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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MGM MIRAGE, a Delaware corporation,

Plaintiff,

v.

DAN LEI, an individual; WANG XIAOLING,
an individual; XIAO FANG, an individual;
SHANG LEI, an individual; YE XIAO, an
individual; and HUAI YI, an individual,

Defendants.

CASE NO.

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

- (1) Trademark Infringement
under 15 U.S.C. § 1114
- (2) Cybersquatting
under 15 U.S.C. § 1125(d)
- (3) Unfair Competition
under 15 U.S.C. § 1125(a)
- (4) Trademark Dilution
under 15 U.S.C. § 1125(c)
- (5) State Trademark Infringement under
N.R.S. § 600.420
- (6) State Trademark Dilution under
N.R.S. § 600.435
- (7) Common Law Trademark
Infringement
- (8) Deceptive Trade Practices
under N.R.S. § 598.0903, et seq.
- (9) Intentional Interference with
Prospective Economic Advantage

1 For its complaint, MGM MIRAGE alleges as follows:

2 **NATURE OF THE CASE**

3 This is an action for trademark infringement, cybersquatting, unfair competition and
4 trademark dilution under federal statutes, with pendent state and/or common law claims for
5 trademark infringement, trademark dilution, deceptive trade practices, and intentional
6 interference with prospective economic advantage. MGM MIRAGE seeks damages, attorneys'
7 fees, costs, and temporary, preliminary and permanent injunctive relief.

8 **JURISDICTION AND VENUE**

9 1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C.
10 §§ 1331 and 1338(a). This Court has supplemental jurisdiction over MGM MIRAGE's state and
11 common law claims pursuant to 28 U.S.C. § 1367(a).

12 2. This Court has personal jurisdiction over Defendants based upon the following:
13 (a) Defendants operate websites on the Internet that are accessible to residents of the State of
14 Nevada; (b) Defendants' websites are commercial in nature and derive revenue directly through
15 online sports books and casinos, and (c) Defendants have committed tortious acts that they knew
16 or should have known would cause injury to MGM MIRAGE in the State of Nevada.

17 3. Venue is proper in the United States District Court for the District of Nevada
18 under 28 U.S.C. §§ 1391(b) and 1391(d). Venue lies in the unofficial Southern division of this
19 Court.

20 **PARTIES**

21 4. MGM MIRAGE is a Delaware corporation which owns and, through a subsidiary,
22 operates the MGM Grand Hotel and Casino in Las Vegas, Nevada.

23 5. Upon information and belief, Defendant Dan Lei is an individual who resides in
24 Liuzhou, China.

25 6. Upon information and belief, Defendant Wang Xiaoling is an individual who
26 resides in Jilin Sheng, China.

27 7. Upon information and belief, Defendant Shang Lei is an individual who resides in
28 Liuzhou, China.

1 8. Upon information and belief, Defendant Xiao Fang is an individual who resides in
2 Guangzhou, China.

3 9. Upon information and belief, Defendant Ye Xiao is an individual who resides in
4 Liuzhou, China.

5 10. Upon information and belief, Defendant Huai Yi is an individual who resides in
6 Guizhou, China.

7 11. Plaintiff alleges that Defendants are jointly and severally liable for all their
8 tortious conduct as identified and described herein.

9 **ALLEGATIONS COMMON TO ALL COUNTS**

10 12. The “MGM Grand Las Vegas” is a world-famous destination resort hotel casino
11 located on the world-famous “Las Vegas Strip” in Las Vegas, Nevada. MGM MIRAGE,
12 through a subsidiary, owns and operates the MGM Grand Las Vegas. MGM MIRAGE also has
13 an indirect ownership interest in the “MGM Grand Detroit” and the “MGM Grand Macau.” In
14 addition, MGM MIRAGE has licensed the MGM GRAND mark to an Indian tribe for use in
15 connection with a resort hotel casino at Foxwoods in Connecticut.

