

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

ROBERT ANDERSON,

Plaintiff/Counter-Defendant,

Case No. 23-12071

v.

Hon. Linda V. Parker

NATIONAL ACRYLICS, IPOWER.COM,  
and NICK DOELLE

Defendants,

and

OCEAN ROCK BATH, LLC,

Defendant/Counter-Plaintiff.

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**COUNTERCLAIM**

NOW COMES Defendant/Counter-Plaintiff Ocean Rock Bath, LLC, by and through its attorneys, Shifman & Carlson, P.C., and for its counterclaim against the Plaintiff/Counter-Defendant Robert Anderson, states as follows:

**GENERAL ALLEGATIONS**

1. Defendant/Counter-Plaintiff Ocean Rock Bath L.L.C. (“Ocean Rock”) is a company with a registered mailing address at 35334 Park St., Richmond, Michigan 48062.

2. Plaintiff/Counter-Defendant Robert Anderson (“Anderson”) is an individual residing at the address 21537 Tanglewood, St. Clair shores, MI 48082.

3. This Court has subject matter jurisdiction over Ocean Rock's claim pursuant to 15 U.S.C. § 1121, 28 U.S.C. § 1331, and 28 U.S.C. § 1338.

4. This Court has personal jurisdiction over the Anderson, because Anderson has (a) committed intentional and tortious acts within the State of Michigan; and (b) maintained an interactive website that permits the exchange of information between users in the State of Michigan and the Defendant, including specifically advertised in the area around Detroit, Michigan; and (c) otherwise has purposefully availed itself of this forum.

5. Venue is proper in this Court pursuant to 28 USC § 1391 because a substantial part of the events or omissions giving rise to Ocean Rock's claim occurred in this judicial district and because Anderson was subject to personal jurisdiction within this judicial district at the time the action was commenced.

#### **General Allegations**

6. Anderson runs a small business, Detroit Tubs, LLC ("Detroit Tubs"), that performs various tub related services including bathtub porcelain refinishing, conversion of tubs to showers, and the installation of walk-in or step-in tubs. Anderson currently runs a website advertising his services at [detroittubs.com](http://detroittubs.com) and at [5862961100.com](http://5862961100.com).

7. On or about November 18, 2019, Detroit Tubs and Defendant Nick Doelle (“Doelle”) entered an arrangement utilizing Doelle’s services as an independent contractor.

8. Doelle later terminated his relationship with Detroit Tubs and organized his own company, Ocean Rock, on or about June 21, 2022. Ocean Rock specializes in refinishing bathrooms, but specifically does not perform the same sort of bathtub porcelain refinishing or tub conversion services offered by Detroit Tubs.

9. To advertise its services, Ocean Rock runs the website [www.oceanrockbath.com](http://www.oceanrockbath.com). **Exhibit A.**

10. Perturbed by Doelle’s departure, Anderson commenced a civil case against Doelle and Ocean Rock on or about April 27, 2023, which case is still ongoing under case number 2023-001402-CB in the Macomb County Circuit Court.

11. Anderson also purchased the domain name [www.oceanrockbaths.com](http://www.oceanrockbaths.com) (the same website as Ocean Rock but with an “s” on the end), which used the same images, font, and symbols as Ocean Rock’s website. The website was substantially the same, save for the addition of a text box titled, “THE TRUTH ABOUT NICK DOELLE,” which was followed by a diatribe against Doelle and his ability as a contractor. *See* **Exhibit B**, Screenshot.

12. Anderson’s website, which purposefully modeled itself on Ocean Rock’s website and includes its logo and brand name, also featured an additional tab

by which customers could purchase Anderson's services thinking that they were hiring Doelle. See **Exhibit B**, pages 4-6.

13. On or about July 22, 2023, counsel Ocean Rock sent a takedown request under the Digital Millennium Copyright Act ("DMCA"), requesting that Anderson's website be removed for violating Ocean Rock's copyright.

14. On or about July 26, 2023, counsel for Ocean Rock received an email noting that the website host had asked Anderson to take down the website [www.oceanrockbaths.com](http://www.oceanrockbaths.com) within two (2) days.

