

1 **DAVID J. STEELE, CA Bar No. 209797**
2 **Email: djslit@cph.com**
3 **CHRISTIE, PARKER & HALE, LLP**
4 **3501 Jamboree Road, Suite 6000-North Tower**
5 **Newport Beach, CA 92660**
6 **Telephone: (949) 476-0757**
7 **Facsimile: (949) 476-8640**

8 **HOWARD A. KROLL, CA Bar No. 100981**
9 **Email: howard.kroll@cph.com**
10 **CHRISTIE, PARKER & HALE, LLP**
11 **350 W. Colorado Boulevard, Suite 500**
12 **Pasadena, CA 91105**
13 **Telephone: (626) 795-9900**
14 **Facsimile: (626) 577-8800**

15 Attorneys for Plaintiffs
16 VERIZON CALIFORNIA INC.
17 VERIZON TRADEMARK SERVICES LLC
18 VERIZON LICENSING COMPANY

19 UNITED STATES DISTRICT COURT
20 CENTRAL DISTRICT OF CALIFORNIA
21 WESTERN DIVISION

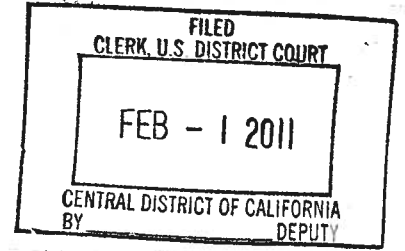
22 VERIZON CALIFORNIA INC.;
23 VERIZON TRADEMARK SERVICES
24 LLC; and VERIZON LICENSING
25 COMPANY,

26 Plaintiffs,

27 vs.

28 ABOVE.COM PTY LTD; TRELLIAN
LIMITED; TRELLIAN LLC; DAVID
WARMUZ; RENE WARMUZ a/k/a REN
WARMUZ; AND DOES 1-10,

Defendants.



Case No. **CV11-00973** MMM (AJW)

**COMPLAINT FOR
CYBERSQUATTING AND
CONTRIBUTORY
CYBERSQUATTING**

DEMAND FOR TRIAL BY JURY

1 Plaintiffs, VERIZON CALIFORNIA INC., VERIZON TRADEMARK
2 SERVICES LLC, and VERIZON LICENSING COMPANY (collectively,
3 “Plaintiffs”), by and through their attorneys, Christie, Parker & Hale, LLP, file
4 their complaint against ABOVE.COM PTY LTD, TRELLIAN LIMITED,
5 TRELLIAN LLC, DAVID WARMUZ, RENE WARMUZ a/k/a REN
6 WARMUZ, and DOES 1-10 (collectively, “Defendants”), for injunctive relief
7 and damages as follows:

8 **Parties, Jurisdiction and Venue**

9 1. Except for allegations based on personal knowledge, such as
10 allegations involving Plaintiffs’ business and corporate identity, the allegations in
11 this Complaint are based on information and belief.

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

15 **Parties and Personal Jurisdiction**

16 3. Plaintiff Verizon California Inc. is a California corporation with its
17 principal place of business in Thousand Oaks, California (“Verizon California”).

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

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

23 6. Defendant Above.Com PTY LTD (“Above.com”) is a business
24 organized in Australia, with its principal place of business at 8 East Concourse,
25 Beaumaris VIC 3193, Australia. Above.com also operates an office within this
26 district at 5220 Pacific Concourse, Suite 100, Los Angeles, CA 90045, and
27 employs employees within this district.

28 7. This Court has personal jurisdiction over Above.com because it

1 conducts business within this district, operates an office within this district, and
2 employs employees within this district, related to the unlawful activities at issue
3 in this Complaint. The harm suffered by Plaintiffs flows directly from the
4 business conducted by Above.com within this district.

5 8. Defendant Trellian Limited (“Trellian LTD”) is a business organized
6 in Australia, with its principal place of business at 6-8 East Concourse, Beaumaris
7 VIC 3193, Australia. Trellian LTD also operates an office within this district at
8 5220 Pacific Concourse, Suite 100, Los Angeles, CA 90045, and employs
9 employees within this district.

10 9. This Court has personal jurisdiction over Trellian LTD because it
11 conducts business within this district, operates an office within this district, and
12 employs employees within this district, related to the unlawful activities at issue
13 in this Complaint. The harm suffered by Plaintiffs flows directly from the
14 business conducted by Trellian LTD within this district.

15 10. Defendant Trellian LLC (“Trellian LLC”) is a California business,
16 with its place of business at 5220 Pacific Concourse, Suite 100, Los Angeles, CA
17 90045, and employs employees within this district.

18 11. This Court has personal jurisdiction over Trellian LLC because it
19 conducts business within this district, operates an office within this district, and
20 employs employees within this district, related to the unlawful activities at issue
21 in this Complaint. The harm suffered by Plaintiffs flows directly from the
22 business conducted by Trellian LLC within this district.

23 12. Defendant David Warmuz is an individual residing in Australia.

24 13. This Court has personal jurisdiction over David Warmuz because he
25 has conducted systematic and continuous business within California related to the
26 unlawful activities at issue in this Complaint. This Court also has personal
27 jurisdiction over David Warmuz because he operates the business operations of
28 Above.com, Trellian LTD, and Trellian LLC, and engages in sale and marketing

1 efforts, within the district. The harm suffered by Plaintiffs flows directly from the
2 business conducted by this David Warmuz within this district.