16 13. Since the “MGM Grand Las Vegas” opened in 1993, MGM MIRAGE and its
17 predecessors-in-interest have continuously used the MGM and MGM GRAND Marks in
18 connection with advertising and promoting the property in the United States and around the
19 world. MGM MIRAGE and its predecessors-in-interest have used and utilized the “MGM”
20 name in signage on the interior and exterior of the hotel and casino, on slot machines and for its
21 sports books. A sports book is a place where bets can be placed on sports, such as horse racing
22 and professional football. Many casinos have sports books located in their casino gaming areas
23 where people can place money bets on sporting events, although Nevada is the only state in
24 which sports books are legal in the United States, apart from bets on horse and dog racing.

25 14. In addition, since at least 1973, MGM MIRAGE and its predecessors-in-interest
26 have used the “MGM GRAND” mark on gaming chips and tokens, and on wearing apparel,
27 consumer products, and novelty and promotional items sold and given away at and by the resort
28 hotel casino.

1 15. The “MGM” mark, either alone or in conjunction with the word “GRAND,” has
2 become and is distinctive and famous for resort hotel and casino services. The “MGM” and
3 “MGM GRAND” marks have acquired a special significance and meaning to the consuming
4 public as identifying MGM MIRAGE as the source of origin of goods and services, and casino
5 services in particular, that bear the marks.

6 16. MGM MIRAGE owns United States trademark registrations for, among others:

- 7 a. Walking Lion logo, Registration No. 2,510,431 for casino services;
- 8 b. MGM GRAND (and design), Registration No. 1,906,198 for hotel and
9 casino services; and
- 10 c. MGM, Registration No. 2,534,227 for casino services.

11 MGM MIRAGE also owns Nevada state trademark registrations for MGM and MGM GRAND,
12 as well as common law rights in these marks. (All the aforementioned marks are collectively
13 referred to herein as “MGM and MGM GRAND Marks”.) These federal and state trademark
14 registrations have not been abandoned, canceled, or revoked. Moreover, Registration No.
15 1,906,198 has become incontestable through the filing of Section 8 and 15 affidavits in the
16 United States Patent and Trademark Office.

17 17. MGM MIRAGE and its predecessors-in-interest have spent substantial sums of
18 money to advertise and promote the MGM and MGM GRAND Marks in print, broadcast media,
19 and on the Internet. MGM MIRAGE or its subsidiaries or affiliates own and operate or license
20 others to own and operate websites accessible throughout the world that promote the MGM
21 GRAND properties. These websites include, among others, <betmgm.com>, <mgmgrand.com>,
22 and <mgmgrandmacau.com>. True and accurate copies of the home page of “MGM Grand
23 Hotel” and “MGM Grand Macau” websites are attached hereto as Exhibits 1 and 2, respectively,
24 and incorporated by this reference.

25 18. Based on its federal and state trademark registrations and extensive use, MGM
26 MIRAGE owns the exclusive right to use the MGM and MGM GRAND Marks in connection
27 with hotel, casino and related services and goods in the United States.

28 19. The MGM and MGM GRAND Marks have become distinctive and famous in the

1 United States and around the world for resort hotel casino services.

2 20. On or about November 24, 2009, Defendant Dan Lei registered the <betmgm.net>
3 Internet domain name with Xin Net Technology Corporation, a domain name registrar. The
4 domain name incorporates the MGM and MGM GRAND Marks and is the same as MGM
5 MIRAGE's <betmgm.com> domain name, except that the top-level domain ("TLD") .net is used
6 instead of .com. Some time after registration, Dan Lei linked the <betmgm.net> domain name to
7 an online sports book. A true and accurate copy of the home page for this website is attached
8 hereto as Exhibit 3, and is incorporated herein by this reference.

9 21. On or about December 3, 2009, Defendant Wang Xiaoling registered the
10 <betmgm88.com> domain name with Xin Net Technology Corporation, a domain name
11 registrar. The domain name incorporates Plaintiff's MGM and MGM GRAND Marks and is the
12 same as Plaintiff's <betmgm.com> domain name, except that the number "88" has been added.
13 "88" is an auspicious and lucky number in Chinese numerology related to wealth. Some time
14 after registration, Wang Xiaoling linked the <betmgm88.com> domain name to an online sports
15 book. A true and accurate copy of the home page for this website is attached hereto as Exhibit 4,
16 and is incorporated herein by this reference.

