

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Middle District of Florida, Tampa on the following Patents or Trademarks:

DOCKET NO. 8:08-cv-1501-T-27EAJ	DATE FILED 08/04/2008	U.S. DISTRICT COURT Middle District of Florida - Tampa Division
PLAINTIFF Kohler Company		DEFENDANT Robert Con Goetzman
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 See attached complaint		
2 167,671		
3 590,092		
4 2,766,196		
5		

In the above--entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 * SEE ATT ORDER		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Sheryl L. Loesch	(BY) DEPUTY CLERK J. Hueting	DATE 10/14/08
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

KOHLER COMPANY,

Plaintiff

Case No. 8:08-cv-01501-JDW-EAJ

vs.

ROBERT VON GOETZMAN,

Defendant.

FINAL DEFAULT JUDGMENT AND PERMANENT INJUNCTION

This matter having come before the Court on Plaintiff Kohler Company's Motion for Entry of Final Judgment by Default and Permanent Injunction (Dkt. 17), and the Court having considered the merits of the Motion, and for good cause shown, the Court finds as follows:

1. Service of the complaint was effected on Defendant Robert Von Goetzman ("Defendant") on August 5, 2008. (Dkt. 1).

2. Based on the service date of August 5, 2008, an appearance and answer were due on or before August 25, 2008.

3. On September 11, 2008 the Clerk entered a default against Defendant. (Dkt. 15).

4. As of this date, Defendant has failed to file an answer or any other responsive pleading with this Court, any motion pursuant to either Rules 12 or 56 of the Federal Rules of Civil Procedure, and has not otherwise defended this suit following proper service. Accordingly, the following allegations of the complaint are taken as true.

5. Defendant registered the domain names <kohler-engines.com> and <kohlercommand.com> (the "Infringing Domain Names") and is (a) using the Infringing Domain Names to redirect Internet traffic to his own website, which offers goods for sale that compete with those offered by Kohler under the KOHLER mark, and is (b) using the Infringing Domain Names hoping to attract Internet users to his site by creating a likelihood of confusion with Kohler's KOHLER mark as to the source, sponsorship, affiliation, and/or endorsement of Defendant's website or location.

6. Defendant has registered, trafficked in, and/or used the Infringing Domain Names with the bad-faith intent to profit from Kohler's trademarks. The Infringing Domain Names are identical or confusingly similar to Kohler's KOHLER mark. The KOHLER mark was both distinctive and famous at the time of registration of the Infringing Domain Names.

7. Defendant used and is using the Infringing Domain Names to infringe Kohler's registered trademarks and service marks bearing U.S. Registration Numbers 167,671, 590,092 and 2,766,196.

8. Defendant used and is using the Infringing Domain Names intentionally to make false designations of origin and false descriptions about Defendant's goods, services, and commercial activity, which constitute unfair competition.

9. Defendant used and is using the Infringing Domain Names to engage in deceptive trade practices.

10. Defendant used and is using the Infringing Domain Names to intentionally interfere with Kohler's prospective economic advantage.

11. Kohler has shown success on the merits to entitle Kohler to a Permanent Injunction. In addition, Kohler and the public will suffer irreparable harm for which there is no adequate remedy at law if a Permanent Injunction is not entered.

12. The Court having considered the balance of harms to the parties, finds the potential harm to Kohler if a Permanent Injunction is not entered greater than the potential harms to Defendant if the Permanent Injunction is entered.

It is therefore ORDERED that:

1. Defendant and any employees, agents, or entities acting in concert or participation with or on behalf of Defendant are hereby permanently restrained from: (a) using Kohler's trademarks and service marks or confusingly similar variations thereof, alone or in combination with any other letters, words, letter strings, phrases or designs, in commerce or in connection with any business or for any other purpose (including, but not limited to, on websites and in domain names); and (b) registering, owning, leasing, or trafficking in any domain name containing Kohler's

trademarks or confusingly similar variations thereof, alone or in combination with any other letters, words or phrases or designs.

2. Defendant shall not operate any website at a domain name containing the element "Kohler" and shall not use the existing website, which currently resolves to <kohler-engines.com> and/or <kohlercommand.com> to redirect internet traffic to any non-infringing site.

3. Defendant shall be prohibited from selling or transferring to third parties, or changing the registrar for, any domain name containing the element "Kohler."

4. Defendant shall not use any name or operate any website that displays images associated with Kohler or names identical or similar to any trademark owned by Kohler, including but not limited to Kohler's registered trademarks and service marks bearing U.S. Registration Numbers 167,671, 590,092 and 2,766,196.

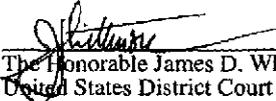
5. The domain name registry VeriSign, Inc. shall change the registrar of record for the domain names <kohler-engines.com> and <kohlercommand.com>, and any future domain name registered by Defendant containing the element "Kohler," from their respective registrars of record to a registrar of Kohler's selection, which will register those domain names in the name of Kohler.

6. The domain names <kohler-engines.com> and <kohlercommand.com>, and any content on that website, shall be immediately disabled by the respective registrar of the domain names and the domain names and all content associated with the domain names shall be transferred to Kohler.

7. Defendant shall pay Kohler statutory damages under 15 U.S.C. §1117(d) in the amount of \$100,000.00 per domain name, totaling \$200,000.00.

8. The Clerk is directed to close this case.

DONE AND ORDERED, this 9th day of October, 2008.


The Honorable James D. Whittemore
United States District Court Judge