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Las Vegas Sands Corp.

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

10 LAS VEGAS SANDS CORP.,

11 Plaintiff,

12 v.

13 FAN YU MING, HU WEISHENG, JIE GUO,
14 LIIO NAN FEIOO, LINL LINLIN, MULONG
WONG, NAA FEII, NANFEI LI, RUIXING
15 JIANG, XEN WANG, YAN HUANG,
YUEBIN CHEN, ZHU YUXIA, and the
16 Unknown Registrants of: 1101444234.com,
124122949.com, 13233833330.com,
17 17828c.com, 17828n.com, 17828p.com,
17828s.com, 17828w.com, 17858i.com,
17858m.com, 17858s.com, 17858t.com,
18 17858x.com, 17869g.com, 17869n.com,
17869r.com, 777789.net, 962466.com,
19 chenwen138.com, hk999hk.com, js9900.com,
v5888.com, v6181.com, v6184.com,
20 v66366.com, v66566.com, v7181.com,
v7982.com, v7987.com, v88998.com,
21 v8999.com, vnsr1005.com, vnsr1006.com,
vnsr1007.com, vnsr1008.com, vnsr1009.com,
22 vnsr11011.com, vnsr22022.com,
vnsr33033.com, vnsr44044.com,
23 vnsr55055.com, vnsr66066.com,
vnsr77077.com, vnsr88088.com,
24 vnsr99099.com, and XJS000.com,

25 Defendants.

Case No. 2:18-cv-2306

COMPLAINT

26 For its Complaint, Plaintiff Las Vegas Sands Corp. (“Plaintiff” or “Las Vegas Sands”)
27 alleges as follows:
28

1 **NATURE OF THE CASE**

2 Las Vegas Sands brings this action against the known and unknown registrants of
3 Internet domain names who are using Las Vegas Sands’ Venetian and Sands word and design
4 marks on casino websites to falsely affiliate themselves with Las Vegas Sands, to lure
5 prospective customers to Defendants’ online casinos, and to unlawfully and in bad faith
6 advertise, promote, and provide online casino and gaming services to consumers located, among
7 other places, in the United States. Las Vegas Sands asserts claims for trademark infringement,
8 false designation of origin, and trademark dilution under the Lanham Act, 15 U.S.C. §§ 1114(a),
9 1125(a)(1)(A), and 1125(c), respectively, for common law trademark infringement and unfair
10 competition. Las Vegas Sands seeks injunctive relief, as well as damages, attorneys’ fees, and
11 costs.

12 **JURISDICTION AND VENUE**

13 1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C.
14 §§ 1331 and 1338(a), because Las Vegas Sands’ claims arise under the laws of the United States,
15 specifically, under the Lanham Act, 15 U.S.C. §§ 1114 and 1125. The Lanham Act provides a
16 “broad jurisdictional grant” to district courts that extends to all commerce which may lawfully be
17 regulated by Congress. *Steele v. Bulova Watch Co.*, 344 U.S. 280, 286-97 (1952). Defendants
18 are providing online casino services to persons located in the United States using trademarks
19 owned by Las Vegas Sands to falsely associate themselves with Las Vegas Sands thereby
20 causing reputational injury and harm to Las Vegas Sands in the United States. The Court has
21 subject matter jurisdiction as Plaintiff’s interests in protecting its reputation and the goodwill it
22 has acquired in its trademarks is within the zone of interests protected by the Lanham Act. *See*
23 *Lexmark Int’l, Inc. v. Static Control Components, Inc.*, 134 S. Ct. 1377 (2014) (holding
24 prevention of unfair competition by “the deceptive and misleading use” of foreign trademarks is
25 within the “zone of interests” protected by the Lanham Act); J. Thomas McCarthy, *McCarthy on*
26 *Trademarks and Unfair Competition* § 29:56 (4th ed. 2004) (“The use of an infringing mark as
27 part of an Internet site available for use in the United States may constitute an infringement of
28 the mark in the United States”). This Court has supplemental jurisdiction over Las Vegas Sands’

1 common law claims pursuant to 28 U.S.C. § 1367, because the claims are related to Las Vegas
2 Sands’ federal claims and they form part of the same case or controversy.

