

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

LOUIS VUITTON MALLETIER, S.A.S.,)	
)	
Plaintiff,)	Case No.
)	
v.)	
)	
SANDRA LING DESIGNS, INC. and)	
SANDRA LING,)	
Defendants.)	
)	

COMPLAINT

Plaintiff Louis Vuitton Malletier, S.A.S. (“Louis Vuitton”), by and through its undersigned counsel, complains and alleges against Defendants Sandra Ling Designs, Inc. and Sandra Ling (collectively, “Defendants”), as follows:

NATURE OF THE ACTION

1. This is an action by Louis Vuitton against Defendants for injunctive relief and monetary relief, including trebled or statutory damages, pre-judgment interest, disgorgement of profits, attorneys’ fees, and costs under the Lanham Act and Texas state law resulting from Defendants’ willful and intentional sales of counterfeit and infringing handbags, apparel, and accessories bearing Louis Vuitton’s famous and distinctive trademarks.

2. Louis Vuitton has expended significant resources designing, developing, advertising, promoting and selling handbags, apparel, and accessories featuring its famous trademarks. As a result, consumers have come to recognize the marks and associate them exclusively with Louis Vuitton.

3. Defendants use trademarks that are identical, or virtually identical, to Louis Vuitton’s federally registered trademarks in connection with their counterfeit and infringing

handbags, apparel, and accessories. Defendants have undertaken this conduct in bad faith, and without Louis Vuitton's authorization or consent, with the deliberate intent to mislead consumers and improperly trade off and reap the benefits of the extensive goodwill associated with the Louis Vuitton brand and Louis Vuitton's world-famous trademarks.

PARTIES

4. Plaintiff Louis Vuitton is a *société par actions simplifiée* (SAS) duly organized and existing under the laws of the Republic of France, with its principal place of business in Paris, France. Louis Vuitton is a world-famous luxury goods company. Louis Vuitton, directly or through its related companies, is engaged, *inter alia*, in the design, manufacture, distribution and sale in interstate and foreign commerce, including within this judicial district, of prestigious high quality, luxury merchandise, including, without limitation, handbags, luggage, apparel, shoes, eyewear, jewelry, watches, and other fashion accessories.

5. Upon information and belief, and based upon a public records search, Defendant Sandra Ling Designs, Inc. ("SLD") is a corporation organized and existing under the laws of the State of Texas, with its principal place of business located at 8955 Katy Fwy., Ste. 310, Houston, Texas 77024-1678. Upon information and belief, SLD also uses the address 13703 Threadall Park Drive, Houston, Texas 77077. SLD is manufacturing, importing, distributing, advertising, offering for sale and/or selling counterfeit and infringing handbags, apparel, and accessories in commerce, including within the State of Texas and this judicial district.

6. Upon information and belief, Defendant Sandra Ling ("Ling") is an individual person who is and was at all relevant times a resident of the State of Texas. Ling is the owner, operator and controlling force of SLD, and is personally liable and responsible for the wrongful acts described herein. Upon information and belief, Ling can be found at the same addresses as

SLD, namely, 8955 Katy Fwy., Ste. 310, Houston, Texas 77024-1678 and 13703 Threadall Park Drive, Houston, Texas 77077.

SUBJECT MATTER JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over Louis Vuitton's federal trademark counterfeiting and infringement, false designation of origin, and trademark dilution claims pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338.

8. This Court has subject matter jurisdiction over Louis Vuitton's claims that arise under the laws of the State of Texas pursuant to 28 U.S.C. § 1367(a), because such claims are related to and arise from the same set of facts as Louis Vuitton's federal claims.

9. This Court has personal jurisdiction over Defendants because each Defendant regularly conducts business within this judicial district, and a substantial part of the complained-of acts occurred in this judicial district.

10. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) because Defendants are subject to personal jurisdiction within this judicial district, and because a substantial part of the events giving rise to Louis Vuitton's claims occurred within this judicial district.

FACTS COMMON TO ALL CLAIMS

A. Louis Vuitton and the Louis Vuitton Trademarks

11. Founded in Paris in 1854, Louis Vuitton is one of the premier luxury fashion houses in the world. Originally known for its custom-made luggage and trunks, today Louis Vuitton is well known for its high-quality handbags, luggage, apparel, eyewear, jewelry, watches, and many other fashion and luxury goods.

12. To protect and maintain the image of the brand, Louis Vuitton products are sold exclusively through company-owned and operated boutiques, some of which are located within high-end retail stores such as Neiman Marcus and Saks Fifth Avenue, through the Louis Vuitton website at <http://us.louisvuitton.com>, and through the website of its related company, Le Bon Marché, at <http://www.24s.com>.

