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U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

THE W.W. WILLIAMS COMPANY)
835 W. Goodale Blvd.)
Columbus, OH 43212,)
)
Plaintiff,)
)
v.)
)
GOOGLE, INC.)
1600 Amphitheatre Parkway)
Mountain View, CA 94043,)
)
and)
JOHN DOES 1-10.)
)
Defendants.)
_____)

Case No. 2:13 CV 0713

Judge: JUDGE WATSON

Related Case No. 2:13-cv-298

MAGISTRATE JUDGE DEEVERS

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**VERIFIED COMPLAINT FOR TRADEMARK INFRINGEMENT, CONTRIBUTORY
TRADEMARK INFRINGEMENT, FALSE DESIGNATION OF ORIGIN,
PASSING OFF AND FRAUD**

Plaintiff The W.W. Williams Company, by and through undersigned counsel, for its
Verified Complaint against Defendants Google, Inc. ("Google") and John Does 1-10 ("Doe
Defendants") (hereinafter collectively referred to as "Defendants"), states as follows:

1. This is an action for trademark infringement and contributory trademark
infringement under the Lanham Act, 15 U.S.C. § 1114, false designation of origin and passing
off under 15 U.S.C. § 1125(a), and common law fraud arising from the Doe Defendants'
unauthorized use of the Gmail email accounts edouglas.wwwilliamsincs.com@gmail.com and
edouglas.wwwilliamsincss.com@gmail.com, and the W.W. Williams Marks to fraudulently

obtain merchandise, and from Google's knowingly allowing the continued infringement of the W.W. Williams Marks by the Doe Defendants despite actual notice of the infringement.

Parties

2. Plaintiff The W.W. Williams Company ("W.W. Williams") is an Ohio corporation with a principal place of business at 835 W. Goodale Avenue, Columbus, Ohio 43212. For 100 years, W.W. Williams has been a family-owned business engaged in the sales and service of diesel engines, refrigeration units, power generation equipment and parts distribution. The W.W. Williams name and website, www.williams.com, are well known among consumers of industrial products.

3. Defendant Google, Inc. is a Delaware corporation with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, California 94043. Upon information and belief, the John Doe Defendants are maintaining Gmail email accounts that infringe on the W.W. Williams Marks through Defendant Google's Google Apps service.

4. Plaintiff does not know the true names or legal capacities of the Defendants sued herein for direct trademark infringement as JOHN DOES 1-10, inclusive, and therefore sues these Defendants by such fictitious names.

5. Upon information and belief, the Doe Defendants herein are the same unidentified Doe Defendants named by Plaintiff in the prior related action *The W.W. Williams Company v. Google Inc., et al.*, Case No. 2:13-cv-298 (S.D. Ohio)(Watson, J.) (the "Related Action"). Accordingly, the facts alleged in the Verified Complaint in the Related Action [dkt. #24] are incorporated by reference herein and the Verified Complaint is attached hereto as Exhibit A.

Jurisdiction and Venue

6. This Court has jurisdiction over the subject matter of this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. § 1338(a) and (b). Personal jurisdiction in this District is proper inasmuch as Plaintiff's cause of action arose and Plaintiff is being injured within this judicial district, and because Defendants have purposely availed themselves of the privilege of doing business in this forum. Venue is proper in this District pursuant to 28 U.S.C. § 1391 (b)(2).

Facts

The W.W. Williams Company Trademarks

7. Established in 1913, W.W. Williams is an iconic Columbus company which services trucking companies, the U.S. military, hospitals, data centers and state and local government.

8. For 100 years W.W. Williams has been family owned and based in Columbus, Ohio. W.W. Williams was founded by William Wallace Williams, Sr. when automobiles were new and untested inventions and the roads in Ohio were quite primitive. After 100 years, W.W. Williams still provides services to truckers whose vehicles break down on the roads throughout the United States. Additionally, W.W. Williams sells and services diesel engines and transmissions, plus refrigeration units that trucking companies use to transport food and other items that need to be kept cold. The company also sells and services power-generation equipment, including the generators that provide the backup power for Ohio State University's Arthur G. James Cancer Hospital.

9. W.W. Williams and its 1,000 employees are well known to the trucking companies, military, hospitals, data centers and governments that make up their

customer base. W.W. Williams maintains, repairs and provides parts for their trucks, buses, fire trucks, power generators and other equipment. Since 1924, W.W. Williams' headquarters has been at 835 Goodale Blvd.