3 2. This Court has specific personal jurisdiction over Defendants because they have
4 consented to personal jurisdiction in the United States. Defendants have registered their domains
5 through GoDaddy, a domain name registrar based in the United States. GoDaddy requires
6 registrants to consent to personal jurisdiction in the jurisdiction of the registry country: “You
7 agree to submit, without prejudice to other potentially applicable jurisdictions, to the jurisdiction
8 of the courts (1) of your domicile, (2) where registrar is located, or (3) where the registry
9 operator is located (e.g., China for .CN, Columbia for .CO, UK for .EU, etc.)” Because the
10 domains at issue are .com domain names, the registry is VeriSign, Inc. VeriSign is based in
11 Reston, Virginia. To register the .com domain names at issue, Defendants signed and executed
12 the registrant agreement with GoDaddy on which they consented to personal jurisdiction in the
13 United States. Additionally, this Court has specific jurisdiction over the Defendants under the
14 effects test. Defendants are intentionally using Plaintiff’s trademarks on websites to confuse and
15 deceive consumers that they know, or should have known, are located in the United States.
16 Thus, Defendants’ actions targeted the United States and, therefore, personal jurisdiction is
17 proper under Rule 4(k)(2) of the Federal Rules of Civil Procedure. The Court’s exercise of
18 personal jurisdiction over Defendants is reasonable.

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

PARTIES

22
23 4. Plaintiff Las Vegas Sands Corp. is a Nevada corporation with its principal place
24 of business in Las Vegas, Nevada.

25 5. Defendants are the known and unknown registrants of domain names used for
26 websites featuring online casinos that use Las Vegas Sands’ trademarks. Some of their identities
27 are unknown because the .com or .net domain names were each registered using a “privacy
28 protection” service. These companies register domain names without listing the registrant’s true

1 name, email address, or contact information in the publicly available “WHOIS” database of
2 domain name registrants. Instead, these companies submit “proxy” information to the WHOIS
3 database to identify the registrant. Domain name registrars forward emails sent to such proxy
4 email addresses to the registrant of the domain name by using the registrant’s true email address,
5 provided to the registrar at the time of registration. A list of the domains and their corresponding
6 registrant and online registrant contact information, is attached hereto as **Exhibit A**.

7 **ALLEGATIONS COMMON TO ALL COUNTS**

8 **Las Vegas Sands and Its Trademarks**

9 6. Las Vegas Sands is a world famous Fortune 500 company that is publicly traded
10 on the New York Stock Exchange. Las Vegas Sands is the leading global developer of
11 destination resort properties that feature premium accommodations, world-class gaming and
12 entertainment, convention and exhibition facilities, celebrity chef restaurants, and many other
13 amenities. Las Vegas Sands’ properties include The Venetian, The Palazzo, and the Sands Expo
14 and Convention Center in Las Vegas, Nevada; Sands Bethlehem in Bethlehem, Pennsylvania;
15 and Marina Bay Sands in Singapore. Through its 70.2% ownership of Sands China, Ltd., Las
16 Vegas Sands also owns and operates The Venetian Macao, Sands Macao, The Plaza Macao,
17 Sands Cotai Central in Macao, and The Parisian Macao in Macao, China.



18 7. Las Vegas Sands maintains websites at, among others, <venetian.com>,
19 <palazzo.com>, <sandsexpo.com>, <pasands.com>, <marinabaysands.com>,
20 <venetianmacao.com>, <sandsmacao.com>, <sandscotaicentral.com>, and
21 <parisianmacao.com> through which it markets its hotel and casino services and, among other
22 things, provides information and accepts hotel room reservations.

