

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.

FENDI S.R.L.,

Plaintiff,

vs.

THE INDIVIDUALS, BUSINESS ENTITIES AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE “A,”

Defendants.

/

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

Plaintiff, Fendi, S.r.l. (“Plaintiff” or “FENDI”) hereby sues Defendants, the Individuals, Business Entities, and Unincorporated Associations Identified on Schedule “A” hereto (collectively “Defendants”). Defendants are promoting, selling, offering for sale and distributing goods bearing counterfeits and confusingly similar imitations of FENDI’s trademarks within this district through various Internet based e-commerce stores and one interactive photo album using the seller identities as set forth on Schedule “A” hereto (the “Seller IDs”). In support of its claims, FENDI alleges as follows:

JURISDICTION AND VENUE

1. This is an action for federal trademark counterfeiting and infringement, false designation of origin, common law unfair competition, and common law trademark infringement pursuant to 15 U.S.C. §§ 1114, 1116, and 1125(a), The All Writs Act, 28 U.S.C. § 1651(a), and Florida’s common law. Accordingly, this Court has subject matter jurisdiction over this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338. This Court has supplemental

jurisdiction pursuant to 28 U.S.C. § 1367 over FENDI's state law claims because those claims are so related to the federal claims that they form part of the same case or controversy.

2. Defendants are subject to personal jurisdiction in this district, because they direct business activities toward and conduct business with consumers throughout the United States, including within the State of Florida and this district, through at least the Internet based e-commerce stores and photo album¹ accessible in Florida and operating under their Seller IDs. Alternatively, Defendants are subject to personal jurisdiction in this district pursuant to Federal Rule of Civil Procedure 4(k)(2) because (i) Defendants are not subject to jurisdiction in any state's court of general jurisdiction; and (ii) exercising jurisdiction is consistent with the United States Constitution and laws.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 since Defendants are, upon information and belief, aliens who are engaged in infringing activities and causing harm within this district by advertising, offering to sell, selling and/or shipping infringing products to consumers into this district.

THE PLAINTIFF

4. Fendi S.r.l. is a limited liability company organized and existing pursuant to the laws of Italy, with its principal place of business at Palazzo della Civiltà Italiana, Quadrato della Concordia n°3, Rome, Italy 00144. FENDI operates boutiques throughout the world, including within this district. FENDI is, in part, engaged in the business of manufacturing and distributing throughout the world, including within this district, a variety of high-quality luxury goods under multiple world-famous common law and federally registered trademarks, including those

¹ Defendant Number 1 uses its Seller ID in tandem with electronic communication via private messaging applications and/or services in order to complete their offer and sale of counterfeit FENDI products. Specifically, consumers are able to browse listings of FENDI branded products online via Defendant Number 1's Seller ID, ultimately directing customers to send inquiries, exchange data, and complete purchases via electronic communication with Defendant Number 1.

identified in Schedule “B” hereto. FENDI offers for sale and sells its trademarked goods within the State of Florida, including this district, and throughout the United States. Defendants, through the sale and offer to sell counterfeit and infringing FENDI branded products, are directly and unfairly competing with FENDI’s economic interests in the United States, including the State of Florida and causing FENDI irreparable harm and damage within this jurisdiction.

5. Like many other famous trademark owners, FENDI suffers ongoing daily and sustained violations of its trademark rights at the hands of counterfeiters and infringers, such as Defendants herein, who wrongfully reproduce and counterfeit FENDI’s trademarks for the twin purposes of (i) duping and confusing the consuming public and (ii) earning substantial profits across their e-commerce stores. The natural and intended byproduct of Defendants’ combined actions is the erosion and destruction of the goodwill associated with the FENDI name and associated trademarks and the destruction of the legitimate market sector in which it operates.

6. To combat the indivisible harm caused by the combined actions of Defendants and others engaging in similar conduct, each year FENDI expends significant monetary resources in connection with trademark enforcement efforts, including legal fees and investigative fees. The exponential growth of counterfeiting over the Internet, including through online marketplace platforms and social media websites, has created an environment that requires companies, such as FENDI, to expend significant resources across a wide spectrum of efforts in order to protect both consumers and itself from confusion and the erosion of the goodwill connected to FENDI’s brand.

THE DEFENDANTS

7. Defendants are individuals and/or business entities of unknown makeup, or unincorporated associations, each of whom, upon information and belief, either reside and/or

operate in foreign jurisdictions, redistribute products from the same or similar sources in those locations, and/or ship their goods from the same or similar sources in those locations to shipping and fulfillment centers within the United States to redistribute their products from that location. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b). Defendants target their business activities toward consumers throughout the United States, including within this district, through the simultaneous operation of commercial Internet based e-commerce stores via the Internet marketplace websites or an interactive photo album via an Internet based image hosting website under the Seller IDs.

8. Defendants operate under the Seller IDs in tandem with electronic communication via private messaging applications and/or services, thereby creating an interconnected ecosystem which functions as an online marketplace operation.

9. Defendants are the past and present controlling forces behind the sale of products using counterfeits and infringements of FENDI's trademarks as described herein.

10. Upon information and belief, Defendants directly engage in unfair competition with FENDI by advertising, offering for sale, and selling goods each using counterfeits and infringements of one or more of FENDI's trademarks to consumers within the United States and this district through Internet based e-commerce stores or an interactive photo album using, at least, the Seller IDs, and additional names, e-commerce stores, photo albums, or seller identification aliases not yet known to FENDI. Defendants have purposefully directed some portion of their illegal activities towards consumers in the State of Florida through the advertisement, offer to sell, sale, and/or shipment of counterfeit and infringing FENDI branded goods into the State.

