

**DEC 08 2006**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

ILLEKTRON, LLC, a California limited liability company,

Plaintiff - Appellant,

v.

PLAYMATES TOYS, INC., a California corporation,

Defendant - Appellee.

No. 06-56106

D.C. No. CV-06-00523-DOC

MEMORANDUM \*

Appeal from the United States District Court  
for the Central District of California  
David O. Carter, District Judge, Presiding

Submitted December 4, 2006 \*\*

Before: GOODWIN, LEAVY, and FISHER, Circuit Judges.

Illektron, LLC appeals the district court's denial of its motion for a preliminary injunction, in Illektron's trademark infringement action seeking to enjoin

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Playmates Toys, Inc. from using the stylized BATTLE DICE mark in connection with its children's game. We have jurisdiction under 28 U.S.C. § 1292(a)(1), and we affirm.

Our review of a district court's decision regarding preliminary injunctive relief is limited and deferential, and an order will be reversed only if the district court relied on an erroneous legal premise or abused its discretion. *Southwest Voter Registration Educ. Project v. Shelley*, 344 F.3d 914, 918 (9th Cir. 2003) (en banc). Here, the district court correctly identified the legal standards for likelihood of confusion of a trademark. *See, AMF Inc. v. Sleekcraft Boats*, 599 F.2d 341, 348-49 (9th Cir. 1979). Under our deferential standard of review, we cannot conclude that the district court abused its discretion by holding that Illektron was not likely to succeed on the merits on its trademark infringement claim, nor in its consideration of the balance of the hardships and the possibility of irreparable injury. *See Southwest Voter Registration Educ. Project*, 344 F.3d at 917-18.

Appellant's motion to appear and argue the merits of the case is denied.

**AFFIRMED.**