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AT SEATTLE
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WESTERN DISTRICT OF WASHINGTON DEPUTY



10-CV-01000-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TEQUILA CUERVO LA
ROJEÑA S.A. de C.V.,

Plaintiff,

v.

STENLI LTD., an English limited
liability company, LEIGH
HEGGENHOUGEN, an individual,
TROND HEGGENHOUGEN, an individual,
and ENOM, INC., a Washington corporation,

Defendants.

No. 2:10-CV-01000

ORDER REGARDING
PUBLICATION OF NOTICE OF
IN REM ACTION

NOTE ON MOTION CALENDAR:
Friday, September 3, 2010

This matter came before the Court on the Motion For Order To Publish Notice Of *In Rem* Action filed by Plaintiff Tequila Cuervo La Rojeña S.A de C.V. ("Tequila Cuervo" or "Plaintiff"). Having examined the motion, the pleadings, and the submissions of the parties, and being fully informed, the Court finds as follows:

1. This is an *in rem* action brought by Plaintiff regarding the domain name <CUERVO.CN> (the "Domain Name") pursuant to the federal Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d) (the "Act"). Through this action, Plaintiff seeks an order to transfer the Domain Name to Plaintiff.

ORDER REGARDING PUBLICATION OF NOTICE
OF *IN REM* ACTION - 1
Case No. 2:10-cv-01000

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[REDACTED]

[REDACTED]

[REDACTED]

1 2. The Domain Name is or has been registered to defendants Stenli Ltd., Leigh
2 Heggenuougen, Trond Heggenuougen (collectively, the "Registrant Defendants"), who reside
3 outside of the United States.

4 3. With respect to service of process on the Registrant Defendants, the Act provides
5 that in *in rem* actions such as this one, service of process shall be made by:

6 (aa) sending a notice of the alleged violation and intent to proceed under this
7 paragraph to the registrant of the domain name at the postal and e-mail address
8 provided by the registrant to the registrar; and

9 (bb) publishing notice of the action as the court may direct promptly after filing the
10 action.

11 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(aa) and (bb).

12 4. Plaintiff has complied with the requirements of subsection (aa) above by
13 providing the Registrant Defendants with notice via email and mail of the alleged violation and
14 intent to proceed under the Act. Thus, all that remains to complete service of process on the
15 Registrant Defendants is the published notice under subsection (bb), as may be directed by the
16 Court.

17 5. The London Gazette is an established means of providing notice in the United
18 Kingdom, and published notice of this action in that publication is reasonable under the
19 circumstances and complies with the Act and subsection (bb) above. On its website, the London
20 Gazette described itself as the "Official Newspaper of Record for the UK and a modern, efficient
21 way to disseminate and record official, regulatory and legal information in print, online and
22 electronic forms." www.london-gazette.co.uk.

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26
[REDACTED] ORDER REGARDING PUBLICATION OF NOTICE
OF *IN REM* ACTION - 2
Case No. 2:10-cv-01000

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1 Based on the foregoing, the Court hereby ORDERS as follows:

2 A. The Court directs Plaintiff to publish notice of this action to the Registrant
3 Defendants in a single publication in *The London Gazette*, as set forth below or in substantially
4 similar form:

5 PLEASE TAKE NOTICE that TEQUILA CUERVO LA ROJEÑA S.A. de C.V
6 has filed a lawsuit *in rem* regarding the internet domain name "cuervo.cn" in the
7 United States District Court for the Western District of Washington. The
8 "cuervo.com" domain name is registered to **Stenli Ltd., Leigh Heggenhogen**
9 **and/or Trond Heggenhogen**, Riviera Court, 122 St. Katharines Way, London
10 E1W 1UJ GB, number.10@binternet.com. The lawsuit seeks a transfer of the
11 "cuervo.cn" domain name to Tequila Cuervo La Rojeña S.A de C.V. This case is
12 pending before United States District Judge John C. Coughenour and has been
13 assigned case number 2:10-CV-01000. If the registrant of the domain name does
14 not file a written answer in this proceeding within 20 days of the publication of
15 this notice, a default judgment may be entered for the relief demanded in the
16 complaint. Tequila Cuervo LA Rojeña S.A. de C.V. is represented by attorney
17 Michael Aschen, who may be contacted at maschen@lawabel.com. A copy of the
18 complaint is available at <http://www.foster.com/publication/cuervocomplaint.pdf>.
19 Information about the United States District Court for the Western District of
20 Washington is available at <http://www.wawd.uscourts.gov>.

21 B. Plaintiff is directed to file proof of publication promptly after this notice has been
22 published in *The London Gazette*. If an answer to the complaint is not filed within 20 days of
23 publication of the notice, Plaintiff may file a motion for entry of default under Fed. R. Civ.
24 P. 55(a). If default is entered under Rule 55(a), Plaintiff may then move for a default judgment
25 under Fed. R. Civ. P. 55 (b).

26 C. The clerk is directed to send copies of this order to all counsel of record.

27 SO ORDERED this 16 day of ^{Sept.} ~~August~~, 2010.

28 
United States District Judge

1 Presented by:

2 FOSTER PEPPER PLLC

3

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ORDER REGARDING PUBLICATION OF NOTICE
OF *IN REM* ACTION - 4
Case No. 2:10-cv-01000

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