15. Anderson failed to comply, and his account was suspended.

16. Although Anderson's [www.oceanrockbaths.com](http://www.oceanrockbaths.com) was taken down, Anderson has since created another website at [www.truthaboutnickdoelle.com](http://www.truthaboutnickdoelle.com), which warns current and potential clients of Doelle and Ocean Rock to "stay away" and that Anderson is suing Doelle in state and federal court.

17. Upon information and belief, Anderson continues to own the web address [oceanrockbaths.com](http://oceanrockbaths.com).

**COUNT I**

**Cybersquatting under the Anticybersquatting  
Consumer Protection Act – 15 USC 1125(d)**

18. Ocean Rock restates and incorporates the foregoing allegations as though fully restated herein.

19. Anderson registered, trafficked in, or used the “oceanrockbaths.com” domain name with a bad-faith intent to profit from Ocean Rock’s OCEAN ROCK BATH mark and goodwill associated therewith.

20. Ocean Rock’s OCEAN ROCK BATH mark was distinctive at the time Anderson registered, trafficked in, or used the <oceanrockbaths.com> domain name.

21. Anderson was the registrant or the registrant’s authorized agent or user of <www.oceanrockbaths.com>.

22. Anderson’s registration of the <www.oceanrockbaths.com> domain, occurred after Ocean Rock had started his website and was specifically modeled to imitate Ocean Rock’s website, indicating that Anderson had actual notice of Ocean Rock’s trademark rights in OCEAN ROCK BATH.

23. The <oceanrockbaths.com> domain names are each identical or confusingly similar to Ocean Rock’s OCEAN ROCK BATH mark.

24. The <oceanrockbaths.com> domain name does not consist of the legal name of Anderson or his company, Detroit Tubs LLC.

25. Anderson registered and used the domain name <oceanrockbaths.com> with the intent to divert customers from Ocean Rock for Anderson's commercial gain by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the website.

26. Anderson used the domain name <oceanrockbaths.com> with a bad faith intent to profit from the acquisition of and delivery of leads to Anderson's benefit.

27. Anderson's registration, use, or trafficking in the <oceanrockbaths.com> domain names constitutes cybersquatting in violation of 15 U.S.C. § 1125(d), entitling Ocean Rock to relief.

28. By reason of Anderson's acts alleged herein, Ocean Rock's remedy at law is not adequate to compensate them for the injuries inflicted by Anderson. Accordingly, Ocean Rock is entitled to preliminary and permanent injunctive relief pursuant to 15 U.S.C. § 1116.

29. By reason of Anderson's acts alleged herein, Ocean Rock is entitled to recover Anderson's profits, actual damages, and the costs of the action, or statutory damages under 15 U.S.C. § 1117, on election by Plaintiff, in an amount between One Thousand dollars (\$1,000) and One Hundred Thousand dollars (\$100,000) for cybersquatting, as the Court considers just.

30. This is an exceptional case making Ocean Rock eligible for an award of attorney's fees under 15 U.S.C. § 1117.

**PRAYER FOR RELIEF**

WHEREFORE, Ocean Rock requests that this Court enter judgment against Plaintiff/Counter-Defendant Anderson as follows:

- A. That the Court issue temporary and permanent injunctive relief against Plaintiff/Counter-Defendant Anderson, and that Plaintiff/Counter-Defendant Anderson and any of his agents, representatives, servants, employees, attorneys, successors and assignees, and all others in active concert or participation with Plaintiff/Counter-Defendant Anderson, be enjoined and restrained from:
- i. registering, using, or trafficking in any domain name that is identical or confusingly similar to Ocean Rock's OCEAN ROCK BATH mark, including, but not limited to, the <oceanrockbaths.com> domain name;
  - ii. infringing Ocean Rock's trademarks and service marks, including the OCEAN ROCK BATH mark; or
  - iii. assisting, aiding, or abetting any other person or business entity from infringing Ocean Rock's trademarks or service marks, including the OCEAN ROCK BATH mark.

