLC and GoDaddy, LLC for control over the Domain Names.

28. JD's actions have taken control of the subject domains from Plaintiffs.

29. The Declaratory Judgment Act, 28 U.S.C. § 2201, provides for declaration of the rights of the Plaintiffs in this matter.

**COUNT II**  
**ANTICYBERSQUATTING CONSUMER PROTECTION ACT, 15 U.S.C. § 1125(d)**

30. Plaintiffs repeat and reallege all previous statements herein of this Complaint as if fully set forth herein.

31. Plaintiffs are the owner of the Marks, which are protected under 15 U.S.C. § 1125(a) and (d).

32. Plaintiffs owned and used the Domain Names and Marks in commerce since their registration until the Domain Names were unlawfully transferred without Plaintiffs consent to JD's control.

33. The Domain Names are identical to and/or confusingly similar to the Marks owned by Plaintiff.

34. JD has transferred and registered the Domain Names, trafficked in, and/or used Plaintiffs Marks and Domain Names and has done so with bad faith intent to profit from the Marks and Domain Names.

35. Because of JD's actions, Plaintiffs are being prevented from using and exercising control over the subject Domain Names and Marks.

36. Plaintiffs are being harmed by not having access to their Domain names or Marks.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs demand judgment against the Defendants, as follows:

1. Declaring that Plaintiffs are the only entity with any rights to the contract controlling the subject Domain Names.
2. Declaring JD does not have any rights to the subject Domain Names.
3. ORDERING Verisign, Enom.com, and/or GoDaddy.com to return control of the Domain Names to Plaintiff's accounts as instructed by Plaintiff's counsel.
4. Granting such other and further relief to Plaintiff as this Court deems just and proper.

DATED March 11, 2019.

Respectfully submitted,

By: /s/ Steven War  
Steven War (VSB # 45048)

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