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8 **Attorney and Plaintiff in Pro Se**

9 **UNITED STATES DISTRICT COURT FOR THE NORTHERN**
 10 **DISTRICT OF CALIFORNIA**

| | | |
|----|--------------------------|---|
| 11 | JEFFREY WILENS DBA |) Case No. _____ |
| 12 | LAKESHORE LAW CENTER, |) |
| 13 | |) |
| 14 | Plaintiff, |) |
| 15 | |) |
| 16 | v. |) |
| 17 | |) Demand for Jury Trial |
| 18 | AUTOMATTIC, INC., |) COMPLAINT FOR |
| 19 | TLDS L.L.C. DBA SRSPLUS, |) 1. Violation of Lanham Act (15 USC § |
| 20 | GOOGLE INC., |) 1125 (a) (1) |
| 21 | and Does 1 through 100, |) 2. Violation of Anticybersquatting |
| 22 | |) Consumer Protection Act (“ACPA”) |
| 23 | Defendants. |) (15 USC § 1125 (d)) |

24 **PARTIES**

- 25 1. Plaintiff JEFFREY WILENS DBA LAKESHORE LAW CENTER, an individual, brings
 26 this action on behalf of himself. Plaintiff is a resident of the State of California and
 27 Central District of California and a competent adult.
- 28 2. Plaintiff is informed and believes, and thereupon alleges, that Defendant
 AUTOMATTIC, INC. is now, and at all times mentioned in this Complaint was, a
 corporation based San Francisco, California, in the Northern District of California, and
 doing business in the County of Orange, State of California, and throughout the State of

1 California and United States. It has not designated any principal place of business in
2 the State of California.

3 3. Plaintiff is informed and believes, and thereupon alleges, that Defendant TLDS L.L.C.
4 DBA SRSPLUS is now, and at all times mentioned in this Complaint was, a corporation
5 based in the State of Virginia, and doing business in the County of Orange, State of
6 California, and throughout the State of California and United States. It has not
7 designated any principal place of business in the State of California.
8

9 4. Plaintiff is informed and believes, and thereupon alleges, that GOOGLE INC. is now,
10 and at all times mentioned in this Complaint was, a corporation based in Mountain
11 View, California, and doing business in the County of Orange, State of California, and
12 throughout the State of California and United States. It has not designated any
13 principal place of business in the State of California.
14

15 5. Plaintiff does not know the true names or capacities of the Defendants sued herein as
16 DOES 1 through 100 inclusive, and therefore sues these Defendants by such fictitious
17 names. Plaintiff will amend this complaint to allege their true names and capacities
18 when ascertained. Plaintiff is informed and believes, and thereon alleges, that each of
19 these fictitiously named Defendants is responsible in some manner for the occurrences
20 herein alleged, and that Plaintiff's damages as herein alleged were proximately caused
21 by those Defendants. Each reference in this complaint to "Defendant" or "Defendants"
22 or to a specifically named Defendant refers also to all Defendants sued under fictitious
23 names.
24

25 6. Plaintiff is informed and believes, and thereon alleges, that at all times herein
26 mentioned each of the Defendants, including all Defendants sued under fictitious
27 names, and each of the persons who are not parties to this action but are identified by
28

1 name or otherwise throughout this complaint, was the alter ego of each of the remaining
2 Defendants, was the successor in interest or predecessor in interest, and was the agent
3 and employee of each of the remaining Defendants and in doing the things herein
4 alleged was acting within the course and scope of this agency and employment.
5

6 **JURISDICTION**

7 7. This Court has jurisdiction because the lawsuit alleges violations of federal law, the
8 Lanham Act, 15 U.S.C. § 1125 (a), (d).

9 **FIRST CAUSE OF ACTION FOR VIOLATION OF THE LANHAM ACT (15 USC**

10 **§ 1125 (a) (1)**

11 8. Plaintiff incorporates in this cause of action the allegations contained in paragraphs 1
12 through 7 inclusive.

