

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Judge Hellerstein

LOUIS VUITTON MALLETIER S.A.

Plaintiff,

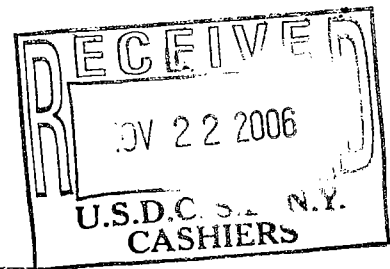
v.

LY USA, INC., MARCO LEATHER GOODS,
LTD, COCO USA INC., CHONG LAM, and
JOYCE CHAN,

Defendants.

06 CV 13463
Civil Action No.:

COMPLAINT



**COMPLAINT FOR TRADEMARK COUNTERFEITING,
TRADEMARK INFRINGEMENT, TRADEMARK DILUTION,
FALSE DESIGNATION OF ORIGIN AND UNFAIR COMPETITION**

Plaintiff Louis Vuitton Malletier S.A. ("Louis Vuitton" or "Plaintiff") complains and alleges against Defendants LY USA, Inc. ("LY"), Marco Leather Goods, Ltd. ("Marco Leather"), Coco USA Inc. ("Coco USA"), Chong Lam and Joyce Chan, individually, (collectively "Defendants") as follows:

INTRODUCTION

1. This is an action for trademark counterfeiting, trademark infringement, trademark dilution, unfair competition, false designation of origin and for violations of the New York State common law and related causes of action brought pursuant to Sections 32, 43(a) and 43(c) of the Lanham Act, 15 U.S.C. §§ 1114, 1125(a) and (c), Sections 349 and 360-l of the New York General Business Law, and the common law of the State of New York. Through this action, Louis Vuitton seeks preliminary and

permanent injunctive relief and damages arising from Defendants' willful appropriation of several famous and distinctive Louis Vuitton trademarks, including the overlapping "LV" logo. Defendants sell counterfeit handbags and travel apparel bearing counterfeit versions of Louis Vuitton's marks and have even registered, or sought to register, such counterfeit marks.

2. Defendants, a group of interrelated businesses, are notorious counterfeiters, having imported, sold and/or distributed tens of thousands of counterfeit goods bearing luxury brand trademarks — including those of the Plaintiff herein. Upon information and belief, Defendants' counterfeit goods bearing logos identical or nearly identical to several of Plaintiff's famous and distinctive trademarks are ubiquitous; they are offered for sale at kiosks, specialty stores and on the Internet.

3. By these actions, Defendants seek to profit from the famous trademarks—most notably the "LV" logo—in which Louis Vuitton has invested millions of dollars. Louis Vuitton's trademarks have been promoted extensively throughout the United States including at fashion shows, in fashion publications, through catalogs and other promotional materials and through Internet advertising. Based on this significant media exposure, the "LV" logo has become one of the most recognized luxury brand trademarks in the United States.

4. Defendants, through their actions, are intentionally exploiting the goodwill associated with Louis Vuitton's trademarks for their own commercial gain. Defendants' blatant use of logos identical or nearly identical to Louis Vuitton's trademarks on handbags, purses and other types of luggage apparel infringes Louis Vuitton's trademarks, dilutes the value and distinctiveness of these important trademarks and

14. On information and belief, Joyce Chan is the manager of LY USA, Inc., Marco Leather Goods, Ltd. and Coco USA Inc. and is a resident of the State of New York, residing at 233-24 41st Avenue, Douglastown, New York, 11363.

BACKGROUND

A. Louis Vuitton and the Louis Vuitton Trademarks

15. Louis Vuitton first entered the luggage business when he began making travel trunks in Paris in 1854. Mr. Vuitton, and the company that bears his name, became pioneers in the luggage industry during the latter half of the 19th century creating all manner of handbags, luggage and other travel accessories. Louis Vuitton's luggage items quickly came to be touted as premium brand products; they were considered elegant and innovative, yet practical.

16. Louis Vuitton developed the brand image that would be affixed to nearly all of its premium luggage and other luxury products: the famous stylized "LV" logo and trademark. The "LV" logo and trademark, displayed below, consists of a stylized, overlapping "L" and "V."



The "LV" logo has graced the exterior of Louis Vuitton's handbags, purses and other luggage apparel for over 150 years.

17. In 1893, Louis Vuitton began selling its luggage and accessories in the United States after Georges Vuitton traveled to this country to exhibit Louis Vuitton products at the Chicago Columbian Exhibition. For more than a century, Louis Vuitton has been a leading manufacturer and distributor of luxury consumer goods including luggage, fashion apparel and handbags.

18. In 1896 Louis Vuitton introduced the “LV” monogram canvas, featuring entwined LV initials with three motifs: a curved diamond with a four-point star inset, its negative, and a circle with a four-leafed flower inset. Louis Vuitton has registered trademarks in this design pattern as well as the individual unique shapes with the United States Patent and Trademark Office. An image of the stylized LV monogram canvas and trademark, is depicted below.



19. For over 150 years, Louis Vuitton has enjoyed tremendous commercial success both in the United States and internationally. The company has expanded into a variety of different product lines including clothing, jewelry, watches and shoes, to name a few. Today, the company maintains 362 exclusive shops worldwide and has roughly 12,000 employees.

20. Ever since the “LV” logo was introduced on Louis Vuitton’s core product line—handbags and travel apparel—the “LV” logo has been the focal point of Louis Vuitton’s brand. Still, since its first use in 1896, the “LV” monogram canvas has been displayed on countless handbags and travel items. These trademarks have become a symbol of modern luxury and a symbol of Louis Vuitton.

21. To protect its intellectual property, Louis Vuitton has secured several federal registrations for its trademarks. For example, Louis Vuitton has obtained registrations for its “LV” logo and the “LV” monogram canvas trademarks. *See* copies of registration certificates for Registration Nos. 1519828 and 297594 attached hereto as Exhibits A and B. Louis Vuitton has also obtained federal registrations for certain of its

floral and related designs. *See* copies of registration certificates for Registration Nos. 2773107, 2177828, and 2181753, attached hereto as Exhibits C through E.

22. These trademarks, collectively referred to herein as the “Louis Vuitton Marks,” have been used extensively on several Louis Vuitton products including purses, handbags and related items. In addition, the Louis Vuitton Marks have acquired secondary meaning and have come to be known as source identifiers for authentic Louis Vuitton products.

23. The federal trademark registrations for the Louis Vuitton Marks are in full force and effect and many have become incontestable pursuant to 15 U.S.C. § 1065.

24. In an effort to promote the Louis Vuitton Marks and to establish goodwill therein, Louis Vuitton has advertised and distributed products displaying its trademarks throughout New York and the rest of the United States. Louis Vuitton has invested millions of dollars in print and Internet advertisements, as well as fashion shows promoting the stylized trademarks.

