

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HERSCHEL SUPPLY COMPANY LTD.,

Plaintiff,

v.

THE PARTNERSHIPS and
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE “A,”

Defendants.

Case No. 22-cv-1186

COMPLAINT

Plaintiff Herschel Supply Company Ltd. (“Herschel Supply” or “Plaintiff”) hereby brings the present action against the Partnerships and Unincorporated Associations identified on attached Schedule A (collectively, “Defendants”) and alleges as follows:

I. JURISDICTION AND VENUE

1. This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Lanham Act, 15 U.S.C. § 1051, *et seq.*, 28 U.S.C. § 1338(a)-(b) and 28 U.S.C. § 1331.

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendants since each of the Defendants directly targets business activities toward consumers in the United States, including Illinois, through at least the fully interactive e-commerce stores¹ operating under the seller aliases identified in Schedule A attached hereto (the “Seller Aliases”). Specifically, Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States

¹ The e-commerce store urls are listed on Schedule A hereto under the Online Marketplaces.

consumers using one or more Seller Aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, have sold products using infringing and counterfeit versions of Herschel Supply's federally registered trademarks to residents of Illinois. Each of the Defendants is committing tortious acts in Illinois, is engaging in interstate commerce, and has wrongfully caused Herschel Supply substantial injury in the State of Illinois.

II. INTRODUCTION

3. This action has been filed by Herschel Supply to combat e-commerce store operators who trade upon Herschel Supply's reputation and goodwill by offering for sale and selling unauthorized and unlicensed products, including backpacks, bags, wallets, accessories, and other merchandise using infringing and counterfeit versions of Herschel Supply's federally registered trademarks (the "Counterfeit Herschel Supply Products"). Defendants create e-commerce stores operating under one or more Seller Aliases that are advertising, offering for sale and selling Counterfeit Herschel Supply Products to unknowing consumers, and/or Counterfeit Herschel Products advertised as "replica" goods. E-commerce stores operating under the Seller Aliases share unique identifiers, establishing a logical relationship between them and that Defendants' counterfeiting operation arises out of the same transaction, occurrence, or series of transactions or occurrences. Defendants attempt to avoid and mitigate liability by operating under one or more Seller Aliases to conceal both their identities and the full scope and interworking of their counterfeiting operation. Herschel Supply is forced to file this action to combat Defendants' counterfeiting of its registered Herschel Supply trademarks, as well as to protect unknowing consumers from purchasing Counterfeit Herschel Supply Products over the Internet. Herschel Supply has been and continues to be irreparably damaged through consumer

confusion, dilution, and tarnishment of its valuable trademarks as a result of Defendants' actions and seeks injunctive and monetary relief.

III. THE PARTIES

Plaintiff

4. Plaintiff Herschel Supply Company Ltd. is a British Columbia corporation, having its principal place of business at 327-611 Alexander Street, Vancouver, British Columbia, Canada V6A 1E1.

5. Founded in 2009 by brothers Jamie and Lyndon Cormack, Herschel Supply designs and manufactures the finest quality backpacks, bags, luggage, headwear, apparel, travel goods and accessories for everyday explorers around the world (the "Herschel Supply Products"). Herschel Supply is a design-driven, detail-oriented, innovative company that creates opportunities for individuals to express themselves, influence change and contribute to the growth of a global brand. The brand combines vintage and contemporary design elements that evoke heritage and current trends simultaneously.

6. In its first year of operation, Herschel Supply achieved shelf space for its brand new products in major retail outlets like Urban Outfitters. In its first season, Herschel Supply launched in four countries. Today, the company works with over 15 different manufacturers around the world and promotes, sells and distributes its genuine products in more than 90 different countries. Herschel Supply Products are now sold in more than 10,000 retail stores worldwide, including thousands of retail locations in the United States. Herschel Supply's Herschel Heritage and Herschel Little America backpack have become iconic silhouettes, which is one reason Herschel Supply has become so popular on social media and, as of March 2021, has more than one million Instagram followers and over one million Facebook followers.

7. Herschel Supply has also partnered with third party brands from Coca-Cola to Disney to Major League Baseball to create new co-branded collections.

8. Herschel Supply branded products are distributed and sold to consumers throughout the United States, including in Illinois, through the official herschel.com website which was launched in 2010, and today through retailers such as Nordstrom, Selfridges, Bloomingdales, Zumiez, Saks 5th Avenue, and Zappos, among many others.

9. Herschel Supply incorporates a variety of distinctive marks in the design of its various Herschel Supply Products. As a result of its long-standing use, Herschel Supply owns common law trademark rights in its trademarks. Herschel Supply has also registered its trademarks with the United States Patent and Trademark Office. Herschel Supply Products typically include at least one of Herschel Supply's registered trademarks. Often several Herschel Supply marks are displayed on a single Herschel Supply Product. Herschel Supply uses its trademarks in connection with the marketing of its Herschel Supply Products, including the following marks which are collectively referred to as the "HERSCHEL SUPPLY Trademarks."

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
3,936,561	THE HERSCHEL SUPPLY CO. BRAND	Mar. 29, 2011	For: Leather goods, namely, bags, backpacks, travel bags, luggage bags, wallets, purses, sports bags, daypacks, tote bags, duffel bags, book bags, school bags, shoulder bags, hard-sided and soft-sided carry-on bags and gym bags in class 018.
4,571,536	HERSCHEL	July 22, 2014	For: on-line wholesale and retail store services featuring bags, luggage, backpacks, cases, wallets, purses, accessories, clothing, headwear, and general consumer goods; retail store services featuring bags, luggage, backpacks,

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			cases, wallets, purses, accessories, clothing, footwear, headwear, eyewear, and general consumer goods in class 035. For: bags specially adapted for sports equipment in class 028. For: footwear; shoes; boots; headwear; clothing, namely, hats in class 025. For: wallets; purses; handbags; clutch bags; evening bags; men's clutch bags; shoulder bags; sling bags; small bags for men; tote bags; barrel bags; school bags; sack packs, namely, drawstring bags used as backpacks; belt bags and hip bags; book bags; boston bags; bum bags; hip bags; waist bags; satchels; rucksacks; backpacks; duffel bags; courier bags; messenger bags; military duffel bags, tote bags, shoulder bags and backpacks; shopping bags made of fabric; textile shopping bags; all-purpose bags; all-purpose carrying bags; carry-all bags; carry-on bags; bags for sports; all-purpose sport bags; all-purpose athletic bags; athletic bags; bags and holdalls for sports clothing; general purpose bags for carrying yoga equipment; general purpose bags for holding dance equipment; general purpose sport trolley bags; gym bags; hard-sided and soft-sided carry-on bags and gym bags; hiking bags; leather and imitation leather sport bags and general purpose trolley bags; bags for climbers in the nature of all-purpose carrying bags; bags for campers in the nature of all-purpose

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			carrying bags; beach bags; travel bags; traveling bags; luggage; suitcases; garment bags for travel; duffel bags for travel; flight bags; overnight bags; wheeled bags; wheeled duffel bags; leather bags; cosmetic bags sold empty; make-up bags sold empty; toiletry bags sold empty; wash bags for carrying toiletries; business card cases; business card holders in the nature of wallets and purses; carrying cases; carrying cases for documents; credit card cases; credit card cases and holders; leather credit card cases; vanity cases sold empty; overnight cases; travel cases; travelling cases of leather; cases of leather or imitation leather; leather cases; attaché cases; attache cases made of leather; briefcases and attache cases; document cases; haversacks in class 018. For: pen cases; pencil cases; stationery cases; lunch bags made of textile in class 016. For: bags adapted for laptops; sleeves for laptops; bags and cases specially adapted for holding or carrying portable telephones and telephone equipment and accessories; computer bags; messenger bags especially adapted for holding laptops; messenger bags especially adapted for holding electronic book readers; sunglasses; cases for eyeglasses and sunglasses; carrying cases for mobile computers; protective covers and cases for tablet computers; protective covers and cases for cell phones, laptops and

