

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

INTEL CORPORATION, a Delaware
Corporation,

Case No.:

Plaintiff,

COMPLAINT

vs.

DEMAND FOR JURY TRIAL

INTEL ELECTRICAL CONTRACTING
CORPORATION, a Minnesota corporation,
JOSANN M. JOHNSON, an individual,
RYAN D. KIRKEIDE, an individual,

Defendants.

Plaintiff Intel Corporation ("Intel") alleges as follows:

1. This action arises from unauthorized use of the trade name and trademark INTEL ELECTRICAL, INTEL ELECTRICAL CONTRACTING, and INTEL ELECTRICAL CONTRACTING CORPORATION, and the domain name www.intelelectrical.com, by Intel Electrical Contracting Corporation, Josann M. Johnson, and Ryan D. Kirkeide (hereinafter collectively "Intel Electrical").

2. By using a trade name and trademark that wholly incorporate and emphasize the world famous INTEL® trademark, Intel Electrical has caused and is likely to continue to cause confusion that Intel is the source or sponsor of Intel Electrical's services, or that there is an association between Intel and Intel Electrical. In addition, Intel Electrical's acts are causing, and/or are likely to cause, dilution of the INTEL® trademark. Consequently, Intel seeks injunctive relief and damages under the federal Lanham Act (15 U.S.C. §§ 1051, *et seq.*).

I. JURISDICTION

3. This Court has personal jurisdiction over Intel Electrical because it is incorporated in State of Minnesota and, on information and belief, conducts business within the State and this judicial

1 district. This Court has personal jurisdiction over Defendants Johnson and Kierkeide because, on
 2 information and belief, they are residents of the State of Minnesota and this judicial district.

3 4. This Court has jurisdiction over this matter pursuant to 15 U.S.C. § 1121 and 28 U.S.C.
 4 §§ 1331, 1332, 1338 and 1367. Intel’s claims are based on violations of the Lanham Act, as amended,
 5 15 U.S.C. §§ 1051, *et seq.* The Court has jurisdiction over the state law claims pursuant to 28 U.S.C.
 6 §§ 1332, 1338(b), and 1367.

7 5. Venue lies in the District of Minnesota pursuant to 28 U.S.C. § 1391(b) and (c). Intel is
 8 informed and believes that Intel Electrical transacts or has transacted business in this judicial district
 9 and may be otherwise found here, Defendants Johnson and Kierkeide reside in this judicial district, and
 10 a substantial part of the events, omissions, and injuries giving rise to Intel’s claims occurred in this
 11 judicial district.

12 **II. THE PARTIES**

13 6. Plaintiff Intel is a Delaware corporation having its principal place of business at 2200
 14 Mission College Boulevard, Santa Clara, California. Intel offers a wide variety of goods and services,
 15 which are sold worldwide and throughout the United States, including in the District of Minnesota.

16 7. Upon information and belief, Defendant Intel Electrical Contracting Corporation, a
 17 Minnesota corporation, has its principal place of business at 20973 Lander Street NW, Elk River,
 18 Minnesota 55330-4410. Upon information and belief, Defendant Josann M. Johnson, an individual
 19 residing in the State of Minnesota, is an officer and shareholder of Defendant Intel Electrical
 20 Contracting Corporation. Upon information and belief, Defendant Ryan D. Kirkeide, an individual
 21 residing in the State of Minnesota, is an officer and shareholder of Defendant Intel Electrical
 22 Contracting Corporation. Intel Electrical offers electrical contracting and related services.

23 8. Upon information and belief, Defendants Ryan D. Kirkeide and Josann M. Johnson
 24 personally took part in and specifically directed the infringing activities described herein, and both are
 25 shareholders and officers of Defendant Intel Electrical Contracting Corporation.

26 9. Upon information and belief, Intel Electrical’s services are or have been promoted at the
 27 www.intelelectrical.com domain and elsewhere on the Internet. Upon information and belief, these
 28

1 services are available to consumers throughout the State of Minnesota and this judicial district, and
2 Intel Electrical has customers and targets consumers within this state and this judicial district.

3 10. At all times herein mentioned, each defendant was the agent, employee, partner, joint
4 venturer, aider and abetter, alter ego, and co-conspirator of or with each of the remaining defendants,
5 and in doing the things hereinafter alleged, was acting within the course and scope of such agency,
6 employment, partnership, joint venture, and conspiracy, and each defendant ratified and approved the
7 acts of the remaining defendants.