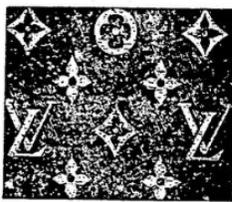
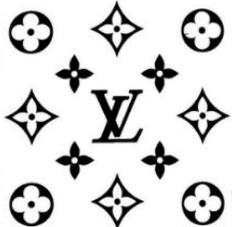
13. Louis Vuitton is the owner of numerous famous federally-registered trademarks, including, but not limited to, the LOUIS VUITTON word mark, the Toile Monogram Design mark, the LV Logo Design mark, the Stylized Flower Design marks, and the Damier Design mark (collectively, the “Louis Vuitton Trademarks”), which are registered for use in conjunction with a variety of goods, including, *inter alia*, handbags, accessories, and apparel.

14. Representative samples of the Louis Vuitton Trademarks, which are each registered with the U.S. Patent and Trademark Office (“USPTO”), are listed in the table below, and true and correct copies of these U.S. registration certificates for the Louis Vuitton Trademarks are attached hereto as **Exhibit A**:

Mark	Reg. No.	Reg. Date	Class & Goods/Services
<i>The LOUIS VUITTON Word Mark</i>			
LOUIS VUITTON	1,045,932	08/10/1976	IC 018: Luggage and ladies’ handbags
LOUIS VUITTON	1,990,760	08/06/1996	IC 014: Watches and straps for wrist watches IC 016: [Photograph albums;] catalogues featuring luggage and travel accessories, bags, small leather goods and garments; [engagement books] notebooks, [picture books,] anthologies and pamphlets referring to travel; calendars; telephone indexes; [hat boxes of cardboard; office requisites in the nature of writing pads, letter trays, writing cases, pencil holders;] fountain pens, ballpoint pens, nibs, [ink wells, ink stands; playing cards;] covers for pocket and desk diaries, and checkbook holders

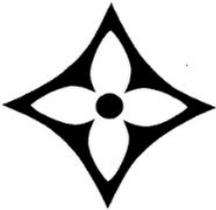
Mark	Reg. No.	Reg. Date	Class & Goods/Services
			IC 18: Trunks; traveling trunks; suitcases; traveling bags; luggage; garment bags for travel; hat boxes for travel; shoe bags for travel; umbrellas; animal carriers; [bags for climbers; bags for campers;] rucksacks; haversacks; leather or textile shopping bags; beach bags; [hunters' game bags;] handbags; vanity cases sold empty; attache cases; [school bags; school satchels;] tote bags, travel satchels; clutch bags; briefcases; wallets; pocket wallets; credit card cases; business card cases; bill and card holders; checkbook holders; key cases; change purses; briefcase-type portfolios; [envelopes of leather or imitation leather for packaging] IC 024: Travel blankets IC 025: Shirts; sweatshirts; polo shirts; T-shirts; headwear; jackets; ties; belts; shawls; [sashes;] scarves
LOUIS VUITTON	2,904,197	11/23/2004	IC 014: [Goods made of precious metals, alloys, or coated, namely, ornamental pins, ash trays for smokers, decorative boxes and jewelry boxes, jewelry cases and watch cases, powder compacts sold empty;] jewelry, namely, rings, earrings, cuff links, bracelets, charms, [brooches,] necklaces, ((tie pins, and medallions; keyrings made of precious metal;))[buckles made of precious metal, namely, buckles for belts, buckles for clothing, buckles for scarves, buckles for hats, buckles for jewelry, buckles for shoes, buckles for bags, buckles for boxes, buckles for trunks, buckles for cases, buckles for purses, buckles for wallets, buckles for umbrellas, buckles for canes, buckles for clocks;] horological and chronometric instruments, namely, watches, wrist-watches,((clocks,)) [chronographs, chronometers and] ((alarm clocks;)) straps for wrist-watches and watch cases

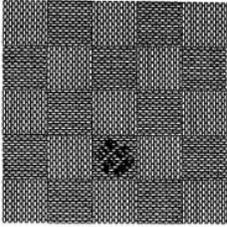
Mark	Reg. No.	Reg. Date	Class & Goods/Services
<i>The LV Logo Design</i>			
	1,519,828	01/10/1989	IC 018: Trunks, valises, traveling bags, satchels, hat boxes and shoe boxes used for luggage, hand bags, pocketbooks
	1,794,905	09/28/1993	IC 016: [Travel goods catalogs,] stationery, pads of stationery, calendars, indexes for articles made for travellers, notebooks, envelopes; [printed labels for luggage and other travel goods and leather holders therefor, sold as a unit;] writing paper, [paper or plastic bags for packaging, hat boxes, paper or cardboard boxes, photographs, adhesives for stationery,] office requisites in the nature of writing pads,[letter trays, paper cutters, letter openers, writing tablets, pencils,] pencil holders,[fountain pens, ballpoint pens,] pen cases, pencil cases, [lead holders, ballpoints for pens,] nibs, nibs of gold, inkwells, inkstands [playing cards] IC 025: Clothing for men and women; namely belts, shawls, sashes, scarves; footwear headgear
	1,938,808	11/28/1995	IC 014: Jewelry, watches and straps for wrist watches IC 024: Travel blankets made of textile
	2,361,695	06/27/2000	IC 025: Clothing [and underwear], namely, sweaters, shirts, sweatshirts, polo shirts, t-shirts,[corsets,] suits, waistcoats, raincoats, skirts, coats, pullovers, trousers, dresses, jackets, shawls, stoles, [sashes for wear,] scarves, neckties, pocket squares, [suspenders, pocket handkerchief squares for wear,[braces,]gloves, ties, belts, [stockings, tights, socks, bath robes,] bathing suits, shoes, boots and sandals, [tips for footwear;] hats [and caps]

