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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF ARIZONA**

12 Richard Blair,

13 Plaintiff/Counter-Defendant,

14 vs.

15 Automobili Lamborghini S.p.A.,

16 Defendant/Counterclaimant.

17 Case No.: 2:22-cv-01439-ROS

18 **JOINT STATUS REPORT**

19 Pursuant to this Court’s Scheduling Order dated August 23, 2023 (ECF No. 38)
20 (the “Scheduling Order”) and the Order dated March 8, 2024 (ECF No. 47), Plaintiff
21 Richard Blair (“Plaintiff”) and Defendant Automobili Lamborghini S.p.A. (“Defendant,”
22 collectively with Plaintiff as the “Parties”) jointly submit this status report.

23 **I. Discovery Progress**

24 The Parties submit that fact discovery has completed. The Parties did not produce
25 or exchange more documents or information concerning the underlying facts of the
26 claims and defenses in this lawsuit since the joint report dated February 2, 2024 (ECF
27 No. 43). Neither Party has raised any discovery issues or deficiencies since.

28 **II. Dispositive Motions**

1 Plaintiff does not plan to file any dispositive motion.

2 Defendant intends to file a motion for summary judgment under 15 U.S.C. §
3 1125(d) for Plaintiff's bad-faith cybersquatting for use of the domain name
4 "www.lambo.com." Plaintiff owns the domain name "www.lambo.com." The term
5 "Lambo" is confusingly similar to Defendant's famous and distinctive "Lamborghini"
6 mark, at least because "Lambo" is a well-known nickname for Defendant's brand that is
7 used world-wide. Further, Defendant's mark has been famously used for over fifty years
8 and is commensurate with Defendant's sale of high-quality products. Plaintiff is using
9 Defendant's mark in bad-faith, which is evidenced by, at least, Plaintiff's listing of the
10 domain for sale at a price of \$75,000,000.

11 In response to Defendant's motion for summary judgment, Plaintiff contends that
12 genuine issues of material fact exist as to Plaintiff's intent in acquiring and using the
13 disputed domain name "www.lambo.com" (the "Disputed Domain"). First, Defendant
14 proffers no evidence to establish any trademark rights in the term "Lambo" to
15 substantiate its contention that "Lambo" is a well-known nickname for "Lamborghini."
16 Second, Defendant has not established its exclusive use of the term "Lambo," and
17 Plaintiff has produced evidence showing a wide variety of third-party use of "Lambo" not
18 in connection with the automobile industry, just as Plaintiff's use of the Disputed Domain
19 has no relationship to Lamborghini or any other make, model or manufacturer of
20 automobiles. Third, Plaintiff proffers extensive evidence of his adoption and use of the
21 name "Lambo," as an online moniker, predating Defendant's WIPO complaint about his
22 registration of the Disputed Domain. Fourth, Plaintiff has a portfolio of more than 130
23 domain names, none of which are similar to any well-known or distinguished trademarks.
24 Fifth, Plaintiff has never attempted to sell the Disputed Domain to Lamborghini or any of
25 its competitors, and has turned down numerous offers to purchase the Disputed Domain.
26 Last but not least, Plaintiff values *many* of his dictionary word and generic domain names
27 into the millions and even tens of millions of dollars. Plaintiff offers many domain names
28 in his portfolio for sale publicly at prices that are so high that a reasonable person might

1 find them to be irrational, however, Plaintiff has publicly stated in his online postings that
2 “[n]ot all my domains are actively for sale really.” Plaintiff has consistently represented
3 that the Disputed Domain is “priceless” to him. The listed selling price reflects that fact.

4 **III. Settlement Progress**

5 The Parties have not had further settlement discussion since the February 2, 2024
6 joint report. Based on the previous settlement negotiations, the Parties do not anticipate
7 reaching agreeable settlement terms prior to the next Rule 16 status conference scheduled
8 for April 9, 2024.

9 Dated: April 2, 2024

10 Brooklyn, New York

Respectfully submitted,

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