

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Greenberg Gross LLP v. GreenbergGrossLLP.com

No. CV-25-01176-PHX-MTL (D. Ariz. Feb. 12, 2026) · No. No. CV-25-01176-PHX-MTL · Decided February 12, 2026

SUMMARY

The United States District Court for the District of Arizona grants Greenberg Gross LLP’s ex parte application to waive publication of notice in an in rem cybersquatting action involving the domain name GreenbergGrossLLP.com. The court finds that effective publication is impossible because the registrants concealed their identities and locations, and it directs the Clerk to enter default against the domain name. The court denies as moot the plaintiff’s motion for an extension of time to effectuate service.

CASE DETAILS

|                       |                                                                                                                                                                                      |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Arizona                                                                                                                             |
| WRITING FOR THE COURT | Michael T. Liburdi                                                                                                                                                                   |
| JURISDICTION          | United States District Court for the District of Arizona                                                                                                                             |
| DECIDED               | February 12, 2026                                                                                                                                                                    |
| DOCKET                | No. CV-25-01176-PHX-MTL                                                                                                                                                              |
| DISPOSITION           | other                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Plaintiff filed an ex parte application to waive service by publication, direct entry of default against an in rem domain-name defendant, and extend the time to effectuate service. |
| STANDARD OF REVIEW    | The court exercised discretion under the statutory requirement that notice be published as the court may direct.                                                                     |
| PRECEDENTIAL VALUE    | unknown                                                                                                                                                                              |
| PARTIES               | Greenberg Gross LLP v. GreenbergGrossLLP.com                                                                                                                                         |

TOPICS

- service of process
- default
- trademark law
- statutory interpretation
- civil procedure

PRACTICE AREAS

- trademark law
- civil procedure
- service of process
- default

## QUESTIONS PRESENTED

1. Whether the court could waive the Anti-Cybersquatting Consumer Protection Act's service-by-publication requirement when the domain-name registrants concealed their identities and could not reasonably be reached by publication.
2. Whether the Clerk should be directed to enter default against the in rem domain-name defendant after Plaintiff complied with the applicable service provisions.
3. Whether Plaintiff's motion for an extension of time to effectuate service remained necessary after the service application was granted.

## HOLDINGS

1. The court may waive the publication requirement, and publication was properly waived because effective notice by publication was impossible where the registrants concealed their identities and could not reasonably be located.
2. Because Plaintiff complied with the applicable service provisions of the Anti-Cybersquatting Consumer Protection Act through diligent mail and email efforts, the Clerk was directed to enter default as to the GreenbergGrossLLP.com domain name.

## KEY QUOTATIONS

*“Plaintiff must “publish[] notice of the action as the court may direct.””* (at 1)

## FACTUAL BACKGROUND

The registrants of the domain name had concealed their identities and were located across three different countries. Plaintiff made diligent efforts to provide notice by mail and email. The court found that effective notice by publication was impossible under the circumstances.

## PROCEDURAL HISTORY

Greenberg Gross LLP sought an order waiving the publication requirement under the Anti-Cybersquatting Consumer Protection Act and directing the Clerk to enter default as to the GreenbergGrossLLP.com domain name. The court granted the application, waived publication, and directed entry of default. The court denied as moot Plaintiff's separate motion for an extension of time to effectuate service.

## DISPOSITION

other

## CASES CITED

- Ent. USA Inc. v. Baldinsky, 641 F. Supp. 3d 794, 799-801 (D. Ariz. 2022)

## OPINION

PER CURIAM.

1 WO 2 3 4 5

6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Greenberg Gross LLP, No. CV-25-01176-PHX-MTL 10 Plaintiff, ORDER 11 v. 12  
GreenbergGrossLLP.com, 13 Defendant. 14 15 Before the Court is Plaintiff’s Ex Parte Application  
for an Order Waiving Service 16 by Publication and Directing Entry of Default (Doc. 25). Plaintiff  
requests an order from 17 the Court waiving the publication requirement imposed by 18 15 U.S.C.  
§ 1125(d)(2)(A)(ii)(II)(bb). (Id.) Plaintiff also asks the Court to direct the Clerk 19 of Court to  
enter default as to in rem Defendant <GreenbergGrossLLP.com> domain name. 20 (Id.) 21 I. 22  
Plaintiff must “publish[] notice of the action as the court may direct.” 23 15 U.S.C. § 1125(d)(2)  
(A)(ii)(II)(bb). The statutory text is “permissive” and “grants the 24 Court discretion to waive  
publication.” Ent. USA Inc. v. Baldinsky, 641 F. Supp. 3d 794, 25 799-800 (D. Ariz. 2022). In  
Baldinsky, the court found: 26 Where . . . [a] registrant of a domain name has concealed his or her  
identity by registering the domain name under a fictitious name and has made himself 27 or  
herself impossible to find by listing an inaccurate postal address and phone 28 number, and  
possibly an inaccurate email address as well, and there is no I way to know the city or even the  
country in which he or she might reside, 2 there is simply no manner of publication that  
reasonably could be expected to reach the registrant. Impossibility is reason enough for the Court  
to decline 3 to direct publication. 41) 7d. at 800-01. 5 IL. 6 7 The present case presents similar  
circumstances to Baldinsky. Here, the registrants, across three different countries, have concealed  
their identities. The Court therefore adopts 9 the same finding as the Baldinsky court. That is,  
effective notice by publication is 10 impossible. The Court will waive’ the publication requirement  
under 15 U.S.C. § 1125(d)(2)(A) Gi (bb). D The Court also finds that, based on Plaintiffs diligent  
efforts to provide notice to 13 the registrants via mail and email (Doc. 25 at 7-8), Plaintiff has  
satisfied 4 15 U.S.C. §  Because Plaintiff has complied with the  
service 15 provisions of the Anti-Cybersquatting Consumer Protection Act, the Court will direct  
the 16 Clerk of Clerk to enter default as to the Defendant domain name. Ii. 17 12 IT IS ORDERED  
that Plaintiff’s application (Doc. 25) is GRANTED. The Court 19 waives the requirement in 15  
U.S.C. § 1125(d)(2)(A)Gi)CD(bb), so Plaintiff need not 50 effectuate service via publication. IT IS  
FURTHER ORDERED that the Clerk of Court is directed to enter default 59 as to in rem  
Defendant <GreenbergGrossLLP.com> domain name. 53 IT IS FINALLY ORDERED that  
Plaintiff’s Ex Parte Motion for Extension of Time to Effectuate Service of Process (Doc. 27) is  
DENIED as moot. 55 Dated this 12th day of February, 2026. 26 WM Chal T. burtle 27 Michael T.  
Liburdi 28 United States District Judge -2-

