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

11 AGASSI ENTERPRISES, INC., a Nevada
 12 corporation,

Plaintiff,

13 v.
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15 andre-agassi.com, andre-agassi.net, and andre-
 agassi.info,

Defendants.

CASE NO.

**COMPLAINT FOR INJUNCTIVE
 RELIEF**

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17 For its complaint, Plaintiff Agassi Enterprises, Inc. (“AEI”) alleges as follows:

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NATURE OF THE CASE

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

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JURISDICTION AND VENUE

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1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §§
 25 1331 and 1338(a).

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2. This Court has in rem jurisdiction over the Defendant Domain Names pursuant to
 27 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 AEI is a Nevada corporation with its principal place of business in Las
13 Vegas, Nevada.

14 5. Upon information and belief, Defendant Domain Name <andre-agassi.com> is an
15 Internet domain name registered by Standard Bearer Enterprises Limited, doing business in St.
16 Johns, Antigua.

17 6. Upon information and belief, Defendant Domain Name <andre-agassi.net> is an
18 Internet domain name registered by Garvin Advertising Agency, doing business in Panama City,
19 Florida.

20 7. Upon information and belief, Defendant Domain Name <andre-agassi.info> is an
21 Internet domain name registered through DomainsByProxy, a private registration service, doing
22 business in Scottsdale, Arizona.

23 **ALLEGATIONS COMMON TO ALL COMPLAINTS**

24 8. Andre Agassi is one of the greatest professional tennis players of all time. He
25 captured eight Grand Slam titles, an Olympic Gold Medal, and is one of five players in the world
26 to win a career Grand Slam, or win all four Grand Slam titles—U.S. Open, Australian Open,
27 Wimbledon and French Open—in his career.

1 9. Andre Agassi began his more than twenty-year professional tennis career at age
2 16 in 1986 and is the first Nevadan to make an impact on professional tennis. He won his first
3 major championship at Wimbledon in 1992.

4 10. Throughout his career, Andre Agassi was in the public spotlight not only due to
5 his success as a tennis player, but also through his endorsement deals and television
6 commercials. Despite retiring from the game of tennis in 2006, Andre Agassi remains very
7 much in the public spotlight through his philanthropic efforts and business dealings, which
8 include the branding of the Agassi name and trademark (“AGASSI Marks”).

9 11. He is currently ranked third among the all-time ATP Prize Money Leaders.
10 The AGASSI Marks have been sublicensed to companies such as Nike and Adidas for global use
11 to advertise, market and sell footwear and apparel.

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

18 13. AEI owns the exclusive right to use and sublicense the AGASSI Marks by virtue
19 of an employment agreement with Andre Agassi in 1994, which automatically renews annually.

20 14. AEI is in the business of, among other things, using and sublicensing the AGASSI
21 Marks.

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

25 16. AEI has acquired substantial goodwill associated with the AGASSI Marks and the
26 AGASSI Marks have become associated in the marketplace with AEI and Andre Agassi.

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

8 18. On October 4, 2001, Standard Bearer Enterprises Limited registered the <andre-
9 agassi.com> domain name with Tucows, Inc., a registrar of domain names. This domain name
10 contains the Agassi Name and Mark.

11 19. On February 22, 2009, Garvin Advertising Agency registered the <andre-
12 agassi.net> domain name with GoDaddy.com, Inc., a registrar of domain names. This domain
13 name contains the Agassi Name and Mark.

14 20. On June 3, 2007, DomainsByProxy registered the <andre-agassi.info> domain
15 name with GoDaddy.com, Inc., a registrar of domain names. This domain name contains the
16 Agassi 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.

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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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