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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 JAMES MURTAGH, M.D.,  
11 *an individual,*

12 Plaintiff,

13 v.

14 DAVID PARDO,  
15 *an individual;*  
16 *and DOES 1- 10 inclusive*

17 and

18 AUTOMATTIC, Inc.,  
19 dba WordPress  
20 *a corporation*

21 *and*

22 MARKMONITOR, *a corporation*

23 Defendants

) CASE NO.

)  
) **PLAINTIFF’S COMPLAINT FOR**  
) **DAMAGES AND EQUITABLE**  
) **RELIEF:**

) **1. TRADEMARK/SERVICEMARK**  
) **INFRINGEMENT**  
) (28 U.S.C. § 1114)

) **2. FALSE DESIGNATION OF**  
) **ORIGEN**  
) (28 U.S.C. § 1125(a)(1)(A))

) **3. CYBERPIRACY**  
) (28 U.S.C. § 1125(D))

24 Plaintiff, DR. JAMES MURTAGH, (hereinafter “Plaintiff”) alleges as  
25 follows:

26 **PARTIES**

27 1. Plaintiff, DR. JAMES MURTAGH, MD, is an individual residing  
28 in Los Angeles, CA 90048.



1 website entitled <*jamesmurtaghmd.com*> in November of 2012 that was  
2 never authorized by plaintiff and for the purpose of disparaging plaintiff's  
3 medical practice.

4 10. Defendant MarkMonitor is listed as the registrar of the domain  
5 name <*jamesmurtaghmd.wordpress.com*>. This domain name containing  
6 plaintiff's professional name is one of several websites that are also  
7 variations of plaintiff's name and variations of the original website created  
8 by defendant Pardo. These websites have different registrars and  
9 registrants.

10 11. Defendant AUTOMATTIC, dba WordPress (hereinafter  
11 "WordPress"), is the named registrant of the domain name  
12 <*jamesmurtaghmd.wordpress.com*>. Typically, the owner of a website is  
13 also the registrant of that website. However, defendant WordPress offers a  
14 service to third parties which adds <*wordpress.com*> to a name chosen by  
15 the third party, e.g. <*cocacola.wordpress.com*>.

16 12. Consequently, for every domain ending in <*wordpress.com*>  
17 defendant WordPress assumes the role of the registrant, or nominal owner,  
18 of the site. The Internet Corporation for Assigned Names and Numbers  
19 (hereinafter "ICANN") WhoIs database that lists owners of websites lists  
20 WordPress.com as the registered owner under the name "Automattic."  
21 According to ICANN, "WHOIS Lookup gives you the ability to lookup any  
22 generic domains, such as 'icann.org' to find out the registered domain  
23 owner." *whois.icann.org/en*.

24 ***Defendant Attorney David Pardo Betrays Former Client***  
25 ***Plaintiff Dr. James Murtagh, MD To Mr. Clark Baker, The***  
26 ***Very Person Injuring Plaintiff***

27 13. Defendant Pardo advertises his services to people who expose  
28 corruption and fraud. Plaintiff Dr. Murtagh is a major public policy health

1 advocate who approached Defendant Pardo, an attorney, for legal services,  
2 and a confidential relationship was created.

3 14. That contact was determined by the Massachusetts state bar to  
4 create a prospective attorney-client relationship between plaintiff and  
5 defendant Pardo.

6 15. The Superior Court of Los Angeles found that documents  
7 obtained by defendant Pardo from plaintiff were confidential and privileged  
8 documents belonging to plaintiff.

9 16. Plaintiff sought the assistance of defendant Pardo because of a  
10 campaign by a Mr. Clark Baker to destroy, disrupt and disparage plaintiff's  
11 career and livelihood as a medical professional.

12 17. Mr. Baker contacts lawyers and assistants of plaintiff as part of  
13 his campaign against plaintiff.

14 18. On or around 2012, Mr. Baker recruited Mr. Pardo and  
15 convinced defendant Pardo to join his campaign against plaintiff.

