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17 THE UNITED STATES DISTRICT COURT  
18 FOR THE DISTRICT OF NEVADA

19 LOUIS VUITTON MALLETTIER, S.A., )  
20 a foreign business entity, )  
21 )  
22 Plaintiff, )

23 v. )

24 THE PARTNERSHIPS and )  
25 UNINCORPORATED ASSOCIATIONS )  
26 IDENTIFIED ON SCHEDULE "A" and )  
27 DOES 1-1000, )  
28 Defendants. )

Case No. 2:11-cv-00738-PMP-RJJ

**ORDER GRANTING  
PLAINTIFF'S SECOND APPLICATION  
FOR ENTRY OF PRELIMINARY  
INJUNCTION**

29 THIS MATTER is before the Court on Plaintiff's Second Ex Parte Application for Entry of a  
30 Temporary Restraining Order and Preliminary Injunction (the "Second Application for Preliminary  
31 Injunction") (#62), and upon the Preliminary Injunction Hearing held on January 4, 2012. The Court  
32 has carefully reviewed said Motion, the entire court file and is otherwise fully advised in the  
33 premises.

[PROPOSED] ORDER GRANTING PLAINTIFF'S SECOND APPLICATION  
FOR ENTRY OF PRELIMINARY INJUNCTION

1 By the instant Application (#62), Plaintiff Louis Vuitton Malletier, S.A. ("Louis Vuitton"),  
2 moves for entry of a preliminary injunction against Defendants, The Partnerships and  
3 Unincorporated Associations indentified on Schedule "A" hereto (collectively "Defendants" or  
4 "Defendants 183-222") for alleged violations of the Lanham Act, 15 U.S.C. §§ 1114, and 1125(a)  
5 and (d).














6 The Court convened the hearing on January 4, 2012, at which only counsel for Plaintiff was  
7 present and available to present evidence supporting the Second Application for Preliminary  
8 Injunction (#62). Defendants as identified on the attached Schedule "A" have not responded to the  
9 Second Application for Preliminary Injunction, nor made any filing in this case, nor have those  
10 Defendants appeared in this matter either individually or through counsel. Because Plaintiff has  
11 satisfied the requirements for the issuance of a preliminary injunction, the Court will grant Plaintiff's  
12 Second Application for Preliminary Injunction (#62).

13 **I. Factual and Procedural Background**

14 On December 22, 2011, the Court entered a second temporary restraining order (#65) on the  
15 following facts from Plaintiff's First Amended Complaint (#60), Second *Ex Parte* Application for  
16 Entry of a Temporary Restraining Order and Preliminary Injunction (#62), and supporting  
17 evidentiary submissions:

18 Louis Vuitton is a corporation duly organized under the laws of The Republic of France with  
19 its principal place of business located in the Paris, France. (First Amended Compl. ¶ 3.) Louis  
20 Vuitton operates boutiques throughout the world, including within this Judicial District. See id.  
21 Louis Vuitton is, in part, engaged in the business of manufacturing and distributing throughout the  
22 world, including within this Judicial District, a variety of high quality luxury goods. (Declaration of  
23 Nikolay Livadkin in Support of Plaintiff's Second *Ex Parte* Application for TRO ["Livadkin Second  
24 Decl.,"] ¶ 5.)

25 Louis Vuitton is, and at all times relevant hereto has been, the owner of all rights in and to  
26 the following trademarks:  
27  
28

	<u>Trademark</u>	<u>Registration No.</u>	<u>Registration Date</u>
1			
2		0,297,594	September 20, 1932
3	LOUIS VUITTON	1,045,932	August 10, 1976
4		1,519,828	January 10, 1989
5		1,938,808	November 28, 1995
6	LOUIS VUITTON	1,990,760	August 6, 1996
7		2,177,828	August 4, 1998
8		2,181,753	August 18, 1998
9		2,361,695	June 27, 2000
10	 LOUIS VUITTON PARIS	2,378,388	August 22, 2000
11		2,399,161	October 31, 2000
12		2,421,618	January 16, 2001
13		2,773,107	October 14, 2003
14		3,023,930	December 6, 2005
15		3,051,235	January 24, 2006
16		3,021,231	November 29, 2005

(the “Louis Vuitton Marks”) which are registered on the Principal Register of the United States Patent and Trademark Office and are used in connection with the manufacture and distribution of high quality goods in the categories identified above. (Livadkin Second Decl. ¶ 5; see also United States Trademark Registrations of the Louis Vuitton Marks at issue [“Louis Vuitton Trademark Registrations”] attached as Exhibit A to the Livadkin Second Decl.).

