

MAGISTRATE JUDGE  
O'SULLIVAN

THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

CIV-GRAHAM

07-20933

CASE NO.

LOUIS VUITTON MALLETIER, S.A., )  
a foreign business entity, MARC JACOBS )  
TRADEMARKS, LLC., a )  
Delaware limited liability company, )  
CELINE, a foreign business entity, )

Plaintiffs, )

vs. )

JUAN CARLOS TAMAJON a/k/a )  
CARLOS TAMAJON a/k/a CARLOS )  
AGULAR d/b/a MYDREAMPURSE.COM )  
and DOES 1-10 )

Defendants. )

COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF

CLARENCE HADDOX  
CLERK U.S. DIST. CT.  
S.D. OF FLA.-FT. L.

FILED BY  
2007 APR -5 PM 4:44

FILED BY  
*[Signature]*

Plaintiffs, LOUIS VUITTON MALLETIER, S.A., a foreign business entity ("Louis Vuitton"), MARC JACOBS TRADEMARKS, LLC., a Delaware limited liability company ("Marc Jacobs") and CELINE, a foreign business entity ("Celine") (collectively the "Plaintiffs") hereby sue Defendants, JUNA CARLOS TAMAJON a/k/a CARLOS TAMAJON a/k/a CARLOS AGULAR d/b/a MYDREAMPURSE.COM ("Tamajon"), and DOES 1-10 (collectively "Defendants") and allege as follows:

**JURISDICTION AND VENUE**

1. This is an action pursuant to (i) 15 U.S.C. §§ 1114, 1116, 1121 and 1125, (ii) 17 U.S.C. §101 et seq., and (iii) 35 U.S.C. §271. Accordingly, this Court has jurisdiction under 28 U.S.C. §§ 1331, and 1338. Venue is proper in this Court pursuant 28 U.S.C. § 1391 since a substantial part of the events giving rise to the Plaintiffs' claims occurred in this District and Defendants conduct substantial business activities within this District.

## THE PARTIES

2. Louis Vuitton is a foreign business entity organized under the laws of the Republic of France with its principal of business in Paris, France. Louis Vuitton conducts a portion of its retail business in the Southern District of Florida. Louis Vuitton is, in part, engaged in the business of manufacturing and distributing throughout the world, including within this Judicial District, a variety of high quality luxury goods, including, but not limited to, handbags and sunglasses, under the Federally registered trademarks VL and Design, LV and Design, LV Monogram, DAISY Design, ROUNDED DAISY DESIGN, FLOWER Design, VUITTON, LOUIS VUITTON, LV LOUIS VUITTON Lock Design, LOCK Design, LV ON BROWN design, LV PATTERN ON BROWN design (collectively the "LV Marks").

3. 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 113 Spring Street, New York, New York 10012. MJT is, in part, engaged in the business of distributing throughout the world, including within this Judicial District, high quality handbags, knapsacks, back packs, tote bags, satchels, clutch bags, sling bags, bucket-shaped bags, waist packs, purses, cosmetic bags, change purses, wallets, key cases, and eyeglass cases, under the Federally registered trademark MARC JACOBS (the "MJT Mark").

4. Celine is a foreign business entity organized under the laws of the Republic of France with its principal of business in Paris, France. Celine conducts a portion of its retail business in the Southern District of Florida. Celine is, in part, engaged in the business of manufacturing and distributing throughout the world, including within this Judicial District, a variety of high quality luxury goods, including, but not limited to, handbags (the "CelineMark").

5. Tamajon, is an individual, who upon information and belief, conducts business within this Judicial District through the interactive Website, "MyDreamPurse.com" and who, upon information and belief, resides at 17251 SW 149th Court, Miami, Florida 33187. Tamajon

uses the names "Carlos Tamajon," "Carlos Agular," and "MyDreamPurse.com" as aliases to operate his business.

6. Upon information and belief, Tamajon is directly and personally engaging in the sale of counterfeit and infringing products with this District as alleged herein.

7. Defendants Does 1-5 are, upon information and belief, individuals who conduct business within this Judicial District. Further, Does 1-5 are directly and personally contributing, inducing and engaging in the sale of counterfeit products as alleged herein as partners or suppliers to the named Defendant. Plaintiffs are presently unaware of the true names of Does 1-5. Plaintiffs will amend this Complaint upon discovery of the identities of such fictitious Defendants.

