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8 GO DADDY OPERATING COMPANY, LLC

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 GO DADDY OPERATING COMPANY,
13 LLC,

14 Plaintiffs,

15 vs.

16 USMAN GHAZNAVI a/k/a USMAN
ANIS, SALMAN GHAZNAVI a/k/a
17 SALMAN ANIS, SILICON VALLEY
GRAPHIC, LLC d/b/a SILICON
18 VALLEY GRAPHICS, and DOES 1
through 50,

19 Defendant(s).
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Case No.: _____

COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF

DEMAND FOR JURY TRIAL

2. GoDaddy is the world's largest domain name registrar. In addition to providing domain registration services, GoDaddy offers over fifty (50) other online products and services to the public, including, as relevant here, website design, website development, and online marketing services.

4. Defendants are contacting GoDaddy customers and other unsuspecting consumers with unsolicited email communications, SMS text messages, and fax messages that falsely represent a relationship with GoDaddy, all under the guise of assisting GoDaddy customers with developing their newly registered domain names. Defendants have even gone so far as to advise inquiring consumers that they are a subsidiary of GoDaddy.

6. Upon information and belief, GoDaddy is only the latest in a string of trademark holders to have their intellectual property misappropriated by Defendants and put to use in fraudulent marketing campaigns. Over the course of the last five (5) years, Defendants and their associated businesses developed notoriety for operating a ring of businesses purportedly engaged in application development, logo design, and website design.

7. A 2014 investigative report published by Android Police, a “blog dedicated to everything related to Android,”¹ placed a spotlight on the business practices of Anis and Ghaznavi, highlighting practices that, if true, are dubious at best, and fraudulent at worst. A complete and accurate copy of this report is attached hereto as Exhibit A. The article is replete with allegations relating to Defendants’ sham business practices and misappropriation of intellectual property (“IP”) across a number of Defendants’ businesses. Defendants are also the subject of numerous complaints to the Better Business Bureau, and a brief search on the website that resolves from the domain name, ripoffreport.com, revealed numerous complaints about Defendants and their business practices. A selection of these complaints is attached hereto as Exhibit B.

8. GoDaddy brings this lawsuit in order to halt and seek redress for Defendants’ continued unlawful conduct, and to stem the consumer confusion by which such conduct was originally brought to GoDaddy’s attention. Specifically, GoDaddy brings claims for violations of §§ 32 and 43 of the Lanham Act, 15 U.S.C. § 1114 (Trademark Infringement), § 1125(a) (False Designation of Origin, Unfair Competition/False Advertising), § 1125(c) (Trademark Dilution), and § 1125(d) (Cybersquatting); violations of California Business and Professions Code §§ 17200 and 17500; and violations of California common law.

PARTIES

9. GoDaddy is a limited liability company organized and existing under the laws of the State of Delaware, and has its principal place of business in Scottsdale, Arizona.

10. Upon information and belief, defendant Usman Ghaznavi a/k/a Usman Anis (“Anis”) is a California resident. As detailed more fully below, he owns, operates, and/or controls numerous corporate entities located in Alameda County, California, at 45333 Fremont Blvd, Suite 5, Fremont, California 94538 (the “Fremont

¹ “About,” Android Police, available at <http://www.androidpolice.com/about/> (last accessed October 31, 2017).

1 Address”), and in Santa Clara County, California, at 440 North Wolfe Road, MS#
2 142, Sunnyvale, California 94085 (the “Sunnyvale Address”). He has also
3 represented these addresses as his own in corporate filings with the California
4 Secretary of State.

5 11. Upon information and belief, defendant Salman Ghaznavi a/k/a Salman
6 Anis (“Ghaznavi”), is a California resident. As detailed below, he is involved in
7 numerous corporate entities located in Alameda County, California, at the Fremont
8 Address, and in Santa Clara County, California, at the Sunnyvale Address.

9 12. Upon information and belief, defendant SVG is a limited liability
10 corporation organized and existing under the laws of the State of California, and has
11 its principal place of business in Alameda County, California, at the Fremont Address.
12 Anis owns, operates, and/or controls SVG. An individual identified as Waqar Ahmed
13 is SVG’s agent for service of process, at the Fremont Address.

14 13. GoDaddy is unaware of the true names of the other Defendants sued
15 herein as Does 1 through 50, inclusive, and therefore sues these Doe Defendants by
16 such fictitious names. GoDaddy will amend this Complaint to allege the true names
17 and capacities of these Doe Defendants when ascertained. GoDaddy is informed and
18 believes and, on that basis, alleges that each such fictitiously named Doe Defendant is
19 responsible in some manner for the damages alleged herein and that GoDaddy’s losses
20 and damages were proximately caused by such conduct.

21 14. GoDaddy is also informed and believes and, on that basis, alleges that at
22 all relevant times mentioned herein, the named Defendants and the Doe Defendants,
23 and each of them, were the agents, employees, and representatives of each other and
24 acted within the scope and course of that agency, employment, and/or other such
25 relationship, and authorized, approved, and/or ratified the conduct alleged herein. For
26 purposes of this Complaint, the term “Defendants” shall collectively refer to the
27 named Defendants and the Doe Defendants.

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JURISDICTION

15. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338, 15 U.S.C. §§ 1116 and 1125, and 28 U.S.C. § 1367.

16. Venue lies within this district because a substantial part of the events giving rise to these claims occurred in this district and Defendants reside in this judicial district for purposes for 28 U.S.C. § 1391(b) and (c).

17. This action arises in Alameda County because a substantial part of the events giving rise to the claim occurred in Alameda County. This action is an intellectual property action subject to district-wide assignment pursuant to Civil Local Rule 3-2(c).

FACTUAL ALLEGATIONS

A. GoDaddy's Business and Intellectual Property

18. GoDaddy is the world's largest domain name registrar with nearly 73 million domain names under management and more than 17 million customers worldwide. GoDaddy operates its business primarily through its subsidiary GoDaddy.com, LLC, which operates a website located at www.godaddy.com (the "GoDaddy Site").

19. As a domain name registrar, GoDaddy is responsible for managing the reservation of Internet domain names registered through it by members of the public. A domain name registrar must be accredited by the Internet Corporation for Assigned Names and Numbers ("ICANN"), as well as the domain name registries for generic top level domains (gTLDs), such as .COM and .NET. As relevant here, ICANN maintains a public domain name registry, known as WHOIS, that contains contact information for all domain name registrants who register a .COM or .NET domain name. Registrants are required to provide contact information to WHOIS as part of the domain name registration process.

20. In addition to domain registration services, GoDaddy offers customers a host of additional services to facilitate customers' uses of their domains. As relevant

1 to the instant action, these services include website design, logo design, and business
2 design services:

3 a. GoDaddy's website design services include simple and accessible
4 instructions to assist customers in designing their websites. GoDaddy offers
5 customers a user interface that allows customers to quickly and easily develop a
6 customized website with features suited to their needs. For customers who
7 want more assistance with the website design process, GoDaddy offers expert
8 services, whereby GoDaddy creates, hosts, and updates a custom website for a
9 customer. GoDaddy works closely with these customers to learn about their
10 businesses, and develop a website best suited for their needs.


11 b. GoDaddy's business development services assist customers in
12 numerous ways, such as by creating a Facebook account linked to the
13 customer's website, optimizing a customer's website for popular internet search
14 engines, and assisting customers with developing email marketing campaigns.


15 c. GoDaddy's logo design services also involve close consultation
16 with customers. GoDaddy works with each customer to learn about the
17 customer's business, style, and design preferences, then develops a customized
18 logo for the customer. These services all serve as a logical next step for
19 customers after registering a domain name with GoDaddy.



20 21. GoDaddy owns the GODADDY marks (the "GoDaddy Marks"),
21 including, but not limited to, United States Trademark Registration Numbers 4526948
22 and 4472643. GoDaddy has also developed significant common law rights in the
23 GODADDY trade name (the "GoDaddy Name") in connection with its products and
24 services. Since first acquiring rights in the GoDaddy Marks, GoDaddy has invested
25 significant resources in building and developing good will and value associated with
26 the GoDaddy Marks, and consumers across the globe associate these famous marks
27 with GoDaddy and its products and services.

