

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

S.A.S. JEAN CASSEGRAIN and  
LONGCHAMP USA, INC.,

Plaintiffs,

vs.

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

Defendants.

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**COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF**

Plaintiffs, S.A.S. Jean Cassegrain and Longchamp USA, Inc. (collectively “Plaintiffs”) hereby sue 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 and/or using counterfeits and confusingly similar imitations of Plaintiffs’ trademarks within this district through various fully interactive commercial Internet based e-commerce stores operating under the seller names set forth on Schedule “A” (the “E-commerce Store Names”). In support of their claims, Plaintiffs allege as follows:

**JURISDICTION AND VENUE**

1. This is an action for damages and injunctive relief for federal trademark counterfeiting and infringement, false designation of origin, cybersquatting, common law unfair competition, and common law trademark infringement pursuant to 15 U.S.C. §§ 1114, 1116, and 1125(a), and 1125(d), 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 Plaintiffs' 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 accessible and doing business in Florida and operating under their E-commerce Store Names. Alternatively, based on their overall contacts with the United States, 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, non-residents in the United States and 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 PLAINTIFFS**

4. Plaintiff S.A.S. Jean Cassegrain is a company organized and existing under the laws of France with its principal place of business located at 43 rue Vineuse, 75116 Paris, France. Plaintiff S.A.S. Jean Cassegrain, through various subsidiary companies, manufactures and distributes goods throughout the world, including within this district, under multiple-world famous common law and federally registered trademarks, including the trademarks identified in Paragraph 16 below.

5. Plaintiff Longchamp USA, Inc. is a corporation organized and existing under the laws of the State of Delaware with its principal place of business in the United States located at

435A U.S. Highway North, Yardville, New Jersey 08691. Plaintiff Longchamp USA, Inc. is the exclusive distributor in the United States of handbags, travel bags, wallets, and other items manufactured by S.A.S. Jean Cassegrain. Plaintiff Longchamp USA, Inc. is a subsidiary of Plaintiff S.A.S. Jean Cassegrain (jointly referred to herein as “Longchamp”).

6. Plaintiffs offer for sale and sell their trademarked goods within the State of Florida, including this district, through their boutiques and online retail website. Defendants, through the sale and offer to sell counterfeit and infringing Longchamp branded products, are directly and unfairly competing with Plaintiffs’ economic interests in the United States, including the State of Florida and causing Plaintiffs irreparable harm and damage within this jurisdiction.

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

8. To combat the indivisible harm caused by the concurrent actions of Defendants and others engaging in similar conduct, each year Plaintiffs expend significant resources in connection with trademark enforcement efforts, including legal fees, investigative fees, and support mechanisms for law enforcement. The exponential growth of counterfeiting over the Internet, including through online marketplace and social media platforms, has created an environment that require companies, such as Plaintiffs, to expend significant resources across a wide spectrum of

efforts to protect both consumers and themselves from confusion and erosion of the goodwill embodied in Plaintiffs' brand.

### **THE DEFENDANTS**

9. 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 consumers as well as shipping and 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, at least, their commercial Internet based e-commerce stores under the E-commerce Store Names.

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

11. Defendants are the past and/or present controlling forces behind the sale of products bearing and/or using counterfeits and infringements of Plaintiffs' trademarks as described herein.

12. Defendants directly engage in unfair competition with Plaintiffs by advertising, offering for sale, and selling goods each bearing and/or using counterfeits and infringements of one or more of Plaintiffs' trademarks to consumers within the United States and this district through Internet based e-commerce stores using, at least, the E-commerce Store Names, as well as additional e-commerce store or seller identification aliases not yet known to Plaintiffs. Defendants have purposefully directed some portion of their unlawful activities towards consumers in the State

of Florida through the advertisement, offer to sell, sale, and/or shipment of counterfeit and infringing Longchamp branded goods into the State.


13. Defendants have registered, established, or purchased, and maintained their E-commerce Store Names. Defendants may have engaged in fraudulent conduct with respect to the registration of the E-commerce Store Names by providing false and/or misleading information during the registration or maintenance process related to their respective E-commerce Store Names. Many Defendants have anonymously registered and/or maintained their E-commerce Store Names for the sole purpose of engaging in unlawful infringing and counterfeiting activities.


