

1 MICHAEL J. McCUE (Bar No. 6055)
 MMcCue@LRLaw.com
 2 JOHN L. KRIEGER (Bar No. 6023)
 JKrieger@LRLaw.com
 3 JONATHAN W. FOUNTAIN (Bar No. 10351)
 JFountain@LRLaw.com
 4 LEWIS AND ROCA LLP
 3993 Howard Hughes Parkway, Suite 600
 5 Las Vegas, Nevada 89169
 Tel: (702) 949-8200
 6 Fax: (702) 949-8398

7 Attorneys for Plaintiff
 MGM RESORTS INTERNATIONAL
 8 OPERATIONS, INC.

9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

MGM RESORTS INTERNATIONAL
 OPERATIONS, INC., a Nevada corporation,

Plaintiff,

v.

SHAHRAM KOLAHZADEH, an individual,
 EVAN KRENTZMAN, an individual,
 ROBERTO CIAMILLO, and individual, ADAM
 MAJEWSKI, an individual, REVNET, a New
 Jersey limited liability company, and
 POKERSONS, a business of unknown origin,

Defendants.

Case No. 2:11-cv-01929

COMPLAINT

1 For its complaint, MGM RESORTS INTERNATIONAL OPERATIONS, INC.
2 (“Plaintiff”) alleges the following:

3 **NATURE OF THE CASE**

4 This is an action for cybersquatting under the Anti-Cybersquatting Consumer Protection
5 Act, 15 U.S.C. § 1125(d), based upon the Defendants’ respective bad faith registration of:
6 <bellagioonlinepoker.com>, <circuscircuspoker.com>, <excaliburpoker.com>,
7 <luxorpoker.com>, <mandalaybayonlinepoker.com>, and <mgmpoker.com> (hereinafter the
8 “Domain Names”). This is also an action for trademark infringement under the Lanham Act, 15
9 U.S.C. § 1114(a) based upon Defendant Kolahzadeh’s use of “Aria” on the <ariapoker.com>
10 website in commerce. Plaintiff seeks temporary, preliminary, and permanent injunctive relief, as
11 well as damages, attorneys’ fees, and costs.

12 **JURISDICTION AND VENUE**

13 1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C.
14 §§ 1331 and 1338(a) because Plaintiff’s causes of action arise under the laws of the United
15 States, specifically, under the Anti-Cybersquatting Consumer Protection Act, 15 U.S.C. §
16 1125(d) and the Lanham Act, 15 U.S.C. § 1114.

17 2. This Court has personal jurisdiction over the Defendants under the effects test
18 articulated by the United States Supreme Court in *Calder v. Jones*, 465 U.S. 783, 104 S. Ct.
19 1482, 79 L. Ed. 2d 804 (1984). Each of the domain names registered by the Defendants
20 (ariapoker.com, bellagioonlinepoker.com, circuscircuspoker.com, excaliburpoker.com,
21 luxorpoker.com, mandalaybayonlinepoker.com, and mgmpoker.com) incorporates the dominant
22 portion of federally registered trademarks owned by Plaintiff and/or its corporate affiliates. In
23 addition, each of the domain names registered by the Defendants incorporates the names of
24 world famous resort hotel casinos owned and operated by Plaintiff and its corporate affiliates in
25 Las Vegas, Nevada. The Defendants registered these domain names for the purpose of trading
26 off of the substantial fame, goodwill, and consumer recognition Plaintiff and its corporate
27 affiliates have acquired in Plaintiff’s trademarks through years of use and billions of dollars
28 spent in advertising, promoting, and marketing Plaintiff’s resort hotel casinos to consumers

1 located in the United States and throughout the world. Accordingly, the Defendants intentionally
2 registered Internet domain names in bad faith knowing that Plaintiff is located in Nevada and
3 knowing that such intentionally tortious conduct would cause injury to Plaintiff in Nevada.

4 3. Venue is proper in the United States District Court for the District of Nevada
5 under 28 U.S.C. § 1391(b), (c), and/or (d). Venue is proper in the unofficial Southern division of
6 this Court.

7 PARTIES

8 4. Plaintiff MGM Resorts International Operations, Inc. is a Nevada corporation
9 headquartered in Las Vegas, Nevada.

10 5. Defendant Shahram Kolahzadeh (“Kolahzadeh”) is the registered owner of the
11 <ariapoker.com> domain name. Kolahzadeh registered the domain name with Wild West
12 Domains, Inc. (“Wild West”). Upon information and belief, Kolahzadeh is a resident of the
13 Republic of Zimbabwe. Upon information and belief, the <ariapoker.com> domain is a
14 “directory site” that generates “click through” advertising revenue when visitors to the site click
15 on links listing various subjects of interest. The links contained on the <ariapoker.com> website
16 direct visitors to, among other things: (a) Las Vegas casinos; (b) Las Vegas hotels; and (c)
17 gaming equipment manufacturers and distributors.

