

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 12-21778-CIV-SEITZ/SIMONTON

LOUIS VUITTON MALLETIER, S.A.,

Plaintiff,

vs.

100WHOLESALE.COM, *et al.*,




Defendants. _____ /


**ORDER GRANTING PLAINTIFF'S MOTION FOR ENTRY OF
FINAL DEFAULT JUDGMENT AND CLOSING CASE**




THIS MATTER is before the Court upon Plaintiff's Motion for Entry of Final Default Judgment [DE 102]. Plaintiff, Louis Vuitton Malletier, S.A. ("Louis Vuitton"), moves for final default judgment against Defendants, the Partnerships and Unincorporated Associations identified on Schedule "A" attached hereto (collectively "Defendants"), for alleged violations of the Lanham Act, codified at 15 U.S.C. §§ 1114, 1125(a), and 1125(d). As Defendants have failed to appear, plead or otherwise defend this action, and given the documentary evidence submitted in support of its motion, the Court shall grant Plaintiff's Motion for Final Default Judgment.





I. FACTUAL AND PROCEDURAL BACKGROUND

Plaintiff is a company organized under the laws of the Republic of France with its principal place of business located in Paris, France. (Second Amended Complaint ["Second Amend. Compl.,"] ¶ 3 [DE 46].) Plaintiff is the registered owner of the following trademarks on the Principal Register of the United States Patent and Trademark Office (collectively, the "Louis Vuitton Marks"):

Trademark	Registration Number	Registration Date	Class(es) / Relevant Goods
	0,297,594	September 20, 1932	IC 18 - trunks, valises, traveling bags, satchels, hat boxes and shoe boxes used for luggage, hand bags, and pocketbooks.
LOUIS VUITTON	1,045,932	August 10, 1976	IC 18 - luggage and ladies' handbags.
	1,519,828	January 10, 1989	IC 18 - trunks, valises, traveling bags, satchels, hat boxes and shoe boxes used for luggage, hand bags, and pocketbooks.
	1,938,808	November 28, 1995	IC 14 - jewelry, watches, and straps for wrist watches.
LOUIS VUITTON	1,990,760	August 6, 1996	<p>IC 14 - watches and straps for wrist watches.</p> <p>IC 16 - catalogues featuring luggage and travel accessories, bags, small leather goods, and garments; notebooks, anthologies, and pamphlets referring to travel; calendars; telephone indexes; fountain pens, ballpoint pens, nibs, covers for pocket and desk diaries, and checkbook holders.</p> <p>IC 18 - trunks; traveling trunks; suitcases; traveling bags; luggage; garment bags for travel; hat boxes for travel; shoe bags for travel; umbrellas; animal carriers; rucksacks; haversacks; leather or textile shopping bags; beach bags; handbags; vanity cases sold empty; attache cases; tote bags, travel satchels; clutch bags; briefcases; wallets; pocket wallets; credit card cases; business card cases; bill and card holders; checkbook holders; key cases; change purses; briefcase-type portfolios.</p> <p>IC 24 - travel blankets</p> <p>IC 25 - shirts; sweatshirts; polo shirts; T-shirts; headwear; jackets; ties; belts; shawls; scarves.</p>

Trademark	Registration Number	Registration Date	Class(es) / Relevant Goods
	2,177,828	August 4, 1998	<p>IC 14 - goods made of precious metals, namely, shoe ornaments, ornamental pins; jewelry, namely, rings, ear rings, cufflinks, bracelets, charms, necklaces; horological instruments, straps for watches, watches and wrist-watches, and cases for watches.</p> <p>IC 18 - goods made of leather or imitations of leather are not included in other classes, namely, boxes made from leather; trunks, valises, traveling bags, luggage for travel, garment bags for travel, vanity cases sold empty, rucksacks, hand bags, beach bags, shopping bags, shoulder bags, attache cases, briefcases, and fine leather goods, namely, pocket wallets, purses, leather key holders, business card cases, calling card cases, and credit card cases, and umbrellas.</p> <p>IC 25 - clothing and underwear, namely, sweaters, shirts, suits, waistcoats, raincoats, skirts, coats, pullovers, trousers, dresses, jackets, shawls, stoles, sashes for wear, scarves, neckties, pocket squares, gloves, belts, socks, bath robes, shoes, boots, and sandals.</p>

