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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SGF LICENSE, LLC, a Nevada limited liability
company,

Plaintiff,

v.

steffigraf.com, steffigraf.net, steffigraf.info,

Defendants.

CASE NO.

**COMPLAINT FOR INJUNCTIVE
RELIEF**

For its complaint, Plaintiff SGF License, LLC (“SGF”) alleges as follows:

NATURE OF THE CASE

This is an in rem action against the <steffigraf.com>, <steffigraf.net>, and <steffigraf.info>, domain names (the “Defendant Domain Names”) based on the Anti-cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d). Plaintiff seeks preliminary and permanent injunctive relief and the transfer of the registrations of the Defendant Domain Names.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a).

2. This Court has in rem jurisdiction over the Defendant Domain Names pursuant to 15 U.S.C. § 1125(d) and 28 U.S.C. § 1655 and interpretive case law. Upon information and

1 belief, the Court cannot exercise personal jurisdiction over the registrants of the Defendant
2 Domain Names, as the registrants are located outside of the State of Nevada and/or the
3 registrants' websites are not interactive. As a separate and independent basis for in rem
4 jurisdiction, upon service of this Complaint upon the registrars of the Defendant Domain Names,
5 the registrars will deposit the Defendant Domain Names into the registry of the Court. In
6 addition, the situs of the Defendant Domain Names are, or will be, in this judicial district where
7 the owner of the trademark contained in the Defendant Domain Names are located.

8 3. Venue is proper in the United States District Court for the District of Nevada
9 under 28 U.S.C. §§ 1391(b) and 1391(c). Venue lies in the unofficial Southern division of this
10 Court.

11 **PARTIES**

12 4. Plaintiff SGF is a Nevada limited liability company with its principal place of
13 business in Las Vegas, Nevada.

14 5. Upon information and belief, Defendant Domain Name <steffigraf.com> is an
15 Internet domain name registered by Marketing Express, doing business in West Bay, Grand
16 Cayman, Cayman Islands.

17 6. Upon information and belief, Defendant Domain Name <steffigraf.net> is an
18 Internet domain name registered by Domain Admin, residing and/or doing business in London,
19 England.

20 7. Upon information and belief, Defendant Domain Name <steffigraf.info> is an
21 Internet domain name by Alexander Shadikhan, residing in Aurora, Illinois.

22 **ALLEGATIONS COMMON TO ALL COMPLAINTS**

23 8. Stefanie Graf is one of the greatest professional tennis players of all time. She
24 won 22 Grand Slam singles titles: seven at Wimbledon, six at the French Open, five at the US
25 Open and four at the Australian Open. She is the only player to win each at least four times.

1 9. Stefanie Graf began her professional tennis career at age 13 in 1982 and in that
2 same year was the youngest female player ever listed in the Women's Tennis Association
3 ranking. In 1985, she was ranked among the Top 10 for the first time.

4 10. Throughout her career, Stefanie Graf was in the public spotlight not only due to
5 her success as a tennis player, but also through her endorsement deals and television
6 commercials. Despite retiring from the game of tennis in 1999, Stefanie Graf remains very much
7 in the public spotlight through her philanthropic efforts and business dealings, which include the
8 branding of the Graf name and trademark ("GRAF Marks").

9 11. Graf was ranked No. 1 for a WTA-record 377 weeks, the longest of any player,
10 male or female, since rankings began. The GRAF Marks have been sublicensed to companies
11 such as Adidas, Teekanne, Barilla, and Genworth for global use to advertise, market and sell
12 footwear, apparel and other products and services.

13 12. Through the extensive use and sublicensing of the GRAF Marks, considerable
14 marketing and advertising of the GRAF Marks, and multiple channels of trade in which GRAF
15 Marks are and will continue to be utilized, the GRAF Marks have had such a significant impact
16 upon a substantial part of the buying public such that the buying public has come to recognize
17 the GRAF Marks as a symbol that identifies and distinguishes the goods and services associated
18 with Stefanie Graf.

19 13. SGF owns the exclusive right to use and sublicense the GRAF Marks by virtue of
20 SGF's Operating Agreement, executed in 2004.

21 14. SGF is in the business of, among other things, using and sublicensing the GRAF
22 Marks.

23 15. SGF has used and sublicensed the GRAF Marks globally, and in particular
24 throughout the United States, in association with a variety of goods and services, including,
25 without limitation, footwear and apparel, for over ten years.

26 16. SGF has acquired substantial goodwill associated with the GRAF Marks and the
27 GRAF Marks have become associated in the marketplace with SGF and Stefanie Graf.

1 17. Through the extensive use and sublicensing of the GRAF Marks, considerable
2 marketing and advertising of the GRAF Marks, and multiple channels of trade in which GRAF
3 Marks are and will continue to be utilized, the public has come to recognize and associate the
4 name "Stefanie Graf" as a symbol that identifies and distinguishes the professional sports
5 services provided exclusively by her, and that through long and continuous use, international
6 recognition and extensive advertising and promotion, the GRAF Marks have acquired
7 distinctiveness and secondary meaning as a trademark and service mark.

8 18. On June 1, 2001, Marketing Express registered the <steffigraf.com> domain
9 name with Rebel.com Corp, a registrar of domain names. This domain name contains the Graf
10 Name and Mark.

11 19. On March 9, 2009, Domain Admin registered the <steffigraf.net> domain name
12 with DynaDot, LLC, a registrar of domain names. This domain name contains the Graf Name
13 and Mark.

14 20. On March 31, 2009, Alexander Shadikhan registered the <steffigraf.info> domain
15 name with Wild West Domains, a registrar of domain names. This domain name contains the
16 Graf Name and Mark.

17 21. By registering and using the Defendant Domain Names containing Plaintiff's
18 trademarks, the registrants of the Defendant Domain Names were and are attempting to trade on
19 the goodwill of Plaintiff.

20 22. Upon information and belief, the Defendant Domain Names were registered with
21 the bad faith intent to profit from Plaintiff's marks.

22 23. The Defendant Domain Names were registered without the consent of Plaintiff.

23 24. Upon information and belief, the registrants of the Defendant Domain Names
24 have no trademark or other intellectual property rights in the Defendant Domain Names.

25 25. Upon information and belief, the registrants of the Defendant Domain Names
26 have no prior use of the Defendant Domain Names in connection with the bona fide offering of
27 any goods or services.

1 26. Upon information and belief, the registrants of the Defendant Domain Names
2 made no bona fide non-commercial or fair use of the Defendant Domain Names in a site
3 accessible under the domain names.

4 27. Upon information and belief, the registrants of the Defendant Domain Names did
5 not believe or have reasonable grounds to believe that the use of the Defendant Domain Names
6 was a fair use or otherwise lawful.

7 **COUNT I**
8 (Cybersquatting
 Under the Lanham Act, 15 U.S.C. § 1125(d))

9 28. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
10 forth herein.

11 29. The registrants of the Defendant Domain Names have registered, trafficked in,
12 and/or used domain names that are identical or confusingly similar to the Graft Name and Mark.

13 30. Upon information and belief, the registrants of the Defendant Domain Names
14 have or have had a bad faith intent to profit from the Graf Name and Mark.

15 31. As a direct and proximate result of such conduct, Plaintiff has suffered and will
16 continue to suffer, monetary loss and irreparable injury to its business, reputation and goodwill.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that the Court grant the following relief:

A. A preliminary and permanent injunction requiring the domain name registrar to transfer the registrations of the Defendant Domain Names to Plaintiff; and

B. All other relief to which Plaintiff is entitled.

DATED: May 12, 2009.

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