11. Upon information and belief, Defendants have registered, established or purchased, and maintained their Seller IDs. Many Defendants may have engaged in fraudulent conduct with respect to the registration of the Seller IDs by providing false and/or misleading information to the Internet based e-commerce platforms or image hosting website where they offer to sell and/or sell during the registration or maintenance process related to their respective Seller ID. Upon information and belief, many Defendants have registered and maintained their Seller IDs for the sole purpose of engaging in illegal counterfeiting activities.

12. Upon information and belief, Defendants will likely continue to register or acquire new seller identification aliases for the purpose of selling and offering for sale goods using counterfeit and confusingly similar imitations of one or more of FENDI's trademarks unless preliminarily and permanently enjoined.

13. Defendants' Seller IDs, associated payment accounts, and any other alias seller identification names, interactive photo albums, private messaging accounts, or e-commerce stores used in connection with the sale of counterfeit and infringing goods using one or more of FENDI's trademarks are essential components of Defendants' online activities and are the means by which Defendants further their counterfeiting and infringement scheme and cause harm to FENDI. Moreover, Defendants are using FENDI's famous name and trademarks to drive Internet consumer traffic to their e-commerce stores and photo album operating under the Seller IDs, thereby increasing the value of the Seller IDs and decreasing the size and value of FENDI's legitimate marketplace and intellectual property rights at FENDI's expense.

COMMON FACTUAL ALLEGATIONS

Plaintiff's Business and Trademark Rights

14. FENDI is the owner of all rights in and to the trademarks identified on Schedule

“B” hereto, which are valid and registered on the Principal Register of the United States Patent and Trademark Office (collectively the “FENDI Marks”). The FENDI Marks are used in connection with the manufacture and distribution of high-quality luxury goods in the categories identified above. True and correct copies of the Certificates of Registration for the FENDI Marks are attached hereto as Composite Exhibit “1.”

15. The FENDI Marks have been used in interstate commerce to identify and distinguish FENDI’s high-quality luxury goods for an extended period of time.

16. The FENDI Marks have been used in commerce by FENDI long prior in time to Defendants’ use of copies of those Marks. The FENDI Marks have never been assigned or licensed to any of the Defendants in this matter.

17. The FENDI Marks are symbols of FENDI’s quality, reputation and goodwill and have never been abandoned. FENDI has carefully monitored and policed the use of the FENDI Marks.

18. The FENDI Marks are well known and famous and have been for many years. FENDI has expended substantial time, money and other resources developing, advertising and otherwise promoting the FENDI Marks. The FENDI Marks qualify as famous marks as that term is used in 15 U.S.C. §1125(c)(1).

19. Further, FENDI has extensively used, advertised, and promoted the FENDI Marks in the United States in association with the sale of high-quality luxury goods. FENDI has expended enormous resources promoting the FENDI Marks and products bearing the FENDI Marks. In recent years, annual sales of products bearing the FENDI Marks have totaled in the many millions of dollars within the United States.

20. As a result of FENDI's efforts, members of the consuming public readily identify merchandise bearing or sold using the FENDI Marks as being high-quality luxury goods sponsored and approved by FENDI.

21. Accordingly, the FENDI Marks have achieved secondary meaning among consumers as identifiers of high-quality luxury goods.

22. Genuine goods bearing the FENDI Marks are widely legitimately advertised and promoted by FENDI, its authorized distributors, and unrelated third parties via the Internet. Visibility on the Internet, particularly via Internet search engines such as Google, Yahoo!, and Bing is important to FENDI's overall marketing and consumer education efforts. Thus, FENDI expends significant monetary and other resources on Internet marketing and consumer education, including search engine optimization ("SEO") and search engine marketing ("SEM") strategies. Those strategies allow FENDI and its authorized retailers to educate consumers fairly and legitimately about the value associated with the FENDI brand and the goods sold thereunder. Similarly, Defendants' individual seller stores are indexed on search engines and compete directly with FENDI for space and consumer attention in search results.

Defendants' Infringing Activities

23. Upon information and belief, Defendants are each promoting and advertising, distributing, selling, and/or offering for sale goods in interstate commerce using counterfeit and confusingly similar imitations of one or more of the FENDI Marks (the "Counterfeit Goods") through at least the e-commerce stores and an interactive photo album in tandem with various private messaging applications operating under the Seller IDs. Specifically, upon information and belief, Defendants are using the FENDI Marks to initially attract online customers and drive them to Defendants' e-commerce stores and photo album operating under the Seller IDs.

Defendants are each using identical copies of one or more of the FENDI Marks for different quality goods. FENDI has used the FENDI Marks extensively and continuously before Defendants began offering counterfeit and confusingly similar imitations of FENDI's merchandise.

24. Upon information and belief, Defendants' Counterfeit Goods are of a quality substantially different than that of FENDI's genuine goods. Defendants, upon information and belief, are actively using, promoting and otherwise advertising, distributing, selling and/or offering for sale substantial quantities of their Counterfeit Goods with the knowledge and intent that such goods will be mistaken for the genuine high-quality goods offered for sale by FENDI, despite Defendants' knowledge that they are without authority to use the FENDI Marks. The net effect of Defendants' actions is likely to cause confusion of consumers, at the time of initial interest, sale, and in the post-sale setting, who will believe all of Defendants' goods offered for sale on Defendants' e-commerce stores and photo album are genuine goods originating from, associated with, and approved by FENDI.