18 6. Defendant Evan Krentzman (“Krentzman”) is the registered owner of the
19 <bellagionlinepoker.com> domain name. Krentzman registered the domain name with
20 GoDaddy.com, Inc. (“GoDaddy”) on or about September 13, 2009. Upon information and
21 belief, Krentzman is a resident of Woodland Hills, California.

22 7. Defendant Roberto Ciamillo (“Ciamillo”) is the registered owner of the
23 <circuscircuspoker.com> domain name. Ciamillo registered the domain name with Australian
24 domain name registrar, Melbourne IT, Ltd. d/b/a/ Internet Names Worldwide (“Internet Names”) on
25 April 24, 2011. Upon information and belief, Ciamillo is a resident of Shelby Township,
26 Michigan.

27 8. Defendant Adam Majewski (“Majewski”) is the registered owner of the
28 <excaliburpoker.com> domain name. Majewski registered the domain name with GoDaddy on

1 or about October 22, 2005. Upon information and belief, Majewski is a resident of McKinney,
2 Texas.

3 9. Defendant PokerSons is the registered owner of the <luxorpoker.com> and
4 <mgmpoker.com> domain names. PokerSons registered the domain names with GoDaddy on or
5 about March 23, 2002. Defendant PokerSons is a business entity of unknown nature. Upon
6 information and belief, PokerSons is based in London, England.

7 10. Defendant RevNet is the registered owner of the <mandalaybayonlinepoker.com>
8 domain name. RevNet registered the domain name with GoDaddy on or about December 4,
9 2010. Defendant RevNet is a limited liability company based in Hackensack, New Jersey.

10 **ALLEGATIONS COMMON TO ALL COUNTS**

11 11. Plaintiff is a subsidiary of MGM Resorts International (“MGMRI”) who, through
12 other corporate subsidiaries and affiliates owns and operates several world famous resort hotel
13 casinos in Las Vegas, Nevada, including Aria Resort & Casino, Bellagio, Circus Circus Hotel &
14 Casino, Excalibur Hotel & Casino, Luxor Hotel & Casino, Mandalay Bay Resort & Casino, and
15 MGM Grand Hotel & Casino.

16 12. MGMRI, through its various subsidiaries, has obtained several United States
17 trademark registrations for the names of its resort hotel casinos, as set forth below:

18 a. CityCenter Land, LLC (“City Center”) is a subsidiary of MGMRI and a
19 corporate affiliate of Plaintiff. City Center is the registered owner of United States Trademark
20 Registration No. 3,815,132 for the **ARIA** trademark (the “**ARIA Mark**”) in International Class
21 41 for casino services. City Center and/or its predecessors have continuously used the **ARIA**
22 trademark in commerce in connection with casino services since December 16, 2009.

23 b. Mirage Resorts, Inc. (“Mirage Resorts”) is a subsidiary of MGMRI and a
24 corporate affiliate of Plaintiff. Mirage Resorts is the registered owner of United States
25 Trademark Registration No. 2,232,486 for the **BELLAGIO** trademark in International Class 41
26 for, among other things, casinos. Mirage Resorts and/or its predecessors have continuously used
27 the **BELLAGIO** trademark in commerce in connection with casino services since October 15,
28 1998.

1 c. Mirage Resorts is also the registered owner of United States Trademark
2 Registration No. 0,891,114 for the **CIRCUS CIRCUS** trademark in International Class 41 for
3 casino services. Mirage Resorts and/or its predecessors have continuously used the **CIRCUS**
4 **CIRCUS** trademark in commerce in connection with casino services since October 18, 1968.

5 d. New Castle Corp. (“New Castle”) is a subsidiary of MGMRI and a
6 corporate affiliate of Plaintiff. New Castle is the registered owner of United States Trademark
7 Registration No. 1,549,563 for the **EXCALIBUR** trademark in International Class 41 for casino
8 services. New Castle and/or its predecessors have continuously used the **EXCALIBUR**
9 trademark in commerce in connection with casino services since October 26, 1988.

10 e. Ramparts, Inc. (“Ramparts”) is a subsidiary of MGMRI and a corporate
11 affiliate of Plaintiff. Ramparts is the registered owner of United States Trademark Registration
12 No. 1,798,924 for the **LUXOR** trademark in International Class 41 for casino services.
13 Ramparts and/or its predecessors have continuously used the **LUXOR** trademark in commerce in
14 connection with casino services since May 19, 1992.

15 f. Mandalay Resort Group (“MRG”) is a subsidiary of MGMRI and a
16 corporate affiliate of Plaintiff. MRG is the registered owner of United States Trademark
17 Registration No. 2,275,016 for the **MANDALAY BAY** trademark in International Class 41 for
18 casino services. MRG and/or its predecessors have continuously used the **MANDALAY BAY**
19 trademark in commerce in connection with casino services since March 2, 1999.

20 g. MGMRI is the registered owner of United States Trademark Registration
21 No. 2,534,227 for the **MGM** trademark in International Class 41 for casino services. MGMRI
22 and/or its predecessors have continuously used the **MGM** trademark in commerce in connection
23 with casino services since December, 1973.

24 13. The foregoing trademarks and trademark registrations are referred to collectively
25 herein as the **MGM Marks**.

