

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 25-21134-CIV-RUIZ**

RICHEMONT INTERNATIONAL SA,

Plaintiff,

vs.

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

Defendants.

**PLAINTIFF’S MOTION FOR ENTRY OF DEFAULT FINAL JUDGMENT
AGAINST DEFENDANTS AND MEMORANDUM OF LAW IN SUPPORT THEREOF**

Plaintiff, Richemont International SA (“Plaintiff”), by and through its undersigned counsel, hereby moves this Honorable Court for entry of default final judgment against Defendants, the Individuals, Business Entities, and Unincorporated Associations identified on Schedule “A” hereto (“Defendants”). In support thereof, Plaintiff submits the following Memorandum of Law.

I. INTRODUCTION

Plaintiff initiated this action against Defendants through the filing of its Complaint and subsequent Amended Complaint for trademark counterfeiting and infringement (Count I), false designation of origin (Count II), common law unfair competition (Count III), and common law trademark infringement (Count IV). Defendants are in default, and the prerequisites for a default judgment have been met. As relief, Plaintiff seeks default judgment finding Defendants liable on all counts of Plaintiff’s Amended Complaint. Plaintiff prays such judgment includes the entry of a permanent injunction and awards of statutory damages to Plaintiff for each Defendant’s willful counterfeiting pursuant to 15 U.S.C. § 1117(c). Plaintiff also requests the Court enter equitable relief pursuant to 15 U.S.C. § 1116, Fed. R. Civ. P. 65, The All Writs Act, 28 U.S.C. § 1651(a),

and this Court's inherent authority requiring (i) cancellation, or at Plaintiff's election, transfer of the e-commerce stores at issue to Plaintiff, (ii) assignment of all rights, title and interest to the e-commerce stores to Plaintiff, (iii) permanent delisting or deindexing of the e-commerce stores from all search engines, and (iv) permanent suspension of the e-mail addresses used by Defendants, in order to ensure the associated Internet based e-commerce stores may no longer be used as a means for selling goods bearing and/or using counterfeits and infringements of Plaintiff's trademarks and infringing upon Plaintiff's rights.

II. STATEMENT OF FACTS

A. Plaintiff's Rights.

Plaintiff is a public limited company organized and existing under the laws of Switzerland, having its principal place of business at 10 Route des Biches, Villars-sur-Glane, Fribourg, Switzerland. (See Am. Compl. ¶ 4 [ECF No. 12], incorporated herein by reference.) Plaintiff operates boutiques throughout the world, including within this district. (See id.; see also Declaration of Emma-Jane Tritton in Support of Plaintiff's *Ex Parte* Application for Entry of TRO¹ ["Tritton Decl."], ¶¶ 7-8, [ECF No. 8-1], incorporated herein by reference.) Plaintiff is, in part, engaged in the business of manufacturing and distributing throughout the United States, including within this district, a variety of high-quality goods under multiple world-famous common law and federally registered trademarks. (See Am. Compl. ¶¶ 4, 14; Tritton Decl. ¶¶ 6-7.)

Plaintiff is the owner of all rights in and to the federally registered trademarks identified in Paragraph 6 of the Declaration of Emma-Jane Tritton (the "Plaintiff's Marks"). See United States Trademark Registrations of the Plaintiff's Marks at issue attached as Comp. Ex. 1 to the Am.

¹ Plaintiff's *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction, and the exhibits attached thereto, are incorporated herein by reference. See [ECF No. 8].

Compl. [ECF No. 12-1], incorporated herein by reference. The Plaintiff's Marks are used in connection with the manufacture and distribution of high-quality luxury goods. (See Tritton Decl. ¶¶ 5-7.) The Plaintiff's Marks are symbols of Plaintiff's quality, reputation, and goodwill and have never been abandoned. (See id. at ¶ 9.) Moreover, Plaintiff has expended substantial resources developing, advertising, and otherwise promoting its trademarks. (Id. ¶¶ 7-8.) As such, the Plaintiff's Marks qualify as famous marks as the term is used in 15 U.S.C. § 1125(c)(1). Furthermore, Plaintiff has extensively used, advertised, and promoted the Plaintiff's Marks in the United States in association with high-quality goods, and has carefully monitored and policed the use of the Plaintiff's Marks. (See Tritton Decl. ¶¶ 7-9.) As a result, members of the consuming public readily identify products sold under the Plaintiff's Marks as being high-quality merchandise sponsored and approved by Plaintiff. (Id.) Accordingly, the Plaintiff's Marks have achieved secondary meaning as identifiers of high-quality goods. (Id.) At all times relevant hereto, Defendants have been aware of Plaintiff's (a) ownership of Plaintiff's Marks; (b) exclusive right to use and license such Marks; and (c) substantial goodwill embodied in, and favorable recognition for, Plaintiff's Marks.

