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GENERAL ELECTRIC COMPANY

and **GE HEALTHCARE AUSTRIA GMBH**

& CO OG

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**GENERAL ELECTRIC COMPANY
and GE HEALTHCARE AUSTRIA
GMBH & CO OG,**

Plaintiffs,

vs.

**UNIVERSAL DIAGNOSTIC
SOLUTIONS, INC.,**

Defendant.

CASE NO. **'12CV1488 WQHWMc**

COMPLAINT

JURY TRIAL DEMANDED

Plaintiffs General Electric Company (“GE”) and GE Healthcare Austria GmbH & Co OG (“GE Healthcare Austria”), by and through their undersigned counsel, and for their Complaint against UDS Universal Diagnostic Solutions, Inc. (“UDS”), allege as follows:

Nature of the Action

1
2 1. This is an action for cybersquatting, trademark infringement and unfair
3 competition in violation of federal law. GE is a leading manufacturer of ultrasound
4 imaging systems used in medical diagnosis, and offers three lines of ultrasound
5 equipment under its registered trademarks LOGIQ®, VIVID® and VOLUSON®.
6 UDS is not an authorized reseller of these products and has no other relationship
7 with GE. UDS purchases used equipment from third parties, refurbishes it, and
8 resells it in competition with GE and GE's authorized distributors. UDS has
9 registered multiple internet domain names incorporating the entirety of GE's
10 registered marks coupled with the generic term "ultrasound," and is using them to
11 advertise and sell used ultrasound equipment made by GE as well as competing
12 manufacturers. Actual and prospective customers are likely to be confused or
13 misled into believing that UDS and its products and services are sponsored by,
14 approved by, or affiliated with GE. GE seeks an order cancelling the offending
15 domain names or transferring them to GE, an injunction to restrain UDS's
16 infringement, and appropriate monetary relief.

Parties

17
18 2. Plaintiff GE is a New York corporation in good standing with its
19 principal offices located in Fairfield, Connecticut. As used herein, and as the
20 context requires, the term "GE" refers collectively to GE, its divisions, its direct
21 and indirect subsidiaries, and each of its predecessors in interest with respect to the
22 trademarks at issue in this action, including but not limited to Plaintiff GE
23 Healthcare Austria.

24 3. Plaintiff GE Healthcare Austria is a company duly organized and
25 existing under the laws of Austria, having its principal offices located at
26 Tiefenbach, 15, 4871 Zipf, Austria. GE Healthcare Austria is directly or indirectly
27 owned and controlled by GE.
28

4. Defendant UDS is a California corporation with its principal offices located in Oceanside, California, in this judicial district.

Jurisdiction and Venue


5. This Court has subject matter jurisdiction over the federal claims in this case pursuant to 28 U.S.C. §§1121, 1331 and 1338, in that they arise under Sections 32 and 43 of the Lanham Act, 15 U.S.C. §§ 1114 and 1125.

6. Venue is proper in this district under 28 U.S.C. § 1391(b) because UDS resides in this judicial district within the meaning of 28 U.S.C. § 1391(c).

Facts Common To All Claims

GE and the GE Marks

7. GE manufactures, markets and sells a wide range of industrial and consumer products in many fields, including jet engines, water purification systems, consumer household appliances, wind turbines, and many others.

8. For more than a century, GE has used, and continues to use, various trademarks and service marks consisting of or incorporating the inherently distinctive designation “GE,” including in the form of the following “GE Monogram” design mark:  (collectively the “GE Marks”), in interstate commerce throughout the United States in connection with the sale of a wide variety of goods and services.

9. The GE Marks embody the customer recognition and goodwill of GE, which is one of the best known and most highly-regarded companies in the world. For example:

- GE is consistently ranked among the top five companies on *Fortune* magazine’s list of the most admired companies in the world, compiled

1 based on interviews with more than 3,000 business executives and
2 stock analysts;

- 3 • GE is consistently ranked among the top ten companies on *Business*
4 *Week* magazine's annual listing of the world's most innovative
5 companies, based on a survey of 1,000 global senior executives;
- 6 • GE is listed on the Dow Jones Sustainability Index, comprised of the
7 top ten percent of leading sustainability companies in the world; and
- 8 • GE is the only company that has been included in the Dow Jones
9 Industrial Average, representing the largest and most widely held
10 public companies in the United States, continuously since it was first
11 published more than 100 years ago.