3 14. Defendant Rene Warmuz a/k/a Ren Warmuz (“Ren Warmuz”) is an
4 individual residing in Australia.

5 15. This Court has personal jurisdiction over Ren Warmuz because he
6 has conducted systematic and continuous business within California related to the
7 unlawful activities at issue in this Complaint. This Court also has personal
8 jurisdiction over Ren Warmuz because he operates the business operations of
9 Above.com, Trellian LTD, and Trellian LLC, and engages in sale and marketing
10 efforts, within the district. The harm suffered by Plaintiffs flows directly from the
11 business conducted by Ren Warmuz within this district.

12 16. Venue is proper in this Judicial District as to the Defendants
13 pursuant to 28 U.S.C. § 1391(b)(2), 28 U.S.C. § 1391(c) and/or 28 U.S.C. §
14 1391(d).

15 17. Plaintiffs are not aware of the true names and capacities of
16 Defendants named in this Complaint as Does 1-10, inclusive, and therefore brings
17 this action against these Defendants by such fictitious names. Plaintiffs will
18 amend this Complaint to allege these Defendants’ true names and capacities when
19 they are ascertained.

20 **PLAINTIFFS’ BUSINESS**

21 18. In 2000, Bell Atlantic Corporation and GTE Corporation merged to
22 form Verizon Communications Inc. (“Verizon Communications”). Today,
23 Verizon Communications, its subsidiaries and affiliates, including Plaintiffs
24 Verizon California, Verizon Trademark Services and Verizon Licensing, form
25 one of the largest, well-known telecommunications companies in the world.
26 Verizon Communications’ subsidiaries (collectively, the “Verizon Companies”)
27 provide a full array of communications and entertainment product and service
28 offerings, including local, long distance, and wireless telephone services; Internet

1 access; television services; phones; and related equipment. The Verizon
2 Companies have extensive operations in the United States and some of the
3 Verizon Companies also have operations throughout the world.

4 19. A publicly traded company on the New York Stock Exchange and
5 the NASDAQ Global Sector Market, Verizon Communications generated annual
6 consolidated operating revenues in 2010 of \$106.6 billion dollars, is a Dow 30
7 company, and ranks in the top twenty (20) of the Fortune 500 list. The Verizon
8 Companies employ a diverse workforce of more than 194,000 employees.

9 **Plaintiffs' VERIZON and VERIZON WIRELESS Trademarks**

10 20. Verizon Trademark Services owns the VERIZON and VERIZON
11 WIRELESS trademarks and trade names, as well as logo versions that include a
12 "V Design" above or to the left of the word marks VERIZON and VERIZON
13 WIRELESS (collectively, the "VERIZON Marks").

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

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

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

28 24. Currently, the Verizon Companies use the VERIZON Marks in

1 connection with the provision of communications and entertainment products and
2 services to consumers in the United States and around the world.

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

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

7 27. The Verizon Companies spend and have spent billions of dollars
8 since 2000 to extensively advertise and promote VERIZON and VERIZON
9 WIRELESS branded products and services in the United States and around the
10 world through a variety of media, including television, radio, print
11 advertisements, direct mail, trade shows, conferences, and the Internet.

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

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



23 30. The VERIZON Marks are famous marks protected under 15 U.S.C.
24 § 1125(c).

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






1 verizon.com, verizon.net and verizonwireless.com evidencing such use of the
2 VERIZON Marks are attached to this Complaint as Exhibit 1.

3 32. The VERIZON Marks are valid and enforceable trademarks.

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

6 Trademark	7 Reg. No.	8 Goods/Services	9 Reg. Date
10 VERIZON	11 2,886,813	12 Various goods and 13 services in Int'l Classes 14 9, 16, 35, 36, 37, 38, 41, 15 and 42.	16 9/21/04
17 VERIZON	18 3,085,712	19 Various goods and 20 services in Int'l Classes 21 9, 38, and 41.	22 4/25/06
23 VERIZON	24 3,698,653	25 Various goods and 26 services in Int'l Classes 27 36 and 41	28 10/20/09
VERIZON	3,736,663	Various goods in Int'l Classes 18, 24, 25 and 28.	1/12/10
	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	3,657,287	Various goods in Int'l Class 9.	7/21/09
VERIZON WIRELESS	3,077,271	Various goods and services in Int'l Classes 9, 16, 35, 36, and 38.	4/4/06
	3,660,522	Various services in Int'l Classes 35.	7/28/09

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

	3,657,677	Various goods and services in Int'l Classes 9 and 35.	7/21/09
	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
	3,837,985	Various services in Int'l Classes 35 and 38.	8/24/10
	3,841,493	Various goods and services in Int'l Classes 16, 35, and 38.	8/31/10

A copy of the registration certificate for each of these registrations is attached to this Complaint as Exhibit 2.

Plaintiffs' VZ, VZ NAVIGATOR, VZACCESS, VZAPPZONE, VZEMAIL, VZGLOBAL, VZVOICE, VZW And VZW TONES Trademarks

34. Verizon Trademark Services owns the VZ, VZ NAVIGATOR, VZACCESS, VZAPPZONE, VZEMAIL, VZGLOBAL, VZVOICE, VZW and VZW TONES trademarks (collectively, the "VZ Marks").

35. Verizon Licensing is the exclusive licensor of the VZ Marks, and has granted, directly or indirectly, licenses to use the VZ Marks to the Verizon Companies.

