

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

GOYARD ST-HONORE,

Plaintiff,

vs.

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

Defendants.

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**COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF**

Plaintiff, Goyard St-Honore (“Plaintiff” or “Goyard”) 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 Goyard’s trademarks within this district through various Internet based e-commerce stores and fully interactive commercial Internet websites operating under the seller identities and domain names set forth on Schedule “A” hereto (the “Seller IDs and Subject Domain Names”). In support of its claims, Goyard 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 Goyard'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 fully interactive commercial Internet websites accessible in Florida and operating under their Seller IDs and Subject Domain Names. Alternatively, Defendants are alternatively 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 into this district.

#### **THE PLAINTIFF**

4. Goyard is a foreign business entity organized under the laws of the Republic of France with its principal place of business located at 16 place Vendôme in Paris, France 75001. Goyard operates boutiques throughout the world, including within this district. Goyard is, in part, engaged in the business of manufacturing and distributing throughout the world, including within this district, a variety of high-quality luxury goods under multiple world famous common law and federally registered trademarks, including those identified in Paragraph 14 below.

Goyard offers for sale and sells its trademarked goods within this district. Defendants, through offer to sell and sale of counterfeit and infringing Goyard branded products, are directly and unfairly competing with Goyard's economic interests in the United States, including the State of Florida and causing Goyard irreparable harm and damage within this jurisdiction.

5. Like many other famous trademark owners, Goyard 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 Goyard's trademarks for the twin purposes of (i) duping and confusing the consuming public and (ii) earning substantial profits across their e-commerce stores and websites. The natural and intended byproduct of Defendants' combined actions is the erosion and destruction of the goodwill associated with the Goyard 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 Goyard expends significant monetary resources in connection with trademark enforcement efforts.

### **THE DEFENDANTS**

7. Defendants are individuals, 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 fulfillment centers within the United States to redistribute their products from those locations. 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 Internet marketplace websites under the Seller IDs or as interactive commercial Internet websites under the Subject Domain Names.

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

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

10. Defendants directly engage in unfair competition with Goyard by advertising, offering for sale, and selling goods each using counterfeits and infringements of one or more of Goyard's trademarks to consumers within the United States and this district through Internet based e-commerce stores or commercial Internet websites using, at least, the Seller IDs and Subject Domain Names, as well as additional names, e-commerce stores, seller identification aliases, domain names, or websites not yet known to Goyard. 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 Goyard-branded goods into the State.

11. Defendants have registered, established or purchased, and maintained their Seller IDs and Subject Domain Names. Defendants may have engaged in fraudulent conduct with respect to the registration of the Seller IDs and Subject Domain Names by providing false and/or misleading information to the Internet based e-commerce platforms where they offer to sell and/or sell, or to their domain registrars during the registration or maintenance process related to their respective Seller ID and Subject Domain Name. Many Defendants have registered and

maintained their Seller IDs and Subject Domain Names for the sole purpose of engaging in illegal counterfeiting activities.

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

13. Defendants' Seller IDs and Subject Domain Names, associated payment accounts, and any other alias e-commerce stores, seller identification names, and domain names used in connection with the sale of counterfeit and infringing goods using one or more of Goyard'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 Goyard. Moreover, Defendants are using Goyard's famous name and trademarks to drive Internet consumer traffic to their e-commerce stores and websites operating under the Seller IDs and Subject Domain Names, thereby increasing the value of the Seller IDs and Subject Domain Names and decreasing the size and value of Goyard's legitimate marketplace and intellectual property rights at Goyard's expense.