16 19. Mr. Baker created an organization called the Office for Medical  
17 and Scientific Justice (hereinafter "OMSJ") in 2009 that is the original  
18 named registrant for the infringing website <*jamesmurtaghmd.com*>.<sup>1</sup>  
19 Defendant Pardo, Mr. Baker, and OMSJ are all responsible for creating the  
20 website in November 2012. Defendant and partners Clark Baker and OMSJ  
21 have transferred the original website to multiple domain names that  
22 incorporate plaintiff's personal and professional name.

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23  
24 <sup>1</sup> The original website <*jamesmurtaghmd.com*> was ordered transferred to  
25 plaintiff by an arbitration panel on June 26, 2014 but a variation of the  
26 exact same website using a variation of plaintiff's name is currently  
27 operating as <*jamesmurtaghmd.wordpress.com*>. There are similar  
28 websites also containing slight variations of plaintiff's domain name as  
recognized by the arbitration panel as belonging solely to the plaintiff.

***Defendant Pardo Joins Attack Campaign On  
Plaintiff Dr. James Murtagh, M.D.***

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3           20. Defendant Pardo's partner, Mr. Clark Baker, met plaintiff Dr.  
4 Murtagh after Mr. Baker was hired and paid as a private investigator by  
5 another doctor involved in an organizational dispute with plaintiff Dr.  
6 Murtagh. This dispute was based on Dr. Murtagh's opposition to the doctor  
7 who hired Mr. Baker inviting HIV/AIDS denialists to a United States  
8 Congressional hearing.

9           21. Since this initial meeting in Congress in 2009, Mr. Baker has  
10 proceeded to engage in a protracted and full time campaign to destroy Dr.  
11 Murtagh's ability to practice medicine. Mr. Baker alleges that his reason is  
12 that plaintiff Dr. Murtagh is somehow part of a medical-pharmaceutical  
13 conspiracy to promote the use of pharmaceutical medicine such as anti-  
14 retroviral drugs to treat HIV/AIDS. Mr. Baker's allegation is false.

15           22. Both as a matter of public policy and in his practice of medicine,  
16 plaintiff Dr. Murtagh does support the provision of proven life saving  
17 medication to patients diagnosed with HIV/AIDS as does practically every  
18 physician. This is required of doctors by the Hippocratic Oath and is  
19 considered to be well established orthodox and proven treatment by the  
20 medical establishment. However, plaintiff is not a specialist in HIV/AIDS  
21 and receives no money or endorsement from pharmaceutical companies.

22           23. In September of 2012, defendant Pardo and Mr. Baker as part  
23 of their attack on plaintiff started a website <*jamesmurtaghmd.com*> to  
24 post malicious material about plaintiff contained in a legal dispute between  
25 plaintiff and a former employer, Emory University hospital, to post  
26 defamatory material about plaintiff, to track plaintiff and to encourage  
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1 others to report negative material about plaintiff. On the website, plaintiff  
2 is presented as if he were a fugitive from justice.

3 24. Defendant Pardo helped establish and create links to the OMSJ  
4 website through <*jamesmurtaghmd.com*> and other related sites. Through  
5 OMSJ's federal 501(c)(3) designation hundreds of thousands of dollars  
6 annually, including over \$400,000 in one recent year, have been raised to  
7 fund private investigation and other activities based on the belief that the  
8 HIV virus does not cause AIDS, that diagnostic tests showing such results  
9 are products of a conspiracy between doctors and pharmaceutical  
10 companies, and that patients should not take medicine such as anti-  
11 retroviral drugs to treat HIV/AIDS. This is commonly referred to as  
12 "HIV/AIDS denialism." Mr. Clark and defendant Pardo have targeted  
13 plaintiff in this campaign which helps raise the revenue OMSJ receives.