Mark	Reg. No.	Reg. Date	Class & Goods/Services
<i>The Toile Monogram Design</i>			
	297,594	09/20/1932	IC 018: Trunks, valises, traveling bags, satchels, hat boxes and shoe boxes used for luggage, hand bags, and pocketbooks
	1,770,131	05/11/1993	IC 025: Clothing for men and women, namely, [belts,] shawls, sashes, scarves; [footwear, tips for footwear;] headgear
	2,399,161	10/31/2000	IC 025: Clothing and underwear, namely, [sweaters,] shirts, [sweatshirts,] polo shirts, t-shirts, [corsets, suits,] waistcoats, raincoats, skirts, coats, [pullovers,] trousers, dresses, jackets, shawls, stoles, [sashes for wear,] scarves, neckties, [pocket squares, suspenders, pocket handkerchiefs, braces,] gloves, ties, belts, [stockings, tights, socks, bath robes,] bathing suits, shoes, boots and sandals, [tips for footwear;] hats [and caps]
	4,192,541	08/21/2012	IC 03: [Soaps for personal use;] perfumery[; essential oils; cosmetics; creams for the hair, face, and body; lotions for the hair, face, and body; shower and bath gels; shower and bath preparations; shampoos; make-up preparations, namely, foundations, lipsticks, eye shadows, mascara, make-up powder, and nail polish] IC 09: Sunglasses; spectacles; optical lenses; spectacle cases; [telephones; mobile telephones; smart phones; PC tablets; personal digital assistants; MP3 players;] accessories for telephones, mobile telephones, smart phones, PC tablets, personal digital assistants, and MP3 players, namely, hands-free kits for telephones, [batteries,] covers, housings, façades, [chargers,] hand straps, and neck straps IC 014: Jewelry; key rings of precious metal; tie pins; medallions; jewelry boxes; watches;

Mark	Reg. No.	Reg. Date	Class & Goods/Services
			watch bands; alarm clocks; cases for timepieces IC 016: Printed matter, namely, pamphlets, catalogs, and books in the field of travel, luggage, luxury goods, fashion, clothing, sports, the arts; publications, namely, brochures and booklets in the field of travel, luggage, luxury goods, fashion, clothing, sports, the arts; stationery; stationery articles, namely, note pads, writing books, drawing books, [calendars,] agendas, notebooks, envelopes, letter paper, [and index cards,] covers for diaries, indexes, and pads; office requisites, namely, letter trays, [paper cutters, pencils, inkstands, inkwells, paperweights,] pencil holders, pen holders, writing pads, pens, balls, and nibs for pens; postcards; [paper labels; newspapers,] printed documents, namely, printed certificates IC 018: Boxes of leather or imitation leather for packaging and carrying goods; traveling bags; leather traveling sets of luggage; trunks; suitcases; garment bags for travel; vanity cases sold empty; toiletry bags sold empty; backpacks; handbags; attaché cases; leather document cases; wallets; purses; leather key cases [; umbrellas] IC 024: Textiles and textile goods, namely, bath linen, bed linen, [table linen,] towels, bed covers [,textile table cloths] IC 025: Clothing, namely, underwear, shirts, tee-shirts, pullovers, skirts, dresses, trousers, coats, jackets, belts for clothing, scarves, sashes for wear, gloves, neckties, socks, bathing suits; footwear; headwear IC 034: Cigar and cigarette cases of leather and imitation leather
<i>The Stylized Flower Designs</i>			
	2,177,828	08/04/1998	IC 014: Goods made of precious metals, namely, shoe ornaments, [hat ornaments,] ornamental pins, [ashtrays for smokers, decorative boxes, powder compacts of precious metal, jewelry cases]; jewelry, namely, rings, [key rings,] [belt buckles,] ear

