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6
 7 **UNITED STATES DISTRICT COURT**
 8 **DISTRICT OF ARIZONA**

9 XCENTRIC VENTURES, LLC, an
 Arizona limited liability company,

10
 11 Plaintiff,

12 v.

13 RICHARD J. GODDEAU;
 GSCSC, INC., a Nevada corporation;
 DOES 1-10, inclusive,

14
 15 Defendants.

Case No: _____

COMPLAINT

16 For its Complaint Plaintiff Xcentric Ventures, LLC alleges as follows:

17 1. This is a civil action seeking monetary damages and injunctive relief for
 18 various acts of copyright infringement under the copyright laws of the United States (17
 19 U.S.C. § 101 *et seq.*) and for various acts of trademark infringement in violation of the
 20 Lanham Act, 15 U.S.C. § 1051, *et seq.*, and related state law claims.

21 2. This Court has jurisdiction under 15 U.S.C. § 1121 (trademark); 17 U.S.C.
 22 § 101 *et seq.* (copyright); 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a)
 23 (copyright). This Court has supplemental jurisdiction over state and common law claims
 24 pursuant to 28 U.S.C. § 1367(a).

25 3. Venue in this District is proper under 28 U.S.C. §§ 1391(b) and (c), and/or
 26 28 U.S.C. § 1400(a). A substantial part of the acts of infringement complained of
 27 occurred in this District, and certain corporate defendants are subject to personal
 28 jurisdiction in this District.

COMPLAINT

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1 4. Personal jurisdiction in this District is proper because each defendant
2 engaged in acts of copyright infringement within the District of Arizona, and/or
3 intentionally directed tortious conduct at Plaintiff knowing such conduct would cause
4 harm within this District.

5 5. Plaintiff XCENTRIC VENTURES, LLC (“Plaintiff”) is and at all relevant
6 times was an Arizona limited liability company located in Phoenix, Arizona.

7 6. Plaintiff operates a consumer complaint and free speech forum known as
8 the Rip-off Report located at www.RipoffReport.com (the “Rip-off Report site”). The
9 Rip-off Report is widely used by consumers, and works closely with government
10 agencies, attorneys general, federal, state, and local law enforcement, and the news media
11 to help report, identify and prevent consumer fraud and similar conduct.

12 7. Defendant RICHARD GODDEAU (“GODDEAU”) is, and at all relevant
13 times has been, a resident of the State of New York who caused the events herein
14 described to occur with knowledge that they would cause harm within the State of
15 Arizona. Upon information and belief, GODDEAU also has engaged in continuous,
16 systematic and substantial contacts with the State of Arizona sufficient to confer general
17 and specific personal jurisdiction over him in this District.

18 8. Defendant GSCSC, INC. (“GSCSC”) is a dissolved Nevada corporation
19 previously owned by GODDEAU which caused the events herein described to occur with
20 knowledge that they would cause harm within the State of Arizona. Prior to its
21 dissolution, GODDEAU was the owner, President, Secretary, Treasurer, and sole
22 Director of GSCSC. Upon information and belief, GSCSC also has engaged in
23 continuous, systematic and substantial contacts with the State of Arizona sufficient to
24 confer general and specific personal jurisdiction over him in this District.

25 9. Upon information and belief, GODDEAU and/or GSCSC have from time
26 to time used various fictitious names including the names of non-existent corporations
27 including, but not limited to “REPORT A RIP OFF, INC.” which purports to be a
28 Nevada-based corporation.

- 1 • <http://www.ripoffreport.com/ConsumersSayThankYou/WantToSueRipoffReport.aspx>
- 2 • <http://www.ripoffreport.com/PrivacyPolicy.aspx>
- 3 • <http://www.ripoffreport.com/ConsumersSayThankYou/TermsOfService.aspx>
- 4 • <http://www.ripoffreport.com/CorporateAdvocacy.aspx> and
- 5 • <http://www.ripoffreport.com/ConsumersSayThankYou/FalseReport.aspx>

6 DEFENDANTS' ACTIVITIES

7 20. Since at least November 2010, Defendants GODDEAU and GSCSC have
8 engaged in a campaign to willfully infringe Plaintiff's '438 Copyright and to engage in
9 deceptive and unlawful commercial use of Plaintiff's registered marks including, but not
10 limited to, the "RIP-OFF REPORT mark and the "DON'T LET THEM GET AWAY
11 WITH IT" mark.

12 21. Specifically, on November 5, 2010, Defendant GODDEAU registered the
13 domain name <REPORTARIPOFF.NET> which he used to create an imposter website
14 known as "Report A Ripoff" which contained large amounts of original material copied
15 from Plaintiff's '438 Copyright.

16 22. Defendant GODDEAU use the site <REPORTARIPOFF.NET> to directly
17 compete with Plaintiff's Rip-off Report site using the "RIP-OFF REPORT mark and the
18 "DON'T LET THEM GET AWAY WITH IT" mark.

19 23. Defendants GODDEAU's use of copyrighted works from the Rip-off
20 Report site combined with the use of Plaintiff's registered marks was, and is, likely to
21 cause confusion as to source or sponsorship.

22 24. On December 14, 2010, Plaintiff filed a Uniform Domain Name Dispute
23 Resolution Policy ("UDRP") Complaint with the National Arbitration Forum against
24 "Report A Rip Off, Inc." which alleged that the domain name
25 <REPORTARIPOFF.NET> was confusingly similar to Plaintiff's domain name and that
26 it was registered in bad faith.

27 25. Immediately upon filing the UDRP action, Defendant GODDEAU began
28 corresponding with Plaintiff alleging that he was not, in fact, the owner of

1 <REPORTARIPOFF.NET> and that the site was actually created by an “overseas client”
2 of Defendant GSCSC. Defendant GODDEAU also purported to “represent” Report A
3 Rip Off, Inc. during the UDRP proceeding.

4 26. In fact, at all times <REPORTARIPOFF.NET> was registered, owned, and
5 controlled by Defendant GODDEAU and not by an “overseas client” of Defendant
6 GSCSC.

7 27. On January 18, 2011, a panelist from the National Arbitration Forum issued
8 a decision in favor of Plaintiff and against Report A Rip Off, Inc., finding that the domain
9 name <REPORTARIPOFF.NET> was confusingly similar to Plaintiff’s trademarks and
10 that the name was registered and used in bad faith. As a result, the domain name
11 <REPORTARIPOFF.NET> was subsequently ordered transferred to Plaintiff.

12 28. One week after the UDRP proceeding was commenced relating to
13 <REPORTARIPOFF.NET>, on December 21, 2011 Defendant GODDEAU registered a
14 new domain name <REPORTARIPOFF.CO>. Upon registering this name, Defendant
15 GODDEAU subsequently transferred all or substantially all of the infringing contents of
16 <REPORTARIPOFF.NET> to his new page at <REPORTARIPOFF.CO>.

17 29. As was true of <REPORTARIPOFF.NET>, Defendants GODDEAU and
18 GSCSC used the website located at <REPORTARIPOFF.CO> to unlawfully and
19 willfully infringe Plaintiff’s ‘438 Copyright and to unlawfully infringe Plaintiff’s
20 registered trademarks including the “RIP-OFF REPORT” mark and the “DON’T LET
21 THEM GET AWAY WITH IT” mark.

22 30. As of May 10, 2011, the site <REPORTARIPOFF.CO> continues to
23 unlawfully infringe Plaintiff’s ‘438 Copyright and to unlawfully infringe Plaintiff’s
24 registered trademarks including the “RIP-OFF REPORT” mark and the “DON’T LET
25 THEM GET AWAY WITH IT” mark.

26 31. Without Plaintiff’s permission and without any lawful right to do so,
27 Defendants GSCSC and GODDEAU have created metatags for their
28 <REPORTARIPOFF.CO> site which incorporate Plaintiff’s registered trademark in the

1 mark "RIP-OFF REPORT" for the purposes of misleading consumers who are attempting
2 to locate Plaintiff's website by causing them to be directed to Defendant's site.

3 32. As of May 10, 2011, the keyword metatags used by the
4 <REPORTARIPOFF.CO> site are as follows: "<meta name="keywords"
5 content="anonymous blogging, anon blogging, anonymous, anon blog, free, blogging,
6 free blogging, free anonymous blogging, rip-off, ripoff, rip off, Rip-Off Report, report,
7 reports, ripped off, rip-offs, rip offs, Ripoff Report, rip off report, scam, scams, scammed,
8 scamming, Scammer, scammers, scam websites, Fearless Blogging, fraud, frauds, review,
9 reviews, Richard Goddeau GSCSC, complaint, complaints, Complaints Board, consumer,
10 consumers, consumer complaint, consumer complaints, consumer reports, customer
11 report, customer reports, company, companies, attorney, attorneys, Auto Dealers,
12 business, Retail Stores, news, websites, law, laws, law firm, law firms, lawsuit, lawsuits,
13 mail order, politicians, civil rights, publications, gripe, Healthcare, individual,
14 individuals, insurance, forum, GSCSC, gscsc.net, Global Software, Home Builder, real
15 estate, lemon, defect, defective, city government, victim, victims, state government,
16 federal government"/>". Defendants GSCSC and GODDEAU created these tags for the
17 specific purpose of creating confusion among consumers searching for Plaintiff's genuine
18 website.

