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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ZUFFA, LLC, a Nevada Limited Liability
Company,

Plaintiff,

v.

MOAZZAM GANDU, an individual

Defendant.

CASE NO:

**COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF**

- (1) Infringement Under the Copyright Act and Digital Millennium Copyright Act, 17 U.S.C. §§ 102(a)(6), 106(4) and 501
- (2) Contributory Copyright Infringement
- (3) Vicarious Copyright Infringement
- (4) Trademark Infringement under 15 U.S.C. § 1114
- (5) Unfair Competition under 15 U.S.C. § 1125(a)
- (6) Trademark Dilution under 15 U.S.C. § 1125(c)
- (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, Zuffa, LLC alleges the following:

2 **NATURE OF THE CASE**

3 This is an action for copyright infringement, trademark infringement, unfair competition
4 and 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. Plaintiff seeks damages, attorneys' fees, costs,
7 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 Plaintiff's state and common
11 law claims pursuant to 28 U.S.C. § 1367(a).

12 2. This Court has personal jurisdiction over Defendant based upon the following: (a)
13 Defendant operates a website on the Internet that is accessible to residents of the State of
14 Nevada; (b) Defendant's website is commercial in nature and derives revenue directly through
15 infringing use and publication of Plaintiff's intellectual property, and (c) Defendant has
16 committed tortious acts that it knew or should have known would cause injury to Plaintiff in the
17 State of Nevada.

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

21 **PARTIES**

22 4. Plaintiff Zuffa, LLC is a Nevada limited liability company with its principal place
23 of business in Las Vegas, Nevada.

24 5. Plaintiff is informed and believes and thereupon alleges that Moazzam Gandu is
25 an individual residing in Stafford, Virginia.

ALLEGATIONS COMMON TO ALL COUNTS

6. Zuffa, LLC does business as the Ultimate Fighting Championship® ("UFC®") brand, both registered trademarks. Zuffa is a private company that promotes Mixed Martial Arts ("MMA") contests or exhibitions.

7. MMA contests involve bouts between athletes skilled in the various disciplines of all martial arts including karate, jiu-jitsu, boxing, kick-boxing, grappling, wrestling and other combat sports.

8. Plaintiff is promoting an MMA event "UFC 110" that takes place on Saturday, February 20, 2010.

9. Plaintiff owns the exclusive copyright to the broadcast of all MMA contests Plaintiff promotes. Plaintiff distributes its copyrighted materials, as defined in 17 U.S.C. § 101, for, among other things, streaming programming, including but not limited to, broadcast over the Internet, for its paying customers to display, view and use. Plaintiff invests substantial time and money in advertising, promoting, selling and licensing its broadcasts.

10. Similarly, Plaintiff will own the complete February 20, 2010 UFC 110 broadcast, including all of its undercard events and all other portions of the broadcast. As such, Plaintiff will possess the exclusive right to distribute the broadcast.

11. Plaintiff holds registered copyrights or has filed applications for UFC 1 through UFC 108, including the following, among others:

UFC1	PA0000697648
UFC2	PA0000697645
UFC3	PA0000697646
UFC4	PA0000750240
UFC5	PA0000817758
UFC6	PA0000812293
UFC7	PA0000836685
UFC8	PA0000836686
UFC9	PA0000836687
UFC10	PA0000836690
UFC11	PA0000836688
UFC12	PA0000841134
UFC13	PA0000851300
UFC14	PA0000869425
UFC15	PA0000913488
UFC16	PA0000913489
UFC17	PA0000765053
UFC19	PA0001153050

1	UFC20	PA0001038716
2	UFC21	PA0001038717
3	UFC22	PA0001056997
4	UFC23	PA0001056998
5	UFC24	PA0001038718
6	UFC 25	PA0001056907
7	UFC 26	PA0001038719
8	UFC 27	PA0001038715
9	UFC 28	PA0001038720
10	UFC 29	PA0001057017
11	UFC 30	PA0001038721
12	UFC 31	PA0001049665
13	UFC 32	PA0001050900
14	UFC 33	PA0001076476
15	UFC 34	PA0001076471
16	UFC 35	PA0001103291
17	UFC 36	PA0001103289
18	UFC 37	PA0001153049
19	UFC 38	PA0001153044
20	UFC 39	PA0001153043
21	UFC 40	PA0001153045

Collectively, along with UFC 109 and UFC 110, the “Copyrighted Broadcasts.”