25. As a result of Louis Vuitton’s extensive advertising and promotional efforts and its continuous use of the Louis Vuitton Marks for several years, Louis Vuitton has attained one of the highest levels of luxury brand recognition in the United States. Accordingly, the Louis Vuitton Marks have become “famous” within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

B. Defendants’ Infringing Use of Plaintiff’s Marks

26. The Defendants as a whole consist of related individuals and companies, all engaged in the handbag and travel accessory business. The vast majority of Defendants’ business is derived from the sale of handbags and other related products

bearing counterfeits and infringements of several famous luxury brand trademarks, including the Louis Vuitton Marks.

27. Specifically, Defendants are importing, distributing, selling and supplying handbags, carry-on bags and other types of goods bearing logos and images nearly identical to the federally-registered "Louis Vuitton Marks."

28. Upon information and belief, Defendants have supplied tens of thousands of handbags bearing counterfeits and infringements of the Louis Vuitton Marks (hereinafter, the "Infringing Marks") to kiosks and to wholesalers throughout the country.

29. U.S. Customs and Border Protection officials have identified counterfeit handbags bearing the Infringing Marks as emanating from one or more of the Defendants. Specifically, Customs officials in cities throughout the country including Newark, New Jersey, Los Angeles/Long Beach, California and Norfolk, Virginia have seized tens of thousands of counterfeit handbags, tote bags, cosmetic bags and/or wallets imported by LY USA, Inc. and Marco Leather from China based on their infringement of the Louis Vuitton Marks. Upon information and belief, Coco USA, Inc, as well as Mr. Lam and Ms. Chan individually, are directly involved in these efforts to import and distribute for sale counterfeit goods bearing the Louis Vuitton Marks.

30. Upon information and belief, Defendants have continued to import large quantities of counterfeit goods bearing the Infringing Marks, even after seizures by U.S. Customs of such counterfeit goods. Through these acts, Defendants have demonstrated that their infringement of the Louis Vuitton Marks is undeniably willful.

C. Defendants' Unauthorized Applications or Registrations

31. In an effort to "legitimize" their blatantly infringing activities, one or more of the Defendants have attempted to obtain federal trademark registrations that are identical or nearly identical to trademarks maintained by luxury brand owners including Louis Vuitton. Upon information and belief, Defendants sought these registrations in an effort to convince U.S. Customs and other related governmental officials that Defendants' counterfeit goods are somehow authentic and should not be seized on entry to the United States.

32. For example, Defendant LY USA Inc, whose corporate name alone bears a striking resemblance to the familiar "LV" acronym used to refer to Louis Vuitton, recently obtained an unlawful trademark registration for "LY" (stylized) for use on handbags wallets and related items. *See* Certificate of Registration No. 3031250 attached hereto as Exhibit F. This stylized "LY" mark is nearly identical to Louis Vuitton's stylized "LV" logo and trademark. *See* Exhibits A and F.

33. In addition, Marco USA Inc., an entity undoubtedly related to the Defendants herein, filed an application to register a trademark nearly identical to Louis Vuitton's "LV" monogram canvas *See* Serial No. 76620570, attached hereto as Exhibit G. The only distinction between the trademarks was the fact that Marco had replaced the stylized "LV" with a stylized and cursive "M." The distinction, however, is one without a difference and handbag and travel luggage customers are likely to be confused. On information and belief, Defendants continue to use the counterfeit mark on their products. *See* Exhibits B and G.

FIRST CLAIM FOR RELIEF

(Trademark Counterfeiting Under Section 32 of the Lanham Act)

34. Plaintiff hereby incorporates by reference and realleges each and every allegation of Paragraphs 1 through 33 above.

35. Defendants have used spurious designations that are identical with, or substantially indistinguishable from, the Louis Vuitton Marks on goods for which Plaintiff holds federal registrations, including registrations for handbags, pocketbooks and carry-on bags. Defendants have used these spurious designations in connection with the advertising, sale, offering for sale and distribution of goods for their own personal financial gain. Defendants' egregious conduct makes this an exceptional case.

36. Plaintiff has not authorized Defendants' use of the Louis Vuitton Marks to advertise, offer for sale, sell and distribute Defendants' counterfeit products.

37. By their unauthorized use of the Louis Vuitton Marks on and in connection with the advertising and sale of counterfeit goods, Defendants have used the Louis Vuitton Marks in commerce.

38. Defendants' unauthorized use of the Louis Vuitton Marks is likely to:

- (a) cause confusion, mistake and deception;
- (b) cause the public to believe that Defendants' counterfeit products are authorized, sponsored or approved by Plaintiff or that Defendants are affiliated, connected or associated with or in some way related to Plaintiff; and
- (c) result in Defendants unfairly benefiting from Plaintiff's goodwill and reputation, to the substantial and irreparable injury of the public, Plaintiff, its respective trademarks and the substantial goodwill represented thereby.

39. Defendants' acts as described in this Complaint constitute trademark counterfeiting in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

40. Defendants' acts have caused, and will continue to cause, irreparable injury to Plaintiff. Plaintiff has no adequate remedy at law and is thus damaged in an amount not yet determined.

SECOND CLAIM FOR RELIEF

(Trademark and Service Mark Infringement Under Section 32 of the Lanham Act)

41. Plaintiff hereby incorporates by reference and realleges each and every allegation of Paragraphs 1 through 40 above.

42. Section 32(1)(a) of the Lanham Act, 15 U.S.C. § 1114(1)(a), prohibits any person from using in commerce, without the consent of the registrant,

“any reproduction, counterfeit, copy, or colorable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive. . . .”

43. The Louis Vuitton Marks are federally-registered. These marks are inherently distinctive and are associated in the mind of the public with Louis Vuitton.

44. Alternatively, based on Plaintiff's extensive advertising, sales and the popularity of its products, the Louis Vuitton Marks have acquired secondary meaning so that the public associates these trademarks exclusively with Louis Vuitton.

45. Defendants have used Plaintiff's registered trademarks without its consent or authorization. Defendants' use, including the sale and distribution of infringing products in interstate commerce, is likely to cause confusion and mistake in the minds of the public, leading the public to believe that Defendants' products emanate or originate from Plaintiff, or that Plaintiff has approved, sponsored or otherwise associated itself

with the Defendants or their counterfeit and infringing products bearing the Louis Vuitton Marks.

46. Defendants' unauthorized use of the Louis Vuitton Marks as set forth above has resulted in Defendants unfairly benefiting from Plaintiff's advertising and promotion of Plaintiff's trademarks. This has resulted in substantial and irreparable injury to the public, Plaintiff, its trademarks and the substantial goodwill represented thereby.

