

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

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ZUFFA, LLC, a Nevada limited liability company,

Plaintiff,

vs.

DOES 1-100, ROE BUSINESS ENTITIES 1-100,

Defendants.

Case No. 2 : 12 - cv - 1120 - KJD - CWH

**TEMPORARY
RESTRAINING ORDER, SEIZURE
ORDER AND ORDER SETTING
PRELIMINARY INJUNCTION
HEARING**

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

THE COURT HEREBY FINDS THAT:

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

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

7 4. The issuance of a temporary restraining order is in the public interest because it
8 would 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 hearing on Plaintiff's
11 Motion for Preliminary Injunction, Defendants, their agents, servants, employees, attorneys,
12 successors and assigns and all persons, firms and corporations acting in concert with them, and
13 each of them, are hereby temporarily restrained from manufacturing, distributing and selling any
14 goods, including, but not limited to, clothing, hats, posters, and other merchandise, bearing the
15 UFC® Marks;

16 **IT IS FURTHER ORDERED THAT** pursuant to 15 U.S.C. 1116(d), the United States
17 Marshal, for this District or any district in which Plaintiff enforces this order, the state police,
18 local police or local deputy sheriffs, off-duty officers of the same, and any person acting under
19 their supervision, are hereby authorized to seize and impound any and all infringing merchandise
20 bearing the UFC® Marks which Defendants attempt to sell or are holding for sale, including any
21 from any carton, container, vehicle, or other means of carriage in which the infringing
22 merchandise is found, from six (6) hours before to six (6) hours after any UFC® event, within a
23 ten (10) mile vicinity of the halls, stadiums or arenas at which said UFC® live event shall be
24 held, including, but not limited to, any event associated with International Fight Week in Las
25 Vegas, Nevada, from July 3, 2012 through July 7, 2012, and at UFC® 148 on July 7, 2012 at the
26 MGM Garden Arena in Las Vegas, Nevada;

27 **AND IT IS FURTHER ORDERED THAT** the United States Marshals Service, the
28 state police, local police or local deputy sheriffs, off-duty officers of the same, and any person

1 acting under their supervision, may use all reasonable force in conducting the seizure and may
2 open doors, locks, boxes, brief cases, and containers of any type or nature to locate and identify
3 Materials to be seized. Attorneys and other representatives of Plaintiff shall accompany the
4 United States Marshals Service during the seizure to identify the Materials to be seized.
5 Plaintiff's counsel shall itemize and take possession of the seized Materials, provide a copy of
6 the inventory to the United States Marshals Service, and file the inventory with the Court.
7 Plaintiff agrees to indemnify the United States Marshals Service and hold it harmless from any
8 suit, claim, cause of action, damage, loss, or injury arising from the execution of the seizure
9 described in this Order;

10 **AND IT IS FURTHER ORDERED** that this order be and is hereby conditioned upon
11 Plaintiff's filing with the Clerk of this Court an undertaking in the form of a bond, certified
12 check, bank check, credit card or cash in the amount of \$ 2,000.00 later than July 2,
13 2012, to secure the payment of such costs and damages not to exceed such sum as may be
14 suffered or sustained by any party who is found to be wrongfully restrained hereby;

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

19 **AND IT IS FURTHER ORDERED** that service of a copy of this order together with
20 the complaint, be made upon the Defendants by the United States Marshal, state or local police,
21 local deputy sheriffs, or by any person over the age of eighteen (18) years not a party to this
22 action selected for that purpose by Plaintiff, at the time of the seizure provided herein is effected
23 and that such service shall be deemed good and sufficient;

24 **AND IT IS FURTHER ORDERED** that the process server shall offer a receipt to each
25 person from whom infringing merchandise is seized and that Plaintiff shall be deemed substitute
26 custodian for all infringing merchandise seized;

27 **AND IT IS FURTHER ORDERED** that each and every Defendant served with a copy
28 of this order promptly, courteously and peaceably identify himself or herself to the
y