B. Defendants' Infringing Acts.

As alleged by Plaintiff, admitted by default, and established by the evidence submitted herewith, Defendants own, operate, or control the interactive, commercial Internet based e-commerce stores under their respective seller names identified on Schedule "A" hereto ("E-commerce Store Names"). As such, Defendants are the active, conscious, and dominant forces behind the promotion, advertisement, distribution, offering for sale, and/or sale of goods via the E-commerce Store Names bearing and/or using counterfeit and infringing trademarks that are

exact copies of the Plaintiff's Marks (the "Counterfeit Goods").² (See Am. Compl. ¶¶ 7-13, 23-26, 38-40; see also Tritton Decl. ¶¶ 11-13; Declaration of Stephen M. Gaffigan in Support of Plaintiff's *Ex Parte* Application for Entry of TRO ["Gaffigan Decl."] ¶¶ 2-3 [ECF No. 8-2], incorporated herein by reference; see also relevant web page captures from Defendants' e-commerce stores operating under the E-commerce Store Names displaying the Plaintiff branded items offered for sale ["Defendants' E-commerce Store Names"] attached as Comp. Ex. 1 to the Gaffigan Decl. [ECF Nos. 8-3 and 8-4].)

Further, as admitted by Defendants through default, at all times relevant, Defendants have had full knowledge of Plaintiff's ownership of the Plaintiff's Marks, including its exclusive right to use and license such intellectual property and the goodwill associated therewith. (See Am. Compl. ¶ 28.) Defendants do not have, nor have they ever had, the right or authority to use the Plaintiff's Marks for any purpose. (See Tritton Decl. ¶¶ 11-13.) However, despite their known lack of authority to do so, Defendants have engaged in the activity of promoting, and otherwise advertising, selling, offering for sale, and distributing their Counterfeit Goods via the E-commerce Store Names. (See Am. Compl. ¶¶ 7-13, 23-31, 38-40; see also Tritton Decl. ¶¶ 11-13; Gaffigan Decl. ¶¶ 2-3; see also Defendants' E-commerce Store Names.)

Plaintiff's evidence, obtained as a result of its investigation of Defendants, clearly demonstrates Defendants are engaged in the fraudulent promotion, advertisement, distribution, offering for sale, and sale of goods bearing and/or using counterfeits of the Plaintiff's Marks. Under the direct supervision of Plaintiff's representative, Emma-Jane Tritton, Corsearch Inc.'s reviewing representatives reviewed and visually inspected the various products bearing and/or

² Defendants use their e-mail addresses in connection with their counterfeiting activities, to promote, offer for sale, and/or sell goods bearing and/or using counterfeits and infringements of Plaintiff's trademarks via the E-commerce Store Names; accordingly, Defendants are using their e-mail addresses to facilitate their counterfeiting operations. (See Gaffigan Decl. ¶ 3, n.2.)

using the Plaintiff's Marks offered for sale by Defendants via the Internet based e-commerce stores operating under the E-commerce Store Names and determined the products were non-genuine, unauthorized versions of Plaintiff's branded products. (See Tritton Decl. ¶¶ 4, 12-13; see also Defendants' E-commerce Store Names.)

C. Procedural Background.

On March 11, 2025, Plaintiff filed its Complaint [ECF No. 1] and on March 18, 2025, its Amended Complaint for Injunctive Relief and Damages in this action against Defendants [ECF No. 12]. On March 12, 2025, Plaintiff filed its *Ex Parte* Application for Temporary Restraining Order [ECF No. 8]. On March 18, 2025, this Court entered an Order Granting *Ex Parte* Application for Entry of Temporary Restraining Order ("Temporary Restraining Order") [ECF No. 10], and subsequently converted the Temporary Restraining Order into a Preliminary Injunction on March 31, 2025 [ECF No. 22].

On March 12, 2025, Plaintiff filed its *Ex Parte* Motion for Order Authorizing Alternate Service of Process on Defendants Pursuant to Federal Rule of Civil Procedure 4(f)(3) ("Motion for Alternate Service")³, [ECF No. 9], which the Court granted on March 18, 2025 [ECF No. 11], authorizing Plaintiff to serve the Summonses, Complaint, and all filings and discovery in this matter upon Defendants via electronic mail ("e-mail") and via website posting by posting copies of the same on Plaintiff's designated service notice website appearing at the URL <http://servingnotice.com/Rsf5ca/index.html>. (See Declaration of Stephen M. Gaffigan in Support of Plaintiff's Motion for Entry of Default Final Judgment Against Defendants ["Gaffigan Decl. in Support of DFJ"] ¶ 5, filed herewith.) Pursuant to the Court's Order Granting Motion for Alternate

³ Plaintiff's Motion for Order Authorizing Alternate Service of Process, and the exhibit attached thereto, are incorporated herein by reference. See [ECF No. 9].

Service, Plaintiff served Defendants with their respective Summons and a copy of the Amended Complaint via e-mail and website posting on March 20, 2025 and March 21, 2025. (Id. at ¶ 6; see also [ECF No. 20], Proof of Service on file with the Court.)

The time allowed for Defendants to respond to the Amended Complaint has expired. (Gaffigan Decl. in Support of DFJ ¶ 7.) Defendants have not been granted any extension of time to respond, nor have they served or filed an Answer or other response. (Id. at ¶ 8.) To Plaintiff's knowledge, Defendants are not infants or incompetent persons and the Servicemembers' Civil Relief Act does not apply. (Id. at ¶ 9.) On April 23, 2025, Plaintiff filed its Request for Clerk's Entry of Default against Defendants [ECF No. 23], and the Clerk subsequently entered default against each Defendant on April 24, 2025 for failure to appear, plead, or otherwise defend pursuant to Rule 55(a) of the Federal Rules of Civil Procedure [ECF No. 24]. Plaintiff now moves the Court to grant Default Final Judgment against the Defendants in compliance with the Court's Order regarding the same [ECF No. 25].

