

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

Gregory J. LeMond,  
Plaintiff,

Case No. 0:17-cv-02071

v.

Frederick Harold Stinchfield a/k/a  
Frederick Harold Stinchfield II, and  
Frederick Harold Stinchfield a/k/a  
Frederick Harold Stinchfield III,

Defendants.

**COMPLAINT**  
**JURY TRIAL DEMANDED**

For his Complaint against Defendants Frederick Harold Stinchfield a/k/a Frederick Harold Stinchfield II and Frederick Harold Stinchfield a/k/a Frederick Harold Stinchfield III, Plaintiff Gregory J. LeMond alleges as follows:

1. Defendants are “cybersquatters” who have registered, used, and/or trafficked at least 66 domain names containing Plaintiff LeMond’s name and/or trademarks. Defendants’ conduct—motivated by bad faith intention to profit from the goodwill associated with LeMond’s name—violates the federal Anticybersquatting Consumer Protection Act (“ACPA”). Because Defendants are actively seeking to enrich themselves by selling the infringing domain names, immediate judicial intervention is necessary to avoid vexatious and costly litigation against third-party buyers. Pursuant to the ACPA, LeMond is entitled to an order compelling Defendants to forfeit the offending domain names. And

because of Defendants' willful and malicious conduct, LeMond is also entitled to maximal statutory damages of \$6,600,000.

### **JURISDICTION AND VENUE**

2. LeMond's cause of action arises pursuant to 15 U.S.C. § 1125 and 15 U.S.C. § 8131. This Court therefore has subject matter jurisdiction pursuant to 28 U.S.C. § 1331.

3. This Court has personal jurisdiction over Defendants because Defendants are residents of Minnesota, and a substantial part of Defendants' misconduct occurred in Minnesota.

4. Venue in this judicial district is proper under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise this lawsuit occurred in this district and because Defendants are subject to personal jurisdiction with respect to this action, as described above.

### **BACKGROUND**

5. LeMond is a world famous athlete, three-time winner of the Tour de France, and a successful businessman.

6. LeMond has long been associated with his LEMOND brand and trademark. LeMond has used the LEMOND name to market various products for many years.

7. LeMond was an early adopter and proponent of carbon fiber technology in cycling. In August 2016, LeMond announced that he was launching a new venture focused on developing low-cost carbon fiber technology and producing and selling low-cost carbon fiber. In pursuit of this new venture, LeMond founded two companies—LeMond Companies, LLC (“LeMond Companies”) and LeMond Composites, LLC (“LeMond Composites”).

8. LeMond’s August 2016 announcement was reported in the press. Media reports noted that the carbon fiber’s physical characteristics make it “the perfect material for advanced composites in a variety of applications, including transportation, renewable energy, and infrastructure.”

9. LeMond Companies and LeMond Composites market their low-cost carbon fiber products using the “GRAIL” trademark.

10. LeMond is the owner of both the LEMOND trademark (Reg. Nos. 3,137,558 and 4,664,298 and App. No. 87/193,543) and GRAIL trademark (App. Nos. 87/191,754 and 87/191,760).

11. Defendant Frederick Harold Stinchfield a/k/a Frederick Harold Stinchfield II (“Stinchfield II”) is a resident of Long Lake, Minnesota.

12. Defendant Frederick Harold Stinchfield a/k/a Frederick Harold Stinchfield III (“Stinchfield III”) is a resident of Long Lake, Minnesota. Stinchfield III is Stinchfield II’s son.

13. Defendants presently own and/or control at least 66 domain names containing the name Greg Lemond and/or the LEMOND or GRAIL trademarks.