8 **III. INTEL'S BUSINESS AND MARKS**

9 11. Intel is a world-famous company that develops, manufactures and sells a wide variety of
10 computer, communications and technology-related products and services. Intel's customers include
11 individual consumers, businesses, schools, and governments.

12 12. For over 40 years, Intel has used its INTEL family of marks (including INTEL and
13 other INTEL-formative marks) as a trade name, trademark and service mark to identify virtually its
14 entire line of products and services. INTEL is one of the most valuable, respected and famous names
15 and trademarks in the world. In 2010, Interbrand's Best Global Brands survey ranked the INTEL
16 brand seventh in the world, with an estimated value of \$32.0 billion.

17 13. Intel's offerings are ubiquitous. Intel's performance is frequently cited as a bellwether
18 of the business economy both domestically and abroad. Intel creates products and technologies that
19 have become essential parts of governments, businesses, schools, and homes everywhere. Intel uses
20 INTEL as its "house mark" on or in connection with virtually every product and service it sells. In
21 2009 alone, Intel sold over \$35 billion of INTEL-branded products and services.

22 14. As would be expected, Intel has offered myriad services over the years, including
23 consulting, training, and educational services, and continues to offer such services. It sponsors forums,
24 initiatives, and foundations that affect industries within and outside of the computer industry.
25 Moreover, Intel develops, manufactures and sells a variety of computing, communications, and
26 Internet-related software and hardware products and related services. Intel's customers and/or ultimate
27 purchasers have included individual consumers, businesses, schools, computer manufacturers,
28 industrial manufacturers, telecommunications equipment manufacturers, the government, the aircraft

1 industry and the military. In addition, Intel has been involved with various industry groups that are
2 working to enhance digital home technologies, including the HomePlug Powerline Alliance, which
3 promotes an industry standard for using power lines to connect devices in the home. Furthermore,
4 Intel's products and services are used by those in the construction industry.

5 15. Intel is also the owner of numerous U.S. trademark registrations for the mark INTEL,
6 including the following:

7 a. Intel is the owner of U.S. Trademark Registration Nos. 914,978 and 938,772 issued
8 on June 15, 1971 and July 25, 1972, respectively, for the mark INTEL for use in connection with
9 integrated circuits, registers and semiconductor memories and equipment for the testing and
10 programming thereof. These registrations, duly and legally issued by the United States Patent and
11 Trademark Office, are valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the
12 notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. Copies of these
13 registrations are attached hereto as Exhibits A and B.

14 b. Intel is the owner of U.S. Trademark Registration No. 939,641 issued on August 1,
15 1972 for the mark INTEL for use in connection with integrated circuits, registers, and semiconductor
16 memories. This registration, duly and legally issued by the United States Patent and Trademark
17 Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of
18 registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is
19 attached hereto as Exhibit C.

20 c. Intel is the owner of U.S. Trademark Registration No. 1,022,563, issued on October
21 14, 1975, for the mark INTEL for use in connection with microcomputers, microcontrollers, and
22 microprocessors. This registration, duly and legally issued by the United States Patent and Trademark
23 Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of
24 registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is
25 attached hereto as Exhibit D.

26 d. Intel is the owner of U.S. Trademark Registration No. 1,573,324, issued on
27 December 26, 1989, for the mark INTEL for use in connection with printed material, namely, technical
28 manuals, pamphlets, user and product manuals, all of which relate to the field of information and data

1 technology and semiconductor devices. This registration, duly and legally issued by the United States
2 Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065.
3 Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy
4 of this registration is attached hereto as Exhibit E.

5 e. Intel is the owner of U.S. Trademark Registration No. 1,723,243, issued on
6 October 13, 1992, for the mark INTEL for use in connection with metal key rings, watches, note paper,
7 note cards, posters, microprocessor chip die plot prints as art prints, pencils, ball point pens, ink pens
8 and stationery folders; plastic key chain tags; mugs and water bottles sold empty, jigsaw puzzles, golf
9 balls, golf tees and golf ball markers. This registration, duly and legally issued by the United States
10 Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065.
11 Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy
12 of this registration is attached hereto as Exhibit F.

13 f. Intel is the owner of U.S. Trademark Registration No. 1,725,692, issued on
14 October 20, 1992, for the mark INTEL for use in connection with, among other things, sports bags,
15 gym bags and carry-on bags; towels, and clothing. This registration, duly and legally issued by the
16 United States Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15
17 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. §
18 1111. A copy of this registration is attached hereto as Exhibit G.