14 25. Mr. Baker and Defendant Pardo's smear and harassment  
15 campaign includes

- 16 a. *surveillance and unauthorized contact with Dr.*  
17 *Murtagh,*
  - 18 b. *surveillance of Dr. Murtagh's long-term female*  
19 *companion,*
  - 20 c. *unwanted communication and contact with Dr.*  
21 *Murtagh's family,*
  - 22 d. *solicitation of Dr. Murtagh's confidential papers,*  
23 *lawyers with whom plaintiff has conferred and*  
24 *assistants,*
  - 25 e. *obtaining confidential and privileged documents*  
26 *belonging to plaintiff from former lawyer defendant*  
27 *Pardo,*
- 28

1 f. *communication with plaintiff stating that Mr. Baker*  
2 *“hoped” plaintiff would not kill himself so that Mr. Baker*  
3 *could continue to torment and mock him particularly by*  
4 *way of defendant Pardo’s unauthorized website using*  
5 *plaintiff’s name.*

6 g. *Attempts by Mr. Baker to get plaintiff’s license taken*  
7 *away based on unsolicited and unsubstantiated*  
8 *complaints to medical boards referring them to the*  
9 *unauthorized website created by Mr. Pardo.*

10 26. Mr. Baker has also worked in collaboration with Emory  
11 Hospital, a former employer of plaintiff, who reached an agreement with  
12 plaintiff regarding plaintiff’s claims of fraud and corruption on the part of  
13 the hospital. Mr. Baker has provided information regarding his surveillance  
14 of plaintiff to Emory Hospital and its lawyers.

15 27. Defendant Pardo and Mr. Baker have gone so far as to  
16 systematically attempt to locate (and when located contact) past, present  
17 and potentially future employers of plaintiff Dr. Murtagh in an effort to  
18 prevent hospitals from hiring (and if hired to fire) Dr. Murtagh. Not  
19 wanting patients or staff to see adverse publicity, on several occasions  
20 hospitals have ended contracts with plaintiff with some specifically citing  
21 the website created by defendant Pardo under plaintiff’s name.

22 28. For example, defendant Pardo and Mr. Baker’s website under  
23 the domain name *<jamesmurtaghmd.com>* was sent to federal hospitals  
24 including the Veterans Administration and Indian Health Service hospitals.  
25 Plaintiff was questioned specifically about *<jamesmurtaghmd.com>*.

26 29. As a result of these activities, plaintiff Dr. Murtagh filed a State  
27 of California lawsuit based on illegal contact with employers and patients  
28 for claims including tortious interference and intentional intrusion into

1 personal affairs against Mr. Baker in November of 2013. *Murtagh v. Baker*,  
2 Superior Court of Los Angeles, Case No. BC 527716.

3 30. Plaintiff discovered *after* filing the lawsuit that defendant  
4 Pardo, his former attorney, was actively assisting Mr. Baker in the internet  
5 harassment campaign and had *actually created the website using*  
6 *plaintiff's name as a domain name*.

7 31. The Superior Court of Los Angeles, California declared  
8 documents obtained by defendant Pardo as a result of attorney client  
9 communication with plaintiff that were transferred from defendant Pardo  
10 to Mr. Baker are privileged and/or confidential. These documents were  
11 supposed to be removed from the internet.

12 32. Mr. Baker and defendant Pardo failed to do this leading to the  
13 filing of a motion for sanctions.

14 33. The Court previously has awarded substantial fees and  
15 sanctions against Mr. Baker and his attorneys for other misconduct.

16 34. On June 29<sup>th</sup>, Mr. Baker and OMSJ jointly filed bankruptcy  
17 after several adverse judgments entered by the State Court resulting in an  
18 automatic stay of current litigation against Mr. Baker and OMSJ.

19 ***Defendant Pardo's Unauthorized And Illegal Use Of Plaintiff's***  
20 ***Professional Name, James Murtagh, Md, As A Domain Name***

21 35. The major tool that defendant Pardo uses in his campaign to  
22 destroy Dr. Murtagh's ability to practice medicine is the internet.  
23 Defendant misappropriated Dr. Murtagh's name by using plaintiff's own  
24 name as a domain name.