8. Defendants Does 6-10 are business entities which, upon information and belief, conduct business within this Judicial District. Moreover, Does 6-10 are, upon information and belief, directly engaging in the sale of counterfeit products as alleged herein as partners or suppliers to the named Defendant. Plaintiffs are presently unaware of the true names of Does 6-10. Plaintiffs will amend this Complaint upon discovery of the identities of such fictitious Defendants.

**COMMON FACTUAL ALLEGATIONS**

9. Louis Vuitton is the owner of the following United States Federal Trademark Registrations:

<u>Mark</u>	<u>Reg. No.</u>	<u>Date of Registration</u>
LOUIS VUITTON	1,045,932	August 10, 1976
VL	0,297,594	September 20, 1932
LV	1,519,828	January 10, 1989
LV LOUIS VUITTON LOCK	1,650,162	July 9, 1991
LOUIS VUITTON	1,990,760	August 6, 1996

DAISY DESIGN	2,177,828	August 4, 1998
ROUND DAISY DESIGN	2,181,753	August 18, 1998
VUITTON	2,657,903	December 10, 2002
FLOWER DESIGN	2,773,107	October 14, 2003
LOCK DESIGN	2,828,919	April 6, 2004
LOCK DESIGN	3,066,114	March 7, 2006
LV PATTERN ON BROWN	1,653,663	August 13, 1991
LV ON BROWN	1,643,625	May 7, 1991
FLOWER STAR DESIGN	3,051,235	January 24, 2006
FLOWER DESIGN	3,021,231	November 29, 2005

which are registered in International Classes 18 and 16 are used in connection with manufacture and distribution of, a variety of high quality luxury goods, including, but not limited to, handbags and sunglasses. Additionally, Louis Vuitton is the owner of United States Copyright Registration No. VA-1-250-120 (the "LV Copyright"). Louis Vuitton's ownership and registration of the LV Copyrights precede Defendants' infringement as alleged herein.

10. Marc Jacobs is the owner of United States Federal Trademark Registration No. 1,967,123 which is registered in International Class 18 and is used in connection with manufacture and distribution of, among other things, high quality handbags (the "MJ Mark").

11. Celine is the owner of United States Federal Trademark Registration No. 1,000,156 which is registered in International Class 18 and is used in connection with manufacture and distribution of, among other things, high quality handbags.

12. The LV Marks and Copyright have been used in interstate commerce to identify and distinguish its high quality luxury goods, including, but not limited to, handbags and sunglasses for an extended period of time.

13. The MJ Mark has been used in interstate commerce to identify and distinguish its high quality luxury goods, including, but not limited to, handbags for an extended period of time.

14. The Celine Mark has been used in interstate commerce to identify and distinguish its high quality luxury goods, including, but not limited to, handbags for an extended period of time.

15. The LV Marks and/or LV Copyright have never been assigned or licensed to any of the Defendants in this matter. The MJ Mark has never been assigned or licensed to any of the Defendants in this matter. The Celine Mark has never been assigned or licensed to any of the Defendants in this matter.

16. The LV Marks are symbols of Louis Vuitton's quality, reputation and goodwill and have never been abandoned. The MJ Mark is a symbol of Marc Jacob's quality, reputation and goodwill and has never been abandoned. The Celine Mark is a symbol of Celine's quality, reputation and goodwill and has never been abandoned.

17. Further, the Plaintiffs have each expended substantial time, money and other resources developing, advertising and otherwise promoting their respective LV Marks, MJ Mark and Celine Mark. The LV Marks, MJ Mark and Celine Mark qualify as famous marks as that term is used in 15 U.S.C. §1125(c)(1).

18. Louis Vuitton has extensively used, advertised and promoted the LV Marks in the United States in association with the sale high quality luxury goods, including, but not limited to, handbags and sunglasses and other goods, and has carefully monitored and policed the use of the LV Marks.

19. Marc Jacobs has extensively used, advertised and promoted the MJ Mark in the United States in association with the sale high quality luxury goods, including, but not limited to, handbags and other goods, and has carefully monitored and policed the use of the MJ Mark.

20. Celine has extensively used, advertised and promoted the Celine Mark in the United States in association with the sale high quality luxury goods, including, but not limited to, handbags and other goods, and has carefully monitored and policed the use of the Celine Mark.

21. As a result of the Plaintiffs' efforts, members of the consuming public readily identify merchandise bearing the LV Marks, MJ Mark and/or Celine Mark as being high quality merchandise sponsored and approved by Louis Vuitton, Marc Jacobs and Celine respectively.