12. The UFC name and logo are trademarks that are owned by Plaintiff and registered on the Principal Register of the United States Patent and Trademark Office, including, among others:

- a. UFC and design: Registration No. 2,706754 for entertainment services, namely, development, organization and production of competitions, performances and events featuring sports and entertainment; educational services, namely, providing information on the subject of sports and entertainment; and
- b. UFC: Registration No. 2,645,312 for entertainment services, namely production of martial arts competitions, events, and information (collectively, the “UFC Marks”). These federal trademark registrations have not been abandoned, canceled, or revoked. Moreover, these federal registrations have or will become incontestable through the filing of Section 8 and 15 affidavits in the Patent and Trademark Office.

13. Since 1993, Plaintiff and its predecessors-in interest have continuously used the UFC® Marks in connection with advertising and promoting the property in the United States and

1 around the world. Plaintiff and its predecessors-in-interest have spent millions of dollars to
2 advertise and promote the UFC® Marks in print, broadcast media, and on the Internet through
3 the UFC® website accessible throughout the United States and around the world at <ufc.com>,
4 among others. In addition, Plaintiff has made extensive use of the UFC® Marks on, among
5 other things, signage, wearing apparel, souvenirs, promotional materials and especially in
6 connection with the broadcast of MMA events.

7 14. Based on its federal trademark registrations and extensive use, Plaintiff owns the
8 exclusive right to use the UFC® Marks in connection with MMA contests or exhibitions and
9 related goods and services.

10 15. The UFC® Marks have become distinctive and famous in the United States and
11 around the world for MMA contests or exhibitions and related goods and services.

12 16. Upon information and belief, Defendant owns and operates a website at <rage-
13 streams.net> (“Defendant’s Website”). The website is offering unauthorized “live streaming”
14 video of UFC 110 for \$6.99. The lowest retail price for which a member of the general public
15 can order the authorized live streaming broadcast of UFC 110 is \$44.95. A true and accurate
16 copy of the homepage at Defendant’s Website is attached hereto as Exhibit 1, and is incorporated
17 by this reference.

18 17. In addition to offering the upcoming UFC 110 fight, Defendant hosts the
19 copyrighted broadcasts of no less than forty (40) past UFC contests on various pages of its
20 website, including UFC 1 through UFC 40 for which Plaintiff owns federal registrations, as well
21 as UFC 109 that just occurred on February 6, 2010. A true and accurate copy of pages from
22 Defendant’s Website showing the specific broadcasts are attached hereto as Exhibit 2, and are
23 incorporated by this reference.

24 18. On information and belief, the Copyrighted Broadcasts displayed on Defendant’s
25 website were uploaded or posted by Defendant or Defendant’s agents or employees.

26 19. Additionally, Defendant’s Website provides technology and services enabling
27 individuals to upload, display, view, copy, share, use, exhibit and/or disseminate Plaintiff’s
28 Copyrighted Broadcasts. Regardless of whether Defendant posts the videos himself, Defendant

1 profits from the posting of the Plaintiff's Copyrighted Broadcasts by pairing the broadcasts with
2 advertisements. Furthermore, the posting of the Copyrighted Broadcasts on Defendant's
3 Website encourages customers to order the unauthorized stream of UFC 110 from Defendant.

4 20. Defendant knows or has reason to know, or acts in reckless disregard for the fact
5 that it, at the very least, provides a forum for its registered users to upload, display, copy, adapt,
6 share, use, exhibit and/or disseminate, and/or make available for its registered users to download,
7 copy, view, adapt, share, use, exhibit and/or disseminate Plaintiff's Copyrighted Broadcasts.

8 21. Defendant either posted the Copyrighted Broadcasts himself, knows or has reason
9 to know, or has recklessly disregarded the fact that Plaintiff's Copyrighted Broadcasts are among
10 broadcasts made available through its forums for Defendant's registered users to view.
11 Additionally, the Copyrighted Broadcasts displayed in Defendant's forums are easily identifiable
12 as Plaintiff's broadcasts, often accompanied by the Plaintiff's UFC trademark, which is
13 prominently displayed throughout Defendant's website.

14 22. Defendants' Website is designed to trade off of Plaintiff's goodwill. Internet
15 users are offered the opportunity to become a registered user, which appears to be the only way
16 to view streaming or "on demand" content at the website. The website is entirely in English and
17 aimed at and accessible within the United States, including to residents of the State of Nevada.