Mark	Reg. No.	Reg. Date	Class & Goods/Services
			<p>rings, cufflinks, bracelets, charms, [brooches,] necklaces, [tie pins, medallions]; horological [and chronometric] instruments, straps for watches, watches and wrist-watches, cases for watches</p> <p>IC 018: Goods made of leather or imitations of leather are not included in other classes, namely, boxes made from leather [or leatherboard, envelopes of leather for packaging]; trunks, valises, traveling bags, luggage for travel, garment bags for travel, vanity cases sold empty, rucksacks, hand bags, beach bags, shopping bags, shoulder bags, attache cases, briefcases, [draw string pouches,] and fine leather goods, namely, pocket wallets, purses, leather key holders, business card cases, calling card cases, and credit card cases, umbrellas [,parasols, canes, and walking-stick seats]</p> <p>IC 025: Clothing and underwear, namely, [sweaters,](shirts,)[corsets,] [suits,] ((waistcoats, raincoats, skirts, coats, pullovers, trousers, dresses, jackets,))shawls, stoles, [sashes for wear,] ((scarves, neckties, pocket squares,)) [suspenders,] [gloves,] belts, [stockings, tights,] [socks, bath robes,] shoes, boots and sandals [,hats and caps]</p>
	2,181,753	08/18/1998	<p>IC 014: [Goods made of precious metals, namely, shoe ornaments,][hat ornaments,][ornamental pins,][ashtrays for smokers, decorative boxes, powder compacts of precious metal, jewelry cases;] jewelry, namely, rings, [key rings,][belt buckles,] ear rings, [cufflinks,] bracelets, charms, [brooches,] necklaces,[tie pins, medallions;] horological [and chronometric] instruments, straps for watches, watches and wrist-watches, cases for watches</p> <p>IC 018: Goods made of leather or imitations of leather are not included in other classes, namely, boxes made from leather;[or leatherboard, envelopes of leather for packaging;]trunks, valises, traveling bags, luggage for travel, garment bags for travel,</p>

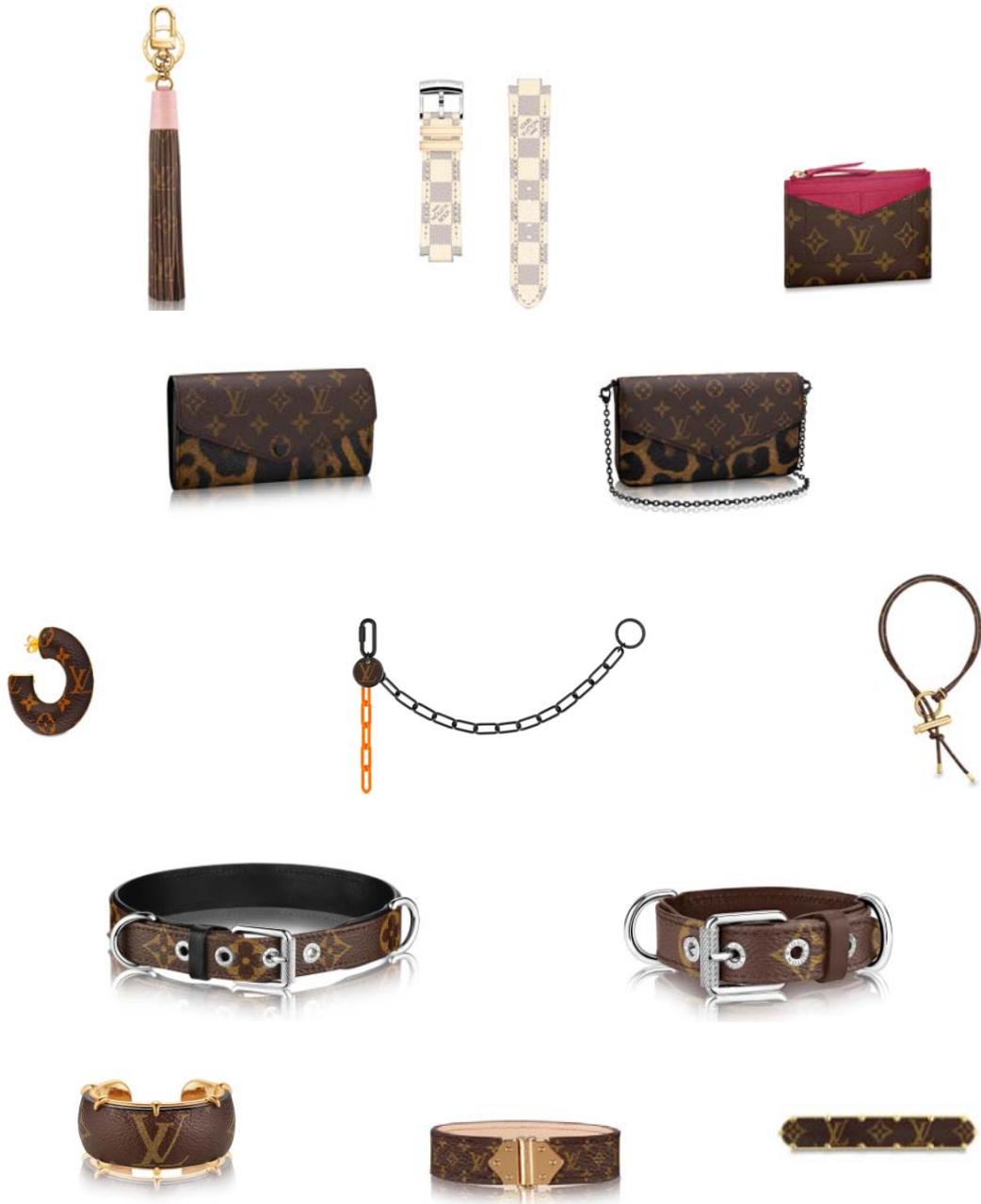
Mark	Reg. No.	Reg. Date	Class & Goods/Services
			vanity cases sold empty, rucksacks, hand bags, beach bags, shopping bags, shoulder bags, attache cases, briefcases,[draw string pouches;] and fine leather goods, namely, pocket wallets, purses, leather key holders, business card cases, calling card cases, credit card cases, and umbrellas[parasols, canes, and walking-stick seats] IC 025: Clothing and underwear, namely,[sweaters,]shirts,[corsets,][suits,]waist coats, raincoats, skirts, coats, pullovers, trousers, dresses, jackets, shawls, stoles, [sashes for wear,] scarves, neckties, pocket squares, [suspenders,] [gloves,] belts, [stockings, tights,] [socks, bath robes,] shoes, boots and sandals, [hats and caps]
	2,773,107	10/14/2003	IC 014: Jewelry including (rings,) [belt buckles of precious metals,] ((earrings,)) cuff links, bracelets, ((charms,)) [brooches,] necklaces, [tie pins, ornamental pins,] ((and medallions;)) horological and chronometric instruments and apparatus, namely, watches, [watch cases and clocks; nutcrackers of precious metals; candlesticks of precious metals, jewelry boxes of precious metals] IC 018: Travel bags, travel bags made of leather; luggage trunks and valises, garment bags for travel, vanity-cases sold empty; rucksacks, shoulder bags, handbags; attache-cases, briefcases, drawstring pouches, pocket wallets, purses, umbrellas, business card cases made of leather or of imitation leather, credit card cases made of leather or of imitation leather; [calling card cases made of leather or of imitation leather;] * key holders made of leather or of imitation leather * IC 025: Clothing, namely, (([underwear, sweaters,]shirts, T-shirts, [suits, hosiery,])) belts, scarves, neck ties, shawls, (([waistcoats,] skirts,)) raincoats, overcoats, [suspenders,] ((trousers, jeans, pullovers, frocks,)) [jackets, ((winter gloves,))][dress gloves,] [((tights,))] [socks,] [((bathing suits,))] [bath robes, pajamas, night dresses,] [((shorts,))] [pocket squares;] high-heeled

