

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	<b>REPORT ON THE                  FILING OR DETERMINATION OF AN                  ACTION REGARDING A PATENT OR                  TRADEMARK</b>
---	--

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Nevada on the following  Patents or  Trademarks:

DOCKET NO. 08-cv-1547	DATE FILED 11/10/2008	U.S. DISTRICT COURT Nevada
PLAINTIFF Chanel, Inc.		DEFENDANT Victor Long, et al.,
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 see attached		
2 <sup>1</sup> <i>pg. 3</i>		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
--------------------

CLERK LANCE WILSON	(BY) DEPUTY CLERK ANDREW MENNEAR	DATE 11/12/2008
-----------------------	-------------------------------------	--------------------

Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy

1 Gloria J. Sturman, Esq.  
Nevada Bar No. 2314  
2 **WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP**  
415 South Sixth Street, Suite 300  
3 Las Vegas, NV 89101  
(702) 382-1414; FAX (702) 382-1413  
4 E-mail: Gloria.Sturman@wilsonelser.com

5 Attorneys for Plaintiff  
6 CHANEL, INC.

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 CHANEL, INC.,  
a New York corporation,

10 Plaintiff,

11 vs.

12 VICTOR LONG, an individual and  
13 SNAZZYHANDBAGS.COM, LLC, a Nevada  
limited liability company, each d/b/a  
14 SNAZZYHANDBAGS.COM and DOES 1-10,

15 Defendants.

) Case No.:

) **COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF**

16  
17 Plaintiff, CHANEL, INC., a New York corporation ("Chanel") hereby sues Defendants,  
18 VICTOR LONG ("Long") and SNAZZYHANDBAGS.COM, LLC, each d/b/a  
19 SNAZZYHANDBAGS.COM and DOES 1 – 10 (collectively "Defendants") and alleges as follows:

20 **JURISDICTION AND VENUE**

21 1. This is an action pursuant to (i) 15 U.S.C. §§ 1114, 1116, 1121 and 1125(a).  
22 Accordingly, this Court has jurisdiction under 28 U.S.C. §§ 1331, 1332 and 1333. Venue is proper  
23 in this Court pursuant 28 U.S.C. § 1391 since the named Defendants conduct business with  
24 consumers within this Judicial District through at least the fully interactive Internet website  
25 www.Snazzyhandbags.com.

26 **THE PARTIES**

27 2. Chanel is a corporation duly organized under the laws of the State of New York with  
28 its principal place of business in the United States located at Nine West 57th Street, New York,

1 New York 10019. Chanel is, in part, engaged in the business of manufacturing and distributing  
2 throughout the world, including within this Judicial District, high quality handbags under Federally  
3 registered trademarks, including but not limited to , , and CHANEL (collectively the  
4 "Chanel Marks").

5  
6 3. Long is an individual who, upon information and belief resides and conducts  
7 business at 4632 Swaying Palms Drive, Las Vegas, Nevada 89147. Snazzyhandbags.com, LLC is a  
8 Nevada limited liability company which, upon information and belief, also conducts business at  
9 4632 Swaying Palms Drive, Las Vegas, Nevada 89147. Long and Snazzyhandbags.com, LLC each  
10 conduct business within this jurisdiction through the operation of a fully interactive website,  
11 www.Snazzyhandbags.com. Long is the moving and conscious force behind the operation of  
12 Snazzyhandbags.com, LLC and www.Snazzyhandbags.com.

13 4. Upon information and belief, Long and Snazzyhandbags.com, LLC are directly  
14 engaging in the sale of counterfeit and infringing products within this District as alleged herein.

15 5. Defendants Does 1-5 are, upon information and belief, individuals who reside and/or  
16 conduct substantial business within this Judicial District. Further, Does 1-5 are directly and  
17 personally contributing, inducing and engaging in the sale of counterfeit products as alleged herein  
18 as partners or suppliers to the named Defendants. Chanel is presently unaware of the true names of  
19 Does 1-5. Chanel will amend this Complaint upon discovery of the identities of such fictitious  
20 Defendants.

