

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

CAREER AGENTS NETWORK, INC., a  
Michigan corporation,

Plaintiff,

v.

careeragentsnetwork.biz,  
careeragentnetwork.biz, Lawrence R.  
White, an individual, and Aeromedia  
Marketing, Inc., a Michigan corporation.

Defendants.

CASE NO. 2:09-cv-12269

HONORABLE ROBERT H.  
CLELAND

**FIRST AMENDED COMPLAINT**

---

Jaffe, Raitt, Heuer, and Weiss, P.C.  
Attorneys for Plaintiff  
Joan H. Lowenstein (P39422)  
Michael S. Khoury (P34413)  
201 S. Main St., Suite 300  
Ann Arbor, MI 48104  
(734) 222-4776  
[jlowenstein@jaffelaw.com](mailto:jlowenstein@jaffelaw.com)  
[mkhoury@jaffelaw.com](mailto:mkhoury@jaffelaw.com)

---

For its First Amended Complaint, Plaintiff Career Agents Network, Inc. ("CAN")  
alleges as follows:

**NATURE OF THE CASE**

This is an in rem action against the <careeragentsnetwork.biz> and  
<careeragentnetwork.biz> domain names (the "Defendant Domain Names") based on the  
Anti-cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d), and an action for  
injunctive relief and for damages against Defendants Lawrence R. White and Aeromedia  
Marketing, Inc. under the Lanham Trademark Act, 15 U.S.C. § 1125(a), and the Anti-  
cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d). Plaintiff seeks  
preliminary and permanent injunctive relief, transfer of the registration of the Defendant  
Domain Names, and damages from the named Defendants.

### JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a).

2. This Court has in rem jurisdiction over the Defendant Domain Names pursuant to 15 U.S.C. § 1125(d) and 28 U.S.C. § 1655 and interpretive case law. Upon information and belief, the Court cannot exercise personal jurisdiction over the registrant of the Defendant Domain Names, as the registrant is located outside of the State of Michigan and/or the registrant's website is not interactive. As a separate and independent basis for in rem jurisdiction, upon service of this Complaint upon the registrar of the Defendant Domain Names, the registrar will deposit the Defendant Domain Names into the registry of the Court.

3. This Court has personal jurisdiction over Defendant Lawrence R. White and Defendant Aeromedia Marketing, Inc. pursuant to Fed. R. Civ. P. 4(e).

4. Venue is proper in the United States District Court for the Eastern District of Michigan under 28 U.S.C. §§ 1391(b) and 1391(c).

### PARTIES

5. Plaintiff CAN is a Michigan corporation with its principal place of business in Wixom, Michigan.

6. Upon information and belief, Defendant Domain Names <careeragentsnetwork.biz> and <carecragentnetwork.biz> are Internet domain names registered through PrivacyProtect.org, a private registration service, doing business in the Eastern District of Michigan. PrivacyProtect.org gives its address as a post office box in The Netherlands, but states on its website that it does not accept postal mail.

7. Upon information and belief, Defendant Lawrence R. White is an individual residing at 45308 Rector Dr., Canton, Michigan, 48188.

8. Upon information and belief, Defendant Aeromedia Marketing, Inc. is a Michigan corporation with its principal place of business at 45308 Rector Dr., Canton,

Michigan, 48188.

### COMMON ALLEGATIONS

9. Career Agents Network is an international consortium of recruiting companies and represents candidates for high-level jobs in a number of industries.

10. On February 9, 2009, CAN applied for registration of its trademark, CAREER AGENTS NETWORK (“CAN Mark”) with the United States Patent and Trademark Office. An image from the USPTO TARR server, showing the application, is attached as **Exhibit A**.

11. Through the extensive use and advertising of the CAN Mark, considerable marketing and advertising of the CAN Mark, and multiple channels of trade in which the CAN Mark is and will continue to be utilized, the CAN Mark has had a significant impact upon a substantial part of those seeking employment services such that consumers seeking those services have come to recognize the CAN Mark as a symbol that identifies and distinguishes the services associated with CAN.

12. CAN has acquired substantial goodwill associated with the CAN Mark and the CAN Mark has become associated in the marketplace with CAN.

13. Through the extensive use of the CAN Mark, considerable marketing and advertising of the CAN Mark, and multiple channels of trade in which the CAN Mark is and will continue to be utilized, the public has come to recognize and associate the name “CAREER AGENTS NETWORK” as a symbol that identifies and distinguishes the professional recruiting and employment services provided exclusively by CAN. Through long and continuous use, international recognition and extensive advertising and promotion, the CAN Mark has acquired distinctiveness and secondary meaning as a trademark and service mark.