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22. GoDaddy is the owner of all rights in the GoDaddy Marks, which include, but are not limited to, the service marks that are the subject of the following United States Trademark Registrations:

REGISTRATION NUMBER	SERVICE MARK	SERVICES
4,549,193		<p>Increasing traffic flow to websites on the Internet, namely, promoting the goods and services of others by providing automated hypertext links to the websites of others using optimal search terms and search engines; Domain monetization services for others; Advertising services, namely, creating corporate and brand identity for others; Providing business management information on a wide variety of topics to service professionals; Providing business management consulting services, International Category 35.</p> <p>Designing, developing and hosting web sites for others on a global computer network; Design services for others, namely, design services in the nature of graphic design services for creating corporate logos; Global computer system domain name</p>

		<p>searching services, namely, conducting computer searches for the availability of domain names and a list of expired domain names, International Category 42.</p> <p>Providing user authentication service in e-commerce transactions on a global computer network; Computer services, namely, registering previously registered domain names by registering the domain names when the domain names become publicly available; Computer services, namely, registering domain names for use on a global computer network; Online social networking services, International Category 45.</p>
4,526,948	GODADDY	Clothing, namely, men's and women's t-shirts, caps and hats, International Category 25.
4,472,643	GODADDY	[same as 4,549,193, above]
4,472,631		[same as 4,549,193, above]

1 2 3 4	4,517,021		[same as 4,549,193, above]
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	3,672,975		Computer programs, namely, programs for creating, posting and maintaining websites on the global computer network; Computer graphics software, computer authoring software, and digitized graphics modules for designing and developing web sites on a global computer network; Computer software provided by means of a global computer network which assists a user in creating customized forms; Computer search engine software for enhancing search engine capabilities and increasing Internet traffic to web site; Computer programs, namely, for developing and displaying an interactive electronic storefront on a global network, for adding and managing a catalog of products for selling on a global network, for processing payment calculation and collection over a global network, and for generating reports of web site activity for a designated site on a

		<p>global network; Computer programs to assist others in marketing their businesses through the creation of targeted email campaigns, International Category 9.</p> <p>Increasing traffic flow to websites on the Internet, namely, promoting the goods and services of others by providing automated hypertext links to the websites of others using optimal search terms and search engines; Domain monetization services for others; Advertising services, namely, creating corporate and brand identity for others, International Category 35.</p>
3,672,972	GODADDY.COM	[same as 3,672,975, above]

B. Misappropriation and Unlawful use of the GoDaddy Marks by Defendants

23. Over the course of the last fifteen months, Defendants launched a campaign of IP misuse and misappropriation aimed at siphoning traffic from GoDaddy's websites and profiting from the GoDaddy Marks. Defendants registered, operated, and continue to own and operate more than thirty internet domain names (the "Infringing Domains") that are identical to, or confusingly similar to and dilutive of, the GoDaddy Marks and the GoDaddy Site. GoDaddy has not been able to prepare a complete inventory of the Infringing Domains because ongoing research continues

1 to yield more such domains and Defendants are continuing to register new domains.
2 At the time of filing of this Complaint, the Infringing Domains include, but are not
3 limited to:

- 4 a. g0daddydesigns.com
- 5 b. godaddydesigns.com
- 6 c. go-daddydesigns.com
- 7 d. godesigndaddy.com
- 8 e. godaddybrandagency.com
- 9 f. godaddybranddesign.com
- 10 g. godaddybranding.com
- 11 h. godaddydesignagency.com
- 12 i. godaddydesigners.com
- 13 j. godaddydesignhub.com
- 14 k. godaddydesignservice.com
- 15 l. godaddydesignsolution.com
- 16 m. godaddydomaindesigns.com
- 17 n. godaddyexplainervideos.com
- 18 o. godaddygraphicdesigns.com
- 19 p. godaddyhostingdesign.com
- 20 q. godaddyhostingdesigns.com
- 21 r. godaddylogodesigns.com
- 22 s. godaddylogosonline.com
- 23 t. godaddymarketingagency.com
- 24 u. godaddypremiumdesigners.com
- 25 v. godaddypremiumdesigns.com
- 26 w. godaddypremiums.com
- 27 x. godaddyprivacy.com
- 28 y. godaddywebcoupon.com

1 z. godaddywebsitecoupon.com
2 aa. godaddywebdesign.com
3 bb. godaddywebdesigns.com
4 cc. godaddydesigncoupons.com
5 dd. godaddyanimations.com
6 ee. logodesigndaddy.com
7 ff. logodesignsdaddy.com
8 gg. logodaddycoupon.com

9 24. On information and belief, most of the Infringing Domains utilize a
10 domain name privacy service to ensure that Defendants' corporate contact information
11 is not publicly available. A domain name privacy service provider offers customers
12 the ability to keep their information private when they register their domain name by
13 displaying the provider's contact information in the WHOIS database instead of the
14 domain name registrant's contact information. In the instant action, many of the
15 infringing domains utilize the domain name privacy services of Domain Protected
16 Services, Inc.

17 25. Upon information and belief, prior to utilizing a domain name privacy
18 service, Defendants registered an alias, Fedrick King ("King"), as the owner and
19 contact for many of the Infringing Domains. For example, as of July 2017, the
20 registrant information for g0daddydesigns.com was: Fedrick King, 45333 Fremint
21 [sic] Blvd. STE 5, Fremont, California, 94538, fedrickking1@gmail.com. Defendants
22 have since moved the registration for this domain and a number of the other Infringing
23 Domains to a domain name privacy service. As of the filing of this Complaint, the
24 domains, www.godesigndaddy.com and www.go-daddydesigns.com, continue to
25 publicly identify King as the domain registrant. To date, GoDaddy's investigation has
26 uncovered no record of a Fedrick King, other than records of his purported ownership
27 of domain names, including many of the infringing domains.

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26. Despite recent efforts to conceal their ownership of the Infringing Domains, GoDaddy was able to determine that Defendants acknowledge and maintain ownership of at least one of the infringing domains. According the WHOIS database, the domain godaddywebdesigns.com utilizes WhoIsGuard, Inc.'s ("WhoIsGuard") domain name privacy services. Upon inquiry, WhoIsGuard disclosed that Ghaznavi is the registered owner of the domain and that the contact information associated with the domain name lists the Fremont Address. The registered company for the domain is Silicon Networks LLC, and the registered email is networks@brandedlogodesigns.com. As explained further below, Branded Logo Designs is another of Defendants' businesses.

27. As explained more fully below, Defendants also registered six of the Infringing Domains (go-daddydesigns.com, g0daddydesigns.com, godesigndaddy.com, godaddydesigncoupons.com, logodesigndaddy.com, and logodesignsdaddy.com) through two accounts that they maintained with GoDaddy.

C. Logo and Website Design Businesses Operated by Defendants

28. In addition to SVG and the website design businesses resolving from the Infringing Domains, Defendants have a broad business portfolio of companies intimately tied to the Fremont and Sunnyvale Addresses. These businesses include, but are not limited to:

- a. AppDesignAgency, LLC, d/b/a Avenue Social, LLC ("Avenue Social"): on information and belief, Avenue Social is a limited liability corporation organized and existing under the laws of the State of California, with its principal place of business in Santa Clara County, California, at the Sunnyvale Address. Avenue Social's Articles of Incorporation, dated March 5, 2014, are signed by Ghaznavi as Avenue Social's President, and by Anis as its Secretary. *See* Exhibit C. These Articles further identify Waqar Khan, located at the Sunnyvale Address, as Avenue Social's agent for service of process.

1 Ghaznavi has also held himself out as Avenue Social's Chief Executive Officer
2 in marketing videos.

3 b. BrandedLogoDesigns, Inc. ("Branded Logo"): on information and
4 belief, Branded Logo is a corporation organized and existing under the laws of
5 the State of Nevada, with its principal place of business in Santa Clara County,
6 California, at the Sunnyvale Address. The entity details for Branded Logo on
7 the website for the Secretary of State for the State of Nevada identify Anis as
8 Branded Logo's President, Secretary, Treasurer, and Director, and identify his
9 address as the Sunnyvale Address. *See* Exhibit D.

