

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO.**

CHANEL, INC.,

Plaintiff,

vs.

THE PARTNERSHIPS AND  
UNINCORPORATED ASSOCIATIONS  
IDENTIFIED ON SCHEDULE "A" and  
DOES 1-100,

Defendants.

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**COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF**

Plaintiff Chanel, Inc. ("Chanel"), a New York corporation, ("Plaintiff" or "Chanel") hereby sues Defendants, The Partnerships and Unincorporated Associations Identified on Schedule "A" and Does 1-100 (collectively "Defendants"). Defendants are promoting, selling, offering for sale and distributing goods bearing counterfeits and confusingly similar imitations of Plaintiff's trademarks within this judicial district through various fully interactive commercial Internet websites, commercial Internet C2Coffer e-stores, and commercial Internet iOffer auction store operating under their partnership and/or business association names identified on Schedule "A" hereto (the "Subject Domain Names, C2Coffer E-Stores, and iOffer Auction Store"). In support of its claims, Plaintiff alleges as follows:

**JURISDICTION AND VENUE**

1. This is an action for federal trademark infringement and counterfeiting, false designation of origin, cybersquatting, and common law unfair competition pursuant to 15 U.S.C. §§ 1114, 1116, 1121, 1125(a), and 1125(d). Accordingly, this Court has subject matter

jurisdiction under 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over Chanel's state law claims because those claims are so related to the federal claims that they form part of the same case or controversy.

2. Defendants are subject to personal jurisdiction in this judicial district, because they direct business activities toward and conduct business with consumers within the State of Florida and this judicial district through at least the fully interactive commercial Internet websites, commercial Internet C2Coffer e-stores, and commercial Internet iOffer auction store operating under the Subject Domain Names, C2Coffer E-Stores, and iOffer Auction Store.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 since Defendants are, upon information and belief, aliens who engage in infringing activities and cause harm within this judicial district. Defendants have also advertised and, upon information and belief, have made sales and shipped infringing products into this judicial district.

#### **THE PLAINTIFF**

4. Chanel is a corporation organized under the laws of the State of New York with its principal place of business in the United States located at Nine West 57th Street, New York, New York 10019. Chanel operates boutiques throughout the world, including within this Judicial District. Chanel is, in part, engaged in the business of manufacturing and distributing throughout the world, including within this Judicial District, a variety of high quality luxury goods, including, but not limited to, handbags, wallets, shoes, boots, belts, scarves, sunglasses, watches, cases for telephones, protective covers for portable electronic devices, including cell phones, cosmetics, and costume jewelry, including necklaces, bracelets, earrings and rings, under multiple world famous common law and Federally registered trademarks including those

identified in Paragraph 16 below. Chanel offers for sale and sells its trademarked goods within this Judicial District. Defendants' sales of counterfeit and infringing Chanel branded products are causing damage to Chanel within this Jurisdiction. Chanel regularly enforces its intellectual property rights and authorized that this action be brought in its name.

5. Like many other famous trademark owners in the luxury goods sector, Chanel suffers ongoing daily and sustained violations of its trademark rights at the hands of counterfeiters and infringers, such as the Defendants herein, who wrongfully reproduce and counterfeit Chanel's trademarks for the twin purposes of (i) duping and confusing the consuming public and (ii) earning substantial profits. The natural and intended byproduct of Defendants' actions is the erosion and destruction of the goodwill associated with the Chanel name and trademarks and the destruction of the legitimate market sector in which it operates.

6. In order to combat the harm caused by the combined actions of Defendants and others engaging in similar conduct, each year Chanel expends millions of dollars in connection with trademark enforcement efforts, including legal fees, investigative fees, and support mechanisms for law enforcement, such as field training guides and seminars. The recent explosion of counterfeiting over the Internet has created an environment which requires Chanel to file a massive number of lawsuits, often it later turns out, against the same individuals and groups, in order to protect both consumers and itself from the ill effects of confusion and the erosion of the goodwill connected to the Chanel brand. The financial burden on Chanel and companies similarly situated is staggering, as is the resulting burden on the Federal court system.

#### **THE DEFENDANTS**

7. Defendants are partnerships or unincorporated business associations, which operate through domain names registered with registrars in multiple countries, commercial

Internet e-stores via the third party marketplace website C2Coffer.com, and commercial Internet auction store via the third party marketplace website iOffer.com, and are comprised of individuals and/or business entities of unknown makeup, all of whom, upon information and belief, reside in the People's Republic of China or other foreign jurisdictions with lax trademark enforcement systems. The partnership or unincorporated association names used by Defendants are set forth on Schedule "A" hereto. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b). Defendants conduct pervasive business throughout the United States, including within this judicial district through the operation of fully interactive commercial Internet websites, commercial Internet C2Coffer e-stores, and commercial Internet iOffer auction store, existing under the Subject Domain Names, C2Coffer E-Stores, and iOffer Auction Store.