19 **COUNT 1**
20 **INFRINGEMENT OF COPYRIGHT — 17 U.S.C. §§ 106, 501(a)**
21 *(Against Defendants RICHARD GODDEAU and GSCSC)*

22 33. Plaintiff incorporates herein by reference each and every allegation set forth
23 above.

24 34. Defendants GODDEAU and GSCSC have violated Plaintiff's exclusive
25 rights under 17 U.S.C. § 106(1) (direct copying) by copying Plaintiff's works without
26 permission.

27 35. Defendants GODDEAU and GSCSC have violated Plaintiff's exclusive
28 rights under 17 U.S.C. § 106(3) (distribution) by distributing Plaintiff's works without
permission

1 Plaintiff's copyrighted works. The PHP Script is a software tool designed to permit a
2 user to copy the entire contents of a website such as Plaintiff's Rip-off Report site.

3 46. Through their website <GSCSC.NET> and in various YouTube videos and
4 other methods, Defendants GODDEAU and GSCSC have actively promoted the use of
5 the PHP SCRIPT as a tool for "emulating" (i.e., unlawfully infringing) Plaintiff's
6 copyrighted works.

7 47. Defendant GODDEAU claims to have sold 1,500 copies of the PHP
8 SCRIPT for up to \$40,000 per copy to third parties seeking to infringe Plaintiff's
9 copyrighted works.

10 48. Although Plaintiff is informed and believes that no third parties have
11 actually purchased or used the PHP SCRIPT and that Defendants GODDEAU and
12 GSCSC are solely responsible for infringing Plaintiff's rights via their websites
13 <REPORTARIPOFF.NET> and <REPORTARIPOFF.CO>, to the extent that any third
14 party has used the PHP SCRIPT to infringe Plaintiff's works, Defendants GODDEAU
15 and GSCSC and DOES 1-10 are vicariously liable for the infringing acts of such third
16 parties to the extent that they created, marketed and distributed the PHP Script with the
17 object of promoting its user to infringe Plaintiff's copyright.

18 49. As the result of Defendants GODDEAU and GSCSC and DOES 1-10
19 vicarious infringement of Plaintiff's exclusive rights, Plaintiff is entitled to recover actual
20 damages pursuant to 17 U.S.C. § 504(b) or statutory damages pursuant to 17 U.S.C. §
21 504(c), whichever is greater, for each worked infringed. Plaintiff is further is entitled to
22 attorneys' fees and costs pursuant to 17 U.S.C. § 505.

23 50. Pursuant to 17 U.S.C. § 502, Plaintiff is further entitled to preliminary and
24 permanent injunctive relief against Defendants' infringing activities.

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COUNT 3
TRADEMARK INFRINGEMENT — 15 U.S.C. § 1114
(Against RICHARD GODDEAU and GSCSC, Inc.)

51. Plaintiff incorporates herein by reference each and every allegation contained herein.

52. “RIP-OFF REPORT” is a valid, protectable trademark.

53. “DON’T LET THEM GET AWAY WITH IT” is a valid, protectable trademark.

54. Plaintiff owns “RIP-OFF REPORT” and “DON’T LET THEM GET AWAY WITH IT” as its trademarks.

55. Defendants GODDEAU and GSCSC used Plaintiff’s marks, or marks confusingly similar thereto, without the consent of Plaintiff in a manner that is likely to cause confusion among ordinary consumers as to the source of the services offered by Plaintiff and by Defendants.

COUNT 4
UNFAIR COMPETITION/INITIAL INTEREST CONFUSION
TRADEMARK INFRINGEMENT — 15 U.S.C. § 1114
(Against RICHARD GODDEAU and GSCSC, Inc.)

56. Plaintiff incorporates herein by reference each and every allegation contained herein.

57. “RIP-OFF REPORT” is a valid, protectable trademark.