### **COMMON FACTUAL ALLEGATIONS**

#### **Plaintiff's Business and Trademark Rights**

14. Goyard is the owner of all rights in and to the following trademarks, which are valid and registered on the Principal Register of the United States Patent and Trademark Office (collectively the "Goyard Marks"):

Trademark	Registration Number	Registration Date	Class / Goods
	1,709,953	August 25, 1992	<p>IC 016 – Office requisites; namely, agendas and spare sheets therefor, repertories, desk pads, pen holders, stamp boxes for the storage of postage stamps, writing pads, address pads, pencil jars for desk use, ink wells, mail trays for desk use, note books, check cases and pen cases.</p> <p>IC 018 – Articles of fancy leather, leather, cloth and skin articles; namely, valises, travel trunks, cosmetic cases, travelling bags, handbags, brief cases, attache cases, brief case type document cases, toilet cases sold empty, makeup cases sold empty, sewing cases, wallets, hat boxes for travel, business card cases, key cases, drawstring pouches, garment bags for travel, necktie cases, jewel cases, umbrellas, saddle covers, cloth carriers, articles for dogs; namely, dog collars, dog leashes, dog clothes and carrying bags.</p>
GOYARD	1,821,224	February 15, 1994	<p>IC 016 – Office requisites; namely, agendas, repertories, note books, check cases and pen cases.</p> <p>IC 018 – Articles of fancy leather, leather, cloth and skin articles; namely, valises, travel trunks, cosmetic cases sold empty, traveling bags, handbags, briefcases, attache cases, briefcase type document cases, toilet cases sold empty, make-up cases sold empty, wallets, hat boxes for travel, business card cases, key cases, draw string pouches, garment bags for travel, necktie cases, umbrellas, saddlebags, saddle covers, and articles for dogs; namely, dog collars, dog leashes, dog clothes and carrying bags.</p>

Trademark	Registration Number	Registration Date	Class / Goods
 (E. Goyard Honore Paris)	3,418,288	April 29, 2008	IC 018 – Bags and traveling sets, namely, traveling bags; garment bags for travel; luggage trunks; valises, vanity cases sold empty, rucksacks, handbags, beach bags, school bags; suitcases, briefcases, pocket wallets, purses, not of precious metal, leather key cases; business card cases; umbrellas, parasols, walking sticks.
	4,036,898	October 11, 2011	IC 003 – Toilet soap; perfumes; eau de toilette and eau de cologne; cosmetic preparations; essential oils for personal use; cosmetic milks; lotions for face and body care; cosmetic creams; emulsions for cosmetic use; shampoos; gels to be used on the face and body for aesthetic purposes; deodorants for personal use. IC 009 – Spectacles; spectacle frames; sunglasses; spectacle cases; photographic apparatus, namely, cameras. IC 014 – Precious metals and their alloys, other than for dental use; goods made of precious metals and their alloys, other than for dental use, in the nature of jewelry, namely, rings, earrings, bracelets, charms, chains, watch chains, necklaces, pins, ornaments, fashion pins, ring bands; goods made of precious metals and their alloys, other than for dental use, namely, buckles of precious metal, hat ornaments of precious metal, jewellery cases of precious metal, jewellery caskets of precious metal; jewellery, precious stones, semi-precious stones, jewelry in the nature of pearls, horological and chronometric instruments; watches, watch straps, wristwatches; boxes for watches,

Trademark	Registration Number	Registration Date	Class / Goods
			<p>jewelry boxes; cuff links.</p> <p>IC 018 – Goods of leather and imitations of leather, namely, travelling bags, travelling sets comprised of luggage, and garment bags for travel; trunks; suitcases; unfitted vanity cases; rucksacks; handbags; sports bags; beach bags; school bags; attaché cases; document cases; briefcases; school satchels; under-arm bags, namely, handbags; leather goods, namely, wallets, purses not of precious metal, leather key cases, card holders for wallets; umbrellas; parasols; sunshade parasols; walking sticks.</p> <p>IC 024 – Fabrics for textile use; textile goods, namely, bath linen not for clothing, household linen, bed linen, textile table linen, bathroom linen of textile, handkerchiefs of textile.</p> <p>IC 025 – Clothing for men, women and children, namely, dresses, skirts, petticoats, culottes, ladies' suits, trousers, shorts, Bermuda shorts, swimming drawers, shirts, ladies' shirts, blouses, tee-shirts, sweatshirts, waistcoats, jackets, cardigans, pullovers, sweaters, parkas, anoraks, coats, gaberdines, raincoats, furs, sashes for wear, shawls, scarf, gloves, neckties, belts, socks, stockings, tights, underwear, pajamas, dressing gowns, swimsuits, bath robes; footwear, except orthopedic footwear, namely, shoes, sandals, boots, half-boots, boot liners, slippers; hats, berets, caps.</p> <p>IC 028 – Games, namely, chess games; gymnastic and sporting articles not included in other classes, namely,</p>