12 10. The GE Marks are the subject of more than 100 U.S. Trademark
13 Registrations owned by GE, dating back as early as 1900, for use on a broad range
14 of goods and services. All of these registrations are valid, subsisting and
15 uncanceled, and many have become incontestable, thus providing conclusive
16 evidence of GE's exclusive right to use the GE Marks in commerce in the U.S. on
17 and in connection with the goods and services claimed.

18 11. The GE Marks are widely recognized by the general consuming public
19 of the United States as a designation of source of the goods and services of GE, and
20 came to be so recognized long before any of the conduct of UDS alleged herein.
21 The GE Marks therefore have been and are famous in the United States, and in fact
22 are among the most famous marks in the world.

23 12. The GE Marks have recently been ranked by Interbrand, a prominent
24 independent brand valuation and management firm, as the fifth most valuable brand
25 in the world, with a value in excess of \$42,000,000,000.00 (Forty-two Billion
26 Dollars). GE consequently derives an invaluable goodwill and value from the high
27 level of identification and fame of the GE Marks.
28

13. In addition to the widespread trademark use described above, GE also uses GE as a trade name to designate and identify itself in connection with various specific lines of business in which it is engaged, one of which is “GE Healthcare.”

14. Through its GE Healthcare division, GE is the leading manufacturer of diagnostic ultrasound imaging systems in the United States and in the world. Diagnostic ultrasound is the use of high frequency sound waves to visualize structures within the body. These systems are marketed and sold worldwide, including throughout the United States, to private physician practices, hospitals, and specialized clinical health care providers, for use in the diagnosis and treatment of a wide range of medical conditions.

GE’s LOGIQ®, VOLUSON® and VIVID® Product Lines

15. GE offers three lines of diagnostic ultrasound imaging systems. The LOGIQ® line is capable of multi-dimensional imaging for a full range of clinical applications, from abdominal to breast to vascular imaging. GE has used the LOGIQ® mark continuously throughout the U.S. and internationally on and in connection with diagnostic ultrasound imaging systems and related components, parts and accessories since at least 1993.

16. GE’s VOLUSON® line is particularly designed for obstetrics, gynecology, and other women’s health applications. GE has used the VOLUSON® mark continuously throughout the U.S. and internationally on and in connection with diagnostic ultrasound imaging systems and related components, parts and accessories since at least 1992.

17. GE’s VIVID® line is particularly designed for cardiovascular imaging. GE has used the VIVID® mark continuously throughout the U.S. and internationally on and in connection with diagnostic ultrasound imaging systems and components, parts and accessories therefor since at least 2000.

18. Within each of the LOGIQ®, VOLUSON® and VIVID® product lines, GE offers from eight to ten specific models individually adapted to meet

1 specific customer needs with respect to scalability, speed, image quality, ease of
2 use, portability, and cost effectiveness.

3 19. GE is the owner of U.S. Trademark Registration No. 2063702 for the
4 mark LOGIQ for “medical ultrasound diagnostic imaging apparatuses and
5 components and accessories therefor.” The registration issued in 1997, is valid,
6 subsisting and uncanceled, and has become incontestable. It is therefore
7 conclusive evidence of GE’s exclusive right to use the mark in commerce in the
8 U.S. on and in connection with the goods claimed.

9 20. GE is the owner of U.S. Trademark Registration No. 3161492 for the
10 mark VIVID for “medical ultrasound diagnostic imaging apparatuses, transducers
11 adapted for use with medical ultrasound imaging apparatuses, transducers adapted
12 for patient monitoring, parts or fittings for all the aforementioned goods.” The
13 registration issued in 2006, is valid, subsisting and uncanceled, and is prima facie
14 evidence of GE’s exclusive right to use the mark in commerce in the U.S. on and in
15 connection with the goods claimed.

16 21. GE Healthcare Austria is the owner of U.S. Trademark Registration
17 No. 1687722 for the mark VOLUSON for “diagnostic ultrasound scanners for the
18 three-dimensional scanning and evaluation of human organs and tissue, for use by
19 doctors and medically trained personnel.” The registration issued in 1992, is valid,
20 subsisting and uncanceled, and has become incontestable. It is therefore
21 conclusive evidence of GE Healthcare Austria’s exclusive right to use the mark in
22 commerce in the U.S. on and in connection with the goods claimed.

