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 6

7 UNITED STATES DISTRICT COURT
 8 DISTRICT OF NEVADA
 9

10 ZUFFA, LLC, a Nevada Limited Liability
 Company,

11 Plaintiff,

12 v.

13 MOAZZAM GANDU, an individual

14 Defendant.
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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.

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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
	UFC21	PA0001038717
2	UFC22	PA0001056997
	UFC23	PA0001056998
3	UFC24	PA0001038718
	UFC 25	PA0001056907
4	UFC 26	PA0001038719
	UFC 27	PA0001038715
5	UFC 28	PA0001038720
	UFC 29	PA0001057017
6	UFC 30	PA0001038721
	UFC 31	PA0001049665
7	UFC 32	PA0001050900
	UFC 33	PA0001076476
8	UFC 34	PA0001076471
	UFC 35	PA0001103291
9	UFC 36	PA0001103289
	UFC 37	PA0001153049
10	UFC 38	PA0001153044
	UFC 39	PA0001153043
11	UFC 40	PA0001153045

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

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

16 a. UFC and design: Registration No. 2,706754 for entertainment services,
17 namely, development, organization and production of competitions,
18 performances and events featuring sports and entertainment; educational
19 services, namely, providing information on the subject of sports and
20 entertainment; and

21 b. UFC: Registration No. 2,645,312 for entertainment services, namely
22 production of martial arts competitions, events, and information
23 (collectively, the “UFC Marks”). These federal trademark registrations have not been
24 abandoned, canceled, or revoked. Moreover, these federal registrations have or will become
25 incontestable through the filing of Section 8 and 15 affidavits in the Patent and Trademark
26 Office.

27 13. Since 1993, Plaintiff and its predecessors-in interest have continuously used the
28 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.

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

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.

13 LEWIS AND ROCA LLP

14
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ZUFFA, LLC v. MOAZZAM GANDU

EXHIBIT 1 TO COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

ZUFFA, LLC v. MOAZZAM GANDU

EXHIBIT 1 TO COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

The screenshot shows a web browser window displaying the RAGE-STREAMS.NET website. The browser's address bar shows the URL <http://www.rage-streams.net/forum/view.php?pg=streampage>. The website header includes the text "RAGE-STREAMS.NET - Get On Our Level!" and a navigation menu with links for "channel 1" through "channel 8", "forum", and "register". A central banner features a UFC 110 event advertisement for "SILVA vs BISPING" and "NOGUEIRA vs VELASQUEZ", with the text "Click Here To Purchase UFC 110, No Shutdowns!". Below the banner is a login form with fields for "User Name" and "Password", and a "Remember?" checkbox. The main content area is split into two sections: "You are on Channel 1" and "You are on Regular Chat". The "Channel 1" section shows a chat log with the message "College Basketball Texas @ missouri" and a "chaosrage" watermark. The "Regular Chat" section displays a welcome message for unregistered users and a chat window with a "xat" user. The browser's taskbar at the bottom shows the Start button, an "Inbox - Microsoft Outlook" window, and the "RAGE-STREAMS.NET" window. The system tray on the right indicates the date and time as "Thursday, February 18, 2010 10:23 AM".

ZUFFA, LLC v. MOAZZAM GANDU

EXHIBIT 2 TO COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

ZUFFA, LLC v. MOAZZAM GANDU

EXHIBIT 2 TO COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

The screenshot shows a web browser window displaying the Rage Streams website. The browser's address bar shows the URL <http://www.ragestreams.net/forum/>. The website header features the text "WRESTLING, MMA, AND MORE" and a navigation menu with links for "Register", "Invite Your Friends", "FAQ", "Today's Posts", and "Search". A "User Name" field is visible in the top right corner.

The main content area displays a "Welcome Back Unregistered" message with a link to "Click Here for LIVE Stream & CHAT". Below this, a list of on-demand events is provided:

- WWE RAW (February 15) On-Demand <<HERE>>
HERE
- WWE Smackdown (February 15) On-Demand <<HERE>>
HERE
- TNA IMPACT (February 11) On-Demand <<HERE>>
HERE
- UFC 109: Couture vs Coleman (February 06) On-Demand <<HERE>>
HERE
- TNA Against All Odds (February 14) On-Demand <<HERE>>

A promotional banner for UFC 110 is shown, featuring the fight "SILVA vs BISPING" and "NOGUEIRA vs VELASQUEZ". The banner includes the text "UFC 110 NO SHUTDOWNS!" and a link to "Click Here To Purchase UFC 110, No Shutdowns!".

At the bottom of the page, there is a "Welcome to the Rage Streams" message and a "register" link. The browser's taskbar at the bottom shows the Start button, several open applications including "Inbox - Microsoft Outlook", "Rage Streams - Powered...", and "Sinao Times", and the system tray with the date "Thursday, February 18, 2010" and time "10:56 AM".