10 c. SocialJitney, Inc. ("Social Jitney"): on information and belief,
11 Social Jitney is a now-dissolved corporation that was previously organized and
12 existing under the laws of the State of Nevada, with its principal place of
13 business in Santa Clara County, California, at the Sunnyvale Address. The
14 entity details for Social Jitney on the website for the Secretary of State for the
15 State of Nevada identify Anis as Social Jitney's President, Secretary, Treasurer,
16 and Director, and identify his address as the Sunnyvale Address. *See* Exhibit E.

17 d. Appbury, Inc. ("Appbury"): on information and belief, Appbury, is
18 a corporation organized and existing under the laws of the State of Nevada,
19 with its principal place of business in Santa Clara County, California, at the
20 Sunnyvale Address. The entity details for Appbury on the website for the
21 Secretary of State for the State of Nevada identify Anis as Appbury's President,
22 Secretary, Treasurer, and Director, and identify his address as the Sunnyvale
23 Address. *See* Exhibit F.

24 e. VideoJeeves, Inc. ("Video Jeeves"): on information and belief,
25 Video Jeeves, is a corporation organized and existing under the laws of the
26 State of Nevada, with its principal place of business in Alameda County,
27 California, at the Fremont Address. The entity details for Video Jeeves on the
28 website for the Secretary of State for the State of Nevada identify Anis as Video

1 Jeeves's President, Secretary, Treasurer, and Director, and identify his address
 2 as the Fremont Address. *See* Exhibit G. An online profile for Ghaznavi on a
 3 website run by VB Profiles² identifies Ghaznavi as Appbury's Chief Executive
 4 Officer. *See* Exhibit H. Video Jeeves's website, accessible at
 5 www.videojeeves.com, identifies its telephone number as (877) 326-0221 (the
 6 "877 Number").

7 f. iTech Devices, Inc. ("iTech"): on information and belief, iTech is a
 8 corporation organized and existing under the laws of the State of California,
 9 with its principal place of business in Alameda County, California, at the
 10 Fremont Address. iTech's Statement of Information dated July 7, 2015,
 11 identifies Anis as iTech's Chief Executive Officer ("CEO"), Chief Financial
 12 Officer ("CFO"), and as a Director, and identifies his address as the Fremont
 13 Address. *See* Exhibit I. This document further identifies Ghaznavi as iTech's
 14 Secretary, located at the Fremont Address, and identifies Waqar Khan, located
 15 at the Fremont Address, as iTech's agent for service of process. *See id.*
 16 Previous filings had identified Ghaznavi as iTech's President, and Anis as its
 17 Secretary. *See* Exhibit J, Certificate of Amendment of Articles of
 18 Incorporation.

19 g. Blitz Design, Inc. ("Blitz"): on information and belief, Blitz is a
 20 corporation organized and existing under the laws of the State of California,
 21 with its principal place of business in Alameda County, California, at the
 22 Fremont Address. Blitz's Statement of Information dated March 27, 2017, lists
 23 Anis as Blitz's CEO, CFO, Secretary, and only Director, and identifies his
 24 address as the Fremont Address. *See* Exhibit K. The document describes
 25 Blitz's business as "brand and logo design." *See id.* On its website,
 26

27 ² VB Profiles describes itself as "a partnership between Spoke Intelligence and
 28 VentureBeat . . . [and a] source for timely, relevant and comprehensive information on
 industries, industry trends, companies and people." "About VB Profiles," VB
 Profiles, available at <https://www.vbprofiles.com/about> (last accessed October 31,
 2017).

1 http://blitzdesign.ae/about.html, Blitz advertises its United States address as the
2 Fremont Address, and its telephone number as (800) 589-2951 (the “800
3 Number”). A screenshot of this website, displaying this contact information, is
4 attached hereto as Exhibit L.

5 h. Silicon Graphics: according to information provided on its website,
6 located at www.silicongraphics.ae/about.html, Silicon Graphics (“SG”) is “a
7 subsidiary of Silicon Valley Graphic,” that “was created as a digital agency to
8 provide Web Development services with a primary focus on Digital
9 Marketing.” It invites customers to contact it at the 800 Number. A screenshot
10 of the contact information displayed on the website, is attached hereto as
11 Exhibit M.

12 i. Logo Jeeves, Ltd. (“Logo Jeeves”): upon information and belief,
13 Logo Jeeves is a Private Limited Company organized under the laws of the
14 United Kingdom. Its Certificate of Incorporation identifies Waqar Khan as its
15 sole director. Its website, www.logojeeves.com, identifies the 800 Number as
16 its telephone number, and the Sunnyvale Address as its address. A screenshot
17 of the contact information displayed on the website, is attached hereto as
18 Exhibit N.

19 j. Logo Bench Inc. (“Logo Bench”): upon information and belief,
20 Logo Bench is either an unincorporated entity, or it is unknown under what
21 state or country’s laws Logo Bench is organized, and Logo Bench’s principal
22 place of business at the Sunnyvale address. Anis advertises himself as
23 “Director – Program Management at Logo Bench,” and describes Logo Bench
24 as “a company focused on graphics development, social media marketing,
25 design & development.” See Exhibit O. Logo Bench’s website, accessible at
26 www.logobench.com, identifies its contact number as (877) 326-0220, nearly
27 identical to the 877 Number.

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1 k. Salsoft Technologies (Pvt) Ltd. (“Salsoft”): upon information and
 2 belief, Salsoft is a private limited company organized under the laws of
 3 Pakistan, with its principal place of business in Karachi, Pakistan. Salsoft’s
 4 website, located at www.salsoft.net, states that Ghaznavi established it in 2000,
 5 and identifies iTech as one of Salsoft’s partners. Images printed from Salsoft’s
 6 website are attached as Exhibit P.

7 29. As explained further below, the commonalities between these businesses,
 8 the Infringing Domains, and the associated websites, demonstrate that they are part of
 9 a common scheme operated, executed, and controlled by Defendants. These
 10 commonalities include, but are not limited to, the physical addresses (the Fremont
 11 Address and Sunnyvale Address), the references and links to Defendants’ businesses
 12 in the websites accessed from the Infringing Domains, the common designs of the
 13 websites associated with Defendants’ businesses and the Infringing Domains, and the
 14 use of the same telephone numbers in advertisements.

15 **D. GoDaddy Discovers Defendants’ Use of the Infringing Domains**

16 30. In July 2017, a customer notified GoDaddy of an email the customer had
 17 received from Defendants that purported to be “From: GoDaddy,” and “On Behalf Of
 18 GoDaddy,” but was sent by an entity calling itself GoDaddy Designs (the “GoDaddy
 19 Designs Email”). The GoDaddy Designs Email identified the domain name
 20 associated with GoDaddy Designs as g0daddydesigns.com. *See* Exhibit Q. This
 21 advertisement further identified the 800 Number as the entity’s telephone number, and
 22 contained a footer that stated, “99designs, 440 N Wolfe Road, Sunnyvale, CA 94085.”

23 31. The GoDaddy Designs Email stated, in part, “Hey customer, The next
 24 logical step for [the customer’s domain name] is to grab a Logo that can have a
 25 powerful impact on your users. Avail [sic] your Early Bird Voucher and enjoy up to
 26 77 PERCENT OFF on your Logo and Website design work. Voucher is valid for
 27 Today only. ACTIVATE YOUR DISCOUNT VOUCHER (Expires in 24Hrs) And
 28 start your project today”