8. Upon information and belief, Defendants use aliases in conjunction with the operation of their business as set forth in Schedule "A" hereto.

9. Chanel is presently unaware of the true names of Does 1-100 although they are generally identified as the owners, operators, partners, managing agents and/or co-conspirators of the named Defendants operating under the Subject Domain Names, C2Coffer E-Stores, and iOffer Auction Store. Chanel will move to amend this Complaint upon discovery of the identities of such fictitious Defendants.

10. Defendants are the past and present controlling forces behind the operation of the fully interactive commercial Internet websites, commercial Internet C2Coffer e-stores, and commercial Internet iOffer auction store operating under at least the Subject Domain Names, C2Coffer E-Stores, and iOffer Auction Store.

11. Upon information and belief, Defendants directly engage in unfair competition with Chanel and engage in the advertisement, offering for sale and sale of goods bearing counterfeits and infringements of one or more of Chanel's trademarks to consumers within the United States and this judicial district through multiple fully interactive commercial Internet websites, commercial Internet C2Coffer e-stores, and commercial Internet iOffer auction store operating under, at least, the Subject Domain Names, C2Coffer E-Stores, and iOffer Auction Store. Defendants, upon information and belief, also operate additional websites, C2Coffer e-stores, and iOffer auction stores which promote and offer for sale counterfeit and infringing goods under domain names, C2Coffer e-stores, and/or iOffer auction stores not yet known to Chanel. Defendants have purposefully directed some portion of their illegal activities towards consumers in the State of Florida through the advertisement, offer to sell, sale, and shipment of counterfeit Chanel-branded goods into the State.

12. Defendants have registered, established or purchased, and maintained the Subject Domain Names, C2Coffer E-Stores, and iOffer Auction Store. Upon information and belief, Defendants have engaged in fraudulent conduct with respect to the registration of the Subject Domain Names by providing false and/or misleading information to their various Registrars during the registration or maintenance process. Upon information and belief, Defendants have anonymously registered and maintained some of the Subject Domain Names for the sole purpose of engaging in illegal counterfeiting activities.

13. Upon information and belief, Defendants will continue to register or acquire new domain names, C2Coffer e-stores, and iOffer auction stores for the purpose of selling and offering for sale goods bearing counterfeit and confusingly similar imitations of Chanel's trademarks unless preliminarily and permanently enjoined.

14. Defendants' entire Internet-based website, e-store, and auction store businesses amount to nothing more than illegal operations established and operated in order to infringe the intellectual property rights of Chanel and others.

15. Defendants' business names, i.e., the Subject Domain Names, C2Coffer E-Stores, and iOffer Auction Store and any other domain names, C2Coffer e-stores, and iOffer auction stores used in connection with the sale of counterfeit and infringing goods bearing Chanel's trademarks are essential components of Defendants' counterfeiting and infringing activities and are the means by which Defendants further their counterfeiting scheme and cause harm to Chanel. Moreover, Defendants are using Chanel's famous name and trademarks to drive Internet consumer traffic to their websites, e-stores, and auction store operating under the Subject Domain Names, C2Coffer E-Stores, and iOffer Auction Store, thereby increasing the value of the domain names, C2Coffer e-stores, and iOffer auction store and decreasing the size and value of Chanel's legitimate common marketplace at Chanel's expense.

### **COMMON FACTUAL ALLEGATIONS**

#### **Plaintiff's Business and Trademark Rights**

16. Chanel is the owner of all rights in and to the following trademarks which are valid and registered on the Principal Register of the United States Patent and Trademark Office (collectively, the "Chanel Marks"):

<b>Trademark</b>	<b>Registration Number</b>	<b>Registration Date</b>	<b>Class(es)/Goods</b>
CHANEL	0,612,169	September 13, 1955	(Int'l Class: 14) Necklaces
CHANEL	0,626,035	May 1, 1956	(Int'l Class: 18) Women's handbags

