

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

MARC JACOBS TRADEMARKS, L.L.C.,

Plaintiff,

vs.

THE PARTNERSHIPS and
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE "A" and
DOES 1-10,

Defendants.

COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES

Plaintiff, Marc Jacobs Trademarks, L.L.C., a Delaware limited liability company ("Marc Jacobs"), hereby sues Defendants the Partnerships and Unincorporated Associations identified on Schedule "A" hereto and Does 1-10 (collectively "Defendants"). Defendants are promoting, selling, offering for sale and distributing goods bearing counterfeits and confusingly similar imitations of Marc Jacobs's trademarks within this district through various fully interactive commercial Internet websites and operating under their partnership and/or business association names identified on Schedule "A" hereto (the "Subject Domain Names"). In support of its claims, Marc Jacobs alleges as follows:

JURISDICTION AND VENUE

1. This is an action for federal trademark counterfeiting and infringement, false designation of origin, cybersquatting, and common law unfair competition pursuant to 15 U.S.C. §§ 1114, 1116, 1121, 1125(a) and 1125(d) and The All Writs Act, 28 U.S.C §1651(a). 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 Marc Jacobs' state law claim because that claim is so related to the federal claims that it forms 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 within the State of Florida and this district through multiple fully interactive commercial Internet websites operating under the Subject Domain Names.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 since Defendants are, upon information and belief, aliens who engage in infringing activities and cause harm within this district. Defendants have also advertised and offered to sell infringing products into this district.

THE PLAINTIFF

4. Marc Jacobs is a limited liability company duly organized under the laws of the State of Delaware with its principal place of business in the United States located at 72 Spring Street, 2nd Floor, New York, New York 10012. Marc Jacobs operates boutiques within this district. Marc Jacobs is, in part, engaged in the business of manufacturing and distributing throughout the world, including within this district, a variety of high quality luxury goods under multiple world famous common law and federally registered trademarks, including those identified in Paragraph 18 below. Marc Jacobs offers for sale and sells its trademarked goods within this district. Defendants' sales of counterfeit and infringing Marc Jacobs branded products are causing damage to Marc Jacobs within this jurisdiction.

5. Like many other famous trademark owners in the luxury goods market, Marc Jacobs 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 Marc Jacobs' trademarks for the twin purposes of (i) duping and confusing the consuming public and (ii) earning substantial profits.

6. In order to combat the indivisible harm caused by the combined actions of Defendants and others engaging in similar conduct, each year Marc Jacobs expends significant monetary resources in connection with trademark enforcement efforts, including legal fees, investigative fees, and support mechanisms for law enforcement, such as field training guides and seminars. The recent explosion of counterfeiting over the Internet has created an environment that requires companies such as Marc Jacobs to file a large number of lawsuits, often it later turns out, against the same individuals and groups, in order to protect both consumers and itself from the ill effects of confusion and the erosion of the goodwill connected to the Marc Jacobs brand.

THE DEFENDANTS

7. Defendants operate through domain names registered with registrars in multiple countries and are comprised of individuals, partnerships and/or business entities of unknown makeup, whom, upon information and belief, reside and/or operate in other foreign jurisdictions, including the People's Republic of China. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b). Defendants target their business activities towards consumers throughout the United States, including within this district through the operation of fully interactive commercial Internet websites existing under the Subject Domain Names.

8. Upon information and belief, Defendants use aliases in conjunction with the operation of their businesses, including but not limited to those identified by the same Defendant Number on Schedule "A" hereto.

9. Marc Jacobs is presently unaware of the true names of Does 1-10, although they are generally identified as the managing agents and/or co-conspirators of Defendants. Marc Jacobs will amend this Complaint upon discovery of the identities of such fictitious Defendants.

10. Upon information and belief, Defendants are directly and personally contributing to, inducing and engaging in the sale of counterfeit branded products as alleged herein, often times as partners, co-conspirators and/or suppliers.

11. Defendants are part of an ongoing scheme to create and maintain an illegal marketplace enterprise on the World Wide Web, which (i) confuses consumers regarding the source of Defendants' goods for profit, and (ii) expands the marketplace for illegal, counterfeit Marc Jacobs branded goods while shrinking the legitimate marketplace for genuine Marc Jacobs goods. The natural and intended byproduct of Defendants' actions is the erosion and destruction of the goodwill associated with the Marc Jacobs name and associated trademarks, as well as the destruction of the legitimate market sector in which it operates.

