

HONORABLE ROBERT J. BRYAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ADJUGGLER, INC., a Virginia corporation,

Plaintiff,

v.

ADJOG.COM, a Domain Name,

Defendant.

NO. C08-5627RJB

DEFAULT JUDGMENT

This matter comes before the Court on Plaintiff AdJuggler, Inc.’s (“Plaintiff” or “AdJuggler”) Motion for Judgment by Default, pursuant to Rule 55(b) of the Federal Rules of Civil Procedure. The Defendant ADJOG.COM having failed to plead or otherwise defend in this action, and default having heretofore been entered on January 30, 2009, and good cause appearing, the Court GRANTS Plaintiff’s Motion.

The Court finds, based on the record in this Action, as follows:

1. On October 16, 2008, control over the domain name ADJOG.COM was deposited with the Court pursuant to the Anticybersquatting Consumer Protection Act wherein the registrar of the domain name, Dotster, Inc., stated that it “tenders to the

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1 Court complete control and authority over the registration and use of the ADJOG.COM
2 domain name.” (Dkt. #4).

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4 2. Defendant has failed to appear in this action and has failed to answer
5 Plaintiff’s Complaint. Thus, each averment of the Complaint is deemed admitted.

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7 3. Defendant ADJOG.COM has violated the Anticybersquatting Consumer
8 Protection Act, 15 U.S.C. § 1125(d).

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10 4. Defendant ADJOG.COM has infringed Plaintiff’s registered trademark
11 ADJUGGLER, U.S. Registration No. 2,529,300 in violation of 15 U.S.C. § 1114.

12
13 5. Defendant ADJOG.COM has committed unfair competition by
14 infringing Plaintiff’s common law rights in its ADJUGGLER service mark in violation
15 of 15 U.S.C. § 1125(a).

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17 6. Defendant acted willfully, deliberately, and in bad faith in its registration
18 and use of the ADJOG.COM domain name. This is an “exceptional case” under 15
19 U.S.C. § 1117(a).

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2 Accordingly, IT IS HEREBY ORDERED that:

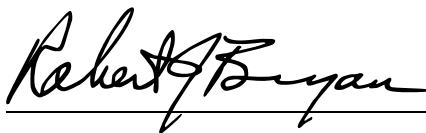
3 1. Default Judgment is entered against Defendant domain name
4 ADJOG.COM.

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6 2. Dotster, Inc. is ordered to transfer the registration of the Defendant
7 domain name ADJOG.COM to Plaintiff, AdJuggler, Inc.

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9 3. Defendant shall pay AdJuggler's costs for this Action pursuant to 15
10 U.S.C. §§ 1125(d)(3) and 1117(a), which shall be taxed pursuant to LR 54(d).

11 4. Defendant shall compensate Plaintiff for all reasonable attorneys fees
12 associated with this Action pursuant to 15 U.S.C. § 1117(a). Plaintiff shall have twenty
13 (20) days from the date of this Order within which to submit to the Court Plaintiff's
14 statement of its attorneys fees from which the Court will enter an award of fees.
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16 SO ORDERED this 9th day of March, 2009 at Tacoma, Washington.

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19 ROBERT J. BRYAN
20 United States District Judge
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