

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. **09-14110**

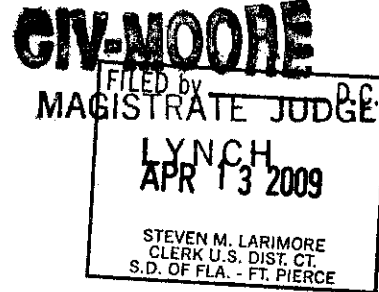
MICHAEL MORGAN
An Individual,

Plaintiff,

v.

GOLDMAN SACHS & CO.
a New York Limited Partnership,

Defendants.



COMPLAINT

MICHAEL MORGAN ("Morgan") sues the Defendant, GOLDMAN SACHS & CO. ("Goldman") for relief under the Federal Declaratory Judgment Act based on alleged violations of the Lanham Act. The Plaintiff states further:

JURISDICTION AND VENUE

1. This Court has original subject matter jurisdiction of the Lanham Act Claim, pursuant to 28 USC 1338(a) and 15 USC 1125(a). This Court has original subject matter jurisdiction of the Declaratory Judgment action pursuant to 28 USC 1332(a)(2), in that the value of the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between a citizen of Florida and a citizen of New York. Alternatively, supplemental jurisdiction in relation to the Lanham Act claim exists pursuant to 28 USC 1367.

2. This Court has personal jurisdiction over the Defendant Goldman by virtue of F.S. 48.193 (1) (b), in that it has committed a tort within Florida or alternatively conducts business within the state of Florida within the meaning of F.S. 48.193 et seq.

3. Venue is proper in this district pursuant to 28 USC § 1391 (a), (b) and (d).

THE PARTIES

5. Morgan is a Florida resident with his principal place of residence in Jensen Beach, Martin County, Florida..

6. Goldman is a New York Limited Partnership having its principal place of business at 85 Broad St., New York, New York.

BACKGROUND FACTS

7. In late March, 2009, Morgan registered Internet domain names, including but not limited to goldmansachs666.com and goldmansachs13.com.

8. Morgan utilizes the domain names to display news and commentary regarding Defendant Goldman Sachs and/or its affiliate entities.

9. Goldman apparently holds a Federally registered service mark No. 1,975,880 for “Goldman Sachs” in respect of financial services. See Exhibit “A”

10. Goldman sent Morgan a letter dated April 8, 2009 alleging trademark infringement, unfair competition and related violations, demanding Morgan cease and desist using the domain names, under threat of legal action. Said demand is attached as Exhibit “A”.

DECLARATION OF RIGHTS

11. The Plaintiff seeks a declaration of the rights of the parties, pursuant to 28 USC § 2201 and 28 USC §2202 and realleges paragraph 1 thru 10 above.

12. An actual controversy exists between the parties with respect to rights in the registration and use of the subject domain names, content contained on the domain name websites and any related domain names used by Morgan for the same purposes.

WHEREFORE, the Plaintiff prays that this Court:

- a. Declare Plaintiff Morgan to be the lawful and rightful owner of the subject domain names and any related domain names registered to Morgan and used for the same purposes.
- b. Enter Judgment in favor of Morgan and against Goldman finding lawful use of the domain names by Morgan.
- c. Enter Judgment in favor of Morgan and against Goldman on any claims of trademark infringement, unfair competition, cyber-piracy or any Lanham Act violation alleged by Defendant Goldman.
- d. Award Morgan attorneys fees and costs in defense of this action.
- e. Award such other relief as the Court deems necessary.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury of all issues so triable.

Respectfully submitted,

The Intellect Law Group
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Telephone (772) 283-8224
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Email jbeckman@intellectlawgroup.com

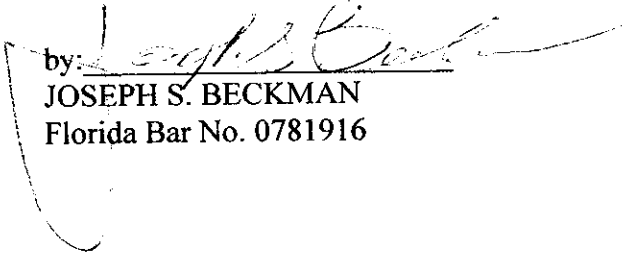
by: 
JOSEPH S. BECKMAN
Florida Bar No. 0781916

EXHIBIT A

CHADBOURNE
& PARKELLP

John A. Squires
direct tel (212) 408 5072
jsa@chadbourne.com

40 Rockefeller Plaza, New York, NY 10112
tel (212) 408 5100 fax (212) 512 5309

April 8, 2009

Michael Morgan,
3830 NW Royal Oak Drive
Jensen Beach, Florida 34957
United States

By Email: mike@mikemorgan.us
Original by US Mail

Re: Use of the goldmansachs666.com and goldmansachs13.com Name/Logo on the Internet

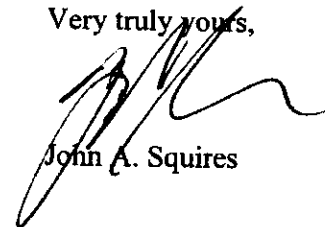
Dear Mr. Morgan:

Goldman, Sachs & Co. is the owner of a family of Goldman Sachs trademarks for use in connection with financial services, including its famous house mark GOLDMAN SACHS, U.S. Registered Trademark No. 1975880. A copy of the federal trademark registration data is attached for your reference as Exhibit A. It has been brought to our attention that you are making unauthorized use of the mark GOLDMAN SACHS in connection with your domain names goldmansachs666.com and goldmansachs13.com.

Your use of the mark GOLDMAN SACHS violates several of Goldman Sachs' intellectual property rights, constitutes an act of trademark infringement, unfair competition and implies a relationship and misrepresents commercial activity and/or an affiliation between you and Goldman Sachs which does not exist and additionally creates confusion in the marketplace.

Accordingly, we demand that you immediately cease and desist from using the mark GOLDMAN SACHS and confirm in writing to me no later than April 18, 2009 that you will cease use of Goldman Sachs' intellectual property rights. We reserve all legal rights here under and absent a written response from you, we may proceed with legal action without any further notice.

Very truly yours,



John A. Squires

cc: W. Hanchuk; GoDaddy, INC.
Enclosures

Exhibit A

Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office **Reg. No. 1,975,880**
Registered May 28, 1996

**SERVICE MARK
PRINCIPAL REGISTER**



**GOLDMAN, SACHS & CO. (NEW YORK LIMITED PARTNERSHIP)
85 BROAD STREET
NEW YORK, NY 10004**

FOR: FINANCIAL SERVICES, NAMELY INVESTMENT, BROKERAGE AND MANAGEMENT, FINANCIAL RESEARCH, FINANCING SERVICES, REAL ESTATE INVESTMENT

AND CONSULTING THERETO, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-0-1969; IN COMMERCE 3-0-1969.

SER. NO. 74-584,754, FILED 10-12-1994.

THERESA KAISER, EXAMINING ATTORNEY