Trademark	Registration Number	Registration Date	Class / Goods
			baseball gloves, bats for games, boxing gloves, golf gloves, golf clubs, golf bags; decorations for Christmas trees.
	5,532,309	August 7, 2018	<p>IC 009 – Spectacles, sunglasses, spectacle cases, spectacle frames, spectacle cords; protective cases for portable telephones, tablet computers, electronic diaries and computers; portable telephones shell cases, portable telephone straps; cases especially made for photographic apparatus and instruments; binoculars being optics; cases for binoculars; magnifying glasses being optics; cases for magnifying glasses; digital photo frames; blank USB flash drives; mouse pads; barometers; dog whistles, cases for dog whistles.</p> <p>IC 014 – Jewelry, namely, finger rings, key rings, earrings, cufflinks, cases for cuff links, bracelets, charms, brooches, jewelry chains, necklaces, presentation boxes for jewelry, ornaments being jewelry, medallions being jewelry, jewelry boxes; tie pins, tie clips; timepieces and chronometric apparatus and instruments, namely, watches, straps for wrist watches, presentation boxes for watches, cases being parts of watches, alarm clocks; boxes of precious metals, their alloys or coated therewith</p> <p>IC 016 – Printed matter, namely, posters, photo albums, greeting cards, postcards; printed matter, namely, books, magazines, orientation manuals, photographs, periodicals in the field of leather goods, travel goods, leather accessories and bags, pet accessories, clothing and fashion accessories; checkbook holders; products made of cardboard or paper, namely, boxes of</p>

Trademark	Registration Number	Registration Date	Class / Goods
			<p>cardboard or paper, hat boxes of cardboard, bags being envelopes and pouches of cardboard or paper for packaging, paper table cloths, perfumed and non-perfumed drawer liners of paper, money clips, passport holders, table napkins of paper; office requisites excluding furniture, namely, diaries, stationery pads, notebooks, binders, cases for stamps, cases for stationery, paper knives, diary covers being stationery, letter trays, writing sets comprising inkstands and stationery, envelopes being stationery, shields being paper seals, writing paper, trays for sorting and counting money, document holders, paperweights, telephone indexes, desk pads, stamps, namely, sealing stamps; writing instruments, namely, pens, ball-point pens, propelling pencils, pencil holders, pencil cases.</p> <p>IC 018 – Products made of leather or imitations of leather, namely, straps of leather, leather leashes, boxes of leather or imitation leather, wallets of leather or imitation leather, briefcases of leather; traveling trunks, traveling bags, leather traveling sets, namely, leather cases and pouch sets for travel, garment bags for travel; trunks, attache cases, suitcases; unfitted vanity cases, backpacks, handbags, beach bags, sports bags, bags for carrying animals, briefcases, purses, wallets, coin purses, key cases being leather products, card cases being wallets, credit card holders being wallets; umbrellas, umbrella sticks, walking sticks, walking stick seats, collars for animals, animal leashes; clutch bags.</p>

Trademark	Registration Number	Registration Date	Class / Goods
			IC 024 – Fabrics and textile products, namely, textile wall hangings, household linen, bed linen, table linen of textile, bath linen except clothing, handkerchiefs of textile, covers for cushions, unfitted fabric chair covers, traveling rugs, lap robes. IC 024 – Clothing, namely, suspenders, belts being clothing, neckties, socks, shawls, sashes for wear, scarves, gloves, bathing suits, bath robes, pocket squares being clothing; footwear, namely, sandals, boots, slippers; headgear, namely, hats, berets, caps being headwear.

The Goyard Marks are used in connection with the manufacture and distribution of high quality goods in the categories identified above. True and correct copies of the Certificates of Registration for the Goyard Marks are attached hereto as Composite Exhibit “1.”

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

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

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

18. Further, Goyard has expended substantial resources developing, and otherwise promoting the Goyard Marks. The Goyard Marks qualify as famous marks as that term is used in 15 U.S.C. §1125(c)(1).