23 **Development and Support of GE Ultrasound Products**

24 22. GE invests heavily in research and development of ultrasound
25 technology, and follows an “annual breakthrough philosophy” by which it
26 introduces meaningful innovations and improvements to each of its three lines of
27 ultrasound imaging systems on a yearly basis. As a result, GE systems are widely
28 known in the health care industry as offering the most advanced and

1 technologically sophisticated diagnostic ultrasound imaging solutions available.

2 23. Cutting edge technology is only one of the elements that has
3 contributed to GE's market leadership in diagnostic ultrasound imaging systems.
4 Given the nature of the technology as well as the overriding patient health
5 implications, it is critical that each system be properly matched to the needs and
6 capabilities of each purchaser; that users be properly trained in the use of the
7 system; that the system receive ongoing support and maintenance after purchase;
8 and that user help and technical support be readily available.

9 24. To meet these needs, GE maintains a professional and highly trained
10 sales force that works closely with customers to assess their needs and capabilities;
11 offers industry-leading after-purchase service, warranty and technical support that
12 enables users to obtain quick and complete answers from a reliable and dedicated
13 team of GE experts; and provides state-of-the-art training and education in the full
14 range of ultrasound applications in each specialized field.

15 25. GE regularly publishes clinical white papers, technical papers and case
16 studies that address the latest developments in ultrasound technology. GE also
17 provides professional education opportunities to doctors and sonographers through
18 the International Academy of Medical Ultrasound, GE's education center that offers
19 lectures, case reports and hands-on practical training in the latest innovations in
20 ultrasound applications. All of these resources are critical to support purchasers
21 and users of GE's diagnostic ultrasound imaging systems in maintaining patient
22 care at the highest level.

23 26. GE widely advertises, promotes and markets its LOGIQ®, VIVID®
24 and VOLUSON® product lines to health care professionals throughout the U.S.,
25 including through its web site accessible at
26 www3.gehealthcare.com/en/Products/Categories/Ultrasound ("the GE Ultrasound
27 Site"), as well as through printed brochures, print and broadcast media, and its
28 network of professional sales representatives.

GE's Sale of GoldSeal Certified Pre-Owned Ultrasound Systems

27. In addition to the new equipment described above, GE offers pre-owned ultrasound systems in the LOGIQ®, VIVID® and VOLUSON® product lines to end users pursuant to GE's "GoldSeal Certified" program, which is promoted on the GE Ultrasound Site at www3.gehealthcare.com/en/Products/Categories/GoldSeal/GoldSeal_Ultrasound.

28. All GE GoldSeal Certified systems are restored to original factory condition by Ambassador Medical, a subsidiary of GE that maintains a GE-branded web site at www.ambassadormedical.com. GoldSeal Certified systems are restored by GE-certified technicians with original GE parts, and include all software updates. Each unit receives a complete system check in audited, ISO-certified facilities, based on GE's Six Sigma process methodology for assuring quality.

29. GE GoldSeal Certified systems are sold by GE's direct sales teams with the same training, educational support, technical support and warranties as are new LOGIQ®, VIVID® and VOLUSON® systems.

Customer Recognition of the LOGIQ®, VIVID® and VOLUSON® Marks

30. As a result of all the foregoing, the LOGIQ®, VIVID® and VOLUSON® marks have each become well-known and widely recognized among physicians, sonographers, and other health care professionals as symbolizing the high quality of the goods to which they are applied. The LOGIQ®, VIVID® and VOLUSON® marks are each a primary means by which GE's diagnostic ultrasound imaging systems, and the exceptional service and support offered by GE in connection with each of those product lines, are distinguished by actual and prospective purchasers from the products and services of others.

31. In 2011, KLAS, an independent research firm specializing in monitoring and reporting on the performance of healthcare vendors, published rankings of the best-performing medical equipment vendors, based on evaluations of product quality, implementation, and service and support submitted by thousands

1 of healthcare providers throughout the United States and Canada. GE's LOGIQ®
 2 E9 system was named the top general imaging ultrasound system in the U.S. and
 3 Canada. LOGIQ® E9 customers rated their experience with GE as "exceptionally
 4 positive," and 100 percent of them said they would purchase the product again. In
 5 the same report, GE's VIVID® E9 system shared the award for best cardiac
 6 imaging ultrasound system, and 95 percent of customers reported they would
 7 purchase the product again.