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			portable media players; protective cases for smartphones; notebook computer carrying cases; computer carrying cases; laptop carrying cases; cell phone cases; cases for mobile phones; cases for telephones; carrying cases for cell phones; carrying cases specially adapted for cellphones; cases for music, audio and related electronic equipment, namely, cases for audio tuners, audio receivers, amplifiers, tape players, compact disc players, MP3 controllers/players, audio mixers, audio speakers in the nature of music studio monitors, microphones, audio speakers, compact discs, audio tapes, portable computers, antennas, phonographic record players, audio recording equipment, and the cables associated with all of the foregoing equipment; carrying cases, holders, protective cases and stands featuring power supply connectors, adaptors, speakers and battery charging devices, specially adapted for use with handheld digital electronic devices, namely, computers, mobile phones, tablet computers, cameras, portable media players; carrying cases specially adapted for electronic equipment, namely, computers, mobile phones, tablet computers, cameras, portable media players in class 009.
5,041,490	THE HERSCHEL SUPPLY CO. BRAND	Sept. 13, 2016	For: bags specially adapted for sports equipment in class 028. For: footwear; shoes; boots; headwear; hats in class 025. For: wallets; purses; handbags;

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			clutch bags; evening bags; men's clutch bags; shoulder bags; sling bags; small bags for men; tote bags; barrel bags; school bags; sack packs, namely, drawstring bags used as backpacks; belt bags and hip bags; book bags; boston bags; bum bags; hip bags; waist bags; satchels; rucksacks; backpacks; duffel bags; courier bags; messenger bags; military duffel bags, tote bags, shoulder bags and backpacks; shopping bags made of fabric; textile shopping bags; all-purpose bags; all-purpose carrying bags; carry-all bags; carry-on bags; bags for sports; all-purpose sport bags; all-purpose athletic bags; athletic bags; bags and holdalls for sports clothing; general purpose bags for carrying yoga equipment; general purpose bags for holding dance equipment; general purpose sport trolley bags; gym bags; hard-sided and soft-sided carry-on bags and gym bags; hiking bags; leather and imitation leather sport bags and general purpose trolley bags; bags for climbers in the nature of all-purpose carrying bags; bags for campers in the nature of all-purpose carrying bags; beach bags; travel bags; traveling bags; luggage; suitcases; duffel bags for travel; flight bags; overnight bags; wheeled bags; wheeled duffel bags; leather bags; cosmetic bags sold empty; make-up bags sold empty; toiletry bags sold empty; wash bags for carrying toiletries; business card cases. Business card holders in the nature of wallets and purses; carrying cases; carrying cases for documents; credit card cases; credit

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			card cases and holders; leather credit card cases; vanity cases sold empty; overnight cases; travel cases; travelling cases of leather; cases of leather or imitation leather; leather cases; attaché cases; attache cases made of leather; briefcases and attache cases; document cases; haversacks in class 018. For: pen cases; pencil cases; stationery cases; lunch bags made of textile in class 016. For: bags adapted for laptops; sleeves for laptops; bags and cases specially adapted for holding or carrying portable telephones and telephone equipment and accessories; computer bags; messenger bags especially adapted for holding laptops; messenger bags especially adapted for holding electronic book readers; sunglasses; cases for eyeglasses and sunglasses; carrying cases for mobile computers; protective covers and cases for tablet computers; protective covers and cases for cell phones, laptops and portable media players; protective cases for smartphones; notebook computer carrying cases; computer carrying cases; laptop carrying cases; cell phone cases; cases for mobile phones; cases for telephones; carrying cases for cell phones; carrying cases specially adapted for cellphones; cases for music, audio and related electronic equipment, namely, cases for audio tuners, audio receivers, amplifiers, tape players, compact disc players, MP3 controllers/players, audio

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			mixers, audio speakers in the nature of music studio monitors, microphones, audio speakers, compact discs, audio tapes, portable computers, antennas, phonographic record players, audio recording equipment, and the cables associated with all of the foregoing equipment; carrying cases, holders, protective cases and stands featuring power supply connectors, adaptors, speakers and battery charging devices, specially adapted for use with handheld digital electronic devices, namely, computers, mobile phones, tablet computers, cameras, portable media players. Carrying cases specially adapted for electronic equipment, namely, computers, mobile phones, tablet computers, cameras, portable media players in class 009.
4,575,141	THE HERSCHEL SUPPLY CO. BRAND	July 29, 2014	For: on-line wholesale and retail store services featuring bags, luggage, backpacks, cases, wallets, purses, accessories, clothing, headwear, and general consumer goods; retail store services featuring bags, luggage, backpacks, cases, wallets, purses, accessories, clothing, footwear, headwear, eyewear, and general consumer goods in class 035. For: bags specially adapted for sports equipment in class 028. For: footwear; shoes; boots; headwear; hats in class 025. For: wallets; purses; handbags; clutch bags; evening bags; men's clutch bags; shoulder bags; sling

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			bags; small bags for men; tote bags; barrel bags; school bags; sack packs, namely, drawstring bags used as backpacks; belt bags and hip bags; book bags; boston bags; bum bags; hip bags; waist bags; satchels; rucksacks; backpacks; duffel bags; courier bags; messenger bags; military duffel bags, tote bags, shoulder bags and backpacks; shopping bags made of fabric; textile shopping bags; all-purpose bags; all-purpose carrying bags; carry-all bags; carry-on bags; bags for sports; all-purpose sport bags; all-purpose athletic bags; athletic bags; bags and holdalls for sports clothing; general purpose bags for carrying yoga equipment; general purpose bags for holding dance equipment; general purpose sport trolley bags; gym bags; hard-sided and soft-sided carry-on bags and gym bags; hiking bags; leather and imitation leather sport bags and general purpose trolley bags; bags for climbers in the nature of all-purpose carrying bags; bags for campers in the nature of all-purpose carrying bags; beach bags; travel bags; traveling bags; luggage; suitcases; garment bags for travel; duffel bags for travel; flight bags; overnight bags; wheeled bags; wheeled duffel bags; leather bags; cosmetic bags sold empty; make-up bags sold empty; toiletry bags sold empty; wash bags for carrying toiletries; business card cases; business card holders in the nature of wallets and purses; carrying cases; carrying cases for documents; credit card cases; credit card cases and holders; leather

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			credit card cases; vanity cases sold empty; overnight cases; travel cases; travelling cases of leather; cases of leather or imitation leather; leather cases; attaché cases; attache cases made of leather; briefcases and attache cases; document cases; haversacks in class 018. For: pen cases; pencil cases; stationery cases; lunch bags made of textile in class 016. For: bags adapted for laptops; sleeves for laptops; bags and cases specially adapted for holding or carrying portable telephones and telephone equipment and accessories; computer bags; messenger bags especially adapted for holding laptops; messenger bags especially adapted for holding electronic book readers; sunglasses; cases for eyeglasses and sunglasses; carrying cases for mobile computers; protective covers and cases for tablet computers; protective covers and cases for cell phones, laptops and portable media players; protective cases for smartphones; notebook computer carrying cases; computer carrying cases; laptop carrying cases; cell phone cases; cases for mobile phones; cases for telephones; carrying cases for cell phones; carrying cases specially adapted for cellphones; cases for music, audio and related electronic equipment, namely, cases for audio tuners, audio receivers, amplifiers, tape players, compact disc players, MP3 controllers/players, audio mixers, audio speakers in the nature