10. W.W. Williams operates 36 locations throughout North America providing service to trucking companies, refrigeration units, generators, military vehicles and supplying parts. In addition, W.W. Williams operates a distribution operation in Akron, Ohio that sells parts for equipment that is no longer being manufactured. The company acquires inventory and if the equipment company no longer has parts, W.W. Williams can have one made.

11. In connection with the activities and services described in the preceding paragraphs, W.W. Williams is the owner of, among others, the following federally registered trademarks:

- a. W.W. WILLIAMS - Registration Number 2816546, registered on February 24, 2004 for Retail store outlet and distributorship services featuring engines and transmissions for motorized vehicles, machines and equipment, namely trucks, construction equipment, marine vehicles and military mechanical weapons, power generating equipment, fire pumps, emergency equipment, buses and coaches; retail outlet and distributorship services featuring diesel-powered refrigeration units for vehicles and trailers; retail outlet and distributor services featuring repair parts for engines and transmission which are manufactured under license or by permission of the original manufacturer; maintaining and repairing engines and transmissions for motorized vehicles, machines and equipment, namely, trucks, construction equipment, marine vehicles and military mechanical weapons, power generating equipment, fire pumps, emergency mechanical equipment, buses and coaches; maintaining and repairing refrigeration units for vehicles and trailers;
- b. W.W. WILLIAMS (stylized) Registration Number 2794417, registered on December 16, 2003 for Retail store outlet and distributorship services featuring engines and transmissions for motorized vehicles, machines and equipment, namely trucks, construction equipment, marine vehicles and military mechanical weapons, power generating equipment, fire pumps, emergency equipment, buses and coaches; retail outlet and distributorship services featuring diesel-powered refrigeration units for vehicles and trailers; retail outlet and distributor services featuring repair parts for engines and transmission which are manufactured under license or by permission of the original manufacturer; maintaining and repairing engines and transmissions for motorized vehicles, machines and equipment, namely, trucks, construction

equipment, marine vehicles and military mechanical weapons, power generating equipment, fire pumps, emergency mechanical equipment, buses and coaches; maintaining and repairing refrigeration units for vehicles and trailers;



- c. W - Registration No. 1,166,781, registered on August 25, 1981, for leasing, maintaining and repairing heavy construction, industrial and mining equipment and machines;



- d. THE WWW CO. - Registration No. 2,773,047, registered on October 14, 2003 for transmission for motorized non-land vehicles and machines, namely, construction equipment cranes, bulldozers graders, earth movers, and steam shovels; marine applications, namely, boats, ships and ferries; military applications, namely, armored personnel carriers; electric power generators, fire pumps, and structural parts therefore; : Retail store outlet and distributorship services featuring engines and transmissions for motorized vehicles, machines and equipment, namely trucks, construction equipment, marine vehicles and military mechanical weapons, power generating equipment, fire pumps, emergency equipment, buses and coaches; retail outlet and distributorship services featuring diesel-powered refrigeration units for vehicles and trailers; retail outlet and distributorship services featuring repair parts for engines and transmission which are manufactured under license or by permission of the original manufacturer; Maintaining and repairing engines and transmissions for motorized vehicles, machines and equipment, namely, trucks, construction equipment, marine vehicles and military mechanical weapons, power generating equipment, fire pumps, emergency mechanical equipment, buses and coaches; maintaining and repairing refrigeration units for vehicles and trailers.

(All of the above, including the common law rights therein, are collectively referred to as the "W.W. Williams Marks.")

12. Copies of the certificates of registration for each of these trademarks are attached to the Verified Complaint as Exhibits B through E, respectively.

13. The certificates of registration identified in the preceding paragraph are valid and subsisting, and W.W. Williams has record title in the trademarks described above.

14. The certificates of registration are prima facie evidence of the validity of the registered trademarks, W.W. Williams' ownership of the registered trademarks, and W.W. Williams' exclusive right to use the registered trademarks in connection with the goods and services specified in the certificates of registration enumerated above. The registered marks are incontestable, which provides conclusive evidence of their validity under 15 U.S.C. § 1115(b), and constructive notice of the registrant's claim of ownership under 15 U.S.C. § 1072.

15. In addition, W.W. Williams has owned the domain name "wwwilliams.com" since May 29, 1997 and operates its website at www.wwwilliams.com, offering the various W.W. Williams services.