13 9. Plaintiff is an attorney licensed in the State of California and authorized to appear in all
14 state courts in California and a number of federal courts in California and Colorado, as
15 well as before the United States Supreme Court and the Ninth Circuit Court of Appeals.
16

17 10. Plaintiff holds trademarks or service marks on “Jeffrey Wilens” and “Lakeshore Law
18 Center.” He has had these since at least 1992. These common law trademarks are
19 pending registration under serial numbers 86193592 and 86193589 respectively.
20

21 11. Plaintiff operates a national law office under these trademarks and maintains websites
22 at www.lakeshorelaw.org and www.creditrepairdebt.org as well as at other Internet
23 locations.

24 12. There is only one attorney named Jeffrey Wilens in the USA and only one law firm
25 named Lakeshore Law Center in the USA. Plaintiff is known for a specialized practice in
26 consumer and employment law and it is not unusual for him to receive inquiries from
27 potential clients throughout the United States.
28

1 13. Over the past 20 years, Plaintiff has spent tens of thousands of dollars advertising and
2 promoting his personal and business name.

3 14. Defendants are website hosts (Internet Service Providers) or domain name registrars.

4 15. Defendant AUTOMATTIC, INC. hosts all the websites operating under the
5 “Wordpress.com” domain name.

6 16. Defendant GOOGLE INC. hosts all the websites operating under the “Blogger” domain
7 name.

8 17. Defendant TLDS L.L.C. DBA SRSPLUS is the domain name registrar for
9 www.jeffreywilens.com. The registrant for that domain name is listed as “Konstantin
10 Petrov, Montazhnikov 24, Sankt-Peterburg, Russia,” which is obviously a fake name and
11 address and in no way related to Plaintiff. The registrant also lists a phone number of
12 812-000-0000, which is a fake number.

13 18. Doe Defendant No. 1 is a currently unidentified person who has created a number of
14 websites for the purposes of diverting search engine traffic by clients and potential
15 clients of Plaintiff from Plaintiff’s websites to the websites controlled by Doe No. 1. He
16 did this for purposes of commercial gain and with intent to tarnish or disparage
17 Plaintiff’s marks by creating likelihood of confusion.

18 19. To that end, Doe No. 1 created an account with AUTOMATTIC, INC. so that he could
19 create Wordpress-hosted websites. Doe No. 1 was allowed by this defendant to use the
20 trademarked names in prominent fashion. Specifically, Doe No. 1 was allowed by
21 AUTOMATTIC, INC. to create websites using the names:
22 lakeshorelawcenter.wordpress.com; attorneyjeffreywilens.wordpress.com;
23 jeffreywilenslawyer.wordpress.com; unitedvictimsofjeffreywilens.wordpress.com; and
24 jeffreywilenslakeshorelaw.wordpress.com.
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1 20. Similarly, Doe No. 1 created an account with GOOGLE INC. which allowed him to
2 created a Blogger hosted website using the name jeffreywilens.blogspot.com.

3 21. Similarly, Doe No. 1 hired SRSPLUS to register the name “jeffreywilens.com” for a
4 website owned by Doe No. 1. SRSPLUS was immediately aware of the fake registrant
5 information provided by Doe No. 1.
6

7 22. Each of the Defendants knew or should have known Doe No. 1 was not Plaintiff and had
8 no legitimate purpose for using Plaintiff’s personal or business name in the domain
9 name of the websites.

10 23. Each of the Defendants is aware their actions were and are contributing to the
11 trademark infringements in that Plaintiff provided written notice on or about March 3,
12 2014 to each of the Defendants and provided specific information describing the
13 trademark infringements and each particular defendant’s role in perpetuating them.
14 Each of the Defendants responded in writing and stated they would not take any actions
15 to stop the trademark infringements which they were assisting absent an order from a
16 court of competent jurisdiction.
17

18 24. Defendants violated 15 U.S.C. § 1125, subdivision (a) (1) by using in commerce the terms
19 or names “Jeffrey Wilens” and/or “Lakeshore Law Center” in a manner that is likely to
20 cause confusion or to deceive as to the affiliation, connection or association of the
21 ownership of the aforementioned websites.
22

23 25. As a result of these trademark infringements, Plaintiff has suffered damages in that
24 potential and actual clients have been misdirected to the offending websites by virtue of
25 the fact they appear prominently in the list of websites generated by “Googling” Jeffrey
26 Wilens or Lakeshore Law Center. If Doe No. 1 had not been allowed to use the names
27 “Jeffrey Wilens” or “Lakeshore Law Center” as the domain names, the search engines
28

1 would not have ranked these offending websites so highly.

