

FILED

AUG - 7 2013

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA

BY _____ DEPUTY

1 LAURI S. THOMPSON, ESQ.
Nevada Bar No. 6846
2 thompsonl@gtlaw.com
LARAINE BURRELL, ESQ.
3 Nevada Bar No. 8771
burrelll@gtlaw.com
4 SHAUNA L. WELSH, Esq.
Nevada Bar No. 11320
5 welshs@gtlaw.com
GREENBERG TRAUIG, LLP
6 3773 Howard Hughes Parkway
Suite 400 North
7 Las Vegas, Nevada 89169
Telephone: (702) 792-3773
8 Facsimile: (702) 792-9002
9 *Counsel for Plaintiff, GNLV, Corp.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GREENBERG TRAUIG, LLP
 3773 Howard Hughes Parkway, Suite 400 North
 Las Vegas, Nevada 89169
 Telephone: (702) 792-3773
 Facsimile: (702) 792-9002

12 GNLV, Corp., a Nevada corporation,
13
Plaintiff,
14
v.
15 MICHAEL BROOKS, an individual,
and THE LUCKY PARADISE
16 CASINO, an entity doing of unknown
origin doing business in North
17 Carolina,
18
Defendants.

Case No.: 2:13-cv-01219-APG-NJK

**ORDER FOR PRELIMINARY
INJUNCTION**

21 Pending before the court is plaintiff's motion for preliminary injunction. Plaintiff alleges six
22 causes of action, injunctive relief and damages. The causes of action are: (1) cybersquatting under
23 15 U.S.C. § 1125(d) (2) trademark infringement under 15 U.S.C. § 1114; (3) unfair competition
24 under 15 U.S.C. § 125(a); (4) common law trademark infringement; (5) deceptive trade practices
25 under N.R.S. 598.0903, et seq.; and (6) intentional interference with prospective economic
26 advantage.

27 A hearing on the motion for preliminary injunction was scheduled for August 7, 2013 at 9:00
28 a.m. The defendants were given notice of the hearing through communications with their attorney.

1 Defendants have failed to respond to the motion for preliminary injunction.

2 The court has considered the motion filed by plaintiff GNLV, Corp. ("plaintiff" or "GNLV"),
3 requesting a preliminary injunction requiring defendants Michael Brooks and The Lucky Paradise
4 Casino (collectively "defendants") to immediately cease and desist all use of the
5 <www.goldennuggetonlinecasinos.us> <www.goldennuggetonlinecasinos.org>,
6 <www.goldennuggetonlinecasinos.info> <www.goldennuggetonlinecasinos.com> and
7 <www.goldennuggetonlinecasinos.net> domain names (the "infringing domain names") and
8 plaintiff's GOLDEN NUGGET mark and requiring the domain name registrar to lock the domain
9 names at issue and the supporting memorandum of points and authorities, the supporting
10 declarations and evidence, the record in this case, and for other good cause shown:

11 THE COURT FINDS AND CONCLUDES THAT:

12 This court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§
13 1331 and 1338.

14 The court has personal jurisdiction over the defendants, and it appears the defendants
15 regularly conduct business in the State of Nevada and/or defendants committed tortious acts
16 that they knew or should have known would cause injury to plaintiff in the State of Nevada.

17 1. Plaintiff GNLV, Corp., a Nevada corporation with its principal place of business in
18 Las Vegas, Nevada operates the Golden Nugget resort hotel casino in Las Vegas, Nevada. GNLV
19 owns the mark GOLDEN NUGGET (the "GNLV marks") and has obtained federal registrations for
20 the GNLV marks for various goods and services, including but not limited to:

- 21 (a) GOLDEN NUGGET for casino and bar services (U.S. reg. no. 1,554,155);
22 (b) GOLDEN NUGGET for nightclub, bar, cabaret and casino services (U.S. reg.
23 no. 1,082,044);
24 (c) GOLDEN NUGGET for casino services (U.S. reg. no. 1,203,988); and
25 (d) GOLDEN NUGGET for hotel and resort hotel services (U.S. reg. no.
26 2,240,084).