12. Defendants are the past and present controlling forces behind the operation of at least the Subject Domain Names.

13. Upon information and belief, Defendants directly engage in unfair competition with Marc Jacobs by (i) offering for sale and selling goods bearing counterfeits and infringements of one or more of Marc Jacobs' trademarks to consumers within the United States and this district through multiple fully interactive commercial websites operating under the Subject Domain Names and additional domains and websites not yet known to Marc Jacobs and (ii) creating and maintaining an illegal marketplace enterprise for the purpose of diverting business from Marc Jacobs' legitimate marketplace for its genuine goods. Defendants have purposefully directed some portion of their illegal activities towards consumers in the State of

Florida through the advertisement, offer to sell, sale and shipment of counterfeit Marc Jacobs branded goods into the State and by operating an illegal marketplace enterprise which impacts and interferes with commerce throughout the United States, including within the State of Florida.

14. Upon information and belief, Defendants have registered, established or purchased, and maintained their respective Subject Domain Names, and the websites operating thereunder. Upon information and belief, many Defendants have engaged in fraudulent conduct with respect to the registration of the Subject Domain Names by providing false and/or misleading information to their various registrars during the registration or maintenance process. Upon information and belief, many Defendants have anonymously registered and maintained some of the Subject Domain Names for the sole purpose of engaging in illegal counterfeiting activities.

15. Upon information and belief, Defendants will continue to register or acquire new domain names for the purpose of selling and/or offering for sale goods bearing counterfeit and confusingly similar imitations of Marc Jacobs's trademarks unless preliminarily and permanently enjoined. Moreover, upon information and belief, Defendants will continue to maintain and grow their illegal marketplace enterprise at Marc Jacobs's expense unless preliminarily and permanently enjoined.

16. Defendants' entire Internet-based website businesses amount to nothing more than illegal operations established and operated in order to infringe the intellectual property rights of Marc Jacobs and others.

17. Defendants' business names, i.e., the Subject Domain Names and any other domain names used in connection with the sale of counterfeits bearing Marc Jacobs' trademarks, are essential components of Defendants' counterfeiting and infringing activities and are the

means by which Defendants further their counterfeiting and infringing scheme and cause harm to Marc Jacobs. Moreover, Defendants are using Marc Jacobs’ famous name and trademarks to drive Internet consumer traffic to their websites operating under the Subject Domain Names, thereby creating and increasing the value of the Subject Domain Names and decreasing the size and value of Marc Jacobs’ legitimate common marketplace at Marc Jacobs’ expense.

COMMON FACTUAL ALLEGATIONS

Plaintiff’s Trademark Rights

18. Marc Jacobs is the registered owner of the following trademarks which are valid and registered on the Principal Register of the United States Patent and Trademark Office (the “Marc Jacobs Marks”):

Trademark	Registration Number	Registration Date	Class(es) / Relevant Goods
MARC JACOBS	1,967,123	April 9, 1996	IC 018; Handbags, knapsacks, back packs, tote bags, satchels, clutch bags, sling bags, bucket-shaped bags, waist packs, purses, cosmetic bags, change purses, wallets, key cases, eyeglass cases IC 025; women's apparel, namely dresses, skirts, blouses, pants, jackets, coats, shoes, scarves, and hats; [furs, namely coats, jackets, stoles, and hats,] knitwear, namely sweaters, coats, dresses, skirts, pants, gloves, hats and scarves; belts; bras, panties, teddies, full slips, half slips and hosiery.