17 22. On or about January 3, 2010, Defendant Shang Lei registered the
18 <betmgm96.com> domain name with Xin Net Technology Corporation, a domain name
19 registrar. The domain name incorporates Plaintiff's MGM and MGM GRAND Marks and is the
20 same as Plaintiff's <betmgm.com> domain name, except that the number "96" has been added.
21 The numbers 9 and 6 are auspicious and lucky numbers in Chinese. Some time after registration,
22 Shang Lei linked the <betmgm96.com> domain name to an online sports book. A true and
23 accurate copy of the home page for this website is attached hereto as Exhibit 5, and is
24 incorporated herein by this reference.

25 23. On or about October 24, 2009, Defendant Xiao Fang registered the <bet-
26 mgm.net> domain name with TodayNic.com, Inc., a domain name registrar. The domain name
27 incorporates Plaintiff's MGM and MGM GRAND Marks and is the same as Plaintiff's
28 <betmgm.com> domain name, except that "betmgm" has been hyphenated and the TLD .net is

1 used instead of .com. Some time after registration, Xiao Fang linked the <bet-mgm.net> domain
2 name to an online sports book. A true and accurate copy of the home page for this website is
3 attached hereto as Exhibit 6, and is incorporated herein by this reference.

4 24. On or about July 16, 2008, Defendant Ye Xiao registered the <28818.net> domain
5 name with BizCN.com, Inc., a domain name registrar. Some time after registration, Ye Xiao
6 linked the <28818.net> domain name to an online sports book. A true and accurate copy of the
7 home page for this website is attached hereto as Exhibit 7, and is incorporated herein by this
8 reference.

9 25. Upon information and belief, <betmgm96.com>, <betmgm88.com>,
10 <betmgm.net>, <bet-mgm.net>, and <28818.net> all appear to link to the same online sports
11 book, despite the registrations allegedly having been owned by different individual Defendants.

12 26. On or about October 9, 2009, and October 27, 2009, Defendant Huai Yi
13 registered, respectively, the <bet-mgm.com> and <888mgm.com> domain names with Xin Net
14 Technology Corporation, a domain name registrar. These domain names incorporate Plaintiff's
15 MGM and MGM GRAND Marks. The <bet-mgm.com> domain name is practically the same as
16 Plaintiff's <betmgm.com> domain name, except that "betmgm" has been hyphenated. Some time
17 after registration, Huai Yi linked the <bet-mgm.com> and <888mgm.com> domain names to an
18 online casino and sports book. True and accurate copies of the home pages for the website
19 linked to each domain name are attached hereto as Exhibits 8 and 9, and are incorporated herein
20 by this reference.

21 27. MGM MIRAGE opened the "CityCenter" resort hotel casino in Las Vegas,
22 Nevada at the end of December 2009. The lead up to the opening, and the opening itself,
23 received immense publicity and attention from national and international media, with more than
24 400 members of the press on hand to cover the event. Upon information and belief, Defendants
25 deliberately and knowingly chose to register domain names that are nearly identical to Plaintiff's
26 <betmgm.com> domain name at a time when MGM MIRAGE was receiving unprecedented
27 worldwide media attention. Defendants clearly intend to misdirect consumers looking for
28 information about MGM MIRAGE to their online sports book and casino.

28. The websites Defendants have linked their domain names to also have the MGM and MGM GRAND Marks plastered all over every page in an attempt to lull consumers into believing they are visiting a legitimate MGM GRAND site. The websites appear to have copied the design and layout of Plaintiff's "MGM Grand Macau" website to further mislead consumers as to their affiliation with MGM MIRAGE.

29. The websites linked to the <betmgm96.com>, <betmgm88.com>, <betmgm.net>, <bet-mgm.net>, <bet-mgm.com>, <888mgm.com> and <28818.net> domain names are designed to trade off of Plaintiff's goodwill. In addition to being an online sports book, Internet users are offered the opportunity to become an "agent" and/or create an "account," both of which appear to be a membership to the website enabling Internet users to wire funds to the website operator to be used in connection with placing bets. The websites are in English and are aimed at and accessible within the United States including to residents of the State of Nevada. The instructions on how to become an "agent" as well as wiring instructions for money transfers are in English.