<b>Trademark</b>	<b>Registration Number</b>	<b>Registration Date</b>	<b>Class(es)/Goods</b>
CHANEL	0,906,262	January 19, 1971	(Int'l Class: 25) Coats, suits, blouses, and scarves
CHANEL	0,955,074	March 13, 1973	(Int'l Class: 14) Watches
	1,241,264	June 7, 1983	(Int'l Class: 25) Suits, jackets, skirts, dresses, pants, blouses, tunics, sweaters, cardigans, tee-shirts, coats, raincoats, scarves, shoes and boots
CHANEL	1,241,265	June 7, 1983	(Int'l Class: 25) Suits, jackets, skirts, dresses, pants, blouses, tunics, sweaters, cardigans, coats, raincoats, scarves, shoes and boots
	1,347,094	July 9, 1985	(Int'l Class: 3) A full line of perfumery, cosmetics, and toiletries
CHANEL	1,348,842	July 16, 1985	(Int'l Class: 3) Full line of perfumery, cosmetics and toiletries
	1,501,898	August 30, 1988	(Int'l Class: 6) Keychains (Int'l Class: 14) Costume jewelry (Int'l Class: 16) Gift wrapping paper (Int'l Class: 25) Blouses, shoes, belts, scarves, jackets, men's ties (Int'l Class: 26) Brooches, buttons for clothing
CHANEL	1,510,757	November 1, 1988	(Int'l Class: 9) Sunglasses
	1,654,252	August 20, 1991	(Int'l Class: 9) Sunglasses

Trademark	Registration Number	Registration Date	Class(es)/Goods
CHANEL	1,733,051	November 17, 1992	(Int'l Class: 18) Leather goods; namely, handbags, wallets, travel bags, luggage, business and credit card cases, change purses, tote bags, cosmetic bags sold empty, and garment bags for travel
	1,734,822	November 24, 1992	(Int'l Class: 18) Leather goods; namely, handbags, wallets, travel bags, luggage, business card cases, change purses, tote bags, and cosmetic bags sold empty
J12	2,559,772	April 9, 2002	(Int'l Class: 14) -Timepieces; namely, Watches, and Parts Thereof
	3,025,934	December 13, 2005	(Int'l Class: 18) – Handbags
	3,025,936	December 13, 2005	(Int'l Class: 9) Eyeglass frames, sunglasses (Int'l Class: 25) Gloves, swimwear (Int'l Class: 26) Hair accessories namely barrettes
CHANEL	3,133,139	August 22, 2006	(Int'l Class: 14) Jewelry and watches
CHANEL	3,134,695	August 29, 2006	(Int'l Class: 9) Ski goggles, eyeglass frames, sunglasses, sunglass parts, cases for spectacles and sunglasses (Int'l Class: 25) Sun visors, swimwear, stockings and socks (Int'l Class: 26) Hair accessories namely barrettes (Int'l Class: 28) Bags specially adopted for sports equipment, skis, tennis rackets, tennis balls, tennis racket covers

<b>Trademark</b>	<b>Registration Number</b>	<b>Registration Date</b>	<b>Class(es)/Goods</b>
CHANEL	3,890,159	December 14, 2010	(Int'l Class: 9) Cases for telephones (Int'l Class: 16) Temporary tattoos (Int'l Class: 18) Key cases
	4,074,269	December 20, 2011	(Int'l Class: 9) Protective covers for portable electronic devices, handheld digital devices, personal computers and cell phones (Int'l Class: 16) Temporary tattoos (Int'l Class: 18) Key cases

The Chanel Marks are used in conjunction with the manufacture and distribution of high quality goods in the categories identified above.

17. The Chanel Marks have been used in interstate commerce to identify and distinguish Chanel's high quality handbags, wallets, shoes, boots, belts, scarves, sunglasses, watches, cases for telephones, protective covers for portable electronic devices, including cell phones, cosmetics, and costume jewelry, including necklaces, bracelets, earrings and rings, and other goods for an extended period of time and serve as symbols of Chanel's quality, reputation, and goodwill.

18. The Chanel Marks are well-known and famous and have been for many years. Chanel has expended substantial time, money and other resources developing, advertising and otherwise promoting the Chanel Marks. The Chanel Marks qualify as famous marks as that term is used in 15 U.S.C. §1125(c)(1).

19. Chanel has extensively used, advertised and promoted the Chanel Marks in the United States in connection with the sale of high quality handbags, wallets, shoes, boots, belts, scarves, sunglasses, watches, cases for telephones, protective covers for portable electronic

devices, including cell phones, cosmetics, and costume jewelry, including necklaces, bracelets, earrings and rings, and other goods and has carefully monitored and policed the use of the Chanel Marks. Chanel has spent millions of dollars promoting the Chanel Marks and products bearing the Chanel Marks. In recent years, annual sales of products bearing the Chanel Marks have totaled in the hundreds of millions of dollars within the United States.

20. As a result of Chanel's efforts, members of the consuming public readily identify merchandise bearing the Chanel Marks, as being high quality luxury goods sponsored and approved by Chanel.