III. ARGUMENT

A. Default Judgment Should Be Entered Against Defendants.

This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338. Personal jurisdiction over Defendants and venue in this district are proper under 28 U.S.C. § 1391 as Defendants direct business activities toward consumers throughout the United States, including within the State of Florida and this district, and cause harm to Plaintiff's business within this district through various Internet based e-commerce stores operating under the E-commerce Store Names. (See Am. Compl. ¶¶ 1-3, 7, 10, 27.)

1. Default Judgment is Proper.

A court may order a default judgment pursuant to Fed. R. Civ. P. 55(b)(2) following the entry of default by the court clerk under Rule 55(a). See FED. R. CIV. P. 55. Upon entry of default by the clerk, the well-pled factual allegations of a plaintiff's complaint, other than those related to damages, will be taken as true. PetMed Express, Inc. v. Medpets.com, 336 F. Supp. 2d 1213, 1217 (S.D. Fla. 2004) (citing Buchanan v. Bowman, 820 F.2d 359 (11th Cir. 1987)). In this case, the Amended Complaint, pleadings, and declarations filed in support of Plaintiff's Motion for Entry of Default Final Judgment clearly demonstrate that default judgment pursuant to Rule 55 of the Federal Rules of Civil Procedure should be entered against Defendants.

2. Factual Allegations Establish Defendants' Liability.

Title 15 U.S.C. § 1114 provides liability for trademark infringement if, without the consent of the registrant, a defendant uses "in commerce any reproduction, counterfeit, copy, or colorable imitation of a registered mark: which is likely to cause confusion, or to cause mistake, or to deceive." To prevail on its trademark infringement claim under Section 32 of the Lanham Act, Plaintiff must demonstrate "(1) that it had prior rights to the mark at issue and (2) that the defendant had adopted a mark or name that was the same, or confusingly similar to its mark, such that consumers were likely to confuse the two." Planetary Motion, Inc. v. Techsplosion, Inc., 261 F.3d 1188, 1193 (11th Cir. 2001) (citing Lone Star Steakhouse & Saloon, Inc. v. Longhorn Steaks, Inc., 106 F.3d 355, 360 (11th Cir. 1997)).

To prevail on a claim of false designation of origin under Section 43(a) of the Lanham Act, Plaintiff must prove that Defendants used in commerce, in connection with any goods or services, any word, term, name, symbol or device, or any combination thereof, or any false designation of origin, which is likely to deceive as to the affiliation, connection, or association of Defendants

with Plaintiff, or as to the origin, sponsorship, or approval, of Defendants' goods by Plaintiff. See 15 U.S.C. § 1125(a)(1). As with trademark infringement claims, the test for liability for false designation of origin under Section 43(a) is also "whether the public is likely to be deceived or confused by the similarity of the marks at issue." Two Pesos, Inc. v. Taco Cabana, Inc., 505 U.S. 763, 780, 112 S. Ct. 2753, 2763 (1992).

Whether a defendant's use of a plaintiff's trademarks creates a likelihood of confusion between the plaintiff's and the defendant's products is also the determining factor in the analysis of unfair competition under the common law of Florida. See Planetary Motion, 261 F.3d at 1193 n.4 ("Courts may use an analysis of federal infringement claims as a 'measuring stick' in evaluating the merits of state law claims."). Further, the test to determine trademark infringement liability under Florida common law is the same as the likelihood of consumer confusion test outlined in § 32(a) of the Lanham Act. See PetMed Express, Inc., 336 F. Supp. 2d at 1217-18.

The well-pled factual allegations of Plaintiff's Amended Complaint, including specifically those pled in Paragraphs 7-13, 23-31, 38-42, 45-50, 53-55, and 58-61 properly allege the elements for each of the above claims. Moreover, the factual allegations in Plaintiff's Amended Complaint, substantiated by the evidence submitted herewith, conclusively establish Defendants' liability under each of the claims asserted in the Amended Complaint. Accordingly, Default Judgment pursuant to Rule 55 of the Federal Rules of Civil Procedure should be entered against Defendants.

B. Plaintiff's Requested Relief Should Be Granted.

1. Entry of a Permanent Injunction is Appropriate.

Pursuant to the Lanham Act, a district court is authorized to issue an injunction "according to the principles of equity and upon such terms as the court may deem reasonable," to prevent violations of trademark law. 15 U.S.C. § 1116(a). Indeed, "[i]njunctive relief is the remedy of

choice for trademark and unfair competition cases, since there is no adequate remedy at law for the injury caused by a defendant's continuing infringement." Burger King Corp. v. Agad, 911 F. Supp. 1499, 1509-10 (S.D. Fla. 1995) (citing Century 21 Real Estate Corp. v. Sandlin, 846 F.2d 1175, 1180 (9th Cir. 1988)). Moreover, even in a default judgment setting, injunctive relief is available. See, e.g., PetMed Express, Inc., 336 F. Supp. 2d at 1222-23. Defendants' failure to respond or otherwise appear in this action makes it difficult for Plaintiff to prevent further infringement absent an injunction. See Jackson v. Sturkie, 255 F. Supp. 2d 1096, 1103 (N.D. Cal. 2003) ("[D]efendant's lack of participation in this litigation has given the court no assurance that defendant's infringing activity will cease. Therefore, plaintiff is entitled to permanent injunctive relief.") Pursuant to 15 U.S.C. § 1116, this Court should permanently enjoin Defendants from continuing to infringe any of Plaintiff's intellectual property rights, including the Plaintiff's Marks.