25. Defendants advertise their e-commerce stores and photo album, including their Counterfeit Goods offered for sale, to the consuming public via e-commerce stores and a photo album on, at least, one marketplace website and one image hosting website operating under, at least, the Seller IDs. In so doing, Defendants improperly and unlawfully use one or more of the FENDI Marks without FENDI's permission.

26. As part of their overall unlawful scheme, most Defendants are, upon information and belief, concurrently employing and benefitting from substantially similar, advertising and marketing strategies based, in large measure, upon an illegal use of counterfeits and infringements of the FENDI Marks. Specifically, Defendants are using counterfeits and

infringements of FENDI's famous name and the FENDI Marks to make their e-commerce stores and photo album selling illegal goods appear more relevant and attractive to consumers searching for both FENDI and non-FENDI goods and information online. By their actions, Defendants are contributing to the creation and maintenance of an illegal marketplace operating in parallel to the legitimate marketplace for FENDI's genuine goods. Defendants are causing individual, concurrent and indivisible harm to FENDI and the consuming public by (i) depriving FENDI and other third parties of their right to fairly compete for space within search engine results and reducing the visibility of FENDI's genuine goods on the World Wide Web, (ii) causing an overall degradation of the value of the goodwill associated with the FENDI Marks, and (iii) increasing FENDI's overall cost to market its goods and educate consumers about its brand via the Internet.

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

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

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

30. Defendants are engaging in the above-described illegal counterfeiting and infringing activities knowingly and intentionally or with reckless disregard or willful blindness to

FENDI's rights for the purpose of trading on FENDI's goodwill and reputation. If Defendants' intentional counterfeiting and infringing activities are not preliminarily and permanently enjoined by this Court, FENDI and the consuming public will continue to be harmed.

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

32. Upon information and belief, Defendants' payment and financial accounts, including but not limited to those specifically set forth on Schedule "A," are being used by Defendants to accept, receive, and deposit profits from Defendants' trademark counterfeiting and infringing, and their unfairly competitive activities connected to their Seller IDs, and any other alias e-commerce stores, photo albums or seller identification names being used and/or controlled by them.

33. Further, upon information and belief, Defendants are likely to transfer or secret their assets to avoid payment of any monetary judgment awarded to FENDI.

34. FENDI has no adequate remedy at law.

35. FENDI is suffering irreparable injury and has suffered substantial damages because of Defendants' unauthorized and wrongful use of the FENDI Marks. If Defendants' counterfeiting and infringing, and unfairly competitive activities are not preliminarily and permanently enjoined by this Court, FENDI and the consuming public will continue to be harmed.

36. The harm and damages sustained by FENDI have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offers to sell, and sale of their Counterfeit Goods.

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

37. FENDI hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 36 above.

38. This is an action for trademark counterfeiting and infringement against Defendants based on their use of counterfeit and confusingly similar imitations of the FENDI Marks in commerce in connection with the promotion, advertisement, distribution, offering for sale and sale of the Counterfeit Goods.

39. Defendants are promoting and otherwise advertising, selling, offering for sale, and distributing goods bearing and/or using counterfeits and/or infringements of one or more of the FENDI Marks. Defendants are continuously infringing and inducing others to infringe the FENDI Marks by using one or more of them to advertise, promote, sell, and offer to sell counterfeit and infringing goods.

40. Defendants' concurrent counterfeiting and infringing activities are likely to cause and 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.

41. Defendants' unlawful actions have caused and are continuing to cause unquantifiable damages to FENDI and are unjustly enriching Defendants with profits at FENDI's expense.

42. Defendants' above-described unlawful actions constitute counterfeiting and infringement of the FENDI Marks in violation of FENDI's rights under § 32 of the Lanham Act, 15 U.S.C. § 1114.

43. FENDI has suffered and will continue to suffer irreparable injury and damages due to Defendants' above-described activities if Defendants are not preliminarily and permanently enjoined. Additionally, Defendants will continue to wrongfully profit from their illegal activities.

COUNT II - FALSE DESIGNATION OF ORIGIN
PURSUANT TO § 43(a) OF THE LANHAM ACT (15 U.S.C. § 1125(a))

44. FENDI hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 36 above.

45. Upon information and belief, Defendants' Counterfeit Goods bearing, offered for sale and sold using copies of at least one of the FENDI Marks have been widely advertised and offered for sale throughout the United States via at least one Internet marketplace website or image hosting website.

46. Defendants' Counterfeit Goods bearing, offered for sale, and sold using copies of at least one of the FENDI Marks are virtually identical in appearance to FENDI's genuine goods. However, Defendants' Counterfeit Goods are different in quality. Accordingly, Defendants' activities are likely to cause confusion in the trade and among consumers as to at least the origin or sponsorship of their Counterfeit Goods.

47. Defendants, upon information and belief, have used in connection with their advertisement, offer for sale, and sale of their Counterfeit Goods, false designations of origin and false descriptions and representations, including words or other symbols and trade dress, which tend to falsely describe or represent such goods and have caused such goods to enter commerce

in the United States with full knowledge of the falsity of such designations of origin and such descriptions and representations, all to FENDI's detriment.

48. Defendants have each authorized infringing uses of one or more of the FENDI Marks in Defendants' advertisement and promotion of their counterfeit and infringing branded goods. Defendants have misrepresented to members of the consuming public that the Counterfeit Goods being advertised and sold by them are genuine, non-infringing goods.