21. Accordingly, the Chanel Marks have achieved secondary meaning as identifiers of high quality handbags, wallets, shoes, boots, belts, scarves, sunglasses, watches, cases for telephones, protective covers for portable electronic devices, including cell phones, cosmetics, and costume jewelry, including necklaces, bracelets, earrings and rings, and other goods.

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

23. Chanel has carefully monitored and policed the use of the Chanel Marks and has never assigned or licensed the Chanel Marks to any of the Defendants in this matter.

24. Genuine goods bearing the Chanel Marks are widely legitimately advertised and promoted by Chanel, its authorized distributors and unrelated third parties via the Internet. Over the course of the past five to seven years, visibility on the Internet, particularly via Internet search engines such as Google, Yahoo!, and Bing has become increasingly important to Chanel's overall marketing and consumer education efforts. Thus, Chanel expends significant monetary resources on Internet marketing and consumer education, including search engine optimization ("SEO") strategies. Those strategies allow Chanel and its authorized retailers to fairly and

legitimately educate consumers about the value associated with the Chanel brand and the goods sold thereunder.

**Defendants' Infringing Activities**

25. Upon information and belief, Defendants are promoting and advertising, distributing, selling, and/or offering for sale goods in interstate commerce that bearing counterfeit and infringing trademarks which are exact copies of Chanel Marks, including without limitation handbags, wallets, shoes, boots, belts, scarves, sunglasses, watches, cases for telephones, protective covers for portable electronic devices, including cell phones, cosmetics, and costume jewelry, including necklaces, bracelets, earrings and rings (collectively, the "Counterfeit Goods") through the fully interactive commercial Internet websites, commercial Internet C2Coffer e-stores, and commercial Internet iOffer auction store operating under the Subject Domain Names, C2Coffer E-Stores, and iOffer Auction Store. Specifically, upon information and belief, Defendants are using identical copies of the Chanel Marks for different quality goods. Chanel had used the Chanel Marks extensively and continuously before Defendants began offering counterfeit and confusingly similar imitations of Chanel's merchandise.

26. Upon information and belief, Defendants' Counterfeit Goods are of a quality substantially different than that of Chanel's genuine goods. Defendants, upon information and belief, are actively using, promoting and otherwise advertising, distributing, selling and/or offering for sale substantial quantities of their Counterfeit Goods with the knowledge and intent that such goods will be mistaken for the genuine high quality goods offered for sale by Chanel despite Defendants' knowledge that they are without authority to use the Chanel Marks. The net

effect of Defendants' actions will cause confusion of consumers who will believe Defendants' Counterfeit Goods are genuine goods originating from, associated with, and approved by Chanel.

27. Defendants advertise their Counterfeit Goods for sale to the consuming public via websites, e-stores, and auction stores operating under at least the Subject Domain Names, C2Coffer E-Stores, and iOffer Auction Store. In so advertising these goods, Defendants use the Chanel Marks without Chanel's permission. Indeed, Defendants herein misappropriated Chanel's advertising ideas and entire styles of doing business with regard to the advertisement and sale of Chanel's genuine goods. Upon information and belief, the misappropriation of Chanel's advertising ideas in the form of the Chanel Marks is the proximate cause of damage to Chanel.

28. As part of their overall infringement and counterfeiting scheme, Defendants are, upon information and belief, all employing substantially similar, and often times coordinated, SEO strategies based, in large measure, upon an illegal use of counterfeits and infringements of the Chanel Marks. Specifically, Defendants are using counterfeits of Chanel's famous name and the Chanel Marks in order to make their websites, C2Coffer e-stores, and iOffer auction store selling illegal goods appear more relevant and attractive to search engines across an array of search terms. By their actions, Defendants have created an illegal marketplace operating in parallel to the legitimate marketplace for Chanel's genuine goods. Defendants are causing concurrent and indivisible harm to Chanel and the consuming public by (i) depriving Chanel and other third parties of their right to fairly compete for space within search engine results and reducing the visibility of Chanel's genuine goods on the World Wide Web, (ii) causing an overall degradation of the value of the goodwill associated with the Chanel Marks, and (iii) increasing Chanel's overall cost to market its goods and educate consumers about its brand via the Internet.

29. Upon information and belief, Defendants are concurrently targeting their counterfeiting and infringing activities toward consumers and causing harm within this judicial district and elsewhere throughout the United States. As a result, Defendants are defrauding Chanel and the consuming public for Defendants' own benefit.

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

31. Defendants' use of the Chanel Marks, including the promotion and advertisement, reproduction, distribution, sale and offering for sale of their Counterfeit Goods, is without Chanel's consent or authorization.

