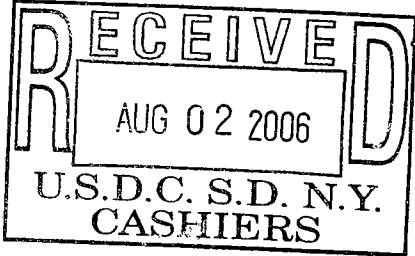


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Cartier, a division of Richemont North America, Inc.;
and Cartier International, B.V.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
CARTIER, A Division Of :
RICHEMONT NORTH AMERICA, INC.; :
and CARTIER INTERNATIONAL, B.V., :
 :
Plaintiffs, :
 :
v. :
 :
D&D JEWELRY IMPORTS d/b/a :
JEWELSPPLUS.COM, MEHRDAD ANSARI :
and JOHN DOES 1-20, :
 :
Defendants. :
-----X

COMPLAINT

Civil Action No.
06 CV 5842

JUDGE HOLWELL

Plaintiffs, through their undersigned counsel, complaining of Defendants and allege as follows:

THE PARTIES

1. Plaintiff, Cartier, a division of Richemont North America, Inc., is a Delaware corporation, having its executive offices and place of business at 653 Fifth Avenue, New York, New York 10022 ("Cartier NA").
2. Plaintiff, Cartier International, B.V., is a Netherlands corporation, having its principal office and place of business at Herengracht 436 B.P., 3980, Amsterdam, Netherlands ("Cartier International"). For purposes of this Complaint, except where specified, the plaintiffs'

interests herein are as a practical matter identical and they are referred to collectively and interchangeably as “Cartier.”

3. Defendant D&D Jewelry Imports doing business as *Jewelsplus.com*, is an entity of unknown corporate status, having its principal office and place of business at 888 Brannan Street, Suite 185, San Francisco, CA 94103 (hereinafter “D&D”). Defendant D&D is transacting and doing business in this judicial district and is subject to the personal jurisdiction of this Court.

4. Defendant Mehrdad Ansari, is an individual who is an officer or managing agent of D&D, having an office and place of business at 888 Brannan Street, Suite 185, San Francisco, CA 94103 and is a conscious dominant and active force behind the wrongful acts of D&D complained of herein, which wrongful acts he has engaged in for the benefit of D&D and for his own individual gain and benefit.

5. Upon information and belief, defendants John Does 1-10 are individuals who are other officers or managing agents of D&D, each having an office and place of business at their respective company and are each a conscious dominant and active force behind the wrongful acts of the corporate defendants complained of herein, which wrongful acts they have engaged in for the benefit of the corporate defendants and for their own individual gain and benefit. Defendants John Does 1-10 are transacting and doing business in this judicial district and are subject to the personal jurisdiction of this Court.

6. Upon information and belief, defendants John Does 11-20 are individuals or entities who are suppliers of D&D, and have sold and supplied to D&D one or more items infringing of Cartier’s rights as set forth more fully herein. Alternatively, John Does 11 to 20 are individuals who are officers or other managing agents of such suppliers and are each a conscious dominant and active force behind the wrongful acts of such suppliers, which wrongful acts they

have engaged in for the benefit of these customers and for their own individual gain and benefit. Defendants John Does 11-20 are transacting and doing business in this judicial district and are subject to the personal jurisdiction of this Court.

7. Defendants D&D, Mehrdad Ansari and John Does 1 to 20 are collectively referenced herein as “Defendants.”

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over the claims in this action arising under the Trademark Act of 1946, as amended, relating to trademark and trade dress infringement and false designations of origin and false descriptions pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338.

9. This Court has subject matter jurisdiction over the claims in this action arising under the Copyright Act pursuant to 28 U.S.C. §§ 1331 and 1338.

10. This Court has subject matter jurisdiction over the claims in this action arising under the Patent Laws pursuant to 28 U.S.C. §§ 1331 and 1338.

11. This Court has supplemental jurisdiction over the claims in this Complaint arising under state statutory law and the common law of the State of New York pursuant to 28 U.S.C. § 1367(a), because the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

12. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and 1400.

FACTS COMMON TO ALL COUNTS

The CARTIER Brand and Businesses

13. Plaintiffs' origins date to over 150 years ago, when master jeweler Louis Francois Cartier established his jewelry concern in the heart of Paris, and established the CARTIER brand.

14. Cartier created the first women's wristwatch in 1888, and in 1904 the first wristwatch to utilize a leather strap.

15. Over the last century and a half, Cartier's leadership in the field of fine jewelry and watch design has caused the Cartier brand to be regarded as the preeminent global symbol of cosmopolitan fashion and prosperity.

16. For decades, Cartier NA has operated an internationally famous retail store at Fifth Avenue and 52nd Street in New York City. Cartier NA also operates retail shops in many of America's major cities and licenses distributors to sell world-acclaimed Cartier watches and jewelry throughout the United States in fine stores.

17. Cartier International is the owner of trademarks, copyrights and patents for watches and jewelry sold by Cartier NA or under its auspices, pursuant to licenses from Cartier International to Cartier NA.