Trademark	Registration Number	Registration Date	Class(es) / Relevant Goods
	2,181,753	August 18, 1998	<p>IC 014 - goods made of precious metals, namely, shoe ornaments, ornamental pins, jewelry, namely, rings, belt buckles, ear rings, cufflinks, bracelets, charms, necklaces, horological instruments, straps for watches, watches, and wrist-watches, and cases for watches.</p> <p>IC 18 - goods made of leather or imitations of leather are not included in other classes, namely, boxes made from leather; trunks, valises, traveling bags, luggage for travel, garment bags for travel, vanity cases sold empty, rucksacks, hand bags, beach bags, shopping bags, shoulder bags, attache cases, briefcases, and fine leather goods, namely, pocket wallets, purses, leather key holders, business card cases, calling card cases, credit card cases, and umbrellas.</p> <p>IC 25 - clothing and underwear, namely, sweaters, shirts, suits, waistcoats, raincoats, skirts, coats, pullovers, trousers, dresses, jackets, shawls, stoles, sashes for wear, scarves, neckties, pocket squares, gloves, belts, socks, bath robes, shoes, boots, and sandals.</p>
 LOUIS VUITTON PARIS	2,378,388	August 22, 2000	<p>IC 18 - goods made of leather or imitations of leather not included in other classes, namely, boxes of leather principally used for travel purposes, trunks, valises, traveling bags, traveling sets for containing cosmetics and jewelry, rucksacks, handbags, beach bags, shopping bags, shoulder bags, brief cases, pouches, fine leather goods namely, pocket wallets, purses, key cases, business card cases, credit card cases, and calling card cases.</p>
	2,361,695	June 27, 2000	<p>IC 25 - Clothing, namely, sweaters, shirts, sweatshirts, polo shirts, t-shirts, suits, waistcoats, raincoats, skirts, coats, pullovers, trousers, dresses, jackets, shawls, stoles, scarves, neckties, pocket squares, pocket handkerchief squares for wear, gloves, ties, belts, bathing suits, shoes, boots and sandals, and hats.</p>

Trademark	Registration Number	Registration Date	Class(es) / Relevant Goods
	2,421,618	January 16, 2001	IC 018 - Goods made of leather or imitations of leather not included in other classes, namely valises, traveling bags, traveling sets for containing cosmetics, handbags, shopping bags, shoulder bags, brief cases, pouches; fine leather goods, namely, pocket wallets, purses, key cases, business card cases, credit card cases.
	2,773,107	October 14, 2003	<p>IC 14 - Jewelry including rings, belt buckles of precious metals, earrings, cuff links, bracelets, charms, brooches, necklaces, tie pins, ornamental pins, and medallions; horological and chronometric instruments and apparatus, namely, watches, watch cases and clocks; nutcrackers of precious metals; candlesticks of precious metals, jewelry boxes of precious metals.</p> <p>IC 18: Travel bags, travel bags made of leather; luggage trunks and valises, garment bags for travel, vanity-cases sold empty; rucksacks, shoulder bags, handbags; attache-cases, briefcases, drawstring pouches, pocket wallets, purses, umbrellas, business card cases made of leather or of imitation leather, credit card cases made of leather or of imitation leather; calling card cases made of leather or of imitation leather; key holders made of leather or of imitation leather.</p> <p>IC 25 - Clothing, namely, underwear, sweaters, shirts, T-shirts, suits, hosiery, belts, scarves, neck ties, shawls, waistcoats, skirts, raincoats, overcoats, suspenders, trousers, jeans, pullovers, frocks, jackets, winter gloves, dress gloves, tights, socks, bathing suits, bath robes, pajamas, night dresses, shorts, pocket squares; highheeled shoes, low-heeled shoes, sandals, boots, and slippers.</p>
	3,023,930	December 6, 2005	IC 09 - Spectacles, sunglasses, and spectacle cases.
	3,051,235	January 24, 2006	IC 09 - Spectacles, sunglasses, and spectacle cases.