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

33. Defendants' above identified infringing activities are likely to cause confusion, deception, and mistake in the minds of consumers, the public, and the trade before, during, and after the time of purchase. Moreover, Defendants' wrongful conduct is likely to create a false impression and deceive customers, the public, and the trade into believing there is a connection or association between Chanel's genuine goods and Defendants' Counterfeit Goods, which there is not.

34. Moreover, one of the Defendants has registered a domain name using, at least, one of the marks which is nearly identical and/or confusingly similar to or dilutive of the Chanel

Marks. Upon information and belief, Defendant has registered at least one (1) of the domain names, which is nearly identical and/or confusingly similar to at least one of the Chanel Marks, including, cctrue.es (the “Infringing Subject Domain Name”).

35. Upon information and belief, Defendants will continue to register new domain names for the purpose of selling and/or offering for sale goods bearing counterfeit and confusingly similar imitations of the Chanel Marks unless preliminarily and permanently enjoined.

36. Upon information and belief, Defendant has registered and/or used the Infringing Subject Domain Name with the bad faith intent to profit from the Chanel Marks.

37. Defendants do not have, nor have they ever had, the right or authority to use the Chanel Marks. Further, the Chanel Marks have never been assigned or licensed to be used on the website operating under the Infringing Subject Domain Name.

38. Upon information and belief, Defendant has provided false and/or misleading contact information when applying for the registration of the Infringing Subject Domain Name, or has intentionally failed to maintain accurate contact information with respect to the registration of the Infringing Subject Domain Name.

39. Upon information and belief, Defendant has never used the Infringing Subject Domain Name in connection with a bona fide offering of goods or services.

40. Upon information and belief, Defendant has not made any bona fide non-commercial or fair use of the Chanel Marks on a website accessible under the Infringing Subject Domain Name.

41. Upon information and belief, Defendant has intentionally incorporated, at least, one of the Chanel Marks in its Infringing Subject Domain Name to divert consumers looking for Chanel's Internet website to its own Internet website for commercial gain.

42. Chanel has no adequate remedy at law.

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

44. The harm and damages sustained by Chanel have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offers to sell, and sale of their Counterfeit Goods.

#### **COUNT I - TRADEMARK COUNTERFEITING AND INFRINGEMENT**

45. Chanel hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 44 above.

46. This is an action for trademark counterfeiting and infringement against Defendants based on their use of counterfeit and confusingly similar imitations of the Chanel Marks in commerce in connection with the promotion, advertisement, distribution, sale and offering for sale of the Counterfeit Goods.

47. Defendants are promoting and otherwise advertising, selling, offering for sale and distributing, at least, handbags, wallets, shoes, boots, belts, scarves, sunglasses, watches, cases for telephones, protective covers for portable electronic devices, including cell phones, cosmetics, and costume jewelry, including necklaces, bracelets, earrings and rings using counterfeits and infringements of one or more of the Chanel Marks. Defendants are continuously infringing and inducing others to infringe the Chanel Marks by using them to advertise, promote, and sell, at least, counterfeit and infringing handbags, wallets, shoes, boots, belts, scarves,

sunglasses, watches, cases for telephones, protective covers for portable electronic devices, including cell phones, cosmetics, and costume jewelry, including necklaces, bracelets, earrings and rings.

48. Defendants' coordinated, concurrent counterfeiting and infringing activities are likely to cause and actually are causing confusion, mistake and deception among members of the trade and the general consuming public as to the origin and quality of Defendants' Counterfeit Goods.

49. Defendants' unlawful actions have individually and jointly caused and are continuing to cause unquantifiable damages to Chanel and are unjustly enriching the Defendants at Chanel's expense.

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

51. Chanel has suffered and will continue to suffer irreparable injury due to the Defendants' above described activities if Defendants are not preliminarily and permanently enjoined.

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

52. Chanel hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 44 above.

53. Defendants' Counterfeit Goods bearing and sold under copies of the Chanel Marks have been widely advertised and distributed throughout the United States.

54. Defendants' Counterfeit Goods bearing and sold under copies of the Chanel Marks are virtually identical in appearance to Chanel's genuine goods. However, Defendants'

Counterfeit Goods are different and likely inferior in quality. Accordingly, Defendants' activities are likely to cause confusion in the trade and among the general public as to at least the origin or sponsorship of their Counterfeit Goods.

55. Defendants, upon information and belief, have used in connection with their sale of the Counterfeit Goods, false designations of origin and false descriptions and representations, including words or other symbols and trade dress which tend to falsely describe or represent such goods and have caused such goods to enter into commerce with full knowledge of the falsity of such designations of origin and such descriptions and representations, all to the detriment of Chanel.