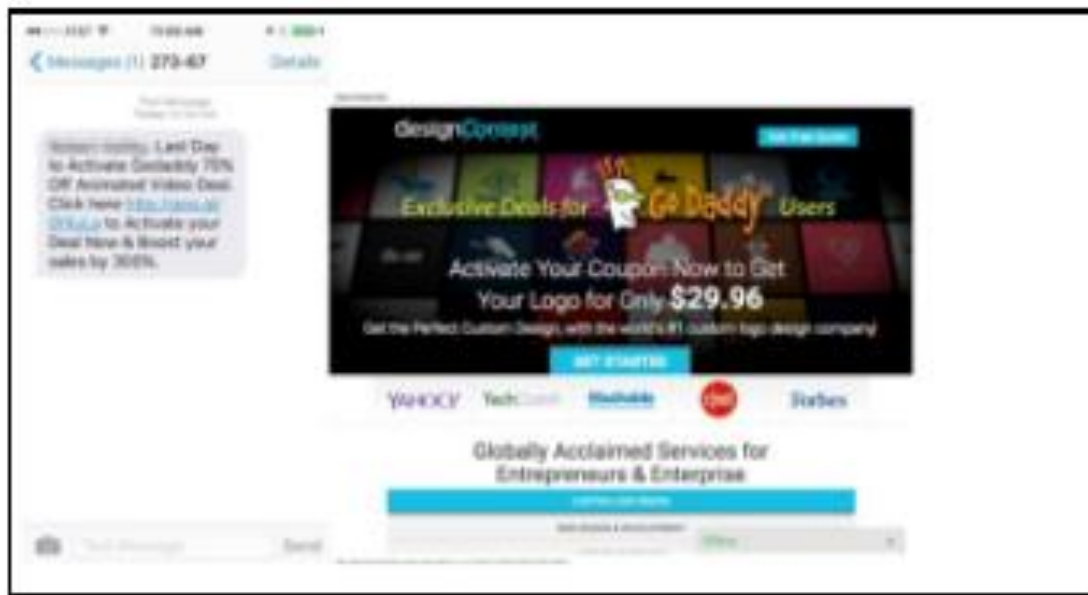
1 32. In investigating the origins of the GoDaddy Designs Email, GoDaddy
2 discovered that the domain was hosted by GoDaddy, on an account paid for by Anis,
3 and registered to the Fremont Address. The identity of the registrant associated with
4 the domain was Defendants' alias, Fedrick King, at the Fremont Address. The
5 Fremont Address was also utilized as the contact address and billing address for the
6 account, the contact email address for the account was network@salsoft.net, and Anis
7 paid for the products and services purchased on this account using a credit card linked
8 to the Fremont Address. Furthermore, g0daddydesigns.com resolved to an IP address³
9 registered to Anis at the Fremont Address. After determining that the website
10 resolving from g0daddydesigns.com was improperly utilizing GoDaddy's trademarks
11 in violation of GoDaddy's Uniform Terms of Service Agreement ("UTOS"),
12 GoDaddy suspended the site and terminated the GoDaddy account. GoDaddy
13 continued to investigate this account, and found that it also registered, or had
14 previously registered, four additional Infringing Domains (go-daddydesigns.com,
15 godesigndaddy.com, logodesignsdaddy.com, and logodaddycoupon.com), as well as a
16 domain associated with Defendants' related businesses, brandedlogosdesign.com.

17 33. GoDaddy's investigation of g0daddydesigns.com and Defendants'
18 account revealed that Defendants held a second GoDaddy account. The second
19 account utilized the Sunnyvale Address as the contact address and billing address for
20 the account, and Anis paid for the products and services purchased on that account
21 with the same credit card associated with the account related to g0daddydesigns.com.
22 This account utilized a Logo Bench contact email, tim.morgan@logobench.com, and
23 provided a telephone number ((877) 628-3056) that, when entered into an internet
24 search engine, such as Google, revealed that the same contact number appeared on
25 social media profile pages for Social Jitney and Branded Logo. This account also
26 registered, or had previously registered, two Infringing Domains
27 (godaddydesigncoupons.com and logodesigndaddy.com), as well as the domain that

28 ³ An IP address (also known as an Internet Protocol address) is a numerical label that identifies a computer or device connected to a computer network.

resolved to SVG's website, svgprint.com, and two additional domains associated with Defendants' related businesses, logojeeves.co.uk and appdesignagency.com. GoDaddy terminated this account for the same reasons it terminated Defendants' other GoDaddy account.

34. The discovery of the Infringing Domains also shed light on their relation to a spam campaign involving the domain name route66d.com ("Route 66"). The Route 66 spam campaign first came to GoDaddy's attention in the summer of 2016 after it received a number of customer complaints about text messages that appeared to be from GoDaddy. As set forth in the customer alert that GoDaddy was ultimately compelled to post on its website: "The messages (pictured below) are actually from a 'logo deal' spammer. GoDaddy has neither provided nor shared any customer data with them. Instead, they pulled contact information from the public WHOIS database. Text messages were then generated by the website <http://www.route66d.com>, which, as of September 20, 2016, was registered through Enom and hosted by HostGator (50.87.144.209)." The website to which GoDaddy customers were directed utilized and prominently displayed GoDaddy's trademarks:



See Exhibit R.

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1 35. The Route 66 spam campaign was relentless, spawning a large number of
2 customer complaints and threats of litigation from customers who believed they had
3 received the messages from GoDaddy. It was also identical in nature to another spam
4 campaign during the same time period that directed GoDaddy customers to a website
5 at www.theamericandesigns.com (“American Designs”). Both Route 66 and
6 American Designs operated identical websites that utilized the GoDaddy Marks in
7 connection with the sale of their logo and website design business without GoDaddy’s
8 consent and in a manner that caused actual confusion.

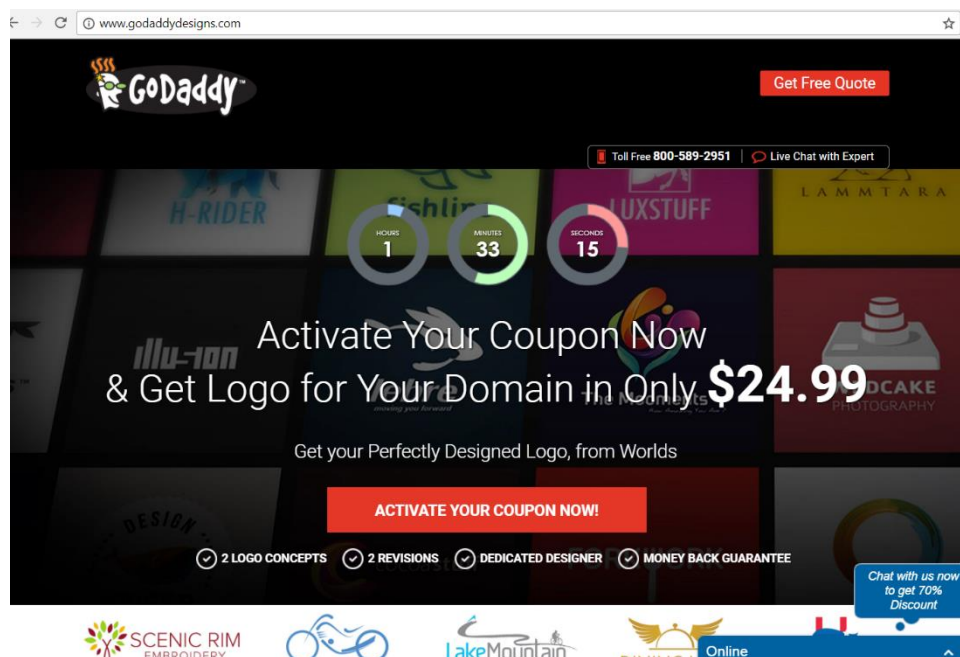
9 36. Upon receipt of two separate cease and desist letters, WhoisGuard
10 disclosed that a Rizwan Ali, of Pakistan, owned both route66d.com and
11 theamericandesigns.com. In response to a cease and desist letter sent by GoDaddy
12 relating to route66d.com, Mr. Ali apologized for the “inappropriate use of data and
13 trademark” on the website and advised that he had “purchased this domain on behalf
14 of [a] client and let him use my hosting services.” Exhibit S. Upon information and
15 belief, and based upon the similarities between the Route 66 and American Designs
16 websites and Defendants’ other websites, as discussed below, Defendants were
17 responsible, in whole or in part, for the Route 66 and American Designs spam
18 campaigns, and the use of the GoDaddy Marks on the websites resolving from
19 route66d.com and theamericandesigns.com.

20 **E. Common Features Demonstrate a Common Enterprise**

21 37. Websites resolving from the majority of the Infringing Domains are
22 similar in design, layout, and in the products and services offered to those used in the
23 Route 66 and American Designs spam campaigns. A number of the websites
24 resolving from the Infringing Domains are also identical to each other. By way of
25 example, the respective landing pages for www.godaddydesigns.com and
26 www.godaddywebsitecoupon.com appears as follows:

27 ///

28 ///



A selection of screenshots of the websites resolving from the Infringing Domains is attached hereto as Exhibit T.