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			of music studio monitors, microphones, audio speakers, compact discs, audio tapes, portable computers, antennas, phonographic record players, audio recording equipment, and the cables associated with all of the foregoing equipment; carrying cases, holders, protective cases and stands featuring power supply connectors, adaptors, speakers and battery charging devices, specially adapted for use with handheld digital electronic devices, namely, computers, mobile phones, tablet computers, cameras, portable media players; carrying cases specially adapted for electronic equipment, namely, computers, mobile phones, tablet computers, cameras, portable media players in class 009.
3,859,803	 The logo for Herschel Supply Co. Brand, featuring the word "Herschel" in a large, stylized script font, with "THE" above it and "SUPPLY CO. BRAND" below it, all on a black rectangular background.	Oct. 12, 2010	For: Leather goods, namely, bags, backpacks, travel bags, luggage bags, wallets, purses, sports bags, daypacks, tote bags, duffel bags, book bags, school bags, shoulder bags, hard-sided and soft-sided carry-on bags and gym bags in class 018.
4,571,535	 The logo for Herschel Supply Co. Brand, featuring the word "Herschel" in a large, stylized script font, with "THE FINEST QUALITY" in a small, curved font above it, "THE" above "Herschel", "SUPPLY CO. BRAND" below "Herschel", and "TRADE MARK" in a bold, sans-serif font below a horizontal line.	July 22, 2014	For: on-line wholesale and retail store services featuring bags, luggage, backpacks, cases, wallets, purses, accessories, clothing, headwear, and general consumer goods; retail store services featuring bags, luggage, backpacks, cases, wallets, purses, accessories, clothing, footwear, headwear, eyewear, and general consumer goods in class 035. For: bags specially adapted for

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			sports equipment in class 028. For: footwear; shoes; boots; headwear; hats in class 025. For: wallets; purses; handbags; clutch bags; evening bags; men's clutch bags; shoulder bags; sling bags; small bags for men; tote bags; barrel bags; school bags; sack packs, namely, drawstring bags used as backpacks; belt bags and hip bags; book bags; boston bags; bum bags; hip bags; waist bags; satchels; rucksacks; backpacks; duffel bags; courier bags; messenger bags; military duffel bags, tote bags, shoulder bags and backpacks; shopping bags made of fabric; textile shopping bags; all-purpose bags; all-purpose carrying bags; carry-all bags; carry-on bags; bags for sports; all-purpose sport bags; all-purpose athletic bags; athletic bags; bags and holdalls for sports clothing; general purpose bags for carrying yoga equipment; general purpose bags for holding dance equipment; general purpose sport trolley bags; gym bags; hard-sided and soft-sided carry-on bags and gym bags; hiking bags; leather and imitation leather sport bags and general purpose trolley bags; bags for climbers in the nature of all-purpose carrying bags; bags for campers in the nature of all-purpose carrying bags; beach bags; travel bags; traveling bags; luggage; suitcases; garment bags for travel; duffel bags for travel; flight bags; overnight bags; wheeled bags; wheeled duffel bags; leather bags; cosmetic bags sold empty; make-up

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			bags sold empty; toiletry bags sold empty; wash bags for carrying toiletries; business card cases; business card holders in the nature of wallets and purses; carrying cases; carrying cases for documents; credit card cases; credit card cases and holders; leather credit card cases; vanity cases sold empty; overnight cases; travel cases; travelling cases of leather; cases of leather or imitation leather; leather cases; attaché cases; attache cases made of leather; briefcases and attache cases; document cases; haversacks in class 018. For: pen cases; pencil cases; stationery cases; lunch bags made of textile in class 016. For: bags adapted for laptops; sleeves for laptops; bags and cases specially adapted for holding or carrying portable telephones and telephone equipment and accessories; computer bags; messenger bags especially adapted for holding laptops; messenger bags especially adapted for holding electronic book readers; sunglasses; cases for eyeglasses and sunglasses; carrying cases for mobile computers; protective covers and cases for tablet computers; protective covers and cases for cell phones, laptops and portable media players; protective cases for smartphones; notebook computer carrying cases; computer carrying cases; laptop carrying cases; cell phone cases; cases for mobile phones; cases for telephones; carrying cases for cell

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			phones; carrying cases specially adapted for cellphones; cases for music, audio and related electronic equipment, namely, cases for audio tuners, audio receivers, amplifiers, tape players, compact disc players, MP3 controllers/players, audio mixers, audio speakers in the nature of music studio monitors, microphones, audio speakers, compact discs, audio tapes, portable computers, antennas, phonographic record players, audio recording equipment, and the cables associated with all of the foregoing equipment; carrying cases, holders, protective cases and stands featuring power supply connectors, adaptors, speakers and battery charging devices, specially adapted for use with handheld digital electronic devices, namely, computers, mobile phones, tablet computers, cameras, portable media players; carrying cases specially adapted for electronic equipment, namely, computers, mobile phones, tablet computers, cameras, portable media players in class 009.
4,571,639	POP QUIZ	July 22, 2014	For: school bags; book bags; rucksacks; backpacks in class 018. For: bags adapted for laptops; sleeves for laptops; bags specially adapted for holding or carrying portable telephones and telephone equipment and accessories; computer bags; carrying cases for mobile computers; protective covers and cases for tablet computers; protective covers and cases for laptops; notebook computer carrying cases; computer

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			carrying cases; laptop carrying cases; carrying cases specially adapted for electronic equipment, namely, computers, mobile phones, tablet computers, cameras, portable media players; cases for music, audio and related electronic equipment, namely, cases for portable computers and the cables associated with all of the foregoing equipment in class 009.
4,571,640	SETTLEMENT	July 22, 2014	For: school bags; book bags; rucksacks; backpacks in class 018. For: bags adapted for laptops; bags specially adapted for holding or carrying portable telephones and telephone equipment and accessories; computer bags; carrying cases for mobile computers; notebook computer carrying cases; computer carrying cases; laptop carrying cases; carrying cases specially adapted for electronic equipment, namely, computers, mobile phones, tablet computers in class 009.
4,571,641	HERSCHEL RETREAT	July 22, 2014	For: school bags; book bags; rucksacks; backpacks; haversacks in class 018. For: bags adapted for laptops; computer bags; carrying cases for mobile computers; notebook computer carrying cases; computer carrying cases; laptop carrying cases; carrying cases specially adapted for electronic equipment, namely, computers, tablet computers, in class 009.
4,820,483	HERSCHEL HERITAGE	Sept. 29, 2015	For: school bags; book bags;

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			rucksacks; backpacks in class 018. For: bags adapted for laptops; sleeves for laptops; bags specially adapted for holding or carrying portable telephones and telephone equipment and accessories; computer bags; carrying cases for mobile computers; protective covers and cases for tablet computers; protective covers and cases for laptops; notebook computer carrying cases; computer carrying cases; laptop carrying cases; cases for music, audio and related electronic equipment, namely, cases for portable computers and the cables associated with all of the foregoing equipment; carrying cases specially adapted for electronic equipment, namely, computers and tablet computers in class 009.
4,820,487	HERSCHEL NOVEL	Sept. 29, 2015	For: Shoulder bags; sling bags; small bags for men; barrel bags; duffel bags; military duffel bags, all-purpose bags; all-purpose carrying bags; carry-all bags; carry-on bags; bags for sports; all-purpose sport bags; all-purpose athletic bags; athletic bags; bags and holdalls for sports clothing; general purpose bags for carrying yoga equipment; general purpose bags for holding dance equipment; gym bags; bags for climbers in the nature of all-purpose carrying bags; bags for campers in the nature of all-purpose carrying bags; travel bags; traveling bags; luggage; duffel bags for travel; flight bags; overnight bags in class 018.

