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 AMERICAN CASINO &
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 10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

12 AMERICAN CASINO & ENTERTAINMENT
 PROPERTIES, LLC, a Delaware limited liability
 13 company,
 14 Plaintiff,
 15 v.
 16 MARCHEX SALES, INC, a Delaware
 corporation,
 17 Defendant.
 18

Case No. 2:12-cv-01054-GMN-VCF

**TEMPORARY RESTRAINING ORDER,
 ORDER FOR ALTERNATIVE
 SERVICE, AND ORDER SETTING
 HEARING AND BRIEFING SCHEDULE
 ON PLAINTIFF'S MOTION FOR
 PRELIMINARY INJUNCTION**

19 **UPON CONSIDERATION** of the motion filed by Plaintiff American Casino &
 20 Entertainment Properties, LLC ("ACEP") for an *ex parte* temporary restraining order, for
 21 alternative service, and for a preliminary injunction, the supporting memorandum of points and
 22 authorities, the supporting declarations of Phyllis Gilland and Nikkya Williams, the record in this
 23 case, and for other good cause shown;

24 **THE COURT HEREBY FINDS THAT:**

25 1. ACEP will suffer irreparable injury to its valuable ACEPLAY trademarks and
 26 associated goodwill if the Defendant is not temporarily enjoined and restrained from transferring
 27 the <aceplay.com> domain name to other domain name registrars located outside the Court's
 28 jurisdiction, or from transferring its registration for the <aceplay.com> domain name to other

1 persons or entities located outside the Court’s jurisdiction;

2 2. ACEP is likely to succeed on the merits of its claims for cybersquatting and
3 trademark infringement;

4 3. The balance of hardships tips in ACEP’s favor because a temporary restraining
5 order would merely place the <aceplay.com> domain name on hold and lock pending trial, and
6 the failure to issue a temporary restraining order would cause ACEP to suffer additional
7 irreparable injury and incur additional expense if the <aceplay.com> domain name is transferred
8 to other registrants during the pendency of this action, requiring ACEP to file additional
9 lawsuit(s) in other jurisdictions;

10 4. The issuance of a temporary restraining order is in the public interest because it
11 would protect consumers against deception and confusion arising from domain names containing
12 ACEP’s trademarks, and from the use of ACEP’s trademarks, by persons other than ACEP; and

13 5. Defendant will suffer minimal damage, if any damage at all, by the issuance of a
14 temporary restraining order; accordingly, a nominal bond in the amount of \$100 is reasonable
15 security.

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

17 1. eNom, Inc. (“eNom”) (the domain name registrar) shall immediately remove or
18 disable the domain name server (“DNS”) information for <aceplay.com>, shall place the
19 <aceplay.com> domain name on hold and lock, and shall deposit it into the registry of the Court;
20 and

21 2. Defendant, including without limitation, all of its respective partners, officers,
22 agents, servants, employees, and all other persons acting in concert or participation with
23 Defendant, are hereby temporarily restrained and enjoined from: (A) registering or trafficking in
24 any domain name containing the ACEPLAY marks or any confusingly similar variations thereof,
25 alone or in combination with any other letters, words, phrases or designs; and (B) using the
26 ACEPLAY marks or any confusingly similar variations thereof, alone or in combination with
27 any other letters, words, letter strings, phrases or designs in commerce (including, but not limited
28 to, on any website or within any hidden text or metatags within any website).

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IT IS HEREBY FURTHER ORDERED THAT:

1. Upon the issuance of this order, ACEP shall provide security for this temporary restraining order by tendering \$100 cash to the Clerk of the Court pursuant to Local Rule 67-1;

2. ACEP may serve the Summons and Complaint by email to the email address Defendant has maintained with eNom (*i.e.*, dnsadmin@mdnhinc.com), and by registered mail, in lieu of any other method of service required or permitted by Rules 4 and/or 5 of the Federal Rules of Civil Procedure;

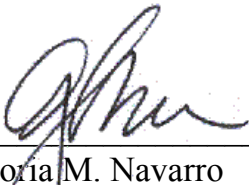
5. ACEP may serve all other pleadings, orders, motions, notices, and papers in this case upon Defendant by e-mail transmission to the email address Defendant has maintained with eNom (*i.e.*, dnsadmin@mdnhinc.com) in lieu of any other method of service required or permitted by Rules 4 and/or 5 of the Federal Rules of Civil Procedure;

6. The parties shall appear for hearing and oral argument on ACEP’s motion for preliminary injunction on **Tuesday, July 3, 2012 at 3:30 p.m. in Courtroom 7D**, at the Lloyd D. George Federal Courthouse, 333 South Las Vegas Boulevard, Las Vegas, Nevada;

7. Defendant shall file and serve its opposition brief to ACEP’s motion for preliminary injunction, if any, no later than **5:00 p.m. on Wednesday, June 27, 2012**; and

8. ACEP shall file and serve its reply brief in support of its motion for preliminary injunction no later than **12:00 noon on Monday, July 2, 2012**.

DATED this 21st day of June, 2012.



Gloria M. Navarro
United States District Judge