56. Defendants have authorized an infringing use of the Chanel Marks, in Defendants' advertisement and promotion of their counterfeit and infringing Chanel-branded handbags, wallets, shoes, boots, belts, scarves, sunglasses, watches, cases for telephones, protective covers for portable electronic devices, including cell phones, cosmetics, and costume jewelry, including necklaces, bracelets, earrings and rings. Defendants have misrepresented to members of the consuming public that the Counterfeit Goods being advertised and sold by them are genuine, non-infringing goods.

57. Additionally, Defendants are using counterfeits and infringements of the Chanel Marks in order to unfairly compete with Chanel and others for space within search engine organic results, thereby jointly depriving Chanel of a valuable marketing and educational tool which would otherwise be available to Chanel and reducing the visibility of Chanel's genuine goods on the World Wide Web.

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

59. Chanel has sustained injury and damage caused by Defendants' concurrent conduct, and absent an entry of an injunction by this Court, Chanel will continue to suffer irreparable injury to its goodwill and business reputation as well as monetary damages.

**COUNT III - CLAIM FOR RELIEF FOR CYBERSQUATTING  
UNDER §43(d) OF THE LANHAM ACTION, 15 U.S.C. §1125(d)**

60. Chanel hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 44 above.

61. Upon information and belief, Defendant has acted with the bad faith intent to profit from the Chanel Marks and the goodwill associated with the Chanel Marks by registering the Infringing Subject Domain Name.

62. The Chanel Marks were distinctive and famous at the time Defendant registered the Infringing Subject Domain Name.

63. The Infringing Subject Domain Name is identical to, confusingly similar to, or dilutive of at least one of the Chanel Marks.

64. Defendants' actions constitute cybersquatting in violation of §43(d) of the Lanham Act, 15 U.S.C. §1125(d).

65. Defendants' unlawful actions have caused and are continuing to cause unquantifiable damages to Chanel.

66. Chanel has suffered and will continue to suffer irreparable injury due to the above-described activities of Defendants if Defendants are not preliminarily and permanently enjoined.

**COUNT IV - COMMON LAW UNFAIR COMPETITION**

67. Chanel hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 44 above.

68. This is an action against Defendants based on their manufacture, promotion, advertisement, distribution, sale and/or offering for sale of goods bearing marks which are virtually identical, both visually and phonetically, to the Chanel Marks in violation of Florida's common law of unfair competition.

69. Specifically, Defendants are promoting and otherwise advertising, selling, offering for sale and distributing goods bearing counterfeits and infringements of the Chanel Marks. Defendants are also using counterfeits and infringements of the Chanel Marks to unfairly compete with Chanel and others for (1) space in search engine results across an array of search terms and (2) visibility on the World Wide Web.

70. Defendants' infringing activities are likely to cause and actually are causing confusion, mistake and deception among members of the trade and the general consuming public as to the origin and quality of Defendants' products by their use of the Chanel Marks.

71. Chanel has no adequate remedy at law and is suffering irreparable injury as a result of Defendants' actions.

#### **PRAYER FOR RELIEF**

72. WHEREFORE, Chanel demands judgment on all Counts of this Complaint and an award of equitable relief and monetary relief, jointly and severally, against Defendants as follows:

a. Entry of preliminary and permanent injunctions pursuant to Federal Rule Civil Procedure 65 enjoining Defendants, their agents, representatives, servants, employees, and all those acting in concert or participation therewith, from manufacturing or causing to be manufactured, importing, advertising or promoting, distributing, selling or offering to sell their Counterfeit Goods; from infringing, counterfeiting, or diluting the Chanel Marks; from using the

Chanel Marks, or any mark or trade dress similar thereto, in connection with the sale of any unauthorized goods; from using any logo, trade name or trademark or trade dress which may be calculated to falsely advertise the services or products of Defendants as being sponsored by, authorized by, endorsed by, or in any way associated with Chanel; from falsely representing themselves as being connected with Chanel, through sponsorship or association, or engaging in any act which is likely to falsely cause members of the trade and/or of the purchasing public to believe any goods or services of Defendants are in any way endorsed by, approved by, and/or associated with Chanel; from using any reproduction, counterfeit, copy, or colorable imitation of the Chanel Marks in connection with the publicity, promotion, sale, or advertising of any goods sold by Defendants, including, without limitation, handbags, wallets, shoes, boots, belts, scarves, sunglasses, watches, cases for telephones, protective covers for portable electronic devices, including cell phones, cosmetics, and costume jewelry, including necklaces, bracelets, earrings and rings; from affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent Defendants' goods as being those of Chanel, or in any way endorsed by Chanel and from offering such goods in commerce; from engaging in search engine optimization strategies using colorable imitations of Chanel's name or trademarks; and from otherwise unfairly competing with Chanel.

