



Defendants IVT Intelligent Vehicle Technologies, Corp. and Green Tree Investment Holdings Group; it appearing Plaintiff, unable to personally serve Defendants, with the Court's permission, eventually effectuated substitute service by publication in The Coast News on November 28, 2008, see N.J. Ct. R. 4:4-5(c); it appearing that Defendant has failed to file an appearance, answer or otherwise respond to Plaintiff's Complaint, Defendant has effectively abandoned its defense of this action, and the Court shall treat Plaintiff's pleadings and allegations, supported by the affidavit of Luis Perez, President of Intelligent Vehicle Technologies, LLC ("IVT"), as true; it appearing that it is within the discretion of this Court whether to grant a motion for a default judgment, see Chamberlain v. Giampapa, 210 F.3d 154, 164 (3d Cir. 2000); it appearing that Defendant is in default; it appearing that when a defendant is in default, the Court treats all pleadings and allegations of the plaintiff as true, see Comdyne I, Inc. v. Corbin, 908 F.2d 1142, 1149 (3d Cir. 1990); it appearing that Luis Perez is the legal owner of United States Federal Trademark Registration No. 3,273,010 "Intelligent Vehicle Technologies", see Exhibit A, U.S. Patent & Trademark Office Trademark, dated July 31, 2007; it appearing that IVT owns Internet domain name IntelligentVehicleTechnologies.com; it appearing that "Intelligent Vehicle Technologies, Inc. (ivtcorp.net) has registered and is using www.ivtcorp.net or Intelligent Vehicle Technologies IVT collectively as Corporate domain name World Wide Web domain name" in violation of the Anticybersquatting Consumer Protection Act of 1999; it appearing that ivtcorp.net is intentionally trading on the goodwill of IVT by using a trademark that confuses and misdirects potential customers, as it is too similar to Trademark No. 3,273,010; it appearing that pursuant to Plaintiff's Lanham Act Claim, the Court issues an injunction to prevent continued infringement by Defendant of the IVT registered trademark. The Court finds that IVT has

sufficiently established all the elements considered by the Third Circuit in granting injunctive relief. (i.e., a showing of irreparable harm; remedies at law are inadequate to compensate for the on-going injury; balancing the equities between the parties; and assessing public interests); it appearing that IVT has suffered irreparable harm by showing on-going infringement and because remedies at law are inadequate to compensate for the on-going injury or threat of future injury even if Defendant may be able to pay a judgment; it appearing that IVT has no control over and cannot assure the public about the safety, quality, or purpose of ivtcorp.net; it appearing that in balancing the hardships, IVT's right to control use of its registered trademark far outweigh Defendant's knowing infringement; it appearing that the public interest will be served by ceasing further consumer confusion; it further appearing that Plaintiff requests reimbursement for IVT's time, costs, and attorney's fees; it appearing that Plaintiff has not requested damages nor presented proofs in that regard; it appearing that Plaintiff is pro se and cannot recover attorney's fees, see Cunningham v. F.B.I., 664 F.2d 383 (3d Cir. 1981); it appearing Plaintiff is entitled to an award of costs for filing fees and service of process, i.e. publication notice, see, e.g., Chanel, Inc. v. Craddock, No. 05-1593, 2006 WL 1128733, \*2 (D.N.J. Apr. 27, 2006); and the Court having considered the moving papers, there being no opposition thereto; it appearing in the "sound judicial discretion" of the Court, see Hritz v. Woma Corp., 732 F.2d 1178, 1180 (3d Cir. 1984); and the matter being decided pursuant to Fed. R. Civ. P. 78; and for good cause shown;

IT IS on this 4<sup>th</sup> day of March 2009,

**ORDERED** that Plaintiff's Motion for Default Judgment is **GRANTED**; and it is further **ORDERED** that Defendant is permanently enjoined from using "Intelligent Vehicle Technologies, Inc. (ivtcorp.net)", "www.ivtcorp.net" and "Intelligent Vehicle

Technologies IVT” as its corporate name and World Wide Web domain name, and  
www.ivtcorp.net to prevent continued infringement, and it is further

**ORDERED** that Plaintiff may recover costs for filing fees and service of process, i.e.  
publication notice, and shall submit Certification setting forth the amount of such costs;  
and it is further

**ORDERED** that Plaintiff’s request for attorneys fees is denied; and it is further

**ORDERED** that Plaintiff serve a copy of this Order by regular mail at Defendants’ last  
known address and that a copy of the Order be published in the same way as notice of  
action.

s/ Freda L. Wolfson  
The Honorable Freda L. Wolfson  
United States District Judge