38. The websites resolving from the Infringing Domains share a number of common features that demonstrate that Defendants own, operate, and/or control them. These features include, but are not limited to, the following:

1 a. Design, layout, and products: many of the websites resolving from
2 the Infringing Domains are nearly identical copies of one another. *See id.*

3 b. Address: as noted above, the registered WHOIS contact address for
4 many of the Infringing Domains is the Fremont Address.

5 c. Telephone Number: many of the Infringing Domains identify the
6 800 Number as their telephone number—the number that SVG, Blitz, and Logo
7 Jeeves all advertise as their number.

8 d. Business Description: the source code for the websites resolving
9 from the Infringing Domains contain nearly identical business descriptions, and
10 often identifies Defendants' company, Branded Logo, instead of the entity
11 related to the Infringing Domain at issue. For example, the source code for the
12 website resolving from godaddybrandagency.com states that "Branded Logo
13 Designs is a leading logo and website design agency based in USA. Our logo
14 designers and web designers build brands and websites for established and new
15 start up [sic] businesses worldwide." *See* Exhibit U. Other of the websites
16 resolving from infringing domains identify entities such as "Godaddy Design
17 Coupons," or "Verizon Designs," or "godaddydesignservice," followed by the
18 same description. A sample of the source codes for certain websites resolving
19 from the Infringing Domains is attached hereto as Exhibit V.

20 e. Similarities to Defendants' other websites: the basic format for
21 websites resolving from the Infringing Domains matches those websites
22 associated with Defendants' other businesses. A sample of landing page
23 images for certain of Defendants' businesses is attached hereto as Exhibit W.

24 **F. Defendants' Ongoing Conduct and Spam Advertisements to Consumers**

25 39. Defendants have shown no willingness to cease their conduct.
26 Defendants have continued to register new domains that infringe on the GoDaddy
27 Marks, and have continued to send spam communications to individuals, including
28 GoDaddy customers and individuals who are not presently GoDaddy customers.

40. On or about August 24, 2017, GoDaddy received an email from Logo Jeeves that contained a transcript of a chat between a consumer and a customer service representative at godaddydesignservice.com. *See* Exhibit X. In response to the consumer's question of whether godaddydesignservice.com was GoDaddy, the representative said that "we assist godaddy client [sic] where the design work is concerned." *Id.* The consumer then asked whether godaddydesignservice.com was a subsidiary of GoDaddy.com, and the service representative replied, "yes." *Id.*

41. On or about September 12, 2017, an individual (who reported that he did not have an account with GoDaddy) posted on his twitter account an image of an SMS advertisement he had received, purportedly from GoDaddy. *See* Exhibit Y. This message provided, "Godaddy Reminder, Last Call to Activate Your 90% Off Animated Video Deal. Click Here 88monsters.us to Active Now & grow your Sales by 1000%. STOPRM to Stop." *Id.* However, the website indicated in the message, <http://88monsters.us> ("88monsters") is nearly identical in form to the websites that resolve from the Infringing Domains:



1 Upon information and belief, and based upon the similarities between 88monsters and
2 Defendants' other websites, Defendants own, operate, and/or control 88monsters.

3 42. 88monsters explicitly utilizes the GoDaddy Marks in its advertisements
4 and on its websites. GoDaddy never consented to 88monster's use of the GoDaddy
5 Marks, and has no relationship with 88monsters.

6 43. On or about September 19, 2017, GoDaddy received another customer
7 complaint after receiving an unsolicited advertisement from "GoDaddy" at
8 "sales@godaddywebdesigns.com," another of Defendants' Infringing Domains. *See*
9 Exhibit Z. This email purported to come from a "Senior Officer" at "GoDaddy
10 Design," and included Defendants' telephone number, the 800 Number. *Id.*

11 44. GoDaddy's pre-filing investigation also uncovered the sheer volume of
12 Defendants' spam advertising. For example, on information and belief, Defendants
13 send each individual consumer multiple spam advertising emails from many of
14 Defendants' businesses. The following images represent just a small sample of the
15 spam emails sent to each individual consumer as part of Defendants' spam campaigns:

16 ///

17 ///

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19 ///

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28 ///

To: hentai@xxlocanto.us
 From: sales@godaddydesigns.com ([sender info](#))
 Subject: rainpedia.com needs an identity to standout
 Received: 2017-06-22 19:04:20 (2 sec.)

Delete Message

[view online](#)



Save time and grab the perfect Logo for rainpedia.com

Hey there customer,

Now that your domain is registered, we have some ideas for your Logo and Website that can help you attract users and get Live in no time.

Grab your Logo for USD(\$).29 only - Limited Time Offer
Unlimited Revisions, 24 Hour Delivery, Guarantee Money back if not 100% satisfied with the designs

We are proud to be the world's leading design agency having catered online brand design services for 15,000 satisfied clients globally including Uber, Snap, and Flipkart.

Why choose Godaddy?

Get Premium Logo design service for USD(\$).19 only.

Get your domain Live within 24hours.

Unique brand identity for your business that represents the true essence of your brand.

Multiple unique design options to choose from on any package.

Check out these amazing logo designs our team of professional In-house Designers have worked on recently.



Visit complete [Logo Portfolio](#).

Sophia Burgundy, Co-Founder
 GoDaddy Designs
www.godaddydesigns.com

[Mark Spam / Unsubscribe](#)

GoDaddy Designs, 140 West St, New York, NY 10013, New York New 10013, United States

To: hental@xxlocanto.us
 From: steve.hobbs@godaddygraphicdesigns.com ([sender info](#))
 Subject: your company needs an identity to standout
 Received: 2017-06-22 19:25:18 (2023 a.m.c.)

Delete Message

[view online](#)

Save time and grab the perfect Logo for your company

Hey customer,

Now that your domain is registered, we have some ideas for your Logo and Website that can help you attract users and get Live in no time.

[Grab your Logo for USD\(\\$19 only\) - Limited Time Offer](#)

Unlimited Revisions, 24 Hour Delivery, Guarantee Money back if not 100% satisfied with the designs

We are proud to be the world's leading design agency having catered online brand design services for 15,000 satisfied clients globally including Uber, Snap, and Flipkart.

Why choose Godaddy?

Get Premium Logo design service for USD(\$19 only).

Get your domain Live within 24hours.

Unique brand identity for your business that represents the true essence of your brand.

Multiple unique design options to choose from on any package.

Check out these amazing logo designs our team of professional In-house Designers have worked on recently.



Visit complete [Logo Portfolio](#).

Sophia Burgundy, Co-Founder
 GoDaddy Designs
www.godaddygraphicdesigns.com

[Mark Spam / Unsubscribe](#)

GoDaddy Designs, 45333 Fremont Blvd # 5 Fremont CA 94538, Fremont California 94538, United States

To: hentai@xxlocanto.us
From: Sales@99designanimations.com ([sender info](#))
Subject: Lower your bounce rate, attract more users
Received: 2017-08-17 17:12:28 (387 sec.)

Delete Message

Hey there,

You can start attracting and engaging more customers on your website if you have the right content to keep them provoked.

Now imagine a video that explains your product and services to your user in a way that it not only grabs their complete attention but even converts them in to potential leads and customers.

Make your business standout from the crowd, differentiate it from others. Take advantage of Video Animations to appeal your potential customers.

Avail our exciting **WEEKLY SALE SPLASH OFFER** to get **90% OFF (Valid for only 24 hours)**

99 Animations gives you this opportunity to take a leap forward and bring fascination to your marketing strategies. Video Animation is an effective medium to tell a story, explain your products, and engage your customers.

WE break into your prospects mind and practically force them to understand your message clearly and take action instantly — like pouring gasoline on a fire.

Also go through our award winning **Portfolio** to know about our expertise [Click Here](#).

Anathasia
Customer Relations Manager
www.99designanimations.com
Toll free no: 877 326 0221

This email was sent to you by **99 Animations** located at 45333 Fremont Blvd # 5 Fremont CA 94538 because you are a registered user of our hosting services or partner hosting services. Click [here](#) to avoid receiving future emails from us.

To: hentai@xxlocanto.us
 From: esabella@theanimationworld.com ([sender info](#))
 Subject: Try animation for your website
 Received: 2017-08-23 15:39:56 (993 sec.)

Delete Message

Hey There,

Do not overlook the value of SEO on video of your website. Highlight your products, showcase your services, explain your company and introduce new customers through our high impact 60-90 second animated **EXPLAINER VIDEOS** for your website, social media and video sites.