8 32. GE has earned and now enjoys an invaluable reputation, goodwill, and
 9 trust symbolized by each of the LOGIQ®, VIVID® and VOLUSON® marks, and
 10 relevant customers in the health care field recognize GE, as the vendor of
 11 LOGIQ®, VIVID® and VOLUSON® systems, as the premier source of diagnostic
 12 ultrasound imaging solutions in the country and in the world.

13 **UDS' Business**

14 33. Upon information and belief, UDS was organized in 2004, and began
 15 purchasing used diagnostic ultrasound imaging equipment and reselling it to private
 16 physician practices, hospitals, and specialized clinical health care providers. UDS
 17 purchases and resells equipment made by a large number of different
 18 manufacturers, including GE.

19 34. In 2004, UDS registered the internet domain name www.u-d-s.com,
 20 and since that time has used it to advertise and promote the sale of its refurbished
 21 products. Currently, the site advertises systems from fifteen different
 22 manufacturers in addition to GE.

23 **Cybersquatting and Infringement by UDS**

24 35. Unbeknownst to GE at the time, and without GE's permission, in July
 25 2008 UDS registered the internet domain names www.voluson730ultrasound.com,
 26 www.vivid7ultrasound.com, www.logiq9ultrasound.com and
 27 www.logiq500ultrasound.com (collectively, the "Infringing Domain Names").
 28 Each of these domain names consists of the name and model number of one of

1 GE's popular ultrasound imaging systems paired with the generic term
 2 "ultrasound," followed by the generic top-level domain designator ".com."

3 36. Each of the Infringing Domain Names incorporates the entirety of a
 4 mark owned by GE that was distinctive at the time of registration of that domain
 5 name.

6 37. Each Infringing Domain Name is confusingly similar to the GE mark
 7 that it incorporates.

8 38. Upon information and belief, UDS registered and thereafter used each
 9 of the Infringing Domain Names with a bad faith intent to profit from the respective
 10 GE marks incorporated in each of them, and UDS neither believed nor had any
 11 reasonable grounds to believe that the use of the Infringing Domain Names was a
 12 fair use or otherwise lawful. This bad faith intent is evidenced by at least the
 13 following facts:

- 14 a. UDS created individual web sites ("UDS Microsites") that were accessed
 15 by each of the www.voluson730ultrasound.com and
 16 www.vivid7ultrasound.com domain names that were highly likely to
 17 mislead users into believing that the site was sponsored by, authorized by,
 18 approved by, or associated with GE, and/or that UDS was an authorized
 19 or approved distributor of GE ultrasound products.
- 20 b. Each UDS Microsite used the respective domain name (which
 21 incorporated a registered and well-known GE mark and model name
 22 paired with the generic term "ultrasound") as a trade name to refer to the
 23 sponsoring business. Thus, for example,
 24 www.voluson730ultrasound.com resolved to a home page that stated
 25 prominently, "Welcome to Voluson730Ultrasound.com," and
 26 www.vivid7ultrasound.com similarly resolved to a home page that stated
 27 prominently, "Welcome to Vivid7Ultrasound.com."
- 28 c. Each UDS Microsite claimed that its host or sponsor "specialized" in the

1 respective GE product named, even though UDS in fact did not
 2 “specialize” in GE equipment in any meaningful way, but instead
 3 purchased and resold all used imaging equipment available to it, from a
 4 large number of manufacturers.

- 5 d. Each UDS Microsite displayed the famous GE Monogram design,



7 , prominently on the home page as well as at other places on the site.