14. Defendants will likely continue to register or acquire new e-commerce store names, or other aliases, as well as related payment accounts, for the purpose of selling and offering for sale goods bearing and/or using counterfeit and confusingly similar imitations of one or more of Plaintiffs' trademarks unless preliminarily and permanently enjoined.

15. Defendants' E-commerce Store Names, associated payment accounts, and any other alias e-commerce store or seller identification names used in connection with the sale of counterfeit and infringing goods bearing and/or using one or more of Plaintiffs' trademarks are essential components of Defendants' online activities and are one of the means by which Defendants further their counterfeiting and infringement schemes and cause harm to Plaintiffs. Moreover, Defendants are using Plaintiffs' famous names and/or trademarks to drive Internet consumer traffic to at least one of their e-commerce stores operating under the E-commerce Store Names, thereby increasing the value of the E-commerce Store Names and decreasing the size and value of Plaintiffs' legitimate marketplace and intellectual property rights at Plaintiffs' expense.

**COMMON FACTUAL ALLEGATIONS****Plaintiffs' Business and Trademark Rights**

16. Plaintiff S.A.S. Jean Cassegrain is the registered owner, and Plaintiff Longchamp, USA, Inc. is the licensee of the following trademarks, which are valid and registered on the Principal Register of the United States Patent and Trademark Office (the "Longchamp Marks"):

<b>Trademark</b>	<b>Registration Number</b>	<b>Registration Date</b>	<b>Class / Goods</b>
LONGCHAMP	1,279,796	May 29, 1984	IC 016: Articles at Least Partly Made of Leather and/or Imitation Leather-Namely, Checkbook Cases, Note Pad Holders, Address Books, Pencil Holders, and Engagement Book Covers  IC 018: Articles of Leather and/or Imitation Leather-Namely, Travel Bags, Handbags, Shoulder Bags, Garment Bags for Travel, Clutch Purses, Vanity Cases Sold Empty, Cosmetic Cases Sold Empty, Billfolds, Briefcases, Attache Cases, Money Pouches, Business and Credit Card Cases, Wallets, Overnight Cases, Suitcases, Keyholding Cases, Luggage Identification Tag Holders, Detachable Shoulder Straps for Shoulder Bags and Travel Bags and Luggage Reinforcement Straps and Shopping Bags  IC 034: Articles of Leather and/or Imitation Leather-Namely, Cigarette Cases
	3,064,959	March 7, 2006	IC 018: Handbags
<b>LE PLIAGE</b>	3,261,714	July 10, 2007	IC 018: Handbags and Travel Bags; Cosmetic Cases Sold Empty, Coin Purses

			IC 035: Computerized On-Line Retail Services in the Field of Handbags and Travel Bags
	4,012,970	August 16, 2011	<p>IC 006: Metal Key Holders</p> <p>IC 009: Eyeglass Cases; Cell Phone Cases</p> <p>IC 014: Precious Metals and their Alloys, and Goods in Precious Metals or Coated Therewith, Namely, Bracelets, Charms, Jewelry Chains, Neck Chains, and Key Rings, Necklaces, Jewelry, Key-Holders of Precious Metals</p> <p>IC 016: Printed Matters, Namely, Note Pads, Stationery and Printed Stationery; Writing Materials, Namely, Pens, Writing Instruments, Bags of Paper or Plastic for Packaging, Pouches Specially Adapted for Holding Writing Instruments or Printed Business and Personal Record Documents; Paper and Plastic Shopping Bags</p> <p>IC 018: Goods Made of Leather or of Imitations of Leather, Namely, Luggage, Traveling Bags, Traveling Sets Being Luggage, Garment Bags for Travel, Rucksacks, Handbags, Beach Bags, Reusable Shopping Bags, Shoulder Bags, Attache-Cases, Briefcases; Leather Pouches, Fine Leather Goods, Namely, Pocket Wallets, Purses, Credit Card Holders, Umbrellas</p> <p>IC 025: Clothing for Women and Clothing of Leather and Clothing Made from Imitations of Leather, Namely, Shorts, Bermuda Shorts, Pants, Jumpsuits; Shirts, Blouses, Jackets, Blousons, Cardigans, Pullovers, T-</p>