21 6. Defendants Does 6-10 are business entities which, upon information and belief,  
22 reside and/or conduct business within this Judicial District. Moreover, Does 6-10 are, upon  
23 information and belief, directly engaging in the sale of counterfeit products as alleged herein as  
24 partners or suppliers to the named Defendants. Chanel is presently unaware of the true names of  
25 Does 6-10. Chanel will amend this Complaint upon discovery of the identities of such fictitious  
26 Defendants.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**COMMON FACTUAL ALLEGATIONS**

7. Chanel is the owner of the following trademarks which are protected by the following United States Federal Trademark Registrations:

<u>Mark</u>	<u>Registration No.</u>	<u>Registration Date</u>
	3,025,934	December 13, 2005
	3,022,708	December 6, 2005
	1,734,822	November 24, 1992
CHANEL	1,733,051	November 17, 1992
CHANEL	1,347,677	July 9, 1985
	1,314,511	January 15, 1985
CHANEL	0,626,035	May 1, 1956

which are registered in International Class 18 and are used in connection with the manufacture and distribution of, among other things, high quality handbags.

8. The Chanel Marks have been used in interstate commerce to identify and distinguish Chanel's high quality handbags and other goods for an extended period of time.

9. The Chanel Marks have never been assigned or licensed to any of the Defendants in this matter.

10. The Chanel Marks are symbols of Chanel's quality, reputation and goodwill and have never been abandoned.

1           11. Further, Chanel has expended substantial time, money and other resources  
2 developing, advertising and otherwise promoting the Chanel Marks. The Chanel Marks qualify as  
3 famous marks as that term is used in 15 U.S.C. §1125(c)(1).

4           12. Chanel has extensively used, advertised, and promoted the Chanel Marks in the  
5 United States in association with the sale of high quality handbags and other goods and has  
6 carefully monitored and policed the use of the Chanel Marks.

7           13. As a result of Chanel's efforts, members of the consuming public readily identify  
8 merchandise bearing the Chanel Marks, as being high quality merchandise sponsored and approved  
9 by Chanel.

10           14. Accordingly, the Chanel Marks have achieved secondary meaning as identifiers of  
11 high quality handbags and other goods.

12           15. Upon information and belief, at all times relevant hereto, the Defendants in this  
13 action had full knowledge of Chanel's ownership of the Chanel Marks, including its exclusive right  
14 to use and license such intellectual property and the goodwill associated therewith.

15           16. Chanel has discovered Defendants are promoting and otherwise advertising,  
16 distributing, selling and/or offering for sale counterfeit products, including at least handbags  
17 bearing trademarks which are exact copies of the Chanel Marks (the "Counterfeit Goods").  
18 Specifically, upon information and belief, Defendants are using the Chanel Marks in the same  
19 stylized fashion, for different quality goods.

20           17. Upon information and belief, Defendants' Counterfeit Goods are of a quality  
21 substantially different than that of Chanel's genuine goods. Despite the nature of their Counterfeit  
22 Goods and the knowledge they are without authority to do so, Defendants, upon information and  
23 belief, are actively using, promoting and otherwise advertising, distributing, selling and/or offering  
24 for sale substantial quantities of their Counterfeit Goods with the knowledge that such goods will  
25  
26  
27  
28

1 be mistaken for the genuine high quality products offered for sale by Chanel. The net effect of  
2 Defendants' actions will be to result in the confusion of consumers who will believe Defendants'  
3 Counterfeit Goods are genuine goods originating from and approved by Chanel.

4  
5 18. Defendants advertise their Counterfeit Goods for sale to the consuming public. In so  
6 advertising these products, Defendants use the Chanel Marks. Indeed, Defendants herein  
7 misappropriated Chanel's advertising ideas and entire style of doing business with regard to the  
8 advertisement and sale of Chanel's genuine products. Upon information and belief, the  
9 misappropriation of Chanel's advertising ideas in the form of the Chanel Marks has occurred, in  
10 part, in the course of Defendants' advertising activities and has been the proximate cause of  
11 damage to Chanel.

12  
13 19. Upon information and belief, Defendants are conducting their counterfeiting and  
14 infringing activities at least within this Judicial District and elsewhere throughout the United States.  
15 As a result, Defendants are defrauding Chanel and the consuming public for Defendants' own  
16 benefit. Defendants' infringement and disparagement of Chanel does not simply amount to the  
17 wrong description of their goods or the failure of the goods to conform to the advertised quality or  
18 performance.