Defendants 183-222, via the domain names identified on Schedule “A” hereto (the “Group II Subject Domain Names”) have advertised, promoted, offered for sale, and/or sold, at least, handbags, wallets, luggage, shoes, belts, scarves, sunglasses, charms, watches, and jewelry bearing what Plaintiff has determined to be counterfeits, infringements, reproductions, and/or colorable imitations of the Louis Vuitton Marks. Although each of the Defendants may not copy and infringe each Louis Vuitton Mark for each category of goods protected, Louis Vuitton has submitted sufficient evidence

1 showing each Defendant has infringed, at least, one or more of the Louis Vuitton Marks. (Livadkin  
2 Second Decl. ¶¶ 11-15; Declaration of Brandon Tanori in Support of Plaintiff's Second *Ex Parte*  
3 Application for Entry of Temporary Restraining Order and Preliminary Injunction ["Tanori Second  
4 Decl.,"] ¶ 4; Declaration of Stephen M. Gaffigan in Support of Plaintiff's Second *Ex Parte*  
5 Application for Entry of Temporary Restraining Order and Preliminary Injunction ["Gaffigan Second  
6 Decl.,"] ¶ 3 and Composite Exhibit B attached thereto.) Defendants 183-222 are not now, nor have  
7 they ever been, authorized or licensed to use, reproduce, or make counterfeits, infringements,  
8 reproductions, and/or colorable imitations of the Louis Vuitton Marks. (Livadkin Second Decl. ¶ 9.)

9 Plaintiff's counsel retained Brandon Tanori ("Tanori") of Investigative Consultants, a  
10 licensed private investigative firm, to investigate suspected sales of counterfeit Louis Vuitton  
11 branded products by Defendants 183-222. (Livadkin Second Decl. ¶ 10; Tanori Second Decl. ¶ 3.)  
12 On November 18, 2011, Tanori accessed the Internet websites operating under the three of the  
13 domain names at issue in this action, handbag-brandreplica.com, replicalouisvuitton.org, and  
14 replicalouisvuittonoutlets.com, placed orders for the purchase of various Louis Vuitton branded  
15 products, including charms, a handbag, and a wallet, and requested each product purchased be  
16 shipped to his address in Las Vegas, Nevada. (Tanori Second Decl. ¶ 4 and Composite Exhibit A  
17 attached thereto.) Tanori's purchases were processed entirely online, which included providing  
18 shipping and billing information, payment, and confirmation of his orders. (Tanori Second Decl. ¶ 4  
19 and Composite Exhibit A attached thereto.)

20 Thereafter, a representative of Louis Vuitton, Nikolay Livadkin, reviewed and visually  
21 inspected the web page listings, including images, for each of the Louis Vuitton branded goods  
22 purchased by Tanori and determined the items were non-genuine Louis Vuitton products. (Livadkin  
23 Second Decl. ¶¶ 11-12, 15.) Additionally, Livadkin reviewed and visually inspected the items  
24 bearing the Louis Vuitton Marks offered for sale via the Internet websites operating under the  
25 partnership and/or unincorporated association names identified on Schedule "A" hereto, the "Group  
26 II Subject Domain Names," and determined the products were non-genuine Louis Vuitton products.

1 (Livadkin Second Decl. ¶¶ 13-15 and Composite Exhibit B attached thereto; Gaffigan Second Decl.  
2 ¶ 3 and Composite Exhibit B attached thereto.)