23 8. Las Vegas Sands owns trademark applications and registrations for its Sands and
24 Venetian trademarks. These trademark applications and registrations include, among others, the
25 following:

26 ///

27 ///

28 ///

Mark	U.S. Reg. No.	First Use	Goods and Services
<i>Sands</i>	1,209,102	1/1/1952	“Entertainment services-namely, providing stage show, gambling and casino services”
SANDS	3,734,615	12/31/1952	“[P]roviding casino and gaming services; providing casino and gambling facilities”
<i>Sands</i>	3,838,397	11/30/1996	“Casino services....”
SANDS	3,850,500	11/30/1996	“Casino services...”
VENETIAN	2,507,363	5/4/1999	“Casino and gaming services...”
THE VENETIAN	2,507,362	5/4/1999	“Casino and gaming...”
	2,352,445	6/19/1999	“Casino and gaming services...”
	2,655,917	5/04/1999	“Casino and gaming services...”

(Collectively, the “Sands’ Trademarks”).

9. Further, since 2004, Las Vegas Sands has used two Chinese language characters known as “Jinsha” in connection with its gaming, hotel, entertainment, and other services, to act as the Chinese language equivalent of Las Vegas Sands’ SANDS trademark. Roughly translated, Jinsha means “golden sands” in Chinese. As a result of its use of the Jinsha characters in commerce in connection with its goods and services, Las Vegas Sands owns common law rights in the Jinsha characters, which appear below:



///

1 10. Las Vegas Sands owns the exclusive right to use its Sands' Trademarks and
2 Jinsha characters in commerce in connection with, among others, casino and entertainment
3 services.

4 **The Defendants' Infringing Conduct**

5 11. The Defendants have set up a network of Internet websites that are accessible to
6 U.S. citizens and are designed to drive Internet users to one or more online casinos unlawfully
7 using Sands' Trademarks and Jinsha characters to falsely affiliate themselves with Las Vegas
8 Sands.

9 12. The infringing websites are accessible through the Internet domain names listed in
10 **Exhibit A** (collectively, the "Infringing Domains"). The Infringing Domains include numbers
11 and letters, rather than trademarks. Upon information and belief, the Infringing Domains use
12 numbers and letters rather than Las Vegas Sands' trademarks to avoid potential cybersquatting
13 claims and avoid detection. Upon information and belief, the Infringing Domains are owned or
14 controlled by the same individuals because they use nearly identical variations of Las Vegas
15 Sands' trademarks, employ similar layouts and images. Upon information and belief, the
16 Infringing Domains are all registered by individuals in China. Accordingly, Las Vegas Sands
17 believes the Infringing Domains are part of an overall conspiracy to exploit Las Vegas Sands'
18 trademarks to lure unsuspecting victims to play on fraudulent websites.

19 13. The Infringing Domains offer specific casino games such as card games, roulette,
20 or dice games, the same games offered by Las Vegas Sands at The Venetian, The Palazzo, Sands
21 Bethlehem, Marina Bay Sands, the Venetian Macao, Sands Macao, the Plaza Hotel Macao,
22 Sands Cotai Central in Macao, and the Parisian Macao.

23 14. Las Vegas Sands has not consented to, approved of, or authorized Defendants'
24 use of its trademarks for any purpose whatsoever.

25 15. The Sands' Trademarks and Jinsha characters are symbolize the substantial
26 goodwill and reputation that Las Vegas Sands has developed as a premier provider of
27 entertainment and casino services.

28 16. Defendants' blatant exploitation of Las Vegas Sands' trademarks damages its

1 goodwill and reputation and causes irreparable that cannot be adequately compensated by an
2 award of money damages alone. For example, Las Vegas Sands opposes Internet gambling in
3 the United States and elsewhere, and Defendants' use of Sands' Trademarks on the homepages
4 of online casinos, even though unauthorized by Las Vegas Sands, threatens to dilute and detract
5 from Las Vegas Sands' message and its efforts to stop the proliferation of online gambling.