18. Cartier NA is the exclusive United States trademark, copyright and patent licensee of Cartier International.

19. No defendant in this action has sought or received a license from Cartier NA or Cartier International for any purpose whatsoever.

20. The watches and jewelry produced pursuant to the foregoing arrangements are variously referred to herein as “Cartier” watches or jewelry items, as the case may be.

THE CARTIER INTELLECTUAL PROPERTY

The CARTIER Word Trademark

21. Among the trademarks and trade dress used by Cartier to identify its products is the word mark CARTIER (the “CARTIER Trademark”). Cartier is the owner of U.S. Trademark Registration No. 759,201 of October 29, 1963, for the word mark CARTIER for watches and clocks and U.S. Trademark Registration No. 759,202 of October 29, 1963 for Articles of Jewelry for Personal Wear, Not Including Watches. These registrations and the trademark contained therein are valid and subsisting and have become incontestable.

The INTERLOCKING CC DESIGN Trademark

22. Among the trademarks used by Cartier to identify some of its products is the what is termed the Interlocking CC Design Trademark, which appears thus:

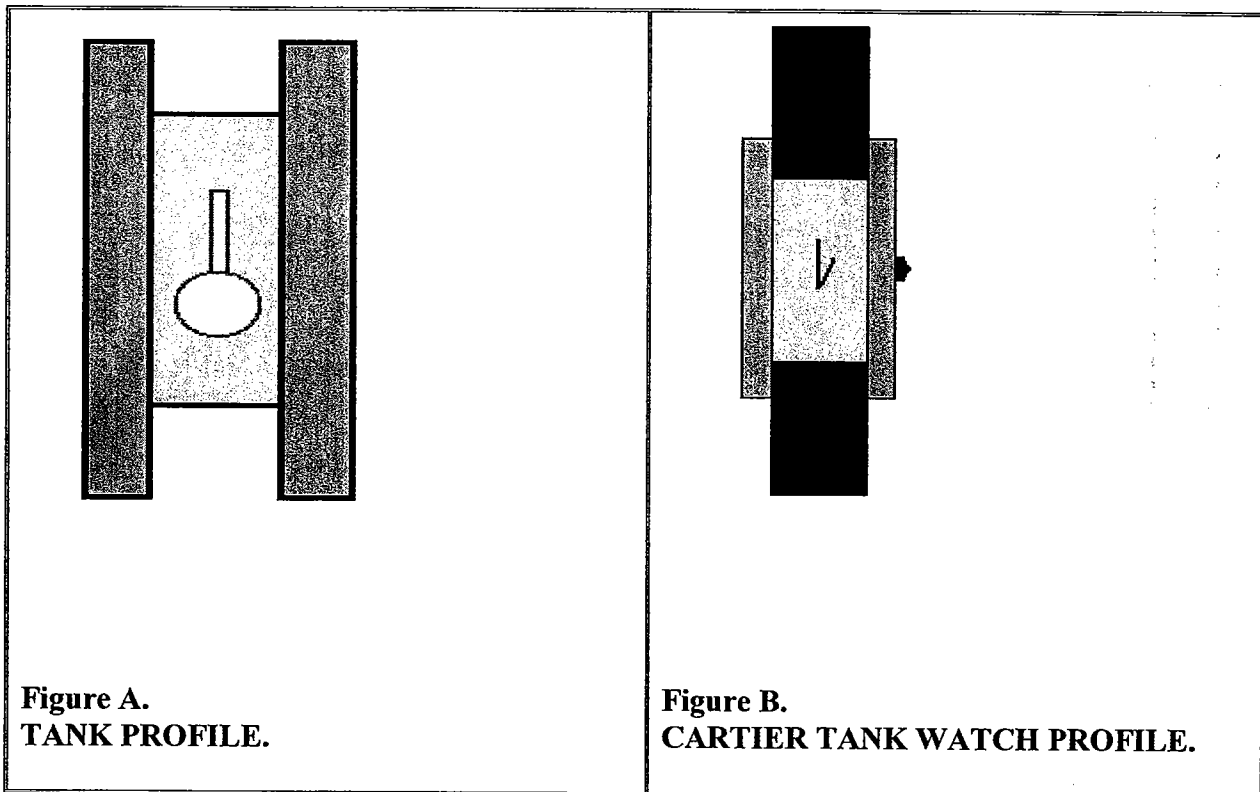


Cartier is the owner of U.S. Trademark Registration No. 1,114,482 of March 6, 1979 for the Interlocking CC Design Trademark for Articles of Jewelry, Watches and Clocks. Such

registration and the trademark contained therein are valid and subsisting and have become incontestable.