<p>MARC BY MARC JACOBS</p>	<p>3,699,162</p>	<p>October 20, 2009</p>	<p>IC 009; Spectacles, sunglasses and spectacle cases</p> <p>IC 014; Goods of precious metals, their alloys, or plated therewith, namely, works of art of precious metal, boxes, jewelry caskets and powder compacts of precious metal; jewelry articles; jewelry and fashion jewelry, namely, rings, buckles for watchstraps, earrings, cuff links, bracelets, charms, brooches, chains, necklaces, pendants, fancy key rings of precious metal, their alloys, or plated therewith, tie pins, ornaments of precious metal, medallions; timepieces and chronometric instruments, namely, watches, watch bands, watchcases, wrist-watches, wall clocks, pendulettes, alarm clocks, boxes and cases for clocks and watches</p> <p>IC 018; Boxes of leather and imitation leather for packaging and carrying goods, trunks, suitcases, traveling sets comprised of matching luggage, traveling bags, luggage, garment bags for travel, hatboxes of leather, hatboxes not of paper, cardboard or plastic, unfitted vanity cases, toiletry cases sold empty, rucksacks, satchels, handbags, beach bags, shopping bags, shoulder bags, animal carrier bags, carrier bags for suits, animal game bags, waist bags, purses, portmanteaus, briefcases, briefcase-type portfolio satchels, pochettes, namely, pocket handbags and wallets, leather pouches, wallets, change purses, key cases, business and credit card cases; umbrellas, parasols</p> <p>IC 022; Clothing and underwear, namely, jerseys, shirts, T-shirts, lingerie, belts, scarves, ties, shawls, waistcoats, skirts, raincoats, overcoats, braces, trousers, denim trousers, pullovers, dresses, jackets, sashes for wear, gloves, tights, socks, bathing suits, bath robes, pajamas, nightshirts, shorts, pocket squares; shoes, boots, slippers; headwear</p>
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MARC JACOBS	4,517,198	April 22, 2014	IC 09; Sunglasses; sunglass frames; sunglass cases; eyeglasses; eyeglass frames; eyeglass cases; cases for mobile phones; carrying cases for cell phones; laptop carrying cases; USB hardware; headphones; protective cases for tablet computers; protective covers for tablet computers; electronic book readers; digital book readers; protective sleeves for tablet computers
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The Marc Jacobs Marks are used in conjunction with the manufacture and distribution of quality goods in the categories identified above. True and correct copies of the Certificates of Registration for the Marc Jacobs Marks are attached hereto as Composite Exhibit “A.”

19. The Marc Jacobs Marks have been used in interstate commerce to identify and distinguish Marc Jacobs’ high quality goods for an extended period of time.

20. The Marc Jacobs Marks have never been assigned or licensed to any of the Defendants in this matter.

21. The Marc Jacobs Marks are symbols of Marc Jacobs’ quality, reputation and goodwill and have never been abandoned.

22. Further, Marc Jacobs has expended substantial time, money and other resources developing, advertising and otherwise promoting the Marc Jacobs Marks. The Marc Jacobs Marks qualify as famous marks as that term is used in 15 U.S.C. §1125(c)(1).

23. Marc Jacobs has extensively used, advertised, and promoted the Marc Jacobs Marks in the United States in association with the sale of high quality luxury goods and has carefully monitored and policed the use of the Marc Jacobs Marks.

24. As a result of Marc Jacobs' efforts, members of the consuming public readily identify merchandise bearing or sold under the Marc Jacobs Marks as being high quality goods sponsored and approved by Marc Jacobs.

25. Accordingly, the Marc Jacobs Marks have achieved secondary meaning as identifiers of high quality luxury goods.

26. Genuine goods bearing the Marc Jacobs Marks are widely legitimately advertised and promoted by Marc Jacobs and its authorized distributors. Over the course of the past five to seven years, visibility on the Internet, particularly via Internet search engines such as Google, Yahoo! and Bing has become increasingly important to Marc Jacobs' overall marketing and consumer education efforts. Thus, Marc Jacobs expends significant monetary resources on Internet marketing and consumer education, including search engine optimization ("SEO") strategies. Those strategies allow Marc Jacobs and its authorized retailers to fairly and legitimately educate consumers about the value associated with the Marc Jacobs brand and the goods sold thereunder.

Defendants' Infringing Activities

27. Upon information and belief, at all times relevant hereto, Defendants in this action had full knowledge of Marc Jacobs' ownership of the Marc Jacobs Marks, including its exclusive right to use and license such intellectual property and the goodwill associated therewith.