The Animation World offers you **77% EARLY BIRD DISCOUNT** if you take step towards improving your brand today.

CLICK HERE to avail this exciting opportunity and lift your brand identity.

We develop **Video Animations** which can show the mechanics and functionality of a product, describe any process or engage your audience with a visual spectacle.

Video Animations are also great way to boost your web traffic. Google loves quality content, and puts a lot of focus on video. Streamed via your website, a video can become an important part of your SEO strategy and social media campaigns.

WANT TO SEE SOME EXAMPLES?

Have a look through some of our **Recent Work** & also check out our **Pricing Plans**.

Esabella Elly
 Customer Relations Manager
www.theanimationworld.com
 Toll free no: 877-326-0221

This email was sent to you by **THE ANIMATIONS WORLD** located at 45333 Fremont Blvd # 5 Fremont CA 94538 because you are a registered user of our hosting services or partner hosting services. Click [here](#) to avoid receiving future emails from us.

To: hentai@xxlocanto.us
 From: stuart@ExplainerVideoJunkies.com ([sender info](#))
 Subject: Hey! get custom video for your domain
 Received: 2017-08-18 15:41:10 (493 sec.)

Delete Message

Hey there,

Today, most companies are using video animations to introduce their services, market their products & grab customer attention. With our help you can also get a custom animation video and make a lasting impression on your potential customers.

Explainer Video Junkies gives you engaging, unique, creative, exciting, interactive and inspiring videos along with lots of discounts.

JOIN US NOW & ENJOY 70% OFF ON VIDEO ANIMATIONS (Valid for 24 hours only)

Your Story + **Explainer Video Junkies** = Something Amazing.

An effective animation video will benefit you in:

- Improved conversion
- Improved Search Engine Marketing
- Simplified Communication of Products & services
- Reinforced Brand Awareness and Trust
- Share your video on Social Media and increase your reach

If you'd like to check out our **Portfolio** and **Customer reviews**, please swing by our **Website**.

Warmest Regards,



Natasha Stuart
 Explainer Video Junkies
 Website: www.explainervideojunkies.com
 Toll free: 800 589 2951

45. The emails utilized by Defendants to further their spam campaigns share many features that demonstrate a common scheme and design. In addition to the emails' similar design and content, the first two emails originate from two Infringing Domains, godaddydesigns.com and godaddygraphicdesigns.com. Three of the emails identify the Fremont Address as the contact address for their respective companies. Two of the emails identify the 877 Number as their contact telephone number, while another utilizes the 800 Number. These emails represent a small fraction of the spam emails sent by Defendants to just one consumer in a three month period, demonstrating the volume of Defendants' unlawful marketing efforts, and the negative impact on GoDaddy's protected trademarks and goodwill.

46. In the last week alone, GoDaddy received a number of new customer complaints regarding Defendants' conduct, including a threat of litigation against GoDaddy for Defendants' spam advertisements.

47. On or about October 6, 2017, GoDaddy received a letter from an attorney representing a consumer who had received at least two facsimile advertisements from Animation Fish, located at <http://animationfish.com>, that stated:



1 This attorney threatened to bring a consumer class action against GoDaddy for an
 2 alleged violation of the Telephone Consumer Protection Act, believing that GoDaddy
 3 was affiliated with Animation Fish.

4 48. Animation Fish explicitly utilizes the GoDaddy Marks in its
 5 advertisements and on its websites:



17 GoDaddy never consented to Animation Fish's use of the GoDaddy Marks, and has
 18 no relationship with Animation Fish.

19 49. GoDaddy's investigation of Animation Fish led to a related entity,
 20 Animation Monster, located at <https://animationmonster.us>, which uses a similar
 21 design to 88monster's website, as well as the same telephone number ((214) 272-
 22 2194). Upon information and belief, and based on these connections, Animation Fish
 23 is also a part of Defendants' common plan or scheme.

24 50. On or about October 12, 2017, GoDaddy received another customer
 25 complaint regarding the Infringing Domains, this time involving
 26 godaddydomaindesigns.com. The customer informed GoDaddy that, approximately
 27 twelve hours after purchasing a domain name with GoDaddy, the customer received
 28 the following spam advertisement from Defendants:

Your domain name bestautopieces.com has been registered and now you need to set up your Business Logo and Website in order to get your domain online.

At GoDaddy we provide a cost effective way to enhance your brand presence online. Simply Sign-Up with your details and avail up-to 70% OFF on your Logo and Website Design.

ACTIVATE YOUR LOGO COUPON - (Expires in 24Hrs)
And grab the most dynamic Logo for your brand tailored to your business requirements.

GoDaddy: Cost Effective & Conversion Optimized

Pueden ver el sitio web acá: <http://godaddydomaindesigns.com/>

51. GoDaddy has expended significant time and expense, including in connection with the retention of counsel, in (a) identifying the Infringing Domains and associated websites, (b) sending numerous cease-and-desist letters, and (c) addressing the consumer fallout of Defendants' spam advertisements, including multiple litigation threats. In addition, Defendants' unlawful use of the GoDaddy Marks caused dilution of GoDaddy's interest in legally protected trademarks. Defendants' unlawful conduct has caused GoDaddy significant monetary harm, including, but not limited to, the costs associated with countless hours of its employees' time, thousands of dollars in legal fees, and damage to GoDaddy's trademarks, brand, and good will.

FIRST CLAIM FOR RELIEF

Trademark Infringement (Lanham Act, 15 U.S.C. § 1114)

(By GoDaddy Against All Defendants)

52. GoDaddy incorporates by reference the allegations of each of the preceding paragraphs as though fully set forth herein.

53. GoDaddy is the owner and registrant of the GoDaddy Marks.

54. The GoDaddy Marks are valid, protectable service marks that have been registered as marks on the principal register in the United States Patent and Trademark Office.

55. Defendants have used the GoDaddy Marks in connection with the sale of their logo and website design business without GoDaddy's consent, in a manner that is likely to cause confusion, or to cause mistake, or to deceive.

1 56. Defendants' infringement of the GoDaddy Marks is willful.

2 57. GoDaddy has been and continues to be damaged by Defendants'
3 infringement.

4 58. Defendants' acts have caused irreparable injury to GoDaddy's good will
5 and reputation. The injury to GoDaddy is and continues to be ongoing and
6 irreparable. An award of monetary damages alone cannot fully compensate GoDaddy
7 for its injuries and GoDaddy lacks an adequate remedy at law.

8 59. GoDaddy is entitled to an injunction against Defendants, as well as all
9 other remedies available under the Lanham Act, including, but not limited to,
10 compensatory damages, treble damages pursuant to 15 U.S.C. § 1117(b), and
11 disgorgement of profits.

12 60. As this case is an exceptional case, GoDaddy is entitled to recover its
13 attorneys' fees incurred in connection with this Action under 15 U.S.C. § 1117(a).

14 **SECOND CLAIM FOR RELIEF**

15 **False Designation of Origin (Lanham Act, 15 U.S.C. § 1125(a))**

16 (By GoDaddy Against All Defendants)

17 61. GoDaddy incorporates by reference the allegations of each of the
18 preceding paragraphs as though fully set forth herein.

19 62. The GoDaddy Marks are valid, protectable service marks that have been
20 registered as marks on the principal register in the United States Patent and Trademark
21 Office.

22 63. GoDaddy is the owner and registrant of the GoDaddy Marks.

23 64. GoDaddy operates under and uses the trade name, "GoDaddy," in
24 connection with its services.

25 65. Defendants have made commercial use of the GoDaddy Marks and
26 GoDaddy's trade name.

27 66. Defendants' use has been done in a manner that is likely to cause
28 confusion to or to cause mistake, or to deceive as to the affiliation, connection, or

1 association of GoDaddy with Defendants, or as to the origin, sponsorship, or approval
2 of Defendants' goods, services, or commercial activities.

3 67. GoDaddy has not consented to Defendants' use of the GoDaddy Marks
4 or trade name.

5 68. Defendants' use of the GoDaddy Marks and trade name was willful.

6 69. Defendants' acts constitute false statements in connection with products
7 and/or services distributed in interstate commerce, in violation of § 43(a) of the
8 Lanham Act, 15 U.S.C. § 1125(a).