(See Declaration of Nikolay Livadkin in Support of Plaintiff's Second *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction ["Livadkin Decl. in Support

of Second TRO”] ¶ 4 [DE 43-1].) The Louis Vuitton Marks are used in connection with the manufacture and distribution of, among other things, handbags, wallets, shoes, belts, scarves, sunglasses, watches, and jewelry. (*Id.*)

Defendants, through the Internet websites operating under the domain names identified on Schedule “A” hereto (the “Subject Domain Names”), have advertised, offered for sale, and/or sold handbags, wallets, shoes, belts, scarves, sunglasses, watches, and jewelry bearing counterfeits, reproductions, and/or colorable imitations of the Louis Vuitton Marks. (Second Amend. Compl. ¶ 23; *see also* Livadkin Decl. in Support of Second TRO [DE 43-1] ¶¶ 9-15; Declaration of Nikolay Livadkin in Support of Plaintiff’s *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction [“Livadkin Decl. in Support of TRO”] [DE 4-1] ¶¶ 9-15; Declaration of Malerie Maggio in Support of Plaintiff’s *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction [“Maggio Decl. in Support of TRO”] [DE 4-32] ¶¶ 4-5; Declaration of Malerie Maggio in Support of Plaintiff’s Second *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction [“Maggio Decl. in Support of Second TRO”] [DE 43-25] ¶ 4; and relevant web pages from Defendants’ Internet websites operating under Subject Domain Names (“Defendants’ Websites”) [DE 4-3 through 4-27]; [DE 8-2 through DE 8-3]; [DE 21-2]; [DE 43-3 through 43-20]; [DE 74-3 through 74-9]; [DE 93-3].) Defendants are not now, nor have they ever been, authorized or licensed to use, reproduce, or make counterfeits, reproductions, and/or colorable imitations of the Louis Vuitton Marks (Livadkin Decl. in Support of Second TRO [DE 43-1] ¶ 9.)

Plaintiff retained Malerie Maggio (“Maggio”), an officer of Investigative Consultants, Inc., a licensed private investigative firm, to investigate suspected sales of non-genuine, counterfeit versions of Plaintiff’s products through the Subject Domain Names. (Livadkin Decl.

in Support of TRO [DE 4-1] ¶ 9; Livadkin Decl. in Support of Second TRO [DE 43-1] ¶ 10.) Maggio placed an order for the purchase of six wallets, six handbags, and two belts, each bearing at least one of the trademarks at issue in this action through the Internet websites operating under the Subject Domain Names **louivuittonreplica.net, knockoff-louisvuittonhandbags.com, buy-top-replicas.org, hotlouisvuittonreplicabags.com, louisvuittonreplicahandbags4u.com, lvoutletonlineus.com, love-replicas.net, ermobags.com, louisvuittonreplicaaau.com, louisvuittonreplicas.org, and louisvuittonreplicaa.com**, to be shipped to her address in the Southern District of Florida. (*See* Maggio Decl. in Support of TRO [DE 4-32] ¶¶ 4-5; Maggio Decl. in Support of Second TRO [DE 43-25] ¶ 4.)