			Shirts, Sweatshirts, Suits, Parkas, Coats, Raincoats, Skirts, Dresses, Belts, Money Belts, Neckties, Gloves, Stoles, Scarves, Sashes, Shawls; Footwear other than Orthopedic; Headwear; Hats; Caps  IC 034: Smoker's Articles, Namely, Cigar Cases  IC 035: Online Advertising through a Computer Network; Direct Mail Advertising; Organization of Exhibitions for Commercial or Advertising Purposes; Presentation of Goods on all Means of Communication for Retail Purposes; Retail Store Services of Various Items of Leather Goods, Jewelry, Timepieces, Optical Goods, Stationery, Pens, Umbrellas, Smokers' Articles, Clothing and Footwear; Computerized Online Retail Store Services of Various Items of Leather Goods, Jewelry, Timepieces, Optical Goods, Stationery, Pens, Umbrellas, Smokers' Articles, Clothing and Footwear
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The Longchamp 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 Longchamp Marks are attached hereto as Composite Exhibit “1.”

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

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



19. The Longchamp Marks are symbols of Plaintiffs' quality, reputation, and goodwill and have never been abandoned. Plaintiffs have carefully monitored and policed the use of the Longchamp Marks.

20. The Longchamp Marks are well-known and famous and have been for many years. Plaintiffs expend substantial resources developing, advertising, and otherwise promoting the Longchamp Marks. The Longchamp Marks qualify as famous marks as that term is used in 15 U.S.C. §1125(c)(1).

21. Further, Plaintiffs extensively use, advertise, and promote the Longchamp Marks in the United States in association with the sale of high-quality goods and have carefully monitored and policed the use of the Longchamp Marks.

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

23. Accordingly, the Longchamp Marks have achieved secondary meaning among consumers as identifiers of high-quality goods.

24. Genuine goods using the Longchamp Marks are widely legitimately advertised, promoted, and offered for sale by Plaintiffs, their authorized distributors, and unrelated third parties via the Internet. Visibility on the Internet, particularly via Internet search engines and social media platforms, is important to Plaintiffs' overall marketing and consumer education efforts. Thus, Plaintiffs expend significant monetary and other resources on Internet marketing and consumer education regarding their products, including search engine optimization ("SEO"), search engine marketing ("SEM"), and social media strategies. Those strategies allow Plaintiffs and their authorized retailers to educate consumers fairly and legitimately about the value

associated with Plaintiffs' brand and the goods sold thereunder, and the problems associated with the counterfeiting of Plaintiffs' trademarks.

### **Defendants' Infringing Activities**

25. Defendants are each promoting, advertising, distributing, offering for sale, and/or selling goods in interstate commerce bearing and/or using counterfeits and confusingly similar imitations of one or more of the Longchamp Marks (the "Counterfeit Goods") through at least the e-commerce stores operating under the E-commerce Store Names. Specifically, Defendants are using the Longchamp Marks to initially attract online consumers and drive them to Defendants' e-commerce stores operating under their E-commerce Store Names. Defendants are each using identical copies of one or more of the Longchamp Marks for different quality goods. Plaintiffs have used the Longchamp Marks extensively and continuously before Defendants began offering counterfeit and confusingly similar imitations of Plaintiffs' merchandise.

26. Defendants' Counterfeit Goods are of a quality substantially different than that of Plaintiffs' genuine goods. Defendants are actively using, promoting and otherwise advertising, distributing, offering for sale, and/or selling 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 Plaintiffs, despite Defendants' knowledge that they are without authority to use the Longchamp 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 or through Defendants' e-commerce stores are genuine goods originating from, associated with, and/or approved by Plaintiffs.

27. Defendants advertise their e-commerce stores, including their Counterfeit Goods offered for sale, to the consuming public via the e-commerce stores on, at least, the E-commerce

Store Names. In so doing, Defendants improperly and unlawfully use one or more of the Longchamp Marks without Plaintiffs' permission.