Permanent injunctive relief is appropriate where a plaintiff demonstrates (1) it has suffered irreparable injury; (2) there is no adequate remedy at law; (3) the balance of hardship favors an equitable remedy; and (4) an issuance of an injunction is in the public's interest. eBay Inc., v. MercExchange, LLC, 547 U.S. 388, 392-93, 126 S. Ct. 1837, 164 L. Ed. 2d 641 (2006). As demonstrated herein and based upon the issuance of the temporary restraining order and preliminary injunction entered in this matter, Plaintiff has clearly carried its burden on each of the four factors, warranting permanent injunctive relief. Accordingly, permanent injunctive relief is appropriate.

Defendants' actions merit permanent injunctive relief, not only to protect Plaintiff's reputation, but also to protect consumers from being deceived as to the quality and source of products bearing and/or using Plaintiff's trademarks. The facts alleged in Plaintiff's Amended Complaint, substantiated by the evidence submitted herewith, show Defendants are "continuously

infringing and inducing others to infringe” the Plaintiff’s Marks by using them to advertise, promote, and sell goods bearing and/or using marks which are identical or altered to be identical to the Plaintiff’s Marks. (See Am. Compl. ¶ 39; see generally Defendants’ E-commerce Store Names.)

Plaintiff is clearly suffering, and will continue to suffer, irreparable injury if Defendants’ infringing activities are not permanently enjoined. (See Tritton Decl. ¶¶ 10, 24.) In trademark cases, “a sufficiently strong showing of likelihood of confusion ... may by itself constitute a showing of a substantial threat of irreparable harm.” McDonald’s Corp. v. Robertson, 147 F.3d 1301, 1306 (11th Cir.1998). See also Levi Strauss & Co. v. Sunrise Int’l Trading Inc., 51 F.3d 982, 986 (11th Cir.1995) (“There is no doubt that the continued sale of thousands of pairs of counterfeit jeans would damage LS & Co.’s business reputation and might decrease its legitimate sales.”) In any event, Plaintiff’s Amended Complaint alleges that Defendants’ unlawful actions have caused Plaintiff irreparable injury and will continue to do so if Defendants are not permanently enjoined. (See Am. Compl. ¶¶ 35, 43, 51, 56, 62.) Defendants have defaulted upon Plaintiff’s factual allegations in that respect.

Additionally, Plaintiff has no adequate remedy at law so long as Defendants continue to use the Plaintiff’s trademarks in connection with the operation of the E-commerce Store Names because Plaintiff will have no control of the quality of what appears to be its products in the marketplace. (See Am. Compl. ¶¶ 23-24, 40, 46, 55, 61.) An award of money damages alone will not cure the injury to Plaintiff’s reputation and goodwill that will result if Defendants’ infringing and counterfeiting actions are allowed to continue. Moreover, it can hardly be said that Defendants face hardship in refraining from their willful infringement of Plaintiff’s trademarks, whereas Plaintiff faces hardship from loss of sales and its inability to control its reputation. In reality,

Defendants have no cognizable hardship, as they will be prohibited from selling counterfeit goods, which is an illegal act to begin with. Finally, the public has an interest in the issuance of a permanent injunction against Defendants to prevent consumers from being misled by Defendants' products. See Chanel, Inc. v. besumart.com, 240 F. Supp. 3d 1283, 1291 (S.D. Fla. 2016) (“[A]n injunction to enjoin infringing behavior serves the public interest in protecting consumers from such behavior.” (alteration added) (citation omitted)); BellSouth Adver. & and Publ'g. Corp. v. Real Color Pages, Inc., 792 F. Supp. 775, 785 (M.D. Fla. 1991) (holding “[i]n a trademark infringement or unfair competition case, a third party, the consuming public is present and its interests are paramount.”). Ultimately, the permanent injunction will prevent consumer confusion and deception in the marketplace, and will protect Plaintiff's property interest in the Plaintiff's Marks, which are the touchstones of trademark law.

Furthermore, as admitted by Defendants through default, (i) the E-commerce Store Names and any other alias e-commerce store or seller identification names used in connection with the sale of counterfeit and infringing goods bearing and/or using one of more of Plaintiff's trademarks are essential components of Defendants' online activities; and (ii) the E-commerce Store Names themselves are one of the means by which Defendants further their counterfeiting and infringement schemes and cause harm to Plaintiff. (See Am. Compl. ¶ 13.) Therefore, to effectuate the injunction as a practical matter pursuant to the Court's inherent authority and the All Writs Act, 28 U.S.C. § 1651(a), the E-commerce Store Names should be ordered transferred to Plaintiff's control by Defendants, their registrars, and/or registries. Additionally, the URLs used by Defendants to promote, advertise, offer for sale, and sell their Counterfeit Goods via the E-commerce Store Names, should be permanently disabled, de-indexed, or delisted by any Internet search engines. Further, Defendants, their agents or assigns, should be required to (i) assign all rights, title, and

interest, to their E-commerce Store Names to Plaintiff and (ii) instruct all search engines to permanently delist or deindex the E-commerce Store Names, so they may no longer be used for illegal purposes. (Am. Compl. ¶ 63(f)-(i).)

