

1 JOHN L. KRIEGER (Nevada Bar No. 6023)_
 jkrieger@lrlaw.com
 2 NIKKYA G. WILLIAMS (Nevada Bar No. 11484)
 nwilliams@lrlaw.com
 3 3993 Howard Hughes Parkway
 Suite 600
 4 Las Vegas, Nevada 89169
 (702) 949-8200
 5 (702) 949-8398

6 Attorneys for Plaintiff
 Zuffa, LLC
 7

8 UNITED STATES DISTRICT COURT
 9 DISTRICT OF NEVADA

10 ZUFFA, LLC, a Nevada limited liability
 company,
 11 Plaintiff,
 12 vs.
 13 DOES 1-100, ROE BUSINESS ENTITIES 1-
 14 100,
 15 Defendants.

Case No. 2:12-cv-01120-KJD-CWH

PRELIMINARY INJUNCTION

16
 17 UPON CONSIDERATION of the motion filed by Plaintiff Zuffa, LLC (“Plaintiff”) for a
 18 preliminary injunction and seizure order to prevent Defendants from continuing to manufacture,
 19 distribute and sell goods that infringe on Plaintiff’s UFC® Marks (defined in Complaint as
 20 UFC®, UFC (stylized)®, ULTIMATE FIGHTING CHAMPIONSHIP® and OCTAGON
 21 GIRLS®), the supporting memorandum of points and authorities, the supporting declaration and
 22 evidence, the record in this case, and for other good cause shown;

23 **THE COURT HEREBY FINDS THAT:**

- 24 1. Plaintiff will suffer irreparable injury to its valuable trademarks and associated
 25 goodwill if Defendants are not enjoined and restrained from continuing to sell and distribute
 26 goods that infringe on Plaintiff’s UFC® Marks;
 27 2. Plaintiff is likely to succeed on the merits of its claims for trademark infringement
 28 and unfair competition;

1 3. The balance of hardships tips in Plaintiff's favor because a preliminary injunction
2 would merely prohibit Defendant from profiting from the sale of infringing goods, but the failure
3 to issue preliminary injunction and seizure order would cause Plaintiff to suffer additional
4 irreparable injury and incur additional expense if Defendants relocated beyond the Court's
5 jurisdiction and continued to sell their infringing goods, requiring Plaintiff to file additional
6 lawsuits in other jurisdictions; and

7 4. The issuance of a preliminary injunction is in the public interest because it would
8 protect consumers against deception and confusion in the marketplace arising from the
9 Defendants' use of the UFC® Marks by persons other than Plaintiff;

10 **THEREFORE, IT IS HEREBY ORDERED THAT**, pending a full trial on the merits,
11 Defendants, their agents, servants, employees, attorneys, successors and assigns and all persons,
12 firms and corporations acting in concert with them, and each of them, are hereby enjoined from:
13 (1) using the UFC® Marks in connection with the manufacturing, distributing, offering for sale
14 and selling any goods, including, but not limited to, clothing, hats, posters, and other
15 merchandise; and (2) aiding, abetting, inducing, or encouraging another to perform any fo the
16 acts enjoined herein.

17 **IT IS FURTHER ORDERED THAT** pursuant to 15 U.S.C. 1116(d), the United States
18 Marshal, for this District or any district in which Plaintiff enforces this order, other federal law
19 enforcement officials, including agents of the U.S. Department of Homeland Security, the state
20 police, local police or local deputy sheriffs, off-duty officers of the same, and any person acting
21 under their supervision, are hereby authorized to seize and impound any and all infringing
22 merchandise bearing the UFC® Marks which Defendants attempt to sell or are holding for sale
23 in the vicinity of any UFC® live event held in the United States through December 31, 2012 at
24 11:59 p.m., including any goods from any carton, container, vehicle, or other means of carriage
25 in which the infringing merchandise is found, from six (6) hours before to six (6) hours after any
26 UFC® event, within a ten (10) mile vicinity of the halls, stadiums or arenas at which said UFC®
27 live event shall be held;

1 **AND IT IS FURTHER ORDERED THAT** the United States Marshals Service, other
2 federal law enforcement officials, including agents of the U.S. Department of Homeland
3 Security, the state police, local police or local deputy sheriffs, off-duty officers of the same, and
4 any person acting under their supervision, may use all reasonable force in conducting the seizure
5 and may open doors, locks, boxes, brief cases, and containers of any type or nature to locate and
6 identify materials to be seized. Attorneys and other representatives of Plaintiff shall accompany
7 the law enforcement officers identified herein during the seizure to identify the materials to be
8 seized. Plaintiff's counsel shall itemize and take possession of the seized materials, provide a
9 copy of the inventory to the United States Marshals Service, and file the inventory with the
10 Court. Plaintiff agrees to indemnify the United States Marshals Service and hold it harmless
11 from any suit, claim, cause of action, damage, loss, or injury arising from the execution of the
12 seizure described in this Order;

13 **AND IT IS FURTHER ORDERED** that no additional security is required and that the
14 \$2000 bond previously posted by Plaintiff shall remain in effect to secure the payment of such
15 costs and damages not to exceed such sum as may be suffered or sustained by any party who is
16 found to be wrongfully restrained hereby;

17 **AND IT IS FURTHER ORDERED** that this order is conditioned upon Plaintiff's
18 advancing to the law enforcement officers identified herein such sum as is required by the same
19 to cover the fees for their said services, in the event Plaintiff seeks their services in this or any
20 other district;

21 **AND IT IS FURTHER ORDERED** that service of a copy of this order together with
22 the complaint, be made upon the Defendants by the United States Marshal, other federal law
23 enforcement officials, including agents of the U.S. Department of Homeland Security, the state
24 police, local police or local deputy sheriffs, off-duty officers of the same, and any person acting
25 under their supervision, or by any person over the age of eighteen (18) years not a party to this
26 action selected for that purpose by Plaintiff, at the time of the seizure provided herein is effected
27 and that such service shall be deemed good and sufficient;

28


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

AND IT IS FURTHER ORDERED Plaintiff shall be deemed substitute custodian for all infringing merchandise seized;

AND IT IS FURTHER ORDERED that each and every Defendant served with a copy of this order promptly, courteously and peaceably identify himself or herself to the aforementioned process server and/or Plaintiff's counsel and that the process server or agents for Plaintiff be allowed to photograph, video tape or otherwise identify the individual Defendant;

AND IT IS FURTHER ORDERED that any Defendant who is hereafter served with a copy of this order who objects to the provisions hereof may submit his or her objections to this Court or otherwise move for relief from this Court within ten (10) days of the date of seizure according to the Federal Rules of Civil Procedure, but no such objection shall serve to suspend this Order or stay the terms herein unless otherwise ordered by this Court.

DATED: July 18, 2012



The Honorable Kent J. Dawson
UNITED STATES DISTRICT JUDGE