The Cartier TANK Watch

23. Cartier launched the TANK watch in 1919, shortly after the end of the First World War. The design of the TANK watch's case was inspired by a schematic conception of the chassis and treads of a World War I TANK as seen from above, as illustrated in figures A and B, below:



The Cartier TANK Francaise Trade Dress

24. The trade dress of the Cartier Francaise variation of the Cartier TANK watch consists of a collocation of design elements. The combination of all or almost all such elements together give the watches a distinct overall look and commercial impression. Although these elements cannot be perfectly described in words, the following describes the elements of the Tank Francaise Trade Dress:

- a) The watch face is square. The portion of the case which frames the watch face consists of relatively thin horizontal frames and relatively thick concave vertical frames (or brancards), both formed of the case metal. At each corner the vertical brancards are elongated beyond the bottom and top of the watch case, and end in inwardly angled corners. The vertical brancards are beveled along their entire length such that they slope downward laterally from the inside to the outside. (The vertical brancards may or may not be decorated with jewels.)
- b) The elongated brancard corners frame the end links in the bracelet chain or the end of the watch strap, as the case may be.
- c) The watch face features Art Deco-style Roman numerals. Each numeral inclines to conform to the angle-direction of the watch hands at such time as the hands are juxtaposed to that numeral.
- d) The winding crown is a faceted octagon set with a “cabochon” (rounded) stone. (Cabochon refers to the fact that the stone’s side is rounded and not faceted. At the tip the stone may be rounded or pointed.)
- e) The watch face has a chapter ring or minute guide located between the center of the dial and the numerals.

- f) On models including a metal chain bracelet, the bracelet has the following distinctive design: the bracelet consists of alternating H-shaped and rectangular links. The end portions of the H-shaped links mimic the beveled upper and lower corners of the vertical brancards.
- g) The links may or may not be decorated with jewels.

25. Figure C (right) is a photograph of the “TANK Francaise.”



26. The collocation of features set forth in the above paragraph constitutes a distinctive trade dress that has secondary meaning. This design has been extensively promoted by Cartier in the United States and has achieved significant sales success. The public has come to recognize this design as distinctive of this line of Cartier watches and as an indication of source of such watches. The TANK FRANCAISE Trade Dress is thus a means by which Cartier is known to the public and the trade as the sole source and origin of Cartier TANK FRANCAISE watches.

The TANK FRANCAISE Registration

27. Cartier International owns Trademark Registration No. 2,322,769 for the French TANK (TANK Francaise) case design, issued on February 29, 2000. (The “TANK FRANCAISE Registration”).

The TANK FRANCAISE Design Patents

28. On December 30, 1997, U.S. Patent No. Des. 388,332 entitled COMBINED WATCH AND BRACELET (the “‘332 Patent”) was duly and legally issued in the name of the inventors Alain-Dominique Perrin and Jacques Diltoer.

29. Cartier International was and still is the owner by assignment of the entire right, title, and interest in and to the ‘332 Patent.

30. Cartier International or its predecessor in interest is the original and first inventor of the ‘332 Patent design.

31. The point of novelty in Cartier’s ‘332 Patent distinguishes it from prior art.

32. On April 21, 1998, U.S. Patent No. Des. 393,598 entitled COMBINED WATCH AND BRACELET (the “‘598 Patent”) was duly and legally issued in the name of the inventors Alain-Dominique Perrin and Jacques Diltoer.

33. Cartier International was and still is the owner by assignment of the entire right, title, and interest in and to the ‘598 Patent.

34. Cartier International or its predecessor in interest is the original and first inventor of the ‘598 Patent design.

35. The point of novelty in Cartier's '598 Patent distinguishes it from prior art.

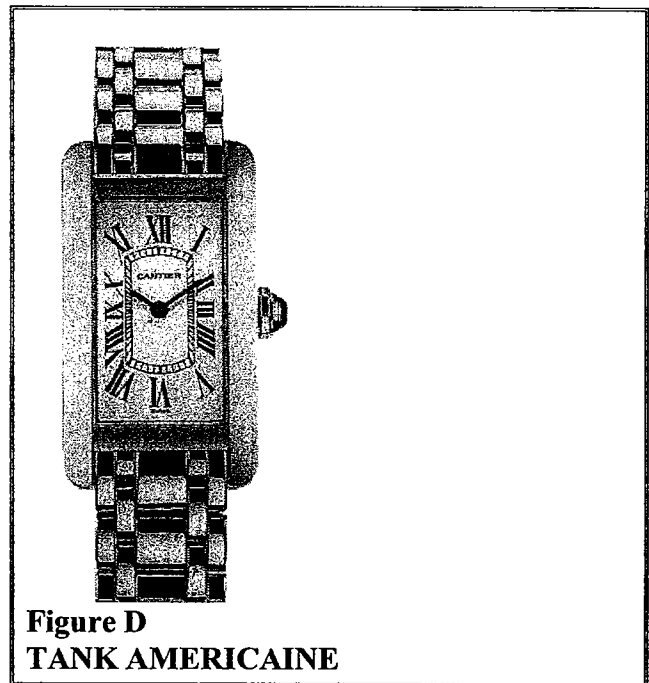
The TANK AMERICAINE Trade Dress

36. The trade dress of the Cartier Tank Americaine variation of the Cartier TANK watch consists of a collocation of design elements. The combination of all or almost all such elements together give the watches a distinct overall look and commercial impression. Although these elements cannot be perfectly described in words, the following describes the elements of the Tank Americaine Trade Dress:

- a) The watch face is rectangular, with the longer side being vertical. The portion of the case which frames the watch face consists of thick vertical and horizontal frames (or brancards) formed of the case metal. At each corner the vertical brancards are elongated beyond the bottom and top of the watch case, and end in rounded, inwardly curving corners. (The frames may or may not be decorated with jewels.)
- b) The elongated brancard corners partially frame the end links in the bracelet chain or frame the end of the watch strap, as the case may be.
- c) The case is curved toward the front when the watch is viewed from the side. The back of the case is slightly curved and the front has a pronounced curve.
- d) The watch face features Art Deco-style Roman numerals. Each numeral inclines to conform to the angle-direction of the watch hands at such time as the hands are juxtaposed to that numeral.
- e) The winding crown is a faceted octagon set with a faceted stone.