Additionally, Defendants are using their e-mail addresses in connection with their unlawful activities, to promote, offer for sale, and/or sell goods bearing and/or using counterfeits and infringements of Plaintiff's trademarks via the E-commerce Store Names; accordingly, Defendants are using their e-mail addresses to facilitate their counterfeiting operations. (See Gaffigan Decl. ¶ 3, n.2; see generally Defendants' E-commerce Store Names.) Therefore, the e-mail addresses Defendants use in connection with their unlawful, counterfeiting activities, which are set forth on Schedule "B" hereto, should be ordered terminated and/or permanently suspended by the Defendants and the applicable e-mail service providers. (See Am. Compl. ¶ 63(k).).

Absent the transfer of the E-commerce Store Names, the assignment of all rights, title, and interest to the E-commerce Store Names, the disablement, delisting or deindexing the E-commerce Store Names from all search engines, and the suspension of the e-mail addresses by the Defendants and the applicable service providers, Defendants will remain free to continue infringing Plaintiff's trademarks with impunity and will continue to benefit from the Internet traffic to their e-commerce stores built through the unlawful use of the Plaintiff's Marks.

The Court's powers of equity are sufficiently broad to compel measures necessary to enforce an injunction against infringement. See, e.g., Swann v. Charlotte-Mecklenburg Bd. of Educ., 402 U.S. 1, 15, 91 S. Ct. 1267, 1276 (1971) ("Once a right and a violation have been shown, the scope of a district court's equitable powers to remedy past wrongs is broad, for. . . the essence of equity jurisdiction has been the power of the Chancellor to do equity and to mould each decree to the necessities of the particular case."); United States v. Bausch & Lomb Optical Co., 321 U.S.

707, 724 (1944) (“Equity has power to eradicate the evils of a condemned scheme by prohibition of the use of admittedly valid parts of an invalid whole.”) District courts are expressly authorized to order the transfer or surrender of domain names in an *in rem* action against a domain name. See 15 U.S.C. §§ 1125(d)(1)(C), (d)(2). However, the remedy is by no means limited to that context. See, e.g., Philip Morris USA v. Otamedia Ltd., 331 F. Supp. 2d 228, 230-31 (S.D.N.Y. 2004) (Yesmoke.com domain name transferred to plaintiff despite the fact that plaintiff did not own a trademark in the term “Yesmoke” and noting that 15 U.S.C. § 1125 “neither states nor implies that an *in rem* action against the domain name constitutes the exclusive remedy for a plaintiff aggrieved by trademark violations in cyberspace.”); Ford Motor Co. v. Cross, 441 F. Supp. 2d 837, 853 (E.D. Mich. 2006) (defendants ordered to disclose all other domain registrations held by them and to transfer registration of a particular domain name to plaintiff in part under authority of 15 U.S.C. § 1116(a)). This Court and others have not hesitated to order the transfer of domain names when faced with factual scenarios similar to the one herein.⁴

⁴ See e.g., Yeti Coolers, LLC v. Individuals, No. 24-24499-CIV-RUIZ, 2025 U.S. Dist. LEXIS 34404 (S.D. Fla. Feb. 26, 2025) (ordering, *inter alia*, (i) transfer of domain names at issue as part of grant of permanent injunction, (ii) assignment of all rights, title and interest to defendants’ domains used to promote, offer for sale, and/or sell goods bearing counterfeits and/or infringements of plaintiff’s trademarks to plaintiff, and (iii) permanent de-indexing or delisting of defendants’ domains from internet search engines); Chanel, Inc. v. Individuals, No. 23-62201-CIV-RUIZ, 2024 U.S. Dist. LEXIS 21804 (S.D. Fla. Feb. 5, 2024, docketed Feb. 6, 2024) (same); Richemont Int’l Sa v. Cartierclone.Com, No. 23-60536-CIV-RUIZ, 2023 U.S. Dist. LEXIS 158062 (S.D. Fla. April 26, 2023, docketed April 27, 2023) (same); Tiffany NJ LLC v. Individuals, 22-62299-CIV-RUIZ, 2023 U.S. Dist. LEXIS 217203 (S.D. Fla. Feb. 3, 2023, docketed Feb. 6, 2023) (same); Specialized Bicycle Components v. Individuals, No. 21-61893-CIV-RUIZ, 2021 U.S. Dist. LEXIS 248405 (S.D. Fla. Nov. 12, 2021, docketed Nov. 16, 2021) (same); Louis Vuitton Malletier v. The Individuals, Business Entities and Unincorporated Ass’ns identified on Schedule “A”, No. 24-cv-23194-RAR (S.D. Fla. Oct. 22, 2024, docketed Oct. 23, 2024) (same). See also Topgolf Callaway Brands Corp. v. Individuals, No. 24-60577-CIV-SINGHAL, 2024 U.S. Dist. LEXIS 189783 (S.D. Fla. Oct. 17, 2024) (same); Malletier v. Individuals, No. 23-62323-CIV-COHN, 2024 U.S. Dist. LEXIS 49504 (S.D. Fla. March 20, 2024) (same).