- 8 e. Each UDS Microsite used the famous two-letter GE name and mark more
 9 than fifty separate times, far more than was necessary simply to accurately
 10 convey that the used systems being offered for sale had originally been
 11 manufactured by GE.
- 12 f. Each UDS Microsite claimed to offer new as well as used GE ultrasound
 13 systems, even though UDS was not authorized to, and did not, sell new
 14 GE products at all.
- 15 g. Each UDS Microsite reproduced copyrighted images and text that were
 16 copied without permission from material posted on the GE Ultrasound
 17 Site. The www.voluson730ultrasound.com site even stated with respect
 18 to several groups of pirated GE images, “*Source of Content: GE
 19 Healthcare,” falsely implying that use of the images, and by extension
 20 other activities by the site owner, had been approved by GE.
- 21 h. Each UDS Microsite represented that the refurbished GE systems offered
 22 were “certified,” thus invoking the well-known GE GoldSeal Certified
 23 pre-owned ultrasound program, when in fact the systems were not
 24 certified by GE or by any third party.
- 25 i. Each UDS Microsite claimed that the GE systems advertised were “just as
 26 you would get direct from the OEM,” and were “guaranteed to meet or
 27 exceed factory specifications upon delivery and include a full warranty on
 28 parts and labor,” falsely implying that they carried a manufacturer’s

warranty from GE.

- j. Each UDS Microsite included a link to UDS' main and pre-existing site at www.u-d-s.com, thus allowing UDS to re-direct traffic generated by GE's well-known VIVID and VOLUSON marks to a site where UDS also offered systems made by many competing manufacturers.

39. Ten months after registering the Infringing Domain Names, in May 2009, UDS registered the domain name www.gevivid7ultrasound.com, a name identical to one of the Infringing Domain Names except for the addition of the famous GE name and mark at the beginning. UDS caused this domain to resolve to yet another "microsite" that was virtually identical to the two UDS Microsites created previously.

40. The only purpose for registering this additional domain was for UDS to attempt to benefit from the recognition and goodwill inherent in the famous GE name and mark, further confirming its bad faith in registering and using all the Infringing Domain Names.

41. So far as GE is aware, UDS did not set up "microsites" for the www.logiq9ultrasound.com and www.logiq500ultrasound.com domain names, but instead simply caused them to resolve to UDS' main site at www.u-d-s.com, which they still do today. Accordingly, UDS is using these two domain names to profit from the distinctive and well-known LOGIQ mark by re-directing users to a site where UDS offers ultrasound products from at least fifteen different manufacturers in addition to GE.

Response By UDS to GE's Demand

42. GE first learned of the UDS Microsites in the latter half of 2011, and objected to them in correspondence to UDS dated November 1, 2011. Extended correspondence between the parties through counsel ensued, and over the course of the next several months many aspects of the UDS Microsites described in Paragraph 38 were changed by UDS.

1 43. UDS also added a disclaimer at the bottom of the UDS Microsites, in
2 font much smaller than the display of the VOLUSON and VIVID marks at the top,
3 that reads, “UDS is not an authorized reseller nor are we a distributor of newly
4 manufactured GE ultrasound equipment.” Even if it were noticed by prospective
5 customers, this language references only “newly manufactured” equipment, and
6 therefore does not fairly inform users that UDS is not authorized by GE to refurbish
7 GE systems, and is not affiliated with or authorized by the GE GoldSeal Certified
8 program.

9 44. UDS eventually took down the microsite to which the
10 www.gevivid7ultrasound.com domain name resolved, and caused that domain
11 name to redirect to UDS’ main web site at www.u-d-s.com. Upon further objection
12 from GE, UDS stopped using the www.gevivid7ultrasound.com domain name
13 altogether.

14 45. UDS has, however, flatly refused to halt its use of the Infringing
15 Domain Names. The two Infringing Domain Names incorporating GE’s LOGIQ
16 mark continue to resolve to UDS’ main web site at www.u-d-s.com, and the
17 Infringing Domain Names incorporating GE’s VIVID and VOLUSON marks
18 continue to resolve to the respective UDS Microsites.

19 46. Each of the Infringing Domain Names is likely to mislead or confuse
20 internet users, and especially actual and potential customers for diagnostic
21 ultrasound imaging systems, into believing that the sites to which they resolve are
22 sponsored by, authorized by, or associated with GE as the owner of the LOGIQ®,
23 VIVID® and VOLUSON® marks. Indeed, because each of the Infringing Domain
24 Names consist exclusively of GE’s registered marks and model designators
25 combined with the generic term “ultrasound” followed by the “.com” top-level
26 domain designator, reasonable users are highly likely to assume that each Infringing
27 Domain Name will lead users to sites owned, sponsored, or authorized by GE as the
28 owner of those marks.

1 47. By the above means, UDS is leveraging the customer recognition and
2 goodwill inherent in GE's marks to mislead potential customers into visiting UDS'
3 sites, when such potential customers would not otherwise have done so.

