

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 Search Engine Party Injunction** (docket entry #184), 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)**. He further alleges that NameMedia and Google conspired to cybersquat the two domain names, and to violate his trademark rights in these domain names.¹ He also alleges a claim for intentional infliction of emotional distress (also known as "outrage") under Arkansas law.

2. Neeley's outrage claim is based on allegations that NameMedia and Google have conspired to allow, and are currently

¹Neeley's claims against defendant Network Solutions, Inc., were dismissed with prejudice on May 20, 2010.

allowing, minors access to nude photographs taken by Neeley, while contending that such access was allowed by Neeley himself. He now moves for injunctive relief against Google, Inc.; Yahoo, Inc.; Microsoft Corporation; and IAC/InterActiveCorp, to-wit, that they:

be ordered not to allow nude photos to be returned when image searches include the terms "Curtis" or "Neeley" regardless of other terms entered unless entering user is known to be an adult and not a Muslim.

3. The motion will be denied as to Yahoo, Inc.; Microsoft Corporation; and IAC/InterActiveCorp. They are not parties to this case, and the Court has denied plaintiff's motion to amend so as to make them parties.

4. Insofar as the motion concerns the conduct of Google, Inc., it will be referred to United States Magistrate Judge Erin L. Setser for report and recommendation, pursuant to **28 U.S.C. § 636(b) (1) (B)**

IT IS THEREFORE ORDERED that plaintiff's **Motion For Search Engine Party Injunction** (docket entry #184) is **denied** insofar as it addresses conduct of Yahoo, Inc.; Microsoft Corporation; and IAC/InterActiveCorp.

IT IS FURTHER ORDERED that the motion is **referred** to United States Magistrate Judge Erin L. Setser for report and recommendation, insofar as it addresses conduct of Google, Inc.

IT IS SO ORDERED.

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