Defendants' Fraudulent and Infringing Use of the W.W. Williams Marks

16. On May 12, 2013, the domain name wwwilliamsincs.com was registered by an as-yet unidentified John Doe Defendant through Vistaprint Technologies, Ltd., a hosting service that allows its customers to set up online businesses anonymously and hosts their domains. Upon information and belief, on or about the same date that the Doe Defendants set up the wwwilliamsincs.com domain, they also set up a Gmail email account through Defendant Google's Google Apps service.

17. The Doe Defendant(s) immediately set up a scheme to engage in direct trademark infringement of the W.W. Williams Marks and defraud unknowing companies by seeking price quotes and placing orders for products, including sophisticated satellite cell phones and surveillance equipment, under the name W.W. Williams. Upon information and belief, the scheme operated as follows: a) the Doe Defendant(s) would establish customer accounts and

credit terms with suppliers posing as W.W. Williams; b) the suppliers would ship the merchandise to the address provided by the Doe Defendant(s); c) the Doe Defendant(s) would not pay for the merchandise; and d) the suppliers, believing that the orders had been placed by W.W. Williams would then seek payment for the merchandise from W.W. Williams. Upon information and belief, much if not all of the merchandise that the Doe Defendants seek to order could be used for criminal or terrorist purposes and is either not legally available for shipment outside of the United States, or can only be used in countries in the Middle East and Africa.

18. On June 11, 2013, a person identifying himself as “Eaton Douglas, Purchasing Manager, W.W. Williams” sent out an email blast with the subject line “Thuraya Order” to several companies, requesting prices on Thuraya SG-2520 satellite mobile phones. The “from” line and the “to” line on the email indicated that the email was sent from the gmail account edouglas.wwwilliamsinccs.com@gmail.com, although the recipients’ names were masked. One of the recipients, Galen Gritts of Orbit Engineering Systems LLC in St. Louis, Missouri, contacted W. W. Williams to investigate as to whether “Eaton Douglas” was a W. W. Williams employee. Upon learning that he was not, Mr. Gritts noted that “the Thuraya SG-2520 smartphone has been discontinued and is no longer available. Thuraya phones are for use in the Middle East, Africa, Central, East and Southeast Asia.” See email attached to Declaration of Janet Gibson as Exhibit A.

19. Another recipient of the June 11, 2013 email blast was Nikki Townsend of Galaxy 1 Communications in Ft. Lauderdale, Florida. Ms. Townsend also called W. W. Williams to confirm the identity of “Eaton Douglas” and was told that there was no such employee at W. W. Williams. Ms. Townsend forwarded the email solicitation she received to Plaintiff’s legal department. See Gibson Decl. at Exhibit B. Other recipients of the June 11, 2013 were Michael

Goodall of Remote Satellite Systems in Santa Rosa, California and Angela Winterbottom of UStronics, Inc. in Sterling Virginia. See Gibson Decl. at Exhibits C and D. Plaintiffs have no idea how many other companies that also sell satellite phones were recipients of the Doe Defendants' June 11, 2013 email blast.

20. Counsel for W. W. Williams immediately contacted the attorney who represented Google in the Related Action to inform her of this further misuse of the W.W. Williams Marks and ask her to request that Google disable the wwwilliamsincs.com@gmail.com email account. Counsel for Google replied that she had been informed by her client "that the best thing for your client to do is to go through Google's normal abuse/spam procedures located at <https://support.google.com/mail/contact/abuse>." Counsel for W.W. Williams attempted to follow the procedures set out in the above-referenced link, but the procedures did not address the type of abuse and misuse of the W.W. Williams Marks that Plaintiff was experiencing and had experienced in the Related Action. See Gmail abuse forms, attached hereto as Exhibit F.

21. On June 12, 2013, "Eaton Douglas" sent more emails requesting pricing on Thuraya satellite phones to various other companies, including Tim Hoerner of DigiCom Global, Inc. in Oakland County, Michigan and Jack Berry of Image Management Systems, Inc. in New York City. This email used the address edouglas@wwwilliamsincs.com. After informing "Eaton Douglas" that the Thuraya phones did not work in North America, Mr. Hoerner forwarded the email to W. W. Williams. See Gibson Decl. at Exhibit E.

