

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 24-62388-CIV-SINGHAL**

ADIDAS AG, *et al.*,

Plaintiffs,

vs.

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

Defendants.

**DECLARATION OF AMANDA LUZ IN SUPPORT OF
PLAINTIFFS’ *EX PARTE* APPLICATION FOR ENTRY OF
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

I, Amanda Luz, declare and state as follows:



1. I am over 18 years of age and have personal knowledge of the facts set forth herein.

I make this Declaration, which is filed in support of Plaintiffs’ *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction against Defendants, the Individuals, Business Entities, and Unincorporated Associations identified on Schedule “A” hereto (“Defendants”). If called upon to do so, I could and would testify competently to the following facts set forth herein.


2. I am employed by adidas International, Inc. and act as Legal Counsel for Brand Protection in North America for the adidas Group companies, including Plaintiffs adidas AG (“adidas AG”), adidas International Marketing B.V. (“adidas International”), and adidas America, Inc. (“adidas America”) (collectively, “adidas”). adidas International and adidas America are wholly owned by adidas AG and its affiliates and are collectively referred to herein as the “adidas Group.”








3. In my capacity as Legal Counsel for Brand Protection for the adidas Group, I coordinate intellectual property matters and help manage the adidas Group's anti-counterfeiting efforts in North America. As a result, I am familiar with the manufacture, sale, and distribution of genuine adidas Group products, and I have been trained to identify the distinctions between genuine merchandise and counterfeit copies of the same.



adidas's Trademark Rights

4. adidas is currently, and for years has been, one of the world's leading manufacturers of athletic footwear, apparel, and sporting equipment. adidas has used its famous and distinctive trademarks **adidas**, , , Three-Stripe Mark, BOOST Mark, NMD Mark, and SPLY-350 Mark (collectively, the "adidas Marks"), for many years in connection with the above-mentioned goods. The adidas Marks signify the quality and reputation of adidas products.

5. adidas is the owner of multiple trademark registrations for the adidas Marks, including the following trademarks, which are valid and registered on the Principal Register of the United States Patent and Trademark Office:

Trademark	Registration Number	Registration Date	Class / Goods
ADIDAS	0,891,222	May 19, 1970	IC25. sport shoes namely, track and field shoes, baseball, boxing, football, skating, golf, and soccer shoes; sportswear namely, suits, shorts, pants, tights, shirts, gloves, and the like; jerseys; socks; sport shoes namely, track and field training shoes, basketball shoes, and tennis shoes.
	0,973,161	November 20, 1973	IC 018. tote bags. IC 25. specific purpose athletic shoes; general purpose sport shoes, sportswear-namely, suits, shorts, pants, tights, shirts, jerseys, socks, and gloves.

adidas	1,300,627	October 16, 1984	IC 025. Sportswear-Namely, Suits, Shorts, Pants, Tights, Shirts, Jerseys, Socks, Gloves, Jackets, Coats, Swimwear, Sweaters, Caps, Pullovers, Warm-Up Suits, Boots, Shoes, Slippers.
	1,310,140	December 18, 1984	IC 025. Sportswear-Namely, Suits, Shorts, Pants, Tights, Shirts, Jerseys, Socks, Gloves, Jackets, Coats, Swimwear, Sweaters, Caps, Pullovers, Warm-Up Suits, Rain Suits, Ski Suits, Jump Suits, Boots, Shoes, Slippers.
	1,815,956	January 11, 1994	IC 25. athletic footwear.
	1,833,868	May 3, 1994	IC 25. athletic footwear.
	2,179,796	August 11, 1998	IC 025. sports and leisure wear, namely shorts, pants, shirts, T-shirts, jerseys, tights, socks, gloves, jackets, swimwear, sweaters, caps and hats, pullovers, warm-up suits, rain-suits, ski suits, jump suits, boots, slippers, sandals, specific purpose athletic shoes, and general purpose sport shoes.
	2,278,589	September 21, 1999	IC 025. athletic and leisure footwear.
	2,411,802	December 12, 2000	IC 018. All purpose sport bags, athletic bags, traveling bags, backpacks, knapsacks. IC 025. Sports and leisure wear, namely, shorts, pants, shirts, T-shirts, jerseys, socks, gloves, jackets, swimwear, caps and hats, pullovers, sweat-shirts, sweat suits, track suits, warm-up suits; boots, sandals, specific purpose athletic shoes and general all purpose sports shoes. IC 028. Sports balls and playground balls; guards for athletic use, namely, shin guards, knee guards and leg guards.
	3,029,129	December 13, 2005	IC 025. Footwear.

