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8 Boyd Gaming Corporation

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11
12 BOYD GAMING CORPORATION, a
Nevada corporation,

13 Plaintiff,

14 v.

15 KING ZULU, LLC, an entity of unknown
16 origin doing business in Saint Kitts and
Nevis,

17 Defendant.
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Case No. 2:12-cv-00016-JCM-CWH

**FILED UNDER SEAL (PER ORDER DATED
JANUARY 20, 2012)**

**(PROPOSED) ORDER GRANTING MOTION
FOR PRELIMINARY INJUNCTION**

19 UPON CONSIDERATION of the motion filed by Plaintiff Boyd Gaming Corporation
20 (“Plaintiff”) for a preliminary injunction, the supporting memorandum of points and authorities,
21 the supporting documents and evidence, the record in this case, and for other good cause shown;

22 THE COURT HEREBY FINDS THAT:

23 1. Personal jurisdiction over Defendant King Zulu, LLC (“Defendant”) is proper
24 because: Defendant has aimed its tortious conduct at Boyd and its predecessors in interest in the
25 forum state by registering Plaintiff’s trademark IP CASINO (“IP CASINO Mark,” as defined in
26 Plaintiff’s Motion For Preliminary Injunction) as its domain name for the purpose of trading on
27 the substantial goodwill in the IP Casino Mark, with knowledge that Plaintiff’s principal place of
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1 business is in Nevada, the heart of the gaming industry; Plaintiff's claim for cybersquatting arises
2 out of Defendant's forum-related activities, and the exercise of jurisdiction over Defendant is
3 reasonable.

4 2. Plaintiff will suffer irreparable injury to the goodwill associated with its IP
5 CASINO Marks if Defendant is not enjoined from transferring the <ipcasino.com> domain name
6 (the "Infringing Domain Name"), which contains the IP CASINO Mark, and whose associated
7 website allows users to gamble online, to other domain name registrars, persons or entities;

8 3. Plaintiff will suffer irreparable injury to the valuable IP CASINO Mark and its
9 associated goodwill if Defendant is not enjoined from owning or using domain names containing
10 the IP CASINO Mark, and is otherwise enjoined from using the IP CASINO Mark in commerce.

11 4. Plaintiff is likely to succeed on the merits of its claims for cybersquatting;

12 5. The balance of hardships tips in favor of Plaintiff because issuance of the
13 injunction would merely prevent Defendant from continuing to infringe upon Plaintiff's IP
14 CASINO Mark. Conversely, without such relief, Plaintiff would continue to suffer loss to the
15 goodwill associated with the IP CASINO Mark;

16 6. Issuance of the preliminary injunction would be in the public interest because it
17 would protect consumers against deception and confusion arising from Defendant's use of
18 Plaintiff's IP CASINO Mark;

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

20 A. Registration of the Infringing Domain Name shall be immediately transferred to
21 Plaintiff. The domain name registrar, GoDaddy, shall effectuate the transfer.

22 B. GoDaddy shall ensure that the Infringing Domain Name remains on hold and lock.

23 C. GoDaddy shall not cancel or transfer the Infringing Domain Name during the
24 injunctive period.

25 D. In the event that GoDaddy fails or refuses to comply with this Preliminary
26 Injunction within one day of its issuance, the top-level domain (TLD) Registry for the Infringing
27 Domain Name, Verisign, shall be authorized to maintain the Infringing Domain Name on
28 Registry Hold status, thus removing it from the TLD zone files maintained by the Registry which

1 link the Infringing Domain Name to the IP address where the associated website is hosted,
2 pending the outcome of this litigation.

3 E. Defendant and its officers, agents, servants, employees and/or all persons acting in
4 concert or participation with Defendant are hereby enjoined from:

- 5 1. using the IP CASINO Mark or confusingly similar variations thereof, alone
6 or in combination with any other letters, words, letter strings, phrases or
7 designs, in commerce or in connection with any business or for any
8 purpose whatsoever (including, but not limited to, on websites, in domain
9 names, in hidden text and metatags); and
10 2. registering or trafficking in any domain names containing the IP CASINO
11 Mark or confusingly similar variations thereof, alone or in combination
12 with any other letters, words, phrases or designs; and

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

16 G. Plaintiff may, in addition to the requirements of service identified in Federal Rules
17 of Civil Procedure 4 and 5, serve this Order on Defendant by e-mail transmission.

18 ENTERED this 3rd day of February 2012.

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21 UNITED STATES DISTRICT JUDGE
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