25 36. Before being transferred to plaintiff as a result of the arbitration  
26 panel's ruling, defendant Pardo's website under the domain name  
27 <*jamesmurtaghmd.com*> was used by defendant and Mr. Baker to directly  
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1 and indirectly steer internet traffic for hospitals, medical recruiters and  
2 patients to that domain name. Defendant Pardo's websites bait and switch  
3 people looking for legitimate information regarding Dr. Murtagh's services  
4 to the malicious websites created by defendant.

5 37. Defendant Pardo and Mr. Baker have promoted websites  
6 containing <jamesmurtaghmd> through arduous and detailed  
7 manipulation of hyper-tags and search engines to publicize the websites. As  
8 a result of defendant's artificial manipulation, search engines list the  
9 infringing domain names as top searches for anyone seeking information  
10 about Dr. Murtagh's professional services.

11 38. Upon information and belief, Mr. Baker and defendant Pardo  
12 also track traffic to the website as one means to determine where plaintiff  
13 works. Once found, defendant Pardo contacts said hospital in an attempt to  
14 get plaintiff fired.

15  
16 ***Mandatory Arbitration Panel Transfers Domain Name***  
17 ***<jamesmurtaghmd> to Plaintiff Dr. James Murtagh, M.D.***

18 39. The Internet Corporation for Assigned Names and Numbers  
19 (ICANN) is the primary management mechanism for the global Internet  
20 and manages the domain name system. *Trademark Practice Throughout*  
21 *the World*, § 30:19.

22 40. ICANN is responsible for management of the domain name  
23 system and has contracts with dozens of registrars that assign domain  
24 names:

25 [T]hese registrars form the Internet Council of Registrars (CORE)  
26 and operate under the CORE Memorandum of Understanding  
27 (CORE-MoU). Under the CORE-MoU, each registrar is mandated to  
28 maintain its own WHOIS database. This database gives information

1 about the registrant of each domain name. Trademark owners and  
2 other interested parties use this information as one method to  
3 monitor their rights on the Internet.

4 *Trademark Practice Throughout the World*, § 30:20.

5 41. By agreement, a person or entity that registers a domain name  
6 under the ICANN system is required to submit to arbitration under  
7 ICANN's Uniform Dispute Resolution Policy (UDRP) if a trademark or  
8 servicemark owner files a complaint.

9 42. Plaintiff Dr. Murtagh submitted a complaint for mandatory  
10 arbitration of his rights to his name as a domain name and transfer of that  
11 name on May 1, 2014.

12 43. A Uniform Domain Name Dispute Resolution Policy (UDRP)  
13 arbitration panel found that plaintiff Dr. James Murtagh, MD had  
14 ownership and trademark rights to <jamesmurtaghmd.com>. *Exhibit 1*.  
15 That domain name was transferred to plaintiff as plaintiff's sole and  
16 undivided intellectual property.

17 44. Upon information and belief, defendant Pardo, either directly  
18 or in concert with Clark Baker, creates new sites using slight variations on  
19 plaintiff's name in violation of the arbitration panel's order.

20 45. Defendant Pardo and Mr. Clark Baker use variations of  
21 plaintiff's domain name as part of a campaign to attack him based on Dr.  
22 Murtagh's support for scientifically and medically accepted and authorized  
23 treatment of HIV/AIDS. Mr. Clark Baker owns and operates the  
24 organization called OMSJ dedicated to disputing the link between the HIV  
25 virus and AIDS and named entity registering the infringing domain name.

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***After Losing in Arbitration, Defendant Pardo and Mr. Baker Transfer Website to New Domain Names Also Using and Misappropriating Plaintiff's Name***

46. The WIPO panel also held that Mr. Clark Baker and defendant Pardo's misappropriation of the domain name <jamesmurtaghmd.com> was being used in an intentional campaign to misdirect internet users:

**D. Registered and Used in Bad Faith**

Though not within the non-exclusive examples of evidence of bad faith set out in paragraph 4(b) of the Policy, the Respondent's intentionally misleading the public by holding himself out via the disputed domain name as the Complainant constitutes bad faith in registration and use of the disputed domain name.