47. Defendants' acts constitute trademark infringement in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

48. Defendants' acts have caused, and will continue to cause, irreparable injury to Plaintiff. Plaintiff has no adequate remedy at law and is thus damaged in an amount not yet determined.

THIRD CLAIM FOR RELIEF

(False Designation of Origin, Trade Name Infringement, and False Description and Representation Under Section 43(a) of the Lanham Act)

49. Plaintiff hereby incorporates by reference and realleges each and every allegation of Paragraphs 1 through 48 above.

50. Section 43(a) of the Lanham Act, 15 U.S.C. § 1125 (a) provides that

Any person who, on or in connection with any goods or services, . . . uses in commerce any word, term, name, symbol, or device, or any combination thereof, or any false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which

(1) is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of such person with another person, or as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person, or (2) in

commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or geographic origin of his or her or another person's goods, services, or commercial activities,"

shall be liable in a civil action by any person who believes that he or she is or is likely to be damaged by such act.

51. By making unauthorized use, in interstate commerce, of the Louis Vuitton Marks, Defendants have used a "false designation of origin" that is likely to cause confusion, mistake or deception as to the affiliation or connection of Defendants with Plaintiff and as to the origin, sponsorship, association or approval of Defendants' services by Plaintiff, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

52. Defendants' acts constitute the use in commerce of false designations of origin and false and/or misleading descriptions or representations, tending to falsely or misleadingly describe and/or represent Defendants' products as those of Plaintiff in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

53. Defendants' wrongful acts will continue unless enjoined by this Court.

54. Defendants' acts have caused, and will continue to cause, irreparable injury to Plaintiff. Plaintiff has no adequate remedy at law and is thus damaged in an amount not yet determined.

FOURTH CLAIM FOR RELIEF

(Dilution Under Section 43(c) of the Lanham Act)

55. Plaintiff hereby incorporates by reference and realleges each and every allegation of Paragraphs 1 through 54 above.

56. Louis Vuitton is the exclusive owner of the Louis Vuitton Marks nationwide.

57. Plaintiff's Louis Vuitton Marks are famous and distinctive within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c), and have been famous and distinctive since long before Defendants adopted the Infringing Marks at issue in this case.

58. Defendants' use of Plaintiff's trademarks on counterfeit goods that they sell constitutes commercial use in commerce of those trademarks. Plaintiff has not authorized or licensed this use.

59. Consumers are likely to purchase Defendants' counterfeit products in the erroneous belief that Defendants are associated with, sponsored by or affiliated with Plaintiff, or that Plaintiff is the source of those products. Defendants' use of the Louis Vuitton Marks dilutes and/or is likely to dilute the distinctive quality of those marks and to lessen the capacity of such marks to identify and distinguish Plaintiff's goods. Defendants' unlawful use of the Louis Vuitton Marks in connection with inferior, counterfeit goods is also likely to tarnish those trademarks and cause blurring in the minds of consumers between Plaintiff and Defendants, thereby lessening the value of the Louis Vuitton Marks as unique identifiers of Plaintiff's respective products.

60. By the acts described above, Defendants have intentionally and willfully diluted, and/or are likely to dilute, the distinctive quality of the famous Louis Vuitton Marks in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

61. Defendants' wrongful acts will continue unless enjoined by this Court.

62. Defendants' acts have caused, and will continue to cause, irreparable injury to Plaintiff. Plaintiff has no adequate remedy at law and is thus damaged in an amount not yet determined.

FIFTH CLAIM FOR RELIEF

**(Deceptive Acts and Practices Under
Section 349 of New York General Business Law)**

63. Plaintiff hereby incorporates by reference and realleges each and every allegation of Paragraphs 1 through 62 above.

64. Through their importation, advertisement, distribution, offer to sell and sale of counterfeit products bearing the Louis Vuitton Marks, Defendants have engaged in consumer-oriented conduct that has affected the public interest of New York and has resulted in injury to consumers in New York.

65. Defendants' deceptive acts or practices, as described in the paragraph above, are materially misleading. Upon information and belief, these acts or practices have deceived or have a tendency to deceive a material segment of the public to whom Defendants have directed their marketing activities, and Plaintiff has been injured thereby.

66. By the acts described above, Defendants have willfully engaged in deceptive acts or practices in the conduct of business and furnishing of services in violation of Section 349 of the New York General Business Law.

67. Defendants' acts have caused, and will continue to cause, irreparable injury to Plaintiff. Plaintiff has no adequate remedy at law and is thus damaged in an amount not yet determined.

SIXTH CLAIM FOR RELIEF

(Dilution and Likelihood of Injury to Business Reputation Under Section 360-1 of New York General Business Law)

68. Plaintiff hereby incorporates by reference and realleges each and every allegation of Paragraphs 1 through 67 above.

69. Louis Vuitton is the exclusive owner of the Louis Vuitton Marks nationwide, including in New York.

70. Through prominent, long and continuous use in commerce, including commerce within New York, the Louis Vuitton Marks have become and continue to be famous and distinctive.

71. Consumers are likely to purchase Defendants' counterfeit products in the erroneous belief that Defendants are associated with, sponsored by or affiliated with Plaintiff, or that Plaintiff is the source of those products. Defendants' use of the Louis Vuitton Marks dilutes the distinctive quality of those marks and lessens the capacity of such marks to identify and distinguish Plaintiff's goods. Defendants' unlawful use of the Louis Vuitton Marks in connection with inferior, counterfeit goods is also likely to tarnish those trademarks and cause blurring in the minds of consumers between Plaintiff and Defendants, thereby lessening the value of the Louis Vuitton Marks as unique identifiers of Plaintiff's products.

72. By the acts described above, Defendants have diluted the distinctiveness of the Louis Vuitton Marks and caused a likelihood of harm to Plaintiff's business reputation in violation of Section 360-1 of the New York General Business Law.

73. Defendants' wrongful acts will continue unless enjoined by this Court.

74. Defendants' acts have caused, and will continue to cause, irreparable injury to Plaintiff. Plaintiff has no adequate remedy at law and is thus damaged in an amount not yet determined.

SEVENTH CLAIM FOR RELIEF

(Trademark Infringement Under Common Law)

75. Plaintiff hereby incorporates by reference and realleges each and every allegation of Paragraphs 1 through 74 above.

76. Louis Vuitton owns all right, title, and interest in and to the Louis Vuitton Marks as described above, including all common law rights in such marks.

77. The counterfeit products sold by Defendants incorporate imitations of Plaintiffs' common law trademarks. Such unauthorized use by Defendants of Plaintiff's common law trademarks constitutes trademark infringement, and is likely to cause confusion and mistake in the minds of the trade and the purchasing public as to the source of the products and to cause purchasers mistakenly to believe such products are Plaintiff's authentic goods.