4 48. All of the "refurbished" GE systems offered by UDS are materially
5 different from systems, including pre-owned systems, available from GE, because
6 UDS does not utilize GE-certified technicians, it does not utilize GE-audited
7 facilities, it is not ISO-certified, and it does not employ processes based on GE's
8 Six Sigma process methodology for assuring quality. In addition, UDS does not
9 offer the same training, educational support, technical support and warranties as GE
10 provides on its new LOGIQ®, VIVID® and VOLUSON® systems as well as on
11 GE GoldSeal Certified systems.

12 **FIRST CLAIM FOR RELIEF**

13 **(Cybersquatting – Lanham Act § 43(d), 15 U.S.C. § 1125(d))**

14 49. The allegations of paragraphs 1 through 48, above, are incorporated
15 by this reference.

16 50. Each of GE's LOGIQ®, VOLUSON® and VIVID® marks is
17 inherently distinctive as applied to GE's products, and in any event acquired
18 distinctiveness long prior to UDS' registration of the Infringing Domain Names.

19 51. Each of the Infringing Domain Names incorporates the entirety of one
20 of GE's registered marks, and is confusingly similar to the mark that it
21 incorporates.

22 52. UDS registered, has used, and continues to use the Infringing Domain
23 Names in bad faith and with knowledge of GE's superior rights, in violation of §
24 43(d) of the Lanham Act, 15 U.S.C. § 1125(d).

25 53. As a direct and proximate result of UDS' conduct as alleged above,
26 GE has suffered harm and damage, in that it has lost sales and profits that it
27 otherwise would have earned, and its reputation with actual and prospective
28 customers and the trade has been impaired and damaged. The amount of GE's

1 damages is not reasonably capable of precise assessment at present, but exceeds
2 \$75,000, and will be proved with specificity at trial.

3 54. UDS' conduct as above alleged is ongoing, and will cause continuing,
4 escalating and irreparable damage to GE's business and reputation unless and until
5 UDS is enjoined by this Court.

6 **SECOND CLAIM FOR RELIEF**

7 **(Trademark Infringement – Lanham Act § 32, 15 U.S.C. § 1114)**

8 55. The allegations of paragraphs 1 through 54, above, are incorporated by
9 this reference.

10 56. The conduct by UDS as described above constitutes trademark
11 infringement of GE's registered LOGIQ®, VIVID® and VOLUSON® marks in
12 violation of § 32 of the Lanham Act, Title 15 U.S.C. § 1114.

13 57. As a direct and proximate result of UDS' conduct as alleged above,
14 GE has suffered harm and damage, in that it has lost sales and profits that it
15 otherwise would have earned, and its reputation with consumers and the trade has
16 been impaired and damaged. The amount of GE's damages is not reasonably
17 capable of accurate assessment at present, but will be proved with specificity at
18 trial.

19 58. UDS' conduct as above alleged is ongoing, and will cause continuing,
20 escalating and irreparable damage to GE's business and reputation unless and until
21 UDS is enjoined by this Court.

22 **THIRD CLAIM FOR RELIEF**

23 **(False Designation of Origin – Lanham Act § 43(a), 15 U.S.C. § 1125(a))**

24 59. The allegations of paragraphs 1 through 58, above, are incorporated by
25 this reference.

26 60. UDS' conduct as above alleged constitutes false designation of origin
27 in violation of Lanham Act § 43(a), 15 U.S.C. § 1125(a), in that purchasers and
28 consumers are likely to believe that UDS' products were refurbished by GE or by

1 the same source as the products and services offered by GE, that UDS's services
 2 emanate from GE or from the same source as the services offered by GE, or that
 3 there is some connection, affiliation, sponsorship or other relationship between
 4 them.

5 61. As a direct and proximate result of UDS' conduct as alleged above,
 6 GE has suffered harm and damage, in that it has lost sales and profits that it
 7 otherwise would have earned, and its reputation with consumers and the trade has
 8 been impaired and damaged. The amount of GE' damages is not reasonably
 9 capable of accurate assessment at present, but will be proved with specificity at
 10 trial.

11 62. UDS' conduct as above alleged is ongoing, and will cause continuing,
 12 escalating and irreparable damage to GE's business and reputation unless and until
 13 UDS is enjoined by this Court.

