

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.**

FENDI, S.R.L.,

Plaintiff,

vs.

THE INDIVIDUALS, BUSINESS ENTITIES,
AND UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE “A,”

Defendants.

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

Plaintiff, Fendi, S.r.l. (“Plaintiff” or “FENDI”), hereby sues Defendants, the Individuals, Business Entities, and Unincorporated Associations identified on Schedule “A” (collectively “Defendants”). Defendants are promoting, selling, offering for sale, and distributing goods bearing counterfeits and confusingly similar imitations of FENDI’s trademarks within this district through various Internet based e-commerce stores via interactive photo albums and fully interactive commercial Internet websites operating under the seller identities and domain names set forth on Schedule “A” (the “Seller IDs and Subject Domain Names”). In support of its claims, FENDI alleges as follows:

JURISDICTION AND VENUE

1. This is an action for federal trademark counterfeiting and infringement, false designation of origin, common law unfair competition, and common law trademark infringement pursuant to 15 U.S.C. §§ 1114, 1116, and 1125(a), The All Writs Act, 28 U.S.C. § 1651(a), and Florida’s common law. Accordingly, this Court has subject matter jurisdiction over this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338. This Court has supplemental

jurisdiction pursuant to 28 U.S.C. § 1367 over FENDI's state law claims because those claims are so related to the federal claims that they form part of the same case or controversy.

2. Defendants are subject to personal jurisdiction in this district, because they direct business activities toward and conduct business with consumers throughout the United States, including within the State of Florida and this district through, at least, the e-commerce stores operating via Internet based photo albums¹ and fully interactive commercial Internet websites accessible in Florida and operating under their Seller IDs and Subject Domain Names. Alternatively, Defendants are subject to personal jurisdiction in this district pursuant to Federal Rule of Civil Procedure 4(k)(2) because (i) Defendants are not subject to jurisdiction in any state's court of general jurisdiction; and (ii) exercising jurisdiction is consistent with the United States Constitution and laws.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 since Defendants are, upon information and belief, aliens who are engaged in infringing activities and causing harm within this district by advertising, offering to sell, selling, and/or shipping infringing products into this district.

THE PLAINTIFF

4. Fendi, S.r.l. is a limited liability company organized and existing pursuant to the laws of Italy, with its principal place of business at Palazzo della Civiltà Italiana, Quadrato della Concordia n°3, Rome, Italy 00144. FENDI operates boutiques throughout the world, including

¹ Some Defendants use their Seller IDs in tandem with electronic communication via private messaging applications and/or services in order to complete their offer and sale of counterfeit FENDI branded products. Specifically, consumers are able to browse listings of FENDI branded products online via Defendants' respective Seller IDs, ultimately directing customers to send inquiries, exchange data, and complete purchases via electronic communication with those Defendants.

within this district. FENDI is, in part, engaged in the business of manufacturing and distributing throughout the world, including within this district, a variety of high-quality luxury goods under multiple world-famous common law and federally registered trademarks, including those identified in Schedule “B” hereto. FENDI offers for sale and sells its trademarked goods within the State of Florida, including this district. Defendants, through the sale and offer to sell counterfeit and infringing FENDI branded products, are directly and unfairly competing with FENDI’s economic interests in the United States, including the State of Florida and causing FENDI irreparable harm and damage within this jurisdiction.

5. Like many other famous trademark owners, FENDI suffers ongoing daily and sustained violations of its trademark rights at the hands of counterfeiters and infringers, such as Defendants herein, who wrongfully reproduce and counterfeit FENDI’s trademarks for the twin purposes of (i) duping and confusing the consuming public and (ii) earning substantial profits across their e-commerce stores and websites. The natural and intended byproduct of Defendants’ combined actions is the erosion and destruction of the goodwill associated with the FENDI name and associated trademarks and the destruction of the legitimate market sector in which it operates.

6. To combat the indivisible harm caused by the combined actions of Defendants and others engaging in similar conduct, each year FENDI expends significant monetary resources in connection with trademark enforcement efforts, including legal fees and investigative fees. The exponential growth of counterfeiting over the Internet, including through online marketplace platforms and social media websites, has created an environment that requires companies, such as FENDI, to expend significant resources across a wide spectrum of efforts in order to protect both consumers and itself from confusion and the erosion of the goodwill connected to FENDI’s brand.

THE DEFENDANTS

7. Defendants are individuals, business entities of unknown makeup, or unincorporated associations each of whom, upon information and belief, either reside and/or operate in foreign jurisdictions, redistribute products from the same or similar sources in those locations, and/or ship their goods from the same or similar sources in those locations to shipping and fulfillment centers within the United States to redistribute their products from those locations. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b). Defendants target their business activities toward consumers throughout the United States, including within this district, through the simultaneous operation of commercial Internet based e-commerce stores via interactive photo albums on Internet based image hosting or social media websites under the Seller IDs or as interactive commercial Internet websites under the Subject Domain Names.