28. Defendants are promoting and advertising, distributing, selling and/or offering for sale goods in interstate commerce bearing counterfeits and confusingly similar imitations of the Marc Jacobs Marks (the "Counterfeit Goods") through the fully interactive commercial Internet websites operating under the Subject Domain Names. True and correct copies of the web pages reflecting samples of the Internet websites operating under the Subject Domain Names are

attached hereto as Composite Exhibit "B." Specifically, upon information and belief, Defendants are using identical copies of Marc Jacobs Marks for different quality goods. Marc Jacobs has used the Marc Jacobs Marks extensively and continuously before Defendants began offering counterfeit and confusingly similar imitations of Marc Jacobs' merchandise.

29. Upon information and belief, Defendants' Counterfeit Goods are of a quality substantially different than that of Marc Jacobs' genuine goods. Defendants, upon information and belief, 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 products offered for sale by Marc Jacobs despite Defendants' knowledge that they are without authority to use the Marc Jacobs Marks. The net effect of Defendants' actions will cause confusion of consumers at the time of initial interest, sale, and in the post-sale setting, who will believe Defendants' Counterfeit Goods are genuine goods originating from, associated with, and approved by Marc Jacobs.

30. Defendants advertise their Counterfeit Goods for sale to the consuming public via websites operating under at least the Subject Domain Names. In so advertising these products, Defendants improperly and unlawfully use the Marc Jacobs Marks without Marc Jacobs' permission. Indeed, Defendants herein misappropriated Marc Jacobs' advertising ideas and methods of doing business with regard to the advertisement and sale of Marc Jacobs' genuine goods. Upon information and belief, the misappropriation of Marc Jacobs' advertising ideas in the form of the Marc Jacobs Marks is the proximate cause of harm to Marc Jacobs.

31. As part of their overall infringement and counterfeiting scheme, Defendants are, upon information and belief, all concurrently employing substantially similar, and often times coordinated, paid advertising and SEO strategies based, in large measure, upon an illegal use of

counterfeits and infringements of the Marc Jacobs Marks. Specifically, Defendants are using counterfeits of Marc Jacobs' famous name and the Marc Jacobs Marks in order to make their websites selling illegal goods appear more relevant and attractive to search engines across an array of search terms. By their actions, Defendants have created an illegal marketplace operating in parallel to the legitimate marketplace for genuine Marc Jacobs goods. Defendants are causing concurrent and indivisible harm to Marc Jacobs and the consuming public by (i) depriving Marc Jacobs of its right to fairly compete for space within search engine results and reducing the visibility of Marc Jacobs' genuine goods on the World Wide Web, (ii) causing an overall degradation of the value of the goodwill associated with the Marc Jacobs Marks, (iii) increasing Marc Jacobs' overall cost to market its goods and educate consumers about its brand via the Internet, and (iv) maintaining an illegal marketplace enterprise which perpetuates the ability of Defendants and future entrants to that marketplace to confuse consumers and harm Marc Jacobs with impunity.

32. Upon information and belief, Defendants are concurrently conducting and targeting their counterfeiting and infringing activities toward consumers and causing harm, within this district and elsewhere throughout the United States. As a result, Defendants are defrauding Marc Jacobs and the consuming public for Defendants' own benefit.

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

34. Defendants are engaging in the above-described illegal counterfeiting and infringing activities knowingly and intentionally or with reckless disregard or willful blindness to Marc Jacobs' rights for the purpose of trading on Marc Jacobs' goodwill and reputation. If

Defendants' intentional counterfeiting and infringing activities are not preliminarily and permanently enjoined by this Court, Marc Jacobs and the consuming public will continue to be harmed.

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

36. Moreover, multiple Defendants have registered their respective Subject Domain Name(s), using marks that are nearly identical and/or confusingly similar to at least one of the Marc Jacobs Marks (collectively the "Cybersquatted Subject Domain Names").

37. Defendants do not have, nor have they ever had, the right or authority to use the Marc Jacobs Marks. Further, the Marc Jacobs Marks have never been assigned or licensed to be used on any of the websites operating under the Cybersquatted Subject Domain Names.

38. Upon information and belief, Defendants have provided false and/or misleading contact information when applying for the registration of the Cybersquatted Subject Domain Names, or have intentionally failed to maintain accurate contact information with respect to the registration of the Cybersquatted Subject Domain Names.

39. Upon information and belief, Defendants have never used any of the Cybersquatted Subject Domain Names in connection with a bona fide offering of goods or services.