	3,029,135	December 13, 2005	IC 025. Footwear.
	3,104,117	June 13, 2006	<p>IC 009. Optical apparatus and instruments, namely, eyeglasses and sunglasses.</p> <p>IC 014. Horological and chronometric instruments, namely, watches</p> <p>IC 018. Leather and imitations of leather, and goods made from these materials in the nature of bags for general and sport use, namely, handbags, tote bags, waist packs, overnight bags, backpacks, knapsacks and beach bags; trunks; traveling bags for general and sport use; leather and imitations of leather and goods made from these materials, namely, wallets, briefcases.</p> <p>IC 025. Sports and leisure wear, namely suits, shorts, pants, sweatpants, skirts, skorts, dresses, blouses, shirts, T-shirts, sleeveless tops, polo shirts, vests, jerseys, sweaters, sweatshirts, pullovers, coats, jackets, track suits, training suits, warm-up suits, swimwear, underwear, socks, gloves, scarves, wristbands and belts; headgear, namely caps, hats, visors, headbands; athletic footwear and leisure foot wear, namely boots, sandals, specific purpose athletic shoes and general purpose sports shoes.</p>
BOOST	3,580,958	February 24, 2009	IC 025. Clothing, namely, shirts; footwear.
NMD	5,218,628	June 6, 2017	IC 025. Footwear.
SPLY-350	5,413,495	February 27, 2018	IC 025. Footwear.

The adidas Marks are used in conjunction with the design, manufacture, and distribution of quality goods in the categories identified above. True and correct copies of the Certificates of Registration for the adidas Marks are attached to the Complaint as Composite Exhibit “1” [ECF No. 1-2].

6. The adidas Marks have been used in interstate commerce to identify and distinguish adidas products for an extended period of time and serve as symbols of adidas’s quality, reputation, and goodwill.

7. adidas has extensively used, advertised, and promoted the adidas Marks in the United States in association with the sale of quality products. adidas has spent substantial time, money and other resources promoting the adidas Marks and products bearing the adidas Marks. In recent years, annual sales of products bearing the adidas Marks have totaled in the billions of dollars globally and in the hundreds of millions of dollars within the United States.

8. The adidas Marks are well-known and famous and have been for many years. adidas has expended substantial resources developing, advertising and otherwise promoting the adidas Marks. Specifically, adidas has used the adidas Marks in connection with its frequent sponsorship of sports tournaments and organizations, as well as professional athletes and collegiate sports teams. For example, adidas has long-term relationships with the University of Nebraska, Mississippi State University, Texas A&M, and the University of Louisville. Among many others, NBA stars Derrick Rose, James Harden, Trae Young, Damian Lillard, and Donovan Mitchell, NFL stars Aaron Rodgers, Trevor Lawrence, Patrick Mahomes, and Von Miller, NHL star P.K. Subban, baseball player Kris Bryant, and soccer stars David Beckman and Lionel Messi all are sponsored by adidas. For many years, adidas has been a sponsor of the World Cup soccer tournament, as well as several national teams including Argentina, Japan, Mexico, Germany, and Spain. adidas also sponsors the entire MLS, outfitting the 29 teams with all jerseys, training gear, and sideline

apparel. Further, adidas has sponsored the world-famous Boston Marathon for more than a decade, and has sponsored many other events, teams, and individuals. Prominent use of the adidas Marks in connection with these sponsorship activities has further enhanced the adidas Marks' recognition and fame.

9. The adidas Marks have achieved secondary meaning as identifiers of quality goods as a result of adidas's advertisement, promotion, and sale of such goods thereunder.

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

11. The adidas Marks have never been abandoned. adidas actively polices and enforces its trademark rights.

12. The adidas Marks are vital to adidas's business, as the Marks represent a significant value to the company and its associated image. adidas suffers irreparable harm to its goodwill, as well as direct monetary losses, any time third parties, including Defendants, sell counterfeit and infringing goods bearing identical or substantially similar trademarks.

Investigation of Defendants' Counterfeiting Activities

13. The adidas Group learned Defendants are promoting, advertising, offering for sale and/or selling goods using counterfeit and infringing trademarks which are exact copies of one or more of the adidas Marks, without authorization, via at least the commercial Internet websites operating under their domain names set forth on Schedule "A" hereto (the "Subject Domain Names"). Defendants do not have, nor have they ever had, the right or authority to use the adidas Marks. Further, the adidas Marks have never been assigned or licensed to be used on any of the websites operating under the Subject Domain Names.