Defendants have created an Internet-based counterfeiting and infringement scheme and are profiting from the deliberate misappropriation of Plaintiff's rights. Accordingly, the Court should eliminate the means by which Defendants are conducting their unlawful activities by canceling or transferring the E-commerce Store Names to Plaintiff, assigning all rights, title, and interest to the E-commerce Store Names to Plaintiff, disabling, delisting, or deindexing the websites' URLs and the E-commerce Store Names from all search engines, and suspending the e-mail addresses, so they may no longer be used as instrumentalities to further the sale of counterfeit goods.

2. Damages as to Count I for Trademark Counterfeiting and Infringement.

In a case involving the use of counterfeit marks in connection with a sale, offering for sale, or distribution of goods, 15 U.S.C. § 1117(c) provides that a plaintiff may elect an award of statutory damages at any time before final judgment is rendered in the sum of not less than \$1,000.00 or more than \$200,000.00 per counterfeit mark per type of good. 15 U.S.C. § 1117(c)(1). In addition, if the Court finds that Defendants' counterfeiting actions were willful, it may impose damages above the maximum limit up to \$2,000,000.00 per counterfeit mark per type of good. 15 U.S.C. § 1117(c)(2). Pursuant to 15 U.S.C. § 1117(c), Plaintiff elects to recover an award of statutory damages as to Count I of the Amended Complaint.

The Court has wide discretion to set an amount of statutory damages. PetMed Express, Inc., 336 F. Supp. 2d at 1219 (citing Cable/Home Commc'n Corp. v. Network Prod., Inc., 902 F.2d 829, 852 (11th Cir. 1990)). Indeed, an award of statutory damages is an appropriate remedy, despite a plaintiff's inability to provide actual damages caused by a defendant's infringement. Ford Motor Co. v. Cross, 441 F. Supp. 2d 837, 852 (E.D. Mich. 2006) ("[A] successful plaintiff in a trademark infringement case is entitled to recover enhanced statutory damages even where its actual damages are nominal or non-existent."). Congress enacted a statutory damages remedy in

trademark counterfeiting cases because evidence of a defendant's profits in such cases is almost impossible to ascertain. See, e.g., S. REP. NO. 104-177, pt. V(7) (1995) (discussing purposes of Lanham Act statutory damages); see also PetMed Express, Inc., 336 F. Supp. 2d at 1220 (statutory damages are "especially appropriate in default judgment cases due to infringer nondisclosure"). This case is no exception.

A defendant's intent can be of probative value for establishing willfulness, triggering an enhanced statutory award. PetMed Express, Inc., 336 F. Supp. 2d at 1220. A defendant is deemed to have acted willfully where "the infringer acted with actual knowledge or reckless disregard" to a plaintiff's intellectual property rights. See Arista Records, Inc. v. Beker Enter., Inc., 298 F. Supp. 2d 1310, 1312 (S.D. Fla. 2003). Willfulness may also be inferred from the defendant's default. See PetMed Express, Inc., 336 F. Supp. 2d at 1217 (upon default, well plead allegations taken as true). In either case, a defendant is deemed to have the requisite knowledge that its acts constitute an infringement.

The Plaintiff's Marks are renowned worldwide as identifiers of high quality merchandise, and the fact that Defendants offered for sale and sold goods using marks which are identical or altered to be identical to such strong marks shows their desire and purpose to trade upon Plaintiff's goodwill. Indeed, in a case of clear-cut copying such as this, it is appropriate to infer that Defendants intended to cause confusion and benefit from Plaintiff's reputation, to Plaintiff's detriment. See PetMed Express, Inc., 336 F. Supp. 2d at 1220 (court infers intent to confuse consumers into believing affiliation from Defendants' use of such a mark that was confusingly similar). Moreover, in this district, it has been held that when an alleged infringer adopts a mark "with the intent of obtaining benefit from the plaintiff's business reputation, 'this fact alone may be sufficient to justify the inference that there is confusing similarity.'" Turner Greenberg Assocs.,

320 F. Supp. 2d 1317, 1333 (S.D. Fla. 2004) (citing Carnival Corp. v. Seaescape Casino Cruises, Inc., 74 F. Supp. 2d 1261, 1268 (S.D. Fla. 1999)).

Here, the evidence clearly establishes Defendants intentionally copied the Plaintiff's Marks for the purpose of deriving the benefit of Plaintiff's world-famous reputation. In any event, Defendants defaulted on Plaintiff's allegations of willfulness. (See Am. Compl. ¶ 30.) See Arista Records, Inc. 298 F. Supp. 2d at 1313 (finding a Court may infer willfulness from the defendants' default.) As such, this Court should award a significant amount of statutory damages under the Lanham Act to ensure Defendants do not continue their intentional and willful counterfeiting activities.