14. On January 21, 2009, an unknown person, through PrivacyProtect.org, registered the <careeragentsnetwork.biz> and <careeragentnetwork.biz> domain names with DirectI Internet Solutions Pvt. Ltd., d/b/a PublicDomainRegistry.Com, a registrar of

domain names. This domain names contains the CAN Name and Mark.

15. By registering and using the Defendant Domain Names containing Plaintiffs trademark, the registrant of the Defendant Domain Names was and is attempting to trade on the goodwill of Plaintiff.

16. Upon information and belief, the Defendant Domain Names were registered with the bad faith intent to profit from Plaintiff's mark.

17. The Defendant Domain Names were registered without the consent of Plaintiff.

18. Upon information and belief, the registrant of the Defendant Domain Names has no trademark or other intellectual property rights in the Defendant Domain Names.

16. Upon information and belief, the registrant of the Defendant Domain Names has no prior use of the Defendant Domain Names in connection with the bona fide offering of any goods or services.

19. Upon information and belief, the registrant of the Defendant Domain Names made no bona fide non-commercial or fair use of the Defendant Domain Names in a site accessible under the domain names.

20. Upon information and belief, the registrant of the Defendant Domain Names did not believe or have reasonable grounds to believe that the use of the Defendant Domain Names was a fair use or otherwise lawful.

21. Upon information and belief, Defendants Lawrence R. White and Aeromedia Marketing, Inc. are the actual registrants of the Defendant Domain names and registered the Domain Names using the privacy service known as PrivacyProtect.org. These defendants have further used Plaintiff's valuable trademarks in numerous web logs or blogs that refer customers to the sites of the Defendant Domain Names.

**COUNT I**  
(Cybersquatting)  
Under the Lanham Act, 15 U.S.C. § 1125(d)

22. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set forth herein.

23. The registrants of the Defendant Domain Names, Defendants Lawrence R. White and Aeromedia Marketing, Inc., have willfully registered, trafficked in, and/or used domain names that are identical or confusingly similar to the CAN Name and Mark.

24. Upon information and belief, the registrants of the Defendant Domain Names, Defendants Lawrence R. White and Aeromedia Marketing, Inc., have or had a bad faith intent to profit from the CAN Name and Mark.

25. As a direct and proximate result of such conduct, Plaintiff has suffered and will continue to suffer, monetary loss and irreparable injury to its business, reputation and goodwill, in excess of \$100,000.

**COUNT II**  
Trademark Infringement  
(under the Lanham Act, 15 U.S.C. § 1125(a))

26. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set forth herein.

27. Defendants Lawrence R. White and Aeromedia Marketing, Inc. have used Plaintiff's trademark, "Career Agents Network," and the confusingly similar mark, "Career Agent Network," in connection with the marketing of their services in ways that are likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of these defendants with CAN, and to the origin, sponsorship, or approval of their services.

28. Defendants Lawrence R. White and Aeromedia Marketing, Inc. have further, through commercial promotion, misrepresented the nature, characteristics, and qualities of their services and of CAN's services.

29. As a direct and proximate result of such conduct, Plaintiff has suffered and will continue to suffer, monetary loss and irreparable injury to its business, reputation and goodwill, in excess of \$100,000.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that the Court grant the following relief:

A. A preliminary and permanent injunction requiring the domain name registrar and/or the named Defendants to transfer the registration of the Defendant Domain Names to Plaintiff and to cease all commercial use of the Plaintiff's marks; and

B. All other relief to which Plaintiff is entitled, including but not limited to actual damages, statutory damages, costs and attorney fees.

DATED: July 16, 2009

JAFFE, RAITT, HEUER, & WEISS, P.C.

By: /s/ Joan H. Lowenstein  
Joan H. Lowenstein (P39422)  
Michael S. Khoury (P34413)  
201 S. Main St., Suite 300  
Ann Arbor, MI 48104  
(734) 222-4776  
jlowenstein@jaffelaw.com

Attorneys for  
CAREER AGENTS NETWORK, INC.

**INDEX OF EXHIBITS**

**Exhibit A**            Image from United States Patent & Trademark Office Website

# EXHIBIT A



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Jun 9 04:02:55 EDT 2009

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE Dict](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)

Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

## Career Agents Network

Word Mark	CAREER AGENTS NETWORK
Goods and Services	IC 035. US 100 101 102. G & S: Employment hiring, recruiting, placement, staffing and career networking services; Promotion of business opportunities. FIRST USE: 20010621. FIRST USE IN COMMERCE: 20010621
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77664488
Filing Date	February 5, 2009
Current Filing Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) Career Agents Network CORPORATION MICHIGAN P.O. Box 930545 Wixom MICHIGAN 48393
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE Dict](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)