Mark	Reg. No.	Reg. Date	Class & Goods/Services
			shoes, low-heeled shoes, [sandals,] boots, [slippers,] tennis shoes; ((hats)) [,caps, headbands]
<i>The Damier Design</i>			
	2,378,388	08/22/2000	IC 018: Goods made of leather or imitations of leather not included in other classes, namely, boxes of leather [or leather board] principally used for travel purposes, [envelopes of leather for merchandise packaging,] trunks, valises, traveling bags, [traveling sets for containing cosmetics, jewelry,] *traveling sets for containing cosmetics and jewelry,* [and stationary, garment bags for travel, vanity cases,] [rucksacks,] handbags, beach bags, shopping bags, shoulder bags, [attache-cases,] brief cases, pouches, fine leather goods namely, pocket wallets, purses, key cases, business card cases, credit card cases, [calling card cases,] [parasols, umbrellas, canes, walking-stick seats]

15. The Louis Vuitton Trademarks are valid and subsisting and are in full force and effect. Louis Vuitton's rights in the Louis Vuitton Trademarks have become incontestable pursuant to 15 U.S.C. § 1065. Because of their incontestable status, those registrations provide, among other benefits, conclusive evidence of the validity of the registered marks and of Louis Vuitton's exclusive rights to use the marks in connection with the identified goods. 15 U.S.C. § 1115(b).

16. Although Louis Vuitton's use of the Louis Vuitton Trademarks is extensive, a few examples of Louis Vuitton's current use of the Louis Vuitton Trademarks on handbags, apparel, accessories, and small leather goods appear below:







17. Louis Vuitton has invested millions of dollars and decades of time and effort to create consumer recognition in the Louis Vuitton Trademarks and to ensure that the public, not

only in the United States but throughout the world, associates the Louis Vuitton Trademarks with high quality luxury goods emanating exclusively from Louis Vuitton.

18. As a result of the wide renown associated with the Louis Vuitton Trademarks, Louis Vuitton's worldwide reputation for high quality luxury goods, and the extensive sales of high quality luxury handbags, small leather goods, and other accessories and apparel marketed and sold under the Louis Vuitton Trademarks, the Louis Vuitton Trademarks have become famous in the minds of the purchasing public within the meaning of 15 U.S.C. § 1125(c), identifying the handbags, small leather goods, and other accessories and apparel offered under the Louis Vuitton Trademarks with a single exclusive source—Louis Vuitton. The Louis Vuitton Trademarks, and the goodwill associated therewith, are of inestimable value to Louis Vuitton.

19. The Louis Vuitton Trademarks were distinctive and famous long before Defendants commenced their unlawful activities described in this Complaint.

B. Defendants SLD and Ling

20. Defendants, either directly or through their agents, are manufacturers and wholesalers of handbags, accessories, and apparel products.

21. Defendants create and manufacture handbags, accessories, and apparel, which they market, promote, and sell through retail and wholesale channels.

