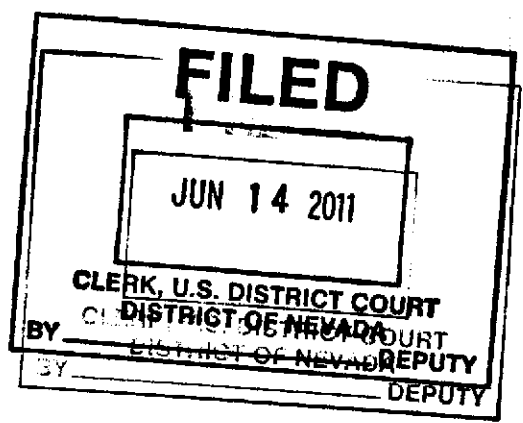


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9



10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 GNLV, Corp., a Nevada
corporation,
13 Plaintiff,
14 v.
15 Marco Eckstein, an individual,
16 Defendant.
17

Case No.: 2:11-cv-00878-KJD-LRL

~~[PROPOSED]~~ ORDER GRANTING
PRELIMINARY INJUNCTION

18
19 This matter having come before the Honorable Kent Dawson on June 14, 2011,
20 Laraine M.I. Burrell, of the law firm of Greenberg Traurig, LLP, appearing on behalf of
21 Plaintiff GNLV, Corp. ("GNLV" or "Plaintiff") and no appearance being made on behalf of
22 Defendant Marco Eckstein ("Eckstein" or "Defendant"), and good cause appearing
23 therefore, this Court hereby finds and orders as follows:

- 24 1. This Court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121 and 28
25 U.S.C. §§ 1331 and 1338;
- 26 2. The Court has personal jurisdiction over the Defendant in that the Defendant
27 regularly conducts business in the State of Nevada, and Defendant committed tortious acts
28 that he knew or should have known would cause injury to Plaintiff in the State of Nevada;

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1 3. Defendant was served on June 3, 2011 by electronic mail in accordance with
2 Rules 4 and 5 of the Federal Rules of Civil Procedure and pursuant to the Order of this
3 Court with the Complaint in this action, Summons, Plaintiff's Application for Temporary
4 Restraining Order and Motion for Preliminary Injunction and Temporary Restraining Order
5 entered by this Court on June 1, 2011;

6 4. Plaintiff filed with the Court on June 10, 2011 a Request for Service on
7 Defendant in a Foreign Country by Registered Mail ("Request"). The Court delivered the
8 Request to the United States Postal Service on June 13, 2011.

9 5. Plaintiff, in compliance with the Order of this Court, filed a bond in the amount
10 of One Hundred and No/100 Dollars (\$100.00) on June 8, 2011.

11 6. Plaintiff GNLV, Corp., a Nevada corporation with its principal place of business
12 in Las Vegas, Nevada operates the Golden Nugget resort hotel casino in Las Vegas,
13 Nevada. GNLV owns the mark GOLDEN NUGGET (the "GNLV Marks") and has obtained
14 federal registrations for the GNLV Marks for various goods and services, including but not
15 limited to:

16 (a) GOLDEN NUGGET for casino and bar services (U.S. Reg. No.
17 1,554,155);

18 (b) GOLDEN NUGGET for nightclub, bar, cabaret and casino services
19 (U.S. Reg. No. 1,082,044); and

20 (c) GOLDEN NUGGET for casino services (U.S. Reg. No. 1,203,988).

21 7. Defendant Marco Eckstein has used Plaintiff's marks as part of his Internet
22 domain name <www.golden-nugget-jackpot.com> (the "Infringing Domain Name") without
23 Plaintiff's authority or permission;

24 8. Plaintiff GNLV will suffer irreparable injury if the Court does not require the
25 domain name registrar United-Domains AG ("Registrar") to lock the Infringing Domain
26 Name and transfer it to Plaintiff pending litigation of this matter.

27 9. Plaintiff has demonstrated likelihood of success on the merits of its mark
28 infringement claims against Defendant under the Lanhan Act, 15 U.S.C. § 1114, and

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1 Nevada law; and

2 10. Plaintiff has demonstrated likelihood of success on the merits of its unfair
3 competition claims against Defendant under the Lanham act, 15 U.S.C. § 1125(a).

4 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that GNLV's Motion
5 for Preliminary Injunction is hereby GRANTED.

6 IT IS FURTHER ORDERED that, pursuant to 15 U.S.C. § 1125(d)(1), the domain
7 name <www.seventysevengoldennuggets.com> shall remain locked by United-Domains
8 AG and/or its successor registrars and in the possession of Plaintiff, as ordered by this
9 Court in the Temporary Restraining Order dated June 1, 2011, throughout the pendency of
10 this litigation;

11 IT IS FURTHER ORDERED that the Registrar and/or its successor registrars
12 remove all existing Domain Name Server (DNS) entries and corresponding addresses, and
13 enter the Registrar's default Domain Name Server and address entries to prevent further
14 damage caused by the infringing use of the Infringing Domain Name.

15 IT IS FURTHER ORDERED that Defendant will immediately cease and desist any
16 and all use of Plaintiff's name and trademarks and any and all variants thereof, including
17 use of the Infringing Domain Names and any and all variants thereof;

18 IT IS FURTHER ORDERED that Defendant shall file, pursuant to 15 U.S.C. §
19 1116(a), with this Court and serve upon Plaintiff within thirty (30) days after entry of this
20 Order, a report in writing under oath setting in detail the manner and form in which
21 Defendant has complied with this Court's Order; and

22 ///

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1 IT IS FURTHER ORDERED that the bond posted with this Court in the amount of
2 One Hundred and no/100 Dollars (\$100.00) shall be applied to this preliminary injunction.

3 DATED: 14th day of June, 2011

4
5 

6 UNITED STATES DISTRICT JUDGE

7 Dated: _____

8 Respectfully submitted by:

9
10 GREENBERG TRAUIG, LLP

11 

12 Lauri S. Thompson (Bar No. 6846)
13 Laraine M.I. Burrell (Bar No. 8771)
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