- f) The watch face has a “chemin-de-fer” (railroad) chapter ring or minute guide located between the center of the dial and the numerals, with every fifth minute indicator being thicker and bolder.
- g) On models including a metal chain bracelet, the bracelet has the following distinctive design: There are five rows of linked rectangular metal plates (which may or may not be decorated with jewels). The width of the middle, i.e., third, row is twice the width of the links in the other rows. The first, third and fifth links are aligned and arranged staggered to the second and fourth row links.

37. Figure D (right) is a photograph of the “TANK Americaine.”



38. The collocation of features set forth in the above paragraph constitute a distinctive trade dress that has secondary meaning. This design has been extensively promoted by Cartier in the United States and has achieved significant sales success. The public has come to recognize this design as distinctive of this line of Cartier watches and as an indication of source of such

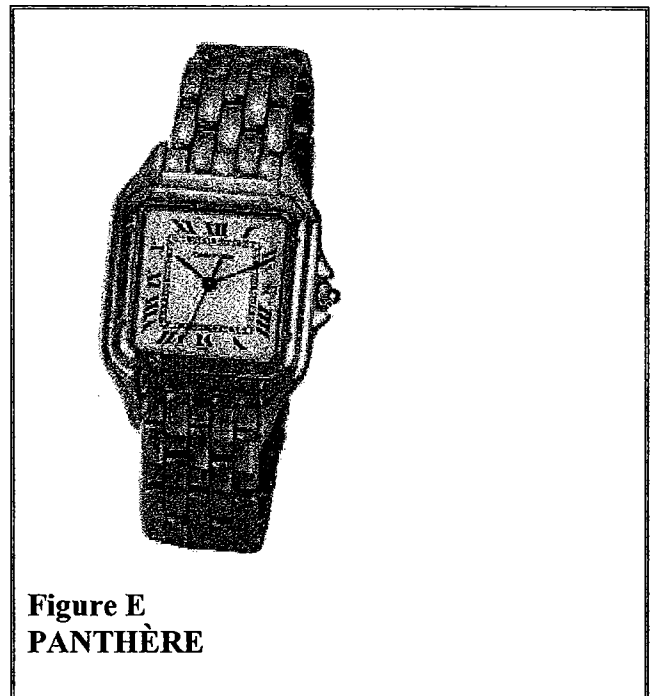
watches. The TANK AMERICAINE Trade Dress is thus a means by which Cartier is known to the public and the trade as the sole source and origin of Cartier TANK AMERICAINE watches.

The Cartier PANTHÈRE Watch

39. “Panthère” is the French word for “panther.” The panther has historically been regarded as a symbol of the jewelry trade.

40. Cartier introduced the PANTHÈRE watch in 1983.

41. Figure E (right) is a photograph of a Cartier “PANTHÈRE” watch.



The PANTHÈRE Trade Dress

42. Cartier’s PANTHÈRE Watches feature a distinctive and unique combination of elements that collectively create a particular trade dress (the “PANTHÈRE Trade Dress”). The PANTHERE Trade Dress consists of a collocation of design elements. The combination of all or almost all such elements together give the watches a distinct overall look and commercial impression. Although these elements cannot be perfectly described in words, the following describes the elements of the PANTHERE Trade Dress:

- a) The watch face is square with rounded corners and surrounded by a square-shaped, one-piece metal frame or bezel, having rounded corners, and featuring eight screw tips set around the bezel at 1, 2, 4, 5, 7, 8, 10 and 11 o'clock.
- b) The watch case extends such that an outer metal frame composed of four segments surrounds the bezel. Two segments of the outer frame which are horizontal relative to the case are rectangular and extend to where the inner bezel begins to round off at each corner. The two pieces of the outer frame which are vertical relative to the case extend horizontally around the rounded corner of the bezel and then vertically away from the case at each corner, extending past the horizontal, rectangular piece, narrowing in width and ending in a rounded end. The ends of the vertical pieces frame the end links in the bracelet chain or the end of the watch strap, as the case may be. (Both the inner and outer frames may or may not be decorated with jewels.)
- c) The winding crown is a faceted octagon set with a "cabochon" (rounded) stone.
- d) The watch face features Art Deco-style Roman numerals. Each numeral inclines to conform to the angle-direction of the watch hands at such time as the hands are juxtaposed to that numeral.
- e) The watch face has a "chemin-de-fer" (railroad) chapter ring or minute guide located between the center of the dial and the numerals, with every fifth minute indication being thicker and bolder.
- f) The watch band consists of a five rows of interlocking rectangular metal links, the rectangles being approximately three-and-a-half times as long as wide, with the wider side being laid out vertically relative to the watch face. The rows are laid out staggered, such that the first, third and fifth rows are staggered one-half a rectangle length to the second and fourth rows.