9 70. Defendants' acts have caused irreparable injury to GoDaddy's good will
10 and reputation. The injury to GoDaddy is and continues to be ongoing and
11 irreparable. An award of monetary damages alone cannot fully compensate GoDaddy
12 for its injuries and GoDaddy lacks an adequate remedy at law.

13 71. GoDaddy is entitled to an injunction against Defendants, as well as all
14 other remedies available under the Lanham Act, including, but not limited to,
15 compensatory damages, treble damages pursuant to 15 U.S.C. § 1117(b), and
16 disgorgement of profits.

17 72. As this case is an exceptional case, GoDaddy is entitled to recover its
18 attorneys' fees incurred in connection with this Action under 15 U.S.C. § 1117(a).

19 **THIRD CLAIM FOR RELIEF**

20 **Trademark Dilution (Anti-Dilution Act, 15 U.S.C. § 1125(c))**

21 (By GoDaddy Against All Defendants)

22 73. GoDaddy incorporates by reference the allegations of each of the
23 preceding paragraphs as though fully set forth herein.

24 74. The GoDaddy Marks are famous trademarks within the meaning of the
25 Anti-Dilution Act, 15 U.S.C. § 1125(c).

26 75. As a result of Defendants' use of the GoDaddy Marks to sell their logo
27 and website design services, the distinctive qualities of the GoDaddy marks are being
28 and will continue to be diluted.

1 76. Defendants' acts have diluted and will continue to result in the dilution of
2 the distinctive nature of the GoDaddy Marks through blurring, in violation of 15
3 U.S.C. § 1125(c).

4 77. Defendants' acts, which unlawfully and without GoDaddy's consent,
5 associate their dubious or outright fraudulent services with GoDaddy have diluted and
6 will continue to result in the dilution of the distinctive nature of the GoDaddy Marks
7 through tarnishment, in violation of 15 U.S.C. § 1125(c).

8 78. Defendants' wrongful conduct constitutes an extreme threat to the
9 distinctiveness of the GoDaddy Marks that GoDaddy has expended great effort to
10 develop and maintain.

11 79. The distinctive nature of the GoDaddy Marks is of enormous value, and
12 GoDaddy is suffering and will continue to suffer irreparable harm and blurring of the
13 GoDaddy Marks if Defendants' wrongful conduct is allowed to continue.

14 80. The dilution of the GoDaddy Marks will continue unless the Court orders
15 injunctive relief against Defendants.

16 81. Defendants' acts have caused irreparable injury to GoDaddy's good will
17 and reputation. The injury to GoDaddy is and continues to be ongoing and
18 irreparable. An award of monetary damages alone cannot fully compensate GoDaddy
19 for its injuries and GoDaddy lacks an adequate remedy at law.

20 82. GoDaddy is entitled to an injunction against Defendants, as well as all
21 other remedies available under the Lanham Act, including, but not limited to,
22 compensatory damages, treble damages pursuant to 15 U.S.C. § 1117(b), and
23 disgorgement of profits.

24 83. As this case is an exceptional case, GoDaddy is entitled to recover its
25 attorneys' fees incurred in connection with this Action under 15 U.S.C. § 1117(a).

26 ///

27 ///

28 ///

FOURTH CLAIM FOR RELIEF**Cybersquatting (15 U.S.C. § 1125(d))****(By GoDaddy Against All Defendants)**

84. GoDaddy incorporates by reference the allegations of each of the preceding paragraphs as though fully set forth herein.

85. Defendants' registration and operation of the Infringing Domains is identical to, or confusingly similar to and dilutive of, the GoDaddy marks and the GoDaddy Site.

86. The GoDaddy Marks are famous, and were famous before Defendants began the offending commercial activities that precipitated this Action.

87. Defendants have registered the Infringing Domains with a bad faith intent to profit from the GoDaddy Marks.

88. Defendants' conduct described herein, including, but not limited to, its use in commerce of the Infringing Domains, is likely to cause confusion, mistake, or deception as to the source, sponsorship, affiliation or approval of Defendants' services. Further, Defendants' acts described herein constitute false representations of fact that are likely to cause—and have already caused, as alleged herein—confusion, mistake, or deception as to the source, sponsorship affiliation, or approval of Defendants' services.

89. As a consequence of Defendants' willful infringement, GoDaddy is entitled to recover from Defendants three times the amount of actual profits or damages, whichever is greater, as well as GoDaddy's attorneys' fees in connection with this action.

90. As this cases is an exceptional case, GoDaddy is entitled to recover its attorneys' fees incurred in connection with this Action under 15 U.S.C. § 1117(a).

91. In addition to any other remedies requested herein or permitted by law, Defendants' conduct warrants that the Court order the forfeiture or cancellation of the

1 Infringing Domains or the transfer of the Infringing Domains to GoDaddy pursuant to
2 15 U.S.C. § 1125(d)(1)(C).

3 **FIFTH CLAIM FOR RELIEF**

4 **Unfair Competition (Cal. Bus. & Prof. Code § 17200, *et seq.*)**

5 (By GoDaddy Against All Defendants)

6 92. GoDaddy incorporates by reference the allegations of each of the
7 preceding paragraphs as though fully set forth herein.

8 93. Defendants have engaged in, and continue to engage, in unlawful, unfair,
9 and/or fraudulent business acts or practices by committing illegal acts and practices as
10 alleged herein in an effort to, among other things, (a) sell their services, (b) to trade
11 off the goodwill of the GoDaddy Marks, (c) deceive consumers as to the origin and
12 affiliation of their services, and (d) gain an unfair competitive advantage over
13 GoDaddy.

14 94. These unlawful, unfair, and/or fraudulent business acts or practices were
15 committed pursuant to business activity related to the advertising and sale of
16 Defendants logo design and website design services.

17 95. GoDaddy has standing to pursue this claim because it has suffered injury
18 in fact and has lost money or property as a result of Defendants' actions, as set forth
19 herein. GoDaddy's losses include money expended in locating infringing domains
20 and websites, as well as legal fees for issuing cease-and-desist letters related to such
21 domains and websites.

22 96. Defendants' actions and conduct constitute fraudulent, unlawful, and
23 unfair competition as defined by Cal. Bus. & Prof. Code § 17200, *et seq.*

24 97. Defendants' conduct constitutes violations of numerous state and federal
25 statutes and codes, including, but not limited to, state false advertising laws, including
26 Cal. Bus. & Prof. Code § 17500; trademark infringement pursuant to the Lanham Act,
27 15 U.S.C. § 1114; false designation of origin pursuant to the Lanham Act, 15 U.S.C. §
28

1 1125(a); trademark dilution, 15 U.S.C. § 1125(c); and cybersquatting, 15 U.S.C. §
2 1125(d).

3 98. GoDaddy seeks temporary, preliminary, and permanent injunctive relief
4 in order to enjoin Defendants from further unlawful, unfair and deceptive business
5 practices.

6 **SIXTH CLAIM FOR RELIEF**

7 **False Advertising (Cal. Bus. & Prof. Code § 17500)**

8 (By GoDaddy Against All Defendants)

9 99. GoDaddy incorporates by reference the allegations of each of the
10 preceding paragraphs as though fully set forth herein.

11 100. Defendants, through the conduct described above, have made and
12 continue to make false and misleading representations of fact in advertisements and
13 promotions, which in fact are untrue or misleading in violation of Cal. Bus. & Prof.
14 Code § 17500.

15 101. Defendants' conduct, as described above, includes the misappropriation
16 and misuse of the GoDaddy Marks in order to sell their logo design and website
17 design services.

18 102. Defendants intentionally and willfully used and continue to use the
19 GoDaddy marks in a manner that is likely to cause confusion to or to cause mistake,
20 or to deceive as to the affiliation, connection, or association of GoDaddy with
21 Defendants, or as to the origin, sponsorship, or approval of Defendants' goods,
22 services, or commercial activities.

23 103. Defendants have falsely advertised an association with GoDaddy and/or
24 that their products and services actually come from, or are approved by, GoDaddy.

25 104. GoDaddy has suffered injury-in-fact as a result of Defendants' false
26 advertising in the form of lost sales, lost profits, actual damages, and confusion in the
27 marketplace regarding the nature of the services that GoDaddy offers.
28

105. Defendants' actions, as described herein have greatly and irreparably damaged GoDaddy and will continue to damage GoDaddy unless enjoined by this Court. Accordingly, GoDaddy is entitled to an injunction under Cal. Bus. & Prof. Code § 17535.

