

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. CASE NO. 20-61915-CIV-COOKE**

GOYARD ST-HONORE,

Plaintiff,

vs.

CRABAG; DFSFOE; FALLDO; HJGHJKYHU; INFSNOWX;  
ITBAG; KAISASI; KERAG; KLISA LOSA; KUNCHICK;  
LAYERT; LINELIE; WENYIENYUNYINGTONGYONGPIN;  
XINGZHOUWANGLUOKEJI; YRDUDFYU7T; ZBW-  
SHOPPING MALL; ZOOZOOZ; 2016-FLOWER;  
ALLISONHERRING; ASHLEIGHJUENKIDSFASHION;  
BAOBAOKINGDOM; CCMSTUDIO; CORIASTORE;  
GORUNNINGSPORT; KOBELOVEGIGI;  
MANUFACTURING INDUSTRY; MISAELSTORE;  
RACHELJSTARKS; RED STARRY SKY; SHASTABOM;  
SPORTRUNFAST; SUPERCOOLSHOP;  
X916F521; ZHANGJIANJUN; ABC32188888; AIQIAO988;  
AJSHOESSTORE; BAGS252; BAGS257; BAGS258;  
BAGZHAO521; BESTHANDBAG368; BFBM665817;  
BROOSNAN6; BROOSNAN8; CAIHONG3698; CFC778;  
CHENGUIB; CICILYLOVELY; CUPPOZOO; CY003; CY004;  
DAMSON3219; DAPIAO; DAQIAO2020;  
DHGATE\_NUMBER1; DICHEN; DUOBAO20188;  
FANXUNCHUN168; FASHIONBAGS566;  
FASHIONBAGS999; FENCHU; FIRE\_0614; FR006; FR008;  
FREDA6825; GOYARDBAG111;  
GOYARDWOMENBAG2020; HAI09;  
HANDBAGSTORE8899; HANFEI012; HELEN0623; HJF8866;  
HOT\_SPINNER; HOTFASHION16; HUALI5188;  
HUANG555885; HZG52000; IT3CGOODS; IWALKERS06;  
JIANSHUO20030303; JIXIANG618; KAIYI527;  
KANGAROO9; KINDLY10010; KUAILESHIGUANG369369;  
KUAILESHIGUANG68688; LAMEIJIN; LDM199103;  
LEVANA10010; LIAN587; LIFEI2019; LIHAILAWODEGUO;  
LINYII; LIUJINGANG2\_; LIUJU10; LUCKY\_GUY;  
LUXURYBRAND004; LUXURYSELLER6666; LXLFC9999;  
MASYI86; MENG3369; MINGLIANG3699; MK002; MKORS;  
MOOU736; MUDAN7626; MYTOTO; N6K5839;  
NEWBAGS2019; NFCX2273; OLIVIA012; PTDH4;  
QINGHUA521; QWE1241163623; ROMANTIC666888;  
RUIXUE2020F; SALEOFF; SANXUN3; SEBENTIAOXIN20;

SHANGHAIHONGYU; SUN\_BLOOM; SUNFLOWERC;  
SUNFLOWERGIFT; SUPERSELLER816; SUPRE\_BAGS;  
TANGLAOYA88; TAOTAO168 A/K/A DRESS BIKINI BAG;  
THANKYOU123; VITY8; WATCH1888; WATCH5858;  
WINNIE00; WINNIEDISCOUNTSHOP; WUDAQI;  
XIAOQIAO2020; XINGFUJIXIANG888; XISHENGTAI2019;  
Y67B66128; YC6H881858; YONGYONGXIA; YOUYI123;  
YOUYOUZIZAI888899999; YUANDAN2020; YUNIAN78363;  
YUNQI918; ZHOUXINXIN002; ZHUJIANQIANG11;  
ZHUZI88; ZWM222; and ZXK888, Each an Individual,  
Partnership, or Unincorporated Association,

Defendants.

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**AMENDED COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF**

Plaintiff, Goyard St-Honore (“Plaintiff” or “Goyard”) hereby sues Defendants, the Individuals, Partnerships, 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 operating under the seller identities set forth on Schedule “A” hereto (the “Seller IDs”). 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 accessible in Florida and operating under their Seller IDs.