78. Upon information and belief, Defendants have appropriated one or more of Plaintiff's common law trademarks despite the fact that this conduct causes confusion, mistake, and deception as to the source of their goods. Defendants palm off their goods as those of Plaintiff, improperly trading upon the Plaintiff's goodwill and valuable rights in and to the Louis Vuitton Marks.

79. Upon information and belief, Defendants committed the above alleged acts willfully, and in conscious disregard of Plaintiff's rights, and Plaintiff is therefore

entitled to exemplary and punitive damages pursuant to the common law of the State of New York in an amount sufficient to punish, deter and make an example of Defendants.

80. By the acts described above, Defendants have engaged in trademark infringement in violation of the common law of the State of New York.

81. Defendants' acts have caused, and will continue to cause, irreparable injury to Plaintiff. Plaintiff has no adequate remedy at law and is thus damaged in an amount not yet determined.

EIGHTH CLAIM FOR RELIEF

(Unfair Competition Under Common Law)

82. Plaintiff hereby incorporates by reference and realleges each and every allegation of Paragraphs 1 through 81 above.

83. Defendants palm off their goods as those of Plaintiff, improperly trading upon the Plaintiff's goodwill and valuable rights in and to the Louis Vuitton Mark.

84. Upon information and belief, Defendants committed the above alleged acts willfully, and in conscious disregard of Plaintiff's rights, and Plaintiff is therefore entitled to exemplary and punitive damages pursuant to the common law of the State of New York in an amount sufficient to punish, deter and make an example of Defendants.

85. By the acts described above, Defendants have engaged in unfair competition in violation of the common law of the State of New York.

86. Defendants' acts have caused, and will continue to cause, irreparable injury to Plaintiff. Plaintiff has no adequate remedy at law and is thus damaged in an amount not yet determined.

NINTH CLAIM FOR RELIEF (Defendant Lam)

(Direct and Vicarious Liability – All Counts)

87. Plaintiff hereby incorporates by reference and realleges each and every allegation of Paragraphs 1 through 86 above.

88. On information and belief, Defendant Chong Lam is jointly and severally liable with the remaining Defendants under all counts of the Complaint.

89. On information and belief, Defendant Chong Lam has intentionally induced the remaining Defendants to infringe the Louis Vuitton Marks.

90. On information and belief, Defendant Chong Lam, through his actions as President, and sole shareholder of LY USA Inc. and Marco Leather Goods, Ltd. is directly, vicariously and contributorily liable for all acts of counterfeiting, infringement and other violations of law alleged in this Complaint.

TENTH CLAIM FOR RELIEF (Defendant Chan)

(Direct and Vicarious Liability – All Counts)

91. Plaintiff hereby incorporates by reference and realleges each and every allegation of Paragraphs 1 through 90 above.

92. On information and belief, Defendant Joyce Chan is jointly and severally liable with the remaining Defendants under all counts of the Complaint.

93. On information and belief, Defendant Joyce Chan has intentionally induced the remaining Defendants to infringe the Louis Vuitton Marks.

94. On information and belief, Defendant Joyce Chan, through her actions as the manager of LY USA, Inc., Marco Leather Goods, Ltd., and Coco USA, Inc. is directly, vicariously and contributorily liable for all acts of counterfeiting, infringement and other violations of law alleged in this Complaint.

WHEREFORE, Plaintiff prays

A. (i) For judgment that Defendants have violated Section 32(a) of the Lanham Act, 15 U.S.C. § 1114(a);

(ii) For judgment that Defendants have violated Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a);

(iii) For judgment that Defendants have violated Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c);

(iv) For judgment that Defendants have engaged in deceptive acts and practices under Section 349 of the New York General Business Law;

(v) For judgment that Defendants have diluted the Louis Vuitton Marks in violation of Section 360-1 of the New York General Business Law;

(vi) For judgment that Defendants have engaged in trademark infringement under the common law of New York; and

(vii) For judgment that Defendants have engaged in unfair competition in violation of the common law of the State of New York.

B. That a preliminary and permanent injunction be issued enjoining and restraining Defendants and their officers, agents, servants, employees and attorneys and all those in active concert or participation with them, from:

- (1) Using any reproduction, counterfeit, copy or colorable imitation of the Louis Vuitton Marks to identify any goods or their packaging not authorized by Louis Vuitton;
- (2) Engaging in any course of conduct likely to cause confusion, deception or mistake, or to injure Plaintiff's business reputation or dilute the distinctive quality of the Louis Vuitton Marks;
- (3) Using a false description or representation including words or other symbols tending falsely to describe or represent Defendants' unauthorized goods or their packaging as being those of Louis Vuitton, or sponsored by or associated with Louis Vuitton, and from offering such goods into commerce;
- (4) Further infringing the Louis Vuitton Marks by manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, renting, displaying or otherwise disposing of any products or their packaging not authorized by

Louis Vuitton bearing any simulation, reproduction, counterfeit, copy or colorable imitation of the Louis Vuitton Marks;

- (5) Using any simulation, reproduction, counterfeit, copy or colorable imitation of the Louis Vuitton Marks in connection with the promotion, advertisement, display, sale, offering for sale, manufacture, production, circulation or distribution of any unauthorized products or their packaging in such fashion as to relate or connect, or tend to relate or connect, such products in any way to Plaintiff, or to any goods sold, manufactured, sponsored or approved by, or connected with Plaintiff;
- (6) Making any statement or representation whatsoever, or using any false designation of origin or false description, or performing any act, which can or is likely to lead the trade or public, or individual members thereof, to believe that any products manufactured, distributed, or sold by Defendants are in any manner associated or connected with Plaintiff, or are sold, manufactured, licensed, sponsored, approved or authorized by Plaintiff;
- (7) Constituting an infringement of any of the Louis Vuitton Marks or of Plaintiff's rights in, or to use or to exploit, said trademarks, or constituting any dilution of the Louis Vuitton Marks;
- (8) Secreting, destroying, altering, removing, or otherwise dealing with the unauthorized products or any books or records which contain any information relating to the importing, manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, renting or displaying of all unauthorized products which infringe or dilute the Louis Vuitton Marks; and
- (9) Effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (1) through (8).

C. Directing that Defendants deliver up for destruction to Plaintiff all unauthorized products, advertisements and packaging in their possession or under their control bearing any of the Louis Vuitton Marks or any simulation, reproduction, counterfeit, copy or colorable imitation thereof, and all plates, molds, matrices and other means of production of same pursuant to 15 U.S.C. § 1118.

