

1 Michael J. McCue (NV Bar No. 6055)
 MMcCue@LRRLaw.com
 2 Jonathan W. Fountain (NV Bar No. 10351)
 JFountain@LRRLaw.com
 3 Meng Zhong (NV Bar No. 12145)
 MZhong@LRRLaw.com
 4 LEWIS ROCA ROTHGERBER LLP
 3993 Howard Hughes Parkway, Suite 600
 5 Las Vegas, Nevada 89169
 Tel: (702) 949-8200
 6 Fax: (702) 949-8398

7 *Attorneys for Plaintiff*
Las Vegas Sands Corp.

9 **UNITED STATES DISTRICT COURT**
 10 **DISTRICT OF NEVADA**

11 LAS VEGAS SANDS CORP., a Nevada
 12 corporation,

Case No. 2:14-cv-01049

13 Plaintiff, v.

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

14 UNKNOWN REGISTRANTS OF
 WWW.368.COM, WWW.VNS000.COM,
 15 WWW.VNS002.COM, WWW.VNS003.COM,
 WWW.VNS004.COM, WWW.VNS005.COM,
 16 WWW.VNS006.COM, WWW.VNS007.COM,
 WWW.VNS008.COM, WWW.VNS009.COM,
 17 WWW.VN008.COM, WWW.666CP.COM,
 WWW.XJS00.COM, WWW.XJS11.COM,
 18 WWW.XJS22.COM, WWW.XJS33.COM,
 WWW.XJS44.COM, WWW.XJS55.COM,
 19 WWW.XJS66.COM, WWW.XJS77.COM,
 WWW.XJS88.COM, WWW.XJS99.COM,
 20 WWW.8227.COM, WWW.9770.COM,
 WWW.VNS95500.COM,
 21 WWW.VNS95511.COM,
 WWW.VNS95522.COM
 22 WWW.VNS95533.COM,
 WWW.VNS95544.COM
 23 WWW.VNS95555.COM,
 WWW.VNS95566.COM
 24 WWW.VNS95577.COM,
 WWW.VNS95588.COM,
 25 WWW.VNS95599.COM, AND
 WWW.22V.COM

26 Defendants.
 27
 28

1 **UPON CONSIDERATION** of the motion filed by Plaintiff Las Vegas Sands Corp. for
2 an *ex parte* temporary restraining order, for alternative service, and for a preliminary injunction,
3 the supporting memorandum of points and authorities, the supporting declarations of Dave
4 Horton and Meng Zhong, the record in this case, and for other good cause shown;

5 **THE COURT HEREBY FINDS THAT:**

6 1. Las Vegas Sands Corp. will suffer irreparable injury to its valuable trademarks
7 and associated goodwill if the Defendants are not temporarily enjoined and restrained from
8 transferring the following domain names to other domain name registrars located outside the
9 Court's jurisdiction, or from transferring the registrations for the following domain names to
10 other persons or entities located outside the Court's jurisdiction: www.368.com,
11 www.vns000.com, www.vns002.com, www.vns003.com, www.vns004.com, www.vns005.com,
12 www.vns006.com, www.vns007.com, www.vns008.com, www.vns009.com, www.vn008.com,
13 www.666cp.com, www.xjs00.com, www.xjs11.com, www.xjs22.com, www.xjs33.com,
14 www.xjs44.com, www.xjs55.com, www.xjs66.com, www.xjs77.com, www.xjs88.com,
15 www.xjs99.com, www.8227.com, www.9770.com, www.vns95500.com, www.vns95511.com,
16 www.vns95533.com, www.vns95555.com, www.vns95577.com, and www.vns95599.com
17 (together, "Domain Names");

18 2. Las Vegas Sands Corp. is likely to succeed on the merits of its Lanham Act
19 claims for trademark infringement and false designation of origin, brought pursuant to 15 U.S.C.
20 §§ 1114(a) and 1125(a)(1)(A), respectively;

21 3. The balance of hardships tips in Las Vegas Sands Corp.'s favor because a
22 temporary restraining order would merely place the Domain Names on hold and lock pending
23 trial, and the failure to issue a temporary restraining order would cause Las Vegas Sands Corp. to
24 suffer additional irreparable injury and incur additional expense if the Domain Names are
25 transferred to other registrants during the pendency of this action, requiring Las Vegas Sands
26 Corp. to file additional lawsuit(s) in other jurisdictions;

27 4. The issuance of a temporary restraining order is in the public interest because it
28 would protect consumers against deception and confusion arising from the use of Las Vegas

1 Sands Corp.'s federally registered trademarks, by persons other than Las Vegas Sands Corp.; and
2 5. Defendants will suffer minimal damage, if any damage at all, by the issuance of a
3 temporary restraining order; accordingly, a nominal bond in the amount of \$100 is reasonable
4 security.