27 2. Plaintiff has made extensive use of the GOLDEN NUGGET marks on, among other
28 things, signage, wearing apparel and sales and promotional materials.

1 9. After consideration of the motion and plaintiff’s complaint, and accompanying
2 exhibits, the court finds and concludes plaintiff is likely to succeed on the merits of its claims under
3 the Lanhan Act that the <www.goldennuggetonlinecasinos.us>
4 <www.goldennuggetonlinecasinos.org>, <www.goldennuggetonlinecasinos.info>
5 <www.goldennuggetonlinecasinos.com> and < www.goldennuggetonlinecasinos.net> domain
6 names demonstrate a bad faith intent to profit from the GOLDEN NUGGET mark and that the
7 <www.goldennuggetonlinecasinos.us> <www.goldennuggetonlinecasinos.org>,
8 <www.goldennuggetonlinecasinos.info> <www.goldennuggetonlinecasinos.com> and
9 <www.goldennuggetonlinecasinos.net> domain names are confusingly similar to the plaintiff’s
10 mark, which was distinctive or famous at the time of the domain registration in May, 2013.

11 10. Plaintiff has demonstrated likelihood of success on the merits of its cybersquatting
12 claims against Defendants under the Lanham Act, 15 U.S.C. § 1125(d).

13 11. Plaintiff has also demonstrated likelihood of success on the merits of its trademark
14 infringement claims against defendants under the Lanham Act, 15 U.S.C. § 1114.

15 12. Plaintiff has also demonstrated likelihood of success on the merits of its unfair
16 competition claims against defendants under the Lanham Act, 15 U.S.C. § 1125(a).

17 13. Plaintiff will suffer irreparable injury if the court does not require the domain name
18 registrar GoDaddy.com (the “registrar”) to lock the infringing
19 <www.goldennuggetonlinecasinos.us> <www.goldennuggetonlinecasinos.org>,
20 <www.goldennuggetonlinecasinos.info> <www.goldennuggetonlinecasinos.com> and
21 <www.goldennuggetonlinecasinos.net> infringing domain names pending litigation of this matter.

22 14. Plaintiff has demonstrated that it will suffer irreparable harm if a preliminary
23 injunction is not entered because defendants could transfer the infringing domain names to another
24 registrant or registrar. Transfer of the infringing domain names to another registrant may deprive
25 the court of jurisdiction and require plaintiff to file additional suits to recover its intellectual
26 property. Transfer of the infringing domain names to another registrar may require plaintiff to
27 expend significant effort and financial resources to track the registration.

28

GREENBERG TRAUIG, LLP
3773 Howard Hughes Parkway, Suite 400 North
Las Vegas, Nevada, 89169
Telephone: (702) 792-3773
Facsimile: (702) 792-9002

1 exhibiting Domain Name Servers (DNS) entries and corresponding addresses, and enter the
2 registrar's default DNS and address entries to prevent further damage caused by the infringing use of
3 the infringing domain names.

4 IT IS FURTHER ORDERED that defendants shall file, pursuant to 15 U.S.C. § 1116(a), with
5 this court and serve upon plaintiff within thirty (30) days after entry of this order, a report in writing
6 under oath setting forth in detail the manner and form in which defendants have complied with this
7 court's order .

8 IT IS FURTHER ORDERED that the bond posted with this court in the amount of one
9 thousand and no/100 dollars (\$1000.00) shall be applied to this preliminary injunction.

10 The Court permits service of the preliminary injunction by electronic mail in addition to
11 effectuating service as required by Fed.R.Civ. P. 4 and 5.



12
13
14 UNITED STATES DISTRICT JUDGE

15 Date/Time: August 7, 2013

16
17 Respectfully submitted by:

18
19 GREENBERG TRAUIG, LLP
20 /s/ Laraine M.I. Burrell
21 Lauri S. Thompson (Bar No. 6846)
22 Laraine M.I. Burrell (Bar No. 8771)
23 Shauna L. Welsh (Bar No. 11320)
24 3773 Howard Hughes Parkway, Suite 4North
25 Las Vegas, Nevada 89169
26
27
28 *Counsel for Plaintiff*