1 36. The VZ trademark was first used on or about July 3, 2000. The
2 VZW trademark was first used on or about August 15, 2000. The VZACCESS,
3 VZEMAIL, VZGLOBAL and VZVOICE trademarks were first used on or about
4 September 29, 2003. The VZ NAVIGATOR trademark was first used on or
5 about January 30, 2006. The VZW TONES trademark was first used on or about
6 May 25, 2005.

7 37. The Verizon Companies have offered and provided a full array of
8 communications and entertainment products and services under the VZ Marks.

9 38. The Verizon Companies use the VZ Marks to provide wireless voice
10 and data products and/or services to 101.1 million customers nationwide and use
11 the VZ Marks in connection with the provision of the wireless voice and data
12 products and/or services in California and in interstate commerce.

13 39. The VZ Marks are widely known and recognized among consumers
14 and members of the telecommunications industry.

15 40. The VZ Marks are unique and distinctive and, as such, designate a
16 single source of origin.

17 41. The Verizon Companies spend and have spent significant amounts of
18 money each year since 2000 to advertise and promote the aforementioned
19 products and services in the United States in connection with the VZ Marks.

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

25 43. Having been widely promoted to the general public, and having
26 exclusively identified the Verizon Companies and their products and services, the
27 VZ Marks symbolize the tremendous goodwill associated with the Verizon
28 Companies and are a property right of incalculable value.

1 44. The Verizon Companies' main Internet websites using the VZ Marks
 2 and featuring information on many of the products and services of the Verizon
 3 Companies can be accessed via the domain names verizon.com verizon.net,
 4 verizonwireless.com, and vzw.com. Printouts from these websites showing
 5 Plaintiffs' use of the VZ Marks are attached to this Complaint as Exhibit 3.

6 45. The VZ Marks are valid and enforceable trademarks.

7 46. Verizon Trademark Services owns the following United States
 8 trademark registrations for its VZ Marks:

9

10 Trademark	11 Reg. No.	12 Goods/Services	13 Reg. Date
14 VZ	15 3,064,237	16 Various goods and services 17 in Int'l Classes 16 and 41.	18 2/28/06
19 VZ	20 3,490,085	21 Various services in Int'l 22 Class 38.	23 8/19/08
24 VZ NAVIGATOR	25 3,720,714	26 Various goods and services 27 in Int'l Classes 9 and 39.	28 4/21/09
VZACCESS	2,973,813	Various services in Int'l Class 38.	7/19/05
VZAPPZONE	3,649,847	Various goods and services in Int'l Classes 9 and 35.	7/07/09
VZEMAIL	2,973,814	Various services in Int'l Class 38.	7/19/05
VZGLOBAL	3,083,568	Various services in Int'l Class 38.	4/18/06
VZVOICE	2,973,811	Various services in Int'l Class 38.	7/19/05
VZW	3,319,338	Various services in Int'l Class 38.	10/23/07

VZW TONES	3,657,302	Various goods and services in Int'l Classes 9 and 35.	7/21/09
-----------	-----------	----------------------------------------------------------	---------

A copy of the registration certificate for each of these registrations is attached to this Complaint as Exhibit 4.

38. Plaintiffs have made a considerable investment and have accrued substantial goodwill in the VERIZON Marks and the VZ Marks (collectively, "Plaintiffs' Marks").

DEFENDANTS' BUSINESS

39. Defendants are serial cybersquatters who register, use, and traffic in domain names that are confusingly similar to famous or distinctive trademarks owned by others, including Plaintiffs' Marks.

40. Cybersquatters register domain names that are confusingly similar to trademarks in order to attract consumers who are attempting to reach the trademark owner's webpage. The domain names registered often include a trademark combined with a descriptive word or phrase associated with the trademark (e.g., the trademark FORD and the descriptive phrase "pickup trucks" could be combined in the domain name fordpickuptrucks.com). Cybersquatters also register common misspelling or mistyping of trademarks, again, to attract consumers who are attempting to reach the trademark owner's webpage (e.g., the misspelling FOORD registered as foord.com). The aim of the cybersquatter is to register domain names consumers will visit so that advertisements can be displayed. Cybersquatters often target famous trademarks because consumers search for these trademarks online.

41. Cybersquatters use the registered domain names to host webpages which contain advertisements. Cybersquatters obtain the advertisements from Internet advertising companies, search engines, or affiliate programs. When the advertisements are clicked by the consumers, the cybersquatters get paid from the Internet advertising companies, search engines, or affiliate programs.

1 42. Because of the civil liability associated with cybersquatting,
2 cybersquatters often employ a number of methods to hide or conceal their true
3 identities, and their involvement in the cybersquatting. Most cybersquatters will
4 list false identities and other false information in the ownership records for their
5 domain names. Cybersquatters will even create and use shell companies to
6 conceal the identities of those involved and to frustrate trademark owners' efforts
7 to stop the cybersquatting.

8 43. Defendants' activities are entirely consistent with other
9 cybersquatters' activities. Defendants have registered many domain names that
10 are confusingly similar to famous trademarks, including Plaintiffs' famous
11 VERIZON Marks, in order to attract consumers who are attempting to reach the
12 trademark owner's webpage. Some of Defendants' registered domain names
13 include a trademark combined with a descriptive word or phrase associated with
14 the trademark (e.g., the trademark VERIZON and the descriptive phrase
15 "prepaidphone" which was combined in the domain name
16 verizonprepaidphone.com). Defendants also registered common misspelling or
17 mistyping of trademarks, again, to attract consumers who are attempting to reach
18 the trademark owner's webpage (e.g., the misspelling VERIZON WIRELESS
19 registered as vewrizonwireless.com).