40. Upon information and belief, Defendants have not made any bona fide non-commercial or fair use of the Marc Jacobs Marks on a website accessible under any of the Cybersquatted Subject Domain Names.

41. Upon information and belief, Defendants have intentionally incorporated the Marc Jacobs Marks in their Cybersquatted Subject Domain Names to divert consumers looking for Marc Jacobs' Internet website to their own Internet websites for commercial gain.

42. Given the visibility of Defendants' various websites and the similarity of their actions, including their SEO activities, it is clear Defendants are either related or, at a minimum, cannot help but know of each other's existence and the damage likely to be caused to Marc Jacobs as a result of Defendants' concurrent actions.

43. Although some Defendants may be acting independently, they may properly be deemed to be acting in concert because they are combining the force of their actions to multiply the harm caused to Marc Jacobs.

44. Marc Jacobs has no adequate remedy at law.

45. Marc Jacobs is suffering irreparable and indivisible injury and has suffered substantial damages as a result of Defendants' unauthorized and wrongful use of the Marc Jacobs Marks. If Defendants' counterfeiting and infringing, cybersquatting, unfairly competitive activities, and their illegal marketplace enterprise, are not preliminarily and permanently enjoined by this Court, Marc Jacobs and the consuming public will continue to be harmed.

46. The harm and damage sustained by Marc Jacobs have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offers to sell, and sale of their Counterfeit Goods and by the creation, maintenance and very existence of Defendants' illegal marketplace enterprise.

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

47. Marc Jacobs hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 46 above.

48. This is an action for trademark counterfeiting and infringement against Defendants based on their use of counterfeits, copies, and/or colorable imitations of the Marc Jacobs Marks in commerce in connection with the promotion, advertisement, distribution, sale and/or offering for sale of the Counterfeit Goods.

49. Specifically, Defendants are promoting and otherwise advertising, selling, offering for sale and distributing products bearing one or more of the Marc Jacobs Marks. Defendants are continuously infringing and inducing others to infringe the Marc Jacobs Marks by using them to advertise, promote, sell and/or offer to sell goods bearing the Marc Jacobs Marks.

50. Defendants' indivisible and concurrent counterfeiting and infringing activities are likely to cause and actually 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.

51. Defendants' unlawful actions have individually and jointly caused and are continuing to cause unquantifiable and irreparable harm and damage to Marc Jacobs and are unjustly enriching Defendants at Marc Jacobs' expense.

52. Defendants' above-described illegal actions constitute counterfeiting and infringement of the Marc Jacobs Marks in violation of Marc Jacobs' rights under § 32 of the Lanham Act, 15 U.S.C. § 1114.

53. Marc Jacobs has suffered and will continue to suffer irreparable injury 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))**

54. Marc Jacobs hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 46 above.

55. Defendants' Counterfeit Goods bearing and sold under copies of the Marc Jacobs Marks have been widely advertised and offered for sale throughout the United States.

56. Defendants' Counterfeit Goods bearing and sold under copies of the Marc Jacobs Marks are virtually identical in appearance to each of Marc Jacobs' genuine goods. However, Defendants' Counterfeit Goods are different in quality. Accordingly, Defendants' activities are likely to cause confusion in the trade and among the general public as to at least the origin or sponsorship of their Counterfeit Goods.

57. Defendants, upon information and belief, have used in connection with their advertisement, offers for sale, and sale of the Counterfeit Goods, false designations of origin and false descriptions and representations, including words or other symbols and trade dress which tend to falsely describe or represent such goods and have caused such goods to enter into commerce with full knowledge of the falsity of such designations of origin and such descriptions and representations, all to Marc Jacobs' detriment

58. Defendants have authorized infringing uses of the Marc Jacobs Marks in Defendants' advertisement and promotion of their counterfeit and infringing branded products. Defendants have also misrepresented to members of the consuming public that the Counterfeit Goods being advertised and sold by them are genuine, non-infringing goods.

59. Additionally, Defendants are using counterfeits and infringements of the Marc Jacobs Marks in order to unfairly compete with Marc Jacobs and others for space within search engine organic results, thereby jointly depriving Marc Jacobs of a valuable marketing and educational tool which would otherwise be available to Marc Jacobs, and reducing the visibility of Marc Jacobs' genuine goods on the World Wide Web.

