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

10 MGM RESORTS INTERNATIONAL,

11 Plaintiff,

12 v.

13 REGISTRANT OF LIVEMGM.COM,

14 Defendant.

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

**ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

15 Plaintiff MGM Resorts International (“Plaintiff” or “MGM Resorts”) has moved the
16 Court for entry of a preliminary injunction based upon Defendant’s use of Plaintiff’s federally
17 registered trademarks (U.S. Trademark Reg. Nos. 1,060,489, 2,534,227, and 1,043,787) (the
18 “MGM Marks”) in the <livemgm.com> domain name and on the <livemgm.com> website.

19 The Court, having duly considered Plaintiff’s Complaint (ECF No. 1), Motion for
20 Preliminary Injunction (ECF No. 10), and the declarations and exhibits submitted therewith,
21 hereby makes the following findings and conclusions:

22 1. On April 7, 2017, the Court entered its Order Granting Plaintiff’s *Ex Parte*
23 Motion for Alternative Service and Temporary Restraining Order (ECF No. 11). The order
24 required Plaintiff to, among other things, by April 10, 2017, serve the Summons, Complaint,
25 Plaintiff’s Motion for Preliminary Injunction, the supporting declarations thereto, and the Court’s
26 April 7, 2017 Order, upon Defendant by email to livemgm@domainsbyproxy.com. The order
27 also required Plaintiff to deposit \$100 with the Clerk of the Court as security for the temporary
28 restraining order. The order further required Defendant to file and serve any opposition to

1 Plaintiff's Motion for Preliminary Injunction by April 14, 2017, and set April 21, 2017 at 10:00
2 a.m. as the date and time for hearing on Plaintiff's Motion for Preliminary Injunction.

3 2. On April 10, 2017, Plaintiff served, among other documents, the issued
4 Summons, Complaint, Plaintiff's Motion for Preliminary Injunction, the supporting declarations
5 thereto, and the Court's April 7, 2017 Order upon Defendant by email to
6 livemgm@domainsbyproxy.com (ECF No. 12).

7 3. On April 10, 2017, Plaintiff deposited \$100 with the Clerk of the Court (ECF No.
8 13).

9 4. Defendant failed to file and serve an opposition to Plaintiff's Motion for
10 Preliminary Injunction by April 14, 2017.

11 5. Defendant failed to appear at the April 21, 2017 hearing on Plaintiff's Motion for
12 Preliminary Injunction.

13 6. Plaintiff is likely to succeed on the merits of its claim for cybersquatting in
14 violation of 15 U.S.C. § 1125(d). Plaintiff is likely to succeed in showing that Defendant
15 registered <livemgm.com> with a bad faith intent to profit from Plaintiff's MGM Marks; that
16 Plaintiff's MGM Marks were distinctive when Defendant registered <livemgm.com>; and that
17 Defendant's domain name, <livemgm.com> is confusingly similar to Plaintiff's federally
18 registered, incontestable, MGM Marks. Plaintiff is also likely to succeed on the merits of its
19 claim for trademark infringement in violation of 15 U.S.C. § 1114(a). Plaintiff is likely to
20 succeed in showing that Plaintiff owns valid federal trademark registrations for its MGM Marks
21 and that Defendant's use of confusingly similar marks on the <livemgm.com> website is likely
22 to cause consumer confusion.

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

28 8. The harm to Plaintiff in denying the requested preliminary injunction outweighs

1 the harm to the legitimate interests of Defendant from granting such relief.

2 9. The public interest weighs in favor of granting Plaintiff the requested preliminary
3 injunction.

4 **NOW THEREFORE, IT IS HEREBY ORDERED THAT** Plaintiff's Motion for
5 Preliminary Injunction (ECF No. 10) is **GRANTED**.

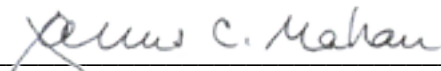
6 **IT IS HEREBY FURTHER ORDERED THAT**, pending a full trial on the merits or
7 further order of the Court:

8 1. Defendant and all other persons acting in concert or participation with Defendant
9 are preliminarily enjoined and restrained from: (a) using the MGM Marks or any confusingly
10 similar variations thereof, alone or in combination with any other letters, words, letter string,
11 phrases or designs in commerce, including, without limitation, on any website, in any domain
12 name (including, without limitation, in <livemgm.com>), in any social network user name, in
13 any hidden website text, or in any website metatag; and (b) engaging in false or misleading
14 advertising or commercial activities likely to deceive consumers into believing that any
15 Defendant is Plaintiff or that any of Defendant's services are associated or affiliated with,
16 connected to, approved by, or sponsored by Plaintiff;

17 2. GoDaddy.com, LLC shall immediately remove or disable the domain name server
18 information for <livemgm.com> and place <livemgm.com> on hold and lock; and

19 3. The \$100 Plaintiff previously deposited with the Clerk of the Court shall remain
20 on deposit with the Clerk of the Court as security for this preliminary injunction.

21 **SIGNED AND ENTERED** this 21st day of April, 2017.

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25 JAMES C. MAHAN
26 UNITED STATES DISTRICT JUDGE
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