49. Additionally, Defendants are using counterfeits and infringements of one or more of the FENDI Marks to unfairly compete with FENDI and others for space within organic search engine results and social media results, thereby jointly depriving FENDI of a valuable marketing and educational tool which would otherwise be available to FENDI and reducing the visibility of FENDI's genuine goods on the World Wide Web and across social media platforms.

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

51. FENDI has no adequate remedy at law, and has sustained both individual and indivisible injury and damage caused by Defendants' concurrent conduct. Absent an entry of an injunction by this Court, Defendants will continue to wrongfully reap profits and FENDI will continue to suffer irreparable injury to its goodwill and business reputation, as well as monetary damages.

COUNT III - COMMON LAW UNFAIR COMPETITION.

52. FENDI hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 36 above.

53. This is an action against Defendants based on their promotion, advertisement, distribution, sale and/or offering for sale of goods bearing marks that are virtually identical to the FENDI Marks in violation of Florida's common law of unfair competition.

54. Specifically, Defendants are promoting and otherwise advertising, selling, offering for sale and distributing goods using or bearing counterfeits and infringements of one or more of the FENDI Marks. Defendants are also each using counterfeits and infringements of one or more of the FENDI Marks to unfairly compete with FENDI and others for (1) space in search engine and social media results across an array of search terms and (2) visibility on the World Wide Web.

55. Defendants' infringing activities are likely to cause and are causing confusion, mistake and deception among consumers as to the origin and quality of Defendants' e-commerce stores and photo album as a whole and all products sold therein by their use of the FENDI Marks.

56. FENDI has no adequate remedy at law and is suffering irreparable injury and damages because of Defendants' actions. Moreover, Defendants are unjustly profiting from those actions.

COUNT IV - COMMON LAW TRADEMARK INFRINGEMENT

57. FENDI hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 36 above.

58. FENDI is the owner of all common law rights in and to the FENDI Marks.

59. This is an action for common law trademark infringement against Defendants based on their promotion, advertisement, offering for sale, and sale of their Counterfeit Goods using at least one or more of the FENDI Marks.

60. Specifically, each Defendant, is promoting, and otherwise advertising, distributing, offering for sale, and selling goods bearing infringements of at least one of the FENDI Marks.

61. Defendants' infringing activities are likely to cause and are causing confusion, mistake and deception among consumers as to the origin and quality of Defendants' Counterfeit Goods using the FENDI Marks.

62. FENDI has no adequate remedy at law and is suffering irreparable injury and damages because of Defendants' actions. Moreover, Defendants are unjustly profiting from those actions.

PRAYER FOR RELIEF

63. WHEREFORE, FENDI demands judgment on all Counts of this Complaint and an award of equitable relief and monetary relief against Defendants as follows:

a. Entry of temporary, preliminary, and permanent injunctions pursuant to 15 U.S.C. § 1116, 28 U.S.C. § 1651(a), The All Writs Act, and Federal Rule of Civil Procedure 65 enjoining Defendants, their agents, representatives, servants, employees, and all those acting in concert or participation therewith, from manufacturing or causing to be manufactured, importing, advertising or promoting, distributing, selling or offering to sell their Counterfeit Goods; from infringing, counterfeiting, or diluting the FENDI Marks; from using the FENDI Marks, or any mark or design similar thereto, in connection with the sale of any unauthorized goods; from using any logo, trade name or trademark or design that may be calculated to falsely advertise the

services or goods of Defendants as being sponsored by, authorized by, endorsed by, or in any way associated with FENDI; from falsely representing themselves as being connected with FENDI, through sponsorship or association, or engaging in any act that is likely to falsely cause members of the trade and/or of the purchasing public to believe any goods or services of Defendants, are in any way endorsed by, approved by, and/or associated with FENDI; from using any reproduction, counterfeit, infringement, copy, or colorable imitation of the FENDI Marks in connection with the publicity, promotion, sale, or advertising of any goods sold by Defendants; from affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent Defendants' goods as being those of FENDI, or in any way endorsed by FENDI and from offering such goods in commerce; from engaging in search engine optimization strategies using colorable imitations of FENDI's name or trademarks and from otherwise unfairly competing with FENDI.

b. Entry of a temporary restraining order, as well as preliminary and permanent injunctions pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority, enjoining Defendants and all third parties with actual notice of the injunction issued by this Court from participating in, including providing financial services, technical services or other support to, Defendants in connection with the sale and distribution of non-genuine goods bearing and/or using counterfeits of the FENDI Marks.

c. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority that, upon Plaintiff's request, the applicable governing Internet marketplace website operators and/or administrators for the Seller IDs who are provided with notice of an injunction issued by this Court disable and/or cease facilitating access to the Seller

IDs and any other alias seller identification names being used and/or controlled by Defendants to engage in the business of marketing, offering to sell, and/or selling goods bearing counterfeits and infringements of the FENDI Marks.

d. Entry of an order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority, authorizing FENDI to serve the injunction on any e-mail service provider with a request that the service provider permanently suspend the e-mail addresses which are or have been used by Defendants in connection with Defendants' promotion, offering for sale, and/or sale of goods using counterfeits, and/or infringements of the FENDI Marks.

e. Entry of an order requiring, upon FENDI's request, Defendants to request in writing permanent termination of any messaging services, Seller IDs, usernames, and social media accounts they own, operate, or control on any messaging service and social media platform.

f. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and this Court's inherent authority that, upon Plaintiff's request, the applicable governing messaging service and Internet marketplace, social media, and image hosting website operators, and/or administrators for the Seller IDs who are provided with notice of an injunction issued by the Court, disable and/or cease facilitating access to the Seller IDs and any other alias e-commerce stores, seller identification names, photo albums, user names, and private messaging accounts, being used and/or controlled by Defendants to engage in the business of marketing, offering to sell, and/or selling goods bearing counterfeits and infringements of the FENDI Marks.

g. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and this Court's inherent authority that, upon Plaintiff's request, any messaging service, any image hosting website operators and/or administrators, and any Internet marketplace website operators,

administrators, registrar and/or top level domain (TLD) Registry for the Seller IDs who are provided with notice of an injunction issued by this Court identify any e-mail address known to be associated with Defendants' respective Seller ID.

h. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and this Court's inherent authority that upon Plaintiff's request, any Internet marketplace website operators and/or administrators who are provided with notice of an injunction issued by this Court permanently remove from the multiple platforms, which include, *inter alia*, a Direct platform, Group platform, Seller Product Management platform, Vendor Product Management platform, and Brand Registry platform, any and all listings and associated images of goods bearing counterfeits and/or infringements of the FENDI Marks via the e-commerce stores operating under the Seller IDs, and upon Plaintiff's request, any other listings and images of goods bearing counterfeits and/or infringements of the FENDI Marks linked to the same sellers or linked to any other alias seller identification names, photo albums, and private messaging accounts being used and/or controlled by Defendants to promote, offer for sale and/or sell goods bearing and/or using counterfeits and/or infringements of the FENDI Marks.

i. Entry of an Order pursuant to 15 U.S.C. § 1116, 28 U.S.C. § 1651(a), The All Writs Act, Federal Rule of Civil Procedure 65 and this Court's inherent authority that, upon Plaintiff's request, Defendants and any Internet marketplace website or image hosting website operators and/or administrators who are provided with notice of an injunction issued by this Court immediately cease fulfillment of and sequester all goods of each Defendant bearing one or more of the FENDI in its inventory, possession, custody, or control, and surrender those goods to FENDI.

j. Entry of an Order requiring Defendants to account to and pay FENDI for all profits and damages resulting from Defendants' trademark counterfeiting and infringing and unfairly competitive activities and that the award to FENDI be trebled, as provided for under 15 U.S.C. §1117, or, at FENDI's election with respect to Count I, that FENDI be awarded statutory damages from each Defendant in the amount of two million dollars (\$2,000,000.00) per each counterfeit trademark used and product sold, as provided by 15 U.S.C. §1117(c)(2) of the Lanham Act.

k. Entry of an award pursuant to 15 U.S.C. § 1117 (a) and (b) of FENDI's costs and reasonable attorneys' fees and investigative fees associated with bringing this action, including the cost of corrective advertising.

l. Entry of an Order pursuant to 15 U.S.C. § 1116, 28 U.S.C. § 1651(a), The All Writs Act, Federal Rule of Civil Procedure 65, and the Court's inherent authority that, upon Plaintiff's request, Defendants and any financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, and their related companies and affiliates, identify and restrain all funds, up to and including the total amount of judgment, in all financial accounts and/or sub-accounts used in connection with the Seller IDs, or other alias seller identification or e-commerce store names, photo albums, private messaging accounts, domain names and/or websites used by Defendants presently or in the future, as well as any other related accounts of the same customer(s) and any other accounts which transfer funds into the same financial institution account(s) and remain restrained until such funds are surrendered to Plaintiff in partial satisfaction of the monetary judgment entered herein.

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

n. Entry of an Order requiring Defendants to correct any erroneous impression the consuming public may have received or derived concerning the nature, characteristics, or qualities of Defendants' products, including without limitation, the placement of corrective advertising and providing written notice to the public.

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

DATED: April 15, 2021.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

By: Stephen M. Gaffigan

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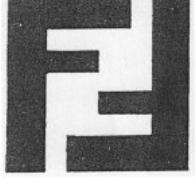
SCHEDULE “A”

[This page is the subject of Plaintiff's Motion to File Under Seal. As such, this page has been redacted in accordance with L.R. 5.4(b)(1)]

SCHEDULE “B”
PLAINTIFF’S FEDERALLY REGISTERED TRADEMARKS

Trademark	Registration Number	Registration Date	Class / Goods
	1,214,472	October 26, 1982	IC 018: Leather and Imitations of Leather; Luggage, Trunks and Travelling Bags
FENDI	1,244,466	July 5, 1983	IC 018: Traveling Luggage, Trunks, Purses, Rucksacks, Brief Cases, Attache Cases, Wallets, Key Cases, Passport Cases, Business Card Cases, Cosmetic Cases Sold Empty, Shirt Bags
	1,267,539	February 21, 1984	IC 025: Fur Coats, Fur Stoles, Fur Jackets, Raincoats, Cloth Coats, Jackets, Skirts, Blouses, Dresses, Hosiery, Shirts, Trousers, Hats, Scarves, Foulards, Gloves, Ties, Neckwear, Belts, Swimwear, Shoes, Boots.
BAGUETTE	2,803,999	April 24, 2001	IC 018: Leather and imitation of leather and goods made from these materials, handbags, and shoulder bags
FENDI	3,940,027	April 5, 2011	IC 018: Leather and imitation leather, furs, saddlery, traveling bags, handbags, shoulder bags, briefcases, attache cases, trunks,

