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7
 8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10 Floyd Mayweather Jr., an individual,

11 Plaintiff,

12 v.

13 Atlanta Sports & Entertainment Marketing,
 an entity of unknown origin,

14 Defendant.

Case No.

**COMPLAINT FOR DAMAGES AND
 INJUNCTIVE RELIEF**

- (1) Cybersquatting under 15 U.S.C. § 1125(d)
- (2) Unfair Competition under 15 U.S.C. § 1125(a); 1125(c)
- (3) Common Law Trademark Infringement
- (4) Deceptive Trade Practices under N.R.S. 598.0903, et seq.
- (5) Unauthorized Commercial Use of Right of Publicity under NRS 597.770.
- (6) Intentional Interference with Prospective Economic Advantage

22 For its complaint against Defendant, Plaintiff complains and alleges as follows:

23 **NATURE OF ACTION**

24 This is an action for cybersquatting and unfair competition under federal statutes,
 25 with pendent claims for common law trademark infringement, state deceptive trade
 26 practices, state rights of publicity infringement, and intentional interference with prospective
 27 economic advantage. Plaintiff seeks damages, attorneys' fees, costs, and preliminary and
 28 permanent injunctive relief.

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JURISDICTION

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2 1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C.
3 §§1331 and 1338(a). This Court has supplemental jurisdiction over Plaintiff's state law
4 claims pursuant to 28 U.S.C. § 1367(a).

5 2. This Court has personal jurisdiction over Defendant based upon the following:
6 (a) It operates a web site on the Internet that is accessible to residents of the State of
7 Nevada; (b) the web site purports to originate from Plaintiff and sells goods and services
8 that it purports came from Plaintiff; (c) Defendant committed tortious acts that it knew or
9 should have known would cause injury to Plaintiff in the State of Nevada.

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

PARTIES

13
14 4. Plaintiff Floyd Mayweather Jr. ("Mayweather") is an individual residing in Las
15 Vegas, Nevada.

16 5. Defendant Atlanta Sports & Entertainment Marketing ("Atlanta") is a business
17 entity of unknown origin that, upon information and belief, operates in Atlanta, Georgia.

ALLEGATIONS COMMON TO ALL COUNTS

18
19 6. Mayweather is a professional boxer with an undefeated record, regarded by
20 the boxing industry and millions of fans throughout the world as the best pound-for-pound
21 fighter in the world and one of the best technical boxers of all time.

22 7. Mayweather, his agents, and his assigns have spent millions of dollars
23 advertising and promoting Mayweather and his boxing-related goods and services in print
24 and in broadcast media. In addition, Mayweather has made extensive use of his name on,
25 among other things, signage, wearing apparel, souvenirs and promotional materials.

26 8. Based on his international fame and his extensive use of his name and
27 likeness in commerce, Mayweather owns the exclusive right to use his name and likeness
28 in connection with boxing and related services.

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1 the Allegations Common to All Counts section above, constitutes a reproduction, copying,
2 counterfeiting, and colorable imitation of Plaintiff's name in a manner that is likely to cause
3 confusion or mistake or is likely to deceive consumers.

4 28. By using Plaintiff's name with the knowledge that Plaintiff owns the
5 commercial rights to his name and has used his name in commerce in Las Vegas, across
6 the United States, and around the world, Defendant has intended to cause confusion,
7 cause mistake, or deceive consumers.

8 29. Defendant has registered a domain name which is identical and/or
9 confusingly similar to Plaintiff's name in connection with the sale, offering for sale or
10 advertising of services in a manner that is likely to cause confusion, or to cause mistake, or
11 to deceive consumers as to affiliation, connection, or association with Plaintiff or as to the
12 origin, sponsorship, or approval of Defendant's services or commercial activities by Plaintiff.

13 30. Defendant's use of Plaintiff's name has created a likelihood of confusion
14 among consumers who may falsely believe that Defendant's business or web site is
15 associated with Plaintiff's boxing-related goods and services or that Plaintiff sponsors or
16 approves of Defendant's services or commercial activities.

17 31. As a direct and proximate result of Defendant's infringement, Plaintiff has
18 suffered, and will continue to suffer, monetary loss and irreparable injury to his business,
19 reputation, and goodwill.

