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PLAYSPAN HOLDINGS, LLC

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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 **PLAYSPAN HOLDINGS, LLC, a Delaware**
12 **limited liability corporation,**

13 **Plaintiff,**

14 **v.**

15 **EDMUND LEE, an individual,**

16 **Defendant.**

Case No. 2:11-cv-01790-PMP-VCF

PRELIMINARY
INJUNCTION

17
18 **UPON CONSIDERATION** of the motion filed by Plaintiff for a preliminary injunction ,
19 the supporting memorandum of points and authorities, the supporting declaration and evidence,
20 the record in this case, and for other good cause shown;

21 **THE COURT HEREBY FINDS THAT:**

22 1. Plaintiff will suffer irreparable injury to its Playspan Marks (as defined in the
23 Complaint), if Defendant is not enjoined from transferring the <ultimategamecard.org> domain
24 name, which contains the ULTIMATE GAME CARD mark, to another domain name registrar or
25 transferring registration of the domain name to other persons or entities;

26 2. Plaintiff will suffer irreparable injury to its Playspan Marks and the associated
27 goodwill if Defendant is not enjoined from owning or using domain names containing the
28 Playspan Marks;

1 3. Plaintiff is likely to succeed on the merits of its claim for cybersquatting under the
2 Anti-cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d) because Plaintiff has
3 demonstrated that Defendant registered the <ultimategamecard.org> domain name with a bad
4 faith intent to profit from the ULTIMATE GAME CARD Marks (as defined in the Complaint),
5 which were distinctive and/or famous at the time Defendant registered the
6 <ultimategamecard.org> domain name;

7 4. The balance of hardships tips in favor of Plaintiff because issuance of the
8 preliminary injunction would merely prevent Defendant from linking the
9 <ultimategamecard.org> domain name, which is identical and/or confusingly similar to the
10 ULTIMATE GAME CARD mark, to an active website, and would transfer registration of the
11 <ultimategamecard.org> domain name to Plaintiff pending trial; failure to issue the preliminary
12 injunction would cause Plaintiff to continue to suffer loss of control over its goodwill; and

13 5. Issuance of the preliminary injunction would be in the public interest because it
14 would protect consumers against deception and confusion arising from the registration and/or use
15 of the ULTIMATE GAME CARD trademarks by an entity other than Plaintiff.

16 **THEREFORE, IT IS HEREBY ORDERED THAT**, pending a full trial on the merits:

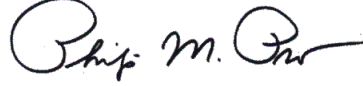
17 A. The registration for the <ultimategamecard.org> domain name shall be
18 immediately transferred to Plaintiff. The hold and lock placed on the domain name in accord
19 with the temporary restraining order shall remain in place after the domain registration has been
20 transferred to Plaintiff.

21 B. Defendant, and his agents, servants, employees and/or all persons acting in
22 concert or participation with him, are prohibited from: (1) using the Playspan Marks or
23 confusingly similar variations thereof, alone or in combination with any other letters, words,
24 letter strings, phrases or designs, in commerce or in connection with any business or for any
25 purpose whatsoever (including, but not limited to, on websites, in domain names, in hidden text
26 and metatags); and (2) registering or trafficking in any domain names containing the Playspan
27 Marks or confusingly similar variations thereof, alone or in combination with any other letters,
28 words, phrases or designs.

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C. Plaintiff shall not be required to post an additional bond because the evidence indicates that the Defendant will only suffer, if at all, minimal damage by the issuance of this preliminary injunction; hence, the present bond of \$100.00 will remain in effect

ENTERED: this _22nd day of December, 2011.



UNITED STATES DISTRICT JUDGE

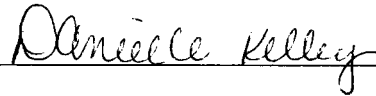
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CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2011, I caused the foregoing document entitled **[PROPOSED] PRELIMINARY INJUNCTION** to be served via first-class U.S. Mail, postage prepaid, upon the following person:

Edmund Lee
21 E. Chestnut Street, 3F
Chicago, Illinois 60611

Dated: December 22, 2011


An employee of Lewis and Roca LLP