28. Defendants are concurrently employing and benefiting from substantially similar advertising and marketing strategies based, in large measure, upon an unauthorized use of counterfeits and infringements of one or more of the Longchamp Marks. Specifically, Defendants are using counterfeits and infringements of Plaintiffs' famous names and the Longchamp Marks to make their e-commerce stores selling unauthorized goods appear more relevant and attractive to consumers searching for both Plaintiffs' and non-Plaintiffs' goods and information online. By their actions, Defendants are contributing to the creation and maintenance of an unlawful marketplace operating in parallel to the legitimate marketplace for Plaintiffs' genuine goods. Defendants are causing individual, concurrent, and indivisible harm to Plaintiffs and the consuming public by (i) depriving Plaintiffs of their right to fairly compete for space online and within search engine results and reducing the visibility of Plaintiffs' genuine goods on the World Wide Web, (ii) causing an overall degradation of the value of the goodwill associated with the Longchamp Marks by viewing inferior products in either the pre or post sale setting, and (iii) increasing Plaintiffs' overall cost to market their goods and educate consumers about their brands via the Internet.

29. 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 Plaintiffs and the consuming public for Defendants' own benefit.

30. At all times relevant hereto, Defendants have had full knowledge of Plaintiffs' ownership of the Longchamp Marks, including their exclusive rights to use and license such intellectual property and the goodwill associated therewith.

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

32. Defendants are engaging in the above-described unlawful counterfeiting and infringing activities knowingly and intentionally or with reckless disregard or willful blindness to Plaintiffs' rights for the purpose of trading on Plaintiffs' goodwill and reputation. If Defendants' intentional counterfeiting and infringing activities are not preliminarily and permanently enjoined by this Court, Plaintiffs and the consuming public will continue to be harmed.

33. 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 consumers, the public, and the trade into believing there is a connection or association between Plaintiffs' genuine goods and Defendants' Counterfeit Goods, which there is not.

34. Moreover, certain Defendants (the "Cybersquatting Defendants") have registered their respective E-commerce Store Names using marks that are nearly identical and/or confusingly similar to at least one of the Longchamp Marks, (the "Cybersquatted E-commerce Store Names").

35. The Cybersquatting Defendants have registered and/or used the Cybersquatted E-commerce Store Names with the bad faith intent to profit from the Longchamp Marks.

36. Defendants do not have, nor have they ever had, the right or authority to use the Longchamp Marks. Further, the Longchamp Marks have never been assigned or licensed to be

used on any of the e-commerce stores operating under the Cybersquatted E-commerce Store Names.

37. Upon information and belief, the Cybersquatting Defendants have provided false and/or misleading contact information when applying for the registration of their Cybersquatted E-commerce Store Names or have intentionally failed to maintain accurate contact information with respect to the registration of the Cybersquatted E-commerce Store Names.

38. The Cybersquatting Defendants have never used the Cybersquatted E-commerce Store Names in connection with a bona fide offering of goods or services.

39. The Cybersquatting Defendants have not made any bona fide non-commercial or fair use of the Longchamp Marks on a website accessible under the Cybersquatted E-commerce Store Names.

40. The Cybersquatting Defendants have intentionally incorporated at least one of the Longchamp Marks in their respective Cybersquatted E-commerce Store Names to divert consumers looking for Plaintiffs' Internet e-commerce store to their own Internet e-commerce stores for commercial gain.

41. Given the visibility of Defendants' various e-commerce stores and the similarity of their concurrent actions, it is clear Defendants are either affiliated, or at a minimum, cannot help but know of each other's existence and the unified harm likely to be caused to Plaintiffs and the overall consumer market in which they operate as a result of Defendants' concurrent actions.

42. Although some Defendants may be physically acting independently, they may properly be deemed to be acting in concert because the combined force of their actions serves to multiply the harm caused to Plaintiffs.

43. 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 unfairly competitive activities connected to their E-commerce Store Names and any other alias e-commerce store names being used and/or controlled by them.

44. Further, Defendants, upon information and belief, are likely to transfer or secrete their assets to avoid payment of any monetary judgment awarded to Plaintiffs.