14. Prior to filing this Declaration, I conducted a review of the various adidas-branded products offered for sale by Defendants via the Internet websites operating under each of the Subject Domain Names or the detailed web page captures and images of the products bearing the adidas Marks, and I determined the products were non-genuine, unauthorized versions of adidas' branded products. I reached this conclusion through my observations of the pricing, which was below the prices of adidas's genuine products of similar style and design and my observation of certain product and marking characteristics which are not consistent with adidas's genuine products. Moreover, I personally know that the adidas Group does not conduct business with Defendants or their Subject Domain Names, nor do Defendants have the right or authority to use the adidas Marks for any purpose.

15. In view of the foregoing, I can confirm that the products Defendants are offering for sale and/or promoting under the adidas Marks via the Subject Domain Names are non-genuine versions of adidas's products. Additionally, I can confirm Defendants do not have authorization to use the adidas Marks in any of the Subject Domain Names.

Harm Caused To The adidas Group By Defendants' Activities

16. Genuine adidas branded goods are widely legitimately advertised, promoted, offered for sale, and discussed by adidas, authorized distributors and unrelated third parties via the Internet.

17. Visibility on the Internet, particularly via Internet search engines and social media platforms, is important to adidas's overall marketing and consumer education efforts. Thus, adidas expends significant monetary resources on Internet marketing and consumer education regarding its products, including search engine optimization, search engine marketing, and social media strategies, which allow adidas, authorized retailers, and others to educate consumers fairly and

legitimately about the value associated with adidas's brands and the goods sold thereunder and the problems associated with the counterfeiting of adidas's trademarks.

18. Each year, adidas expends significant monetary resources in connection with trademark enforcement efforts, including legal fees, investigative fees, and support mechanisms for law enforcement. adidas can often identify common trends and relationships between the counterfeiters it investigates. Each individual counterfeiter's actions, alone, cause adidas irreparable harm. However, due to the sheer number of these counterfeit website operators, adidas faces massive challenges in enforcing its trademark rights against each operator individually. These challenges are further intensified by the anonymity and mass reach afforded by the Internet, providing adidas with mostly impenetrable obstacles in identifying the full extent and scope of the targeted counterfeiting operation.

19. By benefiting from advertising and market targeting strategies based upon an illegal use of the adidas Marks online, Defendants are jointly obliterating the otherwise open and available marketplace space in which adidas has the right to fairly market its goods and associated message. Specifically, Defendants' use adidas's names and trademarks, or variations thereof, to make their websites selling counterfeit goods appear more relevant and attractive to consumers searching for adidas products and related information online. Such wrongful use constitutes unfair competition for adidas related to visibility on the World Wide Web, including within search engine results space.

20. Defendants are all contributing to the creation and maintenance of an illegal marketplace operating in parallel to the legitimate marketplace for adidas's genuine goods. Defendants are causing individual, concurrent and indivisible harm to adidas and the consuming public by (i) depriving adidas of its right to fairly compete for space online and within search

engine results and reducing the visibility of adidas's genuine goods on the World Wide Web, (ii) causing an overall degradation of the value of the goodwill associated with the adidas Marks, and/or (iii) increasing adidas's overall cost to market its goods and educate consumers about their brands via the Internet.

21. Although some Defendants may be physically acting independently, the harm they are inflicting on adidas is ultimately indivisible because the combined force of their actions serves to multiply the harm caused to adidas.

22. adidas will experience irreparable injury and damage to its reputation among consumers unless the infringing activity alleged in the Complaint is stopped.

I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct. Executed 2024-12-20 in Portland, Oregon.

Amanda Luz
Amanda Luz

SCHEDULE “A”
DEFENDANTS BY NUMBER AND SUBJECT DOMAIN NAME

Defendant Number	Defendant / Domain Name
1	allkicks.shop
2	91sheep.net
3	basetao.xyz
4	boolopo.net
5	carlkicks.net
6	cnfactory.co
7	cnfashionbuy.shop
8	cocokicks.xyz
9	cocosneakers.co
10	coolkicks.shoes
11	crewkicks.shoes
12	elevenkicks.co
13	fashionreps.shoes
14	flightkickz.co
15	goosemasterkim.org
16	hicoco.co
17	hypeunique.net
18	joystudio.xyz
19	kickbulk.shop
20	lkkiks.net
21	mangomeee.shop
22	monicasneaker.co
23	mrhou.net
24	ogtony.xyz
25	perfectkicks.shoes
26	popkicks.co
27	repkicks.shoes
28	repsnkrs.co
29	shoesreplica.com
30	sneakershead.net

31	sneakerwill.shoes
32	suprize.shop
33	uaplg.org
34	ua-shoes.net
35	uasneakers.net