6 17. In addition, upon information and belief, Defendants' online casinos are not
7 regulated and are duping consumers into believing that the casinos are associated with Las Vegas
8 Sands. If consumers lose money or are cheated by the Defendants' online casinos, this causes
9 irreparable injury to Las Vegas Sands' reputation.

10 18. Accordingly, Defendants' actions have caused and are likely to continue to cause
11 Las Vegas Sands to suffer irreparable harm and injury unless temporarily, preliminarily, and
12 permanently enjoined by the Court.

13 **COUNT I**
14 (Trademark Infringement under
the Lanham Act, 15 U.S.C. § 1114(a))

15 19. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
16 forth herein.

17 20. Defendants have adopted and begun using the Sands' Trademarks in U.S.
18 commerce. Defendants' use of the Sands' Trademarks has had or is likely to have an effect on
19 U.S. foreign commerce that is sufficiently great to injure Plaintiff, and the interests of and links
20 to U.S. foreign commerce are sufficiently strong in relation to those of other nations to justify the
extraterritorial application of the Lanham Act.

21 21. Defendants' unauthorized use of the Sands' Trademarks on the Infringing
22 Domains and corresponding casino websites constitutes a reproduction, copying, counterfeiting,
23 and colorable imitation of the Sands' Trademarks in a manner that is likely to cause confusion or
24 mistake or is likely to deceive consumers.

25 22. Defendants' unauthorized use of the Sands' Trademarks on the Infringing
26 Domains and corresponding casino websites is likely to cause initial interest confusion by
27 diverting Internet users away from Plaintiff's websites to Defendants' websites.
28

1 23. As a direct and proximate result of Defendants' infringement, Plaintiff has
2 suffered, and will continue to suffer, monetary loss and irreparable injury to its business,
3 reputation, and goodwill.

4 **COUNT II**

(False Designation of Origin under
5 the Lanham Act, 15 U.S.C. § 1125(a)(1)(A))

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

8 25. Defendants' use of the Sands' Trademarks is likely to cause confusion, cause
9 mistake, or deceive as to an affiliation, connection, or association between Plaintiff and
10 Defendants, or as to the origin, sponsorship, or approval of Defendants' services or commercial
11 activities by Plaintiff.

12 26. As a direct and proximate result of Defendants' false designation of origin,
13 Plaintiff has suffered, and will continue to suffer, monetary loss and irreparable injury to its
14 business, reputation, and goodwill.

15 **COUNT III**

(Common Law Trademark Infringement)

16 27. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
17 forth herein.

18 28. Plaintiff has been using the Sands' Trademarks and Jinsha characters in
19 commerce in connection with, among others, casino and gaming services, and that use predates
20 Defendants' use of the Sands' Trademarks and Jinsha characters for the same and related
21 services.

22 29. Given Plaintiff's prior use of the Sands' Trademarks and Jinsha characters in
23 connection with casino and gaming services and Defendants' use of Plaintiff's Sands'
24 Trademarks and Jinsha characters in connection with the advertising, promotion, and operation
25 of online casinos accessible from the United States, Defendants' use of the Sands' Trademarks
26 and Jinsha characters on their websites constitutes a reproduction, copying, counterfeit, and/or
27 colorable imitation of Plaintiff's Sands' Trademarks and Jinsha characters in a manner that is
28 likely to cause confusion, or mistake, or that is likely to deceive consumers.

1 30. Defendants' use of Plaintiff's Sands' Trademarks and Jinsha characters in
2 commerce has, at all times, been willful, deliberate, and intentional. Defendants' use of
3 Plaintiff's Sands' Trademarks and Jinsha characters in commerce was designed to usurp and
4 wrongfully trade off of the substantial investment and goodwill Plaintiff has developed in the
5 Sands' Trademarks and Jinsha characters.

6 31. Defendants' use of Plaintiff's Sands' Trademarks and Jinsha characters in
7 commerce constitutes common law trademark infringement.