*James Murtagh M.D. v. Clark Baker, Office of Medical and Scientific Justice*, Case No. D2014-0711, Administrative Panel Decision, World Intellectual Property Organization, Page 7. Pursuant to the arbitration panel decision, the domain name <jamesmurtaghmd.com> was transferred to plaintiff.

47. After losing the arbitration decision, Clark Baker and OMSJ then filed an appeal of that decision to this Court on July 16, 2014. *Office of Medical and Scientific Justice, Inc. v. James Murtagh, M.D.*, US District Court for Central District of California, No. 2:14cv05538. However, Clark Baker and OMSJ voluntarily withdrew their alleged claim to the domain name on August 19th, 2014.

48. Despite the arbitration decision and in total contempt of it, defendant Pardo along with Mr. Baker and OMSJ, upon information and belief, continued to register websites with slight variations of Dr. Murtagh's name in bad faith including:

- 1 a. *jamesmurtaghmd.wordpress.com*
- 2 b. *www.jamesmurtaghmdtruth.com/*
- 3 c. *au.eupse.co/g\_murtough/*
- 4 d. *zhanl.com/d-www.jamesmurtaghmd.com-dab/*
- 5 e. *https://www.aihitdata.com/company/016EDF4A/.../pe*
- 6 *ople*
- 7 f. *www.cyclopaedia.info/wiki/Saint-Murtagh*
- 8 g. *www.aboutus.org/JamesMurtaghMd.com*

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10 Additional websites including both plaintiff's name as part of a domain  
11 name plus an unauthorized photo of plaintiff Dr. James Murtagh:

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- 13 h. *http://www.propagandists.org/propagandists/james-*
- 14 *murtagh-court-documents/*
- 15 i. *https://www.aihitdata.com/company/016EDF4A/.../pe*
- 16 *ople*

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18 49. On April 27, 2015, the Massachusetts State Bar ordered  
19 defendant Pardo to cease and desist from publishing said material and from  
20 creating and maintaining websites in opposition to plaintiff. As part of that  
21 agreement, defendant Pardo was required to takedown the website he co-  
22 created with Mr. Baker and variations of that website.

23 50. The original website created by defendant Pardo is still  
24 available under the domain name <*jamesmurtaghmd.wordpress.com*>.

1                   ***Defendant Wordpress As Domain Name Registrant And***  
2                   ***Owner Of <Jamesmurtaghmd.Wordpress.Com>***

3                   51. Defendant MarkMonitor is the listed registrar.

4                   52. Defendant Automattic, Inc. operates a service called WordPress  
5 for creating and hosting websites.

6                   53. Defendant Automattic adds the signifier *<wordpress.com>* to  
7 sites that it hosts for third parties.

8                   54. Defendant Automattic is listed as the registrant for  
9 *<www.jamesmurtaghmd.wordpress.com>*. Although the ICANN policy and  
10 agreement is designed to allow trademark owners to determine the identity  
11 of persons or entities responsible for the name and content of infringing  
12 sites, the WordPress customer agreements essentially create anonymous  
13 users with WordPress itself as the nominal named registrant.

14                  55. Under ICANN rules, WordPress is considered to be the owner  
15 of the website.

16                  56. Plaintiff, by counsel, sent a notice of request for takedown to  
17 defendants WordPress and MarkMonitor by email and mail. *Exhibits 2, 3.*

18                  57. Defendant Automattic refuses to disable or transfer the domain  
19 name *<jamesmurtaghmd.wordpress.com>* stating that plaintiff has the  
20 option of filing yet another domain name complaint to another arbitration  
21 panel.

22                  58. This is impractical given the number of different infringing  
23 websites generated, or that can be generated, by defendant Pardo, Mr.  
24 Baker or other partners. This is why substantially similar domain names to  
25 plaintiff Dr. James Murtagh, M.D.'s domain name *<jamesmurtaghmd>* are  
26 also protected under the Lanham Act.

1           59. By contrast to registrant defendant MarkMonitor and  
2 defendant nominal owner Automattic, the registrant and owner of a similar  
3 website with the domain name <*jamesmurtaghtruth.com*> disabled that  
4 website after reviewing the arbitration panel's decision transferring the  
5 domain name <*jamesmurtaghmd.com*> to plaintiff.