22. On June 13, 2013, "Eaton Douglas" submitted a purchase order via email to Ariana Commerce Corp. of Los Angeles, California for the purchase of 36 Thuraya satellite phones totaling \$34,850.00. The Purchase Order was on a W.W. Williams form, which displayed the actual W.W. Williams name and logo, and listed W.W. Williams' address on West

Goodale Boulevard in Columbus Ohio. However, the email contact information on the Purchase Order was listed as ap@wwilliamsincs.com. The “Ship To” address was to “Jennifer Church, W.W. Williams, 98 Barney Cianchette Rd., Pittsfield, Maine 04967.” See Gibson Decl. at Exhibit F. W.W. Williams does not operate a facility at that address, and does not employ anyone named Jennifer Church.

23. On June 13, 2013, counsel for W.W. Williams contacted counsel for Vistaprint Limited to advise them of the misuse of the W.W. Williams Marks by the Doe Defendants who had secured the domain name wwilliamsincs.com and the email address ___@wwilliamsincs.com through Vistaprint. See Letter attached hereto as Exhibit G. Counsel for W.W. Williams again contacted counsel for Google to ask that Google disable the email account _.wwilliamsincs.com@gmail.com. See Letter attached hereto as Exhibit H.

24. On June 14, 2013 a legal representative for Vistaprint informed counsel for W.W. Williams that Vistaprint had terminated the customer account and allowed W.W. Williams to initiate a transfer of the domain. See June 14, 2013 email attached hereto as Exhibit I. The email account edouglas@wwilliamsincs.com has been disabled.

25. Upon information and belief, on June 18, 2013, the same Doe Defendant(s) obtained the domain wwilliamsincss.com through Vistaprint, and continued their fraudulent scheme. On July 2, 2013, “Eaton Douglas” sent an email using the email address edouglas@wwilliamsincss.com to the “contact us” page for Ellipse Security, Inc. in Jacksonville, Florida and to Hueandcry.com seeking price quotes on various surveillance and security equipment. See Gibson Decl. at Exhibit G. Counsel for W.W. Williams immediately contacted Vistaprint and the wwilliamsincss.com account was disabled later that day. See email attached hereto as Exhibit J.

26. Upon information and belief, the Doe Defendants have never activated a gmail account with the address ____.wwwwilliamsincss.com@gmail.com. However, as of the date of filing of this action, the account edouglas.wwwilliamsincss.com@gmail.com is still active.

27. Defendants' use in commerce of the W.W. Williams Marks to attempt to associate the Defendants' business with W.W. Williams is likely to and has caused confusion, and is likely to and has caused mistake and has deceived members of the public into believing that Plaintiff has sponsored or endorsed Defendants' use of the W.W. Williams Marks.

28. In addition to direct infringement and flagrant misuse of the W.W. Williams Marks, Defendants have also engaged in passing off in their efforts to deceive the public into thinking that they are acting as, and/or with the authority of W.W. Williams.

29. Defendant registered the domain names www.wwwilliamsincss.com and www.wwwilliamsincss.com in 2013; sixteen years after the wwwwilliams.com domain was registered, ten years after the W.W. WILLIAMS trademark (Registration no. 2794417) was registered, and one hundred years after W.W. Williams began doing business.

30. The Doe Defendant(s) are using the W.W. Williams Marks to defraud unsuspecting suppliers by posing as W.W. Williams and inducing suppliers into shipping them merchandise. The Doe Defendants intend for the suppliers, in reliance on the Doe Defendant's material misrepresentation that they are W.W. Williams, to ship them merchandise that the Doe Defendants will not pay for. The Doe Defendants further intend for the suppliers who have shipped them merchandise in reliance on the Doe Defendant's material misrepresentation that they are W. W. Williams to seek payment from W.W. Williams. Accordingly, the Doe Defendants are using the W.W. Williams Marks to defraud the suppliers with the intent of causing injury to the suppliers and to W.W. Williams.

31. Google has refused to suspend activity or terminate the wwilliamsincs.com@gmail.com email account, despite having knowledge of the infringing, fraudulent and criminal activity being conducted using these Google-owned and controlled Gmail accounts.

**First Cause Of Action
Federal Trademark Infringement**

32. Plaintiff realleges and incorporates by reference herein the allegations contained in paragraphs 1 through 31 of the Verified Complaint.

33. The John Doe Defendan[t]s' aforementioned acts constitute trademark infringement in violation of the Lanham Act, 15 U.S.C. § 1114.

