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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

SIBCY CLINE, INC.,)	CASE NO.: 2:11-cv-1036
)	
Plaintiff,)	
)	
v.)	IN REM COMPLAINT
)	
www.sibcycline.co)	
)	
Defendants.)	

INTRODUCTION

Plaintiff Sibcy Cline, Inc. (hereinafter “Sibcy Cline”), by counsel, and in support of its Complaint against Defendant www.sibcycline.co (a domain name), states the following:

THE PARTIES

1. Plaintiff Sibcy Cline, Inc. is a corporation of the state of Ohio, with its principal place of business located in Cincinnati, Hamilton County, Ohio.

1 2. Defendant www.sibcycline.co, the “rem” in this action, is a domain name for
2 which eNom, Inc. is the registrar. The registrar has an address of 15801 NE 24th Street, Bellevue,
3 Washington 98008.

4 **JURISDICTIONAL ALLEGATIONS**

5 3. This Court has subject matter jurisdiction under 28 U.S.C. §§1331 (civil action
6 arising under the laws of the United States); 1338 (civil action arising under an Act of Congress
7 relating to trademarks); and 15 U.S.C. § 1051 *et seq.*

8 4. Personal jurisdiction over the Defendant domain name is appropriate because
9 domain name registrar of the Defendant domain name is located in this judicial district.

10 5. Venue is appropriate in this Court and in this division pursuant to 28 U.S.C. §
11 1391(b) and 15 U.S.C. § 1125(d)(2).

12 **FACTUAL ALLEGATIONS**

13 **A. Sibcy Cline and its Intellectual Property**

14 6. Since at least as early as 1980, Sibcy Cline has engaged in the real estate business
15 under the SIBCY CLINE name and trademark.

16 7. Sibcy Cline is the owner of the Federal Trademark Registration No. 3,957,380 for
17 its SIBCY CLINE trademark covering real estate services and claiming first use on October 30,
18 1980. (Together, Sibcy Cline’s common law trademark rights and its federal trademark
19 registration are referred to as the “SIBCY CLINE Mark.”)
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22 8. Sibcy Cline has offered and sold real estate services under the SIBCY CLINE
23 Mark in the United States since at least as early as 1980, and holds well-established trademark
24 rights in the SIBCY CLINE Mark. Sibcy Cline has spent considerable sums advertising and
25 promoting the SIBCY CLINE Mark. As a result, the SIBCY CLINE Mark has become distinctive
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1 and famous in the United States, and is associated exclusively with Sibcy Cline and its goods and
2 services.

3 9. By virtue of Sibcy Cline's long and extensive use of its SIBCY CLINE Mark in
4 the promotion and sales of real estate services bearing the SIBCY CLINE Mark, Sibcy Cline has
5 developed a valuable reputation for its SIBCY CLINE Mark, and is the owner of substantial
6 goodwill symbolized by its SIBCY CLINE Mark.

7
8 10. The SIBCY CLINE Mark is the lawful, valued, subsisting and exclusive property
9 of Sibcy Cline, and as a result of the high quality of Sibcy Cline's services and the extensive sales
10 and advertising thereof throughout the United States, the SIBCY CLINE Mark has become an
11 intrinsic and essential part of the valuable goodwill and property of Sibcy Cline, and is
12 recognizable and associated by the public as a symbol identifying and distinguishing Sibcy
13 Cline's services as those of exceptional quality.

14
15 11. Sibcy Cline is the owner of the following domain names: www.sibcycline.com
16 registered through the registrar GoDaddy.com on September 1, 1995 and www.sibcy.com
17 registered through the registrar GoDaddy.com on October 13, 1995 (together hereinafter the
18 www.sibcycline.com and www.sibcy.com domain names are referred to as the "Sibcy Cline
19 Domain Names").

