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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 MGM RESORTS INTERNATIONAL,

16 Plaintiff,

17 v.

18 REGISTRANT OF LIVEMGM.COM,

19 Defendant.

20 Case No. 2:17-cv-00695-JCM-GWF

21 **ORDER GRANTING PLAINTIFF'S**
22 **EX PARTE MOTION FOR**
23 **ALTERNATIVE SERVICE AND**
24 **TEMPORARY RESTRAINING ORDER**

25 Plaintiff MGM Resorts International ("Plaintiff" or "MGM Resorts") has moved the
26 Court, *ex parte*, for entry of an order for alternative service, for a temporary restraining order,
27 and for a preliminary injunction based upon Defendant's use of Plaintiff's federally registered
28 trademarks (U.S. Trademark Reg. Nos. 1,060,489, 2,534,227, and 1,043,787) (the "MGM
Marks") in the <livemgm.com> domain name and on the <livemgm.com> website.

29 The Court, having duly considered Plaintiff's Complaint, *Ex Parte* Motion for
30 Alternative Service, Temporary Restraining Order, and Preliminary Injunction, and the
31 declarations and exhibits submitted therewith, makes the following findings and conclusions:

32 1. Plaintiff is likely to succeed on the merits of its claim for cybersquatting in
33 violation of 15 U.S.C. § 1125(d). Plaintiff is likely to succeed in showing that Defendant
34 registered <livemgm.com> with a bad faith intent to profit from Plaintiff's MGM Marks; that
35 Plaintiff's MGM Marks were distinctive when Defendant registered <livemgm.com>; and that
36 Defendant's domain name, <livemgm.com> is confusingly similar to Plaintiff's federally
37 registered, incontestable, MGM Marks. Plaintiff is also likely to succeed on the merits of its

1 claim for trademark infringement in violation of 15 U.S.C. § 1114(1). Plaintiff is likely to
2 succeed in showing that Plaintiff owns valid federal trademark registrations for its MGM Marks
3 and that Defendant's use of confusingly similar marks on the <livemgm.com> website is likely
4 to cause consumer confusion.

5 2. Plaintiff has suffered irreparable injury to its reputation and goodwill as
6 Defendant's conduct has already caused one consumer to falsely associate Defendant's online
7 casino services with Plaintiff. Absent temporary injunctive relief, Plaintiff is likely to continue
8 to suffer irreparable injury and harm as a result of Defendant's impersonation of Plaintiff through
9 Defendant's <livemgm.com> domain name and website.

10 3. The harm to Plaintiff in denying the requested temporary restraining order
11 outweighs the harm to the legitimate interests of Defendant from granting such relief.

12 4. The public interest weighs in favor of granting Plaintiff the requested temporary
13 restraining order.

14 **NOW THEREFORE, IT IS HEREBY ORDERED THAT** Plaintiff's *Ex Parte* Motion
15 for Alternative Service and Temporary Restraining Order is **GRANTED**.

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

17 1. On or before April 10, 2017, Plaintiff shall serve the Summons, Complaint,
18 Plaintiff's motion for preliminary injunction, the supporting declarations thereto, and this Order
19 upon Defendant by email to: livemgm@domainsbyproxy.com;

20 2. Plaintiff shall serve all other pleadings and papers that must be served on
21 Defendant by email to: livemgm@domainsbyproxy.com;

22 3. Defendant and all other persons acting in concert or participation with Defendant
23 are temporarily enjoined and restrained from: (a) using the MGM Marks or any confusingly
24 similar variations thereof, alone or in combination with any other letters, words, letter string,
25 phrases or designs in commerce, including, without limitation, on any website, in any domain
26 name (including, without limitation, in <livemgm.com>), in any social network user name, in
27 any hidden website text, or in any website metatag; and (b) engaging in false or misleading
28 advertising or commercial activities likely to deceive consumers into believing that any

1 Defendant is Plaintiff or that any of Defendant's services are associated or affiliated with,
2 connected to, approved by, or sponsored by Plaintiff;

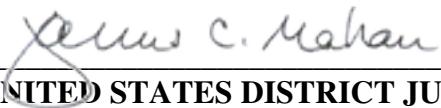
3 4. GoDaddy.com, LLC shall immediately remove or disable the domain name server
4 information for <livemgm.com> and place <livemgm.com> on hold and lock pending further
5 order of the Court; and

6 5 Plaintiff shall deposit \$100 with the Clerk of the Court as security for this
7 temporary restraining order.

8 **IT IS HEREBY FURTHER ORDERED THAT**, a preliminary injunction hearing is set
9 for April 21, 2017, at 10:00 a.m. in courtroom 6A.

10 Defendant shall file and serve any opposition to Plaintiff's motion for
11 preliminary injunction on or before: April 14, 2017. Plaintiff shall file and serve any
12 reply in support of its motion for preliminary injunction on or before: April 19, 2017.

13 **SIGNED AND ENTERED** April 7, 2017, at 11:40 a.m.

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UNITED STATES DISTRICT JUDGE