- B. That the Court order the transfer of the <www.oceanrockbaths.com> domain name, and any other confusingly similar domain name registered or used by Anderson, to Ocean Rock;
- C. That the Court award Ocean Rock statutory damages in the amount of \$100,000;
- D. That the Court award Ocean Rock its attorneys' fees and costs; and
- E. That the Court grant Ocean Rock all other relief to which it is entitled and such other or additional relief as is just and proper.

Respectfully submitted,

**Shifman & Carlson P.C.**

Dated: September 27, 2023

/s/ Robert J. Gavin

Robert J. Gavin (P72726)  
Sean P. Murphy (P79255)  
34705 W. 12 Mile Road, Ste. 160  
Farmington Hills, MI 48331  
(248) 406-0620  
rgavin@shifmancarlsonlaw.com  
smurphy@shifmancarlsonlaw.com



### **CERTIFICATE OF SERVICE**

I, Robert J. Gavin, hereby certify that on September 27, 2023, I electronically filed Defendant/Counter-Plaintiff's Counterclaim with the Clerk of the Court using the ECF system, and I sent a copy by first-class mail to Plaintiff/Counter-Defendant Robert Anderson at the address listed in the pleadings due to the fact he is not connected to the Court's ECF system.

/s/ Robert J. Gavin

Robert J. Gavin (P72726)  
Sean P. Murphy (P79255)  
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smurphy@shifmancarlsonlaw.com

**INDEX OF EXHIBITS**

**OCEAN ROCK BATH LLC COUNTERCLAIM**

EXHIBIT A           Screenshots of the Ocean Rock Bath, LLC website,  
oceanrockbath.com.

EXHIBIT B           Screenshots of oceanrockbaths.com



[About](#) [Services](#) [Gallery](#) [Testimonials](#) [Social](#) [Contact](#) [Store](#)

## OUR STORY

Thank you for visiting our website. We specialize in Tub to shower conversions, new Tub installs and refinishing. My family and I created this business to deliver a quality bathroom product. We want to provide services for all budget plans and we only focus on bathrooms. If you have ideas or are interested in a new shower or remodel please don't hesitate to call. Talk to me directly and we look forward to meeting you.

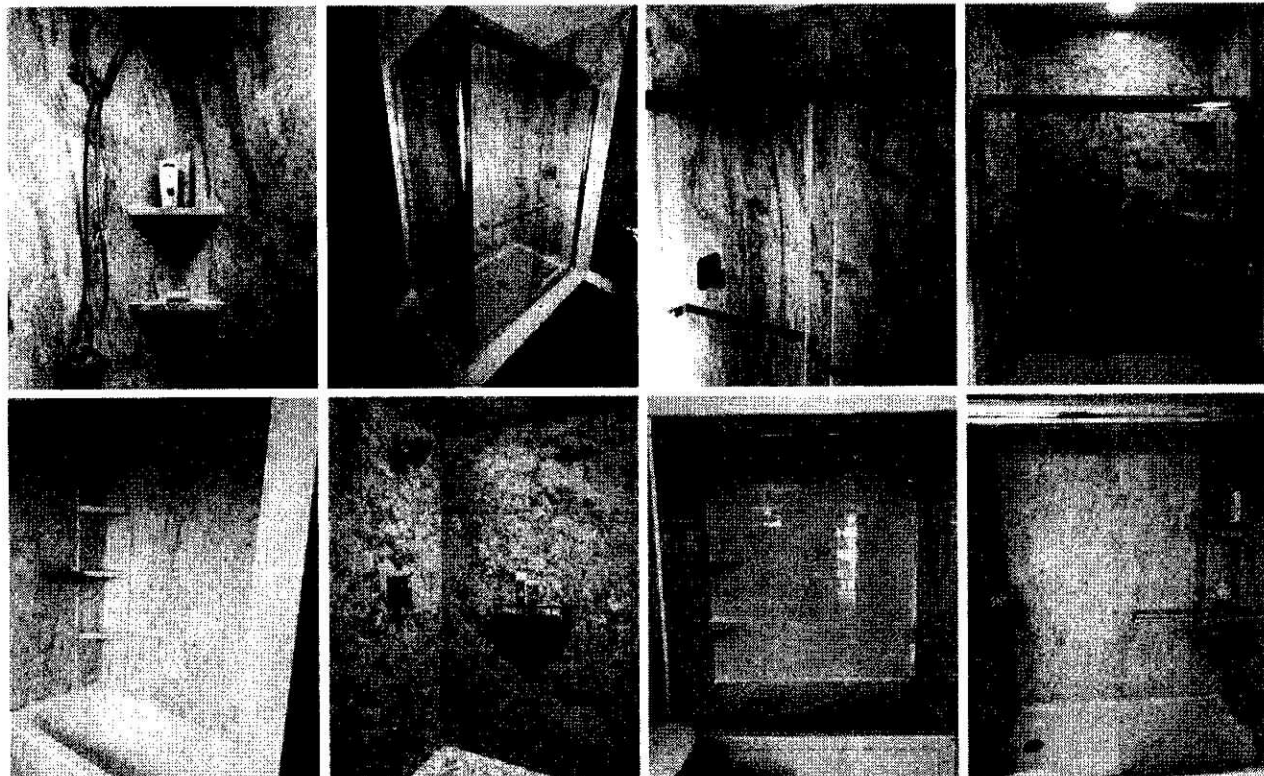
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## CHOOSE YOUR WALL COLOR