20 44. Defendants host webpages at the registered domain names which
21 contain advertisements. When the advertisements are clicked by the consumers
22 Defendants get paid by Internet advertising companies.

23 45. To avoid the civil liability associated with their cybersquatting,
24 Defendants, employ a number of methods to hide their true identities and
25 involvement in the cybersquatting operation. Defendants list false identities and
26 false information in the ownership records for their domain names. Defendants
27 have also created and used a number of shell-companies, alter egos and false
28 identities to conceal their true identities and their involvement in the

1 cybersquatting.

2 **Defendants' Concealment of Their Identities**

3 46. Defendants have used shell-companies, alter egos or false identities
4 including, but not limited to, Above.com Domain Privacy, Domain Technician,
5 Mark Segal, Domain Park Limited, Galacaus Inc., Swallowlane Holdings Ltd,
6 Transure Enterprise Ltd, Trellian and Trellian Software (collectively, the "False
7 Identities") to conceal their true identities and their involvement in the
8 registration of, use of, of trafficking in domain names that are identical or
9 confusingly similar to the distinctive trademarks of others.

10 47. At all times material to this action, each of the Defendants and the
11 False Identities, was the agent, servant, employee, partner, alter ego, subsidiary,
12 or joint venture of each of the other Defendants and False Identities and that the
13 acts of each of the Defendants and each of the False Identities were in the scope
14 of such relationship.

15 48. At all times material to this action, in doing the acts or failing to act
16 as alleged in the Complaint, each of the Defendants and the False Identities acted
17 with the knowledge, permission, and the consent of each of the other Defendants
18 and False Identities.

19 49. At all times material to this action, each of the Defendants and False
20 Identities aided and abetted each of the other Defendants and False Identities in
21 the acts or omissions alleged in this Complaint.

22 50. One or more of the False Identities were listed as the registrants
23 within the WHOIS records for thousands of Internet domain names that were
24 registered and/or used for the benefit of the Defendants.

25 51. One or more of the Defendants changed the listed registrant for
26 domain names from one False Identity to another False Identity to further conceal
27 their true identities and their involvement in the registration of, use of, or
28 trafficking in domain names that are identical or confusingly similar to the

1 distinctive trademarks of others.

2 52. The domain name verizwireless.com, along with other domain
3 names confusingly similar to Plaintiffs' Marks, was owned by the Defendants and
4 registered through Moniker.com. The Moniker.com user account which
5 contained this domain name listed Ren Warmuz as the name in the account
6 information and listed Trellian (and Trellian LTD's corporate address), as the
7 company in the account information.

8 53. The credit card used to pay Moniker.com for the registration of the
9 verizwireless.com, along with other domain names confusingly similar to
10 Plaintiffs' Marks, was owned by David Warmuz. The billing address provided to
11 Moniker.com was the same address used by Trellian LTD.

12 54. Defendants changed the whois data for verizwireless.com, along
13 with other domain names confusingly similar to Plaintiffs' Marks, to Domain
14 Park Limited, Vaea Street, Level 2, Lotemau Centre, Apia Samoa 0815 WS, one
15 of the False Identities used by Defendants.

16 55. Defendants also changed the whois data for their domain names to
17 Above.com Domain Privacy, one of the False Identities used by Defendants.

18 **Defendants' Business Operations**

19 56. Above.com is a registrar of Internet domain names accredited by the
20 Internet Corporation for Assigned Names and Numbers ("ICANN").

21 57. David Warmuz is presently or was at one time an officer, director or
22 owner of Above.com.

23 58. Ren Warmuz is presently or was at one time an officer, director or
24 owner of Above.com.

25 59. Above.com is owned or operated by Trellian LTD.

26 60. David Warmuz is presently or was at one time an officer, director or
27 owner of Trellian LTD.

28 61. Ren Warmuz is presently or was at one time an officer, director or

1 owner of Trellian LTD.

2 62. David Warmuz is presently or was at one time an officer, director or
3 owner of Trellian LLC.

4 63. Ren Warmuz is presently or was at one time an officer, director or
5 owner of Trellian LLC.

6 64. Above.com, in connection with its ICANN registrar business,
7 provides a service which intentionally hides or obscures the actual name of the
8 registrant of domain names (the "Above.com Privacy Service"). The Above.com
9 Privacy Service lists Above.com Domain Privacy as the registrant of the domain
10 name in the whois record instead of the actual name of the registrant. Each of the
11 Defendants profit from the Above.com Privacy Service.

12 65. Each of the Defendants directly use the Above.com Privacy Service
13 to hide or obscure its/his involvement in the registration, use, or trafficking in, of
14 domain names that infringe the rights of others, including Plaintiffs' rights.

15 66. Each of the Defendants has received numerous actual notices that the
16 Above.com Privacy Service was used by registrants who have registered, used or
17 trafficked in domain names that infringe the rights of others.

18 67. Above.com Privacy Service has been named as the respondent in at
19 least 68 UDRP complaints. In each of these proceedings, the panelist ordered the
20 contested domain name transferred to the complainant. A listing of these UDRP
21 complaints is attached to this Complaint as Exhibit 5.