22. Accordingly, the LV Marks have achieved secondary meaning as identifiers of high quality products, including handbags, sunglasses and other goods. The MJ Mark has achieved secondary meaning as an identifier of high quality luxury goods, including, but not limited to, handbags. The Celine Mark has achieved secondary meaning as an identifier of high quality luxury goods, including, but not limited to, handbags.

23. Upon information and belief, at all times relevant hereto, the Defendants in this action had full knowledge of Louis Vuitton's ownership of the LV Marks and LV Copyrights, the MJ Mark and the Celine Mark including their exclusive right to use and license such intellectual property and the goodwill associated therewith.

24. Plaintiffs have discovered the Defendants are promoting and otherwise advertising, distributing, selling and/or offering for sale counterfeit products, including at least (i) handbags and sunglasses bearing trademarks which are exact copies of the LV Marks, (ii) handbags bearing the MJ Mark and (iii) handbags bearing the Celina Mark (the "Counterfeit Goods"). Specifically, upon information and belief, the Defendants are using the LV Marks, MJ Mark and Celine Mark in the same stylized fashion, for different and inferior quality goods.

25. Upon information and belief, the Defendants' Counterfeit Goods are of a quality substantially different to that of the Plaintiffs' genuine goods. Despite the nature of their Counterfeit Goods and the knowledge they are without authority to do so, the 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 that such goods will be mistaken for the genuine high quality products offered for sale by Louis Vuitton, Marc Jacobs and/or Celine. The net effect of the Defendants' actions will be to result in the confusion of consumers who will believe the Defendants' Counterfeit Goods are genuine goods originating from and approved by Louis Vuitton, Marc Jacobs and/or Celine.

26. Upon information and belief, the Defendants, import and/or manufacture their Counterfeit Goods and advertise those goods for sale to the consuming public. In so advertising these products, the Defendants use the LV Marks, MJ Mark and/or Celine Mark. The Defendants also reproduce, distribute, use, offer to sell and sell copies of the design protected by the LV Copyright. Indeed, the Defendants herein, upon information and belief, misappropriated the Plaintiffs' advertising ideas and entire style of doing business with regard to the advertisement and sale of Plaintiffs' genuine products. Upon information and belief, the misappropriation of Plaintiffs' advertising ideas in the form of the LV Marks, LV Copyright, the MJ Mark and the Celine Mark has occurred, in part, in the course of Defendants' advertising activities and has been the proximate cause of damage to the Plaintiffs.

27. Upon information and belief, the Defendants are conducting their counterfeiting and infringing activities at least within this Judicial District and elsewhere throughout the United States. As a result, the Defendants are defrauding the Plaintiffs and the consuming public for the Defendants' own benefit. Defendants' infringement and disparagement of the Plaintiffs does not simply amount to the wrong description of their goods or the failure of the goods to conform to the advertised quality or performance.

28. The Defendants' use of the LV Marks, LV Copyright, MJ Mark and Celine Mark including the importation, promotion and advertising, reproduction, distribution, sale and offering for sale of their Counterfeit Goods, is without the Plaintiffs' consent or authorization.

29. Further, the Defendants may be, upon information and belief, engaging in the above-described illegal counterfeiting and infringing activities knowing and intentionally or with

reckless disregard or willful blindness to Plaintiffs' rights for the purpose of trading on the goodwill and reputation of the Plaintiffs. If the Defendants' intentional counterfeiting and infringing activities are not preliminarily and permanently enjoined by this Court, the Plaintiffs and the consuming public will continue to be damaged.

30. The Defendants' above identified infringing activities are likely to cause confusion, deception and mistake in the minds of consumers, the public and the trade. Moreover, the 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 the Plaintiffs' genuine goods and the Defendants' Counterfeit Goods.

31. The Plaintiffs have no adequate remedy at law.

32. The Plaintiffs are suffering irreparable injury and have suffered substantial damages as a result of the Defendants' counterfeiting and infringing activities.

33. The injuries and damages sustained by the Plaintiffs have been directly and proximately caused by the Defendants' wrongful importation, reproduction, use, advertisement, promotion, offering to sell, and sale of their Counterfeit Goods.

34. The Plaintiffs have retained the undersigned counsel to represent them in this matter and are obligated to pay said counsel a reasonable fee for such representation.