45. Plaintiffs have no adequate remedy at law.

46. Plaintiffs are suffering irreparable injury and have suffered substantial damages because of Defendants' unauthorized and wrongful use of the Longchamp Marks. If Defendants' intentional counterfeiting and infringing, and unfairly competitive activities are not preliminarily and permanently enjoined by this Court, Plaintiffs and the consuming public will continue to be harmed while Defendants wrongfully earn a substantial profit.

47. The harm and damages sustained by Plaintiffs has 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)**

48. Plaintiffs hereby adopt and re-allege the allegations set forth in Paragraphs 1 through 47 above.

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

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

51. 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.

52. Defendants' unlawful actions have caused and are continuing to cause unquantifiable damages and irreparable harm to Plaintiffs and are unjustly enriching Defendants with profits at Plaintiffs' expense.

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

54. Plaintiffs have no adequate remedy at law. Plaintiffs have suffered and will continue to suffer irreparable injury and damages while Defendants are earning a substantial profit due to Defendants' above-described activities if Defendants are not preliminarily and permanently enjoined.

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

55. Plaintiffs hereby adopt and re-allege the allegations set forth in Paragraphs 1 through 47 above.

56. Defendants' Counterfeit Goods bearing, offered for sale, and sold using copies of one or more of the Longchamp Marks have been widely advertised and offered for sale throughout the United States via the Internet.

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

58. Defendants have used in connection with their advertisement, offer for sale, and sale of the Counterfeit Goods, false designations of origin and false descriptions and representations, including words or other symbols and designs which 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 Plaintiffs' detriment.

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

60. Additionally, Defendants are simultaneously using counterfeits and infringements of one or more of the Longchamp Marks to unfairly compete with Plaintiffs and others for space within organic and paid search engine and social media results. Defendants are thereby jointly (i) depriving Plaintiffs of valuable marketing and educational space online which would otherwise be



available to Plaintiffs, and (ii) reducing the visibility of Plaintiffs' genuine goods on the World Wide Web and across social media platforms.

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

62. Plaintiffs have no adequate remedy at law and have each sustained both individual and indivisible injury and damages caused by Defendants' concurrent conduct. Absent an entry of an injunction by this Court, Plaintiffs will continue to suffer irreparable injury to their goodwill and business reputations, while Defendants are earning a substantial profit.

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

63. Plaintiffs hereby adopt and re-allege the allegations set forth in in Paragraphs 1 through 47 above.

64. At all times relevant hereto, Plaintiffs have been and still are the owners of the rights, title, and interest in and to the Longchamp Marks.

65. The Cybersquatting Defendants have acted with the bad faith intent to profit from at least one of the Longchamp Marks and the goodwill associated with the Longchamp Marks by registering and using their respective Cybersquatted E-commerce Store Names.

66. The Longchamp Marks were already distinctive and famous at the time the Cybersquatting Defendants registered their Cybersquatted E-commerce Store Names.

67. The Cybersquatting Defendants have no intellectual property rights in or to the Longchamp Marks.

68. The Cybersquatted E-commerce Store Names are identical to, confusingly similar to, or dilutive of one or more of the Longchamp Marks.

69. The Cybersquatting Defendants' conduct is done with knowledge and constitutes a willful violation of Plaintiffs' rights in the Longchamp Marks. At a minimum, the conduct of the Cybersquatting Defendants constitutes reckless disregard for and willful blindness to Plaintiffs' rights.

70. The Cybersquatting Defendants' actions constitute cybersquatting in violation of §43(d) of the Lanham Act, 15 U.S.C. §1125(d).

71. Plaintiffs have no adequate remedy at law.

72. Plaintiffs have suffered and will continue to suffer irreparable injury and damages while the Cybersquatting Defendants profit due to the above-described activities if these Defendants are not preliminarily and permanently enjoined, while the Cybersquatting Defendants are earning a substantial profit.

#### **COUNT IV – COMMON LAW UNFAIR COMPETITION**

73. Plaintiffs hereby adopt and re-allege the allegations set forth in Paragraphs 1 through 47 above.

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

75. Specifically, Defendants are each promoting and otherwise advertising, selling, offering for sale, and distributing goods bearing and/or using counterfeits and infringements of one or more of the Longchamp Marks. Defendants are also each using counterfeits and infringements of one or more of the Longchamp Marks to unfairly compete with Plaintiffs and

others for (i) space in search engine and social media results across an array of search terms and (ii) visibility on the World Wide Web.