22. Defendants are manufacturing, importing, distributing, supplying, advertising, promoting, offering for sale and/or selling, and/or are causing to be manufactured, imported, distributed, supplied, advertised, promoted, offered for sale and/or sold, without authorization or license from Louis Vuitton, handbags, accessories, and apparel bearing the Louis Vuitton Trademarks or nearly identical marks. These products are not genuine Louis Vuitton products, nor are they authorized, sponsored, or approved by Louis Vuitton (the "Infringing Products").

23. Upon information and belief, Defendants' Infringing Products include: (a) apparel, handbags, or accessories manufactured, in whole or part, from material obtained from purportedly authentic pre-owned, disassembled, and deconstructed Louis Vuitton items, which continue to bear the Louis Vuitton Trademarks; and (b) purportedly authentic pre-owned Louis Vuitton items that have been fundamentally altered by the addition of decorations such as tassels, stones, or beading, which continue to bear the Louis Vuitton Trademarks. These resulting products, described in (a) and (b), incorporate and use inferior materials and do not meet Louis Vuitton's strict quality standards. They are no longer genuine Louis Vuitton products, but are instead material alterations of Louis Vuitton products (the "Materially Altered Products"). Although they continue to prominently display the Louis Vuitton Trademarks, the Materially Altered Products no longer attain the aesthetic or quality of authentic Louis Vuitton items.

24. Photographs of examples of the Infringing Products, including the Materially Altered Products, manufactured, imported, distributed, supplied, advertised, promoted, offered for sale, and/or sold by Defendants appear below or are otherwise attached hereto as **Exhibit B:**



25. Consumers encountering Defendants' Infringing Products are likely to mistakenly believe that these products are Louis Vuitton products, or are authorized, sponsored, approved, endorsed or licensed by Louis Vuitton, or are otherwise affiliated, associated, or connected with Louis Vuitton. This confusion is likely to occur at the point of sale and in the post-sale context.

C. Investigation and Correspondence

26. On or about March 27, 2019, investigators for Louis Vuitton observed more than 750 of Defendant's Infringing Products on retail displays located at suite #7315 within the Dallas World Trade Center, 2050 North Stemmons Freeway, Dallas, Texas 75207.

27. On March 29, 2019, counsel for Louis Vuitton sent a cease and desist letter to Defendants, who acknowledged receipt of the letter. The letter warned Defendants that they were infringing Louis Vuitton's intellectual property rights, including but not limited to the Louis Vuitton Trademarks, by offering for sale and selling the Infringing Products.

28. Despite Louis Vuitton's warnings, investigators for Louis Vuitton subsequently discovered that more than 500 Infringing Products remained on display for sale in the Defendants' suite after receipt of the initial demand letter.

29. On December 18, 2019, Louis Vuitton sent Defendants another letter informing them of their ongoing violations of Louis Vuitton's intellectual property rights, and requesting among other things, that Defendants "[i]mmediately cease any manufacture, distribution, promotion, advertising offer for sale, and/or sale" of the Infringing Products. The letter was signed for by "LING" on December 20, 2019.

30. On January 14, 2020, counsel for Louis Vuitton sent another letter to Defendants, enclosing the December 18, 2019 letter and, again, requesting response within 10 days.

31. On January 24, 2020, Ling emailed counsel for Louis Vuitton, requesting time to speak with an attorney before Louis Vuitton pursued legal action. Louis Vuitton's counsel responded on January 27, 2020, stating that although Ling had been aware of her violation of Louis Vuitton's intellectual property rights since at least March 29, 2019 when she was personally served with the first cease and desist letter, Louis Vuitton would extend the response period to February

14, 2020. Counsel reiterated the request that the Defendants immediately “cease all manufacture, promotion, distribution, and sale of” the Infringing Products.

32. On or about August 19, 2020, investigators for Louis Vuitton confirmed that the Defendants have continued to offer the Infringing Products in commerce. A photograph of a sample of Defendants’ Infringing Products offered at booth #7242 at the Dallas Market Center, located at 2100 North Stemmons Freeway, Dallas, Texas 75207, appears below:



33. To date, despite multiple extensions of time to respond and repeated follow up inquiries by its counsel, Louis Vuitton has not received a substantive response from Defendants, or any legal counsel representing Defendants, and Defendants continue to sell the Infringing Products.

34. Upon information and belief, Defendants were aware that the Louis Vuitton Trademarks were famous marks owned by Louis Vuitton at the time they began manufacturing, importing, exporting, distributing, supplying, advertising, promoting, offering for sale and/or selling the Infringing Products. Accordingly, upon information and belief, Defendants have been engaging in the above-described unlawful activities knowingly and intentionally and/or with reckless disregard for Louis Vuitton’s rights in and to the Louis Vuitton Trademarks.

35. Upon information and belief, Defendants will continue to manufacture, import, export, distribute, supply, advertise, promote, offer for sale and/or sell, the Infringing Products, unless otherwise restrained by this Court.

36. Unless Defendants' unlawful conduct is enjoined, this conduct will severely inhibit and/or destroy the ability of the Louis Vuitton Trademarks to identify Louis Vuitton as their exclusive source, resulting in irreparable harm to Louis Vuitton.