Based on the above considerations, Plaintiff respectfully requests the Court award statutory damages against each Defendant. The evidence in this case demonstrates that each Defendant promoted, distributed, advertised, offered for sale, and/or sold at least one (1) type of good bearing and/or using marks which were in fact a counterfeit of, at least, two (2) of the Plaintiff's Marks. (See Declaration of Emma-Jane Tritton in Support of Motion for Entry of Default Final Judgment Against Defendants ["Tritton Decl. in Support of DFJ"] ¶ 5 and Ex. 1 attached thereto, filed herewith; Am. Compl. ¶¶ 14, 23-25, 38-39; Tritton Decl. ¶¶ 11-13; see generally Defendants' E-commerce Store Names). And, as noted above, based upon the evidence Plaintiff has presented, it is reasonable to infer each Defendant's infringement was willful. As such, Plaintiff is requesting a statutory damages award of one million dollars (\$1,000,000.00) per mark, per type of good. (See Tritton Decl. in Support of DFJ ¶ 5.) As each Defendant used at least one counterfeit mark on one type of good, Plaintiff requests a statutory damages award in the amount of \$1,000,000.00 against

each Defendant as partial compensation to Plaintiff and to deter Defendants and others from continuing to counterfeit Plaintiff's trademarks.⁵ (See id. at ¶¶ 5-6.)

This suggested award falls well within the permissible statutory range under 15 U.S.C. § 1117(c)(2), and is appropriate based on Defendants' extensive and willful counterfeiting and should be sufficient to deter Defendants and others from continuing to counterfeit or otherwise infringe Plaintiff's trademarks, compensate Plaintiff, and punish Defendants, all stated goals of 15 U.S.C. § 1117(c). Joint Statement of Trademark Counterfeiting Legislation, H.R.J. Res. 648, 98th Cong., 2nd Sess., 130 Cong.Rec. H12076, H12083; PetMed Express, Inc., 336 F. Supp. 2d at 1220-21 ("statutory damages under § 1117(c) are intended not just for compensation for losses, but also to deter wrongful conduct."). This Court and others have granted statutory damages under the Lanham Act using methodology similar to Plaintiff's request herein.⁶

⁵ Plaintiff has prepared a chart for the convenience of the Court providing an example of the trademarks counterfeited and types of goods offered for sale and/or sold per Defendant, including citations to the evidence. (See Tritton Decl. ¶ 5 and Ex. 1 attached thereto; see also Defendants' E-commerce Store Names.) Although Plaintiff's evidence demonstrates that Defendants have counterfeited multiple trademarks on at least one type of good, Plaintiff is requesting a statutory damages award in the amount of \$1,000,000.00 against each Defendant based upon each Defendant's use of at least one counterfeit mark on one type of good. (See Tritton Decl. ¶ 5.)

⁶ See, e.g., Yeti Coolers, LLC v. Individuals, No. 24-24499-CIV-RUIZ, 2025 U.S. Dist. LEXIS 34404 (S.D. Fla. Feb. 26, 2025) (awarding the plaintiff \$1,000,000.00 against each of the defendants based on at least one mark counterfeited and one type of good); Chanel, Inc. v. Individuals, No. 23-62201-CIV-RUIZ, 2024 U.S. Dist. LEXIS 21804 (S.D. Fla. Feb. 5, 2024, docketed Feb. 6, 2024) (same); Richemont Int'l Sa v. Cartierclone.Com, No. 23-60536-CIV-RUIZ, 2023 U.S. Dist. LEXIS 158062 (S.D. Fla. April 26, 2023, docketed April 27, 2023) (same); Tiffany NJ LLC v. Individuals, 22-62299-CIV-RUIZ, 2023 U.S. Dist. LEXIS 217203 (S.D. Fla. Feb. 3, 2023, docketed Feb. 6, 2023) (same); Specialized Bicycle Components v. Individuals, No. 21-61893-CIV-RUIZ, 2021 U.S. Dist. LEXIS 248405 (S.D. Fla. Nov. 12, 2021, docketed Nov. 16, 2021) (same); Louis Vuitton Malletier v. The Individuals, Business Entities and Unincorporated Ass'ns identified on Schedule "A", No. 24-cv-23194-RAR (S.D. Fla. Oct. 22, 2024, docketed Oct. 23, 2024) (same). See also Topgolf Callaway Brands Corp. v. Individuals, No. 24-60577-CIV-SINGHAL, 2024 U.S. Dist. LEXIS 189783 (S.D. Fla. Oct. 17, 2024) (same); Malletier v. Individuals, No. 23-62323-CIV-COHN, 2024 U.S. Dist. LEXIS 49504 (S.D. Fla. March 20, 2024) (same).

3. Damages as to Count II for False Designation of Origin, Count III for Common Law Unfair Competition, and Count IV for Common Law Trademark Infringement.

Plaintiff's Amended Complaint also sets forth a cause of action for false designation of origin pursuant to § 43(a) of the Lanham Act (15 U.S.C. § 1125(a)) (Count II), Florida's common law of unfair competition (Count III), and Florida's common law trademark infringement (Count IV). As to Counts II, III, and IV, the allowed scope of monetary damages is also encompassed in 15 U.S.C. § 1117(c). Accordingly, judgment on Counts II, III, and IV should be limited to the amount awarded pursuant to Count I and entry of the requested equitable relief.

IV. CONCLUSION

For the foregoing reasons, Plaintiff, Richemont International SA, respectfully requests the Court enter default final judgment and a permanent injunction against Defendants in the form of the proposed Default Final Judgment and Permanent Injunction filed herewith.