30. The home pages of the online sports book at <betmgm.net>, <betmgm88.com>, <betmgm96.com> and <28818.net> prominently display the MGM and MGM GRAND Marks at the top of the page in the logo "Bet MGM (America) Online Sports" and in scrolling graphics at the bottom of the page. A link on the page under the heading "The World-wide MGM Brand" takes users to a page filled with information about the "MGM Grand Las Vegas" and includes photos of the exterior and interior of the resort hotel casino. Moreover, the websites are identical or practically modeled on the design of Plaintiff's "MGM Grand Macau" website located at <mgmgrandmacau.com>. Compare Ex. 2. with Exs. 3-6.

31. The online sports book and casino at <bet-mgm.com> and <888mgm.com> prominently displays the MGM and MGM GRAND Marks in the title of the home page, "BetMGM - Sportsbook with Best Sports Spread Betting," as well as in the upper left hand corner of the page in the logo "Bet MGM (America) Online Sports." The home page also contains links to the "CityCenter" website located at <citycenter.com> and features pictures of the "MGM Grand Macau" property, both of which are MGM MIRAGE-related properties.

32. Upon information and belief, all of websites Defendants have linked to are associated with the other. For example, the websites located at <betmgm.net>, <betmgm88.com>, <betmgm96.com>, (28818.net>, <bet-mgm.com> and <888mgm.com> all contain links to <bet-mgm.net>.

33. Upon information and belief, the <bet-mgm.net> and <888mgm.com> domain names are hosted on multiple servers at multiple IP addresses. Both domain names are hosted on seven different servers in seven different locations using nine different IP addresses. Upon information and belief, this structure this means if the website is “taken down” from one server, it will merely be shifted to the next server without any interruption to the Internet user. Consequently, all servers linked to a particular domain name must be disabled to completely “take down” the website.

34. Defendants’ entire scheme of misappropriating Plaintiff’s MGM and MGM GRAND Marks is designed to defraud consumers into believing they are transacting business with MGM MIRAGE to induce them to transfer money to Defendants.

35. Defendants have not registered and used the aforementioned domain names in good faith.

36. By registering and using domain names containing MGM MIRAGE’s trademarks, Defendants were and are attempting to trade on the goodwill of MGM MIRAGE.

37. By registering and using a domain name containing MGM MIRAGE’s trademarks, Defendants were and are creating or attempting to create an association between the abovementioned domain names and associated websites and MGM MIRAGE.

38. By registering and using the abovementioned domain names, Defendants were and are attempting to frustrate and divert Internet traffic intended for MGM MIRAGE.

COUNT I

(Trademark Infringement under
the Lanham Act, 15 U.S.C. § 1114)

39. MGM MIRAGE incorporates the allegations in the preceding paragraphs as if fully set forth herein.

40. Defendants have used and/or are using in commerce the abovementioned domain

1 names and their associated websites, which contain the MGM and MGM GRAND Marks, and,
2 thus, are confusingly similar to MGM MIRAGE's trademarks.

3 41. Defendants' use in commerce of the MGM and MGM GRAND Marks and/or
4 marks confusingly similar to the MGM and MGM GRAND Marks for their services, and in the
5 abovementioned domain names and on the associated online sports book and casinos, constitutes
6 a reproduction, copying, counterfeiting, and colorable imitation of MGM MIRAGE's trademarks
7 in a manner that is likely to cause confusion or mistake or is likely to deceive consumers.

8 42. By using the MGM and MGM GRAND Marks and/or marks confusingly similar
9 to the MGM and MGM GRAND Marks with the knowledge that MGM MIRAGE owns and has
10 used, and continues to use, its trademarks across the United States and around the world,
11 Defendants have intended to cause confusion, cause mistake, or deceive consumers.

12 43. Defendants are using marks that are the same and/or confusingly similar to the
13 MGM and MGM GRAND Marks in connection with the sale, offering for sale, or advertising of
14 services in a manner that is likely to cause confusion or mistake, or to deceive consumers as to
15 an affiliation, connection, or association with MGM MIRAGE, or as to the origin, sponsorship,
16 or approval of Defendants' services or commercial activities by MGM MIRAGE.

