

**IN THE UNITED STATES COURT  
WESTERN DISTRICT OF ARKANSAS**

**CURTIS J NEELEY JR, MFA**

**VS**

**CASE NO. 5:09-cv-05151-JLH**

**NameMedia Inc.**

**Network Solutions Inc.**

**Google Inc.**

**BRIEF SUPPORTING MOTION FOR SUMMARY JUDGMENT  
AGAINST SEPARATE DEFENDANT NETWORK SOLUTIONS INC**

Curtis J Neeley Jr. MFA made a Motion for Default and Summary Judgment pursuant to Fed. R. Civ. P. 56 and 4(1) and complies with local Rule 56(a) and files a short concise list of uncontested facts and this Supporting Brief. The support for a Default and Summary Judgment is described more explicitly as follows:

**STANDARD**

The Pro Se litigant finds it absurd that NAMEMEDIA INC counsel felt it necessary to write the legal standard for the District Court in their harassing Motion for Summary Judgment Docket #18 from December 4. NAMEMEDIA Counsel acted inappropriately treating the Judge or Court as unfamiliar with standards for Summary Judgment. Plaintiff suspects this actually involved filling the Summary Motion to reduce the billing amount per word. There was obviously no honest belief by the Adjunct UA Law Professor that Honorable Jimm Larry Hendren needed a refresher course in legal standards for Summary Judgment. *Pro Se* Plaintiff will simply refer the court to Docket #18 if the Court needs refreshing about the Standards to apply for Summary Judgment.

**Ex. NSSJBrief**

Pro Se Plaintiff appreciates the opposing Counsel professionalism, but will refer the Court to Docket #18 to read the standards to apply for Summary Judgment from an adjunct law professor instead of a *Pro Se* pauper.

## **ARGUMENTS**

### **I Defendant Network Solutions Inc never has any reason to publish domain expirations and especially not the two domain names of Plaintiff that were used in bona fide commerce.**

US Title 15 § 1125(d)(1)(a) prohibits cyberpiracy of a mark and does not require the “mark” be a registered trademark. Defendant Network Solutions Inc clearly has a business policy of trafficking in ‘marks’ or domains as is prohibited by a recently passed law US Title 15 § 1125(d)(1)(i and ii).

The fact that Network Solutions did not register either domain does not absolve them from trafficking in either domain name. Neither domain was used for bona fide commerce except for fraudulent “parked” domains licensed to Defendant Google Inc in ‘AdSense for Domains’ or other licensee for over six years. There was absolutely no desire for either domain outside being cyberpirated and used to attempt to license direct type-in traffic with Defendant Google or other. Advertising the expiration of the domains was not required as Network Solutions Executive Krista Quintrell attempted to lead the Plaintiff to believe was required of all registrars by ICANN Inc on November 10<sup>th</sup> 2009. See Docket #58 exhibit #13, Docket #60 Ex. #15, and Docket #69 Ex. #18

Plaintiff spoke to someone at ICANN Inc and was told there was absolutely no requirement that registration expiration dates be published and ICANN had wondered why it had taken so long for a lawsuit to be filed to end what they felt was a fraudulent practice. This was on phone and Plaintiff believes it was Ms Carole Cornell but due to the severe TBI of the Plaintiff it will need to be verified during discovery. Regardless of who at ICANN Inc said this, there currently exist absolutely no requirement the dates of expiring be advertised and both Network Solutions Inc and Defendant NAMEMEDIA INC currently conspire to traffic in any short potentially descriptive domain while Defendant Google solicits them to be licensed for ‘AdSense for Domains’ with no concern for a potential mark used in trade that is not registered and apparently with absolutely no trademark research.

# **Ex. NSSJBrief**

## **II Network Solutions Inc and NAMEMEDIA INC each conspire with Google Inc to traffic in domain names as prohibited explicitly by US Title 15 § 1125**

Network Solutions Inc trafficked in each domain of the Plaintiff since this lawsuit began and are in a regular business of trafficking domain names by offering to provide ‘certified offers’ for each or a backordering of each as they did to the Plaintiff February 13, 2010 or the date this Motion was first prepared as can be seen.