19. Goyard extensively uses and promotes the Goyard Marks in the United States in association with the sale of high-quality luxury goods.

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

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

22. Genuine goods bearing the Goyard Marks are legitimately promoted by Goyard, 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 Goyard's overall marketing and consumer education efforts. Thus, Goyard 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 Goyard and its authorized retailers to educate consumers fairly and legitimately about the value associated with the Goyard brand and the goods sold thereunder. Similarly, Defendants' individual seller stores are indexed on search engines and compete directly with Goyard for space and consumer attention in search results.

#### **Defendants' Infringing Activities**

23. 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 Goyard Marks (the “Counterfeit Goods”) through at least the e-commerce stores and commercial Internet websites operating under the Seller IDs and Subject Domain Names. Specifically, Defendants are using the Goyard Marks to initially attract online consumers and drive them to Defendants’ e-commerce stores and websites operating under the Seller IDs and Subject Domain Names. Defendants are each using identical copies of one or more of the Goyard Marks for different quality goods. Goyard has used the Goyard Marks extensively and continuously before Defendants began offering counterfeit and confusingly similar imitations of Goyard’s merchandise.

24. Defendants’ Counterfeit Goods are of a quality substantially different than that of Goyard’s genuine goods. Defendants 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 Goyard, despite Defendants’ knowledge that they are without authority to use the Goyard 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 in Defendants’ e-commerce stores and websites are genuine goods originating from, associated with, and approved by Goyard.

25. Defendants advertise their e-commerce stores and websites, including their Counterfeit Goods offered for sale, to the consuming public via e-commerce stores on, at least, one Internet marketplace website operating under, at least, the Seller IDs and/or via commercial websites operating under at least the Subject Domain Names. In so doing, Defendants improperly and unlawfully use one or more of the Goyard Marks without Goyard’s permission.

26. As part of their overall unlawful scheme, 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 Goyard Marks. Specifically, Defendants are using counterfeits and infringements of Goyard's famous name and the Goyard Marks to make their e-commerce stores and websites selling illegal goods appear more relevant and attractive to consumers searching for both Goyard and non-Goyard 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 Goyard's genuine goods. Defendants are causing individual, concurrent, and indivisible harm to Goyard and the consuming public by (i) depriving Goyard and other third parties of their right to fairly compete for space within search engine results and reducing the visibility of Goyard's genuine goods on the World Wide Web, (ii) causing an overall degradation of the value of the goodwill associated with the Goyard Marks, and (iii) increasing Goyard's overall cost to market its goods and educate consumers about its brand via the Internet.

27. 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 Goyard and the consuming public for Defendants' own benefit.

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

29. Defendants' use of the Goyard Marks, including the promotion and advertisement, reproduction, distribution, sale and offering for sale of their Counterfeit Goods, is without Goyard'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 Goyard's rights for the purpose of trading on Goyard's goodwill and reputation. If Defendants' intentional counterfeiting and infringing activities are not preliminarily and permanently enjoined by this Court, Goyard 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 Goyard's genuine goods and Defendants' Counterfeit Goods, which there is not.

32. Moreover, upon information and belief, at least Defendant Number 367 has registered its respective Subject Domain Name using marks that are nearly identical and/or confusingly similar to at least one of the Goyard Marks (the "Cybersquatted Subject Domain Name").

33. Defendant Number 367 does not have, nor has it ever had, the right or authority to use the Goyard Marks. Further, the Goyard Marks have never been assigned or licensed to be used on any of the websites, including the website operating under the Cybersquatted Subject Domain Name.

34. Defendant Number 367 has provided false and/or misleading contact information when applying for the registration of the Cybersquatted Subject Domain Name or has

intentionally failed to maintain accurate contact information with respect to the registration of the Cybersquatted Subject Domain Name.

35. Defendant Number 367 has never used the Cybersquatted Subject Domain Name in connection with a bona fide offering of goods or services.

36. Defendant Number 367 has not made any bona fide non-commercial or fair use of the Goyard Marks on a website accessible under the Cybersquatted Subject Domain Name.