COUNT I
Trademark Counterfeiting, 15 U.S.C. § 1114

37. Louis Vuitton hereby incorporates by reference all prior allegations set forth in paragraphs 1-36 herein.

38. Defendants have used spurious designations that are identical to, or substantially indistinguishable from, the Louis Vuitton Trademarks on the Infringing Products.

39. Defendants have intentionally used these spurious designations, knowing they are counterfeit, in connection with the advertisement, promotion, offering for sale and sale of the Infringing Products.

40. Defendants' unauthorized use of the Louis Vuitton Trademarks as set forth above is likely to:

- a. Cause confusion, mistake and/or deception;
- b. Cause the public to believe that Defendants' Infringing Products are genuine Louis Vuitton products, or that Defendants' products are authorized, sponsored, or approved by Louis Vuitton, when they are not; and
- c. Result in Defendants unfairly benefiting from Louis Vuitton's advertising and promotion and profiting from Louis Vuitton's reputation and the Louis Vuitton Trademarks, all to the substantial and irreparable injury of Louis Vuitton, the Louis Vuitton Trademarks, and the substantial goodwill represented thereby.

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

42. By reason of the foregoing, Defendants are liable to Louis Vuitton for: (a) an amount representing three times Louis Vuitton's damages and/or Defendants' profits, or an election of statutory damages; and (b) reasonable attorneys' fees, costs including investigative fees, and pre-judgment interest pursuant to 15 U.S.C. § 1117.

COUNT II
Trademark Infringement, 15 U.S.C. § 1114

43. Louis Vuitton hereby incorporates by reference all prior allegations set forth in paragraphs 1-42 herein.

44. Defendants' use of the Louis Vuitton Trademarks in connection with the Infringing Products is likely to cause consumer confusion and mistake and is likely to deceive consumers into believing that the Defendants' products are in some way authorized, approved by, or affiliated with Louis Vuitton, when they are not.

45. Defendants' activities complained of herein constitute use in commerce of copies or colorable imitations of the Louis Vuitton Trademarks in a manner that is likely to cause confusion and mistake in the minds of the public in violation of 15 U.S.C. § 1114.

46. Defendants have engaged in the aforementioned activities with the intent to confuse and deceive the public into believing that Defendants and the merchandise they sell are in some way sponsored by, or affiliated or associated with Louis Vuitton, when they are not.

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

48. By reason of the foregoing, Defendants are liable to Louis Vuitton for: (a) an amount representing Louis Vuitton's damages; (b) Defendants' profits; and (c) reasonable

attorneys' fees, costs including investigative fees, and pre-judgment interest pursuant to 15 U.S.C. § 1117.

COUNT III
False Designation of Origin and Unfair Competition,
15 U.S.C. § 1125(a)

49. Louis Vuitton hereby incorporates by reference all prior allegations set forth in paragraphs 1-48 herein.

50. Defendants' acts as described above constitute the use in commerce of false designations of origin, false descriptions and representations, and unfair competition because such designations, descriptions and representations are likely to cause confusion, mistake, or deception as to the origin, sponsorship, or approval of Defendants' Infringing Products in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

51. By reason of the foregoing, Defendants are liable to Louis Vuitton for: (a) an amount representing Louis Vuitton's damages; (b) Defendants' profits; and (c) reasonable attorneys' fees, costs including investigative fees, and pre-judgment interest pursuant to 15 U.S.C. § 1117.

COUNT IV
Dilution, 15 U.S.C. § 1125(c)

52. Louis Vuitton hereby incorporates by reference all prior allegations set forth in paragraphs 1-51 herein.

53. The Louis Vuitton Trademarks are distinctive and famous within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c), and have been distinctive and famous since long before Defendants adopted and began manufacturing, importing, distributing, supplying, advertising, promoting, offering for sale and/or selling the Infringing Products.

54. Defendants' manufacture, importation, distribution, supply, advertising, promotion, offering for sale and/or sale of the Infringing Products constitutes commercial use of the Louis Vuitton Trademarks, and Louis Vuitton has not authorized or licensed such use by Defendants.

55. Defendants' Infringing Products feature marks so similar to the famous Louis Vuitton Trademarks that they have impaired or are likely to impair in the minds of consumers the distinctiveness of the Louis Vuitton Trademarks. Defendants' promotion and sale of the Infringing Products thereby dilutes or is likely to impair and dilute the distinctive qualities of the Louis Vuitton Trademarks and to lessen the capacity of such marks to uniquely identify and distinguish Louis Vuitton's goods, resulting in dilution by blurring.

56. Defendants' unlawful use of the Louis Vuitton Trademarks in connection with inferior quality goods is also likely to tarnish the reputation of the Louis Vuitton Trademarks through unsavory or unflattering associations with those goods by consumers.

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

58. By reason of the foregoing, Defendants are liable to Louis Vuitton for: (a) an amount representing Louis Vuitton's damages; (b) Defendants' profits; and (c) reasonable attorneys' fees, costs including investigative fees, and pre-judgment interest pursuant to 15 U.S.C. § 1117.