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7                           ***Anonymous Posting Of The Same Website  
Under Variation Of Plaintiff's Name***

8           60. Including <*jamesmurtaghmd.wordpress.com*> and  
9 <*jamesmurtaghmdtruth.com*>, Mr. Baker and defendant Pardo have  
10 created and maintained multiple websites containing plaintiff's domain  
11 name under anonymous registration. Not all domain names are linked to  
12 an active website. However, the websites with content are versions of *the*  
13 *exact same original website* created by defendant Pardo where defendant's  
14 partner OMSJ was previously listed as the owner during the arbitration  
15 proceeding, include

- 16                   a. *jamesmurtaghmd.wordpress.com*  
17                   b. *www.jamesmurtaghmdtruth.com/*  
18                   c. *http://www.propagandists.org/propagandists/james-*  
19 *murtagh-court-documents/*

20           61. As a result of defendant's new websites, Dr. Murtagh has  
21 suffered significant damage to his ability to practice medicine and obtain  
22 new employment. Defendant's websites attract coworkers and patients  
23 redirects them to the infringing websites for the purpose of disparaging  
24 plaintiff's practice as a physician.

25           62. The continued presence of these websites poses a significant  
26 threat to plaintiff's continued livelihood and ability to promote his own  
27 services in a positive manner.  
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**COUNT ONE  
FEDERAL TRADEMARK INFRINGEMENT  
15 U.S.C. § 1114(1)**

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63. Plaintiff repeats and realleges facts, judicial decisions, and law stated in preceding paragraphs 1 through 62 and other subsequent allegations as if fully stated herein.

64. Plaintiff James Murtagh, M.D. has the right to the exclusive use his name as a domain name. It is distinctive and has been used widely by plaintiff in his practice and as an author. The domain name *<jamesmurtaghmd.com>* was transferred to him as a result of mandatory arbitration.

65. Operation of the infringing websites using variations of plaintiff's name as domain names are likely to cause confusion, mistake or deception as to the source or sponsorship or authorization of websites containing plaintiff's name and likeness. Indeed, the arbitration panel found that a major reason for the registration and use of plaintiff's name as a domain name was to bait and switch the public which includes clients and patients of plaintiff. The arbitration panel found the use of *<jamesmurtaghmd.com>* by defendant Pardo and Mr. Baker is explicitly misleading.

66. The continuing publication of websites containing variations plaintiff's name as a domain name violates the arbitration panel decision and will continue to falsely lead the public to be artificially drawn to those websites as representative or authorized by plaintiff. The websites using plaintiff's name as a domain name falsely represent the websites as being legitimately connected with and/or authorized by plaintiff and place beyond plaintiff's control his own reputation and ability to control use of his name to provide information or services.





1 needed medical services and his reputation will be hampered, resulting in  
2 loss of income and availability of much needed medical services.

3 71. Defendants' conduct has caused and is causing immediate and  
4 irreparable injury to Counterclaim-Plaintiff and will continue both to  
5 damage Plaintiff and deceive the public unless enjoined by this Court.  
6 Plaintiff has no adequate remedy at law.

7 72. Defendants' actions are willful and deliberate, constitute unfair  
8 competition, and are intended to reap the benefit of the goodwill of plaintiff  
9 in violation of Section 43(a)(1)(A) of the Lanham Act. *15 U.S.C. §*  
10 *1125(a)(1)(A)*.

11  
12 **COUNT THREE**  
13 **CYBERPIRACY**  
14 **15 U.S.C. § 1125(D)**

15 73. Plaintiff repeats and realleges facts, judicial decisions, and law  
16 stated in preceding paragraphs 1 through 72 and other subsequent  
17 allegations as if fully stated herein.

18 74. Plaintiff is a recognized author and academic researcher and  
19 has intellectual property rights to the use of his name as a domain name in  
20 connection with the provision of medical services and commentary  
21 regarding medicine as confirmed in arbitration.