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
4,829,701	HERSCHEL ANCHOR	Oct. 13, 2015	For: sleeves for laptops; carrying cases for mobile computers; protective covers and cases for tablet computers; protective covers and cases for laptops; notebook computer carrying cases; computer carrying cases; laptop carrying cases; carrying cases specially adapted for electronic equipment, namely, computers and tablet computers in class 009.
5,022,917	HERSCHEL CLASSIC	Aug. 16, 2016	For: school bags; book bags; rucksacks; backpacks; haversacks in class 018. For: bags specially adapted for holding or carrying portable telephones and telephone equipment and accessories in class 009.
5,022,918	HERSCHEL SURVEY	Aug. 16, 2016	For: school bags; book bags; rucksacks; backpacks; small bags for men in class 018. For: bags adapted for laptops; computer bags; carrying cases for mobile computers; notebook computer carrying cases; computer carrying cases; laptop carrying cases; carrying cases specially adapted for electronic equipment, namely, computers and tablet computers in class 009.
5,253,473	HERSCHEL KIRKWOOD	Aug. 1, 2017	For: school bags; carry-all bags; travel bags; satchel bags; rucksack bags; backpacks; duffel bags; messenger bags; shopping bags made of fabric; shopping bags made of leather; bags for campers in the nature of all-purpose carrying bags in class 018.

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			For: bags adapted for carrying laptops; sleeves for protecting laptops; computer bags; computer cases; backpacks adapted to hold laptops and tablet computers in class 009.
5,370,458	HERSCHEL	January 2, 2018	For: Hobo bags; garment bags for travel; string bags for shopping; diaper bags; bags for carrying babies' accessories; shoe bags for travel; key cases; cases for keys; key cases of leather or imitation leather; key cases of leather and skins; leather cases for keys; leather key cases in class 018 For: shirts, t-shirts, sweaters, sweatshirts, jackets and vests in class 025
5,193,656	HERSCHEL DEXTER	May 2, 2017	For: bags adapted for carrying laptops; sleeves for protecting laptops; computer bags; computer cases; backpacks adapted to hold laptops and tablet computers in class 009 For: satchel bags; rucksack bags; backpacks; duffel bags; messenger bags; shopping bags made of fabric; shopping bags made of leather; bags for campers in the nature of all-purpose carrying bags; school bags; carry-all bags; travel bags in class 018
5,478,129		May 29, 2018	For: ski goggles; bags adapted for carrying laptops; backpacks adapted to hold laptops and tablet computers; computer bags; sleeves for protecting laptops; camera bags; camera cases; computer cases in

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			class 009 For: pen cases; pencil cases; passport cases in class 016 For: school bags; satchel bags; rucksack bags; backpacks; duffel bags; messenger bags; carry-all bags; bags for campers in the nature of all-purpose carrying bags; travel bags; overnight bags; sports bags; shoe bags for travel; unfitted vanity cases; vanity cases sold empty; cosmetic cases sold empty; cosmetic bags sold empty; toiletry bags sold empty; evening bags; clutch bags; purses; wallets; coin purses; coin holders in the nature of wallets; shopping bags made of fabric; calling card cases; business card cases; cases of leather of imitation leather; suitcases; suitcases with wheels; luggage; luggage with wheels; beach bags; boot shopping bags made of leather; attaché cases; briefcases; handbags; key cases; garment bags for travel in class 018 For: Sleeping bags in class 020 For: footwear, namely, shoes and boots in class 025 For: on-line wholesale and retail store services featuring school bags, satchel bags, rucksack bags, backpacks, duffel bags, messenger bags, carry-all bags, bags adapted for carrying laptops, backpacks adapted to hold laptops and tablet computers, computer bags, bags for campers, travel bags, overnight bags, sports bags and shoe bags;

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			on-line wholesale and retail store services featuring attaché cases and briefcases; on-line wholesale and retail store services featuring clutch bags, purses, wallets, coin cases, shopping bags made of fabric, card cases, cases of leather or imitation leather, business card cases, passport cases, pen cases, pencil cases, suitcases, suitcases with wheels, luggage, luggage with wheels, beach bags, ski boot bags and boot bags; on-line wholesale and retail store services featuring sleeves for protecting laptops, vanity cases, computer cases, cosmetic cases, cosmetic bags and toiletry bags; on-line wholesale and retail store services featuring ski goggles; on-line wholesale and retail store services featuring footwear, namely, shoes and boots; on-line wholesale and retail store services featuring evening bags; on-line wholesale and retail store services featuring shopping bags made of leather, handbags, key cases; on-line wholesale and retail store services featuring sleeping bags, garment bags, garment bags for travel, camera bags in class 035
5,370,459	 THE FINEST QUALITY THE Herschel SUPPLY CO. BRAND TRADE MARK	January 2, 2018	For: garment bags for travel; string bags for shopping; diaper bags; bags for carrying babies' accessories; shoe bags for travel; key cases; cases for keys; key cases of leather or imitation leather; key cases of leather and skins; leather cases for keys; leather key cases in class 018 For: shirts, sweaters, sweatshirts, jackets and vests in class 025

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
5,370,457	THE HERSCHEL SUPPLY CO. BRAND	January 2, 2018	For: garment bags for travel; string bags for shopping; diaper bags; bags for carrying babies' accessories; shoe bags for travel; key cases; cases for keys; key cases of leather or imitation leather; key cases of leather and skins; leather cases for keys; leather key cases in class 018 For: shirts, sweaters, sweatshirts, jackets and vests in class 025
5,470,113	APEXKNIT	May 15, 2018	For: bags adapted for laptops; sleeves for laptops; computer bags; messenger bags especially adapted for holding laptops; protective covers and cases for cell phones, smartphones, laptops, computers, notebook computers and portable media players; textiles, namely, woven or knit fabrics sold as an integral component of bags adapted for laptops, sleeves for laptops, computer bags, messenger bags especially adapted for holding laptops, protective covers and cases for cell phones, smartphones, laptops, computers, notebook computers and portable media players in class 009 For: clutch bags; school bags; satchels; rucksacks; backpacks; duffel bags; courier bags; messenger bags; shopping bags made of fabric; carry-all bags; all-purpose sport bags; beach bags; travel bags; overnight bags; vanity cases sold empty; cosmetic bags sold empty; toiletry bags sold empty; business card cases; credit card cases; key cases; document cases; textiles, namely, woven or

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			knit fabrics sold as an integral component of clutch bags, school bags, satchels, rucksacks, backpacks, duffel bags, courier bags, messenger bags, shopping bags made of fabric, carry-all bags, all-purpose sport bags, beach bags, travel bags, overnight bags, vanity cases sold empty, cosmetic bags sold empty, toiletry bags sold empty, business card cases, credit card cases, key cases, document cases in class 018
5,702,105	HERSCHEL NOVA	March 19, 2019	For: Bags adapted for laptops; computer bags; carrying cases for mobile computers; notebook computer carrying cases; computer carrying cases; laptop carrying cases; carrying cases specially adapted for electronic equipment, namely, computers and tablet computers in class 009 School bags; book bags; rucksacks; shoulder bags and backpacks; all-purpose carrying bags; carry-all bags; carry-on bags; bags for sports; all- purpose sport bags; all purpose athletic bags; athletic bags; bags and holdalls for sports clothing; general purpose bags for carrying yoga equipment; general purpose bags for holding dance equipment; gym bags; beach bags; travel bags; traveling bags; overnight bags in class 018