22 68. Trellian LTD provides a domain name monetization service (the
23 "Trellian Monetization Service"). Each of the Defendants profits from the
24 Trellian Monetization Service.

25 69. Each of the Defendants directly use the Trellian Monetization
26 Service in connection with each of the Defendants' cybersquatting on domain
27 names that infringe the rights of others, including Plaintiffs' rights.

28 70. Each of the Defendants has received numerous actual notices that the

1 Trellian Monetization Service was used by registrants who have registered, used
2 or trafficked in domain names that infringe the rights of others.

3 **Defendants' Registration, Use, and Trafficking In Domain Names That**
4 **Are Confusingly Similar to Trademarks of Other Trademark Owners**

5 71. Defendants registered or used, and/or provided Above.com Privacy
6 Service to hide or obscure the actual registrant of, thousands of domain names
7 that are confusingly similar to famous or distinctive trademarks owned by others
8 (collectively, the "Confusingly Similar Domain Names"). A list of some of these
9 Confusingly Similar Domain Names is attached to this Complaint as Exhibit 6.
10 While Defendants have targeted virtually every famous trademark in existence,
11 for the sake of brevity, Exhibit 6 details only one famous trademark for each letter
12 of the alphabet.

13 72. One or more of the Defendants or False Identities was or is the
14 registrant for many of the Confusingly Similar Domain Names. Printouts of
15 WHOIS data for a sample of the Confusingly Similar Domain Names showing a
16 Defendant or False Identity as the registrant are attached to this Complaint as
17 Exhibit 7.

18 73. Defendants used the Confusingly Similar Domain Names to divert
19 for commercial gain Internet users searching for well-known or famous
20 trademarks.

21 74. Defendants, as the registrant's authorized licensee, used many of the
22 Confusingly Similar Domain Names in connection with the Trellian Monetization
23 Service to divert for commercial gain Internet users searching for well-known or
24 famous trademarks.

25 75. Defendants operate websites at each of the Confusingly Similar
26 Domain Names which display Hypertext Markup Language ("HTML") links
27 featuring goods or services that are directly competitive with those sold or
28 provided in connection with the famous or distinctive trademarks. Screenshots of

1 some of the websites hosted at a sample of each of the Confusingly Similar
2 Domain Names are attached to this Complaint as Exhibit 8.

3 76. When Internet users clicked on one or more of the displayed HTML
4 links on these websites hosted at each of the Confusingly Similar Domain Names,
5 Defendants received payments from one or more advertisers, search engines, or
6 affiliate programs.

7 **Defendants' Registration, Use, and Trafficking In Domain**
8 **Names That Are Confusingly Similar to Plaintiffs' Marks**

9 77. Plaintiffs have not authorized Defendants to use Plaintiffs' Marks in
10 any way.

11 78. Defendants have registered or used, and/or provided Above.com
12 Privacy Service to hide or obscure the actual registrant of, over 183 domain
13 names which are confusingly similar to Plaintiffs' Marks, including at least the
14 following:

- | | | |
|----|--------------------------|-------------------------|
| 15 | aboutyouvzwcop.com | infomanagervzwcop.com |
| 16 | accessoryaccessvzw.com | itvzw.com |
| 17 | activateverizon.net | loginvzw.com |
| 18 | advzwcop.com | minimensajesverizon.com |
| 19 | animatedmessagingvzw.com | mvzwpix.com |
| 20 | assistvzwshop.com | myhomeverizon.net |
| 21 | b2bvzw.com | mypicsvzw.com |
| 22 | centuralverizion.net | myvzon.com |
| 23 | communityvzochat.com | myvzpics.com |
| 24 | downloadverizon.com | netvzwmconfig.com |
| 25 | freetonesvzw.com | picvz.com |
| 26 | homeverison.net | pixorflixvzw.com |
| 27 | httzwpx.com | searchvzwpix.com |
| 28 | hubvzw.com | syncvzw.com |

1	thevzcom.com	verizo9n.net
2	tryvzwfree.com	verizob.net
3	v3erizon.com	verizobn.net
4	v4erizon.com	verizoin.net
5	vderizon.net	verizoncarrers.com
6	vedrizon.net	verizonds.com
7	veerizondsl.com	verizonfiles.com
8	veerizonwierless.com	verizonh.net
9	veirizon.net	verizonm.net
10	ver9izon.com	verizonmwmc.com
11	vereizon.net	verizonmyrepay.com
12	veri8zon.com	verizonprepaidphone.com
13	veri8zon.net	verizonreward.com
14	veri9zon.net	verizonvoice.com
15	veriaoncentral.com	verizonweriles.com
16	verioncenter.com	verizonwhirless.com
17	veriseon.com	verizonwirelessmyrepaid.com
18	verisoncable.com	verizonwirelessmyrepay.com
19	verisons.net	verizoom.com
20	verisonvireless.com	verizwireless.com
21	verisonwirelessarena.com	verizxon.net
22	verizaon.net	verizzon.net
23	verizinphones.com	veroizonphones.com
24	verizionbusiness.com	verozonm.com
25	verizionmail.net	verozonmail.com
26	verizionworeless.com	verozonwirelss.com
27	verizo0n.net	verozonwirless.com
28	verizo9n.com	verozonworeless.com