2 26. Pursuant to 15 U.S.C. § 1116 and 15 U.S.C. § 1117, Plaintiff is entitled to recover
3 equitable relief in the form of an injunction and cancellation of the improper domain
4 names, and damages sustained by Plaintiff.

5 **SECOND CAUSE OF ACTION FOR VIOLATION OF THE ANTI-**
6 **CYBERSQUATTING PROTECTION ACT (ACPA), 15 U.S.C. § 1125(d)**
7

8 27. Plaintiff incorporates in this cause of action the allegations contained in paragraphs 1
9 through 26, inclusive.

10 28. As alleged previously, Defendants registered, trafficked in and used domain names
11 incorporating the personal and business names of Plaintiff, which are distinctive marks,
12 and with the bad faith intent to profit from those marks.

13 29. Most of the factors set forth in 15 U.S.C. § 1125 (d) (1) (B) (1) militate in favor of finding
14 bad faith, including these facts:

- 15 a) Plaintiff has trademark rights to the domain names;
- 16 b) The domain names consist of the legal name of Plaintiff and of his business;
- 17 c) There is no history of prior use of these domain names by Defendants before
18 October 2013;
- 19 d) Defendants have no bona fide noncommercial or fair use of the marks;
- 20 e) Defendants intended to divert consumers from Plaintiff's legitimate websites to sites
21 controlled by Defendants which were set up to harm the goodwill represented by the
22 marks and to disparage the marks and create confusion;
- 23 f) Doe No. 1 provided false contact information when applying to register the domain
24 names and Defendants knowingly published that false information;
- 25 g) Doe No. 1 registered or set up multiple websites with domain names Defendants
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1 knew were identical or confusingly similar to the marks of Plaintiff and Defendants
2 permitted him to do this.

3 30. Pursuant to 15 U.S.C. § 1116, 15 U.S.C. § 1117 and 15 U.S.C. § 1125 (d) (1) (C), Plaintiff is
4 entitled to recover equitable relief in the form of an injunction, forfeiture or cancellation
5 of the domain names being used by Doe No. 1 and transfer of same to Plaintiff, and
6 damages sustained by Plaintiff.
7

8 31. In the alternative to actual damages, Plaintiff may elect to receive statutory damages of
9 \$1,000 to \$100,000 per domain name from Defendants.

10 **REQUEST FOR JURY TRIAL**

11 Plaintiff respectfully requests trial by jury.

12 DATED: May 27, 2014

13 Respectfully submitted,

14 By /s/ Jeffrey Wilens

15 JEFFREY WILENS
16 Attorney and Plaintiff in Pro Se

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff prays for judgment on all causes of action against
19 Defendants as follows:

- 20 1. For a permanent injunction enjoining Defendants from misusing Plaintiff's trademarks
21 or service marks and cancellation of domain names and/or transfer of them to Plaintiff;
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23 2. For actual damages on the first and second causes of action in an amount according to
24 proof;
25
26 3. For statutory damages of \$100,000 for each domain name that was misused as alleged
27 above on the second cause of action;
28
4. For interest on the sum of money awarded as damages;

- 1 5. For costs of suit incurred herein; and
2 6. For such other and further relief as the court may deem proper.

3 DATED: May 27, 2014

4 Respectfully submitted,

5 By ___/s/ Jeffrey Wilens_____

6 JEFFREY WILENS
7 Attorney and Plaintiff in Pro Se

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