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
5,306,869	HERSCHEL SUPPLY COMPANY	October 10, 2017	For: bags adapted for laptops; sleeves for laptops; bags and cases specially adapted for holding or carrying portable telephones and telephone equipment and accessories; computer bags; messenger bags especially adapted for holding laptops; messenger bags especially adapted for holding electronic book readers; cases for eyeglasses and sunglasses; carrying cases for mobile computers; protective covers and cases for tablet computers; protective covers and cases for cell phones, laptops and portable media players; protective cases for smartphones; notebook computer carrying cases; computer carrying cases; laptop carrying cases; cell phone cases; cases for mobile phones; cases for telephones; carrying cases for cell phones; carrying cases specially adapted for cellphones; cases for music, audio and related electronic equipment, namely, cases for audio tuners, audio receivers, amplifiers, tape players, compact disc players, MP3 controllers/players, audio mixers, audio speakers in the nature of music studio monitors, microphones, audio speakers, compact discs, audio tapes, portable computers, antennas, phonographic record players, audio recording equipment, and the cables associated with all of the foregoing equipment; carrying cases specially adapted for electronic equipment, namely, computers, mobile phones, tablet computers, cameras, portable media players in class 009

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			pen cases; pencil cases; stationery cases in class 016 For: wallets; purses; handbags; clutch bags; evening bags; men's clutch bags; shoulder bags; sling bags; small bags for men; tote bags; barrel bags; school bags; sack packs, namely, drawstring bags used as backpacks; belt bags and hip bags; book bags; boston bags; bum bags; hip bags; waist bags; satchels; rucksacks; backpacks; duffel bags; courier bags; messenger bags; military duffel bags, garment bags for travel, tote bags, shoulder bags and backpacks; shopping bags made of fabric; string bags for shopping; textile shopping bags; all-purpose carrying bags; carry-all bags; carry-on bags; bags for sports; all-purpose sport bags; all-purpose athletic bags; athletic bags; bags and holdalls for sports clothing; general purpose bags for carrying yoga equipment; general purpose bags for holding dance equipment; gym bags; hard-sided and soft-sided carry-on bags and gym bags; hiking bags; diaper bags; bags for carrying babies' accessories; bags for climbers in the nature of all-purpose carrying bags; bags for campers in the nature of all-purpose carrying bags; beach bags; travel bags; traveling bags; luggage; suitcases; garment bags for travel; duffel bags for travel; flight bags; overnight bags; shoe bags for travel; wheeled bags; wheeled duffel bags; leather bags and wallets; cosmetic bags sold empty; make-up bags sold empty; toiletry bags sold empty; wash bags

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			for carrying toiletries; business card cases. business card holders in the nature of wallets and purses; carrying cases; carrying cases for documents; credit card cases; credit card cases and holders; leather credit card cases; vanity cases sold empty; overnight cases; travel cases; travelling cases of leather; cases of leather or imitation leather; key cases; cases for keys; key cases of leather or imitation leather; key cases of leather and skins; leather cases; leather cases for keys; leather key cases; attaché cases; attache cases made of leather; briefcases and attache cases; document cases; haversacks in class 018 For: lunch bags made of textile in class 021 For: footwear; shoes; boots; headwear; clothing, namely, jackets; hats in class 025 For: bags specially adapted for sports equipment in class 028 For: on-line wholesale and retail store services featuring bags, luggage, backpacks, cases, wallets, purses, accessories, clothing, headwear, and general consumer goods; retail store services featuring bags, luggage, backpacks, cases, wallets, purses, accessories, clothing, footwear, headwear, eyewear, and general consumer goods in class 035

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
5,306,870		October 10, 2017	For: bags adapted for laptops; sleeves for laptops; bags and cases specially adapted for holding or carrying portable telephones and telephone equipment and accessories; computer bags; messenger bags especially adapted for holding laptops; messenger bags especially adapted for holding electronic book readers; cases for eyeglasses and sunglasses; carrying cases for mobile computers; protective covers and cases for tablet computers; protective covers and cases for cell phones, laptops and portable media players; protective cases for smartphones; notebook computer carrying cases; computer carrying cases; laptop carrying cases; cell phone cases; cases for mobile phones; cases for telephones; carrying cases for cell phones; carrying cases specially adapted for cellphones; cases for music, audio and related electronic equipment, namely, cases for audio tuners, audio receivers, amplifiers, tape players, compact disc players, MP3 controllers/players, audio mixers, audio speakers in the nature of music studio monitors, microphones, audio speakers, compact discs, audio tapes, portable computers, antennas, phonographic record players, audio recording equipment, and the cables associated with all of the foregoing equipment; carrying cases specially adapted for electronic equipment, namely, computers, mobile phones, tablet computers, cameras, portable media players in class 009

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			pen cases; pencil cases; stationery cases in class 016 For: wallets; purses; handbags; clutch bags; evening bags; men's clutch bags; shoulder bags; sling bags; small bags for men; tote bags; barrel bags; school bags; sack packs, namely, drawstring bags used as backpacks; belt bags and hip bags; book bags; boston bags; bum bags; hip bags; waist bags; satchels; rucksacks; backpacks; duffel bags; courier bags; messenger bags; military duffel bags, garment bags for travel, tote bags, shoulder bags and backpacks; shopping bags made of fabric; string bags for shopping; textile shopping bags; all-purpose carrying bags; carry-all bags; carry-on bags; bags for sports; all-purpose sport bags; all-purpose athletic bags; athletic bags; bags and holdalls for sports clothing; general purpose bags for carrying yoga equipment; general purpose bags for holding dance equipment; gym bags; hard-sided and soft-sided carry-on bags and gym bags; hiking bags; diaper bags; bags for carrying babies' accessories; bags for climbers in the nature of all-purpose carrying bags; bags for campers in the nature of all-purpose carrying bags; beach bags; travel bags; traveling bags; luggage; suitcases; garment bags for travel; duffel bags for travel; flight bags; overnight bags; shoe bags for travel; wheeled bags; wheeled duffel bags; leather bags and wallets; cosmetic bags sold empty; make-up bags sold empty; toiletry bags sold empty; wash bags

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			for carrying toiletries; business card cases. business card holders in the nature of wallets and purses; carrying cases; carrying cases for documents; credit card cases; credit card cases and holders; leather credit card cases; vanity cases sold empty; overnight cases; travel cases; travelling cases of leather; cases of leather or imitation leather; key cases; cases for keys; key cases of leather or imitation leather; key cases of leather and skins; leather cases; leather cases for keys; leather key cases; attaché cases; attache cases made of leather; briefcases and attache cases; document cases; haversacks in class 018 For: footwear; shoes; boots; headwear; hats in class 025 For: bags specially adapted for sports equipment in class 028 For: on-line wholesale and retail store services featuring bags, luggage, backpacks, cases, wallets, purses, accessories, clothing, headwear, and general consumer goods; retail store services featuring bags, luggage, backpacks, cases, wallets, purses, accessories, clothing, footwear, headwear, eyewear, and general consumer goods in class 035
5,306,868	HERSCHEL SUPPLY COMPANY	October 10, 2017	For: bags adapted for laptops; sleeves for laptops; bags and cases specially adapted for holding or carrying portable telephones and telephone equipment and accessories; computer bags;

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			messenger bags especially adapted for holding laptops; messenger bags especially adapted for holding electronic book readers; cases for eyeglasses and sunglasses; carrying cases for mobile computers; protective covers and cases for tablet computers; protective covers and cases for cell phones, laptops and portable media players; protective cases for smartphones; notebook computer carrying cases; computer carrying cases; laptop carrying cases; cell phone cases; cases for mobile phones; cases for telephones; carrying cases for cell phones; carrying cases specially adapted for cellphones; cases for music, audio and related electronic equipment, namely, cases for audio tuners, audio receivers, amplifiers, tape players, compact disc players, MP3 controllers/players, audio mixers, audio speakers in the nature of music studio monitors, microphones, audio speakers, compact discs, audio tapes, portable computers, antennas, phonographic record players, audio recording equipment, and the cables associated with all of the foregoing equipment; carrying cases specially adapted for electronic equipment, namely, computers, mobile phones, tablet computers, cameras, portable media players in class 009 For: pen cases; pencil cases; stationery cases in class 016 For: wallets; purses; handbags; clutch bags; evening bags; men's clutch bags; shoulder bags; sling