Thereafter, Plaintiff's representative reviewed and visually inspected the web page listings, including images, for the items bearing Plaintiff's trademarks purchased by Maggio and determined the items to be non-genuine versions of Plaintiff's products. (*See* Livadkin Decl. in Support of TRO [DE 4-1] ¶ 12; Livadkin Decl. in Support of Second TRO [DE 43-1] ¶ 12.) Additionally, Plaintiff's representative reviewed and visually inspected the items bearing Plaintiff's trademarks offered for sale through the Internet websites operating under each of the Subject Domain Names, and determined the products to be non-genuine versions of Plaintiff's products. (*See* Livadkin Decl. in Support of TRO [DE 4-1] ¶ 13; Livadkin Decl. in Support of Second TRO [DE 43-1] ¶ 13; Declaration of Nikolay Livadkin in Support of Plaintiff's Supplemental Brief in Support of Its Ex Parte Application [DE 8-5] ¶ 5; Declaration of Nikolay Livadkin in Support of Plaintiff's Motion to Add Domain Names to the Ex Parte Application For Entry of Temporary Restraining Order and Preliminary Injunction [DE 21-4] ¶ 6; Declaration of Nikolay Livadkin in Support of Plaintiff's Motion to Amend Preliminary Injunction to Add New

Domains Names [DE 74-1] ¶ 10; Declaration of Nikolay Livadkin in Support of Plaintiff's Motion to Amend Preliminary Injunction to Add New Domains Names [DE 93-1] ¶ 11.)

On May 10, 2012, Plaintiff filed its Complaint [DE 1], and subsequently filed its First Amended Complaint in this action against Defendants 1-381 (the "Group I Defendants") on May 16, 2012, for trademark counterfeiting and infringement, false designation of origin, cybersquatting, common law unfair competition, and common law civil conspiracy [DE 7]. On May 11, 2012, Plaintiff filed its *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction [DE 4] against the Group I Defendants. On May 17, 2012, Plaintiff filed its Supplemental Brief in Support of the *Ex Parte* Application for Entry of Temporary Restraining Order [DE 8]. The Court issued an Order Granting Temporary Restraining Order *Ex Parte* [DE 10] on May 17, 2012, and temporarily restrained the Group I Defendants from infringing the Louis Vuitton Marks at issue. On May 28, 2012, Plaintiff filed its Motion to Add Domain Names to Application for Entry of Temporary Restraining Order and Preliminary Injunction [DE 21], which the Court granted on May 29, 2012 [DE 22]. Additionally, on May 29, 2012, the Court entered an Order granting Plaintiff's Application for Preliminary Injunction [DE 23]. On July 20, 2012, Plaintiff filed its Motion for Order Authorizing Alternate Service of Process on Defendants Pursuant to Federal Rule of Civil Procedure 4(f)(3) [DE 39]. On July 23, 2012, the Court entered an Order Granting Motion for Alternate Service [DE 40] authorizing Plaintiff to serve the Summons, Complaint, and all subsequent pleading and discovery in this case upon Defendants via e-mail, and via publication by posting copies of the same on the Internet website appearing at the URL <http://servingnotice.com/lvmserp/index.html>. The Order Granting Motion for Alternate Service [DE 40] further authorized Plaintiff to continue to effectuate service of process against any newly added Defendants pursuant to the terms of the

Order Granting Motion for Alternate Service through the submission of an Affidavit or sworn Declaration confirming any new Defendants are not residents of the United States and their addresses are unknown.

On July 26, 2012, Plaintiff filed its *Ex Parte* Motion for Leave to File its Second Amended Complaint [DE 42], and subsequently filed its Second Amended Complaint against Defendants 382-674 (the “Group II Defendants”) on August 1, 2012 [DE 46]. On July 26, 2012, Plaintiff filed its Second *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction [DE 43] against the Group II Defendants. On August 8, 2012, the Court issued an Order Granting Plaintiff’s Second *Ex Parte* Application for Entry of a Temporary Restraining Order [DE 55], temporarily restrained the Group II Defendants from infringing the Louis Vuitton Marks at issue, and referred Plaintiff’s Application for Preliminary Injunction to Magistrate Judge Andrea M. Simonton. On August 16, 2012, Magistrate Judge Simonton issued a Report and Recommendation, recommending the Application for Preliminary Injunction be granted [DE 60], and this Court ratified, affirmed, and adopted the same on August 23, 2012 [DE 63]. Subsequently, Plaintiff filed the Declaration of Stephen M. Gaffigan [DE 80-1] on November 1, 2012, confirming the newly added Group II Defendants are not residents of the United States and their addresses are unknown, in accordance with the Court’s July 23, 2012 Order Granting Motion for Alternate Service [DE 40]. On October 19, 2012, Plaintiff filed its Motion to Amend the Second Preliminary Injunction [DE 74]. On November 30, 2012, the Court issued an Order granting Plaintiff’s Motion to Amend the Second Preliminary Injunction [DE 92] and entered an Amended Preliminary Injunction [DE 91]. On November 30, 2012, Plaintiff filed its Second Motion to Amend the Second Preliminary Injunction [DE 93]. On January 4, 2013, the Court issued an Order granting Plaintiff’s Second Motion to Amend the Second