3 On December 22, 2011, Plaintiff filed its First Amended Complaint (#60) against Defendants  
4 183-222 for trademark counterfeiting and infringement, false designation of origin, and cyberpiracy.  
5 On December 22, 2011, Plaintiff filed its Second *Ex Parte* Application for Entry of a Temporary  
6 Restraining Order and Preliminary Injunction (#62). On December 22, 2011, the Court issued an  
7 Order Granting Plaintiff's Second *Ex Parte* Application for a Temporary Restraining Order and  
8 temporarily restrained Defendants from infringing the Louis Vuitton Marks at issue (#65). Proofs of  
9 Service confirming service via e-mail and publication on Defendants and compliance with the  
10 Court's December 22, 2011 Order were filed on January 3, 2012, certifying service of the Court's  
11 December 22, 2011 Order and Plaintiff's Second *Ex Parte* Application for Entry of a Temporary  
12 Restraining Order and Preliminary Injunction and supporting papers. (#'s 68, 69, 70 and 71).

## 13 II. Conclusions of Law

14 The declarations and supporting evidentiary submissions Plaintiff submitted in support of its  
15 Second Application for Preliminary Injunction support the following conclusions of law:

16 A. Plaintiff has a very strong probability of proving at trial that consumers are likely to  
17 be confused by Defendants 183-222's advertisement, promotion, sale, offer for sale, and/or  
18 distribution of handbags, wallets, luggage, shoes, belts, scarves, sunglasses, charms, watches, and  
19 jewelry, bearing counterfeits, reproductions, and/or colorable imitations of the Louis Vuitton Marks,  
20 and that the products Defendants are selling are copies of Plaintiff's products that bear marks which  
21 are substantially indistinguishable from and/or colorful imitations of the Louis Vuitton Marks on  
22 handbags, wallets, luggage, shoes, belts, scarves, sunglasses, charms, watches, and jewelry.

23 B. Because of the infringement of the Louis Vuitton Marks, Plaintiff is likely to suffer  
24 immediate and irreparable injury if a preliminary injunction is not granted. It clearly appears from the  
25 following specific facts, as set forth in Plaintiff's First Amended Complaint, Second Application for  
26 Preliminary Injunction, and accompanying declarations on file, that immediate and irreparable loss,  
27 damage, and injury will result to Plaintiff and to consumers because it is more likely than not that:

1           1. Defendants 183-222 own or control Internet business operations which  
2 advertise, promote, offer for sale, and sell at least handbags, wallets, luggage, shoes, belts, scarves,  
3 sunglasses, charms, watches, and jewelry bearing counterfeit and infringing trademarks in violation  
4 of Plaintiff's rights;

5           2. Plaintiff has well-founded fears that more counterfeit and infringing handbags,  
6 wallets, luggage, shoes, belts, scarves, sunglasses, charms watches, and jewelry bearing Plaintiff's  
7 trademarks will appear in the marketplace; that consumers may be misled, confused, and  
8 disappointed by the quality of these products; and that Plaintiff may suffer loss of sales for its  
9 genuine products;

10          3. Plaintiff has well-founded fears that unless the injunction is granted,  
11 Defendants 183-222 can easily and quickly transfer the registrations for many of the Group II Subject  
12 Domain Names, or modify registration data and content, change hosts, and redirect traffic to other  
13 websites, thereby thwarting Plaintiff's ability to obtain meaningful relief;

14          4. The balance of potential harm to Defendants 183-222 in restraining their trade  
15 in counterfeit and infringing branded goods if a preliminary injunction is issued is far outweighed by  
16 the potential harm to Plaintiff, its reputation and goodwill as a manufacturer of high quality  
17 handbags, wallets, luggage, shoes, belts, scarves, sunglasses, charms, watches, and jewelry, if such  
18 relief is not issued; and

19          5. The public interest favors issuance of the preliminary injunction in order to  
20 protect Plaintiff's trademark interests and to protect the public from being defrauded by the palming  
21 off of counterfeit goods as genuine goods of the Plaintiff.

