

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**STARCOM MEDIAVEST GROUP,
INC.,**

Plaintiff,

v.

**MEDIAVESTW.COM and JOHN
DOES 1-5,**

Defendants.

CASE NO. C-10-04025-LHK

**ORDER ON NOTICE BY PUBLICATION [15
U.S.C. § 1125(d)]**

Judge: Hon. Lucy H. Koh
Action Filed: September 8, 2010

On September 21, 2010, this Court entered a Preliminary Injunction (Docket No. 23) in favor of Plaintiff Starcom MediaVest Group, Inc. (“SMG”) and against the Registrant of the domain name MEDIAVESTW.COM, all parties in concert with the Registrant, and any other parties claiming ownership in the domain name MEDIAVESTW.COM. The Court found that SMG demonstrated a high likelihood of success on the merits, and that it was likely to suffer irreparable harm absent preliminary relief. In accordance with 15 U.S.C. § 1125(d)(2)(A)(ii)(II), the Court ordered SMG to publish notice of this Action for two weeks in each of the following newspapers: *San Jose Mercury News*, *San Francisco Chronicle*, *Chicago Tribune*, *Harrisburg Patriot News*, and the *Melbourne Herald Sun* (Melbourne, Australia).

Case No. C-10-4025-LHK

1 SMG has now informed the Court that since the date of the Preliminary Injunction Order,
2 SMG has reached out to each of the five newspapers identified above, and learned that to publish in
3 all five newspapers for 14 days each, SMG will be required to pay over \$20,500 in publishing fees.
4 The Court finds that the foregoing amount represents an excessive expense in light of SMG's strong
5 showing of likelihood of success on the merits.

6 The Court finds that publication in only one newspaper is appropriate here, namely the *San*
7 *Jose Mercury News*. The registry of the defendant MEDIAVESTW.COM domain name (VeriSign,
8 Inc.) is located in neighboring Mountain View; no other metropolitan area in the United States has as
9 concrete of a connection to the MEDIAVESTW.COM domain name. And, although the registrar for
10 MEDIAVESTW.COM (Melbourne IT) is located in Melbourne, Australia, the registrar already has
11 actual notice of the action and has voluntarily turned control of the domain over to the Court (*see*
12 Docket No. 16).

13 In light of the foregoing, the Court finds that good cause exists for an amendment to its
14 previous order on notice by publication.

15 Therefore, **IT IS HEREBY ORDERED THAT:**

16 The Court's previous order on publication (as reflected in the Preliminary Injunction Order)
17 is hereby amended as follows: SMG must publish notice of this action for five days in the *San Jose*
18 *Mercury News* before November 14, 2010, and same shall be sufficient to satisfy the requirements of
19 the ACPA, 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(b).

20
21 **IT IS SO ORDERED.**

22
23 Dated: October 13, 2010

24
25 By: Lucy H. Koh
26 The Hon. Lucy H. Koh
27 United States District Judge

28
ORDER ON NOTICE BY PUBLICATION
Case No. C-10-4025-LHK