1	verrizonwwireless.com	vzgetpics.com
2	vertizontaalxs4all.com	vzn-pic.com
3	veruizonphones.com	vznrewards.com
4	vervizonwireless.com	vznwirelees.com
5	vewrizonvireless.com	vzoforum.com
6	vewrizonwireless.com	vzpis.com
7	vierizon.net	vzpiw.com
8	vierizonwirless.com	vzplus.com
9	vmfvzw.com	vzrizon.com
10	vrrerizonwirelless.com	vzsbenefits.com
11	vriszon.com	vzshops.com
12	vrivzinwirless.com	vzunlimited.com
13	vrrizoncentral.net	vzvshop.com
14	vvm-vzwbe.com	vzw20.com
15	vvzwu-wienacat.com	vzwap.com
16	vwerizonewireless.com	vzwcomrbt.com
17	vwrizonyellowpages.com	vzw-e-alues.com
18	vz5net.com	vzwebintranet.com
19	vzaccessconnect.net	vzwed.com
20	vzaccessmanager.net	vzwemployee.com
21	vzads.com	vzwflicpics.com
22	vzbwireless.com	vzwhip.com
23	vzcam.net	vzwibro.com
24	vzdpix.com	vzwierless.com
25	vzelectronics.com	vzwirelessbenefits.com
26	vzepics.com	vzwirells.com
27	vzeskins.com	vzwireless.com
28	vzewpix.com	vzwopix.com

1	vzwphoto.com	vzwtuitioncael.com
2	vzwphotoablum.com	vzwvmf.com
3	vzwpicsp.com	vzwvpix.com
4	vzwpiox.com	vzxpiz.com
5	vzwpixflixplace.com	vzxtext.com
6	vzwpixj.com	webapp1mwestvzwcorp.com
7	vzwpixplcae.com	wirelessfyncvzw.com
8	vzwpixplce.com	wirelesssynchvzw.com
9	vzwpixpllace.com	wirelessyncvzzw.com
10	vzwpixs.net	wwrizon.com
11	vzwpizandfilx.com	wvzringback.com
12	vzwpizplace.com	wwwvzwpizsplace.com
13	vzwprepay.com	www-meinvz.net
14	vzwpxs.com	www47wirelessyncvzw.com
15	vzwresults.com	wwwchaperonevzw.com
16	vzwrightones.com	wwwmeinvz.net
17	vzwrightons.com	wwwverizion.net
18	vzwrls.com	wwwvzq.com
19	vzw-r-values.com	wwwvzwbenefits.com
20	vzwshoprebates.com	wwwvzwcareers.com
21	vzwsignup.com	wwwvzwsurvey.com
22	vzwstorefront.com	

23
24 (collectively, the “Infringing Domain Names”).

25 79. Each of the Infringing Domain Names is confusingly similar to
26 Plaintiffs’ Marks.

27 80. One or more of the Defendants or the False Identities was or is the
28 registrant for many of the Infringing Domain Names. Printouts of WHOIS data

1 for a sample of the Infringing Domain Names showing a Defendant or False
2 Identity as the registrant are attached to this Complaint as Exhibit 9.

3 81. Defendants, as either the domain name registrant or that registrant's
4 authorized licensee, used many of the Infringing Domain Names to divert for
5 commercial gain Internet users searching for Plaintiffs' Marks.

6 82. Defendants operated websites at many of the Infringing Domain
7 Names which displayed HTML links featuring goods or services that are directly
8 competitive with those sold or provided in connection with Plaintiffs' Marks.
9 Screenshots of some of the websites hosted at a sample of each of the Infringing
10 Domain Names are attached to this Complaint as Exhibit 10.

11 83. When Internet users clicked on one or more of the displayed HTML
12 links on these websites hosted at each of the Infringing Domain Names,
13 Defendants received payments from one or more advertisers, search engines, or
14 affiliate programs.

15 **Harm to Plaintiffs and the General Public**

16 84. Defendants' unauthorized registration and use of the Infringing
17 Domain Names, Defendants' providing the Above.com Privacy Service, and
18 Defendants' providing the Trellian Monetization Service, are likely to cause
19 confusion as to the source, sponsorship, affiliation, or endorsement of the
20 Infringing Domain Names, and are likely to falsely suggest a sponsorship,
21 connection, license, or association of Defendants, and the Infringing Domain
22 Names, with Plaintiffs.

23 85. Defendants' activities have irreparably harmed and, if not enjoined,
24 will continue to irreparably harm Plaintiffs and Plaintiffs' Marks.

25 86. Defendants' activities have irreparably harmed, and if not enjoined
26 will continue to irreparably harm, the general public who has an inherent interest
27 in being free from confusion, mistake, and deception.

28 **FIRST CAUSE OF ACTION**

[Cybersquatting on Plaintiffs' Marks

Under 15 U.S.C. § 1125(d)]

1
2
3 87. Plaintiffs reallege and incorporate by reference each of the
4 paragraphs above as though fully set forth here.

5 88. Defendants registered and used the Infringing Domain Names.

6 89. Defendants were either the domain name registrant or that
7 registrant's authorized licensee of the Infringing Domain Names.

8 90. Plaintiffs' Marks were distinctive and federally registered at the
9 USPTO at the time Defendants registered and used the Infringing Domain
10 Names.

11 91. The Infringing Domain Names are confusingly similar to Plaintiffs'
12 Marks.

13 92. Defendants registered, trafficked in, or used the Infringing Domain
14 Names in bad faith and with a bad faith intent to profit from Plaintiffs' Marks.

15 93. Defendants do not have any intellectual property rights or any other
16 rights in Plaintiffs' Marks.

