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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

HI-RISE TECHNOLOGY, INC.

Plaintiff,

vs.

AMATUERINDEX.COM,

Defendant

IN REM CIVIL ACTION

CASE NO. **C 07-0349** MJP

COMPLAINT TO ORDER TRANSFER OF
DOMAIN NAME

COMES NOW, Hi-Rise Technology, Inc., by and through MATTHEW A. LIND, of Law Offices of Matthew A. Lind, PLLC, and files this *in rem* proceeding pursuant to 15 U.S.C. § 1125 (d)(2) pertaining to the second-level domain name, amatuerindex.com, and respectfully shows this Court as follows:

I.
PARTIES

1. Hi-Rise Technology, Inc. ("Plaintiff") is a corporation organized under the laws of the State of Florida with its principal place of business at 3959 Van Dyke Road, Suite 246 Lutz, FL 33558.
2. The Internet domain name, amatucrindex.com, is registered with the registrar eNom, Inc. ("eNom"). eNom's physical address is 15801 NE 24th Street, Bellevue, WA 98008 and its main

Complaint - 1

LAW OFFICES OF MATTHEW A. LIND, PLLC.
Fishermen's Terminal * Nordby Building
1715 West Nickerson Street
Seattle, Washington 98119-1633



1 email address is info@eNom.com. eNom, Inc.'s registered agent for service of process is Sarah
2 Akhtar and her registered address is 15801 NE 24th Street, Bellevue, WA 98008.

3 3. According to eNom's WHOIS database, amaturindex.com (the "Domain"), was
4 registered to the organization, Jasper Developments ("Jasper") on April 25, 2003 and only
5 recently updated as of February 26, 2007. According to this database, Jasper lists a foreign
6 business address at GPO Box 1188, Melbourne, Victoria 3001, Australia and an Australian
7 telephone number of +61.390187664. Attached hereto as Exhibit "A" is a true and correct copy
8 of a printout from this WHOIS database information for the Domain.

9
10 **II.**

11 **JURISDICTION AND VENUE**

12 4. This Court has jurisdiction over this matter and this venue is proper pursuant to 15 U.S.C.
13 § 1125 (d)(2).

14
15 **III.**

16 **FACTUAL BACKGROUND**

17 5. Plaintiff is the owner of the service mark, "THE AMATEUR INDEX" (the "Mark"). The
18 Mark is registered with the United States Patent and Trademark Office (Registration No.
19 2706211). Plaintiff's predecessor in ownership filed an application for the Mark with the United
20 States Patent and Trademark Office on May 18, 2001 and received an official registration date of
21 April 15, 2003. Attached hereto as Exhibit "B" is a true and correct copy of a printout of a page
22 from the United States Patent and Trademark Office reflecting Plaintiff's ownership of the Mark.

23 6. On information and belief, Plaintiff has discovered from the WHOIS information
24 submitted by the registrant, Jasper, for the Domain and maintained by the registrar, eNom, that
25 Jasper currently has control and full use of the Domain and is, for all purposes relevant to this
26 proceeding the owner of the Domain. Jasper is listed as the organizational contact for the
27 Domain and Jasper's only business address is located outside the United States. Additionally,

1 other than Jasper and as Exhibit "A" evidences, there is neither a natural person nor a business
2 entity within the United States listed as either a contact or owner for the Domain.

3 7. Plaintiff has discovered that Jasper is currently using the Domain as a web site to allow
4 Internet access to various forms of adult-oriented content through links contained on the website
5 located at the Domain. Attached hereto as Exhibit "C" is a true and correct copy of a printout of
6 the website located at the Domain.

7 8. Plaintiff's Mark, as evidenced by Exhibit "B" was registered for the express purpose of
8 providing a website linking Internet users to other adult entertainment websites from links found
9 on Plaintiff's website, amateurindex.com, which is has exclusive licensing rights to the Mark.

10
11 **IV.**

12 **FIRST CAUSE OF ACTION**

13 **(Violation of the Anticybersquatting Consumer Protection Act)**

14
15 9. Plaintiff repeats and realleges Paragraphs 1 through 8 of this Complaint as if restated in
16 full.

17 10. The ownership and use of the Domain name violates Plaintiff's exclusive rights in the
18 Mark.

19 11. The registration and corresponding use of a common misspelling of Plaintiff's Mark as a
20 domain name after Plaintiff established intellectual property rights in that domain name
21 constitutes a violation of 15 U.S.C. § 1125 (d)(1)(A)(i)-(ii).

22
23 12. Plaintiff's inability to obtain *in personam* jurisdiction over the foreign owner of the
24 Domain, Jasper, necessitates this *in rem* action against the Domain pursuant to 15 U.S.C. § 1125
25 (d)(2)(A)(i) and (ii)(I).

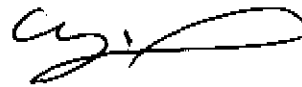
V.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff, Hi-Rise Technology, Inc., respectfully requests that this Honorable Court grant relief under 15 U.S.C. § 1125 (d)(2)(D)(i)-(ii) sought herein and order cNom to transfer the Domain, amaturerindex.com, to Plaintiff.

DATED this 8 day of March 2007.