#### **COUNT I - TRADEMARK COUNTERFEITING AND INFRINGEMENT**

35. Plaintiffs hereby readopt and reallege the allegations set forth in Paragraphs 1 through 34 above.

36. This is an action for trademark counterfeiting and infringement against the Defendants based on their promotion, advertisement, distribution, sale and/or offering for sale of the Counterfeit Goods bearing the LV Marks, MJ Mark and Celine Mark.

37. Specifically, the Defendants, upon information and belief, are importing or manufacturing, promoting and otherwise advertising, selling, offering for sale and distributing counterfeit and infringing handbags, sunglasses and other goods bearing the LV Marks,



handbags and other goods bearing the MJ Mark, and handbags and other goods bearing the Celine Mark. The Defendants are continuously infringing and inducing others to infringe the LV Marks by using them to advertise, promote and sell counterfeit handbags, sunglasses and other goods. The Defendants are also continuously infringing and inducing others to infringe the MJ Mark by using it to advertise, promote and sell counterfeit handbags and other goods. The Defendants are also continuously infringing and inducing other to infringe the Celine Mark by using it to advertise, promote and sell counterfeit handbags and other goods.

38. Defendants' 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 bearing the LV Marks, MJ Mark and Celine Mark.

39. The Defendants' unlawful actions have caused and are continuing to cause unquantifiable damages to Louis Vuitton, Marc Jacobs and Celine.

40. Defendants' above-described illegal actions constitute counterfeiting and infringement of the LV Marks, MJ Mark and Celine Mark in violation of Chan Louis Vuitton's, Marc Jacobs' and Celine's rights under § 32 of the Lanham Act, 15 U.S.C. § 1114.

41. Plaintiffs have suffered and will continue to suffer irreparable injury due to the above described activities of the Defendants if the Defendants are not preliminarily and permanently enjoined.

**COUNT II - FALSE DESIGNATION OF ORIGIN  
PURSUANT TO § 43(a) OF THE LANHAM ACT**

42. The Plaintiffs hereby readopt and reallege the allegations set forth in Paragraphs 1 through 34 above.

43. Defendants' Counterfeit Goods bearing the LV Marks, MJ Mark and Celine Mark have been widely advertised and distributed throughout the United States.

44. The Defendants' Counterfeit Goods bearing the LV Marks, MJ Mark and Celine Mark are virtually identical in appearance to each of the Plaintiff's respective genuine goods.

However, the Counterfeit Goods are different and likely inferior in quality. Accordingly, the Defendants' activities are likely to cause confusion in the trade and among the general public as to at least the origin or sponsorship of the Counterfeit Goods.

45. The Defendants, upon information and belief, have used in connection with their sale of Counterfeit Goods, false designations of origins 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 the detriment of the Plaintiffs.

46. Specifically, the Defendants, upon information and belief, have authorized an infringing use of the LV Marks, in the Defendants' advertisement and promotion of their counterfeit and infringing handbags, and sunglasses, an infringing use of the MJ Mark in the Defendants' advertisement and promotion of their counterfeit and infringing handbags, and an infringing use of the Celine Mark in the Defendants' advertisement and promotion of their counterfeit and infringing handbags. The Defendants, upon information and belief, have misrepresented to members of the consuming public that the Counterfeit Goods being advertised and sold by them are genuine, non-infringing products.

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

48. Plaintiffs have sustained injury and damage caused by Defendants' conduct, and absent an entry of an injunction by this Court, the Plaintiffs will continue to suffer irreparable injury to their goodwill and business reputation as well as monetary damages.

### **COUNT III - TRADEMARK DILUTION**

49. Plaintiffs readopt and reallege the allegations set forth in Paragraphs 1 through 34 above.

50. The LV Marks, MJ Mark and Celine Mark are famous trademarks within the meaning of 15 U.S.C. §1125(c). The LV Marks, MJ Mark and Celine Mark are advertised and used extensively throughout the United States and the remainder of the world and are highly recognizable by the trade and the consuming public. Further, the Plaintiffs actively police the use of their marks by third parties.

51. The Defendants are engaged in a commercial use of the LV Marks, MJ Mark and Celine Mark in commerce.

52. The Defendants' above-described counterfeiting activities are disparaging, damaging and lessening the distinctiveness of the LV Marks, MJ Mark and Celine Mark through, at least, blurring and tarnishment of said Marks. Indeed, Defendants are publishing materials in their advertising which disparage Plaintiffs' products by, at least, creating an unfair comparison between Plaintiffs' genuine goods and the Defendants' Counterfeit Goods.