## Gallery



Free Estimates

**FOLLOW**

**CONTACT US**

We're here to help! Send any questions you have over to us. We look forward to hearing from you.

Name

Phone

Email

Message

Submit



561-747-4077



nick@oceanrockball.com



## THE TRUTH ABOUT NICK DOELLE

It appears for over a year he has worked for me only he's been asking money to to start his own company congratulations Nick according to the review you're off to a great start

To receive reading this message I have made a lot of mistakes in my life all of which I have paid for to those over. What hurts is when you trust somebody and think you have spent time in their life and up leaving you over.

Nick took \$4500 of Detroit Tubs money I just left the customers home and he signed a release which we will use moving forward in court!

If you have need him charge back your credit card asap and stop payment on your check asap! If he sued you ask for his business license in court in front of the judge.

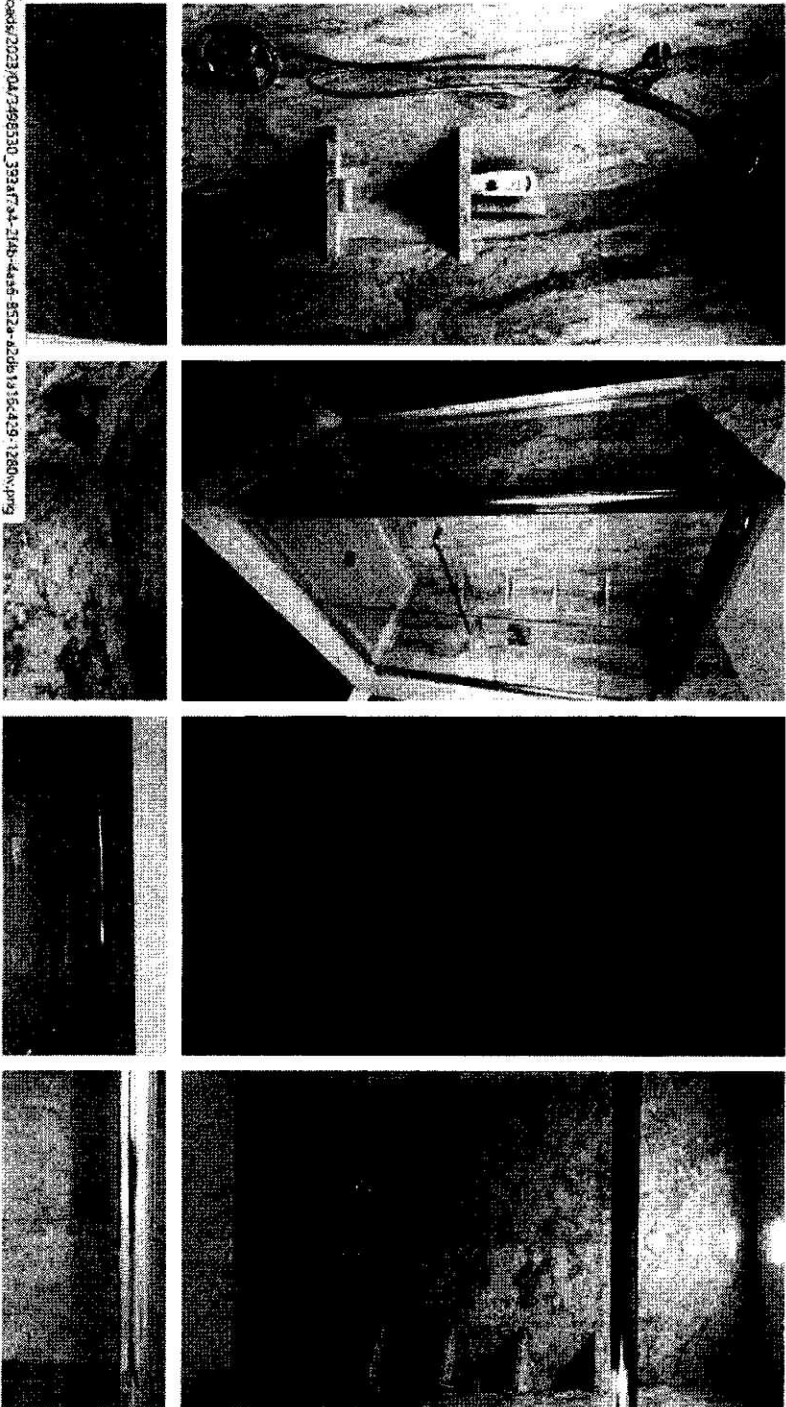
In addition to the aforementioned issues, it is important to note that Nick is not licensed to do any work in the state of Michigan and has never installed a job in his life. He barely know how to use a measuring tape.

He posted an article about me but you took our money you took our customers and now he wants to talk about character. I will not say anything against his any day of the week. Getting angry stick to the facts in the article was published.

[Learn More](#)

  
**OCEAN ROCK**  
Bath Systems

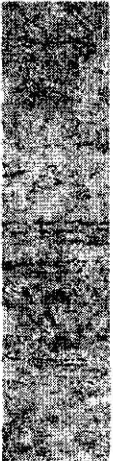
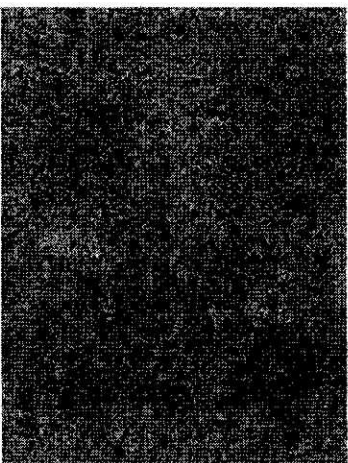
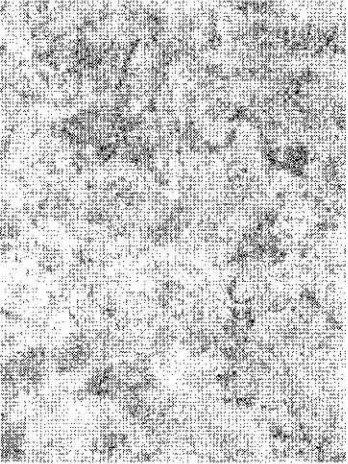
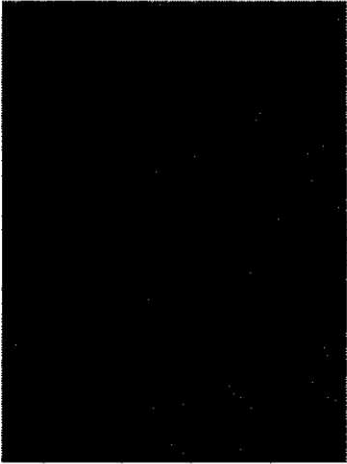
# Gallery