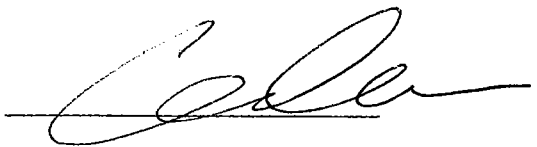
D. Directing such other relief as the Court may deem appropriate to prevent the trade and public from deriving any erroneous impression that any products or associated packaging manufactured, sold or otherwise circulated or promoted by Defendants are authorized by Plaintiff or related in any way to Plaintiff's products.

E. Directing that U.S. Trademark Registration No. 3031250 be cancelled in its entirety.

F. For an assessment of the damages suffered by Louis Vuitton, trebled, and an award of all profits that Defendants have derived while using the Louis Vuitton Marks, trebled, as well as costs and attorney's fees to the full extent provided for by Section 35 of the Lanham Act, 15 U.S.C. § 1117; alternatively, that Plaintiff be awarded statutory damages pursuant to 15 U.S.C. § 1117 (c) of up to \$1,000,000 for each trademark that Defendants have counterfeited and infringed; and awarding profits, damages and fees, to the full extent available, pursuant to Sections 349 and 360-1 of the New York General Business Law; and punitive damages to the full extent available under the common law.

G. For an order requiring Defendants to disseminate corrective advertisements in a form approved by the Court to acknowledge its violations of the law hereunder, and to ameliorate the false and deceptive impressions produced by such violations.

H. For costs of suit, and for such other and further relief as the Court shall deem appropriate.

By: 

Anthony D. Boccanfuso
ARNOLD & PORTER LLP
399 Park Avenue
New York, New York 10022-4690
(212) 715-1000

Roberta L. Horton
Michael J. Allan
ARNOLD & PORTER LLP
555 Twelfth Street, N.W.
Washington, D.C. 20004
(202) 942-5000

Dated: November 22, 2006

RECEIVED

Exhibit A

Int. Cl.: 18

Prior U.S. Cl.: 3

United States Patent and Trademark Office

Reg. No. 1,519,828

Registered Jan. 10, 1989

**TRADEMARK
PRINCIPAL REGISTER**



**LOUIS VUITTON (FRANCE CORPORATION)
30 RUE LA BOETIE
PARIS, FRANCE**

**FOR: TRUNKS, VALISES, TRAVELING
BAGS, SATCHELS, HAT BOXES AND SHOE
BOXES USED FOR LUGGAGE, HAND BAGS,
POCKETBOOKS, IN CLASS 18 (U.S. CL. 3).**

**FIRST USE 0-0-1897; IN COMMERCE
0-0-1925.
OWNER OF U.S. REG. NOS. 286,345 AND
297,594.**

SER. NO. 726,741, FILED 5-6-1988.

**CHRIS A. F. PEDERSEN, EXAMINING ATTOR-
NEY**

RECYCLED

Exhibit B

Int. Cl.: 18

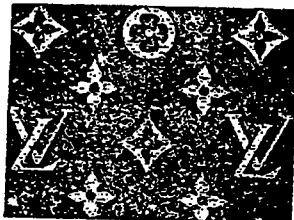
Prior U.S. Cl.: 3

United States Patent and Trademark Office
10 Year Renewal

Reg. No. 297,594
Registered Sep. 20, 1932

Renewal Term Begins Sep. 20, 1992

TRADEMARK
PRINCIPAL REGISTER



LOUIS VUITTON MALLETIER
(FRANCE CORPORATION)
54, AVENUE MONTAIGNE
75008 PARIS, FRANCE, BY CHANGE OF
NAME, ASSIGNMENT, ASSIGNMENT
AND ASSIGNMENT FROM VUITTON
& VUITTON, SOCIETE A RESPONSABILITE LIMITEE (FRANCE CORPORATION) PARIS, FRANCE

OWNER OF FRANCE REG. NO.
219,497, DATED 10-29-1908, RENEWED
AS REG. NO. 219,497, DATED 8-3-1923.

THE REPRESENTATION OF A
TRUCK LINING OR A SECTION
THEREOF BEING HEREBY DIS-
CLAIMED.

FOR: TRUNKS, VALISES, TRAVEL-
ING BAGS, SATCHELS, HAT BOXES
AND SHOE BOXES USED FOR LUG-
GAGE, HAND BAGS, AND POCKET-
BOOKS, IN CLASS 3 (INT. CL. 18).

FIRST USE 0-0-1897; IN COMMERCE
0-0-1897.

SER. NO. 71-313,983, FILED 4-29-1931.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on May 17, 1994.*

COMMISSIONER OF PATENTS AND TRADEMARKS

RECEIVED

Exhibit C

Int. Cls.: 14, 18 and 25

Prior U.S. Cls.: 1, 2, 3, 22, 27, 28, 39, 41 and 50

Reg. No. 2,773,107

United States Patent and Trademark Office
Corrected

Registered Oct. 14, 2003
OG Date July 20, 2004

TRADEMARK
PRINCIPAL REGISTER



LOUIS VUITTON MALLETTIER (FRANCE
CORPORATION)
2, RUE DU PONT-NEUF
75001 PARIS, FRANCE
OWNER OF U.S. REG. NO. 2,177,828.

FOR: JEWELRY INCLUDING RINGS,
BELT BUCKLES OF PRECIOUS METALS,
EARRINGS, CUFF LINKS, BRACELETS,
CHARMS, BROOCHES, NECKLACES, TIE
PINS, ORNAMENTAL PINS, AND ME-
DALLIONS; HOROLOGICAL AND
CHRONOMETRIC INSTRUMENTS AND
APPARATUS, NAMELY, WATCHES,
WATCH CASES AND CLOCKS; NUT-
CRACKERS OF PRECIOUS METALS;
CANDLESTICKS OF PRECIOUS METALS,
JEWELRY BOXES OF PRECIOUS ME-
TALS, IN CLASS 14 (U.S. CLS. 2, 27, 28
AND 50).

FIRST USE 0-0-1999; IN COMMERCE
0-0-1999.

FOR: TRAVEL BAGS, TRAVEL BAGS
MADE OF LEATHER; LUGGAGE
TRUNKS AND VALISES, GARMENT
BAGS FOR TRAVEL, VANITY-CASES
SOLD EMPTY; RUCKSACKS,

SHOULDER BAGS, HANDBAGS; AT-
TACHE-CASES, BRIEFCASES, DRAW-
STRING POUCHES, POCKET WALLETS,
PURSES, UMBRELLAS, BUSINESS CARD
CASES MADE OF LEATHER OR OF
IMITATION LEATHER, CREDIT CARD
CASES MADE OF LEATHER OR OF
IMITATION LEATHER; CALLING CARD
CASES MADE OF LEATHER OR OF
IMITATION LEATHER; * KEY HOLDERS
MADE OF LEATHER OR OF IMITATION
LEATHER * IN CLASS 18 (U.S. CLS. 1, 2,
3, 22 AND 41).