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

61. Marc Jacobs has no adequate remedy at law and has sustained indivisible injury and damage caused by Defendants' concurrent conduct. Absent an entry of an injunction by this Court, Marc Jacobs will continue to suffer irreparable injury to its goodwill and business reputation as well as monetary damages.

**COUNT III - CLAIM FOR RELIEF FOR CYBERSQUATTING
UNDER §43(d) OF THE LANHAM ACT (15 U.S.C. §1125(d))**

62. Marc Jacobs hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 46 above.

63. At all times relevant hereto, Marc Jacobs has been and still is the owner of the rights, title and interest in and to the Marc Jacobs Marks

64. Upon information and belief, certain Defendants have acted with the bad faith intent to profit from the Marc Jacobs Marks and the goodwill associated with the Marc Jacobs Marks by registering and using the Cybersquatted Subject Domain Names.

65. The Marc Jacobs Marks were distinctive and famous at the time Defendants registered the Cybersquatted Subject Domain Names.

66. Defendants have no intellectual property rights in or to the Marc Jacobs Marks.

67. The Cybersquatted Subject Domain Names are identical to, confusingly similar to, or dilutive of at least one of the Marc Jacobs Marks.

68. Defendants' conduct is done with knowledge and constitutes a willful violation of Marc Jacobs' rights in the Marc Jacobs Marks. At a minimum, Defendants' conduct constitutes reckless disregard for and willful blindness to Marc Jacobs' rights.

69. Marc Jacobs has no adequate remedy at law.

70. Defendants' actions constitute cybersquatting in violation of §43(d) of the Lanham Act, 15 U.S.C. §1125(d).

71. Marc Jacobs has suffered and will continue to suffer irreparable injury due to the above described activities of Defendants if Defendants are not preliminarily and permanently enjoined.

COUNT IV - COMMON LAW UNFAIR COMPETITION

72. Marc Jacobs hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 46 above.

73. This is an action against Defendants based on their (i) promotion, advertisement, distribution, sale and/or offering for sale of goods bearing marks which are virtually identical, both visually and phonetically, to the Marc Jacobs Marks, and (ii) creation and maintenance of an illegal, ongoing marketplace enterprise operating in parallel to the legitimate marketplace in which Marc Jacobs sells its genuine goods, in violation of Florida's common law of unfair competition.

74. Specifically, Defendants are promoting and otherwise advertising, selling, offering for sale and distributing infringing and counterfeit Marc Jacobs branded goods. Defendants are also using counterfeits and infringements of the Marc Jacobs Marks to unfairly

compete with Marc Jacobs and others for (i) space in search engine results across an array of search terms and (ii) visibility on the World Wide Web.

75. Defendants' infringing activities are likely to cause and actually are causing confusion, mistake and deception among members of the trade and the general consuming public as to the origin and quality of Defendants' products by their use of the Marc Jacobs Marks.

76. Marc Jacobs has no adequate remedy at law and is suffering irreparable injury and damages as a result of Defendants' actions.

PRAYER FOR RELIEF

77. WHEREFORE, Marc Jacobs demands judgment on all Counts of this Complaint and an award of equitable relief and monetary relief, jointly and severally, against Defendants as follows:

a. Entry of temporary, preliminary and permanent injunctions pursuant to 15 U.S.C. § 1116 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 Marc Jacobs Marks; from using the Marc Jacobs Marks, or any mark or trade dress similar thereto, in connection with the sale of any unauthorized goods; from using any logo, trade name, trademark or trade dress which may be calculated to falsely advertise the services or products of Defendants as being sponsored by, authorized by, endorsed by, or in any way associated with Marc Jacobs; from falsely representing themselves as being connected with Marc Jacobs, through sponsorship or association, or engaging in any act which 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 Marc Jacobs; from using any reproduction, counterfeit, copy, or colorable imitation of the Marc Jacobs 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 Marc Jacobs, or in any way endorsed by Marc Jacobs and from offering such goods in commerce; from engaging in search engine optimization strategies using colorable imitations of the Marc Jacobs name or the Marc Jacobs Marks; and from otherwise unfairly competing with Marc Jacobs.