DATED: April 25, 2025.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

By: **Stephen M. Gaffigan**

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Attorneys for Plaintiff

SCHEDULE "A"
DEFENDANTS BY NUMBER, E-COMMERCE STORE NAME,
AND E-MAIL ADDRESSES

Defendant Number	Defendant / E-commerce Store Name	E-Mail Addresses
1	allswisswatchs.com	watchesc@outlook.com 2010watches@gmail.com
1	allwatchesen.com	2010watches@gmail.com
1	bestwatchss.com	watchesc@outlook.com
1	swissrepicass.com	2010watches@gmail.com
1	swisswatchesale.com	2010watches@gmail.com
2	any-replica-watches.com	anyreplicawatches@gmail.com Chrisanyreplicawatches@gmail.com Order@any-replica-watches.com
2	arwwatchpro.com	anyreplicawatches@gmail.com Chrisanyreplicawatches@gmail.com
3	bestcartierrep.com	bestcartierrep@gmail.com hello@unitedluxuryshop.com
4	bestfakejewelry.com	bestfakejewelry@gmail.com
4	luxuryjewelrywarehouse.com	replicajewelry98@gmail.com
5	buywatchesindubai.com	watchesindubai@gmail.com
5	replicawatchesinuae.com	watchesindubai@gmail.com
5	superclonewatchesdubai.com	watchesindubai@gmail.com
6	chreplica.is	chstore269@gmail.com
6	clean-factory.is	chstore269@gmail.com
7	clonewatch.is	contact@clonewatch.io
8	dubai-watchesuae.com	contact@dubai-watchesuae.com PW-F8E41551A887EB740C2AEE9048841C7B@PRI VACYGUARDIAN.ORG
9	hagobuy.ru	
10	geektime.watch	geektimewatch@outlook.com
11	getwatches.ru	kerytony88@gmail.com
12	giftwatchesboutique.in	Sales@giftwatchesboutique.in
13	goldluxurys.com	watcchgood@gmail.com info@goldluxurys.com
14	hellorolex.watch	sales@HelloRolex.com hellorolex@gmail.com hellook_sally@hotmail.com yuansunet@gmail.com

15	hontwatch-replica.si	oskarjohnatan54@gmail.com
16	hotwatchsreplica.com	salesreplicas@gmail.com
16	replicawatchshop.cc	salesreplicas@gmail.com
17	intime06.co	
18	iwatchclone.co	watchesppaservice@gmail.com
19	luxe-us.com	support@luxe-us.com
20	myswissclones.com	swisseta43@gmail.com
20	super-clones.com	swisseta43@gmail.com SUPER-CLONES.COM@WIX- DOMAINS.COM
20	swissauth.com	info@swissclones.com swisseta43@gmail.com SWISSAUTH.COM@WIX-DOMAINS.COM
20	swissclones.com	swisseta43@wixsiteautomations.com info@swissclones.com swisseta43@gmail.com
21	perfectrepwatches.com	info@perfectrepwatches.com 607D412D4ED1B7B05F30C43340E21AF2- 38626461@CONTACT.GANDI.NET
22	relojesreplicastarlujos.com	luxurys.club1@gmail.com relojesstarlujos@gmail.com 2508030trabajosstarlujos@gmail.com
23	replicaorologi.co	noobfactory@protonmail.ch
24	replicawatchescheap.com	Watchonlinestore1988@gmail.com carloasmatrix@gmail.com
24	reptime.us	watchonlinestore1988@gmail.com VATIFENS9@GMAIL.COM
25	replicawatchesusa.com	ReplicaWatches333@hotmail.com info@Royalwatchespakistan.com.pk info@Bob-Watches.com
25	royal-watches-pakistan.com.pk	info@Royalwatchespakistan.com.pk
25	Royalwatchespakistan.com.pk	
25	timezone.com.pk	info@TimeZone.com.pk
26	replicawatchtr.com	
27	rolexreplica.design	orders@rolexreplica.design
28	ukwatches.io	
28	ukshop.io	
29	watchcopiesale.co	popreplicaservice@gmail.com

30	18kcoraljewelry.com	coralperfect@gmail.com PW- 566B00F8A6987DB564DC9152F80FADC9@PR IVACYGUARDIAN.ORG
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SCHEDULE “B”
E-MAIL ADDRESSES USED IN CONNECTION WITH THE SALE OF
COUNTERFEIT GOODS BEARING AND/OR USING THE PLAINTIFF’S MARKS

2010watches@gmail.com
2508030trabajosstarlujos@gmail.com
anyreplicawatches@gmail.com
bestcartierrep@gmail.com
bestfakejewelry@gmail.com
carloasmatrix@gmail.com
Chrisanyreplicawatches@gmail.com
chstore269@gmail.com
coralperfect@gmail.com
hellook_sally@hotmail.com
hellorolex@gmail.com
kerytony88@gmail.com
luxurys.club1@gmail.com
oskarjohnatan54@gmail.com
popreplicaservice@gmail.com
relojesstarlujos@gmail.com
replicajewelry98@gmail.com
ReplicaWatches333@hotmail.com
salesreplicas@gmail.com
swisseta43@gmail.com
VATIFENS9@GMAIL.COM
watcchgood@gmail.com
watchesindubai@gmail.com
watchesppaservice@gmail.com
Watchonlinestore1988@gmail.com
yuansunet@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 25, 2025, a true copy of the foregoing was served upon Defendants via e-mail to the e-mail addresses at which Defendants were served and via website posting by posting copies of the same on the Court authorized serving notice website located at the URL: <http://servingnotice.com/Rsf5ca/index.html>.

Stephen M. Gaffigan

Stephen M. Gaffigan