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			bags; small bags for men; tote bags; barrel bags; school bags; sack packs, namely, drawstring bags used as backpacks; belt bags and hip bags; book bags; boston bags; bum bags; hip bags; waist bags; satchels; rucksacks; backpacks; duffel bags; courier bags; messenger bags; military duffle bags, garment bags for travel, tote bags, shoulder bags and backpacks; shopping bags made of fabric; string bags for shopping; textile shopping bags; all-purpose carrying bags; carry-all bags; carry-on bags; bags for sports; all-purpose sport bags; all-purpose athletic bags; athletic bags; bags and holdalls for sports clothing; general purpose bags for carrying yoga equipment; general purpose bags for holding dance equipment; gym bags; hard-sided and soft-sided carry-on bags and gym bags; hiking bags; diaper bags; bags for carrying babies' accessories; bags for climbers in the nature of all-purpose carrying bags; bags for campers in the nature of all-purpose carrying bags; beach bags; travel bags; traveling bags; luggage; suitcases; garment bags for travel; duffel bags for travel; flight bags; overnight bags; shoe bags for travel; wheeled bags; wheeled duffel bags; leather bags and wallets; cosmetic bags sold empty; make-up bags sold empty; toiletry bags sold empty; wash bags for carrying toiletries; business card cases. business card holders in the nature of wallets and purses; carrying cases; carrying cases for documents; credit card cases; credit card cases and holders; leather

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			credit card cases; vanity cases sold empty; overnight cases; travel cases; travelling cases of leather; cases of leather or imitation leather; key cases; cases for keys; key cases of leather or imitation leather; key cases of leather and skins; leather cases; leather cases for keys; leather key cases; attaché cases; attache cases made of leather; briefcases and attache cases; document cases; haversacks in class 018 For: lunch bags made of textile in class 021 For: footwear; shoes; boots; headwear; clothing, namely, jackets; hats in class 025 For: bags specially adapted for sports equipment in class 028 For: on-line wholesale and retail store services featuring bags, luggage, backpacks, cases, wallets, purses, accessories, clothing, headwear, and general consumer goods; retail store services featuring bags, luggage, backpacks, cases, wallets, purses, accessories, clothing, footwear, headwear, eyewear, and general consumer goods in class 035
5,655,925	<i>Welcome to Herschel. Enjoy your stay.</i>	January 15, 2019	For: bags adapted for laptops; sleeves for laptops; computer bags; messenger bags especially adapted for holding laptops; messenger bags especially adapted for holding electronic book readers; wheeled messenger bags especially adapted for holding laptops; camera cases;

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			bags for cameras and photographic equipment; carrying cases for mobile computers; rolling cases especially adapted for holding laptops and notebook computers; protective covers and cases for tablet computers; protective covers and cases for laptops; notebook computer carrying cases; computer carrying cases; laptop carrying cases; carrying cases specially adapted for electronic equipment, namely, computers, tablet computers, cameras; (Based on Use in Commerce) carrying cases specially adapted for electronic equipment, namely, mobile phones, portable media players in class 009 For: pen cases; pencil cases; (Based on Use in Commerce) stationery cases; lunch bags made of textile in class 016 For: wallets; purses; handbags; clutch bags; evening bags; men's clutch bags; shoulder bags; tote bags; school bags; sack packs, namely, drawstring bags used as backpacks; book bags; hip bags; satchels; rucksacks; backpacks; duffel bags; courier bags; messenger bags; military duffel bags, garment bags for travel, shoulder bags and backpacks; shopping bags made of fabric; string bags for shopping; textile shopping bags; all-purpose bags; all-purpose carrying bags; carry-all bags; carry-on bags; bags for sports; all-purpose sport bags; all-purpose athletic bags; athletic bags; bags and holdalls for sports clothing; general purpose bags for

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			carrying yoga equipment; general purpose bags for holding dance equipment; general purpose sport trolley bags; gym bags; hard-sided and soft-sided carry-on bags and gym bags; leather and imitation leather sport bags and general purpose trolley bags; bags for climbers in the nature of all-purpose carrying bags; bags for campers in the nature of all-purpose carrying bags; beach bags; travel bags; traveling bags; luggage; suitcases; garment bags for travel; duffel bags for travel; flight bags; overnight bags; shoe bags for travel; wheeled bags; wheeled duffel bags; wheeled messenger bags; leather bags; cosmetic bags sold empty; make-up bags sold empty; toiletry bags sold empty; wash bags for carrying toiletries; business card cases; business card holders in the nature of wallets and purses; carrying cases; carrying cases for documents; credit card cases; credit card cases and holders; leather credit card cases; vanity cases sold empty; overnight cases; travel cases; travelling cases of leather; cases of leather or imitation leather; key cases; cases for keys; key cases of leather or imitation leather; key cases of leather and skins; leather cases; leather cases for keys; leather key cases; attaché cases; attache cases made of leather; attache cases made of imitation leather; briefcases and attache cases; (Based on Use in Commerce) sling bags; small bags for men; barrel bags; belt bags and hip bags; boston bags; bum bags; hobo bags; waist bags; tote bags,

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			hiking bags; diaper bags; bags for carrying babies' accessories; document cases; haversacks; umbrellas in class 018 For: shoes; boots; sandals; (Based on Use in Commerce) headwear; hats in class 025 For: bags for skateboards; bags specially adapted for sports equipment in class 028
5,505,682	HERSCHEL LITTLE AMERICA	July 3, 2018	For: Bags adapted for laptops; computer bags; carrying cases for mobile computers; notebook computer carrying cases; computer carrying cases; laptop carrying cases; carrying cases specifically adapted for electronic equipment, namely, computers and tablet computers in class 009 For: School bags; book bags; rucksacks; backpacks; haversacks in class 018
5,765,864	HERSCHEL	May 28, 2019	For: Locks of metal for bags in class 006 For: Scales, electrical adapters in class 009 For: Key chains and charms therefor, charms for key rings, key chains in class 014 For: Drawing pens, pens, marking pens, pencils, scrapbook albums, books, namely, travel books, writing or drawing books, customizable journal books, blank journal books, non-fiction books on a variety of topics, drawing pads,

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			ledger books, note books, paper, paper sheets, printed publications, namely, magazines, books in the field of fashion, travel; school supplies, namely, writing instruments, pens, pencils, notebooks, school writing books, paper; stationery in class 016 For: Umbrellas in class 018 For: Baby changing mats, pillows, air pillows not for medical purposes in class 020 For: Towels of textile in class 024 For: Sleep masks, bath slippers, slippers, beach shoes, sandals, money belts, parkas, ponchos, scarves, short-sleeve shirts, pullovers, jumpers, pants, trousers in class 025

10. The above U.S. registrations for the HERSCHEL SUPPLY Trademarks are valid, subsisting, in full force and effect, and some are incontestable pursuant to 15 U.S.C. § 1065. The HERSCHEL SUPPLY Trademarks have been used exclusively and continuously by Herschel Supply, some since at least as early as 2009, and have never been abandoned. The registrations for the HERSCHEL SUPPLY Trademarks constitute *prima facie* evidence of their validity and of Herschel Supply's exclusive right to use the HERSCHEL SUPPLY Trademarks pursuant to 15 U.S.C. § 1057(b). True and correct copies of the United States Registration Certificates for the above listed HERSCHEL SUPPLY Trademarks are attached hereto as **Exhibit 1**.