b. Entry of temporary, preliminary and permanent injunctions pursuant to 28 U.S.C §1651(a), The All Writs Act, enjoining Defendants and all third parties from creating, maintaining, operating, joining, participating in, including providing financial, technical or other support to the World Wide Web based illegal marketplace for the sale and distribution of non-genuine goods bearing counterfeits of the Marc Jacobs Marks.

c. Entry of an order that, upon Marc Jacobs' request, those in privity with Defendants and those with notice of the injunction, including any Internet search engines, Web hosts, domain-name registrars and domain-name registries or their administrators that are provided with notice of the injunction, cease facilitating access to any or all domain names and websites through which Defendants engage in the promotion, offering for sale and/or sale of goods using counterfeits and/or infringements of the Marc Jacobs Marks.

d. Entry of an order that, upon Marc Jacobs' request, the top level domain (TLD) Registry for each of the Subject Domain Names or their administrators, including backend registry operators or administrators, place the Subject Domain Names on Registry Hold

status for the remainder of the registration period for any such domain name, thus removing them from the TLD zone files maintained by the Registries or their administrators which link the Subject Domain Names to the IP addresses where the associated websites are hosted.

e. Entry of an order canceling or, at Marc Jacobs' election, transferring the Subject Domain Names and any other domain names used by Defendants to engage in their counterfeiting of the Marc Jacobs Marks at issue to Marc Jacobs' control so they may no longer be used for illegal purposes.

f. Entry of an order requiring Defendants to account to and pay Marc Jacobs for all profits and damages resulting from Defendants' trademark counterfeiting and infringing activities and that the award to Marc Jacobs be trebled, as provided for under 15 U.S.C. §1117, or, at Marc Jacobs' election with respect to Count I, that Marc Jacobs 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 sold, as provided by 15 U.S.C. §1117(c)(2) of the Lanham Act.

g. Entry of an order requiring the relevant Defendants to account to and pay Marc Jacobs for all profits and damages resulting from those Defendants' cybersquatting activities and that the award to Marc Jacobs be trebled, as provided for under 15 U.S.C. §1117, or, at Marc Jacobs' election with respect to Count III, that Marc Jacobs be awarded statutory damages from the relevant Defendants in the amount of one hundred thousand dollars (\$100,000.00) per cybersquatted domain name used as provided by 15 U.S.C. §1117(d) of the Lanham Act.

h. Entry of an award of Marc Jacobs' costs and reasonable attorneys' fees and investigative fees associated with bringing this action.

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

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

DATED: April 14, 2015.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

By: *s:/Stephen M. Gaffigan/*

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SCHEDULE A
DEFENDANTS BY NUMBER AND SUBJECT DOMAIN NAME

Defendant Number	Defendant / Domain Name
1	4buywatches.com
2	apparel958.com
3	arbiaauto.it
3	d-hc.de
3	tage-werk.de
4	b2bbetter.pw
5	bitcoinfashion.net
6	brandsupplier1.com
7	brynastrans.se
7	stalldalhem.se
8	castnova.com
9	cc-sale-jp.com
10	cheapestmarcjacobs.com
11	cheapsale7.com
12	classicwatchbase.com
13	discountnewhandbags.com
14	ebaysoho.net
15	echeels.net
16	foodmotionclips.co.uk
17	forbear.us
18	francemarcjacobs.com
19	guesssoldes-montres.com
19	soldeguess-montre.com
19	soldes-guess-montre.com
19	soldesguess-sac.com
20	handbagi.com
20	handbagsee.com
21	idolreplicas.biz
22	jps-copy.com
23	kobmarcjacobstasker.net
24	kopibrand.com
25	marcby-marcjacobs.com
26	marcbymarcjacobsale.com
27	marcbymarcjacobsinc.com
28	marc-jacobs.name

28	marcjacobsinc.com
28	marcjacobsmarc.com
28	marcjacobsoutletstore.com
29	marcjacobsbagoutlet.co.uk
30	marcjacobsbags2014.com
31	marcjacobsbagsse.com
32	marcjacobsboutique.com
33	marcjacobsbox.com
33	tobevogue.com
34	marcjacobsbuyshopjp.com
35	marcjacobsclassic.com
36	marcjacobsdame.com
37	marcjacobsdk.net
38	marcjacobshandbags.co.uk
39	marc-jacobshandbags.com
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