20 **THIRD CLAIM FOR RELIEF**
21 (Common Law Trademark Infringement)

22 32. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
23 forth herein.

24 33. By virtue of having used and continuing to use his name in commerce,
25 Plaintiff has acquired common law trademark rights in his name.

26 34. Defendant's use of a name identical and/or confusingly similar to Plaintiff's
27 name infringes Plaintiff's common law trademark rights in his name, and this use is likely to
28 cause confusion, mistake, or deception among consumers, who will believe that

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1 Defendant's website and its associated services originate from, or is affiliated with, or
2 endorsed by Plaintiff when, in fact, it is not.

3 35. As a 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,
5 and will continue to suffer, monetary damages and irreparable injury to his business,
6 reputation, and goodwill.

7 **FOURTH CLAIM FOR RELIEF**
8 (Deceptive Trade Practices
under N.R.S. § 598.0915)

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

11 37. Upon information and belief, in the course of conducting its business,
12 Defendant knowingly made false representations as to affiliation, connection and/or
13 association with Plaintiff by using a name confusingly similar to Plaintiff's name and
14 otherwise engaged in deceptive trade practices.

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

18 **FIFTH CLAIM FOR RELIEF**
19 (Unauthorized Commercial Use of Right of Publicity under NRS § 597.770 *et seq.*)

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

22 40. Plaintiff is a world-renowned boxer and entertainer who has acquired valuable
23 goodwill and commercial value in his persona including but not limited to his name, voice,
24 signature, photograph, and likeness in Nevada, throughout the United States, and
25 internationally.

26 41. Under Nevada law, the goodwill and commercial value in Plaintiff's
27 Mayweather name creates an absolute, incorporeal, and transferable property right of
28 publicity and all related goodwill and commercial value.

1 42. Defendant has used in commerce, and continues to use in commerce, the
2 name and/or likeness of Mayweather in its Infringing Domain Name and the associated
3 websites and links without the consent of Plaintiff.

4 43. Defendant has no legal right, privilege or justification for its conduct.

5 44. As a direct and proximate result of Defendant's infringement of Plaintiff's
6 Rights of Publicity under NRS 597.770 *et seq.*, Plaintiff has suffered, and will continue to
7 suffer, monetary damages and irreparable injury to his business, reputation, and goodwill.

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

11 **SIXTH CLAIM FOR RELIEF**
12 (Intentional Interference with
Prospective Economic Advantage)

13 46. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
14 forth herein.

15 47. Upon information and belief, Defendant committed acts intended or designed
16 to disrupt Plaintiff's prospective economic advantage arising from his advertising and/or
17 providing of boxing-related services.

18 48. Defendant's actions have disrupted or are intended to disrupt Plaintiff's
19 business by, among other things, diverting web users away from websites approved by or
20 affiliated with Plaintiff.

21 49. Defendant has no legal right, privilege or justification for its conduct.

22 50. As a direct and proximate result of Defendant's Intentional Interference with
23 Plaintiff's prospective economic advantage, Plaintiff has suffered, and will continue to
24 suffer, monetary damages and irreparable injury.

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

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PRAYER FOR RELIEF

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

A. A preliminary and permanent injunction prohibiting Defendant, its respective officers, agents, servants, employees and/or all persons acting in concert or participation with them, or any of them, from: (1) using Plaintiff's name or confusingly similar variations thereof, alone or in combination with any other letters, words, letter strings, phrases or designs, in commerce or in connection with any business or for any other purpose (including, but not limited to, on web sites and in domain names); and (2) registering, owning, leasing, selling, or trafficking in any domain name containing Plaintiff's name or confusingly similar variations thereof, alone or in combination with any other letters, words, phrases or designs;

B. A preliminary and permanent Injunction requiring the current domain name registrar to transfer the <floydmayweather.net> domain name to Plaintiff;

C. An award of compensatory, consequential, statutory, and punitive damages to Plaintiff in an amount to be determined at trial;

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

E. All other relief to which Plaintiff is entitled.

DATED: May 14, 2008.

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TMZ

EXHIBIT 1



TMZ

EXHIBIT 2