8. Some Defendants operate under the Seller IDs via third-party image hosting or social media websites in tandem with electronic communication via private messaging applications and/or services, thereby creating an interconnected ecosystem which functions as an online marketplace operation.

9. Defendants use aliases in conjunction with the operation of their businesses, including but not limited to those identified by Defendant Number on Schedule "A."

10. Defendants are the past and present controlling forces behind the sale of products using counterfeits and infringements of FENDI's trademarks as described.

11. Defendants directly engage in unfair competition with FENDI by advertising, offering for sale, and selling goods each using counterfeits and infringements of one or more of FENDI's trademarks to consumers within the United States and this district through Internet based

e-commerce stores via interactive photo albums or commercial Internet websites using, at least, the Seller IDs and Subject Domain Names, as well as additional names, photo albums, seller identification aliases, domain names, or websites not yet known to FENDI. Defendants have purposefully directed some portion of their illegal activities towards consumers in the State of Florida through the advertisement, offer to sell, sale, and/or shipment of counterfeit and infringing FENDI-branded goods into the State.

12. Defendants have registered, established, or purchased and maintained their Seller IDs and Subject Domain Names. Defendants may have engaged in fraudulent conduct with respect to the registration of the Seller IDs and Subject Domain Names by providing false and/or misleading information to the Internet based image hosting or social media websites where they offer to sell and/or sell their infringing goods, or to their domain registrars during the registration or maintenance process related to their respective Seller ID and Subject Domain Name. Many Defendants have registered and/or maintained their Seller IDs and Subject Domain Names for the sole purpose of engaging in illegal counterfeiting activities.

13. Defendants will likely continue to register or acquire new seller identification aliases, photo albums, usernames, private messaging accounts, and domain names for the purpose of selling and/or offering for sale goods using counterfeit and confusingly similar imitations of one or more of FENDI's trademarks unless preliminarily and permanently enjoined.

14. Defendants' Seller IDs and Subject Domain Names, associated payment accounts, and any other alias e-commerce stores, seller identification names, photo albums, user names, private messaging accounts, and domain names used in connection with the sale of counterfeit and infringing goods using one or more of FENDI's trademarks, are essential components of Defendants' online activities and are the means by which Defendants further their counterfeiting

and infringement scheme and cause harm to FENDI. Moreover, Defendants are using FENDI's famous name and trademarks to drive Internet consumer traffic to their e-commerce stores operating via photo albums and websites operating under the Seller IDs and Subject Domain Names, thereby increasing the value of the Seller IDs and Subject Domain Names and decreasing the size and value of FENDI's legitimate marketplace and intellectual property rights at FENDI's expense.

COMMON FACTUAL ALLEGATIONS

Plaintiff's Business and Trademark Rights

15. FENDI the owner of all rights in and to the trademarks identified on Schedule "B" hereto, which are valid and registered on the Principal Register of the United States Patent and Trademark Office (collectively the "FENDI Marks"). The FENDI Marks are used in connection with the manufacture and distribution of high quality goods in the categories identified above. True and correct copies of the Certificates of Registration for the FENDI Marks are attached hereto as Composite Exhibit "1."

16. The FENDI Marks have been used in interstate commerce to identify and distinguish FENDI's high-quality goods for an extended period of time.

17. The FENDI Marks have been used in commerce by FENDI long prior in time to Defendants' use of copies of those Marks. The FENDI Marks have never been assigned or licensed to any of the Defendants in this matter.

18. The FENDI Marks are symbols of FENDI's quality, reputation, and goodwill and have never been abandoned. FENDI has carefully monitored and policed the use of the FENDI Marks.

19. The FENDI Marks are well-known and famous and have been for many years. FENDI expends substantial resources developing, advertising, and otherwise promoting the FENDI Marks. The FENDI Marks qualify as famous marks as that term is used in 15 U.S.C. § 1125(c)(1).

20. Further, FENDI extensively uses, advertises, and promotes the FENDI Marks in the United States in association with the sale of high-quality luxury goods. FENDI has expended enormous resources promoting the FENDI Marks and products bearing the FENDI Marks. In recent years, annual sales of products bearing the FENDI Marks have totaled in the hundreds of millions of dollars within the United States alone.

21. As a result of FENDI's efforts, members of the consuming public readily identify merchandise bearing or sold using the FENDI Marks, as being high quality goods sponsored and approved by FENDI.

22. Accordingly, the FENDI Marks have achieved secondary meaning among consumers as identifiers of high-quality goods.

23. Genuine goods bearing the FENDI Marks are widely legitimately advertised and promoted by FENDI, its authorized distributors, and unrelated third parties via the Internet. Visibility on the Internet, particularly via Internet search engines such as Google, Yahoo!, and Bing is important to FENDI's overall marketing and consumer education efforts. Thus, FENDI expends significant monetary and other resources on Internet marketing and consumer education, including search engine optimization ("SEO") and search engine marketing ("SEM") strategies. Those strategies allow FENDI and its authorized retailers to educate consumers fairly and legitimately about the value associated with the FENDI brand and the goods sold thereunder.

Similarly, Defendants' individual photo albums and websites are indexed on search engines and compete directly with FENDI for space and consumer attention in the search results.

Defendants' Infringing Activities

24. Defendants are each promoting and advertising, distributing, selling, and/or offering for sale goods in interstate commerce using counterfeit and confusingly similar imitations of one or more of the FENDI Marks (the "Counterfeit Goods") through at least the e-commerce stores via interactive photo albums in tandem with various private messaging applications and/or services, or interactive, commercial Internet websites operating under the Seller IDs and Subject Domain Names. Specifically, Defendants are using the FENDI Marks to initially attract online consumers and drive them to photo albums and websites operating under the Seller IDs and Subject Domain Names. Defendants are each using identical copies of one or more of the FENDI Marks for different quality goods. FENDI has used the FENDI Marks extensively and continuously before Defendants began offering counterfeit and confusingly similar imitations of FENDI's merchandise.

25. Defendants' Counterfeit Goods are of a quality substantially different than that of FENDI's genuine goods. Defendants are actively using, promoting and otherwise advertising, distributing, selling, and/or offering for sale substantial quantities of their Counterfeit Goods with the knowledge and intent that such goods will be mistaken for the genuine high-quality goods offered for sale by FENDI despite Defendants' knowledge that they are without authority to use the FENDI Marks. The net effect of Defendants' actions is likely to cause confusion of consumers at the time of initial interest, sale, and in the post-sale setting, who will believe all of Defendants' goods offered for sale in Defendants' photo albums, and websites are genuine goods originating from, associated with, and/or approved by FENDI.

26. Defendants advertise their photo albums and websites, including their Counterfeit Goods offered for sale, to the consuming public via interactive photo albums on, at least, one image hosting and one social media website using at least the Seller IDs and/or via commercial websites operating under at least the Subject Domain Names. In so doing, Defendants improperly and unlawfully use one or more of the FENDI Marks without FENDI's permission.

27. As part of their overall unlawful scheme, Defendants are, upon information and belief, concurrently employing and benefitting from substantially similar, advertising and marketing strategies based, in large measure, upon an illegal use of counterfeits and infringements of the FENDI Marks. Specifically, Defendants are using counterfeits and infringements of FENDI's famous name and the FENDI Marks to make their photo albums and websites selling illegal goods appear more relevant and attractive to consumers searching for both FENDI and non-FENDI goods and information online. By their actions, Defendants are contributing to the creation and maintenance of an illegal marketplace operating in parallel to the legitimate marketplace for FENDI's genuine goods. Defendants are causing, individual, concurrent and indivisible harm to FENDI and the consuming public by (i) depriving FENDI and other third parties of their right to fairly compete for space within search engine results and reducing the visibility of FENDI's genuine goods on the World Wide Web, (ii) causing an overall degradation of the value of the goodwill associated with the FENDI Marks, and (iii) increasing FENDI's overall cost to market its goods and educate consumers about its brand via the Internet.

28. Defendants are concurrently conducting and targeting their counterfeiting and infringing activities toward consumers and likely causing unified harm within this district and elsewhere throughout the United States. As a result, Defendants are defrauding FENDI and the consuming public for Defendants' own benefit.

29. At all times relevant hereto, Defendants in this action had full knowledge of FENDI's ownership of the FENDI Marks, including its exclusive right to use and license such intellectual property and the goodwill associated therewith.

30. Defendants' use of the FENDI Marks, including the promotion and advertisement, reproduction, distribution, sale, and offering for sale of their Counterfeit Goods, is without FENDI's consent or authorization.

31. Defendants are engaging in the above-described illegal counterfeiting and infringing activities knowingly and intentionally or with reckless disregard or willful blindness to FENDI's rights for the purpose of trading on FENDI's goodwill and reputation. If Defendants' intentional counterfeiting and infringing activities are not preliminarily and permanently enjoined by this Court, FENDI and the consuming public will continue to be harmed.

32. Defendants' above identified infringing activities are likely to cause confusion, deception, and mistake in the minds of consumers before, during, and after the time of purchase. Moreover, Defendants' wrongful conduct is likely to create a false impression and deceive customers, the public, and the trade into believing there is a connection or association between FENDI's genuine goods and Defendants' Counterfeit Goods, which there is not.

33. Defendants' payment and financial accounts, including but not limited to those specifically set forth on Schedule "A," are being used by Defendants to accept, receive, and deposit profits from Defendants' trademark counterfeiting and infringing, and unfairly competitive activities connected to their Seller IDs and Subject Domain Names and any other alias e-commerce stores, photo albums, seller identification names, user names, private messaging accounts, domain names, or websites being used and/or controlled by them.

34. Further, Defendants are likely to transfer or secret their assets to avoid payment of any monetary judgment awarded to FENDI.

35. FENDI has no adequate remedy at law.

36. FENDI is suffering irreparable injury and has suffered substantial damages because of Defendants' unauthorized and wrongful use of the FENDI Marks. If Defendants' counterfeiting and infringing, and unfairly competitive activities are not preliminarily and permanently enjoined by this Court, FENDI and the consuming public will continue to be harmed.

37. The harm and damages sustained by FENDI have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offers to sell, and sale of their Counterfeit Goods.

COUNT I - TRADEMARK COUNTERFEITING AND INFRINGEMENT
PURSUANT TO § 32 OF THE LANHAM ACT (15 U.S.C. § 1114)

38. FENDI hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 37 above.

39. This is an action for trademark counterfeiting and infringement against Defendants based on their use of counterfeit and confusingly similar imitations of the FENDI Marks in commerce in connection with the promotion, advertisement, distribution, offering for sale, and sale of the Counterfeit Goods.

40. Defendants are promoting and otherwise advertising, selling, offering for sale, and distributing goods bearing and/or using counterfeits and/or infringements of one or more of the FENDI Marks. Defendants are continuously infringing and inducing others to infringe the FENDI Marks by using one or more of them to advertise, promote, offer to sell, and sell counterfeit and infringing FENDI branded goods.

41. Defendants' concurrent counterfeiting and infringing activities are likely to cause and are causing confusion, mistake, and deception among members of the trade and the general consuming public as to the origin and quality of Defendants' Counterfeit Goods.

42. Defendants' unlawful actions have caused and are continuing to cause unquantifiable damages to FENDI and are unjustly enriching Defendants with profits at FENDI's expense.

43. Defendants' above-described unlawful actions constitute counterfeiting and infringement of the FENDI Marks in violation of FENDI's rights under § 32 of the Lanham Act, 15 U.S.C. § 1114.

44. FENDI has suffered and will continue to suffer irreparable injury and damages due to Defendants' above-described activities if Defendants are not preliminarily and permanently enjoined. Additionally, Defendants will continue to wrongfully profit from their illegal activities.

COUNT II - FALSE DESIGNATION OF ORIGIN
PURSUANT TO § 43(a) OF THE LANHAM ACT (15 U.S.C. § 1125(a))

45. FENDI hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 37 above.

46. Defendants' Counterfeit Goods bearing, offered for sale, and sold using copies of one or more of the FENDI Marks have been widely advertised and offered for sale throughout the United States via at least one image hosting or social media website or interactive commercial Internet website.

47. Defendants' Counterfeit Goods bearing, offered for sale, and sold using copies of at least one of the FENDI Marks are virtually identical in appearance to FENDI's genuine goods. However, Defendants' Counterfeit Goods are different in quality. Accordingly, Defendants'

activities are likely to cause confusion in the trade and among consumers as to at least the origin or sponsorship of their Counterfeit Goods.

48. Defendants have used in connection with their advertisement, offer for sale, and sale of their Counterfeit Goods, false designations of origin and false descriptions and representations, including words or other symbols and trade dress, which tend to falsely describe or represent such goods and have caused such goods to enter commerce in the United States with full knowledge of the falsity of such designations of origin and such descriptions and representations, all to FENDI's detriment.

49. Defendants have each authorized infringing uses of one or more of the FENDI Marks in Defendants' advertisement and promotion of their counterfeit and infringing branded goods. Defendants have misrepresented to members of the consuming public that the Counterfeit Goods being advertised and sold by them are genuine, non-infringing goods.

50. Additionally, Defendants are using counterfeits and infringements of one or more of the FENDI Marks to unfairly compete with FENDI and others for space within organic and paid search engine and social media results, thereby jointly depriving FENDI of a valuable marketing and educational tool which would otherwise be available to FENDI and reducing the visibility of FENDI's genuine goods on the World Wide Web and across social media platforms.

51. Defendants' above-described actions are in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

52. FENDI has no adequate remedy at law and has sustained both individual and indivisible injury and damage caused by Defendants' concurrent conduct. Absent an entry of an injunction by this Court, Defendants will continue to wrongfully reap profits and FENDI will

continue to suffer irreparable injury to its goodwill and business reputation, as well as monetary damages.

COUNT IV - COMMON LAW UNFAIR COMPETITION

53. FENDI hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 37 above.

54. This is an action against Defendants based on their promotion, advertisement, distribution, sale and/or offering for sale, of goods using or bearing marks that are virtually identical to the FENDI Marks in violation of Florida's common law of unfair competition.

55. Specifically, Defendants are promoting and otherwise advertising, selling, offering for sale, and distributing goods using or bearing counterfeits and infringements of one or more of the FENDI Marks. Defendants are also each using counterfeits and infringements of one or more of the FENDI Marks to unfairly compete with FENDI and others for (1) space in search engine and social media results across an array of search terms and (2) visibility on the World Wide Web.

56. Defendants' infringing activities are likely to cause and are causing confusion, mistake, and deception among the consumers as to the origin and quality of Defendants' photo albums and websites as a whole and all products sold therein by their use of the FENDI Marks.

57. FENDI has no adequate remedy at law and is suffering irreparable injury and damages because of Defendants' actions. Moreover, Defendants are unjustly profiting from those actions.

COUNT V - COMMON LAW TRADEMARK INFRINGEMENT

58. FENDI hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 37 above.

59. FENDI is the owner of all common law rights in and to the FENDI Marks.

60. This is an action for common law trademark infringement against Defendants based on their promotion, advertisement, offering for sale, and sale of their Counterfeit Goods using one or more of the FENDI Marks.

61. Specifically, each Defendant is promoting, and otherwise advertising, distributing, offering for sale, and selling goods using and bearing infringements of one or more of the FENDI Marks.

62. Defendants' infringing activities are likely to cause and are causing confusion, mistake, and deception among consumers as to the origin and quality of Defendants' Counterfeit Goods using the FENDI Marks.

63. FENDI has no adequate remedy at law and is suffering damages and irreparable injury because of Defendants' actions. Moreover, Defendants are unjustly profiting from those actions.

PRAYER FOR RELIEF

64. WHEREFORE, FENDI demands judgment on all Counts of this Complaint and an award of equitable relief and monetary relief against Defendants as follows:

a. Entry of temporary, preliminary, and permanent injunctions pursuant to 15 U.S.C. § 1116, 28 U.S.C. § 1651(a), The All Writs Act, and Federal Rule of Civil Procedure 65 enjoining Defendants, their agents, representatives, servants, employees, and all those acting in concert or participation therewith, from manufacturing or causing to be manufactured, importing, advertising or promoting, distributing, selling or offering to sell their Counterfeit Goods; from infringing, counterfeiting, or diluting the FENDI Marks; from using the FENDI Marks, or any mark or trade dress similar thereto, in connection with the sale of any unauthorized goods; from using any logo, trade name or trademark or trade dress that may be calculated to falsely advertise

the services or goods of Defendants as being sponsored by, authorized by, endorsed by, or in any way associated with FENDI; from falsely representing themselves as being connected with FENDI, through sponsorship or association, or engaging in any act that is likely to falsely cause members of the trade and/or of the purchasing public to believe any goods or services of Defendants, are in any way endorsed by, approved by, and/or associated with FENDI; from using any reproduction, counterfeit, infringement, copy, or colorable imitation of the FENDI Marks in connection with the publicity, promotion, sale, or advertising of any goods sold by Defendants; from affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent Defendants' goods as being those of FENDI, or in any way endorsed by FENDI and from offering such goods in commerce; from engaging in search engine optimization strategies using colorable imitations of FENDI's name or trademarks; and from otherwise unfairly competing with FENDI.

b. Entry of a temporary restraining order, as well as preliminary and permanent injunctions pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority, enjoining Defendants and all third parties with actual notice of an injunction issued by the Court from participating in, including providing financial services, technical services or other support to, Defendants in connection with the sale and distribution of non-genuine goods bearing and/or using counterfeits of the FENDI Marks.

c. Entry of an order pursuant to 15 U.S.C. § 1116, 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority, that upon FENDI's request, Defendants and the top level domain (TLD) Registry for each of the Subject Domain Names, and any other domains used by Defendants, or their administrators, including backend registry operators or

administrators, place the Subject Domain Names on Registry Hold status for the remainder of the registration period for any such domain name, thus removing them from the TLD zone files which link the Subject Domain Names, and any other domain names being used and/or controlled by Defendants to engage in the business of marketing, offering to sell, and/or selling goods bearing counterfeits and infringements of the FENDI Marks, to the IP addresses where the associated websites are hosted.

d. Entry of an order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority, canceling for the life of the current registration or, at FENDI's election, transferring the Subject Domain Names and any other domain names used by Defendants to engage in their counterfeiting of the FENDI Marks at issue to FENDI's control so they may no longer be used for unlawful purposes.

e. Entry of an order requiring Defendants, their agent(s) or assign(s), to assign all rights, title, and interest, to their Subject Domain Name(s) to FENDI and, if within five (5) days of entry of such order Defendants fail to make such an assignment, the Court order the act to be done by another person appointed by the Court at Defendants' expense, such as the Clerk of Court, pursuant to Federal Rule of Civil Procedure 70(a).

f. Entry of an order requiring Defendants, their agent(s) or assign(s), to instruct all search engines to permanently delist or deindex the Subject Domain Name(s) and, if within five (5) days of entry of such order Defendants fail to make such a written instruction, the Court order the act to be done by another person appointed by the Court at Defendants' expense, such as the Clerk of Court, pursuant to Federal Rule of Civil Procedure 70(a).

g. Entry of an order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority, authorizing FENDI to serve the injunction on any e-mail service

provider with a request that the service provider permanently suspend the e-mail addresses which are or have been used by Defendants in connection with Defendants' promotion, offering for sale, and/or sale of goods using counterfeits, and/or infringements of the FENDI Marks.

h. Entry of an order requiring, upon FENDI's request, Defendants to request in writing permanent termination of any messaging services, Seller IDs, usernames, and social media accounts they own, operate, or control on any messaging service and social media platform.

i. Entry of an order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and this Court's inherent authority that, upon FENDI's request, the applicable governing messaging service and Internet marketplace, social media, and image hosting website operators and/or administrators for the Seller IDs who are provided with notice of an injunction issued by the Court, disable and/or cease facilitating access to the Seller IDs and any other alias e-commerce stores, seller identification names, photo albums, user names, and private messaging accounts, being used and/or controlled by Defendants to engage in the business of marketing, offering to sell, and/or selling goods bearing counterfeits and infringements of the FENDI Marks.

j. Entry of an order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority that, upon FENDI's request, any messaging service and Internet marketplace, social media, and image hosting website operators and/or administrators, registrar and/or top level domain (TLD) Registry for the Seller IDs and Subject Domain Names who are provided with notice of an injunction issued by the Court, identify any e-mail address known to be associated with Defendants' respective Seller ID or Subject Domain Name.

k. Entry of an order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and this Court's inherent authority that, upon FENDI's request, any messaging service and Internet marketplace, social media, and image hosting website operators and/or administrators who are

provided with notice of the injunction issued by the Court, permanently remove from the multiple platforms, which include, *inter alia*, a Direct platform, Group platform, Seller Product Management platform, Vendor Product Management platform, and Brand Registry platform, any and all listings and associated images of goods bearing and/or using counterfeits and/or infringements of the FENDI Marks via the e-commerce stores and Internet based photo albums operating under the Seller IDs and upon FENDI's request, any other listings and images of goods bearing and/or using counterfeits and/or infringements of the FENDI Marks associated with any ASIN linked to the same sellers or linked to any other alias e-commerce stores, seller identification names, photo albums, user names, and private messaging accounts being used and/or controlled by Defendants to promote, offer for sale and/or sell goods bearing and/or using counterfeits and/or infringements of the FENDI Marks.

l. Entry of an order pursuant to 15 U.S.C. § 1116, 28 U.S.C. § 1651(a), The All Writs Act, Federal Rule of Civil Procedure 65, and this Court's inherent authority that, upon FENDI's request, Defendants and any Internet marketplace, social media, and image hosting website operators and/or administrators who are provided with notice of an injunction issued by the Court, immediately cease fulfillment of and sequester all goods of each Defendant bearing one or more of the FENDI Marks in its inventory, possession, custody, or control, and surrender those goods to FENDI.

m. Entry of an order requiring Defendants to account to and pay FENDI for all profits and damages resulting from Defendants' trademark counterfeiting and infringing and unfairly competitive activities and that the award to FENDI be trebled, as provided for under 15 U.S.C. § 1117, or that FENDI be awarded statutory damages from each Defendant in the amount

of two million dollars (\$2,000,000.00) per each counterfeit trademark used and product type offered for sale or sold, as provided by 15 U.S.C. § 1117(c)(2) of the Lanham Act.

n. Entry of an award pursuant to 15 U.S.C. § 1117 (a) and (b) of FENDI's costs and reasonable attorneys' fees and investigative fees associated with bringing this action.

o. Entry of an order pursuant to 15 U.S.C. § 1116, 28 U.S.C. § 1651(a), The All Writs Act, Federal Rule of Civil Procedure 65, and the Court's inherent authority that, upon FENDI's request, Defendants and any financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, and their related companies and affiliates, identify and restrain all funds, up to and including the total amount of judgment, in all financial accounts and/or sub-accounts used in connection with the Seller IDs and Subject Domain Names or other alias e-commerce stores, social media accounts, photo albums, seller identification names, user names, private messaging accounts, domain names and/or websites used by Defendants presently or in the future, as well as any other related accounts of the same customer(s) and any other accounts which transfer funds into the same financial institution account(s), and remain restrained until such funds are surrendered to FENDI in partial satisfaction of the monetary judgment entered herein.

p. Entry of an award of pre-judgment interest on the judgment amount.

q. Entry of an Order requiring Defendants to pay the cost necessary to correct any erroneous impression the consuming public may have received or derived concerning the nature, characteristics, or qualities of Defendants' products, including without limitation, the placement of corrective advertising and providing written notice to the public.

r. Entry of an order for any further relief as the Court may deem just and proper.

DATED: February 21, 2022.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

By: **Stephen M. Gaffigan**

Stephen M. Gaffigan (Fla. Bar No. 025844)

Virgilio Gigante (Fla. Bar No. 082635)

Christine Ann Daley (Fla. Bar No. 98482)

T. Raquel Wiborg-Rodriguez (Fla. Bar No. 103372)

401 East Las Olas Blvd., #130-453

Ft. Lauderdale, Florida 33301

Telephone: (954) 767-4819

E-mail: stephen@smgpa.net

E-mail: leo@smgpa.net

E-mail: christine@smgpa.net

E-mail: raquel@smgpa.net

Attorneys for Plaintiff, Fendi, S.r.l.

SCHEDULE "A"

[This page is the subject of Plaintiff's Motion to File Under Seal. As such, this page has been redacted in accordance with L.R. 5.4(b)(1)]

SCHEDULE “B”**PLAINTIFF’S FEDERALLY REGISTERED TRADEMARKS**

Trademark	Registration Number	Registration Date	Class / Goods
FENDI	1,244,466	July 5, 1983	IC 018: Traveling Luggage, Trunks, Purses, Rucksacks, Brief Cases, Attache Cases, Wallets, Key Cases, Passport Cases, Business Card Cases, Cosmetic Cases Sold Empty, Shirt Bags IC 025: Fur Coats, Fur Stoles, Fur Jackets, Raincoats, Cloth Coats, Jackets, Skirts, Blouses, Dresses, Hosiery, Shirts, Trousers, Hats, Scarves, Foulards, Gloves, Ties, Neckwear, Belts, Swimwear, Shoes, Boots
	1,267,539	February 21, 1984	IC 025: Fur Coats, Fur Stoles, Fur Pieces, Rainwear, Cloth Coats, Jackets, Skirts, Trousers, Dresses, Hosiery, Shirts, Blouses, Headwear, Scarves, Foulards, Gloves, Ties, Neckwear, Belts, Swimwear, Shoes, Boots.
	3,940,027	April 5, 2011	IC 018: Leather and imitation leather, furs, saddlery, traveling bags, handbags, shoulder bags, briefcases, attache cases, trunks, leatherwear, namely, key cases, purses, wallets, suitcases, backpacks, rucksacks, pouches, general

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			purpose trolley bags. IC 025: Clothing, namely, shirts, t-shirts, sweatshirts, pants, trousers, jeans, shorts, skirts, dresses, belts, sweaters, cardigans, pullovers, business suits, suits, coats, jackets, fur coats, fur jackets, fur shawls, scarves, foulards, neckties, bowties, gloves; waterproof clothing, namely, headbands, caps, hats; footwear, namely, shoes, sport shoes, boots, slippers, sneakers, sandals
	4,036,925	October 11, 2011	IC 018: Leather and imitation leather; furs; animal skins; animal hides; goods made of leather and imitation leather, namely, handbags, shoulder bags, briefcases, leatherwear, namely, key cases, purses, wallets, backpacks, pouches, leather straps. IC 025: Clothing, namely, shirts, t-shirts, sweatshirts, sport shirts, pants, sport pants, trousers, shorts, skirts, dresses, belts, sweaters, cardigans, pullovers, jackets, scarves, foulards, gloves; waterproof clothing, namely, waterproof jackets, swimsuits; hats; footwear, namely, shoes, sport shoes, boots, slippers, sneakers, sandals

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	4,362,861	July 9, 2013	IC 009: Eyeglasses, sunglasses, eyeglass and sunglass lenses, eyeglass frames and eyeglass cases; telephones and mobile phones; computers, laptop computers, MP3 players, personal digital assistants; cameras and digital cameras; video cameras; bags, cases and sleeves specially adapted for holding or carrying all the above mentioned goods. IC 018: Bags, namely, shoulder bags, travelling bags, handbags, Boston bags, waist packs, sling bags for carrying infants, leather and canvas shopping bags, duffle bags, tote bags, clutch bags, trunks, wallets, purses, briefcases, attach cases, pouches of leather or textile, school bags, suitcases, garment bags for travel, key cases made of leather, backpacks, rucksacks, vanity cases sold empty, carry-on bags, beach bags, umbrellas. IC 024: Beach towels IC 025: Articles of clothing for men, women and children, namely, pullovers, cardigans, sweaters, jerseys, jumpers, jackets, sweatshirts, parkas, bathing suits, blouses, shirts, trousers, jeans, waistcoats, skirts, shorts, T-shirts, dresses, men's suits, coats, raincoats, overcoats, fur coats and jackets, overalls, underwear,

Trademark	Registration Number	Registration Date	Class / Goods
			vests, hosiery and panty hose, bathrobes, shawls, scarves, neckties, gloves for clothing, belts for clothing, shoes, boots, sandals, slippers, clogs, hats and caps.
FENDI	4,409,049	October 1, 2013	IC 009: Eyeglasses, sunglasses, eyeglass and sunglass lenses, eyeglass frames and eyeglass cases; telephones and mobile phones; computers, laptop computers, MP3 players, personal digital assistants; cameras and digital cameras; video cameras; bags, cases and sleeves specially adapted for holding or carrying all the above mentioned goods. IC 018: Bags, namely, shoulder bags, travelling bags, handbags, Boston bags, waist packs, sling bags for carrying infants, leather and canvas shopping bags, duffle bags, tote bags, clutch bags, trunks, wallets, purses, briefcases, attach cases, pouches of leather or textile, school bags, suitcases, garment bags for travel, key cases made of leather, backpacks, rucksacks, vanity cases sold empty, carry-on bags, beach bags, umbrellas. IC 025: Articles of clothing for men, women and children,

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			namely, pullovers, cardigans, sweaters, jerseys, jumpers, jackets, sweatshirts, parkas, bathing suits, blouses, shirts, trousers, jeans, waistcoats, skirts, shorts, T-shirts, dresses, men's suits, coats, raincoats, overcoats, fur coats and jackets, overalls, underwear, vests, hosiery and panty hose, bathrobes, shawls, scarves, neckties, gloves for clothing, belts for clothing, shoes, boots, sandals, slippers, clogs, hats and caps.
FENDI	5,139,608	November 29, 2016	IC 018: Shoulder straps for handbags
	5,505,551	July 3, 2018	IC 003: Fragrances; make-up IC 009: Cell phone cases; cell phone covers; cell phone straps; sunglasses IC 014: Decorative fobs for keys; key rings with decorative trinkets or fobs; precious metal key holders with decorative trinkets or fobs; key holders of precious metals; key fobs of precious metals; key rings of precious metals; key fobs being rings coated with precious metal; key chains as jewelry, being trinkets or fobs; key rings with decorative trinkets or fobs of precious metal

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			IC 018: Leather and imitations of leather; animal skins and hides; trunks and travelling bags; umbrellas and parasols; walking sticks; whips; harness; saddlery; all-purpose carrying bags; shoulder bags; travelling bags; hand bags; boston bags; waist packs; sling bags for carrying infants; duffle bags; tote bags; clutch bags; wallets; purses; briefcases; attaché cases; pouches of leather; pouches of textile, not for packaging; school bags; suitcases; garment bags for travel; key cases made of leather; backpacks; rucksacks; vanity cases sold empty; carry-on bags; beach bags; umbrellas IC 020: Furniture; mirrors; picture frames; air cushions, not for medical purposes; air mattresses, not for medical purposes; air pillows, not for medical purposes; bead curtains for decoration; bedding, except linen, namely, beds, mattresses, pillows and bolsters; busts of wood, wax, plaster or plastic; wardrobes; curtain holders, not of textile material; curtain tie-backs, namely, non-textile curtain holders; cushions; doors for

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			furniture; dressmakers' dummies; screens for fireplaces; house numbers, not of metal, non-luminous; indoor window blinds being shades; infant walkers; mannequins; decorative mobiles; pet cushions; pillows; slatted indoor blinds; statues of wood, wax, plaster or plastic; statuettes of wood, wax, plaster or plastic; table tops; tailors' dummies; decorative wind chimes; works of art of wood, wax, plaster or plastic; signboards of wood or plastics IC 025: Clothing, namely, shirts and pants; footwear; headwear; pullovers; cardigans; sweaters; jerseys; jumpers; jackets; sweatshirts; parkas; bathing suits; blouses; shirts; trousers; jeans; waistcoats; skirts; shorts; T-shirts; dresses; men's suits; coats; raincoats; overcoats; fur coats and jackets; overalls; underwear; vests; hosiery; panty hose; bathrobes; shawls; scarves; neckties; gloves being clothing; belts for clothing; shoes; boots; sandals; slippers; clogs; hats and caps