8 32. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered,
9 and will continue to suffer, monetary loss and irreparable injury to its business, reputation, and
10 goodwill.

11 **COUNT IV**
(Common Law Unfair Competition)

12 33. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
13 forth herein.

14 34. Plaintiff has used its Sands' Trademarks and Jinsha characters to identify its
15 casino and gaming services and to distinguish them from those offered and sold by others, by,
16 among other things, prominently displaying the Sands' Trademarks and Jinsha characters in
17 connection with such services.

18 35. Plaintiff has prominently displayed its Sands' Trademarks and Jinsha characters
19 on the exteriors of its casinos and outdoor signage, within its casinos, on billboards, on
20 letterhead, on bills, in direct mail advertisements, in print ads, in television advertising, and in
21 periodicals distributed throughout the United States and world, and has used its Sands'
22 Trademarks and Jinsha characters in connection with its own Internet domain names and
23 websites.

24 36. Plaintiff's goods, services, and advertising have been distributed and offered
25 worldwide, including in the United States, in Macao, and on the Internet, where Defendants are
26 doing business.

27 37. As a result of Plaintiff's sales and advertising under its Sands Trademarks and
28 Jinsha characters and as a result of its use of the Sands' Trademarks and Jinsha characters in

1 connection with Internet domain names and websites, Plaintiff's Sands' Trademarks and Jinsha
2 characters have developed and acquired a secondary and distinctive trademark meaning to
3 purchasers in Defendants' trading area, including within the United States.

4 38. Plaintiff's Sands' Trademarks and Jinsha characters have come to indicate to
5 consumers of casino, gaming, and other services, a meaning of high quality originating only with
6 Plaintiff.

7 39. As a result of the association by purchasers of the Sands' Trademarks and Jinsha
8 characters with Plaintiff, Defendants' use of the Sands' Trademarks and Jinsha characters is
9 likely to confuse such purchasers.

10 40. Defendants' use of Plaintiff's Sands' Trademarks and Jinsha characters in
11 commerce has, at all times, been willful, deliberate, and intentional. Defendants' use of
12 Plaintiff's Sands' Trademarks and Jinsha characters in commerce was designed to usurp and
13 wrongfully trade off of the substantial investment and goodwill Plaintiff has developed in its
14 Sands Trademarks and Jinsha characters.

15 41. Defendants' use of the Sands' Trademarks and Jinsha characters constitutes unfair
16 competition under the common law.

17 42. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered,
18 and will continue to suffer, monetary loss and irreparable injury to its business, reputation, and
19 goodwill.

20 **PRAYER FOR RELIEF**

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

22 A. An order permitting Plaintiff to serve the Summons, Complaint, and all other
23 papers upon Defendants by email to the registrant email address currently listed in the WHOIS
24 database for the Infringing Domains;

25 B. A temporary, preliminary, and permanent injunction prohibiting Defendants and
26 all other persons acting in concert or participation with Defendants from: (1) using the Sands'
27 Trademarks and Jinsha characters or any confusingly similar variations thereof, alone or in
28 combination with any other letters, words, letter string, phrases or designs in commerce,

1 including, without limitation, on any website, in any domain name, in any social network user
2 name, in any hidden website text, or in any website metatag; and (2) engaging in false or
3 misleading advertising or commercial activities likely to deceive consumers into believing that
4 any Defendant is Plaintiff or that any Defendants' services are associated or affiliated with,
5 connected to, or approved, or sponsored by Plaintiff;

6 C. An order requiring domain name registrars and domain name registries, including
7 but not limited to GoDaddy and VeriSign, Inc., to place the Infringing Domains on hold and lock
8 pending further order of the Court;

9 D. An award of compensatory, consequential, statutory, and/or punitive damages to
10 Plaintiff in an amount to be determined at trial;

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

13 F. All other relief to which Plaintiff is entitled.

14 Dated: this 7th day of December, 2018.

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