53. The Defendants' actions described herein have been engaged in intentionally or with a reckless disregard for or willful blindness to the Plaintiffs' rights for the purpose of trading on the Plaintiffs' reputation and diluting the LV Marks, MJ Mark and Celine Mark.

54. As a result of the above described diluting and disparaging activities of the Defendants, the Plaintiffs have suffered, and will continue to suffer, irreparable injury and substantial damages, and the Defendants have been unjustly enriched.

#### **COUNT IV - COPYRIGHT INFRINGEMENT**

##### **(Plaintiff Louis Vuitton Only)**

55. Plaintiff Louis Vuitton hereby readopts and realleges the allegations set forth in Paragraphs 1 through 34 above.

56. This is an action for copyright infringement against the Defendants.

57. The Defendants have infringed and, upon information and belief, will continue to infringe the LV Copyright at least by copying, selling, advertising, reproducing and placing into a chain of distribution, unauthorized copies or derivations of Louis Vuitton's copyrighted work in violation of 17 U.S.C. §501.

58. Upon information and belief, the Defendants may be knowingly and willfully engaging in the copyright infringement alleged herein for the purpose of profiting therefrom.

59. The Defendants' unlawful actions have caused and are continuing to cause damage to Louis Vuitton. Louis Vuitton will continue to suffer irreparable injury due to the above described activities of the Defendants absent entry of a preliminary and permanent injunction.

#### **COUNT V - COMMON LAW UNFAIR COMPETITION**

60. Plaintiffs hereby readopt and reallege the allegations set forth in Paragraphs 1 through 34 above.

61. This is an action for unfair competition against the Defendants based on their manufacture, promotion, advertisement, distribution, sale and/or offering for sale of goods bearing marks which are virtually identical, both visually and phonetically, to the LV Mark, the MJ Mark and the Celine Mark in violation of Florida's common law of unfair competition.

62. Specifically, the Defendants are importing or manufacturing, promoting and otherwise advertising, selling, offering for sale and distributing infringing and counterfeit handbags and sunglasses and other goods.

63. 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' product by their use of the LV Marks, MJ Mark and Celine Mark. Plaintiffs have no adequate remedy at law and are suffering damages and irreparable injury as a result of Defendants' actions.

#### **COUNT VI - COMMON LAW TRADEMARK INFRINGEMENT**

64. Plaintiffs hereby readopt and reallege the allegations set forth in Paragraphs 1 through 34 above.

65. This is an action for common law trademark infringement against the Defendants based on their promotion, advertisement, offering for sale, and sale of the Counterfeit Goods bearing the LV Marks, MJ Mark and Celine Mark. Louis Vuitton is the owner of all common

law rights in and to the LV Marks. Marc Jacobs is the owner of all common law rights in and to the LV Marks. Celine is the owner of all common law rights in and to the Celine Mark.

66. Specifically, the Defendants, upon information and belief, are importing or manufacturing, promoting and otherwise advertising, offering for sale, selling and distributing infringing handbags, sunglasses, and other goods bearing the LV Marks, handbags and other goods bearing the MJ Mark, and handbags and other goods bearing the Celine Mark.

67. 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' Counterfeit Goods bearing the LV Marks, MJ Mark and/or Celine Mark. Plaintiffs have no adequate remedy at law and are suffering damages and irreparable injury as a result of Defendants' actions.

#### **PRAYER FOR RELIEF**

68. WHEREFORE, the Plaintiffs demand judgment jointly and severally against the Defendants as follows:

a. The Court enter a preliminary and permanent injunction 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 LV Marks, LV Copyright, MJ Mark and/or Celine Mark; from using the LV Marks, LV Copyright, MJ Mark and/or Celine Mark or any mark or trade dress similar thereto, in connection with the sale of any unauthorized goods; from using any logo, trade name or trademark or trade dress which may be calculated to falsely advertise the services or products of the Defendants as being sponsored by, authorized by, endorsed by, or in any way associated with the Plaintiffs; from falsely representing themselves as being connected with the Plaintiffs, 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 the Defendants, or in any way endorsed by, approved by, and/or associated with the Plaintiffs;

from using any reproduction, counterfeit, copy, or colorable imitation of the LV Marks, LV Copyright, MJ Mark and/or Celine Mark in connection with the publicity, promotion, sale, or advertising of any goods sold by the Defendants, including, without limitation, handbags, sunglasses and/or any other goods; 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 the Plaintiffs, or in any way endorsed by the Plaintiffs and from offering such goods in commerce; and from otherwise unfairly competing with the Plaintiffs.

