

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BMW OF NORTH AMERICA, LLC, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 PATRICK STANGLER,)
)
 Defendant.)

Case No. 4:11CV1389 RWS

MEMORANDUM AND ORDER

This matter is before me on plaintiffs’ motion for default judgment. The Clerk of Court entered default against defendant on December 29, 2011 for defendant’s failure to show cause why he should not be held in default for failing to comply with the Court’s Memorandum and Order dated October 24, 2011, to participate in the preparation of the joint proposed scheduling plan, and to appear for the December 1, 2011 scheduling conference. As defendant has defaulted in this action, plaintiffs’ allegations become fact. Brown v. Kenron Aluminum & Glass Corp., 477 F.2d 526, 531 (8th Cir. 1973). Having reviewed the established facts set out in plaintiffs’ complaint, the motion for default judgment, and the supporting memorandum, the Court finds that defendant has willfully: engaged in trademark infringement under the Lanham Act, 15 U.S.C. § 1114, and Missouri common law of United States trademark belonging to plaintiffs (the BMW mark); engaged in dilution under the Lanham Act, 15 U.S.C. § 1125(c), and the Missouri Anti-Dilution Statute, Mo. Rev. Stat. § 417.061, with regard to the BMW mark; and, engaged in cybersquatting under the Lanham Act, 15 U.S.C. § 1125(d) with regard to the BMW mark. I also find that plaintiffs are entitled to the relief sought for the reasons set out in the supporting memorandum.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for default judgment [#33] is granted.

A separate Judgment is entered this same date.

A handwritten signature in black ink, appearing to read "Rodney W. Sippel", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 18th day of January, 2012.