17 94. None of the Infringing Domain Names consist of the legal name of
18 any Defendant, nor a name that is otherwise commonly used to identify any
19 Defendant.

20 95. Defendants have not made any prior use of any of the Infringing
21 Domain Names in connection with the *bona fide* offering of any goods or
22 services.

23 96. Defendants have not made any *bona fide* fair use of Plaintiffs' Marks
24 on a website accessible under any of the Infringing Domain Names.

25 97. Defendants registered and used the Infringing Domain Names to
26 divert consumers from Plaintiffs' websites to websites accessible under the
27 Infringing Domain Names for Defendants' commercial gain by creating a
28 likelihood of confusion as to the source, sponsorship, affiliation, or endorsement

1 of these websites.

2 98. Defendants provided material and misleading false contact
3 information when applying for the registration of the Infringing Domain Names.

4 99. Defendants intentionally failed to maintain accurate contact
5 information in connection with the registration of the Infringing Domain Names.

6 100. Defendants have engaged in a pattern of providing material and
7 misleading false contact information when applying for the registration of domain
8 names.

9 101. Defendants have acquired multiple domain names which Defendants
10 know are identical or confusingly similar to marks of others that were distinctive
11 at the time of registration of such domain names, or dilutive of famous marks of
12 others that were famous at the time of registration of such domain names.

13 102. The VERIZON Marks are famous within the meaning of 15 U.S.C. §
14 1125(c).

15 103. Many of the Infringing Domain Names are identical or confusingly
16 similar to Plaintiffs' Marks.

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

20 105. Defendants engaged in the activities complained of above with a bad
21 faith intent to profit from the registration or maintenance of the Infringing
22 Domain Names.

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

27 107. By reason of Defendants' acts alleged herein, Plaintiffs are entitled
28 to recover Defendants' profits, actual damages and the costs of the action, or

1 statutory damages under 15 U.S.C. § 1117, on election by Plaintiffs, in an amount
2 of One Hundred Thousand Dollars (\$100,000) per domain name infringement.

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

5 **SECOND CAUSE OF ACTION**

6 **[Contributory Cybersquatting on Plaintiffs' Marks**

7 **Under 15 U.S.C. § 1125(d)]**

8 109. Plaintiffs reallege and incorporate by reference each of the
9 paragraphs above as though fully set forth here.

10 110. Defendants contributed to the registration or use of the Infringing
11 Domain Names.

12 111. Defendants provide the Above.com Privacy Service in connection
13 with the registration or use of the Infringing Domain Names, and profit from the
14 Above.com Privacy Service.

15 112. Defendants are able to monitor the use of the Above.com Privacy
16 Service

17 113. Defendants had control over the Above.com Privacy Service.

18 114. Defendants are aware that the Above.com Privacy Service is used by
19 registrants who have registered, used or trafficked in domain names that infringe
20 the rights of others, including Plaintiffs' rights.

21 115. Defendants continue to supply the Above.com Privacy Service with
22 knowledge that the service is used by registrants to infringe the rights of others,
23 including Plaintiffs' rights.

24 116. Defendants provide the Trellian Monetization Service in connection
25 with the registration or use of the Infringing Domain Names, and profit from the
26 Trellian Monetization Service.

27 117. Defendants are able to monitor the use of the Trellian Monetization
28 Service.

1 118. Defendants have control over the Trellian Monetization Service.

2 119. Defendants are aware that the Trellian Monetization Service is used
3 by registrants who have registered, used or trafficked in domain names that
4 infringe the rights of others, including Plaintiffs' rights.

5 120. Defendants continue to supply the Trellian Monetization Service
6 with knowledge that the service is used by registrants to infringe the rights of
7 others, including Plaintiffs' rights.

8 121. Plaintiffs' Marks were distinctive and federally registered at the
9 USPTO at the time Defendants registered the Infringing Domain Names.

10 122. The Infringing Domain Names are confusingly similar to Plaintiffs'
11 Marks.

12 123. Defendants or their customers registered, trafficked in, or used the
13 Infringing Domain Names in bad faith and with a bad faith intent to profit from
14 Plaintiffs' Marks.

15 124. Neither Defendants nor Defendants' customers have any intellectual
16 property rights or any other rights in Plaintiffs' Marks.

17 125. The Infringing Domain Names do not consist of the legal name of
18 any Defendant, nor any person or entity to whom Defendants supplied the
19 Above.com Privacy Service or the Trellian Monetization Service.

20 126. Defendants, and any person or entity to whom Defendants supplied
21 the Above.com Privacy Service or the Trellian Monetization Service, have not
22 made any prior use of any of the Infringing Domain Names in connection with
23 the *bona fide* offering of any goods or services.

24 127. Defendants, and any person or entity to whom any Defendant
25 supplied the Above.com Privacy Service or the Trellian Monetization Service,
26 have made any *bona fide* fair use of Plaintiffs' Marks on a website accessible
27 under any of the Infringing Domain Names.

28 128. Defendants, or a person or entity to whom Defendants supplied the

1 Above.com Privacy Service or the Trellian Monetization Service, registered and
2 used the Infringing Domain Names to divert consumers from Plaintiffs' websites
3 to websites accessible under the Infringing Domain Names for Defendants'
4 commercial gain by creating a likelihood of confusion as to the source,
5 sponsorship, affiliation, or endorsement of these websites.