19 g. Intel is the owner of U.S. Trademark Registration No. 2,171,778, issued on July 7,
20 1998, for the mark INTEL for use in connection with, among other things, computer operating system
21 software, computer hardware, integrated circuits, integrated circuit chips, microprocessors, printed
22 circuit boards, video circuit boards, audio-video circuit boards, video graphic accelerators, multimedia
23 accelerators, video processors, computer hardware and software for the development, maintenance, and
24 use of interactive audio-video computer conference systems, and computer hardware and software for
25 the receipt, display and use of broadcast video, audio and data signals. This registration, duly and
26 legally issued by the United States Patent and Trademark Office, is valid, subsisting, and incontestable
27 pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant
28 to 15 U.S.C. § 1111. A copy of this registration is attached hereto as Exhibit H.

1 h. Intel is the owner of U.S. Trademark Registration No. 2,194,121 issued on
2 October 6, 1998, for the mark INTEL for use in connection with, among other things, printed
3 materials, namely, books, magazines, newsletters, journals, operating manuals, users guides,
4 pamphlets, and brochures about, for use with and directed to users of, computer operating system
5 software; computer operating programs; computer system tools; computer application software;
6 computer hardware; computer components; integrated circuits; microprocessors; computer memory
7 devices; video graphic accelerators; multimedia accelerators; video processors; and fax/modems. This
8 registration, duly and legally issued by the United States Patent and Trademark Office, is valid,
9 subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,”
10 with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as
11 Exhibit I.

12 i. Intel is the owner of U.S. Trademark Registration No. 2,251,962 issued on June 8,
13 1999, for the mark INTEL for use in connection with clocks, jewelry, cuff links, key chains, necklaces,
14 necktie fasteners, lapel pins, pendants, piggy banks, trophies and watches. This registration, duly and
15 legally issued by the United States Patent and Trademark Office, is valid, subsisting, and incontestable
16 pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant
17 to 15 U.S.C. § 1111. A copy of this registration is attached hereto as Exhibit J.

18 j. Intel is the owner of U.S. Trademark Registration No. 2,251,961 issued on June 8,
19 1999, for the mark INTEL for use in connection with binders, bookends, boxes for pens, calendars,
20 tablets, note cards, self-adhesive pads, desk pads, and calendar pads, pens, pencils, folders,
21 paperweights, pen and pencil holders, photograph stands, erasers, markers, desk sets, and desk
22 organizers. This registration, duly and legally issued by the United States Patent and Trademark
23 Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of
24 registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is
25 attached hereto as Exhibit K.

26 k. Intel is the owner of U.S. Trademark Registration No. 2,250,491 issued on June 1,
27 1999, for the mark INTEL for use in connection with travel bags, luggage, school bags, back packs,
28 beach bags, duffel bags, fanny packs, and umbrellas. This registration, duly and legally issued by the

1 United States Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15
2 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. §
3 1111. A copy of this registration is attached hereto as Exhibit L.

4 l. Intel is the owner of U.S. Trademark Registration No. 2,254,525 issued on June 15,
5 1999, for the mark INTEL for use in connection with T-shirts, shirts, jackets, headwear, hats, polo
6 shirts, and infant rompers. This registration, duly and legally issued by the United States Patent and
7 Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the
8 notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this
9 registration is attached hereto as Exhibit M.

10 m. Intel is the owner of U.S. Trademark Registration No. 2,261,531 issued on
11 July 13, 1999, for the mark INTEL for use in connection with toys, dolls, bean bags, and Christmas
12 tree ornaments. This registration, duly and legally issued by the United States Patent and Trademark
13 Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of
14 registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is
15 attached hereto as Exhibit N.

16 n. Intel is the owner of U.S. Trademark Registration No. 2,276,580 issued on
17 September 7, 1999 for the mark INTEL for use in connection with mugs and sports bottles. This
18 registration, duly and legally issued by the United States Patent and Trademark Office, is valid,
19 subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,”
20 with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as
21 Exhibit O.

22 o. Intel is the owner of U.S. Trademark Registration No. 2,446,693, issued on
23 April 24, 2001, for the mark INTEL for use in connection with, among other things, computers,
24 computer hardware, software for use in operating and maintaining computer systems, microprocessors,
25 integrated circuits, computer chipsets, computer motherboards, computer graphics boards, and
26 computer networking hardware. This registration, duly and legally issued by the United States Patent
27 and Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses
28

1 the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this
2 registration is attached hereto as Exhibit P.