OCEAN ROCK  
Both Systems

## CHOOSE YOUR WALL COLOR





  
**OCEAN ROCK**  
Bath Systems

Metro Detroit Bath Tub Resurfacing Of Porcelain, Acrylic, Fiberglass, Cast Iron, Cultured Marble & Ceramic Tile. Save Time & Money. Serving Since 2003 Save Time & Money. with **RESURFACING YOUR BATHROOM** or Bath tub, Tile Refinishing is the perfect solution if your current Tub, Sink and or Tile needs repair, is chipped or you simply don't like the color. Don't Replace It, Refinish It! Saves You Money. No Dust, No Mess, No Demolition. Our finish looks like your project was replaced with "new", not painted. No Need to Replace Your Quality Items with New Interior Products. Chip and Crack Repair. **AVOID TIME AND EXPENSE OF REPLACEMENT** If you hire a contractor to tear out and replace what you have, you are talking about thousands of dollars and many weeks of inconvenience. Let's face it, replacement is costly, disrupts your home until the contractor is done, and is messy from all that construction dust. **NEW ISN'T ALWAYS BETTER** The new tubs and sinks of today are inferior to the quality of the older units, they are thinner and built from cheaper foreign materials that just do not hold up over time like they used to. **RESURFACE IT!** Most jobs can be refinished in one day. Your Tub, sink and countertop will be ready to use in 24/48 hours. No mess or construction dust to deal with. We are proud to serve the Detroit Michigan area. Known as the Motor City, Detroit is known for its industrious roots and widespread music scene, particularly as the birthplace of Motown. The city also has roots in hip hop and techno music. Detroit is one of only thirteen cities around the country that can boast major league athletic teams in football, baseball, basketball and hockey and is home to the only floating post office. The Detroit metropolitan area boasts a population of 4.3 million, and the city itself has been going through a revitalization over the last decade, with the rise of newer musical genres and art. Liquid Porcelain regularly does work in the Detroit area, from Troy to St. Clair Shores, Wayne to Flint is your bathtub, shower, tile, or countertop is looking a little dirty and worn-out? Replacing or reglazing your tub or shower will require a total demolition and renovation, costing a lot of money. On the other hand, reglazing and refinishing your bathtub is an economical alternative to replacing your tub, tile, or shower altogether. We are proud to be one of the bathtubs refinishing companies in Detroit, Mi, that specialize in working on any bathtubs regardless of manufacturer or type.



Bath tub Only - In Liquid Porcelain Fresh Baked Porcelain Look and Feel



PREMIUM TUB REFINISHING - 5 Coat System



ULTRA BASIC - NO WARRANTY FOR LANDLORDS ONLY



CLASSIC CLAWFOOT TUB REFINISHING

was \$799.00 Now 13%

# "Revamp Your Bathroom with Macomb County Bathroom Remodeling"

## OCEAN ROCK LIQUID PORCELAIN SYSTEM

Store / LIQUID PORCELAIN SYSTEM

Favorites Shopping Bag (1)

The Liquid Porcelain Tub and Tile Regeneration System  
Premium Tub Resurfacing in Detroit Michigan

Designed to Last 20 Years | Bleach Resistant | Porcelain Enamel Not Epoxy  
Great On Wall Tiles | Hair Dye Resistant!

### ABOUT US VIDEO

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Liquid Porcelain tv spot

9 steps video northsouthbb 1080p



OCEAN ROCK  
Bath Systems

### Pricing

Standard Plan

Tub Reglazing

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**\$199.00**

- Basic, standard-sized bathtub installation
  - White or beige color options
  - Basic faucets and handles included
  - One-year warranty for installation and parts
  - Option to upgrade to a more luxurious bathtub
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  - White or beige color options
  - Basic faucets and handles included
  - One-year warranty for installation and parts
  - Option to upgrade to a more luxurious bathtub

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**Buy Now**