b. The Defendants be required to account to and pay Plaintiffs for all profits and damages resulting from Defendants' trademark infringing and counterfeiting activities and that the award to Plaintiffs be trebled, as provided for under 15 U.S.C. §1117, or, at Plaintiffs' election with respect to Count I, that Plaintiffs be awarded statutory damages from each Defendants in the amount of one million (\$1,000,000.00) dollars per each counterfeit LV Marks, MJ Mark and Celine Mark used and product sold, as provided by 15 U.S.C. §1117(c)(2) of the Lanham Act.

c. The Defendants be required to pay Louis Vuitton for all damages sustained by Louis Vuitton in consequence of Defendants' copyright infringement described above together with appropriate interest thereon; The Defendants be required to account to Louis Vuitton for, and disgorge to Louis Vuitton, and to pay to Louis Vuitton, all the gains, profits, savings and advantages realized by Defendants from their acts of copyright infringement described above; That Louis Vuitton, be awarded, at its election, statutory damages within the provisions of Section 504(c) of the Copyright Act, 17 U.S.C. §504(c), enhanced to reflect the willful nature of Defendants' infringement, instead of an award of actual damages or profits, and be awarded its costs and disbursements incurred in this action, including reasonable attorneys' fees pursuant to 17 U.S.C. §505.

d. Plaintiffs be awarded punitive damages.

e. Plaintiffs be awarded pre-judgment interest on their respective judgment.

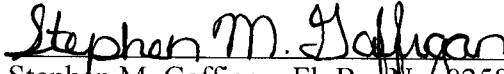
f. Plaintiffs be awarded their costs and reasonable attorneys' fees and investigators' fees associated with bringing this action.

g. Plaintiffs be awarded such other and further relief as the Court may deem just and proper.

DATED this 30<sup>th</sup> day of March, 2007.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.  
312 S.E. 17th Street, Second Floor  
Ft. Lauderdale, Florida 33316  
Telephone: (954) 767-4819  
Facsimile: (954) 767-4821  
E-mail: stephen@smgpa.net

  
\_\_\_\_\_  
Stephen M. Gaffigan, Fl. Bar No. 025844  
Counsel for Plaintiffs,

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

**I. (a) PLAINTIFFS**  
 Louis Vuitton Malletier, S.A., et al. **CIV-GRAHAM**

**(b)** County of Residence of First Listed Plaintiff \_\_\_\_\_  
 (EXCEPT IN U.S. PLAINTIFF CASES)

**(c)** Attorney's (Firm Name, Address, and Telephone Number)  
 Stephen M. Gaffigan/STEPHEN M. GAFFIGAN, P.A.  
 312 S.E. 17th Street, Second Floor  
 Ft. Lauderdale, Florida 33316 (954) 767-4819

**DEFENDANTS**  
 Juan Carlos Tamajon, et al. **MAGISTRATE JUDGE O'SULLIVAN**

County of Residence of First Listed Defendant \_\_\_\_\_  
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.

**07-20933**

FILED BY 2007 APR 5 11 44 AM  
 CLERK OF DISTRICT COURT  
 S.D. OF FLORIDA

**(d)** Check County Where Action Arose:  MIAMI-DADE  MONROE  BROWARD  PALM BEACH  MARTIN  ST. LUCIE  INDIAN RIVER  OKEECHOBEE HIGHLANDS

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

1 U.S. Government Plaintiff  3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant  4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

*1:07cv/20933-Graham-O'Sullivan*

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding  2 Removed from State Court  3 Re-filed- (see VI below)  4 Reinstated or Reopened  5 Transferred from another district (specify)  6 Multidistrict Litigation  7 Appeal to District Judge from Magistrate Judgment

**VI. RELATED/RE-FILED CASE(S).**

a) Re-filed Case  YES  NO b) Related Cases  YES  NO

(See instructions second page): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

**VII. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):  
 Trademark infringement pursuant to 15 USC 1114

LENGTH OF TRIAL via 5 days estimated (for both sides to try entire case)

**VIII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** \_\_\_\_\_

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD: Stephen M. Gaffigan DATE: 4/2/07

FOR OFFICE USE ONLY  
 AMOUNT: 0.3000 RECEIPT #: 537774 IFP \_\_\_\_\_