3 p. Intel is the owner of U.S. Trademark Registration No. 2,462,327, issued on June 19,
4 2001, for the mark INTEL for use in connection with, among other things, computer hardware and
5 software for use in imaging and photographic applications. This registration, duly and legally issued
6 by the United States Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15
7 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C.
8 § 1111. A copy of this registration is attached hereto as Exhibit Q.

9 q. Intel is the owner of U.S. Trademark Registration No. 2,585,551, issued on June 25,
10 2002, for the mark INTEL for use in connection with, among other things, computer hardware
11 installation and repair services; arranging and conducting educational conferences and seminars in the
12 fields of computers, telecommunications, and computer networking, and distributing course materials
13 in connection therewith; development, publishing and dissemination of educational materials in the
14 fields of computers, telecommunications and computer networking for others; interactive and non-
15 interactive computer education training services; providing information via global computer network
16 in the fields of education and entertainment; provision of interactive and non-interactive electronic
17 information services on a wide variety of topics; development of local and wide area computer
18 networks for others; computer web site design services; computer software design for others;
19 development of interactive and non-interactive web pages for the global computer network for others;
20 providing on-line newspapers, magazines, instructional manuals in the fields of technology,
21 entertainment, education and business; and development, maintenance, and provision of interactive and
22 non-interactive electronic bulletin boards services in the fields of entertainment and education. This
23 registration, duly and legally issued by the United States Patent and Trademark Office, is valid and
24 subsisting. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C.
25 § 1111. A copy of this registration is attached hereto as Exhibit R.

26 r. Intel is the owner of U.S. Trademark Registration No. 2,742,174, issued on July 29,
27 2003, for the mark INTEL for use in connection with, among other things, installation, repair,
28 maintenance, support and consulting services for computer-related and communications-related goods;

1 providing on-line publications, namely, books, brochures, white papers, catalogs and pamphlets in the
2 fields of computer and information technology; and designing and developing standards for others in
3 the design and implementation of computer software, computer hardware and telecommunications
4 equipment. This registration, duly and legally issued by the United States Patent and Trademark
5 Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL mark pursuant
6 to 15 U.S.C. § 1111. A copy of this registration is attached hereto as Exhibit S.

7 s. Intel is the owner of U.S. Trademark Registration No. 3,029,954, issued on
8 December 13, 2005, for the mark INTEL for use in connection with, among other things,
9 semiconductor and microprocessor cartridges; internet and web servers; internet and web caching
10 servers; wireless and remote computer peripherals; computer hardware and software for enabling web
11 portals; computer hardware and software for digital encryption, identification and certification;
12 computer hardware and software to enable remote encrypted networking; computer hardware and
13 software to enable secure data transmission via networks, the internet and world wide web; and
14 computer consultation services, namely, web design and development services. This registration, duly
15 and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses
16 the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this
17 registration is attached hereto as Exhibit T.

18 t. Intel is the owner of U.S. Trademark Registration No. 3,136,102, issued on August
19 29, 2006, for the mark INTEL for use in connection with telecommunication services, namely,
20 electronic and digital transmission of data, documents, audio and video via computer terminals. This
21 registration, duly and legally issued by the United States Patent and Trademark Office, is valid and
22 subsisting. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C.
23 § 1111. A copy of this registration is attached hereto as Exhibit U.

24 u. Intel is the owner of U.S. Trademark Registration No. 3,173,391, issued on
25 November 21, 2006, for the mark INTEL for use in connection with telecommunications consulting
26 services. This registration, duly and legally issued by the United States Patent and Trademark Office,
27 is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15
28 U.S.C. § 1111. A copy of this registration is attached hereto as Exhibit V.

1 16. In addition to using INTEL as a trade name, a trademark, and a service mark, Intel also
2 owns a large family of marks that incorporate INTEL as a prominent component of the mark. For
3 example, in 1991, Intel developed and launched a cooperative advertising and licensing program
4 referred to as the “Intel Inside® Program.” As part of this program, Intel licensed the INTEL mark to
5 PC manufacturers to communicate to the end customer that the manufacturers’ products, such as
6 personal desktop computers, laptop computers and workstations, were designed with genuine Intel
7 microprocessors. Among Intel’s many thousands of OEM (“Original Equipment Manufacturers”)
8 licensees worldwide are technology giants such as Dell, Gateway, Hewlett-Packard, IBM, and Sony.
9 Intel’s OEM licensees have sold many billions of dollars worth of products bearing the INTEL marks.
10 The combined advertising expenditure by Intel and Intel’s licensees under the INTEL mark has
11 averaged over one billion dollars for each of the last few years. Through extensive advertising and
12 promotion by Intel and its licensees, advertisements reflecting the INTEL mark have most likely
13 created billions of impressions.