76. 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 as a whole and all products sold therein by their use of the Longchamp Marks.

77. Plaintiffs have no adequate remedy at law and are each suffering damages and irreparable injury because of Defendants' actions, while Defendants are earning a substantial profit.

#### **COUNT V – COMMON LAW TRADEMARK INFRINGEMENT**

78. Plaintiffs hereby adopt and re-allege the allegations set forth in Paragraphs 1 through 47 above.

79. Plaintiff S.A.S. Jean Cassegrain is the owner of all common law rights in and to the Longchamp Marks.

80. 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 bearing and/or using one or more of the Longchamp Marks.

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

82. 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 bearing and/or using the Longchamp Marks.

83. Plaintiffs have no adequate remedy at law and are each suffering irreparable injury and damages because of Defendants' actions, while Defendants are earning a substantial profit.

**PRAYER FOR RELIEF**

84. WHEREFORE, Plaintiffs demand 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 Longchamp Marks; from using the Longchamp 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 Plaintiffs; from falsely representing themselves as being connected with Plaintiffs, 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 Plaintiffs; from using any reproduction, counterfeit, infringement, copy, or colorable imitation of the Longchamp 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 Plaintiffs, or in any way endorsed by Plaintiffs and from

offering such goods in commerce; from engaging in search engine optimization strategies using colorable imitations of Plaintiffs' names or trademarks; and from otherwise unfairly competing with Plaintiffs.

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 an injunction issued by the 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 Longchamp 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 Plaintiffs' request, those acting in concert or participation as service providers to Defendants, who have notice of the injunction, cease hosting, facilitating access to, or providing any supporting service to any and all e-commerce stores, including but not limited to the E-commerce Store Names, through which Defendants engage in the promotion, offering for sale and/or sale of goods bearing and/or using counterfeits and/or infringements of the Longchamp Marks.

d. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority that, upon Plaintiffs' request, any Internet marketplace website operators, administrators, registrars, and/or top level domain (TLD) Registries for the E-commerce Store Names and any other alias e-commerce store names being used by Defendants who are provided with notice of an injunction issued by the Court, identify any e-mail address known to be associated with Defendants' E-commerce Store Names.

e. 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 Plaintiffs' request, Defendants and the top level domain (TLD) Registry for each of the E-commerce Store Names, and any other e-commerce store names used by Defendants, or their administrators, including backend registry operators or administrators, place the E-commerce Store Names on Registry Hold status for the remainder of the registration period for any such e-commerce store, thus removing them from the TLD zone files which link the E-commerce Store Names and any other e-commerce store names being used and/or controlled by Defendants to engage in the business of marketing, offering to sell, and/or selling goods bearing and/or using counterfeits and infringements of the Longchamp Marks, to the IP addresses where the associated e-commerce store names are hosted.

f. 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 Plaintiffs' election, transferring the E-commerce Store Names, and any other e-commerce store names used by Defendants to engage in their counterfeiting of the Longchamp Marks to Plaintiffs' control so they may no longer be used for unlawful purposes.

g. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority authorizing Plaintiffs to serve the injunction on the e-commerce store's registrar(s) and/or the privacy protection service(s) for the E-commerce Store Names to disclose to Plaintiffs the true identities and contact information for the registrants of the E-commerce Store Names.

h. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority authorizing Plaintiffs to request any Internet search engines or service provider referring or linking users to any URL of the E-commerce Store Names, which are

provided with notice of the order, to permanently disable, de-index, or delist all URLs of the E-commerce Store Names and/or permanently disable the references or links to all URLs of the E-commerce Store Names used by Defendants to promote, offer for sale and/or sell goods bearing and/or using counterfeits and/or infringements of the Longchamp Marks, based upon Defendants' unlawful activities being conducted via the E-commerce Store Names as a whole and via any specific URLs identified by Plaintiffs.