b. Entry of an Order requiring the Subject Domain Names, and any other domain names being used and controlled by Defendants to engage in the business of marketing, offering to sell and/or selling goods bearing counterfeits and infringements of the Chanel Marks be disabled and/or immediately transferred by Defendants, their Registrars, and/or the Registries, to Chanel's control.

c. Entry of an Order that, upon Louis Vuitton's request, the top level domain (TLD) Registry for each of the Subject Domain Names or their administrators place the Subject Domain Names on Registry Hold status for the remainder of the registration period for any such domain name, thus removing them from the TLD zone files maintained by the Registries or their administrators which link the Subject Domain Names to the IP addresses where the associated websites are hosted.

d. Entry of an Order that, upon Chanel's request, any Internet search engines, Web hosts, domain-name registrars and domain-name registries or administrators which are provided with notice of the injunction, cease facilitating access to any or all websites through which Defendants engage in the promotion, offering for sale and/or sale of goods bearing counterfeits and/or infringements of the Chanel Marks.

e. Entry of an Order that, upon Louis Vuitton's request, the Internet Corporation for Assigned Names and Numbers ("ICANN") shall take all actions necessary to ensure that the top level domain Registries or their administrators responsible for the Subject Domain Names facilitate the transfer and/or disable the Subject Domain Names.

f. Entry of an Order requiring Defendants to account to and pay Chanel for all profits and damages resulting from Defendants' trademark infringing and counterfeiting activities and that the award to Chanel be trebled, as provided for under 15 U.S.C. §1117, or, at Chanel's election with respect to Count I, that Chanel be awarded statutory damages from each Defendant in the amount of two million dollars (\$2,000,000.00) per each counterfeit trademark used and product sold, as provided by 15 U.S.C. §1117(c)(2) of the Lanham Act.

g. Entry of an Order requiring Defendant to account to and pay Chanel for all profits and damages resulting from Defendant's cybersquatting activities and that the award to

Chanel be trebled, as provided for under 15 U.S.C. §1117, or, at Chanel's election with respect to Count III, that Chanel be awarded statutory damages from Defendants in the amount of one hundred thousand dollars (\$100,000.00) per pirated domain name used as provided by 15 U.S.C. §1117(d) of the Lanham Act.

h. Entry of an award of Chanel's costs and reasonable attorneys' fees and investigative fees associated with bringing this action.

i. Entry of an Order requiring all funds, up to and including the total amount of judgment, in payment accounts or money transfer systems used in connection with the Subject Domain Names, C2Coffer E-Stores, and iOffer Auction Store, including PayPal, Inc., and any other payment processing accounts, to be surrendered to Chanel in partial satisfaction of the monetary judgment entered herein.

j. Entry of an award of pre-judgment interest on the judgment amount.

k. Entry of an Order for any further relief as the Court may deem just and proper.

DATED: December 2, 2013.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

By: s:/smgaffigan/  
Stephen M. Gaffigan (Fla. Bar No. 025844)  
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Attorneys for Plaintiff CHANEL, INC.

**SCHEDULE "A"**  
**DEFENDANTS BY NUMBER AND SUBJECT DOMAIN NAMES,**  
**C2COFFER E-STORES, AND IOFFER AUCTION STORE**

<b>Defendant Number</b>	<b>Defendant/Subject Domain Names, C2Coffer E-Stores, and iOffer Auction Store</b>
1	angelltrade.com
1	brtx9099.net
1	dokicks.com
1	miqi-fashion.com
1	newproductlinks.com
1	nicestkicks.com
1	plproducts.net
1	qiqifashion01.net
1	toplifeshop.com
2	adomzfashion.com
3	hoopool.com
4	anyreplicawatches.com
5	guangzhou-trade.com
6	bagsoutlet4.com
6	bagsshipping.com
7	bigworldwholesaler.com
8	bornprettystore.com
9	cctrue.es
10	cheapsneakersbar.nl
11	chicbagsoutlet.com
12	cnlouisvuittonbag.com
13	combaghere.com
13	xcombag.com
14	cool4case.com
15	copowatch.com
16	dalocobags.com
17	finetradeorg.com
17	seeqty.com
18	handbagsonsell.com
19	i998store.com
20	iknowthefashion.com
20	swagitout.com
21	itsvogue.com