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 15 below. Goyard offers for sale and sells its trademarked goods within this district. Defendants, through the sale and offer to sell counterfeit and infringing Goyard branded products, are directly, and unfairly, competing with Goyard's economic interests in the State of Florida and causing Goyard 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. The natural and intended byproduct of Defendants' 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. In order 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 and/or business entities of unknown makeup, each of whom, upon information and belief, either reside and/or operate in foreign jurisdictions with lax trademark enforcement systems, 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 that location. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b). Defendants target their business activities toward consumers throughout the United States, including within this district, through the simultaneous operation of Internet based e-commerce stores via Internet marketplace websites under the Seller IDs.

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

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

10. Defendants directly engage in unfair competition with Goyard by advertising, offering for sale, and selling goods bearing 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 using, at least, the Seller IDs and additional names or seller identification aliases 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. Upon information and belief, many Defendants have engaged in fraudulent conduct with respect to the registration of the Seller IDs by providing false and/or misleading information to the Internet based e-commerce platforms where they offer to sell and/or sell during the registration or maintenance process related to their respective Seller ID. Upon information and belief, some Defendants have registered and maintained some of their Seller IDs for the sole purpose of engaging in illegal counterfeiting activities.

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


13. Defendants' Internet-based businesses amount to nothing more than illegal operations established and operated in order to infringe the intellectual property rights of Goyard and others.

14. Defendants' business names, i.e., the Seller IDs, associated payment accounts, and any other alias seller identification names used in connection with the sale of counterfeit and infringing goods bearing one or more of Goyard's trademarks are essential components of Defendants' online activities and are one of the means by which Defendants further their counterfeiting and infringement scheme and cause harm to Goyard. Moreover, Defendants are using Goyard's famous brand name and trademarks to drive Internet consumer traffic to their e-commerce stores operating under the Seller IDs, thereby increasing the value of the Seller IDs 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**

15. 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"):


<b>Trademark</b>	<b>Registration Number</b>	<b>Registration Date</b>	<b>Class / Goods</b>
	1,709,953	August 25, 1992	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.

Trademark	Registration Number	Registration Date	Class / Goods
			<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,



Trademark	Registration Number	Registration Date	Class / Goods
			<p>wristwatches; boxes for watches, 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>

Trademark	Registration Number	Registration Date	Class / Goods
			IC 028 – Games, namely, chess games; gymnastic and sporting articles not included in other classes, namely, 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,</p>

Trademark	Registration Number	Registration Date	Class / Goods
			<p>leather accessories and bags, pet accessories, clothing and fashion accessories; checkbook holders; products made of cardboard or paper, namely, boxes of 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</p>

Trademark	Registration Number	Registration Date	Class / Goods
			<p>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> <p>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.</p> <p>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.</p>

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.”

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

17. The Goyard Marks have been used 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.

18. 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.

19. 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).

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

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

22. Accordingly, the Goyard Marks have achieved secondary meaning as identifiers of high quality luxury goods.

23. 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 has become increasingly important to Goyard's overall marketing and consumer education efforts. Thus, Goyard expends significant monetary resources on Internet marketing and consumer education, including search engine optimization ("SEO") strategies. Those strategies allow Goyard and its authorized retailers to fairly and legitimately educate consumers 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 in search results.

**Defendants' Infringing Activities**

24. Defendants are promoting and advertising, distributing, selling, and/or offering for sale goods in interstate commerce bearing counterfeit and confusingly similar imitations of one or more of the Goyard Marks (the "Counterfeit Goods") through at least the Internet based e-commerce stores operating under the Seller IDs. Several Defendants are also using, at least, the listings and associated images identified by the Amazon Standard Identification Numbers ("ASIN") on Schedule "A" annexed hereto. Specifically, Defendants are using the Goyard Marks to initially attract online consumers and drive them to Defendants' e-commerce stores operating under the Seller IDs. Defendants are 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.

25. 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 are genuine goods originating from, associated with, and approved by Goyard.