11. The HERSCHEL SUPPLY Trademarks are exclusive to Herschel Supply, and are displayed extensively on Herschel Supply Products and in Herschel Supply's marketing and

promotional materials. The HERSCHEL SUPPLY® brand has quickly become one of the most popular and ubiquitous travel and global accessories brands in the world and has been extensively promoted and advertised at great expense. In fact, Herschel Supply has expended millions of dollars annually in advertising, promoting and marketing featuring the HERSCHEL SUPPLY Trademarks. Herschel Supply Products have also been the subject of extensive unsolicited publicity in publications including, but not limited to, *The New York Times*, *USA Today*, *Vogue*, *People*, *Esquire*, *Seattle Times*, *GQ*, *Men's Health*, *Marie Claire* and *Southern Living*, resulting from their high quality and innovative designs. Because of these and other factors, the Herschel Supply name and the HERSCHEL SUPPLY Trademarks have become well-known throughout the United States.

12. The HERSCHEL SUPPLY Trademarks are distinctive when applied to the Herschel Supply Products, signifying to the purchaser that the products come from Herschel Supply and are manufactured to Herschel Supply's quality standards. Whether Herschel Supply manufactures the products itself or licenses others to do so, Herschel Supply has ensured that products bearing its HERSCHEL SUPPLY Trademarks are manufactured to the highest quality standards. The HERSCHEL SUPPLY Trademarks have achieved fame and recognition, which has only added to the distinctiveness of the marks. As such, the goodwill associated with the HERSCHEL SUPPLY Trademarks is of incalculable and inestimable value to Herschel Supply.

13. Since at least as early as 2010, Herschel Supply has operated an e-commerce website where it promotes and sells genuine Herschel Supply Products at [herschel.com](https://www.herschel.com). Sales of Herschel Supply Products via the [herschel.com](https://www.herschel.com) website represent a significant portion of Herschel Supply's business. The [herschel.com](https://www.herschel.com) website features proprietary content, images and designs exclusive to Herschel Supply.

14. Herschel Supply's innovative marketing and product designs have enabled Herschel Supply to achieve widespread recognition and have made the HERSCHEL SUPPLY Trademarks well-known marks. The outstanding reputation and significant goodwill associated with the HERSCHEL SUPPLY® brand have made the HERSCHEL SUPPLY Trademarks valuable assets of Herschel Supply.

15. Herschel Supply has expended substantial time, money, and other resources in developing, advertising and otherwise promoting the HERSCHEL SUPPLY Trademarks. As a result, products bearing the HERSCHEL SUPPLY Trademarks are widely recognized and exclusively associated by consumers, the public, and the trade as being high-quality products sourced from Herschel Supply. Herschel Supply is a multi-million-dollar operation, and Herschel Supply Products have become among the most popular of their kind in the world.

The Defendants

16. Defendants are individuals and business entities of unknown makeup who, own and/or operate one or more of the e-commerce stores under at least the Seller Aliases identified on Schedule A and/or other seller aliases not yet known to Herschel Supply. On information and belief, Defendants reside and/or operate in the People's Republic of China or other foreign jurisdictions with lax trademark enforcement systems, or redistribute products from the same or similar sources in those locations. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b).

17. On information and belief, Defendants, either individually or jointly, operate one or more e-commerce stores under the Seller Aliases listed in Schedule A attached hereto. Tactics used by Defendants to conceal their identities and the full scope of their operation make it virtually impossible for Herschel Supply to learn Defendants' true identities and the exact

interworking of their counterfeit network. If Defendants provide additional credible information regarding their identities, Herschel Supply will take appropriate steps to amend the Complaint.

IV. DEFENDANTS' UNLAWFUL CONDUCT

18. The success of the Herschel Supply brand has resulted in significant counterfeiting of the HERSCHEL SUPPLY Trademarks. Consequently, Herschel Supply has a worldwide brand protection program and regularly investigates suspicious e-commerce stores identified in proactive Internet sweeps and reported by consumers. In recent years, Herschel Supply has identified numerous fully interactive, e-commerce stores offering counterfeit Herschel Supply Products on online marketplace platforms such as Amazon, eBay, AliExpress, Alibaba, Wish.com, and DHgate, including the e-commerce stores operating under the Seller Aliases. The Seller Aliases target consumers in this Judicial District and throughout the United States. According to U.S. Customs and Border Protection (CBP), most counterfeit products now come through international mail and express courier services (as opposed to containers) due to increased sales from offshore online counterfeiters. *The Counterfeit Silk Road: Impact of Counterfeit Consumer Products Smuggled Into the United States* prepared for The Buy Safe America Coalition by John Dunham & Associates (**Exhibit 2**). The bulk of counterfeit products sent to the United States “come from China and its dependent territories,” accounting for over 90.6% of all cargo with intellectual property rights (IPR) violations. *Id.* Of the \$1.23 billion in total IPR violations intercepted, \$1.12 billion was from China. *Id.* Counterfeit and pirated products account for billions in economic losses, resulting in tens of thousands of lost jobs for legitimate businesses and broader economic losses, including lost tax revenue. *Id.*

19. Third party service providers like those used by Defendants do not adequately subject new sellers to verification and confirmation of their identities, allowing counterfeiters to

“routinely use false or inaccurate names and addresses when registering with these e-commerce platforms.” **Exhibit 3**, Daniel C.K. Chow, *Alibaba, Amazon, and Counterfeiting in the Age of the Internet*, 40 NW. J. INT’L L. & BUS. 157, 186 (2020); *see also* report on “Combating Trafficking in Counterfeit and Pirated Goods” prepared by the U.S. Department of Homeland Security’s Office of Strategy, Policy, and Plans (Jan. 24, 2020), attached as **Exhibit 4** and finding that on “at least some e-commerce platforms, little identifying information is necessary for a counterfeiter to begin selling” and recommending that “[s]ignificantly enhanced vetting of third-party sellers” is necessary. Counterfeiters hedge against the risk of being caught and having their websites taken down from an e-commerce platform by preemptively establishing multiple virtual store-fronts. **Exhibit 4** at p. 22. Since platforms generally do not require a seller on a third-party marketplace to identify the underlying business entity, counterfeiters can have many different profiles that can appear unrelated even though they are commonly owned and operated. **Exhibit 4** at p. 39. Further, “E-commerce platforms create bureaucratic or technical hurdles in helping brand owners to locate or identify sources of counterfeits and counterfeiters.” **Exhibit 3** at 186–187.

20. Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more Seller Aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, have sold Counterfeit Herschel Products to residents of Illinois.

21. Defendants concurrently employ and benefit from substantially similar advertising and marketing strategies. For example, Defendants facilitate sales by designing the e-commerce stores operating under the Seller Aliases so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers. E-commerce stores

operating under the Seller Aliases look sophisticated and accept payment in U.S. dollars via credit cards, Alipay, Amazon Pay, and/or PayPal. E-commerce stores operating under the Seller Aliases often include content and images that make it very difficult for consumers to distinguish such stores from an authorized retailer. Herschel Supply has not licensed or authorized Defendants to use any of the HERSCHEL SUPPLY Trademarks, and none of the Defendants are authorized retailers of genuine Herschel Supply Products.

22. Many Defendants also deceive unknowing consumers by using the HERSCHEL SUPPLY Trademarks without authorization within the content, text, and/or meta tags of their e-commerce stores in order to attract various search engines crawling the Internet looking for websites relevant to consumer searches for Herschel Supply Products. Other e-commerce stores operating under the Seller Aliases omit using HERSCHEL SUPPLY Trademarks in the item title to evade enforcement efforts, while using strategic item titles and descriptions that will trigger their listings when consumers are searching for Herschel Supply Products.

