

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 ADJUGGLER, INC., a Virginia corporation,

11 Plaintiff,

12 v.

13 ADJOG.COM, a Domain name, ABC
14 COMPANY d/b/a/ ADJOG.COM
15 NETWORK, a Fictitious Defendant, and
16 JOHN DOE, a Fictitious Defendant,

17 Defendants.

Case No. C08-05627 RJB

ORDER ON PLAINTIFF'S
MOTION TO SERVE
PROCESS BY
PUBLICATION
PURSUANT TO 15 U.S.C.
§ 1125(D)(2)(A)(ii)

18 This matter comes before the Court on Plaintiff's Motion to Serve Process by Publication Pursuant
19 to 15 U.S.C. § 1125(d)(2)(A)(ii) and to Set a Date Certain for Defendant Adjog.com to Respond to the
20 Complaint. Dkt. 11. The Court has considered the relevant documents and the remainder of the file
21 herein.

22 This case is an *in rem* action against a domain name, adjog.com, brought pursuant to the
23 Anticybersquatting Consumer Protection Act ("ACPA"), 15 U.S.C. § 1125(d). Dkt. 1. Plaintiff moves to
24 serve Defendant by publication and have the Court set a date for the Defendant to respond to the
25 Complaint. Dkt. 11.

26 Plaintiff's motion to serve the Defendant by publication should be granted. It has shown that it has
27 exercised due diligence in attempting to find a "person who would have been a defendant" as contemplated
28 in 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(bb), and should be permitted to serve process by publication in accord

1 with the provisions in the ACPA. *Id.* If Plaintiff chooses to proceed, it should publish a legal notice once a
2 week for six consecutive weeks in the proposed Maryland newspaper *The Daily Record* in accord with
3 Washington's service of process by publication statute RCW 4.28.110.

4 Plaintiff's motion regarding setting a date certain for Defendant to respond to the Complaint in the
5 legal notice should be granted. The date certain should be set in accord with RCW 4.28.110.

6 **III. ORDER**

7 Therefore, it is hereby, **ORDERED** that:

- 8 • Plaintiff's Motion to Serve Process by Publication Pursuant to 15 U.S.C. § 1125(d)(2)(A)(ii) and to
9 Set a Date Certain for Defendant Adjog.com to Respond to the Complaint (Dkt. 11) should be
10 **GRANTED**; service by publication and the date certain shall be made in accord with RCW
11 4.28.110; and
12 • The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
13 party appearing *pro se* at said party's last known address.

14 DATED this 19th day of November, 2008.

15 

16
17 ROBERT J. BRYAN
18 United States District Judge
19
20
21
22
23
24
25
26
27
28