26. Defendants advertise their e-commerce stores, 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. In so advertising their stores and products, Defendants improperly and unlawfully use one or more of the Goyard Marks without Goyard's permission.

27. As part of their overall infringement and counterfeiting 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 in order to make their e-commerce stores 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.

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

33. 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 Seller IDs and any other alias seller identification names being used and/or controlled by them.

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

35. Goyard has no adequate remedy at law.

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

37. 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)**

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

39. 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.

40. 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.

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

42. 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.

43. Defendants' above-described illegal 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.

44. 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))**

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

46. 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.

47. 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 the general public as to at least the origin or sponsorship of their Counterfeit Goods.

48. 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 into commerce with full knowledge of the falsity of such designations of origin and such descriptions and representations, all to Goyard's detriment.

49. Defendants have 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.

50. Additionally, Defendants are using counterfeits and infringements of one or more of the Goyard Marks in order to unfairly compete with Goyard and others for space within organic 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.

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

52. Goyard has no adequate remedy at law, and has sustained 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 - COMMON LAW UNFAIR COMPETITION.**

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

54. 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.

55. 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 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.

56. Defendants' infringing activities are likely to cause and actually are causing confusion, mistake and deception among members of the trade and the general consuming public as to the origin and quality of Defendants' e-commerce stores as a whole and all products sold therein by their use of the Goyard Marks.

57. Goyard has no adequate remedy at law and is suffering irreparable injury and damages as a result of Defendants' actions.

**COUNT IV - COMMON LAW TRADEMARK INFRINGEMENT**

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

59. This is an action for common law trademark infringement against Defendants based on their promotion, advertisement, offering for sale, and sale of their Counterfeit Goods bearing one or more of the Goyard Marks. Goyard is the owner of all common law rights in and to the Goyard Marks.

60. Specifically, Defendants are promoting and otherwise advertising, distributing, offering for sale, and selling goods bearing and using infringements of one or more of the Goyard Marks.

61. Defendants' infringing activities are likely to cause and actually 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 bearing the Goyard Marks.

62. Goyard has no adequate remedy at law and is suffering damages and irreparable injury as a result of Defendants' actions.

**PRAYER FOR RELIEF**

63. WHEREFORE, Goyard demands judgment on all Counts of this Amended 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 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 28 U.S.C. § 1651(a), The All Writs Act, and the 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 the injunction issued by the Court disable and/or cease facilitating access to the Seller IDs and any other alias seller identification names being used and/or controlled by Defendants to engage in the business of marketing, offering to sell, and/or selling goods bearing counterfeits and infringements of the Goyard Marks.

d. 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.

e. 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, 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.

f. 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, at Goyard's election with respect to Count I, 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.

g. 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.

h. Entry of an Order 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 or other alias seller identification or 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 Plaintiff in partial satisfaction of the monetary judgment entered herein.

- i. Entry of an award of pre-judgment interest on the judgment amount.
- j. Entry of an Order for any further relief as the Court may deem just and

proper.

DATED: December 28, 2020.

Respectfully submitted,

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**SCHEDULE "A"**  
**DEFENDANTS BY NUMBER, SELLER ID, AND FINANCIAL ACCOUNTS**

