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ENTERTAINMENT, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WORLD WRESTLING)	Case Number: C 15-01263-VC
ENTERTAINMENT, INC.,)	
Plaintiff,)	NOTICE OF DISMISSAL WITHOUT
)	PREJUDICE; AND [PROPOSED] ORDER
)	
vs.)	
)	
DOMINIC ANGEL RODRIGUEZ, VU)	
TRUONG TRAN, BENJAMIN ADHAM)	
PECHETTI, IBRAHAM NIMER)	
SHIHEIBER, JOHN AND JANE DOES 1-)	
100, and XYZ CORPORATIONS 1-100,)	
Defendants.)	

1 Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiff World Wrestling
2 Entertainment, Inc. (“WWE”), by and through its undersigned attorney, hereby files this Notice
3 of Dismissal Without Prejudice and states as follows:

4 1. WWE filed this action for trademark infringement, counterfeiting and dilution
5 under the Lanham Act, 15 U.S.C. § 1051, et seq., including the Trademark Counterfeiting Act of
6 1984, 15 U.S.C. § 1116(d), and related state law claims for trademark infringement and unfair
7 competition occasioned by Defendants’ unlawful manufacture, distribution and/or sale of
8 counterfeit merchandise bearing unauthorized copies of WWE’s registered and unregistered
9 trademarks and service marks.

10 2. Pursuant to this Court’s March 24, 2015 Temporary Restraining Order, Order for
11 Seizure of Counterfeit Marked Goods and Order to Show Cause Why A Preliminary Injunction
12 Should Not Issue (Docket Number 18) (the “TRO”), WWE filed an injunction bond with the
13 Court in the amount of US \$10,000 (Docket Number 20) and enforced the TRO against
14 counterfeiters at its Wrestlemania® 31 events which occurred in the Santa Clara, California area.

15 3. As reflected in WWE’s Verified Amended Complaint and the Supplemental
16 Declaration of Lauren Dienes-Middlen (Docket Number 22), WWE personally served
17 Defendants Dominic Rodriguez, Benjamin Pechetti, Vu Tran and Ibrahim Shiheiber with
18 WWE’s original Verified Complaint. In addition, WWE mailed the Verified Amended
19 Complaint to each of the named Defendants.

20 4. None of the named Defendants appeared at the Preliminary Injunction hearing on
21 April 7, 2015.

22 5. On April 20, 2015, the Court granted a Preliminary Injunction and Order of
23 Seizure, enjoining, among other things, the sale of such counterfeit merchandise and authorizing
24 law enforcement officers to seize such counterfeit merchandise “on the premises or within a five-
25 mile radius of the venues where a WWE live event occurs during the duration of this Order.”
26 Docket Number 24.

1 6. On June 1, 2015, Robert Kane, Esq. entered his appearance as counsel for
2 Dominic Rodriguez, Benjamin Pechetti, and Vu Tran. Docket Number 33. None of those
3 defendants served an answer or otherwise responded to the Amended Complaint.

4 7. Instead, the parties engage in settlement discussions which resulted in a Court-
5 approved Stipulation of Dismissal without prejudice as to those defendants. Docket Number 41.

6 8. As reflected in the approved stipulation, however, “all other claims in this lawsuit
7 that are not between WWE and DOMINIC ANGEL RODRIGUEZ, VU TRUONG TRAN, and
8 BENJAMIN ADHAM PECHETTI shall be unaffected by this stipulation and shall remain in full
9 force.” *Id.*

10 9. Defendant Ibrahim Shiheiber has not entered an appearance in this action or
11 responded to WWE’s Complaint.

12 10. Since the Court issued the Preliminary Injunction and Seizure Order, WWE has
13 encountered counterfeiters at its 2015-2016 live events. However, other than the named
14 Defendants already identified to the Court, no additional Defendants have been successfully
15 served.

16 11. Therefore, in the interest of judicial economy, WWE files this Notice of Dismissal
17 Without Prejudice to refiling and dismisses its claims set forth in the Amended Complaint
18 pursuant to Rule 41(a)(1)(A)(i). WWE also requests dismissal of the aforementioned injunction
19 Bond.

20
21 Dated: March 22, 2016

/s/ Matthew G. Ball
Matthew G. Ball
Attorney for Plaintiff WORLD WRESTLING
ENTERTAINMENT, INC.

[PROPOSED] ORDER OF DISMISSAL

Plaintiff in the above styled and number cause of action has filed a Notice of Dismissal Without Prejudice pursuant to Rule 41(a)(1)(A)(i). Accordingly, it is hereby ORDERED that this case is DISMISSED without prejudice. It is further ORDERED that Bond Number 106157318 filed on March 25, 2015 is hereby DISMISSED.

Dated: _____

UNITED STATES DISTRICT JUDGE