17 44. Defendants are also using marks that are the same and/or confusingly similar to
18 the MGM and MGM GRAND Marks in their respective registered domain names to cause initial
19 interest confusion and divert Internet users away from MGM MIRAGE's website located at
20 <betmgm.com>, among others.

21 45. Defendants' use of the MGM and MGM GRAND Marks and/or marks
22 confusingly similar to the MGM and MGM GRAND Marks has created a likelihood of
23 confusion among consumers who may falsely believe that Defendants' online sports book is
24 associated with MGM MIRAGE's property or that MGM MIRAGE sponsors or approves of
25 Defendants' services or commercial activities.

26 46. As a direct and proximate result of Defendants' infringement, MGM MIRAGE
27 has suffered, and will continue to suffer, monetary loss and irreparable injury to its business,
28 reputation, and goodwill.

COUNT II

(Cybersquatting under
the Lanham Act, 15 U.S.C. § 1125(d))

47. MGM MIRAGE incorporates the allegations in the preceding paragraphs as if fully set forth herein.

48. Defendants have registered, trafficked in, and/or used the <betmgm96.com>, <betmgm88.com>, <betmgm.net>, <bet-mgm.net>, <bet-mgm.com> and <888mgm.com> domain names, which are identical or confusingly similar to and/or dilutive of the MGM and MGM GRAND Marks, which were distinctive and/or famous at the time of registration of the domain names.

49. Upon information and belief, Defendants have or had a bad faith intent to profit from the MGM and MGM GRAND Marks.

50. As a direct and proximate result of such conduct, MGM MIRAGE has suffered, and will continue to suffer, monetary loss and irreparable injury to its business, reputation, and goodwill.

COUNT III

(Unfair Competition under
the Lanham Act, 15 U.S.C. § 1125(a))

51. MGM MIRAGE incorporates the allegations in the preceding paragraphs as if fully set forth herein.

52. Defendants' use in commerce of marks that are the same and/or confusingly similar to the MGM and MGM GRAND Marks in connection with Defendants' online sports book, and in domain names, constitutes a false designation of origin and/or a false or misleading description or representation of fact, which is likely to cause confusion, cause mistake, or deceive as to affiliation, connection, or association with MGM MIRAGE, or as to the origin, sponsorship, or approval of Defendants' services or commercial activities by MGM MIRAGE.

53. Defendants' use in commerce of MGM MIRAGE's marks and/or marks confusingly similar to the MGM and MGM GRAND Marks with the knowledge that MGM MIRAGE owns and has used, and continues to use, its trademarks constitutes intentional conduct by Defendants to make false designations of origin and false descriptions about Defendants'

1 services and commercial activities.

2 54. As a direct and proximate result of such unfair competition, MGM MIRAGE has
3 suffered, and will continue to suffer, monetary loss and irreparable injury to its business,
4 reputation, and goodwill.

5 **COUNT IV**

(Trademark Dilution under
the Federal Anti-Dilution Act, 15 U.S.C. § 1125(c))

6 55. MGM MIRAGE incorporates the allegations in the preceding paragraphs as if
7 fully set forth herein.

8 56. MGM MIRAGE's trademarks are inherently distinctive. Through their adoption
9 and consistent and extensive use, MGM MIRAGE's trademarks have acquired fame.

10 57. Defendants began using marks that are the same and/or nearly identical to the
11 MGM and MGM GRAND Marks in connection with their services, online sports book and
12 domain names after the MGM and MGM GRAND Marks became famous.

13 58. Defendants' use of MGM MIRAGE's marks and/or marks nearly identical to the
14 MGM and MGM GRAND Marks has and will cause dilution of the distinctive quality of MGM
15 MIRAGE's trademarks and will otherwise cause irreparable injury to MGM MIRAGE's
16 business, reputation, and goodwill.

17 59. Upon information and belief, Defendants' use of MGM MIRAGE's marks and/or
18 marks confusingly similar to the MGM and MGM GRAND Marks was willful in nature, in that
19 Defendants willfully intended to trade on the reputation of MGM MIRAGE or to cause dilution
20 of the MGM and MGM GRAND Marks.