43. The collocation of features set forth in the above paragraph constitute a distinctive trade dress that has secondary meaning. This design has been extensively promoted by Cartier in the United States and has achieved significant sales success. The public has come to recognize this design as distinctive of this line of Cartier watches and as an indication of source of such watches. The PANTHERE Trade Dress is thus a means by which Cartier is known to the public and the trade as the sole source and origin of Cartier PANTHERE watches.

The PASHA DE CARTIER Trade Dress

44. Cartier's PASHA DE CARTIER Watches feature a distinctive and unique combination of elements that collectively create a particular trade dress (the "PASHA DE CARTIER Trade Dress"). The PASHA DE CARTIER Trade Dress consists of a collocation of design elements. The combination of all or almost all such elements together give the watches a distinct overall look and commercial impression. Although these elements cannot be perfectly described in words, the following describes the elements of the PASHA DE CARTIER Trade Dress:

- a) The watch case is round and is thick (*i.e.*, deep) as compared to most watches, with a thick outer metal bezel surrounding the watch face. The bezel is beveled such that it slopes downward from the inside of the case to the outside.
- b) A distinctively shaped removable screw down cap covers a central crown. When viewed from the front of the watch, the shape of the cap, from left to right, is as follows: (1) a first thin metal ring, (2) a second thin metal ring of larger diameter, (3) a third thick metal ring of still larger diameter with engraved striations about the entire ring, (4) a fourth thick, smooth metal ring of smaller diameter than the third ring and tapering to a narrow diameter, and (5) a cabochon (rounded) end, consisting

of sapphire, diamond or colored stone or a rounded stainless-steel dome. The cap is attached to the watch case with a chain link.

- c) The watch case has single “horned” extensions at the top and bottom thereof for connection to a strap or bracelet. Unlike most watches, that have two extensions on both the top and bottom such that a strap fits between the extensions, there is only a single extension on each side, and the strap or bracelet fits around the single extension.
- d) A lug fits through the strap/bracelet and the single horned extension and is capped on both sides by distinctive cut-pyramid shapes.
- e) The watch face has large, prominent Arabic numerals with a distinctive curly font.
- f) On models including a metal bracelet, the bracelet consists of H-shaped links alternating with rectangular shaped links. The width of each of the two legs of the H-shaped link is half that of the rectangular link.
- g) On models including two smaller crowns, the crowns are positioned above and below the central crown, and are capped with non-removable caps, which caps are designed similarly to the main cap and end in matching cabochons.

45. Figure A (below) are photographs of two variations of the “Pasha de Cartier” watch:

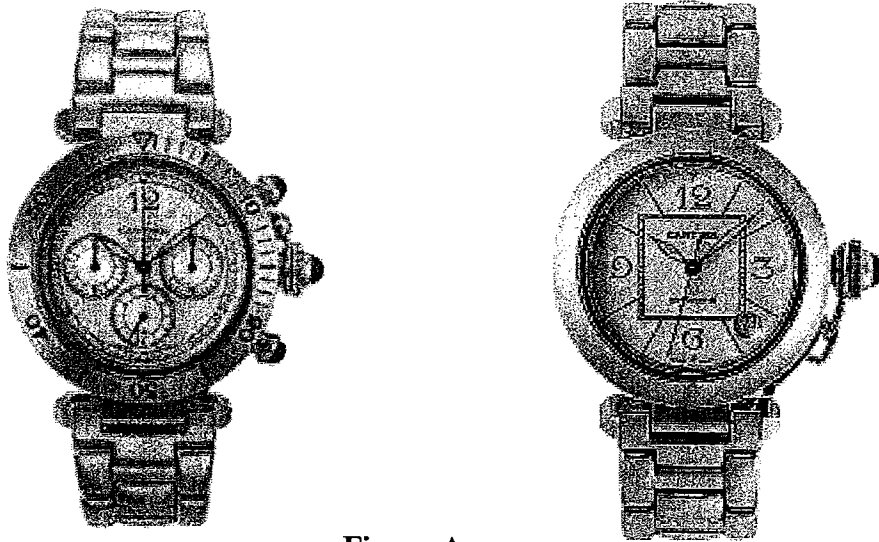


Figure A

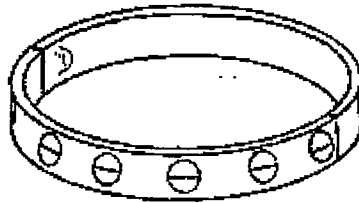
46. The collocation of features set forth in the above paragraphs constitutes a distinctive trade dress that has secondary meaning. This design has been extensively promoted by Cartier in the United States and has achieved significant sales success. The public has come to recognize this design as distinctive of this line of Cartier watches and as an indication of source of such watches.