18 23. Defendant does not have and has never had any license, authorization, permission
19 and/or consent to use any of Plaintiff's copyrighted materials or trademarks in any manner.
20 Defendant is not now or has Defendant ever been affiliated with Plaintiff.

21 **COUNT I**

22 (Copyright Infringement Under the Copyright Act
23 and Digital Millennium Copyright Act, 17 U.S.C. §§ 102(a)(6), 106(4) and 501)

24 24. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
25 forth herein.

26 25. Defendant has infringed Plaintiff's copyright in Plaintiff's broadcasts of UFC
27 events by uploading, displaying, copying, adapting, sharing, using, exhibiting and/or
28 disseminating, and/or making available for its registered users to download, copy, view, adapt,
share, use, exhibit and or disseminate Plaintiff's copyrighted broadcasts.

1 Plaintiff's exclusive rights of reproduction, distribution and exploitation by means of a digital
2 audiovisual transmission, pursuant to 17 U.S.C. § 102(a)(6), 106(4) and 501.

3 35. Defendant possesses the right and ability to supervise and control the infringing
4 conduct of his subscribers and users and have contributed to said infringing conduct. This
5 notwithstanding, Defendant has refused to exercise such supervision and control to the extent
6 required by law. As a direct and proximate result of such refusal, Defendant's subscribers and
7 users have infringed Plaintiff's copyrights in the Copyrighted Broadcasts by reproducing,
8 distributing, and/or exploiting the Copyrighted Broadcasts.

9 36. Defendant derives a direct financial benefit from these acts of infringement,
10 including, but not limited to, financial benefit from advertising revenue, increased user traffic
11 and raised value of Defendants' businesses arising from the "draw" of the infringing
12 Copyrighted Broadcasts.

13 37. Each such infringement by Defendant's users of the Copyrighted Broadcasts for
14 which Defendant is vicariously liable constitutes a separate and distinct act of infringement.

15 38. Defendants' acts of infringement were willful, in disregard of and with
16 indifference to Plaintiff's rights.

17 **COUNT IV**

18 (Trademark Infringement)

19 Under the Lanham Act, 15 U.S.C. § 1114)

20 39. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
21 forth herein.

22 40. Defendant has used and/or is using in commerce the UFC Marks in order to sell
23 its unauthorized streaming broadcast of UFC 110 and to host broadcasts of several other events
24 Plaintiff owns the copyright to, and, thus, Defendant's use of the UFC Marks is confusingly
25 similar to Plaintiff's trademarks.

26 41. Defendant's use in commerce of the UFC Marks and/or a mark confusingly
27 similar to the UFC Marks at Defendant's Website constitutes a reproduction, copying,
28 counterfeiting, and colorable imitation of Plaintiff's trademarks in a manner that is likely to
cause confusion or mistake or that is likely to deceive consumer.

48. As a direct and proximate result of such unfair competition, Plaintiff has suffered, and will continue to suffer, monetary loss and irreparable injury to its business, reputation and goodwill.

COUNT VI

(Trademark Dilution Under
Federal Trademark Dilution Act, 15 U.S.C. § 1125(c))

49. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set forth herein.

50. The UFC Marks are inherently distinctive. Through their adoption and consistent and extensive use, the UFC Marks have acquired fame.

51. Defendant began using a mark that is the same and/or nearly identical to the UFC Marks in connection with the defendant's Website after the UFC Marks became famous.

52. Defendant's use of the UFC Marks has and will cause dilution of the distinctive quality of Plaintiff's trademarks and will otherwise cause irreparable injury to its business, reputation, and goodwill.

53. Plaintiff is informed and believes thereupon alleges that, Defendant's use of the UFC Marks and/or a mark confusingly similar thereto was willful in nature, in that Defendant willfully intended to trade on the reputation of Plaintiff or to cause dilution of the UFC Marks.

54. As a direct and proximate result of Defendant's dilution of the UFC Marks, Plaintiff has suffered, and will suffer, irreparable injury to its business, reputation, and good will.

COUNT VII

(Common Law Trademark Infringement)

55. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set forth herein.

56. By virtue of having used and continuing to use the UFC Marks, Plaintiff has acquired common law trademark rights in the UFC Marks.