19  
20 20. Defendants' use of the Chanel Marks, including the promotion and advertising,  
21 reproduction, distribution, sale and offering for sale of their Counterfeit Goods, is without Chanel's  
22 consent or authorization.

23  
24 21. Further, Defendants are engaging in the above-described illegal counterfeiting and  
25 infringing activities knowingly and intentionally or with reckless disregard or willful blindness to  
26 Chanel's rights for the purpose of trading on the goodwill and reputation of Chanel. If Defendants'  
27 intentional counterfeiting and infringing activities are not preliminarily and permanently enjoined  
28 by this Court, Chanel and the consuming public will continue to be damaged.

1           22. Defendants' above identified infringing activities are likely to cause confusion,  
2 deception and mistake in the minds of consumers, the public and the trade. Moreover, Defendants'  
3 wrongful conduct is likely to create a false impression and deceive customers, the public and the  
4 trade into believing there is a connection or association between Chanel's genuine goods and  
5 Defendants' Counterfeit Goods.

6  
7           23. Chanel has no adequate remedy at law.

8           24. Chanel is suffering irreparable injury and has suffered substantial damages as a  
9 result of Defendants' counterfeiting and infringing activities.

10           25. The injuries and damages sustained by Chanel have been directly and proximately  
11 caused by Defendants' wrongful reproduction, use, advertisement, promotion, offering to sell, and  
12 sale of their Counterfeit Goods.

13           26. Chanel has retained the undersigned counsel to represent them in this matter and is  
14 obligated to pay said counsel a reasonable fee for such representation.

15  
16           **COUNT I - TRADEMARK COUNTERFEITING AND INFRINGEMENT**

17           27. Chanel hereby readopts and re-alleges the allegations set forth in Paragraphs 1  
18 through 26 above.

19           28. This is an action for trademark counterfeiting and infringement against the  
20 Defendants based on their promotion, advertisement, distribution, sale and/or offering for sale of  
21 the Counterfeit Goods bearing the Chanel Marks.

22           29. Specifically, Defendants are promoting and otherwise advertising, selling, offering  
23 for sale and distributing counterfeit and infringing handbags bearing the Chanel Marks. Defendants  
24 are continuously infringing and inducing others to infringe the Chanel Marks by using them to  
25 advertisc, promote, and sell counterfeit handbags.  
26  
27  
28

1           30. Defendants' counterfeiting and infringing activities are likely to cause and actually  
2 are causing confusion, mistake and deception among members of the trade and the general  
3 consuming public as to the origin and quality of Defendants' Counterfeit Goods bearing the Chanel  
4 Marks.

5           31. The Defendants' unlawful actions have caused and are continuing to cause  
6 unquantifiable damages to Chanel.  
7

8           32. Defendants' above-described illegal actions constitute counterfeiting and  
9 infringement of the Chanel Marks in violation of Chanel's rights under § 32 of the Lanham Act, 15  
10 U.S.C. § 1114.

11           33. Chanel has suffered and will continue to suffer irreparable injury due to the above  
12 described activities of the Defendants if the Defendants are not preliminarily and permanently  
13 enjoined.  
14

15                           **COUNT II - FALSE DESIGNATION OF ORIGIN**  
16                           **PURSUANT TO § 43(a) OF THE LANHAM ACT**

17           34. Chanel hereby readopts and re-alleges the allegations set forth in Paragraphs 1  
18 through 26 above.

19           35. The Defendants' Counterfeit Goods bearing and sold under the Chanel Marks have  
20 been widely advertised and distributed throughout the United States.

21           36. The Defendants' Counterfeit Goods bearing and sold under the Chanel Marks are  
22 virtually identical in appearance to each of Chanel's respective genuine goods. However, the  
23 Counterfeit Goods are different and likely inferior in quality. Accordingly, the Defendants'  
24 activities are likely to cause confusion in the trade and among the general public as to at least the  
25 origin or sponsorship of the Counterfeit Goods.  
26

27           37. The Defendants, upon information and belief, have used in connection with their  
28 sale of Counterfeit Goods, false designations of origins and false descriptions and representations,

1 including words or other symbols and trade dress which tend to falsely describe or represent such  
2 goods and have caused such goods to enter into commerce with possible knowledge of the falsity of  
3 such designations of origin and such descriptions and representations, all to the detriment of  
4 Chanel.

