

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 18-cv-00347-NYW

FRANCOIS CARRILLO,

Plaintiff,

v.

AUTOBUSES DE ORIENTE ADO, S.A. DE C.V.,

Defendant.

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**AGREED MOTION FOR DISMISSAL  
PURSUANT TO FED. R. CIV. P. 41(a)(2)**

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Plaintiff Francois Carrillo (“Plaintiff”) and Defendant Autobuses de Oriente ADO, S.A. de C.V. (“Defendant”) hereby move for dismissal of all claims and counterclaims in the instant action under Rule 41(a)(2) of the Federal Rules of Civil Procedure and in support thereof state as follows:

Plaintiff and Defendant have entered into a settlement agreement in which the parties have agreed, among other things that:

- (A) Plaintiff’s interests in respect of the ado.com domain name are legitimate;
  - (B) Plaintiff did not register or use the ado.com domain name in bad faith,
  - (C) Plaintiff’s registration and current use of the ado.com domain name do not violate Defendant’s rights under the Anticybersquatting Consumer Protection Act, 15 U.S.C. §§ 1114, 1125(a) and 1125(d), and the Uniform Domain Name Dispute Resolution Policy;
- and

(D) Plaintiff may continue to own the ado.com domain name pursuant to the Parties' Agreement; and

(E) Defendant had a good faith belief at the time it filed its UDRP and counterclaim that its rights were being violated.

Based on the Parties agreements, including the foregoing, Plaintiff and Defendant respectfully request that the Court issue an Order: (1) dismissing all claims and counterclaims in the instant action with prejudice; (2) directing the World Intellectual Property Organization ("WIPO") to vacate and/or withdraw the February 1, 2018 Order granting Plaintiff's complaint and ordering the ado.com domain name transferred from Plaintiff to Defendant; and (3) directing TurnCommerce, Inc. DBA NameBright.com, the registrar for the ado.com domain name, and/or VeriSign, Inc. registry operator for the .com registry, to remove any suspensions, locks, holds or other restrictions imposed upon the ado.com domain name as a result of the WIPO panel's February 1, 2018 order.

The proposed Order Granting Agreed Motion for Dismissal, a copy of which is attached hereto, is proper under Rule 41(a)(2), which permits the Court to dismiss the action "on terms that the court considers proper." To effectuate the intent of the parties and the terms of the Settlement Agreement, Plaintiff and Defendant respectfully request entry of the proposed Order Granting Agreed Motion for Dismissal.

DATED: December 20, 2018

Respectfully Submitted,

FRANCOIS CARRILLO

AUTOBUSES DE ORIENTE ADO,  
S.A. DE C.V.

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**ORDER GRANTING AGREED MOTION FOR DISMISSAL**

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This Court having considered Plaintiff Francois Carrillo and Defendant Autobuses de Oriente ADO, S.A. de C.V.'s Agreed Motion for Dismissal under Rule 41(a)(2) of the Federal Rules of Civil Procedure, finds that the Motion is well taken and should be GRANTED. In light of the Parties' agreement that (i) Plaintiff's interests in respect of the ado.com domain name are legitimate; (ii) Plaintiff did not register or use the ado.com domain name in bad faith; (iii) Plaintiff's registration and current use of the ado.com domain name do not violate Defendant's rights under the Anticybersquatting Consumer Protection Act, 15 U.S.C. §§ 1114, 1125(a) and 1125(d)

IT IS, THEREFORE, ORDERED that

1. All claims and counterclaims in this action are hereby dismissed with prejudice and each party is to bear its own costs and attorneys' fees;

2. The World Intellectual Property Organization (“WIPO”) shall vacate and/or withdraw its February 1, 2018 Order granting Plaintiff’s complaint and ordering the ado.com domain name transferred from Plaintiff to Defendant; and it is further

3. TurnCommerce, Inc. DBA NameBright.com, the registrar for the ado.com domain name and/or VeriSign, Inc. registry operator for the .com registry, shall remove any suspensions, locks, holds or other restrictions imposed upon the ado.com domain name as a result of the WIPO panel’s February 1, 2018 order.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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