14. Domain names owned and/or controlled by Defendants and which contain the name “Greg LeMond” or the LEMOND or GRAIL trademarks include:

- (1.) grailadvantage.com
- (2.) grailadvantage.info
- (3.) grailadvantage.net
- (4.) grailadvantage.org
- (5.) grailaerospace.com
- (6.) grailautomotive.co
- (7.) grailautomotive.com
- (8.) grailcarbon.us
- (9.) grailcarbonfibercomposites.com
- (10.) grailcomposites.com
- (11.) grailmethod.com
- (12.) grailrevolution.co
- (13.) grailrevolution.com
- (14.) grailrevolutionaryfiber.com
- (15.) grailwindenergy.com
- (16.) grailwindenergy.info
- (17.) grailwindenergy.net
- (18.) grailwindenergy.org
- (19.) greglemond.news
- (20.) greglemondexposed.com
- (21.) greglemondgonewild.com
- (22.) lemond.company
- (23.) lemond.mobi
- (24.) lemond.news
- (25.) lemond.tv
- (26.) lemond.ws
- (27.) lemondalloys.com
- (28.) lemondautomotive.com
- (29.) lemondautomotive.info
- (30.) lemondautomotive.net
- (31.) lemondautomotive.org
- (32.) lemondaviation.com

- (33.) lemondaviation.info
- (34.) lemondaviation.net
- (35.) lemondcompanies.com
- (36.) lemondcompanies.us
- (37.) lemondcompaniesllc.com
- (38.) lemondcompaniesllc.info
- (39.) lemondcompaniesllc.net
- (40.) lemondcompaniesllc.org
- (41.) lemondcomposites.cc
- (42.) lemondcomposites.tech
- (43.) lemondcomposites.us
- (44.) lemondexpose.com
- (45.) lemondgrail.com
- (46.) lemondhybrids.com
- (47.) lemondindustries.com
- (48.) lemondindustries.info
- (49.) lemondindustries.net
- (50.) lemondindustries.org
- (51.) lemondmanufacturing.com
- (52.) lemondmanufacturing.info
- (53.) lemondmanufacturing.net
- (54.) lemondmanufacturing.org
- (55.) lemondsolutions.com
- (56.) lemondsolutions.info
- (57.) lemondsolutions.net
- (58.) lemondsolutions.org
- (59.) lemondtechnologies.com
- (60.) lemondtechnologies.info
- (61.) lemondtechnologies.net
- (62.) lemondtechnologies.org
- (63.) lemondwindenergy.com
- (64.) lemondwindenergy.info
- (65.) lemondwindenergy.net
- (66.) lemondwindenergy.org

15. One domain name owned and/or controlled by Defendants (lemondgrail.com) contains *both* the LEMOND and GRAIL trademarks. This and the domain names listed above are referred to collectively as the “Domain Names.”

16. “F H Stinchfield II” is listed as the “Registrant” for each of the Domain Names.

17. The address “2255 Abbingdon Way, Long Lake, MN” is listed as the address for the Registrant for each of the Domain Names. Upon information and belief, Stinchfield II and Stinchfield III live at this address.

18. The email address “hal.stinchfield@gmail.com” is listed as the email address for the Registrant for each of the Domain Names. Upon information and belief, this email address is controlled by Stinchfield III.

19. The Domain Names were registered in September and October 2016, after LeMond announced his intention to manufacture and market carbon fiber produced by LeMond Composites and LeMond Companies (“the August 2016 announcement”).

20. None of the Domain Names were registered prior to the formation of LeMond Companies or LeMond Composites or the August 2016 announcement.

21. Defendants had no prior use for domain names containing the name Greg LeMond or the terms LEMOND or GRAIL.

22. On information and belief, Defendants had no prior use in commerce of the name Greg LeMond or the terms LEMOND or GRAIL.

23. The Domain Names are either identical or confusingly similar to the name “Greg LeMond” and/or the LEMOND or GRAIL trademarks.

24. Defendants have registered, used, and/or trafficked the Domain Names with a bad faith intent to profit. By way of example, and without limitation, Defendants have used at least one of the Domain Names (“lemondindustries.com”) to host a website entitled “LeMond Industries,” which contains derogatory information about LeMond and his businesses.

25. Defendants’ unauthorized “LeMond Industries” website features Greg LeMond’s name and likeness, along with the LEMOND mark.