Trademark	Registration Number	Registration Date	Class / Goods
			leatherwear, namely, key cases, purses, wallets, suitcases, backpacks, rucksacks, pouches, general purpose trolley bags. IC 025: Clothing, namely, shirts, t-shirts, sweatshirts, pants, trousers, jeans, shorts, skirts, dresses, belts, sweaters, cardigans, pullovers, business suits, suits, coats, jackets, fur coats, fur jackets, fur shawls, scarves, foulards, neckties, bowties, gloves; waterproof clothing, namely, headbands, caps, hats; footwear, namely, shoes, sport shoes, boots, slippers, sneakers, sandals
	4,036,925	October 11, 2011	IC 018: Leather and imitation leather; furs; animal skins; animal hides; goods made of leather and imitation leather, namely, handbags, shoulder bags, briefcases, leatherwear, namely, key cases, purses, wallets, backpacks, pouches, leather straps. IC 025: Clothing, namely, shirts, t-shirts, sweatshirts, sport shirts, pants, sport pants, trousers, shorts, skirts, dresses, belts, sweaters, cardigans, pullovers, jackets, scarves, foulards, gloves; waterproof clothing, namely, waterproof jackets, swimsuits; hats; footwear, namely, shoes, sport shoes, boots, slippers, sneakers, sandals

Trademark	Registration Number	Registration Date	Class / Goods
	4,362,861	July 9, 2013	<p>IC 009: Eyeglasses, sunglasses, eyeglass and sunglass lenses, eyeglass frames and eyeglass cases; telephones and mobile phones; computers, laptop computers, MP3 players, personal digital assistants; cameras and digital cameras; video cameras; bags, cases and sleeves specially adapted for holding or carrying all the above mentioned goods.</p> <p>IC 018: Bags, namely, shoulder bags, travelling bags, handbags, Boston bags, waist packs, sling bags for carrying infants, leather and canvas shopping bags, duffle bags, tote bags, clutch bags, trunks, wallets, purses, briefcases, attach cases, pouches of leather or textile, school bags, suitcases, garment bags for travel, key cases made of leather, backpacks, rucksacks, vanity cases sold empty, carry-on bags, beach bags, umbrellas.</p> <p>IC 024: Beach towels</p> <p>IC 025: Articles of clothing for men, women and children, namely, pullovers, cardigans, sweaters, jerseys, jumpers, jackets, sweatshirts, parkas, bathing suits, blouses, shirts, trousers, jeans, waistcoats, skirts, shorts, T-shirts, dresses, men's suits, coats, raincoats, overcoats, fur coats and jackets, overalls, underwear, vests, hosiery and panty hose, bathrobes, shawls, scarves, neckties, gloves for</p>

Trademark	Registration Number	Registration Date	Class / Goods
			clothing, belts for clothing, shoes, boots, sandals, slippers, clogs, hats and caps.
FENDI	4,409,049	October 1, 2013	<p>IC 009: Eyeglasses, sunglasses, eyeglass and sunglass lenses, eyeglass frames and eyeglass cases; telephones and mobile phones; computers, laptop computers, MP3 players, personal digital assistants; cameras and digital cameras; video cameras; bags, cases and sleeves specially adapted for holding or carrying all the above mentioned goods.</p> <p>IC 018: Bags, namely, shoulder bags, travelling bags, handbags, Boston bags, waist packs, sling bags for carrying infants, leather and canvas shopping bags, duffle bags, tote bags, clutch bags, trunks, wallets, purses, briefcases, attach cases, pouches of leather or textile, school bags, suitcases, garment bags for travel, key cases made of leather, backpacks, rucksacks, vanity cases sold empty, carry-on bags, beach bags, umbrellas.</p> <p>IC 025: Articles of clothing for men, women and children, namely, pullovers, cardigans, sweaters, jerseys, jumpers, jackets, sweatshirts, parkas, bathing suits, blouses, shirts, trousers, jeans, waistcoats, skirts,</p>

Trademark	Registration Number	Registration Date	Class / Goods
			shorts, T-shirts, dresses, men's suits, coats, raincoats, overcoats, fur coats and jackets, overalls, underwear, vests, hosiery and panty hose, bathrobes, shawls, scarves, neckties, gloves for clothing, belts for clothing, shoes, boots, sandals, slippers, clogs, hats and caps.
	4,549,739	June 17, 2014	<p>IC 018: Bags, namely, shoulder bags, travelling bags, handbags, Boston bags, waist packs, sling bags for carrying infants, leather and canvas shopping bags, duffle bags, tote bags, clutch bags, trunks, wallets, purses, briefcases, attach cases, pouches of leather, pouches of textile not for packaging, school bags, suitcases, garment bags for travel, key cases made of leather, backpacks, rucksacks, vanity cases sold empty, carry-on bags, beach bags, umbrellas</p> <p>IC 025: Articles of clothing for men, women and children, namely, pullovers, cardigans, sweaters, jerseys, jumpers, jackets, sweatshirts, parkas, bathing suits, blouses, shirts, trousers, jeans, waistcoats, skirts, shorts, T-shirts, dresses, men's suits, coats, raincoats, overcoats, fur coats and jackets, overalls, underwear, vests, hosiery and panty hose, bathrobes, shawls,</p>