Respectfully Submitted,



Matthew A. Lind, WSBA #37179
Attorney for Plaintiff

Exhibit A



powering the domain name industry

[whois](#) [help](#)

HOME

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- o [services overview](#)
- o [pricing](#)
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- o [maintenance alerts](#)
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DOMAINS

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 - [list wizard](#)
 - [DNS hosting](#)

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- o [easy web site manager](#)
- o [help](#)

HOSTING

- o [about our web hosting](#)
- o [manage hosting accounts](#)
- o [hosting help](#)

EMAIL

- o [about our pop email solution](#)
- o [about hosted exchange](#)
- o [manage pop email](#)
- o [manage hosted exchange](#)
- o [help](#)

AUCTIONS

- o [about domain auctions](#)
- o [search all auctions](#)
- o [browse auctions](#)
- o [premium names](#)
- o [Club Drop \(expiring names\)](#)
- o [my auctions](#)
- o [help](#)

WEB TOOLS

TRAFFIC VISTA

- [analyze your traffic](#)
- [manage](#)
- [help](#)

SSL CERTIFICATES

- [secure your site](#)
- [my SSL certs](#)

WEB MONITOR

- monitor your sites
- manage
- help

ID PROTECT

- shield your identity
- help

RESELLERS

- sell domain names
- promotions
- sub-accounts
- refill account
- commission account
- PDQ
- R-Rocket
- merchant services
- eNom API Info
- API Documentation
- test account

» DOMAINS » whois

Our WhoIs (Who Is?) page lets the public see information about the owner (the "registrant") of a particular domain name as well as other information about the domain name. Some of this information is maintained by eNom (the "registrar") and some is maintained by the "registry". Only names that are registered by eNom (the "registrar") appear here. Names that are maintained by other registrars will not show up in our WhoIs, even though they are already registered (i.e. taken). You can [see if a name is already taken here](#).

Access to eNom's Whois information is for informational purposes only. eNom makes this information available "as is," and does not guarantee its accuracy. The compilation, repackaging, dissemination or other use of eNom's Whois information in its entirety, or a substantial portion thereof, is expressly prohibited without the prior written consent of eNom. By accessing and using our Whois information, you agree to these terms.

WhoIs Results for amatuerindex.com

Contact Type Registrant

Organization Name: Jasper Developments
First Name: domain
Last Name: manager
Address 1: GPO Box 1188
Address 2: Melbourne
City: VIC
StateProvince:
PostalCode: 3001
Country: AU
Phone: +61.390187664
Fax:
EmailAddress: whois@developments.com

Contact Type Administrative

Organization Name: Jasper Developments
First Name: domain
Last Name: manager
Address 1: GPO Box 1188

Address 2: Melbourne
City: VIC
StateProvince:
PostalCode: 3001
Country: AU
Phone: +61.390187664
Fax:
EmailAddress: whois@developments.com

Contact Type Billing

Organization Name: Jasper Developments
First Name: domain
Last Name: manager
Address 1: GPO Box 1188
Address 2: Melbourne
City: VIC
StateProvince:
PostalCode: 3001
Country: AU
Phone: +61.390187664
Fax:
EmailAddress: whois@developments.com

Contact Type Technical

Organization Name: Jasper Developments
First Name: domain
Last Name: manager
Address 1: GPO Box 1188
Address 2: Melbourne
City: VIC
StateProvince:
PostalCode: 3001
Country: AU
Phone: +61.390187664
Fax:
EmailAddress: whois@developments.com

Other Information

domain: amatuIndex.com
registration-expiration-date: 2007-04-25 18:20:10.000
created-date: 2003-04-25 18:20:10.000
updated-date: 2007-02-26 03:26:07.000
status: registrar-lock

nameserver: NS2.DSREDIRECTION.COM
NS1.DSREDIRECTION.COM

Enter the domain name for which you would like to check information.
(i.e. "example.com")

search

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User's Choice
Award



•com •net



Exhibit B



United States Patent and Trademark Office

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Trademarks > Trademark Electronic Search System(Tess)

TESS was last updated on Wed Mar 7 04:18:07 EST 2007

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DIRTY](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark	THE AMATEUR INDEX
Goods and Services	IC 035. US 100 101 102. G & S: PROMOTING THE GOODS AND SERVICES OF OTHERS BY PROVIDING A WEBSITE AT WHICH INTERNET USERS LINK TO OTHER ADULT ENTERTAINMENT WEBSITES. FIRST USE: 19970425. FIRST USE IN COMMERCE: 19970425
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	76259630
Filing Date	May 18, 2001
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	January 21, 2003
Registration Number	2706211
Registration Date	April 15, 2003
Owner	(REGISTRANT) Hi-Rise Entertainment, Inc. CORPORATION LOUISIANA 1027 Friedrichs Street Gretna LOUISIANA 70053 (LAST LISTED OWNER) HI-RISE TECHNOLOGY, INC. CORPORATION FLORIDA 3959 VANDYKE RD STE 246 LUTZ FLORIDA 33558
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Kim Huong A. Tran

Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

[TESS HOME](#)

[NEW USER](#)

[STRUCTURED](#)

[FREE FORM](#)

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Exhibit C



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- Employment
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- Business Opportunities

• Lifestyle

- Dating
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- Jewish Singles
- Engagement Rings
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- Teen Nudist Photo Gallery
- Female Orgasm
- Playmates Galleries
- Large Breast Gallery
- Cute Girl Pic

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