14 17. Intel is the owner of numerous U.S. trademark registrations for the INTEL INSIDE
15 mark, including Reg. No. 1,705,796, Reg. No. 2,179,209, and Reg. No. 3,795,049. Copies of these
16 registrations are attached hereto as Exhibits W and Y.

17 18. Intel owns many other U.S. trademark registrations for its family of INTEL formative
18 marks. These include: INTEL SPEEDSTEP, INTEL XSCALE, INTEL NETBURST, INTEL
19 NETSTRUCTURE, INTEL CORE and INTEL VPRO. Copies of these registrations are attached
20 hereto as Exhibits Z through GG.

21 19. Through its extensive use, Intel also owns common law trademark rights in INTEL and
22 its family of INTEL formative marks, for all of the goods and services and activities identified herein.

23 20. Intel maintains a website located at intel.com. Intel uses its trade name and trademark
24 as a domain name in order to make it easy for customers to locate Intel’s website, and to identify that it
25 is owned by Intel. Intel’s web site features the INTEL marks and many other INTEL composite
26 marks.

27 21. As a consequence of the extensive sales, advertising, promotion, and use of the INTEL
28 and INTEL formative trademarks, Intel has developed enormous recognition for its products and

1 services under the INTEL mark and has acquired and enjoys a valuable reputation and tremendous
2 goodwill under the mark. The INTEL mark is world renowned, and is a “famous” mark for purposes
3 of 15 U.S.C. § 1125(c)(1).

4 **IV. INTEL ELECTRICAL’S BUSINESS**

5 22. Intel Electrical, which maintains or has maintained a website at
6 www.intelelectrical.com and promotes its services on various Internet websites, offers electrical
7 contracting services.

8 23. The INTEL ELECTRICAL, INTEL ELECTRICAL CONTRACTING and INTEL
9 ELECTRICAL CONTRACTING CORPORATION trade names and trademarks (collectively “INTEL
10 ELECTRICAL Marks”) wholly incorporate and emphasize the INTEL trademark. The primary and
11 dominant portion of the INTEL ELECTRICAL Marks is INTEL—which Defendants use on a
12 standalone basis and which is further identical to Intel’s INTEL mark.

13 24. Despite Intel’s numerous attempts to resolve the dispute amicably, Intel Electrical has
14 persisted in using the INTEL ELECTRICAL Marks, leaving Intel no choice but to file this Complaint.

15
16 **FIRST CAUSE OF ACTION**
17 **TRADEMARK INFRINGEMENT**
18 **(15 U.S.C. § 1114)**

19 25. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs
20 1 through 24 of this Complaint.

21 26. Upon information and belief, Intel Electrical was aware of Intel’s business and its
22 INTEL mark prior to the adoption and use of the INTEL ELECTRICAL Marks and trade names.

23 27. Intel Electrical either had actual notice and knowledge, or had constructive notice, of
24 Intel’s ownership and registrations of the INTEL mark pursuant to 15 U.S.C. § 1072 prior to Intel
25 Electrical’s adoption and use of the INTEL ELECTRICAL Marks and trade names.

26 28. Intel Electrical is using the INTEL ELECTRICAL Marks and trade names in
27 connection with the offering of its services without Intel’s consent, and with knowledge of Intel’s
28 rights.

1 29. Intel Electrical's unauthorized use of the INTEL ELECTRICAL Marks and trade names
2 falsely indicates to consumers that Intel Electrical's services are in some manner connected with,
3 sponsored by, affiliated with, or related to Intel, Intel's licensees, or the goods and services of Intel and
4 Intel's licensees.

5 30. Intel Electrical's unauthorized use of the INTEL ELECTRICAL Marks and trade names
6 is also likely to cause consumers to be confused as to the source, nature and quality of the services
7 Intel Electrical is promoting or selling.

8 31. Intel Electrical's unauthorized use of the INTEL ELECTRICAL Marks and trade names
9 in connection with the offering of its services allows, and will continue to allow, Intel Electrical to
10 receive the benefit of the goodwill established at great labor and expense by Intel and to gain
11 acceptance of Intel Electrical's services, not based on the merits of those services, but on Intel's
12 reputation and goodwill.