Trademark	Registration Number	Registration Date	Class / Goods
			scarves, neckties, gloves for clothing, belts for clothing, shoes, boots, sandals, slippers, clogs, hats and caps
	4,916,008	Dec. 29, 2015	IC 009: Eyeglasses; sunglasses; eyeglass lenses; contact lenses; eyeglass frames; eyeglass and sunglass cases and holders; strings and chains for eyeglasses and sunglasses; protective helmets; sports helmets; helmets for motorcyclists; telephones and mobile phones; computers; laptop computers; MP3 players; MP4 players; portable media players; digital audio and video players; tablet computers; e-book readers; blank USB flash drives; headphones; earphones; hi-fi apparatus, namely, audiovisual receivers, radio receivers, digital media receivers, digital audio and video recorders and players, compact disk players, cassette players, record players, audio speakers, bass speakers, personal stereos, amplifiers, graphic equalizers, and sound equalizers and crossovers; personal digital assistants; cameras and digital cameras; video cameras; accessories and components of all the above-mentioned goods, namely, camera tripods, camera mounts and supports, reflectors for photographing, fitted plastic films known as skins for

Trademark	Registration Number	Registration Date	Class / Goods
			covering and providing a scratch proof barrier or protection for MP3 players, MP4 players, mobile telephones, smart telephones, laptop computers, tablet computers, digital cameras, global positioning systems and personal digital assistants excluding game apparatus, camera filters, battery chargers, and display screen protectors for providing shade and privacy specially adapted to electronic devices, namely laptop computers, tablet computers, cell phones, personal digital assistants, MP3 players, MP4 players, smart telephones, and mobile telephones; bags, cases and sleeves specially adapted for holding or carrying mobile phones, computers, laptop computers, MP3 players, MP4 players, portable media players, digital audio and video players, tablet computers, e-book readers, USB flash drives, headphones, earphones, personal digital assistants, photographic apparatus and equipment, cameras, and video cameras; and strings and chains, namely, straps and lanyards specially adapted for mobile phones, MP3 players, MP4 players, portable media players, and digital audio and video players

Trademark	Registration Number	Registration Date	Class / Goods
FENDI	4,929,737	April 5, 2016	IC 009: Eyeglasses; sunglasses; eyeglass lenses; contact lenses; eyeglass frames; eyeglass and sunglass cases and holders; strings and chains for eyeglasses and sunglasses; protective helmets; sports helmets; helmets for motorcyclists; telephones and mobile phones; computers; laptop computers; MP3 players; MP4 players; portable media players; digital audio and video players; tablet computers; e-book readers; blank USB flash drives; headphones; earphones; hi-fi apparatus, namely, audiovisual receivers, radio receivers, digital media receivers, digital audio and video recorders and players, compact disk players, cassette players, record players, audio speakers, bass speakers, personal stereos, amplifiers, graphic equalizers, and sound equalizers and crossovers; personal digital assistants; cameras and digital cameras; video cameras; accessories and components specially designed for all the above-mentioned goods, namely, camera tripods, camera mounts and supports, reflectors for photographing, fitted plastic films known as skins for covering and providing a scratch proof barrier or protection for MP3 players, MP4 players,

Trademark	Registration Number	Registration Date	Class / Goods
			mobile telephones, smart telephones, laptop computers, tablet computers, digital cameras, global positioning systems and personal digital assistants excluding game apparatus, camera filters, battery chargers, and display screen protectors for providing shade and privacy specially adapted to electronic devices in the nature of laptop computers, tablet computers, cell phones, personal digital assistants, MP3 players, MP4 players, smart telephones, and mobile telephones; bags, cases and sleeves specially adapted for holding or carrying mobile phones, computers, laptop computers, MP3 players, MP4 players, portable media players, digital audio and video players, tablet computers, e-book readers, USB pen flash drives, headphones, earphones, personal digital assistants, photographic apparatus and equipment, cameras, and video cameras; and strings and chains, namely, straps and lanyards specially adapted for mobile phones, MP3 players, MP4 players, portable media players, and digital audio and video players
FENDI	5,139,608	November 29, 2016	IC 018: Shoulder straps for handbags

Trademark	Registration Number	Registration Date	Class / Goods
	5,505,551	July 3, 2018	<p>IC 003: Fragrances; make-up</p> <p>IC 009: Cell phone cases; cell phone covers; cell phone straps; sunglasses</p> <p>IC 014: Decorative fobs for keys; key rings with decorative trinkets or fobs; precious metal key holders with decorative trinkets or fobs; key holders of precious metals; key fobs of precious metals; key rings of precious metals; key fobs being rings coated with precious metal; key chains as jewelry, being trinkets or fobs; key rings with decorative trinkets or fobs of precious metal</p> <p>IC 018: Leather and imitations of leather; animal skins and hides; trunks and travelling bags; umbrellas and parasols; walking sticks; whips; harness; saddlery; all-purpose carrying bags; shoulder bags; travelling bags; hand bags; boston bags; waist packs; sling bags for carrying infants; duffle bags; tote bags; clutch bags; wallets; purses; briefcases; attaché cases; pouches of leather; pouches of textile, not for packaging; school bags; suitcases; garment bags for travel; key cases made of leather; backpacks; rucksacks; vanity cases sold empty; carry-on bags;</p>

Trademark	Registration Number	Registration Date	Class / Goods
			<p>beach bags; umbrellas</p> <p>IC 020: Furniture; mirrors; picture frames; air cushions, not for medical purposes; air mattresses, not for medical purposes; air pillows, not for medical purposes; bead curtains for decoration; bedding, except linen, namely, beds, mattresses, pillows and bolsters; busts of wood, wax, plaster or plastic; wardrobes; curtain holders, not of textile material; curtain tie-backs, namely, non-textile curtain holders; cushions; doors for furniture; dressmakers' dummies; screens for fireplaces; house numbers, not of metal, non-luminous; indoor window blinds being shades; infant walkers; mannequins; decorative mobiles; pet cushions; pillows; slatted indoor blinds; statues of wood, wax, plaster or plastic; statuettes of wood, wax, plaster or plastic; table tops; tailors' dummies; decorative wind chimes; works of art of wood, wax, plaster or plastic; signboards of wood or plastics</p> <p>IC 025: Clothing, namely, shirts and pants; footwear; headwear; pullovers; cardigans; sweaters; jerseys; jumpers; jackets; sweatshirts; parkas; bathing suits;</p>