<b>Def. No.</b>	<b>Defendant / Seller ID</b>	<b>Financial Account Information: Store Number / Merchant ID</b>	<b>Infringing Product ASIN /Number</b>
1	Crabag	A26E1XA0IV8UKN	B084GPJX66
2	DFSFOE	A2W4OMPKLZAIJX	B07RP9D76B
3	FallDo	A7NLMXS358Q21	B082SRGYVL
4	hghjkyhu	A2XG17D08F618K	B07ZT36WWT
5	INfsnOWx	A1DM1LAIWYLG5F	B07YMX51F1
6	Itbag	A138OFDLBSHISJ	B082SQP9TM
7	KaiSasi	A3I0Z4REDU7BEB	B0842LYCGY
8	Kerag	AT3G2OWDMO16S	B084GNZ68G
9	Klisa Losa	A25NA8YP7MGFYD	B083TNMYQD
10	KunChick	A2J3DW8JJ53VXH	B084GP36XF
11	Layert	A2G0ERVMEWLN5	B085CBWQGJ
12	Linellie	A4B7NQJ2NATQZ	B08DR3N97K B08DR5XMKK
13	wenyienyunyingtongyongpin	A1DBSBC29UBDIE	B0842LTL2J
14	xingzhouwangluokeji	AP31YR1PEM9MI	B0842M1H7V
15	yrdudfyu7t	A29WEMGK7ZQTS1	B086995C8H
16	ZBW-Shopping Mall	A2UX2NFFT7SIKT	B07THKFVKM
17	ZooZooZ	A21MVISG7KLJXS	B084GNZZDR
18	2016-Flower	57f652e22e8dc95af9625f73	5edf48cf30644f4397dc86db
19	AllisonHerring	5eae74bb7fc967f04323d997	5eb94d468bdf6501fd06028b
20	AshleighJuenKidsFashion	59c13bbd9fbc5126e4be3e68	5e3bcdd3daadf71605473423
21	Baobaokingdom	5e5c641b6ac64e9060f9de18	5e5e54cdcef11e0fc06c379f
22	ccmmstudio	57f111dbe41db110026666f3	5e4378cf482e241e20a6be94
23	coriastore	5e5737f3579a4416037f6224	5e5dc697ce1d4a2109d4ff84
24	gorunningsport	5a3bbecc6ecee03f5755e12b	5f18f75338b45226edb0b78d
25	KobeloveGiGi	5e6300f400ff3712548f3e2b	5e8d3c2bfcc85c077489ae51
26	manufacturing industry	584abbafe3476b08a3a3f242	5e4f88855dafd33d6c01d4d9
27	MisaelStore	5e606b84d0e9af268015787c	5e7d6697de9cbf280e61fd7b
28	RachelJStarks	599ea16230e1f31f769fb871	5e5e4f5d2f20777092d7c0ed
29	Red Starry Sky	5e572f12402bad25b33f41a1	5e66f47789b76421e445f564
30	SHASTABOM	5dfb7f49fff6e1f583c0f9d	5e40c2482261bc3e85d24fa4
31	sportrunfast	5a3862fe518c1c02fbb3b94c	5f18f21e81374f22f9f2a81d
32	supercoolshop	59d25752989ae00ff7e140d6	5f0e62684552870802697455
33	x916f521	5b1e79eb7752c8249e86e430	5d43d8570c7d817b750b4a5e
34	zhangjianjun	583eeb56f097ec1b8a861212	5e16a644d4ec83085f9c568f
35	abc32188888	21296731	509637399

<b>Def. No.</b>	<b>Defendant / Seller ID</b>	<b>Financial Account Information: Store Number / Merchant ID</b>	<b>Infringing Product ASIN /Number</b>
36	Aiqiao988	21403847	527782427
37	Ajshoesstore	20998222	515689392
38	Bags252	14826857	431008876
39	Bags257	20121990	530043719
40	Bags258	20121761	431045732
41	Bagzhao521	21159327	454570571
42	Besthandbag368	20635560	512468160
43	Bfbm665817	21423869	514623218
44	Broosnan6	20974868	526599697
45	Broosnan8	21177048	526602818
46	Caihong3698	21417007	515750805
47	Cfc778	21150423	547075953
48	Chenguib	20808357	478241429
49	Cicilylovely	20119322	507103514
50	Cuppozoo	20951757	463507395
51	Cy003	20082315	477066141
52	Cy004	20087158	526861706
53	Damson3219	21248935	528085522
54	Dapiao	21195686	506964243
55	Daqiao2020	21422731	511112296
56	Dhgate_number1	21430057	516675874
57	Dichen	21229513	511173408
58	Duobao20188	21430903	514414201
59	Fanxunchun168	21231632	538416791
60	Fashionbags566	20983780	420494046
61	Fashionbags999	20436237	463991623
62	Fenchu	20331296	461155831
63	fire_0614	21056017	510291723
64	Fr006	20118899	430312807
65	Fr008	20131156	529990588
66	Freda6825	14228632	540355202
67	Goyardbag111	21227716	453379246
68	goyardwomenbag2020	21536078	554144845
69	Hai09	21357570	490905851
70	Handbagstore8899	21430794	514942348
71	Hanfei012	21072336	432061818
72	Helen0623	20112541	396554473
73	Hjf8866	21254474	455518408
74	Hot_spinner	20717822	419382223
75	Hotfashion16	21427645	515525639
76	Huali5188	21423182	513186014
77	Huang555885	20521984	404504016