23. E-commerce store operators like Defendants commonly engage in fraudulent conduct when registering the Seller Aliases by providing false, misleading and/or incomplete information to e-commerce platforms to prevent discovery of their true identities and the scope of their e-commerce operation.

24. E-commerce store operators like Defendants regularly register or acquire new seller aliases for the purpose of offering for sale and selling Counterfeit Herschel Supply Products. Such seller alias registration patterns are one of many common tactics used by e-commerce store operators like Defendants to conceal their identities and the full scope and interworking of their counterfeiting operation, and to avoid being shut down.

25. Even though Defendants operate under multiple fictitious aliases, the e-commerce stores operating under the Seller Aliases often share unique identifiers, such as templates with common design elements that intentionally omit any contact information or other information for identifying Defendants or other seller aliases they operate or use. E-commerce stores operating under the Seller Aliases include other notable common features such as use of the same registration patterns, accepted payment methods, check-out methods, keywords, advertising tactics, similarities in price and quantities, the same incorrect grammar and misspellings, and/or the use of the same text and images. Additionally, Counterfeit Herschel Products for sale by the Seller Aliases bear similar irregularities and indicia of being counterfeit to one another, suggesting that the Counterfeit Herschel Products were manufactured by and come from a common source and that Defendants are interrelated.

26. E-commerce store operators like Defendants are in constant communication with each other and regularly participate in QQ.com chat rooms and through websites such as sellerdefense.cn, kaidianyo.com and kuajingvs.com regarding tactics for operating multiple accounts, evading detection, pending litigation, and potential new lawsuits.

27. Counterfeiters such as Defendants typically operate under multiple seller aliases and payment accounts so that they can continue operation in spite of Herschel Supply's enforcement efforts. E-commerce store operators like Defendants maintain off-shore bank accounts and regularly move funds from their financial accounts to off-shore accounts outside the jurisdiction of this Court to avoid payment of any monetary judgment awarded to Herschel Supply. Indeed, analysis of financial account transaction logs from previous similar cases indicates that off-shore counterfeiters regularly move funds from U.S.-based financial accounts to off-shore accounts outside the jurisdiction of this Court.

28. Defendants are working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Counterfeit Herschel Products in the same transaction, occurrence, or series of transactions or occurrences. Defendants, without any authorization or license from Herschel Supply, have jointly and severally, knowingly and willfully used and continue to use the HERSCHEL SUPPLY Trademarks in connection with the advertisement, distribution, offering for sale, and sale of Counterfeit Herschel Supply Products into the United States and Illinois over the Internet.

29. Defendants' unauthorized use of the HERSCHEL SUPPLY Trademarks in connection with the advertising, distribution, offering for sale, and sale of Counterfeit Herschel Supply Products, including the sale of Counterfeit Herschel Supply Products into the United States, including Illinois, is likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming Herschel Supply.

COUNT I
TRADEMARK INFRINGEMENT AND COUNTERFEITING (15 U.S.C. § 1114)

30. Herschel Supply hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

31. This is a trademark infringement action against Defendants based on their unauthorized use in commerce of counterfeit imitations of the federally registered HERSCHEL SUPPLY Trademarks in connection with the sale, offering for sale, distribution, and/or advertising of infringing goods. The HERSCHEL SUPPLY Trademarks are distinctive marks. Consumers have come to expect the highest quality from Herschel Supply Products offered, sold or marketed under the HERSCHEL SUPPLY Trademarks.

32. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products using

counterfeit reproductions of the HERSCHEL SUPPLY Trademarks without Herschel Supply's permission.

33. Herschel Supply is the exclusive owner of the HERSCHEL SUPPLY Trademarks. Herschel Supply's United States Registrations for the HERSCHEL SUPPLY Trademarks (Exhibit 1) are in full force and effect. Upon information and belief, Defendants have knowledge of Herschel Supply's rights in the HERSCHEL SUPPLY Trademarks, and are willfully infringing and intentionally using counterfeits of the HERSCHEL SUPPLY Trademarks. Defendants' willful, intentional and unauthorized use of the HERSCHEL SUPPLY Trademarks is likely to cause and is causing confusion, mistake, and deception as to the origin and quality of the Counterfeit Herschel Supply Products among the general public.

34. Defendants' activities constitute willful trademark infringement and counterfeiting under Section 32 of the Lanham Act, 15 U.S.C. § 1114.

35. Herschel Supply has no adequate remedy at law, and if Defendants' actions are not enjoined, Herschel Supply will continue to suffer irreparable harm to its reputation and the goodwill of its well-known HERSCHEL SUPPLY Trademarks.

36. The injuries and damages sustained by Herschel Supply have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offering to sell, and sale of Counterfeit Herschel Supply Products.

COUNT II
FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))

37. Herschel Supply hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

38. Defendants' promotion, marketing, offering for sale, and sale of Counterfeit Herschel Supply Products has created and is creating a likelihood of confusion, mistake, and

deception among the general public as to the affiliation, connection, or association with Herschel Supply or the origin, sponsorship, or approval of Defendants' Counterfeit Herschel Supply Products by Herschel Supply. By using the HERSCHEL SUPPLY Trademarks in connection with the sale of Counterfeit Herschel Supply Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Counterfeit Herschel Supply Products.

39. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the Counterfeit Herschel Supply Products to the general public involves the use of counterfeit marks and is a willful violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125.

40. Herschel Supply has no adequate remedy at law and, if Defendants' actions are not enjoined, Herschel Supply will continue to suffer irreparable harm to its reputation and the associated goodwill of its Herschel Supply brand.

PRAYER FOR RELIEF

WHEREFORE, Herschel Supply prays for judgment against Defendants as follows:

- 1) That Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert with them be temporarily, preliminarily, and permanently enjoined and restrained from:
 - a. using the HERSCHEL SUPPLY Trademarks or any reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine Herschel Supply product or is not authorized by Herschel Supply to be sold in connection with the HERSCHEL SUPPLY Trademarks;

- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Herschel Supply product or any other product produced by Herschel Supply, that is not Herschel Supply's or not produced under the authorization, control, or supervision of Herschel Supply and approved by Herschel Supply for sale under the HERSCHEL SUPPLY Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' Counterfeit Herschel Supply Products are those sold under the authorization, control or supervision of Herschel Supply, or are sponsored by, approved by, or otherwise connected with Herschel Supply;
 - d. further infringing the HERSCHEL SUPPLY Trademarks and damaging Herschel Supply's goodwill; and
 - e. manufacturing, shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Herschel Supply, nor authorized by Herschel Supply to be sold or offered for sale, and which bear any of Herschel Supply's trademarks, including the HERSCHEL SUPPLY Trademarks, or any reproductions, counterfeit copies or colorable imitations thereof;
- 2) Entry of an Order that, upon Herschel Supply's request, those with notice of the injunction, including, without limitation, any online marketplace platforms such as eBay, AliExpress, Alibaba, Amazon, Wish.com, and Dhgate (collectively, the "Third Party Providers") shall disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the HERSCHEL SUPPLY Trademarks;

- 3) That Defendants account for and pay to Herschel Supply all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged, and that the amount of damages for infringement of the HERSCHEL SUPPLY Trademarks be increased by a sum not exceeding three times the amount thereof as provided by 15 U.S.C. § 1117;
- 4) In the alternative, that Herschel Supply be awarded statutory damages for willful trademark counterfeiting pursuant to 15 U.S.C. § 1117(c)(2) of \$2,000,000 for each and every use of the HERSCHEL SUPPLY Trademarks;
- 5) That Herschel Supply be awarded its reasonable attorneys' fees and costs; and
- 6) Award any and all other relief that this Court deems just and proper.

Dated this 7th day of March 2022.

Respectfully submitted,

/s/ Justin R. Gaudio

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