22 75. Websites registered and using the domain name  
23 *<jamesmurtaghmd>* for use in connection with a campaign to attack Dr.  
24 Murtagh and promote a different health care agenda *denying* standard  
25 treatments for HIV/AIDS is being done in bad faith and with an intent to  
26 profit from use of the domain name.

27 76. Defendants have also profited commercially from their  
28 campaign and the use of plaintiff's name as a domain name.

1 77. These websites are being registered under plaintiff's name  
2 without authorization, with full knowledge of plaintiff's rights to his name,  
3 and in bad faith as found in mandatory arbitration.

4 78. These websites are identical to plaintiff's name in its use of the  
5 his name as dominant term in websites and defendants create variations  
6 that are confusingly similar in overall commercial impression, to plaintiff's  
7 name.

8 79. The unauthorized registration and use of the *name*  
9 *<jamesmurtaghmd> and variations as domain names* has harmed the  
10 goodwill of plaintiff's name for defendant's commercial gain, and creates a  
11 likelihood of confusion as to the source, sponsorship, affiliation, and  
12 endorsement of the infringing site in search engines and impermissibly  
13 generating traffic and attention to these infringing sites.

14 80. The unauthorized registration and use of the infringing domain  
15 names is causing immediate and irreparable injury to plaintiff and to the  
16 good will and reputation of his name and will continue to damage plaintiff  
17 unless the Court enjoins such use, transfers the domain name  
18 *<jamesmurtaghmd.wordpress.com>* to plaintiff, and enjoins defendants  
19 from further registration of domain names containing plaintiff's name.

20 81. These acts and conduct constitute cyberprivacy in violation of  
21 the Anticybersquatting Consumer Protection Act, Section 43(d) of the  
22 Lanham Act. *15 U.S.C. § 1125(d)*.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff Dr. James Murtagh, MD respectfully  
25 requests that the Court enter judgment against defendants PARDO and  
26 AUTOMATTIC and MARKMONITOR granting the following relief:  
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- 1           A. For a declaratory judgment confirming the arbitration  
2 decision finding that plaintiff Dr. James Murtagh, MD has  
3 intellectual property rights to the domain name  
4 <*jamesmurtaghmd.com*> and finding that this right  
5 includes the right to variations of that name.
- 6           B. For a Preliminary and Permanent Injunction barring  
7 defendants and their officers, agents, servants, employees,  
8 and all persons acting on defendant's behalf from  
9 engaging in any use of the designation  
10 <*jamesmurtaghmd*> or any other name or mark  
11 confusingly similar to <*jamesmurtaghmd*>, either alone  
12 or in combination with other words or symbols, as a part  
13 of any trademark, service mark, trade name, corporate  
14 name, assumed name, domain name, Web site name, e-  
15 mail address, or in any other manner in connection with  
16 plaintiff and his services;
- 17           B. Award damages (including treble damages), costs, and  
18 attorney's fees to *Dr. James Murtagh, MD* on each of its  
19 claims in an amount to be determined at trial, including  
20 but not limited to damages pursuant to 15 U.S.C.A. §  
21 1117(a);
- 22           C. For an Injunction ordering defendants, pursuant to 15  
23 U.S.C.A. § 1118, to disable, destroy and relinquish all  
24 websites using the name <*jamesmurtaghmd*>, either  
25 alone or in combination with other words or symbols, that  
26 is published, even if not disseminated publicly;
- 27           D. Award the recovery of defendant's profits to Dr. James  
28 Murtagh, MD under 15 U.S.C.A. § 1117(a);

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- E. Award the recovery of statutory damages for cyberpiracy to Dr. James Murtagh, MD under 15 U.S.C. § 1125(d)(1)(A).
- F. Declare this case exceptional and award Dr. James Murtagh his reasonable attorney's fees and the costs of this action under 15 U.S.C.A. § 1117(a); and
- G. Provide such other and further relief to the Court may deem just and proper under the circumstances.

DATED: JULY 10, 2015

Respectfully submitted

By: /s/ Steven D. Smith  
Counsel for Plaintiff,  
James D. Murtagh, M.D.

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