<b>Def. No.</b>	<b>Defendant / Seller ID</b>	<b>Financial Account Information: Store Number / Merchant ID</b>	<b>Infringing Product ASIN /Number</b>
78	Hgz52000	21385632	538603207
79	It3cgoods	21216157	482323899
80	Iwalkers06	20832785	454812340
81	Jianshuo20030303	21291251	475182336
82	Jixiang618	21075741	515102558
83	Kaiyi527	21127583	454795328
84	Kangaroo9	20910147	472361574
85	Kindly10010	21039784	432966963
86	Kuaileshiguang369369	21434517	516571790
87	Kuaileshiguang68688	21434492	516579417
88	lameijin	21527941	550454374
89	Ldm199103	21421539	516514104
90	Levana10010	21039775	457204517
91	Lian587	21088244	452892975
92	Lifei2019	21292802	472658297
93	lihailawodeguo	21488469	532916688
94	Linyii	21208723	459139719
95	liujingang2_	21432348	563079353
96	Liuju10	21155848	526792802
97	lucky_guy	14498393	543299635
98	Luxurybrand004	21031474	458662668
99	Luxuryseller6666	21258137	465655194
100	Lxlfc9999	21468050	530475435
101	Masyi86	21431549	514479727
102	Meng3369	21507001	537005403
103	Mingliang3699	21423475	511535310
104	Mk002	20021203	477418417
105	Mkors	21028676	478071417
106	Moou736	21267442	533828216
107	Mudan7626	21164955	533751537
108	Mytoto	21231851	450081213
109	N6k5839	21423854	513775477
110	Newbags2019	21196031	475714746
111	Nfcx2273	21424092	515534548
112	Olivia012	21194684	541944705
113	Ptdh4	21471646	527431737
114	Qinghua521	21173873	530099649
115	Qwe1241163623	21418555	509120905
116	Romantic666888	21218568	528084902
117	Ruixue2020f	21427822	513228431
118	Saleoff	21109503	503833160
119	Sanxun3	21094067	458397751

<b>Def. No.</b>	<b>Defendant / Seller ID</b>	<b>Financial Account Information: Store Number / Merchant ID</b>	<b>Infringing Product ASIN /Number</b>
120	Sebentiaoxin20	21421052	509380649
121	Shanghaihongyu	21312441	510311205
122	Sun_bloom	21089310	446211181
123	Sunflowerc	20708650	407170590
124	Sunflowergift	20819532	416697274
125	Superseller816	20335666	512473596
126	Supre_bags	21110146	426579781
127	Tanglaoya88	21427628	515530559
128	Taotao168 a/k/a Dress Bikini Bag	14372407	431025134
129	Thankyou123	21388736	511815081
130	Vity8	21238874	490613391
131	Watch1888	21066184	559193270
132	Watch5858	21272362	510254298
133	Winnie00	20244036	445791583
134	Winniediscountshop	20462016	426438559
135	Wudaqi	20683144	431821832
136	Xiaoqiao2020	21422870	510733745
137	Xingfujixiang888	20137570	529384237
138	Xishengtai2019	21252765	461800585
139	Y67b66128	21424094	514198178
140	Yc6h881858	21424099	514925215
141	Yongyongxia	21194992	467564635
142	Youyi123	20792206	493019124
143	Youyouzizai888899999	21434520	516567051
144	Yuandan2020	21427770	513210717
145	Yunian78363	21430728	514327905
146	Yunqi918	21433348	515422814
147	Zhouxinxin002	21054442	527550328
148	Zhujianqiang11	21129509	454081236
149	Zhuzi88	21300040	514851677
150	Zwm222	21471356	527271366
151	Zxk888	21225483	512644711