22           Accordingly, after due consideration, it is

23           ORDERED AND ADJUDGED that Plaintiff's Second *Ex Parte* Application for Entry of a  
24 Preliminary Injunction (# \_\_) hereby is **GRANTED** as follows:

25           (1) Defendants 183-222, their officers, directors, employees, agents, subsidiaries,  
26 distributors, and all persons in active concert or participation with them having notice of this Order  
27 are hereby restrained and enjoined, pending termination of this action:

1 (a) From manufacturing, importing, advertising, promoting, offering to sell,  
2 selling, distributing, or transferring any products bearing the Louis Vuitton  
3 Marks, or any confusingly similar trademarks, other than those actually  
4 manufactured or distributed by Plaintiff; and

5 (b) From secreting, concealing, destroying, selling off, transferring, or otherwise  
6 disposing of: (i) any products, not manufactured or distributed by Plaintiff,  
7 bearing the Louis Vuitton Marks, or any confusingly similar trademarks; or  
8 (ii) any evidence relating to the manufacture, importation, sale, offer for sale,  
9 distribution, or transfer of any products bearing the Louis Vuitton Marks, or  
10 any confusingly similar trademarks.

11 (2) Defendants 183-222, their officers, directors, employees, agents, subsidiaries,  
12 distributors, and all persons in active concert or participation with them having notice of this Order  
13 shall, until the conclusion of this action, discontinue the use of the Louis Vuitton Marks or any  
14 confusingly similar trademarks, on or in connection with all Internet websites owned and operated,  
15 or controlled by them including the Internet websites operating under the Group II Subject Domain  
16 Names;

17 (3) Defendants 183-222, their officers, directors, employees, agents, subsidiaries,  
18 distributors, and all persons in active concert or participation with Defendants 183-222 having notice  
19 of this Order shall, until the conclusion of this action, discontinue the use of the Louis Vuitton  
20 Marks, or any confusingly similar trademarks within domain name extensions, metatags or other  
21 markers within website source code, from use on any webpage (including as the title of any web  
22 page), any advertising links to other websites, from search engines' databases or cache memory, and  
23 any other form of use of such terms which is visible to a computer user or serves to direct computer  
24 searches to websites registered by, owned, or operated by Defendants 183-222, including the Internet  
25 websites operating under the Group II Subject Domain Names;

26 (4) Defendants 183-222 shall not transfer ownership of the Group II Subject Domain  
27 Names during the pendency of this Action, or until further Order of the Court;

1 (5) The Registrars and the top-level domain (TLD) Registries, their agents and Registry  
2 Service Providers, and any applicable Administrators of registry services, for the Group II Subject  
3 Domain Names, upon receipt of this Second Preliminary Injunction shall, to the extent it is not  
4 already done, change or assist in changing, the Registrar of record for the Group II Subject Domain  
5 Names, excepting any such domain names which such Registries have been notified in writing by the  
6 Plaintiff have been or will be dismissed from this action, to a holding account with the United States  
7 based Registrar, GoDaddy.com, Inc. As a matter of law, this Second Preliminary Injunction shall no  
8 longer apply to any Defendant or associated domain name dismissed from this action. Upon the  
9 change of the Registrar of record for the Group II Subject Domain Names to GoDaddy.com, Inc.,  
10 GoDaddy.com, Inc. will maintain access to the Group II Subject Domain Names in trust for the  
11 Court during the pendency of this action. Additionally, GoDaddy.com, Inc., upon receipt of this  
12 Order, shall, to the extent not already done, immediately update and/or not modify the Domain Name  
13 System (“DNS”) data it maintains for the Group II Subject Domain Names, which link the domain  
14 names to the IP addresses where their associated websites are hosted, to NS1.MEDIATEMPLE.NET  
15 and NS2.MEDIATEMPLE.NET, which currently causes the domain names to resolve to the website  
16 where a copy of the Complaint, First Amended Summonses, and First and Second Temporary  
17 Restraining Orders and all other documents on file in this action are displayed. Alternatively,  
18 GoDaddy.com, Inc. may, to the extent not already done, institute and/or maintain a domain name  
19 forwarding which will automatically redirect any visitor to the Group II Subject Domain Names to  
20 the following Uniform Resource Locator (“URL”) <http://servingnotice.com/ofn/index.html> whereon  
21 a copy of the Complaint, First Amended Complaint, Summonses, and First and Second Temporary  
22 Restraining Orders and all other documents on file in this action are displayed. The Group II Subject  
23 Domain Names shall be maintained on Lock status, preventing the modification or deletion of the  
24 domains by the Registrar or Defendants;