34. Plaintiff's federal registrations on the Principal Register for the W.W. Williams Marks are incontestable, which provides conclusive evidence of the validity of the registrations, the Plaintiff's ownership of the W.W. Williams Marks, and of the Plaintiff's exclusive right to use the W.W. Williams Marks in commerce in connection with the goods and services specified in the Certificates of Registration under the provisions of 15 U.S.C. §1115(b)).

35. The John Doe Defendant[s]' wrongful use of the W.W. Williams Marks on letterhead and as their email and Gmail addresses imply that the sender is W.W. Williams and is likely to cause confusion as to sponsorship or authorization by Plaintiff. Defendants' actions constitute trademark infringement in violation of Section 32(a) of the Lanham Act, 15 U.S.C. § 1114.

36. As a proximate result of the John Doe Defendant[s]' direct infringing actions, Plaintiff has suffered and will continue to suffer damage to its business, goodwill, reputation, profits and the strength of the W.W. Williams Marks. An award of monetary damages alone cannot fully compensate Plaintiff for its injuries and Plaintiff lacks an adequate remedy at law.

37. The foregoing acts of infringement have been and continue to be deliberate, willful and wanton, making this an exceptional case within the meaning of 15 U.S.C. § 1117.

38. Plaintiff is entitled to a preliminary and permanent injunction against the John Doe Defendant[s], as well as all other remedies available under the Lanham Act, including, but not limited to, compensatory damages; treble damages; disgorgement of profits; and costs and attorneys' fees.

**Second Cause of Action
False Designation of Origin and Passing Off**

39. Plaintiff realleges and incorporates by reference herein the allegations contained in paragraphs 1 through 38 of the Verified Complaint.

40. The John Doe Defendant[s] chose to use the W.W. Williams Marks for their fraudulent practices because of the well-known and longstanding reputation of W.W. Williams. The John Doe Defendant[s] are passing themselves off as W.W. Williams and are falsely leading companies to believe that the John Doe Defendant[s]' fraudulent practices are associated with, endorsed by, or originate with by Plaintiff, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

41. The foregoing acts and conduct by the John Doe Defendant[s] constitute false designation of origin and passing off in connection with attempts to procure products and services distributed in interstate commerce, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

42. The John Doe Defendant[s]' acts, as set forth above, have caused irreparable injury to Plaintiff's goodwill and reputation. The injury to Plaintiff is and continues to be ongoing and irreparable. An award of monetary damages alone cannot fully compensate Plaintiff for its injuries and Plaintiff lacks an adequate remedy at law.

43. Plaintiff is entitled to a preliminary and permanent injunction against the John Doe Defendant[s], as well as all other remedies available under the Lanham Act, including, but not limited to, compensatory damages; treble damages; disgorgement of profits; and costs and attorneys' fees.

**Third Cause of Action
Contributory Trademark Infringement**

44. Plaintiff realleges and incorporates by reference herein the allegations contained in paragraphs 1 through 43 of the Verified Complaint.

45. Defendant Google has absolute and total control over the Gmail email accounts and the internet file servers Google provides to the directly infringing John Doe Defendants (the “John Doe Direct Infringers”) who are using infringing Gmail email accounts comprised of the W.W. Williams Marks, and where fraudulent emails are sent from, received and stored.

46. Defendant Google has been aware of this activity since the hearing before the Court on the Related Action, yet Google has provided and is continuing to provide the John Doe Direct Infringers with email hosting, sending, receiving and storage of emails in Google Gmail accounts. Google’s actions are willful and with actual knowledge that the John Doe Direct Infringers are using those Gmail accounts as instrumentalities to engage in direct trademark infringement of the W.W. Williams Marks. Google has total and complete control over the Gmail file servers, accounts and Gmail mail system that are the instrumentalities being used by the John Doe Direct Infringers to infringe the W.W. Williams Marks and commit criminal fraud against W.W. Williams.

47. Defendant is aware of the directly infringing acts of the John Doe Direct Infringers using Google’s email system, and Plaintiff has repeatedly requested that Google cease making its Gmail email and file server system available to the John Doe Direct Infringers.

Google has refused to terminate the Gmail accounts of the John Doe Direct Infringers which are being used to infringe the W.W. Williams mark and commit fraud against Plaintiff. Google's acts in providing the instrumentality to the John Doe Direct Infringers to engage in direct trademark infringement of the W.W. Williams Marks constitutes contributory trademark infringement.

