

HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARCEL STENZEL, an individual,
Plaintiff,
vs.
GARY L. PIFER, an individual.
Defendant.

NO. C06-0049 TSZ

JUDGMENT IN CIVIL CASE



Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

Based on the Court's Order of May 22, 2006, docket no. 32, the Order granting Plaintiff's Motion for Reconsideration of July 26, 2006, docket no. 40, and the parties' briefs in support of their proposed judgments, docket nos. 42, 44, 47, the Court enters the following Judgment.

(1) Plaintiff Marcel Stenzel did not violate Defendant Gary L. Pifer's rights under the Lanham Act, 15 U.S.C. § 1125(a), in registering or using the <colchester.com> domain name (the "Domain Name");

(2) Plaintiff Marcel Stenzel did not violate Defendant Gary L. Pifer's rights under the Anticybersquatting Consumer Protection Act (ACPA), 15 U.S.C. § 1125(d)(1)(a), in registering or using the Domain Name because Defendant Gary L. Pifer's alleged COLCHESTER mark was not "distinctive or famous" at the time of registration of the

1 Domain Name, as required under the ACPA;

2 (3) The Court renders no opinion as to whether this Judgment does or does not
3 entitle Plaintiff Marcel Stenzel to prevent the registrar of the Domain Name to transfer
4 the Domain Name to Defendant Gary L. Pifer, nor whether either party may take further
5 action with respect to the Domain Name;

6 (4) The Court awards Marcel Stenzel his costs in the amount of two hundred fifty
7 dollars (\$250.00) for the Court's filing fee.

8
9 BRUCE RIFKIN, Clerk

10 September 6, 2006

/s/ Casey Condon

11 _____
12 Date

By

Casey Condon
Deputy Clerk