25 (6) Plaintiff may continue to enter the Group II Subject Domain Names into Google’s  
26 Webmaster Tools and cancel any redirection of the domains that have been entered there by  
27  
28



1 Defendants 183-222 which redirect traffic to the counterfeit operations to a new domain name and  
2 thereby evade the provisions of this Order;

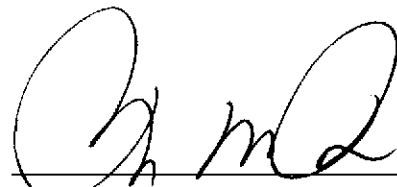
3 (7) Defendants 183-222 shall continue to preserve copies of all their computer files  
4 relating to the use of any of the Group II Subject Domain Names and shall continue to take all steps  
5 necessary to retrieve and preserve computer files relating to the use of any of the Group II Subject  
6 Domain Names and that may have been deleted before the entry of this Order;

7 (8) This Second Preliminary Injunction shall remain in effect during the pendency of this  
8 action, or until such further date as set by the Court or stipulated to by the parties;

9 (9) This Second Preliminary Injunction shall apply to the Group II Subject Domain  
10 Names identified on the attached Schedule "A," and any other domain names properly brought to the  
11 Court's attention and verified by sworn affidavit, which verifies such new domain names are being  
12 used by Defendants 183-222 for the purpose of counterfeiting the Louis Vuitton Marks at issue in  
13 this action and/or unfairly competing with Louis Vuitton in connection with search engine results  
14 pages.

15 IT IS SO ORDERED.

16 DATED: January 4, 2012



PHILIP M. PRO  
UNITED STATES DISTRICT JUDGE

**SCHEDULE A**  
**THE PARTNERSHIPS and UNINCORPORATED ASSOCIATIONS**

<b>Defendant No.</b>	<b>Domain Name</b>	<b>E-Commerce Website</b>	<b>Blog Style Website</b>
Defendant 183	bmwbags.com	x	
Defendant 184	gubags.com	x	
Defendant 185	chaneltote.net	x	
Defendant 186	cheaphandbagselling.com	x	
Defendant 187	cheaplouisvuittonsell.com	x	
Defendant 188	clonesbar.com	x	
Defendant 189	fakelouisvuitton2un.com	x	
Defendant 190	handbag-brandreplica.com	x	
Defendant 191	handbags-louis-vuitton.com	x	
Defendant 192	idolbagsshop.com	x	
Defendant 193	itisbags.com	x	
Defendant 194	louisvuittonfakes.co	x	
Defendant 195	louisvuittonhandbags4u.com	x	
Defendant 196	knockoffhandbags.us	x	
Defendant 197	louisvuitton-onsale.net	x	
Defendant 198	louisvuittonoutletonline-2012.org	x	
Defendant 199	louisvuittonoutlet2000.com	x	
Defendant 200	louisvuittonreplica2w.com	x	
Defendant 201	replicashopbella.com	x	
Defendant 202	lovinggucci.com	x	
Defendant 203	luxuriesbrands.com	x	
Defendant 204	lv-bagsmall.com	x	
Defendant 205	lvrepicaluggages.com	x	
Defendant 206	replicabagonline.com	x	
Defendant 207	repicalouisvuitton.org	x	
Defendant 208	repicalouisvuitton2uk.com	x	
Defendant 209	repicalouisvuittonoutlets.com	x	
Defendant 210	repicalouisvuitton-sale.com	x	
Defendant 211	repicalouisvuittonssale.com	x	
Defendant 212	repicalouisvuittonusa.com	x	
Defendant 213	repicalouisvuittonmall.com	x	
Defendant 214	shoes-belt-china.com	x	
Defendant 215	tobenone.com	x	
Defendant 216	topdesignerhandbagsdiscount.com	x	

1	Defendant 217	louisvuittonreplicanyc.com	x	
2	Defendant 218	topreplicadesignerbags.com	x	
3	Defendant 219	top-replica-handbagss.com	x	
4	Defendant 220	top-replicahandbags.co	x	
5	Defendant 221	trna2010.com	x	
6	Defendant 222	webgrabbag.com	x	

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