26 14. MGMRI and its corporate subsidiaries and affiliates have used the MGM Marks
27 in commerce to provide casino services to Nevada residents and to the millions of people who
28 visit Las Vegas, Nevada annually.

1 15. MGMRI and its corporate subsidiaries and affiliates have used the **MGM Marks**,
2 without limitation, in print and broadcast advertisements, on buildings, in signage, on gaming
3 chips, on slot machines, and on gaming tables.

4 16. MGMRI and its corporate affiliates have also used the **MGM Marks** on, among
5 others, the following websites: <arialasvegas.com>, <bellagio.com>, <circuscircus.com>,
6 <excalibur.com>, <luxor.com>, <mandalaybay.com>, and <mgmgrand.com>.

7 17. MGMRI and its corporate affiliates have spent millions of dollars advertising,
8 marketing, and promoting the **MGM Marks** to consumers located throughout the United States
9 and the world.

10 18. The **MGM Marks** have become distinctive or famous in the United States and
11 around the world. The **MGM Marks** have acquired a special significance and meaning to the
12 consuming public as identifying MGMRI and its corporate affiliates as the source or origin of
13 ethical, high quality casino services.

14 19. MGMRI has authorized Plaintiff to bring suit to enforce the trademarks registered
15 to, among others, City Center, Mirage Resorts, New Castle, Ramparts, MRG, and MGMRI.

16 **COUNT I**

17 (Cybersquatting under
the Lanham Act, 15 U.S.C. § 1125(d))

18 20. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
19 forth herein.

20 21. The Defendants have registered, trafficked in, and/or used the Domain Names.

21 22. The Domain Names are confusingly similar to the **MGM Marks**.

22 23. The **MGM Marks** were distinctive and/or famous when the Defendants
23 registered the Domain Names.

24 24. Upon information and belief, the Defendants have or have had a bad faith intent
25 to profit from their registration of the Domain Names.

26 25. As a direct and proximate result of the Defendants' registration of the Domain
27 Names, Plaintiff and its corporate affiliates have suffered, and will continue to suffer, monetary
28 loss and irreparable injury to their businesses, reputations, and goodwill.

1 **COUNT II**

2 (Trademark Infringement under
3 the Lanham Act, 15 U.S.C. § 1114(a))

4 26. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
5 forth herein.

6 27. Defendant Kolahzadeh's use of the domain name <ariapoker.com> constitutes a
7 reproduction, copying, counterfeiting, and colorable imitation of the **ARIA Mark** in a manner
8 that is likely to cause confusion or mistake or is likely to deceive consumers.

9 28. Plaintiff has not authorized or otherwise consented to Defendant Kolahzadeh's
10 use of the **ARIA Mark** within the <ariapoker.com> domain name or on the <ariapoker.com>
11 website.

12 29. Defendant Kolahzadeh's unauthorized use of the **ARIA Mark** is likely to cause
13 initial interest confusion and divert Internet users away from Plaintiff's websites to Defendant
14 Kolahzadeh's <ariapoker.com> website.

15 30. As a direct and proximate result of Defendant Kolahzadeh's infringement of the
16 **ARIA Mark**, Plaintiff and its corporate affiliates have suffered, and will continue to suffer,
17 monetary loss and irreparable injury to their businesses, reputation, and goodwill.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff respectfully prays that the Court grant the following relief:

20 A. A temporary, preliminary, and permanent injunction prohibiting the Defendants
21 and their respective officers, agents, servants, employees, and/or all other persons acting in
22 concert or participation with them, from: (1) trafficking in, or maintaining a registration for, any
23 Internet domain name containing the **MGM Marks** or any confusingly similar variations
24 thereof, alone or in combination with any other letters, words, letter strings, phrases or designs;
25 and (2) using the **ARIA Mark** or any confusingly similar variations thereof, alone or in
26 combination with any other letters, words, letter string, phrases or designs in commerce
27 (including, but not limited to, on websites, in domain names, in social network user names, in
28 hidden website text or in metatags);

B. A temporary, preliminary, and permanent injunction requiring the current domain

1 name registrar to transfer the registrations for the Domain Names to Plaintiff;

2 C. An award of compensatory, consequential, statutory, and/or punitive damages to
3 Plaintiff in an amount to be determined at trial;

4 D. An award of interest, costs and attorneys' fees incurred by Plaintiff in prosecuting
5 this action; and

6 E. All other relief to which Plaintiff is entitled.

7 Dated: this 1st day of December, 2011

8 Respectfully submitted,

9 LEWIS AND ROCA LLP

10 By: _____ /s/ Michael J. McCue _____

11 Michael J. McCue
12 John L. Krieger
13 Jonathan W. Fountain
14 3993 Howard Hughes Parkway, Suite 600
15 Las Vegas, Nevada 89169
16 Tel: (702) 949-8200
17 Fax: (702) 949-8398

18 Attorneys for Plaintiff
19 MGM RESORTS INTERNATIONAL
20 OPERATIONS INC.
21
22
23
24
25
26
27
28