Federal Rule of Civil Procedure 55(b)(2) authorizes a court to enter a default judgment against a properly served defendant, who, like Defendants here, failed to file a timely responsive pleading. By such a default, all of Plaintiff's well-pled allegations in the Second Amended Complaint are deemed admitted. *See Buchanan v. Bowman*, 820 F.2d 359, 361 (11th Cir. 1987); *Permed Express, Inc. v. Medpots.com*, 336 F. Supp. 2d 1213, 1217 (S.D. Fla. 2004). If the admitted facts in the Second Amended Complaint establish liability, then the Court must determine appropriate damages. Where all the essential evidence is on record, an evidentiary

II. LEGAL STANDARD

of final default judgment, to which Defendants have also failed to respond. defend this action. On February 22, 2013, Plaintiff filed and served the instant motion for entry [DE 99]. To date, Defendants have not sought to vacate the default or otherwise appear and Defendants for failure to appear, plead, or otherwise defend this action on December 26, 2012 action on November 2, 2012 [DE 81], and subsequently entered default against the Group II default against the Group I Defendants for failure to appear, plead, or otherwise defend this 5.) The Clerk of Court, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, entered Plaintiff's Motion for Entry of Final Default Judgment Against Defendants ["Gaffigan Decl.," ¶ 14, 2012 [DE 88, DE 89, and DE 90]. (See Declaration of Stephen M. Gaffigan in Support of respective Summons and Second Amended Complaint via e-mail or publication on November on August 20, 2012 [DE 72 and DE 73], and the Group II Defendants with copies of their copies of their respective Summons and Second Amended Complaint via e-mail or publication Pursuant to the Court's Order [DE 40], Plaintiff served the Group I Defendants with 100].

Preliminary Injunction [DE 101] and entered a Second Amended Preliminary Injunction [DE

hearing on damages is not required. *See SEC v. Smyth*, 420 F.3d 1225, 1232 n.13 (11th Cir. 2005) ("Rule 55(b)(2) speaks of evidentiary hearings in a permissive tone . . . We have held that no such hearing is required where all essential evidence is already of record.") (citations omitted); *see also Petmed Express*, 336 F. Supp. 2d at 1223 (entering default judgment, permanent injunction and statutory damages in a Lanham Act case without a hearing). In this case, a hearing on damages is unnecessary as Plaintiff is not seeking damages.

III. LIABILITY

A. Trademark Infringement

The allegations in Plaintiff's Second Amended Complaint, in conjunction with record evidence, support a finding of liability against Defendants for trademark infringement. "[T]o prevail on a trademark infringement claim a plaintiff must demonstrate that (1) its mark has priority; (2) defendant used its mark in commerce [without consent]; and (3) defendant's mark is likely to cause consumer confusion." *Petmed Express*, 336 F. Supp. 2d at 1217-18 (citing *Int'l Cosmetics Exch., Inc. v. Gapardis Health & Beauty, Inc.*, 303 F.3d 1243 (11th Cir. 2002) and *Frehling Enter., Inc. v. Int'l Select Group, Inc.*, 192 F.3d 1330 (11th Cir. 1999)). Plaintiff has established each of these elements because: (1) Plaintiff's ownership and registration of the trademarks at issue precede Defendants' infringing conduct (Second Amend. Compl. ¶ 16; Livadkin Decl. in Support of Second TRO [DE 43-1] ¶ 4); (2) Defendants advertised, offered for sale and/or sold goods bearing Plaintiff's marks in interstate commerce without Plaintiff's consent (Second Amend. Compl. ¶ 28; Livadkin Decl. in Support of TRO [DE 4-1] ¶¶ 9-15; Livadkin Decl. in Support of Second TRO [DE 43-1] ¶¶ 9-15); and (3) the marks used on the goods Defendants advertised, offered for sale and/or sold are so similar to Plaintiff's marks that consumer confusion is likely. (Second Amend. Compl. ¶¶ 30, 38; Defendants' Websites [DE 4-3