*See Ex. EE-SS-NS-Traffic*

## **III Network Solutions traffics in domain names as is prohibited by US Title 15 § 1125 while ignoring this lawsuit**

Network Solutions offered the domain names pots.info for \$2,088, boyssleep.com for \$1,749, artspotgroup.com for \$300, potamia.com for \$4,388, sleepnap.com for \$899, potcorp.com for \$2,888, and excesssleep.com for \$699 to the Plaintiff as seen in the record now *Id.* For these seven domain names Network Solutions Inc offers \$13,011 worth of trafficking in domains with registration cost of around \$63 dollars. Network Solutions Inc conspires with Defendant NAMEMEDIA INC dba BuyDomains.com again on two of these just as they did in 2003 for sleepspot.com and eartheye.com. All seven of the domains are listed as spam domains that exist only to serve ads and are blocked by the “*Duck Duck Go*” Plug-in for FireFox for deceptive advertising. Defendant Google Inc CEO, Eric Schmidt, believes that users of the Internet need to be told what they want by being constantly presented with advertisements. Network Solutions Inc, NAMEMEDIA INC, and Google Inc, conspire to establish Ponzi scheme type value where all short domains are given fraudulent values just as the two of the Plaintiff were that initiated this lawsuit. The front pages of the seven spam or parked fraud sites above are now in the record as having been trafficked to Plaintiff. *See Exhibit PARKFRAUD<sub>1-7</sub>*

# **Ex. NSSJBrief**

**IV Network Solutions has always had a fraudulent agreement for registration of domain names like they presently have.**

The e-signature currently asking registrants to click to sign

116-pages of a legal agreement is fraudulent on its face. It is not entered as an exhibit because it would cause 116 pages needing to be scanned into the record.

*See* Docket #58 Ex #1 and Docket #60 Ex #1 for an overview.

**V Plaintiff reports Network Solutions Inc was served by registered mail of the Second Amended Complaint January 25<sup>th</sup> 2010.**

USPS served the Second Amended Complaint as was evidenced by Docket #69 Ex. #24 and was noted in Docket #69 ¶ 71. The original certification receipt report is now filed. Network Solutions Inc is ignoring this lawsuit and showing disrespect to Arkansas Western District Court. *See* Ex. 3800T.

Network Solutions Inc was further aware of this case two months ago as read in communications from Maria Burke and Krista Quintell as seen on the record.

*See* Docket #69 ¶ 68, 69, and 70 and can be seen in Docket #69 Ex. #18 and Ex. MB

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## CONCLUSION

For the foregoing reasons, Plaintiff is entitled to Default and Summary Judgment for the Plaintiff claims for trademark infringement as described in US Title 15 § 1125 and should receive statutory damages of \$200,000 as well as a Court Order that Network Solutions cease publishing registration expirations. More important than the fiscal damages would be the order that Network Solutions Inc **never** advertise the expiration date of domain name registration it does not own and revise their registration agreement to an agreement that is no longer fraudulent instead of the 116-page agreement that is now a fraud. Since all defendants are mentioned they may all review this as an exhibit until amended and filed as a separate Motion. Law is either logical or it is wrong and this will give each Defendant time to waste money explaining why if the statement was given as, “an integer squared and then doubled is two for only the number one and the only even prime number is its double”, it is both illogical and

false. The preceding mathematical statement in quotes may be amended to be logical and absolutely true by adding one word and deleting one letter. Each additional illogical Defendant filing increases the punitive value of the legal fees for the Defendants who think lawyers may somehow make the immoral actions of each Defendant acceptable.

Each of the amendments of the last ELEVEN weeks is extremely important and neither trivial nor frivolous unlike every single filing by each Defendant thus far. The adjunct law professor Counsel of Defendant NAMEMEDIA INC pointed out an ability to count eleven weeks. Attorneys for one of the Defendants that will be added in the next amendment has already called and started attempting to resolve this action. None of the current Defendants has even done this although NAMEMEDIA INC finally deleted the photographs they had refused to remove allowing the Plaintiff to identify other violators who are AOL LLC, Microsoft Corporation and Yahoo Inc who will be added to the Third Amended Complaint so that this immoral act is finally ended.

Respectfully submitted,

Curtis J Neeley Jr, MFA

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