13 32. Intel Electrical's unauthorized use of the INTEL ELECTRICAL Marks and trade names
14 in connection with the offering of its services deprives Intel of the ability to control the consumer
15 perception of the quality of the goods and services marketed under the INTEL mark, and places Intel's
16 valuable reputation and goodwill in the hands of Intel Electrical, over which Intel has no control.

17 33. Intel Electrical is likely to cause further confusion, or to cause mistake, or to deceive
18 consumers or potential consumers in violation of 15 U.S.C. § 1114.

19 34. Intel has been, is now, and will be irreparably injured and damaged by Intel Electrical's
20 trademark infringement, and unless enjoined by the Court, Intel will suffer further harm to its name,
21 reputation and goodwill. This harm constitutes an injury for which Intel has no adequate remedy at
22 law.

23 **SECOND CAUSE OF ACTION**
24 **FALSE DESIGNATION OF ORIGIN**
25 **(15 U.S.C. § 1125(A))**

26 35. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs
27 1 through 34 of this Complaint.
28

1 36. Intel Electrical's unauthorized use of the INTEL ELECTRICAL Marks and trade names
2 falsely suggests that its services are connected with, sponsored by, affiliated with, or related to Intel,
3 and constitutes a false designation of origin in violation of 15 U.S.C. § 1125(a).

4 37. Intel has been, is now, and will be irreparably injured and damaged by Intel Electrical's
5 aforementioned acts, and unless enjoined by the Court, Intel will suffer further harm to its name,
6 reputation and goodwill. This harm constitutes an injury for which Intel has no adequate remedy at
7 law.

8
9 **THIRD CAUSE OF ACTION**
10 **FEDERAL TRADEMARK DILUTION**
11 **(15 U.S.C. § 1125(C))**

12 38. Intel realleges and incorporates herein by reference the matters alleged in paragraphs
13 1 through 37 of this Complaint.

14 39. The INTEL mark is world-renowned. It is a famous mark that is widely recognized by
15 consumers, businesses and industry, and that identifies the products and services of Intel in the minds
16 of consumers.

17 40. Intel Electrical's unauthorized use of the INTEL ELECTRICAL Marks and trade names
18 began after Intel's mark had become famous.

19 41. Intel Electrical's unauthorized use of the INTEL ELECTRICAL Marks and trade names
20 have, and will continue to have, an adverse effect upon the value and distinctive quality of the INTEL
21 mark. Intel Electrical's acts blur and whittle away at the distinctiveness and identity-evoking quality
22 of the INTEL mark. Intel Electrical's acts are diluting and/or are likely to dilute the famous INTEL
23 mark in violation of 15 U.S.C. § 1125(c).

24 42. Intel has been, is now, and will be irreparably injured and damaged by Intel Electrical's
25 aforementioned acts, and unless enjoined by the Court, Intel will suffer further harm to its name,
26 reputation and goodwill. This harm constitutes an injury for which Intel has no adequate remedy at
27 law.
28

1 **FOURTH CAUSE OF ACTION**
2 **TRADEMARK DILUTION UNDER MINNESOTA LAW**
3 **(Minn. Stat. §333.285)**

4 43. Intel realleges and incorporates herein by reference the matters alleged in paragraphs
5 1 through 42 of this Complaint.

6 44. The INTEL mark is world-renowned. It is a famous mark throughout Minnesota as
7 well as the United States that is widely recognized by consumers, businesses and industry, and that
8 identifies the products and services of Intel in the minds of consumers.

9 45. Intel Electrical's unauthorized use of the INTEL ELECTRICAL Marks and trade names
10 began after Intel's mark had become famous in Minnesota.

11 46. Intel Electrical's unauthorized use of the INTEL ELECTRICAL Marks and trade names
12 have, and will continue to have, an adverse effect upon the value and distinctive quality of the INTEL
13 mark. Intel Electrical's acts blur and whittle away at the distinctiveness and identity-evoking quality
14 of the INTEL mark. Intel Electrical's wrongful acts are diluting and/or are likely to dilute the famous
15 INTEL mark in violation of Minnesota Statute §333.28.

16 47. Intel Electrical, on information and belief, willfully intended to trade on Intel's
17 reputation or to cause dilution of the INTEL mark.