57. Defendant's use of a mark the same and/or confusingly similar to the UFC Marks infringes Plaintiff's common law trademark rights in its UFC Marks and is likely to cause confusion, mistake, or deception among consumers who will believe that Defendant's services,

1 the associated directory website and/or Internet domain name originate from, or are affiliated
2 with, or are endorsed by Plaintiff, when, in fact, they are not.

3 58. As the direct and proximate result of Defendant's infringement of Plaintiff's
4 common law trademark rights under Nevada and other common law, Plaintiff has suffered, and
5 will continue to suffer, monetary damages and irreparable injury to its business, reputation, and
6 goodwill.

7 **COUNT VIII**
8 (Deceptive Trade Practices
Under N.R.S. § 598.0915)

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

11 60. Plaintiff is informed and believes and thereupon alleges that in the course of
12 conducting business, Defendant knowingly made false representations as to an affiliation,
13 connection, and/or association with Plaintiff by using a mark identical and/or confusingly similar
14 to the UFC Marks, and otherwise engaged in deceptive trade practices.

15 61. As the direct and proximate result of Defendant's deceptive conduct, Plaintiff has
16 suffered, and will continue to suffer, monetary damages and irreparable injury to its business,
17 reputation, and goodwill.

18 **COUNT IX**
19 (Intentional Interference With
Prospective Economic Advantage)

20 62. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
21 forth herein.

22 63. Plaintiff is informed and believes and thereupon alleges that at the time Defendant
23 adopted and began using a mark that is the same and/or confusingly similar to the UFC Marks,
24 and since that time, Defendant knew and has known that Plaintiff is in the business of providing
25 MMA contests or exhibitions and related goods and services, specifically the streaming live
26 broadcast of MMA events, and that Plaintiff advertises those services on the Internet using the
27 UFC Marks.
28

64. Plaintiff is informed and believes and thereupon alleges that Defendant committed acts intended or designed to disrupt the Plaintiff's prospective economic advantage arising from providing those services.

65. Defendant's actions have disrupted or are intended to disrupt the Plaintiff's business by, among other things, diverting web users away from the authorized broadcasts of Plaintiff's MMA events to the unauthorized broadcasts found at Defendant's Website. Each user diverted is a potential customer lost.

66. Defendant has no legal right, privilege or justification for this conduct.

67. As a direct and proximate result of Defendant's intentional interference with the Plaintiff's prospective economic advantage, Plaintiff has suffered, and will continue to suffer, monetary damages and irreparable injury.

68. Based on the intentional, willful and malicious nature of Defendant's actions, Plaintiff is entitled to recover monetary damages, exemplary or punitive damages and reasonable attorneys' fees and costs incurred in connection with this action.

PRAYER FOR RELIEF

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

A. Pursuant to 17 U.S.C. § 502, grant a temporary restraining order, preliminary and permanent injunction preventing Defendant's agents, servants, employees and/or all persons acting in concert or participation with Defendant from copying, manipulating, adapting, reproducing, uploading, distributing, sharing, selling or displaying any of Plaintiff's Copyrighted Broadcasts;

B. Pursuant to 17 U.S.C. § 504, award Plaintiff statutory damages of up to \$150,000 per infringement, or, in the alternative, all actual damages suffered by Plaintiff and all profit earned by Defendant attributable to the infringements;

C. Pursuant to 17 U.S.C. §§ 505, award Plaintiff its full costs in litigating this matter, including reasonable attorneys' fees;

D. Impose a constructive trust for the benefit of Plaintiff on all revenue generated by Defendant from the infringement of the Copyrighted Broadcasts, or any substantially similar products, and from Defendant's other tortious conduct;

1 E. A temporary restraining order, preliminary and permanent injunction prohibiting
2 Defendants, Defendants' respective officers, agents, servants, employees and/or all persons acting
3 in concert or participation with Defendants, from using the UFC® Marks or confusingly similar
4 variations thereof, alone or in combination with any other letters, words, letter strings, phrases or
5 designs, in commerce or in connection with any business or for any purpose whatsoever
6 (including, but not limited to, on websites, in domain names, in hidden text and metatags);

7 F. An award of compensatory, consequential, statutory, exemplary, and/or punitive
8 damages to Plaintiff in an amount to be determined at trial;

9 G. An award of interest, costs and attorneys' fees incurred by Plaintiff in prosecuting
10 this action; and

11 H. All other relief to which Plaintiff is entitled.

12 DATED: February 18, 2010.

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