47. The PASHA DE CARTIER Trade Dress is thus a means by which Cartier is known to the public and the trade as the sole source and origin of PASHA DE CARTIER watches.

The Screw Head Bracelet Design

48. Among other designs, Cartier is the owner of the trade dress for a bracelet consisting of a band punctuated with screws (the “Screw Head Bracelet Design”). The collocation of design elements together gives the bracelet a distinct overall look and commercial

impression. Specifically, the trade dress consists of the overall configuration of a bracelet having a series of simulated screws which encircle the goods and two real screws which appear at the points on the bracelet where it may be opened. The Screw Head Bracelet Design appears thus:



49. In addition to its extensive rights for this design under common law, Cartier is the owner of a federal registration for the Screw Head Bracelet Design, U.S. Trademark Registration No. 1,372,423. This registration and the trademark contained therein are valid and subsisting and have become incontestable.

50. Through extensive promotion and advertising, the Screw Head Bracelet Design has acquired a secondary meaning among the consuming public and has come to be associated with and to signify Cartier as the designer and source of such jewelry. The design is in no way functional.

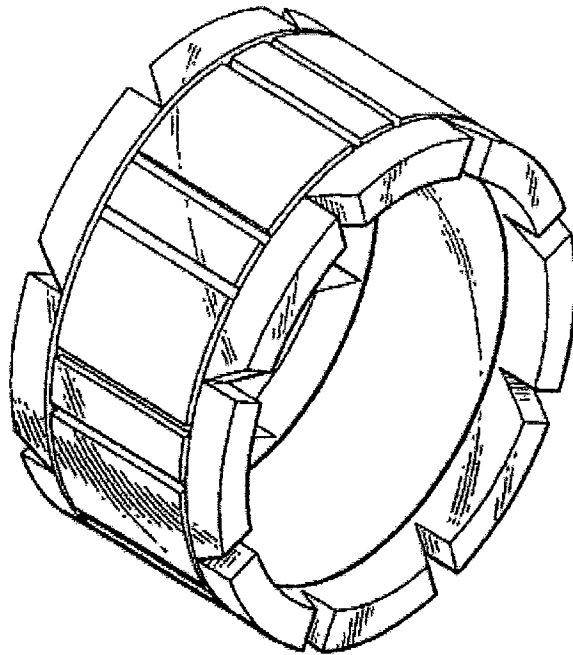
The Screw Motif Trade Dress

51. Through continual innovation in design, Cartier has also used a Screw Motif design (hereinafter the “Screw Motif Trade Dress”) on various articles of jewelry, including bracelets, watches, rings, charms, earrings, dog tag type pendants and belt buckles made of precious metal. The Screw Motif Trade Dress consists of a simulated head of a screw embedded in the goods, *i.e.*, the items of jewelry.

52. Through extensive promotion and advertising, the Screw Motif Trade Dress has acquired a secondary meaning among the consuming public and has come to be associated with and to signify Cartier as the designer and source of such jewelry. The design is in no way functional.

The Tank Francaise Ring Design

53. Among the many unique and distinctive jewelry designs created and sold by Cartier is what is known as the Tank Francaise Ring Design, which appears thus:



The Tank Francaise Ring Design Patent

54. On July 4, 2006, U.S. Patent No. Des. 524,185 entitled RING (the “‘185 Patent”) was duly and legally issued in the name of the inventor Severline Arlanda. Cartier International was and still is the owner by assignment of the entire right, title, and interest in and to the ‘185 Patent.

55. Cartier International or its predecessor in interest is the original and first inventor of the '185 Patent design.

56. The point of novelty in Cartier's '185 Patent distinguishes it from prior art.

The Tank Francaise Ring Design Copyright

57. A designer or designers who are employees of Cartier or their corporate affiliates designed the Tank Francaise Ring Design. All designs created by such designers and any copyrights therein are the property of Cartier International and licensed to Cartier NA.

58. The design of the Tank Francaise Ring Design is an original and creative work of Cartier and its team of designers, and such design is validly protected by copyright. Cartier is the owner of the copyright in such work.

59. The Tank Francaise Ring Design was first offered for sale in France. Such design is not a "U.S. Work" within the meaning of 17 U.S.C. §§ 101 and 411(a) and no copyright registration is required to maintain this action..

The Goodwill and Fame of the Products, Marks and Designs

60. Cartier has extensively advertised and promoted the trademarks, trade dress and designs set forth above.

61. As set forth above, Cartier has also been an important innovator in watch and jewelry fashion and design.

62. Cartier takes particularly great care and applies the highest level of professional skill in the design and manufacture of its watches and jewelry.

63. Cartier has invested millions of dollars over the years in marketing, promoting and advertising the fine quality of its jewelry and watches, including the trademarks, trade dress and designs set forth above.

64. As a result of all the foregoing, Cartier has established a worldwide reputation for the uniform high quality of Cartier watches and jewelry sold under or in connection with the trademarks, trade dress, and design set forth above. As a result, these watches and designs have acquired outstanding renown and invaluable goodwill in the United States and around the world.