5  
6 38. Specifically, the Defendants have authorized an infringing use of the Chanel Marks,  
7 in the Defendants' advertisement and promotion of their counterfeit and infringing handbags. The  
8 Defendants, have misrepresented to members of the consuming public that the Counterfeit Goods  
9 being advertised and sold by them are genuine, non-infringing products.

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

12 40. Chanel has sustained injury and damage caused by Defendants' conduct, and absent  
13 an entry of an injunction by this Court, Chanel will continue to suffer irreparable injury to their  
14 goodwill and business reputation as well as monetary damages.  
15

16 **PRAYER FOR RELIEF**

17 41. WHEREFORE, Chanel demands judgment jointly and severally against the  
18 Defendants as follows:

19 a. The Court enter a preliminary and permanent injunction enjoining  
20 Defendants, their agents, representatives, servants, employees, and all those acting in concert or  
21 participation therewith, from manufacturing or causing to be manufactured, importing, advertising  
22 or promoting, distributing, selling or offering to sell their Counterfeit Goods; from infringing,  
23 counterfeiting, or diluting the Chanel Marks; from using the Chanel Marks, or any mark or trade  
24 dress similar thereto, in connection with the sale of any unauthorized goods; from using any logo,  
25 trade name or trademark or trade dress which may be calculated to falsely advertise the services or  
26 products of the Defendants as being sponsored by, authorized by, endorsed by, or in any way  
27 associated with Chanel; from falsely representing themselves as being connected with Chanel,  
28

1 through sponsorship or association, or engaging in any act which is likely to falsely cause members  
2 of the trade and/or of the purchasing public to believe any goods or services of the Defendants, or  
3 in any way endorsed by, approved by, and/or associated with Chanel; from using any reproduction,  
4 counterfeit, copy, or colorable imitation of the Chanel Marks in connection with the publicity,  
5 promotion, sale, or advertising of any goods sold by the Defendants, including, without limitation,  
6 handbags, and other goods; from affixing, applying, annexing or using in connection with the sale  
7 of any goods, a false description or representation, including words or other symbols tending to  
8 falsely describe or represent Defendants' goods as being those of Chanel, or in any way endorsed  
9 by Chanel and from offering such goods in commerce; and from otherwise unfairly competing with  
10 Chanel.

11           b. Defendants be required to account to and pay Chanel for all profits and  
12 damages resulting from Defendants' trademark infringing and counterfeiting activities and that the  
13 award to Chanel be trebled, as provided for under 15 U.S.C. §1117, or, at Chanel's election with  
14 respect to Count I, that Chanel be awarded statutory damages from each Defendants in the amount  
15 of one million dollars (\$1,000,000.00) per each counterfeit Chanel Mark used and product sold, as  
16 provided by 15 U.S.C. §1117(c)(2) of the Lanham Act.

17           c. Chanel be awarded punitive damages.

18           d. Chanel be awarded pre-judgment interest on its judgment.

19           e. Chanel be awarded its costs and reasonable attorneys' fees and investigators'  
20 fees associated with bringing this action.

21           f. Chanel be awarded an order canceling or, at Chanel's election, transferring  
22 the domain name SnazzyHandbags.com to Chanel by the Registry and/or Registrar.

23 ....

24 ....

25 ....

26 ....

27 ....

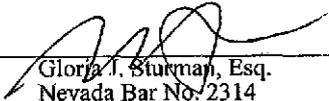
28 ....

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

g. Chanel be awarded such other and further relief as the Court may deem just and proper.

DATED this 10<sup>th</sup> day of November, 2008.

Respectfully submitted,

By:   
Gloria J. Sturman, Esq.  
Nevada Bar No. 2314  
**WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP**  
415 South Sixth Street, Suite 300  
Las Vegas, NV 89101  
(702) 382-1414; FAX (702) 382-1413  
E-mail: Gloria.Sturman@wilsonelser.com

Attorneys for PLAINTIFF  
CHANEL, INC., a New York corporation