Trademark	Registration Number	Registration Date	Class / Goods
			blouses; shirts; trousers; jeans; waistcoats; skirts; shorts; T-shirts; dresses; men's suits; coats; raincoats; overcoats; fur coats and jackets; overalls; underwear; vests; hosiery; panty hose; bathrobes; shawls; scarves; neckties; gloves being clothing; belts for clothing; shoes; boots; sandals; slippers; clogs; hats and caps
	5,563,158	September 18, 2018	IC 003: Fragrances; make-up IC 009: Cell phone cases; cell phone covers; cell phone straps; sunglasses IC 014: Decorative fobs for keys; key rings being trinkets or fobs; key holders of precious metals being trinkets or fobs; key holders of precious metals; decorative key fobs of precious metals; key rings of precious metals; key fobs being rings coated with precious metal; key chains as jewelry, being trinkets or fobs; key rings being trinkets or fobs of precious metal IC 018: Leather and imitations of leather; animal skins and hides; trunks and travelling bags; umbrellas and parasols; walking sticks; whips; harnesses; saddlery; bags, namely, leather

Trademark	Registration Number	Registration Date	Class / Goods
			<p>bags, weekend bags and all-purpose carrying bags; shoulder bags; travelling bags; hand bags; boston bags; waist packs; sling bags for carrying infants; duffle bags; tote bags; clutch bags; wallets; purses; briefcases; attaché cases; pouches of leather; pouches of textile, not for packaging; school bags; suitcases; garment bags for travel; key cases made of leather; backpacks; rucksacks; vanity cases sold empty; carry-on bags; beach bags; umbrellas</p> <p>IC 020: Furniture; mirrors; picture frames; air cushions, not for medical purposes; air mattresses, not for medical purposes; air pillows, not for medical purposes; bead curtains for decoration; bedding, namely, beds, bed headboards and bed fittings not of metal; busts of wood, wax, plaster or plastic; covers for clothing being wardrobe; curtain holders, not of textile material; curtain tie-backs in the nature of non-textile curtain holders; cushions; doors for furniture; dressmakers' dummies; fire screens, domestic being screens for fireplaces; garment covers for storage being nonmetal and non-paper containers for storage, fitted</p>

Trademark	Registration Number	Registration Date	Class / Goods
			<p>fabric furniture covers, furniture and wardrobes; house numbers, not of metal, nonluminous; indoor window blinds being shades; infant walkers; mannequins; decorative mobiles; pet cushions; pillows; slatted indoor blinds; statues of wood, wax, plaster or plastic; statuettes of wood, wax, plaster or plastic; table tops; tailors' dummies; decorative wind chimes; works of art of wood, wax, plaster or plastic; signboards of wood or plastics</p> <p>IC 025: Clothing, namely, shirts, dresses, pants and sweaters; footwear; headwear; pullovers; cardigans; sweaters; jerseys; jumpers; jackets; sweatshirts; parkas; bathing suits; blouses; shirts; trousers; jeans; waistcoats; skirts; shorts; T-shirts; dresses; men's suits; coats; raincoats; overcoats; fur coats and jackets; overalls; underwear; vests; hosiery; panty hose; bathrobes; shawls; scarves; neckties; gloves being clothing; belts for clothing; shoes; boots; sandals; slippers; clogs; hats and caps being headwear</p> <p>IC 035: Providing information and advice in relation to retailing services in the field of ready-to-</p>

Trademark	Registration Number	Registration Date	Class / Goods
			wear, clothing and footwear; providing information and advice in relation to direct selling through telecommunications in the field of ready-to-wear, clothing and footwear; providing information and advice in relation to direct selling through telephone in the field of ready-to-wear, clothing and footwear; providing information and advice in relation to direct selling through facsimile in the field of ready-to-wear, clothing and footwear; providing information and advice in relation to direct selling through email in the field of ready-to-wear, clothing and footwear; providing information and advice in relation to direct selling through the Internet in the field of ready-to-wear, clothing and footwear; providing information and advice in relation to on-line direct selling in the field of ready-to-wear, clothing and footwear; providing information and advice in relation to wholesaling services in the field of ready-to-wear, clothing and footwear; computerized on-line ordering service through telephones in the field of ready-to-wear, clothing and footwear; computerized on-line ordering service through facsimiles in the field of ready-

Trademark	Registration Number	Registration Date	Class / Goods
			to-wear, clothing and footwear; computerized on-line ordering service through email in the field of ready-to-wear, clothing and footwear; computerized on-line ordering service through the Internet including social networks in the field of ready-to-wear, clothing and footwear; advertising by mail order, namely, organisation of mail order promotions in the field of ready-to-wear, clothing and footwear; marketing, including direct marketing and direct mail advertising in the field of ready-to-wear, clothing and footwear; advertising by mail order in the field of ready-to-wear, clothing and footwear; promotion and marketing services, namely, point of purchase promotions in the field of ready-to-wear, clothing and footwear; on-line advertising in the field of ready-to-wear, clothing and footwear; sales promotions services in the field of ready-to-wear, clothing and footwear