

Filed: September 18, 2001

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

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Nos. 00-1918(L)  
(CA-99-1336-A)

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People for the Ethical Treatment of Animals,

Plaintiff - Appellee,

versus

Michael T. Doughney, an individual,

Defendant - Appellant.

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O R D E R

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The Court further amends its opinion filed August 23, 2001, and amended September 6, 2001, as follows:

On page 3, first full paragraph, lines 3-4 -- the words "and other domain names relating to President George W. Bush" are deleted.

For the Court - By Direction

/s/ Patricia S. Connor  
Clerk

Filed: September 7, 2001

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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Nos. 00-1918(L)  
(CA-99-1336-A)

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People for the Ethical Treatment of Animals,

Plaintiff - Appellee,

versus

Michael T. Doughney, an individual,

Defendant - Appellant.

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CORRECTED ORDER

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The court corrects its amending order filed September 6, 2001,  
as follows:

The citation to Virtual Works was corrected to read "128 F.3d  
at 270." The citation should have been corrected to read "238 F.3d  
at 270."

For the Court - By Direction

/s/ Patricia S. Connor  
Clerk

Filed: September 6, 2001

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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Nos. 00-1918(L)  
(CA-99-1336-A)

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People for the Ethical Treatment of Animals,

Plaintiff - Appellee,

versus

Michael T. Doughney, an individual,

Defendant - Appellant.

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O R D E R

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The court amends its opinion filed August 23, 2001, as follows:

On page 2, section 2, line 1 -- counsel's name is corrected to read "G. Gervaise Davis, III."

On page 2, section 2, line 4 -- counsel's name is corrected to read "Eric Bakri Boustani."

On page 15, first paragraph, lines 1-2 -- the citation to Virtual Works is corrected to read "128 F.3d at 270."

For the Court - By Direction

/s/ Patricia S. Connor  
Clerk

**PUBLISHED**

**UNITED STATES COURT OF APPEALS**

**FOR THE FOURTH CIRCUIT**

PEOPLE FOR THE ETHICAL  
TREATMENT OF ANIMALS,  
Plaintiff-Appellee,

v.

No. 00-1918

MICHAEL T. DOUGHNEY, an  
individual,  
Defendant-Appellant.

DIANE CABELL; MILTON MUELLER,  
Amici Curiae.

PEOPLE FOR THE ETHICAL  
TREATMENT OF ANIMALS,  
Plaintiff-Appellant.

v.

No. 00-2289

MICHAEL T. DOUGHNEY, an  
individual,  
Defendant-Appellee.

Appeals from the United States District Court  
for the Eastern District of Virginia, at Alexandria.  
Claude M. Hilton, Chief District Judge.  
(CA-99-1336-A)

Argued: May 7, 2001

Decided: August 23, 2001

Before MICHAEL and GREGORY, Circuit Judges, and  
Benson E. LEGG, United States District Judge for the  
District of Maryland, sitting by designation.

Affirmed by published opinion. Judge Gregory wrote the opinion, in which Judges Michael and Legg joined.

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## COUNSEL

**ARGUED:** G. Gervaise Davis, III, DAVIS & SCHROEDER, P.C., Monterey, California, for Appellant. Philip Jay Hirschkop, HIRSCHKOP & ASSOCIATES, P.C., Alexandria, Virginia, for Appellee. **ON BRIEF:** Eric Bakri Boustani, DAVIS & SCHROEDER, P.C., Monterey, California; Richard T. Rossier, Kathryn A. Kleiman, MCLEOD, WATKINSON & MILLER, Washington, D.C., for Appellant. Marianne R. Merritt, HIRSCHKOP & ASSOCIATES, P.C., Alexandria, Virginia, for Appellee. Diane Cabell, HARVARD LAW SCHOOL, Cambridge, Massachusetts; Dr. Milton Mueller, Center for Science and Technology, SYRACUSE UNIVERSITY, Syracuse, New York, Amici Curiae Pro Se.

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## OPINION

GREGORY, Circuit Judge:

People for the Ethical Treatment of Animals ("PETA") sued Michael Doughney ("Doughney") after he registered the domain name [peta.org](http://peta.org) and created a website called "People Eating Tasty Animals." PETA alleged claims of service mark infringement under 15 U.S.C. § 1114 and Virginia common law, unfair competition under 15 U.S.C. § 1125(a) and Virginia common law, and service mark dilution and cybersquatting under 15 U.S.C. § 1123(c). Doughney appeals the district court's decision granting PETA's motion for summary judgment and PETA cross-appeals the district court's denial of its motion for attorney's fees and costs. Finding no error, we affirm.

I.

PETA is an animal rights organization with more than 600,000 members worldwide. PETA "is dedicated to promoting and heightening public awareness of animal protection issues and it opposes the



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