i. Entry of an Order pursuant to 15 U.S.C. § 1116 and the Court's inherent authority, requiring Defendants, their agent(s) or assign(s), to assign all rights, title, and interest, to their E-commerce Store Names, and any other e-commerce store names being used by Defendants to engage in the business of marketing, offering to sell, and/or selling goods bearing and/or using counterfeits and infringements of the Longchamp Marks, to Plaintiffs 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).

j. Entry of an Order pursuant to 15 U.S.C. § 1116 and the Court's inherent authority, requiring Defendants, their agent(s) or assign(s), to instruct in writing, all search engines to permanently delist or deindex the E-commerce Store Names, and any other e-commerce store names being used by Defendants to engage in the business of marketing, offering to sell, and/or selling goods bearing and/or using counterfeits and infringements of the Longchamp Marks, 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).

k. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority, authorizing Plaintiffs to serve an injunction issued by the Court 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 bearing and/or using counterfeits, and/or infringements of the Longchamp Marks.

l. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority, that, upon Plaintiffs' request, any Internet marketplace website operators and/or administrators who are provided with notice of an injunction issued by the Court, permanently remove any and all listings and associated images of goods bearing and/or using counterfeits and/or infringements of the Longchamp Marks via the e-commerce stores operating under the E-commerce Store Names, and upon Plaintiffs' request, any other listings and images of goods bearing and/or using counterfeits and/or infringements of the Longchamp Marks associated with or linked to the same sellers or linked to any other e-commerce store names 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 Longchamp Marks.

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



n. Entry of an Order requiring, upon Plaintiffs' request, Defendants to request in writing permanent termination of any messaging services, e-commerce store names, usernames, and social media accounts they own, operate, or control on any messaging service, e-commerce marketplace, and social media website.

o. Entry of an Order requiring Defendants to account to and pay Plaintiffs for all profits and damages resulting from Defendants' trademark counterfeiting and infringing and unfairly competitive activities and that the award to Plaintiffs be trebled, as provided for under 15 U.S.C. §1117, or that Plaintiffs 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 type offered for sale or sold, as provided by 15 U.S.C. §1117(c)(2) of the Lanham Act.

p. Entry of an Order requiring Defendants to account to and pay Plaintiffs for all profits and damages resulting from Defendants' cybersquatting activities and that the award to Plaintiffs be trebled, as provided for under 15 U.S.C. § 1117, or that Plaintiffs be awarded statutory damages from Defendants in the amount of one hundred thousand dollars (\$100,000.00) per cybersquatted e-commerce store name used as provided by 15 U.S.C. § 1117(d) of the Lanham Act.

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

r. 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 Plaintiffs' request, Defendants and any financial institutions, payment processors, banks, escrow services, money transmitters, e-commerce shipping partner, fulfillment center, warehouse, storage facility, or marketplace platforms, and their related companies and affiliates, identify, restrain, and

be required to surrender to Plaintiffs all funds, up to and including the total amount of judgment, in all financial accounts and/or sub-accounts used in connection with the E-commerce Store Names, or other alias e-commerce store names 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 Plaintiffs in partial satisfaction of the monetary judgment entered herein.

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

t. Entry of an Order requiring Defendants, at Plaintiffs' request, 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.

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

DATED: January 13, 2025.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

By: **Stephen M. Gaffigan**

Stephen M. Gaffigan (Fla. Bar No. 025844)

Virgilio Gigante (Fla. Bar No. 082635)

T. Raquel Wiborg-Rodriguez (Fla. Bar No. 103372)

Mallory R. Denzl (Fla. Bar No. 1050351)

401 East Las Olas Blvd., Suite 130-453

Ft. Lauderdale, Florida 33301

Telephone: (954) 767-4819

E-mail: [Stephen@smgpa.cloud](mailto:Stephen@smgpa.cloud)

E-mail: [Leo@smgpa.cloud](mailto:Leo@smgpa.cloud)

E-mail: [Raquel@smgpa.cloud](mailto:Raquel@smgpa.cloud)

E-mail: [MalloryR@smgpa.cloud](mailto:MalloryR@smgpa.cloud)

Attorneys for Plaintiffs

**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)]**