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

6 1. eNom, Inc. ("eNom"), Name.com, Inc. and GoDaddy.com, Inc. (the domain name
7 registrars) and VeriSign, Inc. (the .com registry) shall immediately remove or disable the domain
8 name server ("DNS") information for the Domain Names, shall place the Domain Names on
9 hold and lock, and deposit them into the registry of the Court; and

10 2. The Defendants and their respective officers, agents, servants, employees, and/or
11 all other persons acting in concert or participation with Defendants are hereby temporarily
12 restrained and enjoined from: (a) using the SANDS Marks or any confusingly similar variations
13 thereof, alone or in combination with any other letters, words, letter string, phrases or designs in
14 commerce, including, without limitation, on any website, in any domain name, in any social
15 network user name, in any hidden website text, or in any website metatag; and (b) engaging in
16 false or misleading advertising or commercial activities likely to deceive consumers into
17 believing that any Defendant is the Plaintiff or that any Defendant's services are associated or
18 affiliated with, connected to, or approved sponsored by the Plaintiff.

19 **IT IS HEREBY FURTHER ORDERED THAT:**

20 1. Upon the issuance of this order, Las Vegas Sands Corp. shall deposit \$100 with
21 the Clerk of the Court as security for this temporary restraining order;

22 2. Plaintiff may serve subpoenas upon eNom, Inc. and Whois Privacy Protection
23 Service, Inc., for the purpose of identifying the presently unknown registrant(s) of the
24 www.vns000.com, www.v22.com, www.vns002.com, www.vns003.com, www.vns004.com,
25 www.vns005.com, www.vns006.com, www.vns007.com, www.vns008.com, www.vns009.com,
26 www.vns95500.com, www.vns95511.com, www.vns95522.com, www.vns95533.com,
27 www.vns95544.com, www.vns95555.com, www.vns95566.com, www.vns95577.com,
28 www.vns95588.com, and www.vns95599.com domain names;

1 3. Plaintiff may serve the Summons, Complaint, and all other papers upon the
2 presently unknown registrant(s) identified in (2) by email to the registrant email address
3 currently listed in the WHOIS database for each domain or to the email address provided by each
4 such registrant to eNom, Inc. and/or Whois Privacy Protection Service, Inc. in connection with
5 the registration of the domain names;

6 4. Plaintiff may serve subpoenas upon GoDaddy.com, Inc. and DomainsByProxy,
7 LLC, for the purpose of identifying the presently unknown registrant(s) of the www.368.com,
8 www.666cp.com, www.xjs00.com, www.xjs11.com, www.xjs22.com, www.xjs33.com,
9 www.xjs44.com, www.xjs55.com, www.xjs66.com, www.xjs77.com, www.xjs88.com,
10 www.xjs99.com, www.8227.com, and www.9770.com domain names;

11 5. Plaintiff may serve the Summons, Complaint, and all other papers upon the
12 presently unknown registrant(s) identified in (4) by email to the registrant email address
13 currently listed in the WHOIS database for each domain or to the email address provided by each
14 such registrant to GoDaddy and/or DomainsByProxy, LLC in connection with the registration of
15 the domain names;

16 6. Plaintiff may serve subpoenas upon Name.com, Inc. and Whois Privacy
17 Protection Service, Inc., for the purpose of identifying the presently unknown registrant(s) of the
18 www.vn008.com domain name;

19 7. Plaintiff may serve the Summons, Complaint, and all other papers upon the
20 presently unknown registrant(s) identified in (6) by email to the registrant email address
21 currently listed in the WHOIS database for each domain or to the email address provided by each
22 such registrant to Name.com. Inc. and/or Whois Privacy Protection Service, Inc. in connection
23 with the registration of the domain names;

24 8. The parties shall appear for hearing and oral argument on Las Vegas Sands
25 Corp.'s motion for preliminary injunction on Friday, July 11, 2014, at 10:00 a.m. in
26 Courtroom 6A , at the Lloyd D. George Federal Courthouse, 333 South Las Vegas Boulevard,
27 Las Vegas, Nevada;

28 ///

1 9. The Defendants shall each file and serve their briefs opposing Las Vegas Sands
2 Corp.'s motion for preliminary injunction, if any, no later than July 3, 2014; and

3 10. Las Vegas Sands Corp. shall file and serve its reply brief in support of its motion
4 for preliminary injunction no later than July 9, 2014.

5 ENTERED: June 30, 2014, at 11:20 a.m.

6
7 *James C. Mahan*
8

UNITED STATES DISTRICT JUDGE

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28