37. Defendant Number 367 has intentionally incorporated at least one of the Goyard Marks in its Cybersquatted Subject Domain Name to divert consumers looking for Goyard's Internet website to its own Internet website for commercial gain

38. 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, cybersquatting, and unfairly competitive activities connected to their Seller IDs and Subject Domain Names, and any other alias e-commerce stores, seller identification names, domain names, or websites being used and/or controlled by them.

39. Further, Defendants are likely to transfer or secret their assets to avoid payment of any monetary judgment awarded to Goyard.

40. Goyard has no adequate remedy at law.

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

42. The harm and damages sustained by Goyard 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)**

43. Goyard hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 42 above.

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

45. 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 Goyard Marks. Defendants are continuously infringing and inducing others to infringe the Goyard Marks by using one or more of them to advertise, promote, offer to sell and sell counterfeit and infringing Goyard branded goods.

46. 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.

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

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

49. Goyard 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))**

50. Goyard hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 42 above.

51. Defendants' Counterfeit Goods bearing, offered for sale, and sold using copies of one or more of the Goyard Marks have been widely advertised and offered for sale throughout the United States via at least one Internet marketplace website or interactive commercial Internet website.

52. Defendants' Counterfeit Goods bearing, offered for sale, and sold using copies of at least one of the Goyard Marks are virtually identical in appearance to Goyard'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.

53. Defendants 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 Goyard's detriment.

54. Defendants have each authorized infringing uses of one or more of the Goyard 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.

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

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

57. Goyard 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 Goyard will continue to suffer irreparable injury to its goodwill and business reputation, as well as monetary damages.

**COUNT III –CLAIM FOR RELIEF FOR CYBERSQUATTING**  
**PURSUANT TO § 43(d) OF THE LANHAM ACT (15 U.S.C. § 1125(d))**  
**(Against Defendant Number 367 only)**

58. Goyard hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 42 above.

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

60. Defendant Number 367 has acted with the bad faith intent to profit from the Goyard Marks and the goodwill associated with the Goyard Marks by registering and using the Cybersquatted Subject Domain Name.

61. The Goyard Marks were distinctive and famous at the time Defendant Number 367 registered the Cybersquatted Subject Domain Name.

62. Defendant Number 367 has no intellectual property rights in or to the Goyard Marks.

63. The Cybersquatted Subject Domain Name is identical to, confusingly similar to, or dilutive of at least one of the Goyard Marks.

64. Defendant Number 367's conduct is done with knowledge and constitutes a willful violation of Goyard's rights in the Marks. At a minimum, the conduct of this Defendant constitutes reckless disregard for and willful blindness to Goyard's rights.

65. Defendant Number 367's actions constitute cybersquatting in violation of §43(d) of the Lanham Act, 15 U.S.C. § 1125(d).

66. Goyard has no adequate remedy at law.

67. Goyard has suffered and will continue to suffer irreparable injury and damages due to the above-described activities of Defendant Number 367 if this Defendant is not preliminarily and permanently enjoined.

**COUNT IV - COMMON LAW UNFAIR COMPETITION.**

68. Goyard hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 42 above.

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

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

71. 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 websites as a whole and all products sold therein by their use of the Goyard Marks.

72. Goyard 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 V - COMMON LAW TRADEMARK INFRINGEMENT**

73. Goyard hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 42 above.

74. Goyard is the owner of all common law rights in and to the Goyard Marks.

75. 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 one or more of the Goyard Marks.

76. Specifically, each Defendant is promoting and otherwise advertising, distributing, offering for sale, and selling goods using and bearing and using infringements of one or more of the Goyard Marks.

77. 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 Goyard Marks.

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

#### **PRAYER FOR RELIEF**

79. WHEREFORE, Goyard 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 Goyard Marks; from using the Goyard 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 Goyard; from falsely representing themselves as being connected with Goyard, 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 Goyard; from using any reproduction, counterfeit, infringement, copy, or colorable imitation of the Goyard 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 Goyard, or in any way endorsed by Goyard and from offering such goods in commerce; from engaging in search engine optimization strategies using colorable imitations of Goyard's name or trademarks and from otherwise unfairly competing with Goyard.

