

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

CURTIS J. NEELEY, JR.

PLAINTIFF

v.

Civil No. 09-5151

NAMEMEDIA, INC., NETWORK
SOLUTIONS, INC.; and
GOOGLE, INC.

DEFENDANTS

O R D E R

Now on this 27th day of October, 2010, comes on for consideration plaintiff's **Motion For Domain Name Party Injunction** (docket entry #182), and the Court, being well and sufficiently advised, finds and orders as follows:

1. Plaintiff Curtis Neeley ("Neeley") alleges trademark rights in two internet domain names, eartheye.com and sleepspot.com. He alleges that NameMedia, Inc. (NameMedia) registered these domain names in bad faith, and licensed them to Google, Inc. ("Google") in violation of the anti-cybersquatting provisions of **15 U.S.C. § 1125(d)**.

2. In the motion now under consideration, Neeley seeks injunctive relief against Network Solutions, Inc.; ICANN, Inc.; and NameMedia, Inc., to-wit:

to cease advertising or permitting the advertising of expiration dates of domain name registrations to anyone besides the owner of the domain or the registrar and cease disclosing expirations of domains [sic] names not owned by the party and in no event any domain owned by the Plaintiff.

3. The motion will be denied as to Network Solutions, Inc.,

and ICANN, Inc. They are not parties to this case, and the Court has denied plaintiff's motion to amend so as to make them parties.

4. The motion will also be denied insofar as it relates to conduct of NameMedia, Inc., which is a party. As set forth in the Court's Order dated May 20, 2010 (docket entry #126), Neeley has no standing to object to business practices that do not affect the two domain names in question in this case, which at one time were registered to Neeley.

Nor does he have standing to obtain injunctive relief particularized to those two domain names, again for reasons set out in the Court's Order of May 20, 2010:

. . . the advertising of the expiration dates of the two domain names, [is] an act which is past and completed. Given the unusual circumstances that led to Neeley being unaware of the expiration of the registrations for his domain names, it is exceedingly unlikely that it will ever recur, and thus any benefit to Neeley by the injunctive relief he seeks could be nothing more than speculative. He thus lacks standing to pursue this type of relief

IT IS THEREFORE ORDERED that plaintiff's **Motion For Domain Name Party Injunction** (docket entry #182) is **denied**.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE