

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

DAVID YURMAN ENTERPRISES LLC and
DAVID YURMAN IP LLC,

Plaintiffs,

vs.

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

Defendants.

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

Plaintiffs, David Yurman Enterprises LLC and David Yurman IP LLC (collectively “David Yurman” or “Plaintiffs”) hereby sue 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 and/or using counterfeits and confusingly similar imitations of David Yurman’s trademarks within this district through various Internet based e-commerce stores operating on the Amazon.com platform, under the seller identities set forth on Schedule “A” hereto (collectively the “E-commerce Store Names”). In support of its claims, David Yurman alleges as follows:

JURISDICTION AND VENUE

1. This is an action for damages and injunctive relief 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 David Yurman'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 Internet based e-commerce stores accessible and doing business in Florida and operating under their E-commerce Store Names. Alternatively, based on their overall contacts with the United States, 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, non-resident in the United States and 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 PLAINTIFFS

4. Plaintiff, David Yurman Enterprises LLC, is a limited liability company organized under the laws of the State of Delaware, with its principal place of business in New York, New York, and an office in the United States located at 24 Vestry Street, New York, New York, 10013. David Yurman Enterprises LLC, for years has been, a global leader in the design, manufacture and distribution of high-quality goods and jewelry, specifically, the David Yurman cable design

collection, under multiple world-famous common law and federally registered trademarks, including those identified in Paragraph 16 below.

5. Plaintiff, David Yurman IP LLC, is a limited liability company organized under the laws of the State of Delaware, with its principal place of business in New York, New York, and an office in the United States located at 24 Vestry Street, New York, New York, 10013. David Yurman IP LLC, owns, manages, enforces, and maintains intellectual property, including the federal trademarks at issue.

6. David Yurman offers for sale and sells its trademarked goods within the State of Florida, including this district, and throughout the United States. Defendants, through the offering for sale and sale of goods using counterfeit and infringing versions of David Yurman branded products, are directly and unfairly competing with David Yurman's economic interests in the United States, including the State of Florida, and causing David Yurman irreparable harm within this jurisdiction.

7. Like many other famous trademark owners, David Yurman 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 David Yurman's trademarks for the twin purposes of (i) duping and confusing the consuming public and (ii) earning substantial profits across their e-commerce stores. The natural and intended byproduct of Defendants' combined actions is the erosion and destruction of the goodwill associated with David Yurman's famous name and associated trademarks and the destruction of the legitimate market sector in which it operates.

8. To combat the indivisible harm caused by the concurrent actions of Defendants and others engaging in similar conduct, each year David Yurman expends significant resources in

connection with trademark enforcement efforts. The exponential growth of counterfeiting over the Internet, including through online marketplace platforms, has created an environment that requires companies, such as David Yurman, 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 embodied in the David Yurman brand.

THE DEFENDANTS

9. 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 consumers as well as shipping and Amazon.com 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, at least, their commercial Internet based e-commerce stores via the marketplace website, Amazon.com, under the E-commerce Store Names.

10. Defendants use aliases in connection with the operation of their businesses.

11. Defendants are the past and/or present controlling forces behind the sale of products bearing and/or using counterfeits and infringements of David Yurman's trademarks as described herein.

12. Defendants directly engage in unfair competition with David Yurman by advertising, offering for sale, and selling goods, each bearing and/or using counterfeits and infringements of one or more of David Yurman's trademarks to consumers within the United

States and this district through at least, the Internet based e-commerce stores using, at least, the E-commerce Store Names, as well as additional seller identification aliases not yet known to David Yurman. Defendants have purposefully directed some portion of their unlawful activities towards consumers in the State of Florida through the advertisement, offer to sell, sale, and/or shipment of counterfeit and infringing David Yurman branded goods into the State.

13. Defendants have registered, established or purchased, and maintained their E-commerce Store Names. Defendants may have engaged in fraudulent conduct with respect to the registration of the E-commerce Store Names by providing false and/or misleading information during the registration or maintenance process related to their respective E-commerce Store Names.

14. Defendants will likely continue to register or acquire new seller identification names, or other aliases, as well as related payment accounts, for the purpose of selling and offering for sale goods using counterfeit and confusingly similar imitations of one or more of David Yurman's trademarks unless preliminarily and permanently enjoined.

15. Defendants' E-commerce Store Names, associated payment accounts, and any other alias seller identification names used in connection with the sale of counterfeit and infringing goods bearing and/or using one or more of David Yurman's trademarks are essential components of Defendants' online activities and are one of the means by which Defendants further their counterfeiting and infringing scheme and cause harm to David Yurman. Moreover, Defendants are using David Yurman's famous brand name and/or associated trademarks to drive Internet consumer traffic to their e-commerce stores operating under the E-commerce Store Names, thereby increasing the value of the E-commerce Store Names and decreasing the size and value of David Yurman's legitimate marketplace and intellectual property rights at David Yurman's expense.

COMMON FACTUAL ALLEGATIONS**David Yurman's Business and Intellectual Property Rights**

16. Plaintiff David Yurman IP LLC is the owner of all rights in and to the following trademarks which are valid and registered on the Principal Register of the United States Patent and Trademark Office (collectively, the "David Yurman Marks"):

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
D.YURMAN	1,553,674	August 29, 1989	IC 014 - Jewelry
D.Y.	1,568,254	November 28, 1989	IC 014 - Jewelry
THE CABLE COLLECTION	1,658,160	September 24, 1991	IC 014 - Precious metal jewelry
DAVID YURMAN	1,725,487	October 20, 1992	IC 014 - Precious metal jewelry
Albion	2,959,204	June 7, 2055	IC 014 - Fine jewelry and precious stones
	3,282,245	August 21, 2007	IC 014 - Fine jewelry and watches
WHEATON	3,628,543	May 26, 2009	IC 014 - Jewelry
CHATELAINE	3,628,598	May 26, 2009	IC 014 - Jewelry

	3,683,051	September 15, 2009	IC 014 - Jewelry
CABLE COLLECTIBLES	3,685,701	September 22, 2009	IC 014 - Jewelry
CABLE CLASSICS COLLECTION	3,687,241	September 22, 2009	IC 014 - Jewelry
CABLE BUCKLE COLLECTION	3,800,477	June 8, 2010	IC 014 - Jewelry
DY	3,924,043	February 22, 2011	IC 014 - Jewelry
DY CROSSOVER	4,269,147	January 1, 2013	IC 014 - Jewelry, namely, rings, earrings, bracelets, pendants, precious stones, and precious metals
THE CROSSOVER COLLECTION	4,430,133	November 5, 2013	IC 014 - Rings, earrings, bracelets, pendants, precious stones and precious metals
CableSpira	4,539,224	May 27, 2014	IC 014 - Jewelry
	4,655,095	December 16, 2014	IC 014 - Jewelry; bracelets
	4,931,711	April 5, 2016	IC 014 - Clasps for jewelry; jewelry; jewelry made in whole or significant part of precious metals, diamonds and gemstones, and semi-precious gemstones, namely, gold, silver, and platinum, diamonds, topaz, amethyst, black onyx

	5,025,164	August 23, 2016	IC 014 - Jewelry; bracelets
DY	5,779,132	June 18, 2019	IC 014 - Jewelry; watches IC 035 - Retail store services featuring jewelry and watches
	5,779,133	June 18, 2019	IC 014 - Jewelry; watches IC 035 - Retail store services featuring jewelry and watches

The David Yurman 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 David Yurman Marks are attached hereto as Composite Exhibit “1.”

17. The David Yurman Marks have been used in interstate commerce to identify and distinguish David Yurman’s high-quality goods for an extended period.

18. The David Yurman Marks have been used in commerce by David Yurman long prior in time to Defendants’ use of copies of those Marks. The David Yurman Marks have never been assigned or licensed to any of the Defendants in this matter.

19. The David Yurman Marks are symbols of David Yurman’s quality, reputation, and goodwill and have never been abandoned. David Yurman has carefully monitored and policed the use of its intellectual property, including the David Yurman Marks.

20. The David Yurman Marks are well known and famous and have been for many years. David Yurman expends substantial resources developing, advertising, and otherwise

promoting the David Yurman Marks. The David Yurman Marks qualify as famous marks as that term is used in 15 U.S.C. §1125(c)(1).

21. Further, David Yurman extensively uses, advertises, and promotes the David Yurman Marks in the United States in association with the sale of high-quality goods. David Yurman expends substantial resources promoting the David Yurman Marks and products bearing and/or using such intellectual property on the Internet and via its official website, www.davidyurman.com.

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

23. Accordingly, the David Yurman Marks have achieved secondary meaning among consumers as identifiers of high-quality goods.

24. Genuine goods bearing and/or using the David Yurman Marks are widely legitimately advertised and promoted by David Yurman, its authorized distributors, and unrelated third parties via the Internet. Visibility on the Internet, particularly via Internet search engines and social media platforms, is important to David Yurman's overall marketing and consumer education efforts. Thus, David Yurman expends significant monetary and other resources on Internet marketing and consumer education regarding its products, including search engine optimization, search engine marketing, and social media strategies. Those strategies allow David Yurman and its authorized retailers to educate consumers fairly and legitimately about the value associated with the David Yurman brand and the goods sold thereunder, and the problems associated with the counterfeiting of the David Yurman trademarks. Similarly, Amazon.com's individual seller stores

are indexed on search engines and compete directly with David Yurman for space in the search results.

Defendants' Infringing Activities

25. Within a single highly interconnected and interdependent ecosystem, Amazon.com, Defendants are each promoting, advertising, distributing, offering for sale, and/or selling goods in interstate commerce bearing and/or using counterfeit and confusingly similar imitations of one or more of the David Yurman Marks (the "Counterfeit Goods") through at least the e-commerce stores operating under the E-commerce Store Names, using at least, the listings and associated images identified by the Amazon Standard Identification Numbers ("ASIN") on Schedule "A" annexed hereto. Specifically, Defendants are each using the David Yurman Marks to initially attract online consumers and drive them to Defendants' e-commerce stores operating under the E-commerce Store Names. Defendants are each using virtually identical copies of one or more of the David Yurman Marks for different quality goods. David Yurman has used the David Yurman Marks extensively and continuously before Defendants began offering goods using counterfeit and confusingly similar imitations of David Yurman's merchandise.

26. While each Defendant seller in the Amazon ecosystem may act independently, they all contribute to the overall growth and prominence of David Yurman branded counterfeit goods on the platform. While they may compete for sales and customer attention, the combined force of their actions directly adversely impacts David Yurman's reputation and image in a more powerful manner than any seller acting alone. In addition to their interactions with each other, Defendants also interact with Amazon's algorithms and systems. They continually analyze and optimize their strategies to improve their visibility and performance on the platform. This includes adapting to changes in Amazon's ranking algorithms, leveraging Amazon's advertising programs, and using

data analytics to optimize pricing. In this way, all the David Yurman counterfeit sellers on Amazon form a complex and dynamic system, where the success of each individual seller is at least in part dependent on the success of the others and the overall performance of David Yurman's counterfeits on the platform.

27. Defendants' Counterfeit Goods are of a quality substantially different than that of David Yurman'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 David Yurman, despite Defendants' knowledge that they are without authority to use the David Yurman Marks. Defendants' actions are 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 or through Defendants' e-commerce stores are genuine goods originating from, associated with, and/or approved by David Yurman.

28. Defendants advertise their e-commerce stores, including their Counterfeit Goods offered for sale, to the consuming public via e-commerce stores on Amazon.com using at least the E-commerce Store Names. In so doing, Defendants improperly and unlawfully use one or more of the David Yurman Marks without David Yurman's permission.

29. Defendants are concurrently employing and benefitting from substantially similar advertising and marketing strategies based, in large measure, upon an unauthorized use of counterfeits and infringements of the David Yurman Marks. Specifically, Defendants are using counterfeits and infringements of David Yurman's famous name and the David Yurman Marks to make their e-commerce stores selling unauthorized goods appear more relevant and attractive to consumers searching for both David Yurman and non-David Yurman goods and information

online and within the Amazon ecosystem. By their actions, Defendants are jointly contributing to the creation and maintenance of an unlawful marketplace operating in parallel to the legitimate marketplace for David Yurman's genuine goods. Defendants are causing individual, concurrent and indivisible harm to David Yurman and the consuming public by (i) depriving David Yurman and other third parties of their right to fairly compete for space online and within search engine results and reducing the visibility of David Yurman's genuine goods on the Internet, (ii) causing an overall degradation of the value of the goodwill associated with the David Yurman Marks by viewing inferior products in either the pre or post sale setting, and (iii) increasing David Yurman's overall cost to market its goods and educate consumers about its brand via the Internet.

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

31. At all times relevant hereto, Defendants have had full knowledge of David Yurman's ownership of the David Yurman Marks, including its exclusive rights to use and license such intellectual property and the goodwill associated therewith.

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

33. Defendants are engaging in the above-described unlawful counterfeiting and infringing activities knowingly and intentionally or with reckless disregard or willful blindness to David Yurman's rights for the purpose of trading on David Yurman's goodwill and reputation. If Defendants' intentional counterfeiting and infringing activities are not preliminarily and

permanently enjoined by this Court, David Yurman and the consuming public will continue to be harmed.

34. 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 consumers, the public, and the trade into believing there is a connection or association between David Yurman's genuine goods and Defendants' Counterfeit Goods, which there is not.

35. Given the visibility of Defendants' various e-commerce stores and the similarity of their concurrent actions, it is clear Defendants are either affiliated, or at a minimum, cannot help but know of each other's existence and the unified harm likely to be caused to David Yurman and the overall consumer market in which they operate because of Defendants' concurrent actions.

36. Although some Defendants may be physically acting independently, they may properly be deemed to be acting in concert because the combined force of their actions serves to multiply the harm caused to David Yurman.

37. 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 E-commerce Store Names and any other alias seller identification names being used and/or controlled by them.

38. Further, Defendants, upon information and belief, are likely to transfer or secrete their assets to avoid payment of any monetary judgment awarded to David Yurman.

39. David Yurman has no adequate remedy at law.

40. David Yurman is suffering irreparable injury because of Defendants' unauthorized and wrongful use of the David Yurman Marks. If Defendants' counterfeiting, infringing, and unfairly competitive activities are not preliminarily and permanently enjoined by this Court, David Yurman and the consuming public will continue to be harmed while Defendants wrongfully earn a substantial profit.

41. The harm sustained by David Yurman has 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)

42. David Yurman hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 41 above.

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

44. 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 David Yurman Marks. Defendants are continuously infringing and inducing others to infringe the David Yurman Marks by using one or more of them to advertise, promote, offer to sell, and/or sell counterfeit and infringing David Yurman branded goods.

45. 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.

46. Defendants' unlawful actions have caused and are continuing to cause unquantifiable and irreparable harm to David Yurman and are unjustly enriching Defendants with profits at David Yurman's expense.

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

48. David Yurman has suffered and will continue to suffer irreparable injury while Defendants are earning a substantial profit due to Defendants' above-described activities if Defendants are not preliminarily and permanently enjoined.

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

49. David Yurman hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 41 above.

50. Defendants' Counterfeit Goods bearing, offered for sale, and sold using copies of one or more of the David Yurman Marks have been widely advertised and offered for sale throughout the United States via at least one Internet marketplace website.

51. Defendants' Counterfeit Goods bearing, offered for sale, and sold using copies of one or more of the David Yurman Marks are virtually identical in appearance to David Yurman'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.

52. 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 designs, 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 David Yurman's detriment.

53. Defendants have each authorized infringing uses of one or more of the David Yurman Marks in Defendants' advertisement and promotion of their counterfeit and infringing branded goods. Some Defendants have also misrepresented to members of the consuming public that the Counterfeit Goods they advertise and sell are genuine, non-infringing goods.

54. Additionally, many Defendants are simultaneously using counterfeits and infringements of one or more of the David Yurman Marks to unfairly compete with David Yurman and others for space within organic and paid search engine and social media results. Defendants are thereby jointly (i) depriving David Yurman of valuable marketing and educational space online which would otherwise be available to David Yurman, and (ii) reducing the visibility of David Yurman's genuine goods on the Internet and across social media platforms.

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

56. David Yurman has no adequate remedy at law and has sustained both individual and indivisible injury caused by Defendants' concurrent conduct. Absent an entry of an injunction by this Court, David Yurman will continue to suffer irreparable injury to its goodwill and business reputation, while Defendants are earning a substantial profit.

COUNT III - COMMON LAW UNFAIR COMPETITION.