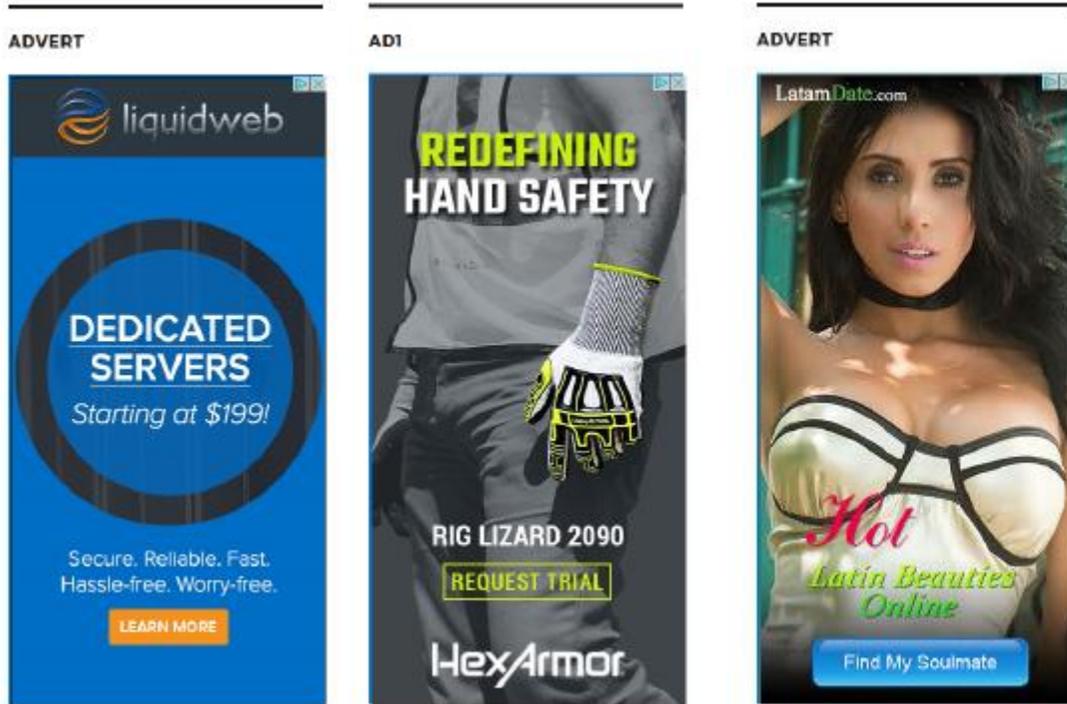
26. A true and accurate representation of the “LeMond Industries” website’s header as of June 9, 2017 is reproduced below:



27. Since June 2, 2017 Defendants have posted approximately 25 blog posts to the unauthorized “LeMond Industries” website.

28. Defendants’ unauthorized “LeMond Industries” website also features third-party advertisements, which—upon information and belief—generate revenue for Defendants.

29. True and accurate representations of various advertisements featured on the “LeMond Industries” website as of June 9, 2017 are reproduced below:



30. On or about June 8, 2017, Defendants posted an advertisement on the “LeMond Industries” website titled “LeMond-Related Domains for Sale!” The advertisement stated that 15 “LeMond-Related” domains were available for purchase at prices provided “on inquiry.”

31. A true and accurate representation of the June 8, 2017 “LeMond-Related Domains for Sale!” advertisement is reproduced below:

## LeMond-Related Domains for Sale!



Yellow Jersey  
June 8, 2017  
LeMond Properties for Sale,  
Uncategorized

### LeMond Related Websites for Sale!

WWW.LEMOND.IT	Price on inquiry
WWW.LEMOND.WS	Price on Inquiry
WWW.LEMONDCOMPANIES.COM	Price on Inquiry
WWW.LEMONDCOMPANIES.US	Price on Inquiry
WWW.LEMONDCOMPANIES.NET	Price on Inquiry
WWW.LEMONDCOMPOSITES.CC	Price on Inquiry
WWW.LEMONDCOMPOSITES.NET	Price on Inquiry
WWW.LEMONDCYCLES.COM	Price on Inquiry
WWW.LEMONDMANUFACTURING.COM	Price on Inquiry
WWW.LEMONDSOLUTIONS.COM	Price on Inquiry
WWW.LEMONDTECHNOLOGIES.COM	Price on Inquiry
WWW.LEMOND.MOBI	Price on Inquiry
WWW.LEMOND.TV	Price on Inquiry
WWW.LEMOND.TECH	Price on Inquiry
WWW.GREGLEMOND.NEWS	Price on Inquiry

Sales@lemondindustries.com

32. On or about June 10, 2017, Defendants posted additional content to the “LeMond Industries” website, stating that they hoped that “someone from the LeMond Composites team would reach out.” Defendants also boasted that “[t]he amount of traffic driven by the URLs [Domain Names] in the list runs in the 1000s per day with no original content.” Defendants also updated the original June 8, 2017 post, adding: “Get these domains for cheap before they are sent to auction!”