FIRST USE 0-0-1899; IN COMMERCE
0-0-1899.

FOR: CLOTHING, NAMELY, UNDER-
WEAR, SWEATERS, SHIRTS, T-SHIRTS,
SUITS, HOSIERY, BELTS, SCARVES,
NECK TIES, SHAWLS, WAISTCOATS,
SKIRTS, RAINCOATS, OVERCOATS, SUS-
PENDERS, TROUSERS, JEANS, PULL-
OVERS, FROCKS, JACKETS, WINTER
GLOVES, DRESS GLOVES, TIGHTS,
SOCKS, BATHING SUITS, BATH ROBES,

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on July 20, 2004.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

PAJAMAS, NIGHT DRESSES, SHORTS,
POCKET SQUARES, HIGH-HEELED
SHOES, LOW-HEELED SHOES, SAND-
DALS, BOOTS, SLIPPERS, TENNIS
SHOES; HATS, CAPS, HEADBANDS, IN
CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 0-0-1974; IN COMMERCE
0-0-1974.

SER. NO. 76-364,597, FILED 1-31-2002.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on July 20, 2004.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

REVISED

Exhibit D

Int. Cls.: 14, 18 and 25

Prior U.S. Cls.: 1, 2, 3, 22, 27, 28, 39, 41 and 50

Reg. No. 2,177,828

United States Patent and Trademark Office

Registered Aug. 4, 1998

**TRADEMARK
PRINCIPAL REGISTER**



LOUIS VUITTON MALLETIER (FRANCE CORPORATION)
54, AVENUE MONTAIGNE
75008 PARIS, FRANCE

FOR: GOODS MADE OF PRECIOUS METALS, NAMELY, SHOE ORNAMENTS, HAT ORNAMENTS, ORNAMENTAL PINS, ASH-TRAYS FOR SMOKERS, DECORATIVE BOXES, POWDER COMPACTS OF PRECIOUS METAL, JEWELRY CASES; JEWELRY, NAMELY, RINGS, KEY RINGS, BELT BUCKLES, EAR RINGS, CUFFLINKS, BRACELETS, CHARMS, BROOCHES, NECKLACES, TIE PINS, MEDALLIONS; HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS, STRAPS FOR WATCHES, WATCHES AND WRIST-WATCHES, CASES FOR WATCHES, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FOR: GOODS MADE OF LEATHER OR IMITATIONS OF LEATHER ARE NOT INCLUDED IN OTHER CLASSES, NAMELY, BOXES MADE FROM LEATHER OR LEATHERBOARD, ENVELOPES OF LEATHER FOR PACKAGING; TRUNKS, VALISES, TRAVELING BAGS, LUGGAGE FOR TRAVEL, GARMENT BAGS FOR TRAVEL, VANITY CASES SOLD EMPTY, RUCKSACKS, HAND BAGS, BEACH BAGS, SHOPPING BAGS, SHOULDER BAGS, ATTA-

CHE CASES, BRIEFCASES, DRAW STRING POUCHES, AND FINE LEATHER GOODS, NAMELY, POCKET WALLETS, PURSES, LEATHER KEY HOLDERS, BUSINESS CARD CASES, CALLING CARD CASES, AND CREDIT CARD CASES, UMBRELLAS, PARASOLS, CANES, AND WALKING-STICK SEATS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FOR: CLOTHING AND UNDERWEAR, NAMELY, SWEATERS, SHIRTS, CORSETS, SUITS, WAISTCOATS, RAINCOATS, SKIRTS, COATS, PULLOVERS, TROUSERS, DRESSES, JACKETS, SHAWLS, STOLEs, SASHES FOR WEAR, SCARVES, NECKTIES, POCKET SQUARES, SUSPENDERS, GLOVES, BELTS, STOCKINGS, TIGHTS, SOCKS, BATH ROBES, SHOES, BOOTS AND SANDALS, HATS AND CAPS, IN CLASS 25 (U.S. CLS. 22 AND 39).

PRIORITY CLAIMED UNDER SEC. 44(D) ON FRANCE APPLICATION NO. 96/612502, FILED 2-23-1996, REG. NO. 96612502, DATED 2-23-1996, EXPIRES 2-23-2006.

OWNER OF U.S. REG. NOS. 1,643,625, 1,875,198 AND OTHERS.

SER. NO. 75-143,799, FILED 8-1-1996.

JASON TURNER, EXAMINING ATTORNEY

RECEIVED

Exhibit E

Int. Cls.: 14, 18 and 25

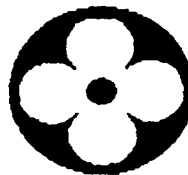
Prior U.S. Cls.: 1, 2, 3, 22, 27, 28, 39, 41 and 50

Reg. No. 2,181,753

United States Patent and Trademark Office

Registered Aug. 18, 1998

**TRADEMARK
PRINCIPAL REGISTER**



**LOUIS VUITTON MALLETTIER (FRANCE CORPORATION)
54, AVENUE MONTAIGNE
75008 PARIS, FRANCE**

FOR: GOODS MADE OF PRECIOUS METALS, NAMELY, SHOE ORNAMENTS, HAT ORNAMENTS, ORNAMENTAL PINS, ASH-TRAYS FOR SMOKERS, DECORATIVE BOXES, POWDER COMPACTS OF PRECIOUS METAL, JEWELRY CASES; JEWELRY, NAMELY, RINGS, KEY RINGS, BELT BUCKLES, EAR RINGS, CUFFLINKS, BRACELETS, CHARMS, BROOCHES, NECKLACES, TIE PINS, MEDALLIONS; HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS, STRAPS FOR WATCHES, WATCHES AND WRIST-WATCHES, CASES FOR WATCHES, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FOR: GOODS MADE OF LEATHER OR IMITATIONS OF LEATHER ARE NOT INCLUDED IN OTHER CLASSES, NAMELY, BOXES MADE FROM LEATHER OR LEATHERBOARD, ENVELOPES OF LEATHER FOR PACKAGING; TRUNKS, VALISES, TRAVELING BAGS, LUGGAGE FOR TRAVEL, GARMENT BAGS FOR TRAVEL, VANITY CASES SOLD EMPTY, RUCKSACKS, HAND BAGS, BEACH BAGS, SHOPPING BAGS, SHOULDER BAGS, ATTA-

CHE CASES, BRIEFCASES, DRAW STRING POUCHES; AND FINE LEATHER GOODS, NAMELY, POCKET WALLETS, PURSES, LEATHER KEY HOLDERS, BUSINESS CARD CASES, CALLING CARD CASES, AND CREDIT CARD CASES, UMBRELLAS, PARASOLS, CANES, AND WALKING-STICK SEATS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FOR: CLOTHING AND UNDERWEAR, NAMELY, SWEATERS, SHIRTS, CORSETS, SUITS, WAISTCOATS, RAINCOATS, SKIRTS, COATS, PULLOVERS, TROUSERS, DRESSES, JACKETS, SHAWLS, STOLE, SASHES FOR WEAR, SCARVES, NECKTIES, POCKET SQUARES, SUSPENDERS, GLOVES, BELTS, STOCKINGS, TIGHTS, SOCKS, BATH ROBES, SHOES, BOOTS AND SANDALS, HATS AND CAPS, IN CLASS 25 (U.S. CLS. 22 AND 39).