<b>Defendant Number</b>	<b>Defendant/Subject Domain Names, C2Coffer E-Stores, and iOffer Auction Store</b>
22	luxurymore.com
23	luxus-bags.com
24	michaelkorsonlineforsale.com
25	mmbagbag.com
26	okoktrade.com
27	replicadesignerbagsale.com
28	replicluxury.com
29	smalllalyshop.com
30	tradeen.com
31	watchespretty.com
31	watchesreplica1.com
32	watchtop500.com
33	wikipurse.net
34	zlz.com
35	enjoyokshoes.com
36	abbmoon.com
37	accept2011
38	amigoodluck
38	flagship2011
38	kaitoushun518
38	yuan5588558
39	amigoodluck888
39	best2012
39	yuan1688518
40	cheers
41	company
41	xiongmao518
42	fashion9898
42	good wish
43	haoyuntiantian888
44	jewelrysthower
45	likelegantlive
45	superseller518
46	qsvcb2010
47	tongfa123
48	free_mall
49	happystory

<b>Defendant Number</b>	<b>Defendant/Subject Domain Names, C2Coffer E-Stores, and iOffer Auction Store</b>
50	numb
51	heiboy2018
52	selanr

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

<p><b>I. (a) PLAINTIFFS</b></p> <p>CHANEL, INC.</p> <p><b>(b)</b> County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p><b>(c)</b> Attorney's (Firm Name, Address, and Telephone Number)</p> <p>Stephen M. Gaffigan/STEPHEN M. GAFFIGAN, P.A. 401 East Las Olas Blvd., Suite 130-453, Ft. Lauderdale, Florida 33301 (954) 767-4819</p>	<p><b>DEFENDANTS</b></p> <p>THE PARTNERSHIPS AND UNINCORPORATED ASSOCIATIONS IDENTIFIED ON SCHEDULE "A", et al. <span style="float:right;">+</span></p> <p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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**(d)** Check County Where Action Arose:  MIAMI-DADE  MONROE  BROWARD  PALM BEACH  MARTIN  ST. LUCIE  INDIAN RIVER  OKEECHOBEE HIGHLANDS

<p><b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align:center;">PTF</td> <td style="text-align:center;">DEF</td> <td></td> <td style="text-align:center;">PTF</td> <td style="text-align:center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align:center;"><input type="checkbox"/> 1</td> <td style="text-align:center;"><input type="checkbox"/> 1</td> <td>Incorporated <i>or</i> Principal Place of Business In This State</td> <td style="text-align:center;"><input type="checkbox"/> 4</td> <td style="text-align:center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align:center;"><input type="checkbox"/> 2</td> <td style="text-align:center;"><input type="checkbox"/> 2</td> <td>Incorporated <i>and</i> Principal Place of Business In Another State</td> <td style="text-align:center;"><input type="checkbox"/> 5</td> <td style="text-align:center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align:center;"><input type="checkbox"/> 3</td> <td style="text-align:center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align:center;"><input type="checkbox"/> 6</td> <td style="text-align:center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

<b>CONTRACT</b>	<b>TORTS</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p><b>PERSONAL PROPERTY</b></p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p style="text-align:center;"><b>PROPERTY RIGHTS</b></p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark <p style="text-align:center;"><b>SOCIAL SECURITY</b></p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p style="text-align:center;"><b>FEDERAL TAX SUITS</b></p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>LABOR</b>		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <p style="text-align:center;"><b>Habeas Corpus:</b></p> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt.Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <p style="text-align:center;"><b>IMMIGRATION</b></p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions		

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding  2 Removed from State Court  3 Re-filed- (see VI below)  4 Reinstated or Reopened  5 Transferred from another district (specify)  6 Multidistrict Litigation  7 Appeal to District Judge from Magistrate Judgment

**VI. RELATED/RE-FILED CASE(S).**

a) Re-filed Case  YES  NO      b) Related Cases  YES  NO

(See instructions second page): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

**VII. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

Trademark infringement and counterfeiting pursuant to 15 USC 1114

LENGTH OF TRIAL via 5 days estimated (for both sides to try entire case)

**VIII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** \_\_\_\_\_

CHECK YES only if demanded in complaint: **JURY DEMAND:**  Yes  No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD: *Stephen M. Gaffigan* DATE: December 2, 2013

FOR OFFICE USE ONLY

AMOUNT \_\_\_\_\_ RECEIPT # \_\_\_\_\_ IFP \_\_\_\_\_

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

(d) Choose one County where Action Arose.

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States District Courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

**Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.**

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Related/Refiled Cases.** This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

**VII. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553  
Brief Description: Unauthorized reception of cable service

**VIII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**Date and Attorney Signature.** Date and sign the civil cover sheet.