33. A true and accurate representation of the updated advertisement on the “LeMond Industries” website is reproduced below:

## LeMond-Related Domains for Sale! (Updated)



June 8, 2017  
 Lemond Composites.  
 LeMond Properties for Sale.  
 Mismanagement  
 .com, .it, .net, .org, cheap, for  
 sale, Lemond-related URLs,  
 URLs  
 1 Comment

### LeMond Related Websites for Sale!

WWW.LEMOND.IT	Price on inquiry
WWW.LEMOND.WS	Price on Inquiry
WWW.LEMONDCOMPANIES.COM	Price on Inquiry
WWW.LEMONDCOMPANIES.US	Price on Inquiry
WWW.LEMONDCOMPANIES.NET	Price on Inquiry
WWW.LEMONDCOMPOSITES.CC	Price on Inquiry
WWW.LEMONDCOMPOSITES.NET	Price on Inquiry
WWW.LEMONDCYCLES.COM	Price on Inquiry
WWW.LEMONDMANUFACTURING.COM	Price on Inquiry
WWW.LEMONDSOLUTIONS.COM	Price on Inquiry
WWW.LEMONDTECHNOLOGIES.COM	Price on Inquiry
WWW.LEMOND.MOBI	Price on Inquiry
WWW.LEMOND.TV	Price on Inquiry
WWW.LEMOND.TECH	Price on Inquiry
WWW.GREGLEMOND.NEWS	Price on Inquiry

Get these domains for cheap before they are sent to auction!

UPDATE: Email Changed

[BuyLeMondDomains@yahoo.com](mailto:BuyLeMondDomains@yahoo.com)

34. Defendants also own and/or control numerous other domain names containing names of other persons and trademarks. For example, Defendants own and/or control domain names containing the names of former Congressman Anthony Weiner (anthonyweiner.co, anthonyweiner.info, anthonyweiner.net, and anthonyweiner.photography), Weiner's ex-wife Huma Abedin (humaabedin.co, humaabedin.info, humaabedin.net, humaabedin.us), and Minnesota businessman and civic leader Wheelock Whitney (wheelockwhitney.us). Defendants also own and/or control several domain names incorporating the registered mark "RIRI," which is owned by recording artist Robyn Rihanna Fenty a/k/a "Rihanna."

**COUNT ONE**  
**(Violation of the Anticybersquatting Consumer Protection Act,**  
**15 U.S.C. § 1125(d) and 15 U.S.C. § 81B1)**

35. LeMond incorporates by reference the allegations contained in this Complaint's paragraphs 1-34 as if fully set forth herein.

36. 15 U.S.C. § 1125(d)(1)(A) provides:

(1)(A) A person shall be liable in a civil action by the owner of a mark, including a personal name which is protected as a mark under this section, if, without regard to the goods or services of the parties, that person--

(i) has a bad faith intent to profit from that mark, including a personal name which is protected as a mark under this section; and

(ii) registers, traffics in, or uses a domain name that--

(I) in the case of a mark that is distinctive at the time of registration of the domain name, is identical or confusingly similar to that mark; [or]

(II) in the case of a famous mark that is famous at the time of registration of the domain name, is identical or confusingly similar to or dilutive of that mark.

37. The LEMOND and GRAIL marks were famous and/or distinctive at the time of registration of the domain names.

38. Defendants registered, used, and/or trafficked domain names, each of which is identical, confusingly similar, and/or dilutive of one or more of the marks owned by LeMond.

39. Defendants had a bad faith intent to profit from their registration, use, and/or trafficking of such domain names.

40. Moreover, 15 U.S.C. § 8131(1)(A) provides:

Any person who registers a domain name that consists of the name of another living person, or a name substantially and confusingly similar thereto, without that person's consent, with the specific intent to profit from such name by selling the domain name for financial gain to that person or any third party, shall be liable in a civil action by such person.