PRIORITY CLAIMED UNDER SEC. 44(D) ON FRANCE APPLICATION NO. 96/612504, FILED 2-23-1996, REG. NO. 96612504, DATED 2-23-1996, EXPIRES 2-23-2006.

OWNER OF U.S. REG. NOS. 1,643,625, 1,875,198 AND OTHERS.

SER. NO. 75-143,789, FILED 8-1-1996.

JASON TURNER, EXAMINING ATTORNEY

RECYCLED

Int. Cl.: 18

Prior U.S. Cls.: 1, 2, 3, 22 and 41

United States Patent and Trademark Office

Reg. No. 3,031,250

Registered Dec. 20, 2005

**TRADEMARK
PRINCIPAL REGISTER**



LY (USA), INC. (NEW YORK CORPORATION)
135 WEST 30TH STREET
NEW YORK, NY 10001

FIRST USE 4-1-2004; IN COMMERCE 4-1-2004.

FOR: HANDBAGS AND WALLETS WITH A
WHOLESALE SELLING PRICE OF LESS THAN
TWENTY DOLLARS TO RETAILERS, IN CLASS 18
(U.S. CLS. 1, 2, 3, 22 AND 41).

SER. NO. 76-609,040, FILED 8-27-2004.

IRENE D. WILLIAMS, EXAMINING ATTORNEY

RECYCLED

Exhibit G

PTO Form 1478 (Rev 4/98)

OMB Control #0651-0009 (Exp. 06/30/2005)

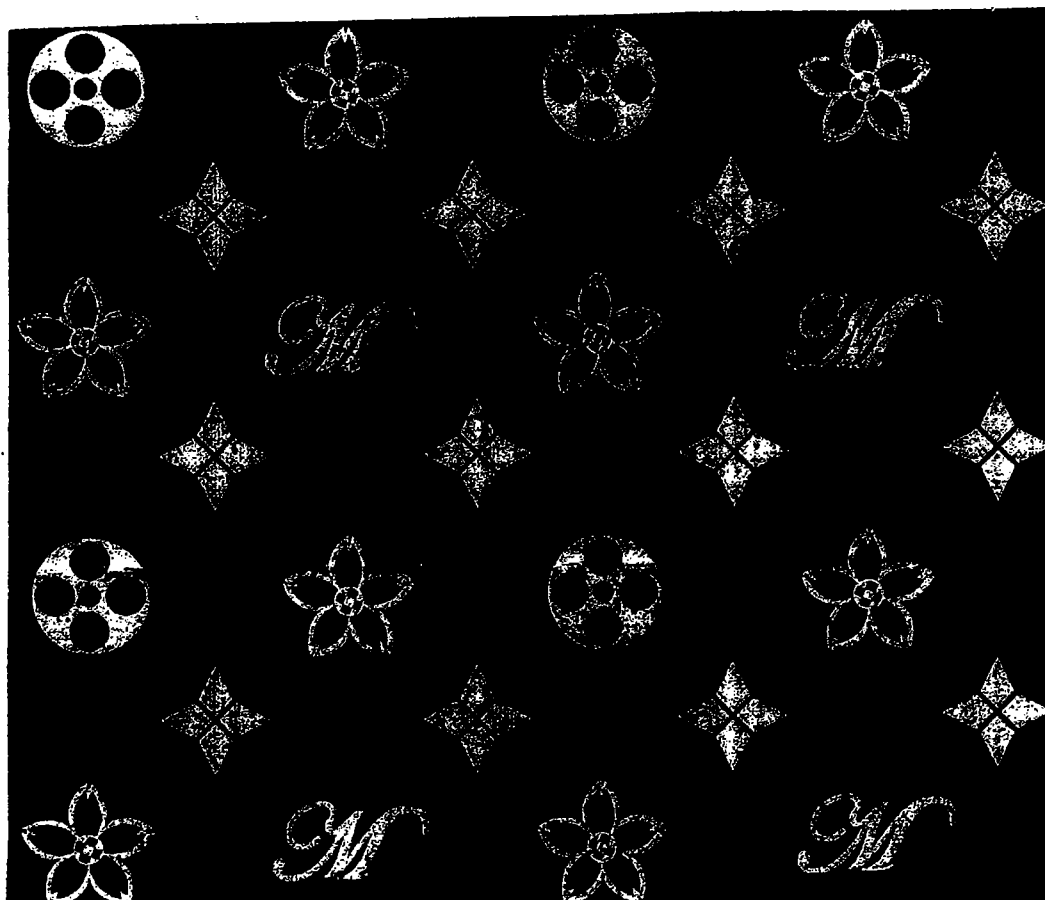
Trademark/Service Mark Application, Principal Register

Mark (Applicant-generated image):



11-15-2004

U.S. Patent & TMO/TM Mail Rpt Dt #67



U.S. Patent & TMO/TM



76620570

PTO Form 1478 (Rev 4/98)

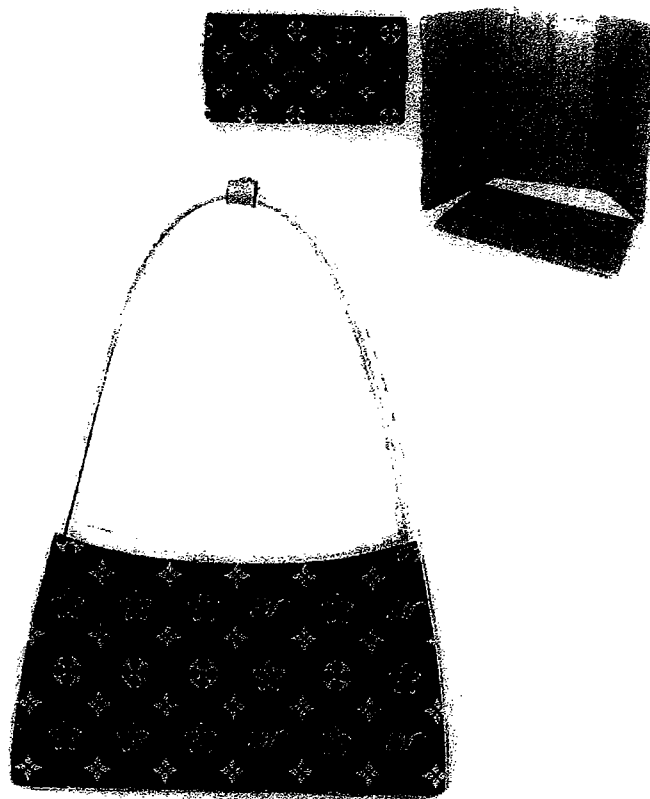
OMB Control #0651-0009 (Exp. 06/30/2005)