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, enjoining Defendants and all third parties with actual notice of the injunction 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 Goyard Marks.

c. Entry of an Order pursuant to 15 U.S.C. § 1116, 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority that upon Goyard's request, the Defendants and the top level domain (TLD) Registry for each of the Subject Domain Names, and any other domains used by Defendants, or their administrators, including backend registry operators or administrators, place the Subject Domain Names on Registry Hold status for the remainder of the registration period for any such domain name, thus removing them from the TLD zone files which link the Subject Domain Names, and any other domain 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 Goyard Marks, to the IP addresses where the associated websites are hosted.

d. Entry of an order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority, canceling for the life of the current registration or, at Goyard's election, transferring the Subject Domain Names and any other domain names used by Defendants to engage in their counterfeiting of the Goyard Marks at issue to Goyard's control so they may no longer be used for unlawful purposes.

e. Entry of an order requiring Defendants, their agent(s) or assign(s), to assign all rights, title, and interest, to their Subject Domain Name(s) to Goyard and, if within five (5) days of entry of such order Defendants fail to make such an assignment, the Court order the act to be done by another person appointed by the Court at Defendants' expense, such as the Clerk of Court, pursuant to Federal Rule of Civil Procedure 70(a).

f. Entry of an order requiring Defendants, their agent(s) or assign(s), to instruct all search engines to permanently delist or deindex the Subject Domain Name(s) and, if within five (5) days of entry of such order Defendants fail to make such a written instruction, the Court order the act to be done by another person appointed by the Court at Defendants' expense, such as the Clerk of Court, pursuant to Federal Rule of Civil Procedure 70(a).

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 Goyard'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 the Court disable and/or cease facilitating access to the Seller IDs and any other alias e-commerce stores and 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 Goyard Marks.

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 Goyard’s request, any Internet marketplace website operators and/or administrators who are provided with notice of the injunction 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 Goyard Marks via the e-commerce stores operating under the Seller IDs, including but not limited to the listings and associated images identified by the “parent” and/or “child” Amazon Standard Identification Numbers (“ASIN”) on Schedule “A” annexed hereto, and upon Goyard’s request, any other listings and images of goods bearing counterfeits and/or infringements of the Goyard Marks associated with any ASIN linked to the same sellers or linked to any other alias seller identification names being used and/or controlled by Defendants to promote, offer for sale and/or sell goods bearing counterfeits and/or infringements of the Goyard 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 Goyard’s request, Defendants and any Internet marketplace website operators and/or administrators who are provided with notice of the injunction issued by the Court immediately cease fulfillment of and sequester all goods of each Defendant bearing one or more of the Goyard Marks in its inventory, possession, custody, or control, and surrender those goods to Goyard.

j. Entry of an Order requiring Defendants to account to and pay Goyard for all profits and damages resulting from Defendants' trademark counterfeiting and infringing and unfairly competitive activities and that the award to Goyard be trebled, as provided for under 15 U.S.C. §1117, or that Goyard 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 order requiring Defendant Number 367 to account to and pay Goyard for all profits and damages resulting from that Defendant's cybersquatting activities and that the award to Goyard be trebled, as provided for under 15 U.S.C. § 1117, or, at Goyard's election with respect to Count III, that Goyard be awarded statutory damages from Defendant Number 367 in the amount of one hundred thousand dollars (\$100,000.00) per cybersquatted domain name used as provided by 15 U.S.C. § 1117(d) of the Lanham Act.

l. Entry of an award pursuant to 15 U.S.C. § 1117 (a) and (b) of Goyard's costs and reasonable attorneys' fees and investigative fees associated with bringing this action.

m. 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 Goyard'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 and Subject Domain Names or other alias e-commerce stores, seller identification names, 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 Goyard in partial satisfaction of the monetary judgment entered herein.

- n. Entry of an award of pre-judgment interest on the judgment amount.
- o. Entry of an Order requiring Defendants to pay the cost necessary 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.
- p. Entry of an Order for any further relief as the Court may deem just and proper.

DATED: July 8, 2021.

Respectfully submitted,

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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)]**