Defendants' Infringing and Unfairly Competitive Activities

65. On information and belief, each of the Defendants herein sells and offers for sale watches to the general public. Each of the Defendants have sold watches which are imitations and copies of the Tank Francaise, Tank Americaine, Panthere and Pasha watch designs, and such watches sold by Defendants embody the trade dress enumerated above.

66. Defendants, without Cartier's authorization, intentionally and knowingly have and continue to sell and offer for sale imitations of Cartier's watches, infringing the rights of Cartier as set forth below.

67. Upon information and belief, the watches sold and offered for sale by Defendants are of inferior quality to genuine Cartier watches.

68. Defendants have manufactured, sold, offered for sale and/or distributed jewelry items that are copies of the Tank Francaise Ring Design.

69. Long after plaintiff Cartier's adoption and use of the CARTIER mark and long after Cartier's federal registrations of that mark, Defendants commenced the manufacture,

distribution, and/or sale of jewelry in connection with the CARTIER mark or a colorable imitation thereof in a manner that is likely to cause confusion or mistake or to deceive the average consumer that Defendants' products are Cartier products or are somehow associated with or sponsored by Cartier, when that is not the case.

70. Long after plaintiff Cartier's adoption and use of the Screw Motif Trade Dress, Defendants commenced the manufacture, distribution, and/or sale of jewelry in connection with such trade dress in a manner that is likely to cause confusion or mistake or to deceive the average consumer that Defendants' products are Cartier products or are somehow associated with or sponsored by Cartier, when that is not the case.

71. Long after Cartier's adoption and use of the Interlocking CC Design Trademark, and long after Cartier's federal registration of that mark, Defendants commenced the manufacture, distribution and/or sale of jewelry in connection with such trademark, in a manner that is likely to cause confusion or mistake or to deceive the average consumer that Defendant's products are Cartier products or are somehow associated with or sponsored by Cartier, when that is not the case.

72. In February 2005, counsel for Cartier wrote to the Defendants and demanded that they cease and desist the infringement of Cartier's intellectual property rights and their acts of unfair competition. Notwithstanding such letters, upon information and belief, all the acts complained of herein are still being committed by Defendants.

COUNT I

TRADE DRESS INFRINGEMENT

15 U.S.C. § 1125(a)

73. Plaintiffs repeat and incorporate herein by reference each of the foregoing allegations.

74. All of the trade dress designs identified herein have acquired secondary meaning in their respective markets and are not functional.

75. Defendants have reproduced, copied and imitated the TANK AMERICAINE Trade Dress, the TANK FRANCAISE Trade Dress, the PANTHÈRE Trade Dress, the PASHA Trade Dress and the Screw Motif Trade Dress in designing certain of their watches and/or jewelry items in a manner that is confusingly similar to these distinctive trade dresses of Cartier.

76. Defendants' adoption and use of the TANK AMERICAINE Trade Dress, the TANK FRANCAISE Trade Dress, the PANTHÈRE Trade Dress, the PASHA Trade Dress and the Screw Motif Trade Dress constitutes trade dress infringement and deliberate and willful violations of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125 (a).

77. The actions and conduct of Defendants complained of herein have damaged Cartier and will, unless restrained, further impair, if not destroy, the value of the TANK AMERICAINE Trade Dress, the TANK FRANCAISE Trade Dress, the PANTHÈRE Trade Dress, the PASHA Trade Dress and the Screw Motif Trade Dress and the goodwill associated with them.

78. Defendants' trade dress infringement has caused Cartier to sustain monetary damage, loss and injury, in an amount to be determined at the time of trial.

79. Plaintiffs have no adequate remedy at law and are suffering irreparable harm and damage as a result of the acts of Defendants complained of herein in an amount thus far not determined, but believed to be in excess of Twenty Five Thousand Dollars (\$25,000).

COUNT II

REGISTERED TRADEMARK INFRINGEMENT **15 U.S.C. § 1114**

80. Plaintiffs repeat and incorporate herein by reference each of the foregoing allegations.

81. Defendants have actual or constructive knowledge of the existence of the TANK FRANCAISE Registration, and the Registrations for the CARTIER Trademark and Interlocking CC design Trademark identified above.

82. Defendants' manufacture, promotion, or sale of watches utilizing the distinctive watch case design protected by the TANK FRANCAISE Registered Trademark and watches and jewelry identified by or incorporating the CARTIER Trademark and/or the Interlocking CC Trademark creates a likelihood of confusion such that the purchasing public is likely to believe that Defendants' watches are authentic Cartier products or are in some manner sponsored, approved or authorized by, or otherwise connected with Cartier.

83. Defendants' actions constitute willful and deliberate infringement of Cartier's registered marks identified herein in violation of § 32 of the Lanham Act, 15 U.S.C. § 1114.

84. The actions and conduct of Defendants have damaged Cartier and will, unless restrained, further impair, if not destroy, the value of Cartier's registered marks and the goodwill associated therewith, for which Cartier has no adequate remedy at law.

85. Plaintiffs have no adequate remedy at law and are suffering irreparable harm and damage as a result of the acts of Defendants complained of herein in an amount thus far not determined, but believed to be in excess of Twenty Five Thousand Dollars (\$25,000).