21 60. As a direct and proximate result of Defendants' dilution of MGM MIRAGE's
22 marks, MGM MIRAGE has suffered, and will suffer, irreparable injury to its business,
23 reputation, and goodwill.

24 **COUNT V**

(State Trademark Infringement
under N.R.S. 600.420)

25 61. MGM MIRAGE incorporates the allegations in the preceding paragraphs as if
26 fully set forth herein.
27
28

62. Defendants have used and/or are using the abovementioned domain names and linked it to an online casino, which contain the MGM and MGM GRAND Marks, without consent of MGM MIRAGE.

63. Defendants' use in commerce of MGM MIRAGE's marks and/or marks confusingly similar to the MGM and MGM GRAND Marks in their respective domain names and on the associated online casino, constitutes a reproduction, copying, counterfeiting, and colorable imitation of MGM MIRAGE's trademarks in a manner that is likely to cause confusion or mistake or is likely to deceive consumers.

64. By using the MGM and MGM GRAND Marks and/or marks confusingly similar to the MGM and MGM GRAND Marks with the knowledge that MGM MIRAGE owns and has used, and continues to use, its trademarks in Las Vegas, Defendants have intended to cause confusion, cause mistake, or deceive consumers.

65. Defendants are using marks that are the same and/or confusingly similar to the MGM and MGM GRAND Marks in connection with the sale, offering for sale, or advertising of services in a manner that is likely to cause confusion or mistake, or to deceive consumers as to an affiliation, connection, or association with MGM MIRAGE or as to the origin, sponsorship, or approval of Defendants' services or commercial activities by MGM MIRAGE.

66. Defendants are also using marks that are the same and/or confusingly similar to the MGM and MGM GRAND Marks in their respective domain names to cause initial interest confusion and divert Internet users away from MGM MIRAGE's website located at <betmgm.com>, among others.

67. Defendants' use of the MGM and MGM GRAND Marks and/or marks confusingly similar to the MGM and MGM GRAND Marks has created a likelihood of confusion among consumers who may falsely believe that Defendants' online sports books are associated with the MGM Grand resort hotel and casino, or that MGM MIRAGE sponsors or approves Defendants' services or commercial activities.

68. As a direct and proximate result of Defendants' infringement, MGM MIRAGE has suffered, and will continue to suffer, monetary loss and irreparable injury to its business,

1 reputation, and goodwill.

COUNT VI

(State Trademark Dilution under
N.R.S. 600.435)

2
3 69. MGM MIRAGE incorporates the allegations in the preceding paragraphs as if
4 fully set forth herein.

5 70. The MGM and MGM GRAND Marks are inherently distinctive. Through their
6 adoption and consistent and extensive use, the MGM and MGM GRAND Marks have acquired
7 fame in the State of Nevada.

8 71. Defendants began using marks that are the same and/or nearly identical to the
9 MGM and MGM GRAND Marks in connection with their online sports book and domain names
10 after the MGM and MGM GRAND Marks became famous in the State of Nevada.

11 72. Defendants' use of the MGM and MGM GRAND Marks and/or marks nearly
12 identical to the MGM and MGM GRAND Marks have and will cause dilution of the distinctive
13 quality of MGM MIRAGE's trademarks and will otherwise cause irreparable injury to MGM
14 MIRAGE's business, reputation, and goodwill.

15 73. Upon information and belief Defendants' use of the MGM and MGM GRAND
16 Marks and/or marks confusingly similar to thereto was willful in nature, in that Defendants
17 intended to cause dilution of the MGM and MGM GRAND Marks or willfully intended to trade
18 on the reputation of MGM MIRAGE.

19 74. As a direct and proximate result of Defendants' dilution of the MGM and MGM
20 GRAND Marks, MGM MIRAGE has suffered, and will suffer, irreparable injury to its business,
21 reputation, and goodwill.

COUNT VII

(Common Law Trademark Infringement)

23 75. MGM MIRAGE incorporates the allegations in the preceding paragraphs as if
24 fully set forth herein.