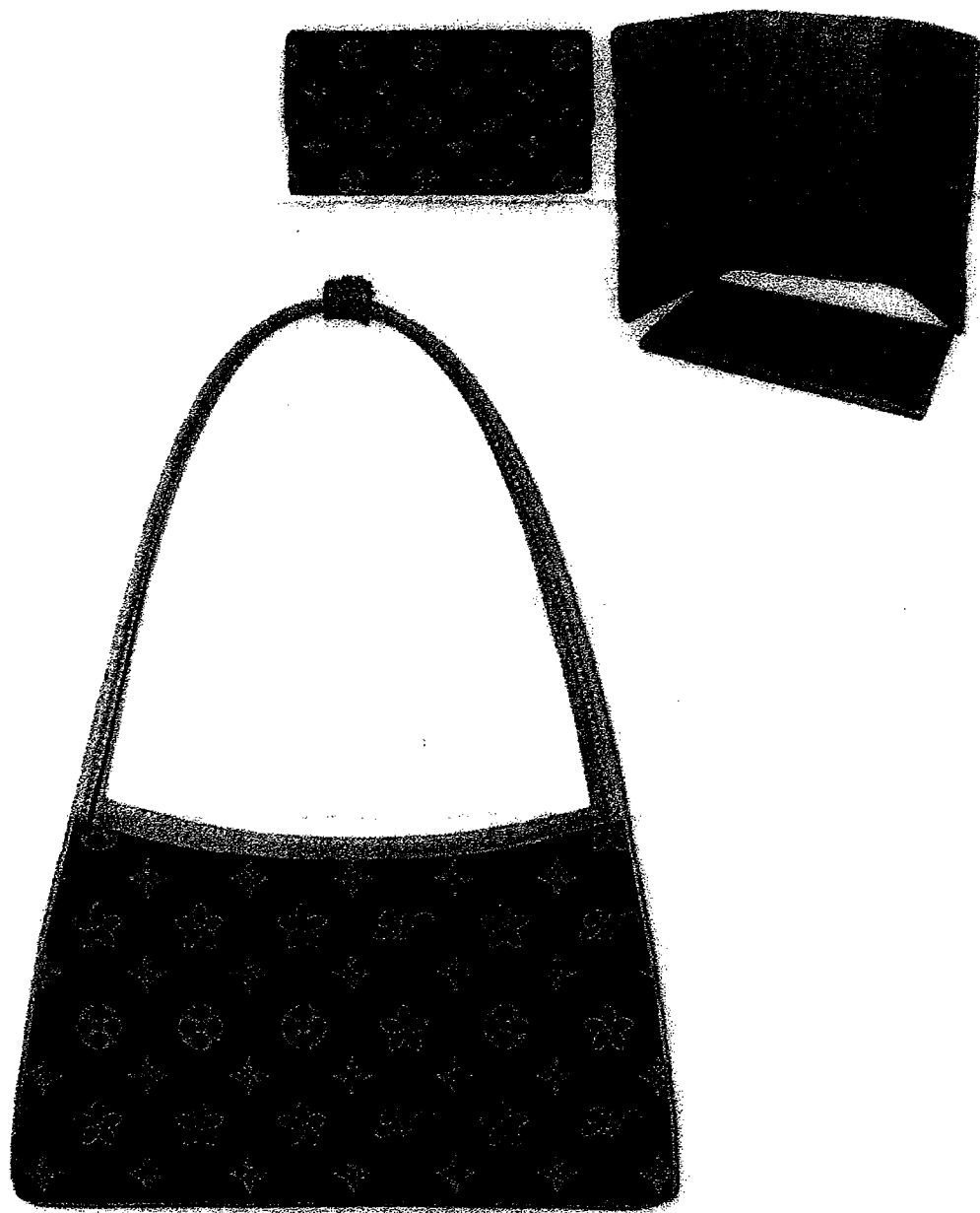
Trademark/Service Mark Application, Principal Register

TABLE OF CONTENTS:

Class #: 1

Specimen:





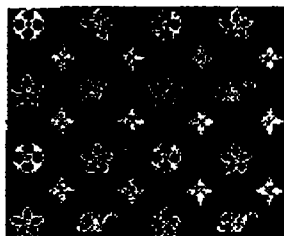
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-11-06 09:56:15 ET

Serial Number: 76620570 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark



(words only): M

Standard Character claim: No

Current Status: Abandoned-Failure To Respond Or Late Response

Date of Status: 2006-09-28

Filing Date: 2004-11-15

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: M3X -TMO Law Office 112 - Examining Attorney Assigned

Date In Location: 2006-09-28

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Marco USA Inc.

Address:

Marco USA Inc.
135 West 30th Street
New York, NY 10001
United States

Legal Entity Type: Corporation

State or Country of Incorporation: New York

GOODS AND/OR SERVICES

Latest Status Info

Page 2 of 2

International Class: 018

Class Status: Active

Handbags and wallets with a wholesale price of less than twenty dollars to retailers

Basis: 1(a)

First Use Date: 2004-09-01

First Use in Commerce Date: 2004-09-01

ADDITIONAL INFORMATION

Section 2(f)

Design Search Code(s):

05.05.25 - Daffodils; Iris (flower); Other flowers

26.11.21 - Rectangles that are completely or partially shaded

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-09-28 - Abandonment Notice Mailed - Failure To Respond

2006-09-28 - Abandonment - Failure To Respond Or Late Response

2006-02-22 - NON-FINAL ACTION E-MAILED

2006-02-22 - Non-Final Action Written

2006-01-30 - Amendment From Applicant Entered

2005-12-27 - Communication received from applicant

2005-12-27 - PAPER RECEIVED

2005-12-20 - FAX RECEIVED

2005-06-21 - Non-final action e-mailed

2005-06-21 - Non-Final Action Written

2005-06-20 - Assigned To Examiner

2004-11-26 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Peter S. Herrick

Correspondent

PETER S. HERRICK

PETER S. HERRICK, P.A.

3520 CRYSTAL VIEW COURT

MIAMI, FL 33133