48. Defendant Google's acts, as set forth above, have caused irreparable injury to Plaintiff's goodwill and reputation. The injury to Plaintiff is and continues to be ongoing and irreparable. An award of monetary damages alone cannot fully compensate Plaintiff for its injuries and Plaintiff lacks an adequate remedy at law.

49. Plaintiff is entitled to a preliminary and permanent injunction against all Defendants, as well as all other remedies available under the Lanham Act, including, but not limited to, disgorgement of profits; compensatory damages; treble damages; and costs and attorneys' fees.

Fourth Cause of Action Fraud

50. Plaintiff realleges and incorporates by reference herein the allegations contained in paragraphs 1 through 49 of the Complaint.

51. The John Doe Defendants are using the W.W. Williams Marks to materially misrepresent themselves as being associated with W.W. Williams with the intent to defraud unsuspecting suppliers inducing suppliers into shipping them merchandise that the Doe Defendants will not pay for. The John Doe Defendants further intend for the suppliers who have shipped them merchandise in reliance on the John Doe Defendant's material misrepresentation that they are W. W. Williams to seek payment from W.W. Williams. Accordingly, the John Doe

Defendants are using the W.W. Williams Marks to defraud the suppliers with the intent of causing injury to the suppliers and to W.W. Williams.

52. Google was, in the Related Action, and once again has been provided clear and convincing evidence that the John Doe Defendants are using the Google Gmail mail system and internet file servers as the instrumentality to effectuate their fraudulent activities. Google has refused to take action to terminate the Gmail accounts of the John Doe Defendants to terminate the fraudulent activities.

53. Defendants' acts, as set forth above, have caused irreparable injury to Plaintiff's goodwill and reputation. The injury to Plaintiff is and continues to be ongoing and irreparable. An award of monetary damages alone cannot fully compensate Plaintiff for its injuries and Plaintiff lacks an adequate remedy at law.

54. Plaintiff is entitled to a preliminary and permanent injunction against all Defendants, as well as all other remedies available including, but not limited to, compensatory damages; punitive damages; disgorgement of profits; and costs and attorneys' fees.

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

(1) that Defendants, their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with Defendants who receive actual notice of the court's order by personal service or otherwise, be preliminarily and permanently enjoined from:

(a) continuing to use the name "W.W. Williams" in their business name and website;

(b) using any of the W.W. Williams Marks for goods or services, or on the internet, or as domain names, email addresses, meta tags, invisible data, or otherwise engaging in acts or conduct that would cause confusion as to the source, sponsorship or affiliation of Defendants with Plaintiff.

(c) engaging in any activity that would suggest that Defendants are associated with W.W. Williams in any way.

(2) that Defendant Google be directed to immediately and permanently disable all email accounts hosted on Google's servers that include the characters "wwwilliamsinc", including but not limited to the Gmail accounts edouglas.wwwilliamsincs.com@gmail.com and not in the future permit anyone to utilize a Gmail system email address that includes the characters "wwwilliamsinc";

(3) that Plaintiff recover its actual damages sustained as a result of Defendants' wrongful actions;

(4) that Plaintiff recover Defendants' profits made as a result of Defendants' wrongful actions;

(5) that Plaintiff recover three (3) times Defendants' profits made as a result of Defendants' wrongful actions or three (3) times Plaintiffs' damages, whichever is greater;

(6) that, given the fact the Plaintiff has had to file a second lawsuit against Google to compel Google to take the same actions that Google was ordered to do in the Related Action, this case be deemed an exceptional case under 15 U.S.C. §§ 1117(a) and (b) and that Defendants be deemed liable for and ordered to reimburse Plaintiffs for their reasonable attorneys' fees;

(7) that Plaintiff be awarded exemplary damages for Defendants' willful and intentional acts;

(8) that Plaintiff recover its costs of court; and

(9) that Plaintiff recover such further relief to which they may be entitled.

Dated: July 19, 2013

Respectfully submitted,



Joseph R. Dreitler

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Attorneys for Plaintiff

The W.W. Williams Co.

VERIFICATION

I am an officer of The W.W. Williams Company. I have reviewed the allegations in the Verified Complaint for trademark infringement, contributory trademark infringement false designation of origin, passing off and common law fraud brought by The W.W. Williams Company against defendants Google, Inc. and Does 1-10 (the "Verified Complaint"). The allegations in the Verified Complaint are true and accurate to the best of my knowledge.



By: Janet D. Gibson

Title: General Counsel and Corporate Secretary
The W.W. Williams Company