41. Defendants registered domain names that consist of the name "Greg LeMond" or a name substantially and confusingly similar to "Greg LeMond" or "Gregory LeMond." They did so without LeMond's consent and with specific intent to profit by selling the domain name for financial gain to LeMond or a third party.

42. Because of Defendants' misconduct, LeMond has suffered and continues to suffer irreparable harm. He is entitled to immediate and permanent injunctive relief pursuant to 15 U.S.C. § 1125(d)(1)(C) and 15 U.S.C. § 8131(2), as well as compensatory and/or statutory damages of \$1,000 to \$100,000 per domain name.

**COUNT TWO  
(Attorney Fees and Costs,  
15 U.S.C. § 8131(2))**

43. LeMond incorporates by reference the allegations contained in this Complaint's paragraphs 1-42 as if fully set forth herein.

44. 15 U.S.C. § 8131(2) provides:

In any civil action brought under paragraph (1), a court may award injunctive relief, including the forfeiture or cancellation of the domain name or the transfer of the domain name to the plaintiff. The court may also, in its discretion, award costs and attorneys fees to the prevailing party.

45. Defendants' willful conduct has forced LeMond to bring this lawsuit and incur associated attorney fees and costs.

46. Because LeMond has a meritorious claim under 15 U.S.C. § 8131(1), he qualifies for, and therefore requests, an award of attorney fees and costs pursuant to 15 U.S.C. § 8131(2).

**PRAYER FOR RELIEF**

WHEREFORE, LeMond respectfully requests the following relief:

- A. A judgment in favor of LeMond and against Defendants, awarding LeMond compensatory damages.
- B. A judgment in favor of LeMond and against Defendants, awarding LeMond compensatory and/or statutory damages of “not less than \$1,000 and not more than \$100,000 per domain name, as the court considers just,” pursuant to 15 U.S.C. § 1117(d).
- C. Pursuant to 15 U.S.C. § 1125(d)(1)(C) and 15 U.S.C. § 8131(2), an order compelling Defendants to immediately forfeit and transfer to LeMond any and all domain names incorporating or containing, or which are identical or confusingly similar to, the names Greg LeMond or Gregory LeMond, the LEMOND or GRAIL trademarks, or any other names or trademarks associated with LeMond.
- D. A permanent injunction enjoining Defendants from registering, using, or trafficking any domain name incorporating or containing, or which is identical or confusingly similar to, the names Greg LeMond or Gregory LeMond, the LEMOND or GRAIL trademarks, or any other names or trademarks associated with LeMond or his businesses.
- E. An award of attorney fees and costs pursuant to 15 U.S.C. § 8131(2).
- F. Any other relief that this Court deems just and equitable under the circumstances.

**DEMAND FOR JURY TRIAL**

LeMond hereby demands a trial by jury on all issues that are so triable.

Dated: June 15, 2017

**GREENE ESPEL PLLP**

s/ Karl C. Procaccini  
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*Attorneys for Plaintiff*

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
Gregory J. LeMond
(b) County of Residence of First Listed Plaintiff Hennepin
(c) Attorneys (Firm Name, Address, and Telephone Number)
Lawrence M. Shapiro, P.A./Matthew D. Forsgren/Karl C. Procaccini
Greene Espel PLLP
222 South Ninth Street, Suite 2200
Minneapolis, MN 55402
612-373-0830

DEFENDANTS
Frederick Harold Stinchfield a/k/a Frederick Harold Stinchfield II, and Frederick Harold Stinchfield a/k/a Frederick Harold Stinchfield III
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Each cell contains a list of legal categories with checkboxes.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. § 1125 and, 15 U.S.C. § 8131
Brief description of cause:
Defendants are "cybersquatters" who have registered, used, and/or trafficked at least 66 domain names containing Plaintiff LeMond's name and/or trademarks and are actively seeking to enrich themselves by selling the infringing domain names.

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 6,600,000
CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE June 15, 2017 SIGNATURE OF ATTORNEY OF RECORD s/ Karl C. Procaccini

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE
JS 44 Reverse (Rev. 08/16)