6 129. Defendants, or a person or entity to whom Defendants supplied the
7 Above.com Privacy Service or the Trellian Monetization Service, provided
8 material and misleading false contact information when applying for the
9 registration of the Infringing Domain Names.

10 130. Defendants intentionally failed to maintain accurate contact
11 information in connection with the registration of the Infringing Domain Names.

12 131. Defendants, or a person or entity to whom Defendants supplied the
13 Above.com Privacy Service or the Trellian Monetization Service, have engaged
14 in a pattern of providing material and misleading false contact information when
15 applying for the registration of domain names.

16 132. Defendants, or a person or entity to whom Defendants supplied the
17 Above.com Privacy Service or the Trellian Monetization Service, have acquired
18 multiple domain names which they knew were identical or confusingly similar to
19 marks of others that were distinctive at the time of registration of such domain
20 names, or dilutive of famous marks of others that were famous at the time of
21 registration of such domain names.

22 133. The Verizon Marks are famous within the meaning of 15 U.S.C. §
23 1125(c).

24 134. Many of the Infringing Domain Names are identical or confusingly
25 similar to Plaintiffs' Marks.

26 135. The registration, use, or trafficking in the Infringing Domain Names
27 by Defendants, or a person or entity to whom Defendants supplied the
28 Above.com Privacy Service or the Trellian Monetization Service, constitutes

1 cybersquatting in violation of 15 U.S.C. § 1125(d), entitling Plaintiffs to relief.

2 136. Defendants supplied the Above.com Privacy Service or the Trellian
3 Monetization Service with a bad faith intent to profit from the registration or
4 maintenance of the Infringing Domain Names.

5 137. Defendants' supplying the Above.com Privacy Service or the
6 Trellian Monetization Service constitutes contributory cybersquatting in violation
7 of 15 U.S.C. § 1125(d), entitling Plaintiffs to relief.

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

12 139. By reason of Defendants' acts alleged herein, Plaintiffs are entitled
13 to recover Defendants' profits, actual damages and the costs of the action, or
14 statutory damages under 15 U.S.C. § 1117, on election by Plaintiffs, in an amount
15 of One Hundred Thousand Dollars (\$100,000) per domain name infringement.

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

18 **Request For Relief**

19 Therefore, Plaintiffs respectfully request judgment as follows:

20 1. That the Court enter a judgment that all Defendants:

21 (a) have violated the rights of Plaintiffs in Plaintiffs' Marks in
22 violation of 15 U.S.C. § 1125(d);

23 (b) be ordered to transfer every domain name they own which is
24 identical or confusingly similar to Plaintiffs' Marks to Verizon Trademark
25 Services;

26 2. That Defendants, their agents, representatives, employees, assigns
27 and suppliers, and all persons acting in concert or privity with Defendants be
28 preliminarily and permanently enjoined from the following activities:

1 (a) Registering or using, in any manner, any Internet domain
2 name that incorporates, in whole or in part, Plaintiffs' Marks, or any name, mark
3 or designation confusingly similar thereto;

4 (b) Using any of Plaintiffs' Marks, or any other name, mark,
5 designation or depiction in a manner that is likely to cause confusion regarding
6 whether Defendants are affiliated or associated with or sponsored by Plaintiffs;

7 (c) Registering any Internet domain name that incorporates, in
8 whole or in part, Plaintiffs' Marks, or any name, mark or designation confusingly
9 similar thereto;

10 (d) Registering any domain name without providing complete and
11 accurate contact information, including Defendants' full legal name as the
12 registrant, and not maintaining complete and accurate contact information,
13 including Defendants' full legal name as the registrant;

14 (e) Cybersquatting against Plaintiffs or any violation of Plaintiffs'
15 trademark rights; and

16 (f) Assisting, aiding or abetting any other person or business
17 entity in engaging in or performing any of the activities referred to in
18 subparagraphs 2(a) through 2(e) above;

19 3. That Defendants be ordered to engage in corrective advertising to the
20 extent necessary to correct any consumer confusion or misperceptions resulting
21 from Defendants' unlawful acts complained of above;

22 4. That Defendants be ordered to account to Plaintiffs for, and disgorge,
23 all profits they have derived by reason of the unlawful acts complained of above;

24 5. That Defendants be ordered to pay damages, and that those damages
25 be trebled, under 15 U.S.C. § 1117;

26 6. That Defendants be ordered to pay statutory damages under 15
27 U.S.C. § 1117(d), on election by Plaintiffs, in an amount of One Hundred
28 Thousand Dollars (\$100,000) per domain name infringement;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

CHRISTIE, PARKER & HALE, LLP

DATED: February 1, 2011

By  _____

David J. Steele
Howard A. Kroll

Attorneys for Plaintiffs
VERIZON CALIFORNIA INC.
VERIZON TRADEMARK SERVICES LLC
VERIZON LICENSING COMPANY


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR TRIAL BY JURY

Plaintiffs, VERIZON CALIFORNIA INC., VERIZON TRADEMARK SERVICES LLC, and VERIZON LICENSING COMPANY, hereby demand a trial by jury to decide all issues so triable in this case.

CHRISTIE, PARKER & HALE, LLP

DATED: February 1, 2011

By 

David J. Steele
Howard A. Kroll
Attorneys for Plaintiffs

VERIZON CALIFORNIA INC.
VERIZON TRADEMARK SERVICES LLC
VERIZON LICENSING COMPANY

SCL IRV1120387.5-*-02/1/11 10:42 AM