14 **PRAYER FOR RELIEF**

15 **WHEREFORE**, GE prays that the Court enter judgment in its favor as
 16 follows:

17 1. That the Court order the transfer of the domain names
 18 www.gevivid7ultrasound.com, www.voluson730ultrasound.com,
 19 www.vivid7ultrasound.com, www.logiq9ultrasound.com and
 20 www.logiq500ultrasound.com to GE pursuant to the provisions of Lanham Act §
 21 43(d)(1)(C), 15 U.S.C. § 1125(d)(1)(C);

22 2. That GE have and recover of UDS its actual damages sustained by
 23 reason of UDS' acts of cybersquatting in violation of Lanham Act § 43(d), 15
 24 U.S.C. § 1125(d), in such amounts as may be proved at trial, such damages to be
 25 trebled pursuant to the provisions of Lanham Act § 35, 15 U.S.C. § 1117;

26 3. That GE have and recover of UDS, in the alternative to actual damages
 27 and profits, statutory damages on account of UDS' acts of cybersquatting in
 28 violation of Lanham Act § 43(d), 15 U.S.C. § 1125(d), in the amount of not less

1 than \$1,000 and not more than \$100,000 per violation, as the Court considers just;

2 4. That this Court issue a preliminary injunction and permanent
3 injunction enjoining UDS, its directors, officers, employees, representatives and
4 agents, and any persons or entities in active concert or participation with them, from
5 any use of the domain names www.gevivid7ultrasound.com,
6 www.voluson730ultrasound.com, www.vivid7ultrasound.com,
7 www.logiq9ultrasound.com and www.logiq500ultrasound.com, and from use of the
8 GE Marks or any of the LOGIQ®, VIVID® and VOLUSON® marks in such a
9 manner as to imply endorsement, sponsorship or approval by GE;

10 5. That all of UDS's inventory, equipment, signage, advertising,
11 promotional materials, and other materials exposed to the consuming public or the
12 trade in any form that are not in compliance with the preceding paragraph be
13 destroyed or delivered up to the Court for destruction;

14 6. That UDS be ordered to undertake, or to compensate GE for the cost
15 of, corrective advertising and other corrective measures reasonably calculated to
16 attempt to mitigate the confusion engendered by UDS's infringing conduct;

17 7. That UDS be ordered to account for all revenues, and other economic
18 benefits and advantages, derived from the sale of goods or services resulting from
19 use of the domain names www.gevivid7ultrasound.com,
20 www.voluson730ultrasound.com, www.vivid7ultrasound.com,
21 www.logiq9ultrasound.com and www.logiq500ultrasound.com, and from use of the
22 GE Marks or any of the LOGIQ®, VIVID® and VOLUSON® marks in such a
23 manner as to imply endorsement, sponsorship or approval by GE;

24 8. That UDS be ordered to file with the Court and serve upon GE's
25 counsel a written report under oath within thirty (30) days after service of notice of
26 entry of judgment or issuance of an injunction pursuant thereto, setting forth details
27 of the manner in which UDS has complied with the Court's order pursuant to
28 paragraphs 4 through 7 above;

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LOS ANGELES, CALIFORNIA 90071-3147

9. That GE have and recover of UDS the profits earned by UDS by reason of its acts of trademark infringement and false designation of origin in violation of Lanham Act §§ 32 and 43(a), 15 U.S.C. §§ 1114 and 1125(a), in such amounts as may be proved at trial, as authorized by Lanham Act § 35, 15 U.S.C. § 1117;

10. That GE have and recover of UDS its actual damages sustained by reason of UDS's acts of trademark infringement and false designation of origin in violation of Lanham Act §§ 32 and 43(a), 15 U.S.C. §§ 1114 and 1125(a), in such amounts as may be proved at trial, such damages to be trebled pursuant to the provisions of Lanham Act § 35, 15 U.S.C. § 1117;

11. That the Court deem this to be an exceptional case, and award to GE its reasonable attorney fees incurred in prosecuting its claims under the Lanham Act, pursuant to the provisions of Lanham Act § 35, 15 U.S.C. § 1117;

12. That all costs of this action be assessed against UDS;

13. That GE have a trial by jury of all issues properly so triable; and

14. That GE have such other and further relief as the Court may deem just and proper.

DATED: June 18, 2012

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