25 76. By virtue of having used and continuing to use the MGM and MGM GRAND
26 Marks, MGM MIRAGE has acquired common law trademark rights in the MGM and MGM
27 GRAND Marks.
28

77. Defendants' use of marks the same and/or confusingly similar to the MGM and MGM GRAND Marks infringes MGM MIRAGE's common law rights in its MGM and MGM GRAND Marks and is likely to cause confusion, mistake, or deception among consumers, who will believe that Defendants' services, online sports book and/or domain name originate from, or are affiliated with, or endorsed by MGM MIRAGE, when, in fact, they are not.

78. As the direct and proximate result of Defendants' infringement of MGM MIRAGE's common law trademark rights under Nevada and other common law, MGM MIRAGE has suffered, and will continue to suffer, monetary damages and irreparable injury to its business, reputation, and goodwill.

COUNT VIII
(Deceptive Trade Practices
under N.R.S. § 598.0915)

79. MGM MIRAGE incorporates the allegations in the preceding paragraphs as if fully set forth herein.

80. Upon information and belief, in the course of conducting its business, Defendants knowingly made false representations as to an affiliation, connection and/or association with MGM MIRAGE by using a mark identical and/or confusingly similar to the MGM and MGM GRAND Marks and otherwise engaged in deceptive trade practices.

81. As the direct and proximate result of Defendants' deceptive conduct, MGM MIRAGE has suffered, and will continue to suffer, monetary damages and irreparable injury to its business, reputation, and goodwill.

COUNT IX
(Intentional Interference with
Prospective Economic Advantage)

82. MGM MIRAGE incorporates the allegations in the preceding paragraphs as if fully set forth herein.

83. Upon information and belief, at the time Defendants adopted and began using marks that are the same and/or confusingly similar to the MGM and MGM GRAND Marks and since that time, Defendants knew and have known that MGM MIRAGE is in the business of providing casino services, and advertises these services on the Internet using the MGM and

1 MGM GRAND Marks.

2 84. Upon information and belief, Defendant committed acts intended or designed to
3 disrupt MGM MIRAGE's prospective economic advantage arising from providing these
4 services.

5 85. Defendants' actions have disrupted or are intended to disrupt MGM MIRAGE's
6 business by, among other things, diverting web users away from MGM MIRAGE's website
7 redirected from <betmgm.com> and to the online sports books linked to Defendants' domain
8 names.

9 86. Defendants have no legal right, privilege or justification for its conduct.

10 87. As a direct and proximate result of Defendants' intentional interference with
11 MGM MIRAGE's prospective economic advantage, MGM MIRAGE has suffered, and will
12 continue to suffer, monetary damages and irreparable injury.

13 88. Based on the intentional, willful and malicious nature of Defendants' actions,
14 MGM MIRAGE is entitled to recover monetary damages, exemplary or punitive damages and
15 reasonable attorneys' fees and costs incurred in connection with this action.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, MGM MIRAGE respectfully prays that the Court grant the following
18 relief:

19 A. A preliminary and permanent injunction prohibiting Defendants, Defendants'
20 respective officers, agents, servants, employees and/or all persons acting in concert or
21 participation with Defendants, from: (1) using the MGM and MGM GRAND Marks or
22 confusingly similar variations thereof, alone or in combination with any other letters, words,
23 letter strings, phrases or designs, in commerce or in connection with any business or for any
24 purpose whatsoever (including, but not limited to, on websites, in domain names, in hidden text
25 and metatags); and (2) registering or trafficking in any domain names containing the MGM and
26 MGM GRAND Marks or confusingly similar variations thereof, alone or in combination with
27 any other letters, words, phrases or designs;

28 B. A preliminary and permanent injunction requiring the current domain name

1 registrar or registry to transfer the <betmgm.net>, <betmgm88.com>, <bet-mgm.net>,
2 <betmgm96.com>, <28818.net>, <bet-mgm.com>, and <888mgm.com> domain name
3 registrations to MGM MIRAGE;

4 C. An award of compensatory, consequential, statutory, and/or punitive damages to
5 MGM MIRAGE in an amount to be determined at trial;

6 D. An award of interest, costs and attorneys' fees incurred by MGM MIRAGE in
7 prosecuting this action; and

8 E. All other relief to which Plaintiff is entitled.

9 DATED: January 20, 2010.

10 Respectfully submitted,

11 LEWIS AND ROCA LLP

12
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