18 48. Intel has been, is now, and will be irreparably injured and damaged by Intel Electrical's
19 aforementioned acts, and unless enjoined by the Court, Intel will suffer further harm to its name,
20 reputation and goodwill. This harm constitutes an injury for which Intel has no adequate remedy at
21 law. Pursuant to Minnesota Statutes §§333.285 and 333.29, Intel is entitled to an injunction against
22 Intel Electrical's use of the INTEL mark, disgorgement of profits, damages in excess of \$75,000, and
23 its reasonable attorney's fees incurred herein.

24 49. Intel Electrical's unauthorized use of the INTEL mark has been with knowledge or in
25 bad faith. Pursuant to Minnesota Statutes §333.29, Intel is entitled to an award of treble damages.

1 **FIFTH CAUSE OF ACTION**
2 **DECEPTIVE TRADE PRACTICES UNDER MINNESOTA LAW**
3 **(Minn. Stat. §325D.44)**

4 50. Intel realleges and incorporates herein by reference the matters alleged in paragraphs
5 1 through 49 of this Complaint.

6 51. The above acts by Intel Electrical constitute deceptive trade practices in violation of
7 Minnesota Statutes §325D.44.

8 52. Intel is entitled to injunctive relief pursuant to Minnesota Statutes § 325D.45
9 prohibiting Intel Electrical from using the INTEL ELECTRICAL Marks, and any other trade name,
10 trademark, or domain name which is likely to be confused with the famous INTEL mark. Without
11 preliminary and permanent injunctive relief, Intel has no means by which to control the continuing
12 injury to its reputation and goodwill or of the continuing dilution of its marks. Intel has been and will
13 continue to be irreparably harmed. No amount of money damages can adequately compensate Intel if
14 it loses the ability to control the use of the famous INTEL mark, or suffers damage to its reputation and
15 goodwill through the false and unauthorized use of the INTEL mark.

16 **SIXTH CAUSE OF ACTION**
17 **COMMON LAW UNFAIR COMPETITION**

18 53. Intel realleges and incorporates herein by reference the matters alleged in paragraphs 1
19 through 52 of this Complaint.

20 54. Intel owns and has used the term INTEL as a distinctive trade name and trademark
21 throughout the United States and the world in connection with a wide variety of goods and services for
22 more than 40 years. The INTEL mark and name are valid trademarks under state common law.

23 55. Intel Electrical's unauthorized use of the INTEL ELECTRICAL Marks and trade names
24 constitutes infringement and unfair competition of the INTEL mark in violation of the common law of
25 Minnesota.

26 56. Intel Electrical's wrongful acts have caused and will continue to cause Intel irreparable
27 harm. Intel has no adequate remedy at law.

28 57. Intel is entitled to a judgment enjoining and restraining Intel Electrical from engaging in
further acts of infringement and unfair competition.

1 58. Because Intel Electrical's actions, on information and belief, have been committed
2 willfully, maliciously and intentionally, Intel is entitled recover damages in excess of \$75,000,
3 disgorgement of profits, and reasonable attorney's fees incurred herein.

4 **SEVENTH CAUSE OF ACTION**
5 **FEDERAL CYBERSQUATTING**
6 **(15 U.S.C. § 1125(D))**

7 59. Intel realleges and incorporates herein by reference the matters alleged in paragraphs 1
8 through 58 of this Complaint.

9 60. Intel Electrical registered the intelelectrical.com domain name.

10 61. Intel Electrical registered and used the intelelectrical.com domain name with the bad-
11 faith intent to profit from Intel's INTEL trademark. Evidence of such intent includes the fact that
12 Intel Electrical's website has prominently featured unauthorized uses of Intel's trademarks and
13 products, in an effort to capitalize on, and profit in bad faith from, consumer confusion arising from
14 Intel Electrical's use of the INTEL trademark.

15 62. The INTEL ELECTRICAL trademark, utilized at the intelelectrical.com domain name
16 is confusingly similar to Intel's INTEL trademark, and/or dilutive of Intel's INTEL trademark.
17 Intel's INTEL trademark is both distinctive and famous, which Intel Electrical appropriately
18 concedes.

19 63. Intel's INTEL trademark was both distinctive and famous at the time of Intel
20 Electrical's registration of the intelelectrical.com domain name.

21 64. Intel Electrical's registration and/or use of the intelelectrical.com domain name
22 constitutes cyberpiracy in violation of the 15 U.S.C. § 1125(d).