58. “DON’T LET THEM GET AWAY WITH IT” is a valid, protectable trademark.

59. Plaintiff owns “RIP-OFF REPORT” and “DON’T LET THEM GET AWAY WITH IT” as its trademarks.

60. By using the “RIP-OFF REPORT” mark in both its content and in metatags associated with the <REPORTARIPOFF.CO> site, Defendants GODDEAU and GSCSC have infringed Plaintiff’s trademark without the consent of Plaintiff in a manner

1 calculated to capture initial consumer attention and to direct such attention to the
2 <REPORTARIPOFF.CO> site at the expense of viewers looking for the Rip-off Report
3 site.

4 61. Defendants' conduct constitutes unfair competition and initial interest
5 confusion in violation of Plaintiff's rights under the Lanham Act and under the common
6 law.

7 **COUNT 5**
8 **INJUNCTIVE RELIEF — 17 U.S.C. § 502(a)**
9 *(Against All Defendants)*

10 62. Plaintiff incorporates herein by reference each and every allegation set forth
11 above.

12 63. In addition to the past violations of Plaintiff's rights identified above,
13 Defendant GODDEAU has repeatedly threatened to engage in further unlawful attacks
14 against Plaintiff and in violation of Plaintiff's rights. Among other things, on December
15 28, 2010, Defendant GODDEAU sent an email in which he threatened to use his PHP
16 Script to further violate Plaintiff's rights as follows:

17 So, it doesn't matter how many sites get shut down, more can quickly be
18 cloned in a matter of minutes, and relaunched on new client side sites
19 within minutes as well. We have the ability to launch, clone, and duplicate
20 all within one central place, build sitemaps, perform search engine listings,
21 RSS feed submissions, social network listings, and getting the information
22 on the top listings of most search engines within hours of relaunch. In
23 addition, we have the ability to put any site at its previous state, and search
24 engine status, even if moved to other clone domains. We already have this
25 system in place on over 5000 domains, and all it takes from our central
26 location, is a single signal, and a few commands, and these can all be
27 launched in one pass, or individually as required. The cross-linking of all
28 modules, client side files, core engines, admin sections, and user interface
sections of this package, along with cross-linking of all domains, and
subdomains, makes it easy to keep everything updated, and sharing
backlinks, and backlink juice, and SEO, all in one step, and in one platform.
And, the licensing module allows us to turn on or off a site, and site license,
and keep the system from running on specific domains, servers, and ISPs
with one click of a mouse. As I indicated in my response, the system was
developed by me, and what I have created is a powerful tool.

1 64. Upon information and belief, Defendant GODDEAU is financially
2 insolvent and unable to pay money damages to Plaintiff in an amount sufficient to
3 compensate Plaintiff for the harm caused by his unlawful conduct.

4 65. The conduct of each Defendant has caused, is causing and, unless enjoined
5 and restrained by this Court, will continue to cause Plaintiff great and irreparable injury
6 that cannot fully be compensated or measured in money.

7 66. Plaintiff has no adequate remedy at law.

8 67. Pursuant to 17 U.S.C. §§ 502(a) and 503, Plaintiff is entitled to preliminary
9 and permanent injunctive relief prohibiting each Defendant from further infringing
10 Plaintiff's copyrighted works.

11 **WHEREFORE**, Plaintiff prays for judgment against each Defendant as follows:

- 12 1. For Plaintiff's actual damages and Defendants' profits, or statutory
13 damages, as Plaintiff may elect, for infringement of each copyrighted work pursuant to
14 17 U.S.C. § 504;
- 15 2. For statutory and/or treble damages pursuant to 15 U.S.C. § 1117;
- 16 3. For injunctive relief pursuant to 17 U.S.C. §§ 502(a) and 503;
- 17 4. For Plaintiff's costs in this action pursuant to 17 U.S.C. § 504 and/or 15
18 U.S.C. § 1117(a);
- 19 5. For Plaintiff's reasonable attorneys' fees incurred pursuant to 17 U.S.C. §
20 504 and/or 15 U.S.C. § 1117(a);
- 21 6. For such other and further relief as the Court may deem just and proper.

22 DATED May 10, 2011.

23 **GINGRAS LAW OFFICE, PLLC**

24 /S/ David S. Gingras
25 David S. Gingras
26 Attorneys for Plaintiff
27 XCENTRIC VENTURES, LLC
28