57. David Yurman hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 41 above.

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

59. Specifically, Defendants are promoting and otherwise advertising, selling, offering for sale, and distributing goods bearing and/or using counterfeits and infringements of one or more of the David Yurman Marks. Defendants are also each using counterfeits and infringements of one or more of the David Yurman Marks to unfairly compete with David Yurman and others for (i) space in search engine and social media results across an array of search terms and/or (ii) visibility on the Internet.

60. 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' e-commerce stores as a whole and all products sold therein by their use of the David Yurman Marks.

61. David Yurman has no adequate remedy at law and is suffering irreparable injury because of Defendants' actions, while Defendants are earning a substantial profit.

COUNT IV - COMMON LAW TRADEMARK INFRINGEMENT

62. David Yurman hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 41 above.

63. David Yurman is the owner of all common law rights in and to the David Yurman Marks.

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

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

66. 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 bearing and/or using the David Yurman Marks.

67. David Yurman has no adequate remedy at law and is suffering irreparable injury because of Defendants' actions, while Defendants are earning a substantial profit.

PRAYER FOR RELIEF

68. WHEREFORE, David Yurman 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 David Yurman Marks; from using the David Yurman Marks, or any mark or design similar thereto, in connection with the sale of any unauthorized goods; from using any logo, trade name or trademark or design 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 David Yurman; from falsely representing themselves as being connected with David Yurman, 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 David Yurman; from using any reproduction, counterfeit, infringement, copy, or colorable imitation of the David Yurman 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 David Yurman, or in any way endorsed by David Yurman and from offering such goods in commerce; from engaging in search engine optimization strategies using colorable imitations of David Yurman's name or trademarks; and from otherwise unfairly competing with David Yurman.

b. Entry of 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 David Yurman Marks.

c. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and this Court's inherent authority that, upon David Yurman's request, Defendants and the applicable governing Internet marketplace website and/or administrators for the E-commerce Store Names who are provided with notice of an injunction issued by the Court, including Amazon.com, Inc., disable and/or cease facilitating access to the E-commerce Store Names and any other alias e-commerce store names being used and/or controlled by Defendants to engage in the business of marketing, offering to sell, and/or selling goods bearing and/or using counterfeits and infringements of the David Yurman Marks.

d. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority that, upon David Yurman's request, any Internet marketplace website operators and/or administrators for the E-commerce Store Names and any other alias seller identification names being used by Defendants who are provided with notice of an injunction issued by the Court, including Amazon.com, Inc., identify any e-mail address known to be associated with Defendants' respective E-commerce Store Name.

e. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and this Court's inherent authority that, upon David Yurman's request, any messaging service and Internet marketplace and social media website operators and/or administrators who are provided with notice of an injunction issued by the Court, including Amazon.com, Inc., 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 David Yurman Marks via the e-commerce stores operating under the E-commerce Store Names, including but not limited to the listings and associated images identified by the "parent" and/or "child" ASIN on Schedule "A," and upon David Yurman's request, any other listings and images of goods bearing and/or using counterfeits and/or infringements of the David Yurman Marks associated with any ASIN linked to the same sellers or linked to any other alias e-commerce store names 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 David Yurman Marks.

f. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, Federal Rule of Civil Procedure 65, and this Court's inherent authority that, upon David Yurman's

request, Defendants and any Internet marketplace website operators and/or administrators for the E-commerce Store Names who are provided with notice of an injunction issued by the Court, including Amazon.com, Inc., immediately cease fulfillment of and sequester all goods of each Defendant bearing and/or using one or more of the David Yurman Marks in its inventory, possession, custody, or control, and surrender those goods to David Yurman.

g. Entry of an Order requiring Defendants to account to and pay David Yurman for all profits earned from Defendants' trademark counterfeiting and infringing and unfairly competitive activities and that the profit award to David Yurman be trebled, as provided for under 15 U.S.C. §1117, or that David Yurman 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.

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

i. 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 David Yurman's request, Defendants and any financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, including but not limited to including Amazon.com, Inc., 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 E-commerce Store Names, or other alias e-commerce store names 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 David Yurman in partial satisfaction of the monetary judgment entered herein.

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

k. Entry of an Order requiring Defendants, at David Yurman's request, 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.

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

DATED: August 14, 2023.

Respectfully submitted,

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SCHEDULE "A"

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