SEVENTH CLAIM FOR RELIEF

California Common Law Trademark Infringement

(By GoDaddy Against All Defendants)

106. GoDaddy incorporates by reference the allegations of each of the preceding paragraphs as though fully set forth herein.

107. The GoDaddy Marks are valid, protectable service marks that have been registered as marks on the principal register in the United States Patent and Trademark Office.

108. GoDaddy is the owner and registrant of the GoDaddy Marks.

109. GoDaddy operates under and uses the trade name, "GoDaddy," in connection with its services.

110. Defendants have made commercial use of the GoDaddy Marks and GoDaddy's trade name.

111. Defendants' use has been done in a manner that is likely to cause confusion to or to cause mistake, or to deceive as to the affiliation, connection, or association of GoDaddy with Defendants, or as to the origin, sponsorship, or approval of Defendants' goods, services, or commercial activities.

112. GoDaddy has not consented to Defendants' use of the GoDaddy Marks or trade name.

113. Defendants' use of the GoDaddy Marks and trade name was willful.

114. Based on the facts alleged herein, GoDaddy has established prior use of the GoDaddy Marks and the GoDaddy trade name.

115. Defendants' acts have caused irreparable injury to GoDaddy's good will and reputation. The injury to GoDaddy is and continues to be ongoing and

1 irreparable. An award of monetary damages alone cannot fully compensate GoDaddy
2 for its injuries and GoDaddy lacks an adequate remedy at law.

3 116. GoDaddy is entitled to an injunction against Defendants, as well as all
4 other remedies available under California common law.

5 **EIGHTH CLAIM FOR RELIEF**

6 **Intentional Interference With Prospective Economic Advantage**

7 (By GoDaddy Against All Defendants)

8 117. GoDaddy incorporates by reference the allegations of each of the
9 preceding paragraphs as though fully set forth herein.

10 118. GoDaddy has economic relationships with each of its customers, as
11 GoDaddy provides many of its services on a subscription basis, such that customers
12 pay for services in an ongoing and periodic manner. These relationships contain the
13 probability of a future economic benefit, in the form of renewal payments for
14 additional periods of a given service, and/or for additional purchases that customers
15 make on their GoDaddy accounts.

16 119. Defendants have knowledge of GoDaddy's economic relationships with
17 its customers due to, in part, their creation and use of GoDaddy accounts to purchase
18 GoDaddy's products and services.

19 120. Defendants intended to interfere with the economic relationships between
20 GoDaddy and its customers, by, among other things, actively targeting, advertising to,
21 and soliciting purchases from, consumers with GoDaddy accounts and contractual
22 agreements with GoDaddy.

23 121. Defendants' conduct caused an actual disruption of the economic
24 relationships between GoDaddy and its customers in the following ways:

- 25 a. Defendants' services (including, but not limited to, logo design,
26 business design, and website design services), all overlap with services that
27 GoDaddy offers. Defendants' misrepresentations to GoDaddy's customers that
28 Defendants' products and services come from and/or are recommended by

1 GoDaddy caused customers to purchase products and services from Defendants
2 that they otherwise would have purchased from GoDaddy, on the
3 misimpression that customers were in fact purchasing products and services
4 from GoDaddy.

5 b. Defendants' unsolicited communications to GoDaddy's customers
6 upset customers, who did not want to receive Defendants' advertisements and
7 communications. Such customers complained to GoDaddy on the belief that
8 GoDaddy was responsible for these communications, or otherwise terminated
9 their accounts and contracts with GoDaddy as a result of Defendants' conduct.

10 c. GoDaddy customers who purchased Defendants' products and
11 services received low-quality products and services, harming customers'
12 perception of GoDaddy's products and services, and causing customers to
13 forego additional purchases from GoDaddy and/or terminate their accounts and
14 contracts with GoDaddy.

15 122. As set forth above, Defendants' conduct, including but not limited to
16 their unlawful use of GoDaddy's Marks, and their false representations to consumers,
17 is independently wrongful.

18 123. GoDaddy has been harmed as a result of Defendants' actions, including
19 but not limited to: lost purchases, lost profits, lost customers, reputational harm, and
20 time spent mollifying understandably frustrated consumers.

21 124. Defendants' conduct was a substantial factor in causing GoDaddy harm.

22 125. In engaging in the acts described above, the actions of Defendants were
23 willful, oppressive, fraudulent and/or malicious and were engaged in with the intent to
24 interfere with the economic relationships between GoDaddy and its customers.
25 Accordingly, GoDaddy is entitled to an award of punitive damages in a sum according
26 to proof at trial, in accordance with California Civil Code section 3294.

NINTH CLAIM FOR RELIEF

Accounting

(By GoDaddy Against All Defendants)

126. GoDaddy incorporates by reference the allegations of each of the preceding paragraphs as though fully set forth herein.

127. On information and belief, Defendants obtained business through the unlawful conduct alleged in this Complaint. To the extent Defendants received money as a result of their misconduct, at GoDaddy's expense, some or all such money is rightfully due to GoDaddy.

128. The identities of the users of Defendants' services, and amount of money due from Defendants to GoDaddy, cannot be ascertained without a full accounting of the Defendants' wrongful and unlawful conduct. GoDaddy is therefore entitled to a full accounting and records of Defendants' unlawful activities.

PRAYER FOR RELIEF

Wherefore, GoDaddy prays that the Court enter judgment in favor of GoDaddy and against Defendants on all causes of action, and grant GoDaddy the following relief:

1. A preliminary and permanent injunction enjoining and restraining Defendants, their officers, agents, servants, employees, attorneys, and those acting in concert with or on behalf of any of them, from:

- a. Using the GoDaddy Marks or any confusingly similar name or mark as part of the corporate or fictitious name of any of Defendants' businesses;
- b. Using the GoDaddy Marks or any confusingly similar name or mark in connection with any services, advertising, sales, or for any other reason;
- c. Using the GoDaddy Marks or any confusingly similar name or mark in any domain name or on any website, or operating any

1 website that contains the GoDaddy Marks or any confusingly
2 similar name or mark;

3 d. Using the GoDaddy Marks or any confusingly similar name or
4 mark in any manner likely to cause confusion, or to cause mistake,
5 or to deceive as to the affiliation, connection, or association of
6 Defendants with GoDaddy; in any manner likely to dilute the
7 distinctive quality of the GoDaddy Marks; or in any manner likely
8 to injure GoDaddy's good will and/or reputation;

9 e. Using the GoDaddy Marks or any confusingly similar name or
10 mark in any way that implies that GoDaddy owns, sponsors,
11 approves, or is otherwise affiliated with Defendants' services;

12 f. Targeting, sending unsolicited communications to, and/or directly
13 advertising to GoDaddy's customers by email, SMS text
14 messaging, or any other form of direct communication;

15 g. Unfairly competing with GoDaddy in any manner whatsoever;

16 2. An accounting;

17 3. Damages in an amount to be proven at trial;

18 4. Prejudgment interest;

19 5. An order awarding GoDaddy its attorneys' fees and costs;

20 6. An order awarding GoDaddy punitive damages in a sum to be
21 determined at trial;

22 7. An order awarding GoDaddy treble damages on the basis of Defendants'
23 violations of the Lanham Act;

24 8. An order cancelling or causing Defendants to forfeit the Infringing
25 Domains, or transferring ownership of the Infringing Domains to GoDaddy as owner
26 of the GoDaddy Marks; and

27 9. An order awarding GoDaddy such other and further relief as the Court
28 deems just and proper.

1
2 Dated: November 10, 2017

By: s/ Paula L. Zecchini

3 Paula L. Zecchini (SBN 238731)
4 Nathan Dooley (SBN 224331)
5 Jeffrey M. Monhait (*pro hac vice* to be
6 submitted)

7 *Attorneys for Defendant*
8 GO DADDY OPERATING COMPANY, LLC
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JURY DEMAND

GoDaddy respectfully requests a jury trial on all issues triable thereby.

Dated: November 10, 2017

By: s/ Paula L. Zecchini

Paula L. Zecchini (SBN 238731)
Nathan Dooley (SBN 224331)
Jeffrey M. Monhait (*pro hac vice* to be
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