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Intel prays for relief as follows:

25 1. Entry of an order and judgment requiring that Defendant Intel Electrical Contracting
26 Corporation, and its officers, agents, servants, employees, owners and representatives, and Ryan D.
27 Kirkeide and Josann M. Johnson personally, and all other persons, firms or corporations in active
28

1 concert or participation with them, be enjoined and restrained from (a) using in any manner the INTEL
2 mark, or any name, mark or domain name that wholly incorporates the INTEL mark or is confusingly
3 similar to or a colorable imitation of this mark, including, without limitation, any trade name and
4 trademark incorporating the terms “INTEL,” “INTEL ELECTRICAL,” “INTEL ELECTRICAL
5 CONTRACTING,” and “INTEL ELECTRICAL CONTRACTING CORPORATION,” (b) doing any
6 act or thing calculated or likely to cause confusion or mistake in the minds of members of the public,
7 or prospective customers of Intel’s products or services, as to the source of the products or services
8 offered, offered for sale, distributed, or sold, or likely to deceive members of the public, or prospective
9 customers, into believing that there is some connection between Intel Electrical and Intel; and (c)
10 committing any acts which will tarnish, blur, or dilute, or likely to tarnish, blur, or dilute the distinctive
11 quality of the famous INTEL mark;

12 2. A judgment ordering Intel Electrical, pursuant to 15 U.S.C. § 1116(a), to file with this
13 Court and serve upon Intel within thirty (30) days after entry of the injunction, a report in writing
14 under oath setting forth in detail the manner and form in which Intel Electrical has complied with the
15 injunction, and ceased all sales or offering of goods and services under the INTEL, INTEL
16 ELECTRICAL, INTEL ELECTRICAL CONTRACTING, and INTEL ELECTRICAL
17 CONTRACTING CORPORATION trade names and trademarks as set forth above;

18 3. A judgment ordering Defendant Intel Electrical Contracting Corporation, Ryan D.
19 Kirkeide, and Josann M. Johnson, pursuant to 15 U.S.C. § 1118 and Minn. Stat. § 333.29, to deliver up
20 for destruction, or to show proof of said destruction or sufficient modification to eliminate the
21 infringing matter, all articles, packages, wrappers, products, displays, labels, signs, vehicle displays or
22 signs, circulars, kits, packaging, letterhead, business cards, promotional items, clothing, literature, sales
23 aids, receptacles or other matter in the possession, custody, or under the control of Defendant Intel
24 Electrical Contracting Corporation, Ryan D. Kirkeide, or Josann M. Johnson, or their agents bearing
25 the trademark INTEL in any manner, or any mark that is confusingly similar to or a colorable imitation
26 of this mark, including without limitation the INTEL ELECTRICAL, INTEL ELECTRICAL
27 CONTRACTING and INTEL ELECTRICAL CONTRACTING CORPORATION trade names and
28 trademarks, both alone and in combination with other words or terms;

1 4. A judgment ordering Defendants Intel Electrical Contracting Corporation, Ryan D.
2 Kirkeide, and Josann M. Johnson to take all steps necessary to cancel or remove the name Intel
3 Electrical Contracting Corporation and any related fictitious business names or business licenses from
4 the records of the Secretary of State of Minnesota, and the Secretary of State, relevant agency or
5 department of each state, city, or county, or the clerk of any county, in which Defendant Intel
6 Electrical Contracting Corporation, Ryan D. Kirkeide, or Josann M. Johnson or its other entities are
7 incorporated and/or qualified to do business, and to otherwise take all steps necessary to change Intel
8 Electrical's business name;

9 5. A judgment ordering Defendants Intel Electrical Contracting Corporation, Ryan D.
10 Kirkeide, and Josann M. Johnson to take all steps necessary to cancel or transfer to Intel, in Intel's sole
11 discretion, the domain name www.intelelectrical.com and to remove all references to the INTEL
12 ELECTRICAL, INTEL ELECTRICAL CONTRACTING and INTEL ELECTRICAL
13 CONTRACTING CORPORATION trade names and trademarks from all of its other websites, if any;

14 6. A judgment in the amount of Intel's actual damages, the profits of Defendants Intel
15 Electrical Contracting Corporation, Ryan D. Kirkeide, and Josann M. Johnson, Intel's reasonable
16 attorneys' fees and costs of suit, and pre-judgment interest pursuant to 15 U.S.C. §1117 and Minn.
17 Stat. § 333.29;

18 7. A judgment for enhanced damages under 15 U.S.C. §1117 and treble damages under
19 Minn. Stat. § 333.29;

20 8. A judgment granting Intel such other and further relief as the Court deems just and
21 proper.

1 Dated: December 1, 2010

Respectfully submitted,

2 By: 

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