COUNT IV

COPYRIGHT INFRINGEMENT

17 U.S.C. § 501

86. Plaintiffs repeat and reincorporate herein by reference each of the foregoing allegations.

87. Defendants have infringed upon Cartier's copyright in the Tank Francaise Ring Design by reproducing such design without authorization and distributing copies thereof by sale and other means.

88. Plaintiffs have no adequate remedy at law and are suffering irreparable harm and damage as a result of the acts of Defendants complained of herein in an amount thus far not determined, but believed to be in excess of Twenty Five Thousand Dollars (\$25,000).

COUNT V

DESIGN PATENT INFRINGEMENT

35 U.S.C. § 271

89. Plaintiffs repeat and reincorporate herein by reference each of the foregoing allegations.

90. Defendants have infringed upon Cartier's '332, '598 and '185 Design Patents by making, selling and/or offering for sale, products that fall within the claims of such patents.

91. Plaintiffs have no adequate remedy at law and are suffering irreparable harm and damage as a result of the acts of Defendants complained of herein in an amount thus far not determined, but believed to be in excess of Twenty Five Thousand Dollars (\$25,000).

COUNT VI

COMMON LAW TRADEMARK AND TRADE DRESS INFRINGEMENT AND UNFAIR COMPETITION

92. Plaintiffs repeat and incorporate herein by reference each of the foregoing allegations.

93. Defendants' activities described herein constitute common law trademark and trade dress infringement and unfair competition.

94. Cartier has no adequate remedy at law and has suffered irreparable harm and damage as a result of Defendants' acts as aforesaid in an amount thus far not determined, but believed to be in excess of Twenty Five Thousand Dollars (\$25,000).

WHEREFORE, Plaintiffs pray:

1. That Defendants, their officers, agents, servants, employees and attorneys, and those in active concert or participation with them or any of them, be permanently enjoined and restrained:

- (a) From using in any manner the Tank Francaise Trade Dress, Tank Americaine Trade Dress, Panthere Trade Dress, the Pasha Trade Dress or the Screw Motif Trade Dress, alone or in combination with any other words or designs, in manner likely to cause confusion, deception, or mistake on or in connection with advertising, offering for sale or sale of any goods not manufactured by Cartier, or

not authorized by Cartier to be sold in connection with their respective said marks;

- (b) From using in any manner the CARTIER Trademark or the Interlocking CC Design Trademark or any colorable imitation thereof alone or in combination with any other words or designs, in manner likely to cause confusion, deception, or mistake on or in connection with advertising, offering for sale or sale of any goods not manufactured by Cartier, or not authorized by Cartier to be sold in connection with their respective said marks;
- (c) From representing, suggesting in any fashion to any third party, or performing any act which may give rise to the belief that Defendants, or any of their goods, are authorized or sponsored by Cartier;
- (d) From passing off, inducing or enabling others to sell or pass off any goods as products produced by Plaintiffs which are not in fact genuine Cartier goods, or not produced under the control and supervision of Cartier and approved by Cartier;
- (e) From otherwise competing unfairly with Plaintiffs in any manner;
- (f) From further copying or otherwise infringing upon Cartier's copyright in the Tank Francaise Ring Design; and,
- (g) From further infringing upon '332, '598 and '185 Design Patents.

2. That Defendants be required to deliver up to Plaintiffs for destruction, any and all goods in their possession or under their control that were or are being advertised, promoted, offered for sale or sold in connection with any of the trade dress designing or trademarks herein identified, whether alone or in combination with any words or designs, or which infringe upon Cartier's copyrights and design patents herein identified.

3. That Defendants be required to deliver up to Plaintiffs for destruction, any and all catalogs, circulars and other printed material in their possession or under their control displaying or promoting the goods which were or are being advertising, promoted, offered for sale or sold in connection with any of the trade dress designs or trademarks herein identified, whether alone or in combination with any words or designs.

4. That Defendants be ordered pursuant to 15 U.S.C. § 1116(a) to file, with the Court and serve upon Plaintiffs, within thirty (30) days of the entry of injunction prayed for herein, a written report under oath or affirmed under penalty of perjury setting forth in detail the form and manner in which it has complied with permanent injunction.

5. That Defendants be required, pursuant to 15 U.S.C. § 1117, 17 U.S.C. § 504 and 35 U.S.C. §§ 284 and 289 to account to Plaintiffs for any and all profits derived by them, and for all damages sustained by Plaintiffs by reason of Defendants' actions complained of herein, including an award of treble damages as provided for by statute.

6. That Plaintiffs be awarded punitive damages.

7. That Plaintiffs be awarded both pre-judgment and post-judgment interest on each and every damage award.

8. That pursuant to 15 U.S.C. § 1117 and 35 U.S.C. § 285, Plaintiffs have and recover from Defendants, Plaintiffs' reasonable attorneys' fees, costs and disbursements of this civil action.

9. That Plaintiffs have such other further relief as the Court may deem just and proper.

Respectfully Submitted,

KALOW & SPRINGUT LLP

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Dated: August 2, 2006
New York, New York