COUNT V
Trademark Dilution Under State Law

59. Louis Vuitton hereby incorporates by reference all prior allegations set forth in paragraphs 1-58 herein.

60. The acts of Defendants complained of herein constitute dilution by blurring and/or by tarnishment in violation of Texas Business and Commerce Code § 16.103.

61. Louis Vuitton has been damaged by Defendants' acts of trademark dilution.

COUNT VI
Common Law Trademark Infringement

62. Louis Vuitton hereby incorporates by reference all prior allegations set forth in paragraphs 1-61 herein.

63. The acts of Defendants complained of herein constitute trademark infringement in violation of Texas common law.

64. Louis Vuitton has been damaged by Defendants' acts of trademark infringement.

COUNT VII
Unjust Enrichment

65. Louis Vuitton hereby incorporates by reference all prior allegations set forth in paragraphs 1-64 herein.

66. The acts of Defendants complained of herein constitute unjust enrichment of Defendants at Louis Vuitton's expense.

67. Louis Vuitton has been damaged by Defendants' acts of unjust enrichment.

COUNT VIII
Common Law Unfair Competition

68. Louis Vuitton hereby incorporates by reference all prior allegations set forth in paragraphs 1-67 herein.

69. The acts of Defendants complained of herein constitute unfair competition in violation of Texas law.

70. Louis Vuitton has been damaged by Defendants' acts of common law unfair competition.

PRAYER FOR RELIEF

WHEREFORE, Louis Vuitton respectfully requests a judgment in its favor providing the following relief:

1. That the Court enter an injunction ordering that Defendants, their agents, servants, employees, and all other persons in privity or acting in concert with them, be enjoined and restrained from:

- a. Using the Louis Vuitton Trademarks, or any reproduction, counterfeit, copy, or colorable imitation thereof to identify any goods or the rendering of any services not authorized by Louis Vuitton;
- b. Engaging in any course of conduct likely to cause confusion, deception or mistake, or injure Louis Vuitton's business reputation or dilute the distinctive quality of the Louis Vuitton Trademarks;
- c. Using a false description or representation including words or other symbols tending to falsely describe or represent Defendants' unauthorized goods or services as being those of Louis Vuitton or sponsored by or associated with Louis Vuitton and from offering such goods in commerce; and
- d. Using or continuing to use the Louis Vuitton Trademarks or trade names in any variation thereof on the Internet (either in the text of a website, or as a keyword, search word, metatag, or any part of the description of the site) in connection with any goods or services not authorized by Louis Vuitton.

2. That Defendants, within ten (10) days of judgment, take all steps necessary to remove from their website, Instagram page, Facebook page, or any other website or social media site containing content posted by Defendants, whether or not owned or operated by Defendants, all text offering for sale counterfeit or infringing Louis Vuitton products and all Louis Vuitton Trademarks or copies or colorable imitations thereof used to identify materially altered Louis Vuitton products.

3. That Defendants be ordered to post on their website and social media sites a copy of this Court's injunction against its unlawful activities.

4. That Defendants, within thirty (30) days of judgment, file and serve upon Louis Vuitton a sworn statement setting forth in detail the manner and form in which they have complied with this injunction pursuant to 15 U.S.C. § 1116(a).

5. For an award to Louis Vuitton of (a) the damages suffered by Louis Vuitton arising out of Defendants' unlawful conduct, trebled, (b) all profits that Defendants realized from the unauthorized use of the Louis Vuitton Trademarks, (c) alternatively, statutory damages pursuant to Section 35(c) of the Lanham Act, 15 U.S.C. § 1117(c), of up to \$2,000,000 per counterfeit mark per type of goods sold, (d) its costs and attorneys' fees to the full extent provided for by Section 35(a) of the Lanham Act, 15 U.S.C. § 1117(a), (e) Defendants' profits, its damages and attorneys' fees, to the full extent available, pursuant to the statutory and common law of the State of Texas, and (f) punitive damages to the full extent available under state law.

6. That Defendants be ordered to pay to Louis Vuitton an amount sufficient to conduct corrective advertising to remedy the consumer confusion caused by Defendants.

7. That Louis Vuitton recover from Defendants the costs and disbursements of this action in addition to reasonable attorney and investigator fees and prejudgment interest pursuant to 15 U.S.C. § 1117.

8. That Defendants be required, with Defendants bearing all associated costs, to recall from their retailers and distributors and deliver to Louis Vuitton's agent for destruction all material bearing the Louis Vuitton Trademarks in association with unauthorized goods pursuant to 15 U.S.C. § 1118.

9. That this Court retain jurisdiction of this action for the purpose of enabling Louis Vuitton to apply to the Court at any time for such further orders and interpretation or enforcement

of any Order entered in this action, for the modification of any such Order, for the enforcement or compliance therewith and for the punishment of any violations thereof.

10. That Louis Vuitton be awarded such other and further relief as the Court may deem just and proper.

Dated: February 2, 2021

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