20
21 **B. Bad Faith Use, Registration and Infringement of the SIBCY CLINE Trademark
22 through Registration and Transfer of the www.sibcycline.co Domain Name**

23 12. On July 20, 2010, Jason Ross registered the domain name www.sibcycline.co
24 ("Domain Name") through the domain name registrar eNom, Inc.

25 13. Upon information and belief, sometime shortly thereafter, Mr. Ross began
26 operating a web site at the Domain Name and URL (the "Web Site"), wherein Mr. Ross has been
27 promoting real estate services and related advertisements and links to third-party real estate web
28 sites.

1 14. Mr. Ross' domain name www.sibcycline.co used the SIBCY CLINE Mark without
2 authorization from Sibcy Cline.

3 15. Sibcy Cline has never authorized, licensed, approved or otherwise consented to use
4 of the SIBCY CLINE Mark for either Mr. Ross or his business names, use on the Web Site, in the
5 Domain Name, or otherwise.

6 16. Sibcy Cline has no business, customer, license or other relationship the Defendant
7 or Mr. Ross.

8
9 **C. Sibcy Cline's Cease and Desist Correspondence**

10 17. On October 19, 2010, a cease and desist letter was sent via certified mail, by
11 counsel for Sibcy Cline to Mr. Ross, as registrant for the Web Site, at the address listed for him
12 on the eNom, Inc. registrar web site.

13 18. On November 5, 2010, counsel for Sibcy Cline received a report from the U.S.
14 Postal Service stating that notice was left for Mr. Ross regarding the certified mail waiting for
15 him at the post office but that Mr. Ross never retrieved the October 19, 2010 letter. Another letter
16 was sent later that day on November 5, 2010, to Mr. Ross at the same address only this time it
17 was sent via Overnight Courier and via email.

18 19. In both the October 19, 2010 and the November 5, 2010 letters to Mr. Ross, Sibcy
19 Cline objected to use of the SIBCY CLINE Mark in the Domain Name used for the Web Site, and
20 demanded that Mr. Ross transfer the infringing domain name to Sibcy Cline immediately.

21 20. On November 5, 2010, Mr. Ross sent an email to counsel for Sibcy Cline stating
22 that Sibcy Cline may purchase the name for \$1500, and that the domain name was currently being
23 parked.

24 21. On November 8, 2010, Plaintiff Sibcy Cline rejected the offer of sale from Mr.
25 Ross and reiterated its demand that Mr. Ross transfer the domain to Sibcy Cline immediately.
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1 30. The aforesaid acts constitute a bad faith violation of Sibcy Cline's rights as the
2 owner of a mark registered in the United States Patent and Trademark Office and protected under
3 15 U.S.C. § 1125(a) and/or (c).

4 31. Pursuant to 15 U.S.C. § 1125(d), Plaintiff is entitled to the transfer of the domain
5 name to Sibcy Cline.
6

7 **WRITTEN NOTIFICATION TO DOMAIN NAME REGISTRAR**

8 32. Pursuant to 15 U.S.C. § 1125(d)(2)(D)(i), Plaintiff has or is in the process of
9 notifying the Registrar, eNom, Inc., by providing it with written notification of a filed, stamped
10 copy of this complaint. As a result thereof, pursuant to § 1125(d)(2)(D)(i), the registrar is
11 required to:

12 (I) expeditiously deposit with the court documents sufficient to establish the
13 court's control and authority regarding the disposition of the registration and use of the domain
14 name to the court; and

15 (II) not transfer, suspend, or otherwise modify the domain name during the
16 pendency of the action, except upon order of the court.”
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19 **WHEREFORE**, Sibcy Cline hereby demands the following relief:

20 A. An order requiring immediate forfeiture and awarding transfer of the domain name
21 to the Plaintiff,
22

23 and

24 B. Such other and further relief as the Court may deem just and proper.
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1 Dated this 21st day of June, 2011.

2
3 Respectfully submitted,

4 /s/ Glenn D. Bellamy

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