MMA & Boxing Media - Rage Streams - Windows Internet Explorer

http://www.rage-streams.net/forum/forumdisplay.php?f=42&border=black

Live Search

U.S. Bankruptcy Court U.S. Copyright Office UNLV USCC

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Page 1 of 3 1 2 3

Threads in Forum - MMA & Boxing Media

Thread / Thread Starter	Rating	Last Post	Replies	Views
UFC 109: Couture vs. Coleman (February 6) (1) 1 2 3 Last Page		by Pazzano	128	1,279
Ufc 09 (1) 1 2		by Pazzano	17	141
Ufc 08		by id1802	3	10
UFC 108 Countdown (February 3) (1) 1 2 3 Last Page		by Acer1337	63	638
UFC 108 (January 02) (1) 1 2 3 Last Page		by Acer1337	68	614
UFC 108 Weigh-In (1) 1 2		by Acer1337	10	10
UFC 108 Countdown		by Acer1337	3	39
Strikeforce: Nick Diaz vs. Maris Zaromzkie (January 30) (1) 1 2 3 Last Page		by Aba1337	53	514
Ufc 07		by Pazzano	3	10
Ufc 06		by Pazzano	3	10
Ufc 002 (1) 1 2		by misscock	15	10
Ufc 05		by Pazzano	3	20
UFC 1: The Beginning (1) 1 2 3 Last Page		by misscock	19	110
Ufc 10		by forjainny	7	27
Ufc 003		by Pazzano	6	34
Ufc 30		by molotov	2	10
Ufc 15		by sh-shok	1	10
Ufc 12		by slantleazy	1	10

Done, but with errors on page.

Start Inbox - Microsoft Outlook RAGE STREAMS.NET - S... MMA & Boxing Media ...

Internet Thursday, February 18, 2010 11:57 AM

MMA & Boxing Media - Page 2 - Rage Streams - Windows Internet Explorer

http://www.rage-streams.net/forum/forandisplay.php?i=42&order=descpage=2

Home | CCDC | PTO | POC | U.S. Bankruptcy Court | U.S. Copyright Office | LEXIP | LSDC | Whois | William S. Boyd School of Law | Warez | CPU

MMA & Boxing Media - Pa...

Threads in Forum : MMA & Boxing Media

Forum Tools | Search the Forum

Thread / Thread Starter	Rating	Last Post	Replies	Views
Ufc 2,3,4 dont work, please fix [img alt="broken icon"]		slamjenny	0	
Ufc 78 [img alt="broken icon"]		slamjenny	1	
Ufc 29 [img alt="broken icon"]		slamjenny	1	
Ufc 38 [img alt="broken icon"]		slamjenny	1	
Ufc 104 (1/2) [img alt="broken icon"]		slamjenny	1	
Ufc 104 (1/2) [img alt="broken icon"]		slamjenny	1	
Boxing [img alt="broken icon"]		slamjenny	1	
Ufc 23 [img alt="broken icon"]		slamjenny	1	
Ufc 36 [img alt="broken icon"]		slamjenny	1	
Ufc 16 [img alt="broken icon"]		slamjenny	1	
Ufc 39 [img alt="broken icon"]		slamjenny	1	
Ufc 26 [img alt="broken icon"]		slamjenny	1	
Ufc 37 [img alt="broken icon"]		slamjenny	1	
Ufc 35 [img alt="broken icon"]		slamjenny	1	
Ufc 34 [img alt="broken icon"]		slamjenny	1	
Ufc 33 [img alt="broken icon"]		slamjenny	1	
Ufc 32 [img alt="broken icon"]		slamjenny	1	
Ufc 31 [img alt="broken icon"]		slamjenny	1	
Ufc 27 [img alt="broken icon"]		slamjenny	1	
Ufc 25 [img alt="broken icon"]		slamjenny	1	
Ufc 24 [img alt="broken icon"]		slamjenny	1	

Date, Day, Year, Time on page.

Start | Inbox - Microsoft Outlook | RAGE-STREAMS.NET / SL... | MMA & Boxing Media - Pa... | Internet | Thursday, February 18, 2010 | 11:57 AM

MMA & Boxing Media - Page 3 - Rage Streams - Windows Internet Explorer

http://www.rage-streams.net/forum/forumsdisplay.php?i=42&order=desc&page=3

Links: CCDC, PTO, SOS, U.S. Bankruptcy Court, U.S. Copyright Office, UNLV, USOC, Whokac, Wilson S. Boyd School of Law, Winnet, C.O.P.

MMA, BOXING, MMA, AND MIXED

Page Streams: Page Streams Media
MMA & Boxing Media

Welcome, ronaldo
We last visited you on Feb 16 at 11:28 AM
Your Notifications

User CP Invite Your Friends FAQ Stream/Chat Page How Posts Search Quick Links Log Out

Sponsored Links

- Report Software Piracy: Report it, Report it, Forward it (up to \$1M)
- On Demand Programming: Watch Sporting Events & Your Favorite TV Shows On Demand
- Watch HD Channels Online?: Watch Over 300 HD Channels Directly On Your Computer

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Threaded Forum: MMA & Boxing Media

Thread / Thread Starter	Rating	Last Post	Replies	Views
Ufc 22		by Ryan	0	
Ufc 21		by Ryan	0	
Ufc 19		by Ryan	0	
Ufc 14		by Cartman	0	
Ufc 13		by Cartman	0	
Ufc 16		by Ryan	0	
Ufc 17		by Ryan	0	
Ufc 16		by Ryan	0	

Display Options: Showing threads 41 to 49 of 49

Currently Active Users: 2 (2 members & 0 guests)

Thursday, February 16, 2010 11:28 AM