through 4-27]; [DE 8-2 through DE 8-3]; [DE 21-2]; [DE 43-3 through 43-20]; [DE 74-3 through 74-9]; [DE 93-3].)

B. False Designation of Origin

Plaintiff alleges false designation of origin under § 43(a) of the Lanham Act, 15 U.S.C. § 1125(a). That section provides as follows:

Any person who, on or in connection with any goods or services, or any container for goods, uses in commerce any word, term, name, symbol, or device, or any combination thereof, or any false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which—

(A) is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of such person with another person, or as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person, or

(B) in commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or geographic origin of his or her or another person's goods, services, or commercial activities, shall be liable in a civil action by any person who believes that he or she is or is likely to be damaged by such act.

15 U.S.C. § 1125(a)(1).

The same set of facts allowing Plaintiff to prevail under § 1114(1)(a) will result in recovery under § 1125. *See Babbit Elecs.*, 38 F.3d at 1181 (11th Cir. 1994) (citing *Marathon Mfg. Co. v. Enerlite Prods. Corp.*, 767 F.2d 214, 217 (5th Cir. 1985)); *see also Clairol Inc. v. Save-Way Indus., Inc.*, 210 U.S.P.Q. 459, 469-70 (S.D. Fla. 1980). “This is because Section 1125(a) is broader than Section 1114 in that it covers false advertising or description whether or not it involves trademark infringement.” *Babbit Elecs.*, 38 F.3d at 1181 (citing *Silverstar Enters., Inc. v. Aday*, 537 F. Supp. 236 (S.D.N.Y. 1982)). As with trademark infringement claims, the test for liability for false designation of origin under § 43(a) is also “whether the public is likely to be deceived or confused by the similarity of the marks at issue.” *Two Pesos, Inc. v. Taco Cabana*,

Inc., 505 U.S. 763, 780 (1992). As discussed above, Plaintiff has sufficiently shown there is a strong likelihood of confusion that arises because of the use by Defendants of the Louis Vuitton Marks. Thus, Plaintiff is entitled to default judgment on its false designation of origin claim.

C. Cybersquatting

The Anticybersquatting Consumer Protection Act (“ACPA”), 15 U.S.C. § 1125(d), imposes liability upon a person for the bad faith intent to profit from a protected mark by registering or using a domain name that is identical or confusingly similar, or dilutive of, that mark. *Petmed Express*, 336 F. Supp. 2d at 1218. To prevail under 15 U.S.C. § 1125(d), a plaintiff must demonstrate that “(1) its mark is distinctive or famous and entitled to protection; (2) the defendant's domain name is identical or confusingly similar to the plaintiff's mark; and (3) the defendant registered or used the domain name with a bad faith intent to profit.” *Bavaro Palace, S.A. v. Vacation Tours, Inc.*, 203 Fed. App'x 252, 256 (11th Cir. 2006). In this case, the well-pled allegations demonstrate Plaintiff's Marks are distinctive and famous, that the infringing domain names are confusingly similar, and that Defendants registered the cybersquatting domain names with the bad-faith intent to profit from them. As such, Defendants are liable for cybersquatting under 15 U.S.C. § 1125(d).

D. Common Law Unfair Competition

Whether a defendant's use of the plaintiff's trademarks created a likelihood of confusion between plaintiff's and defendant's products is also the determining factor in the analysis of unfair competition under the common law of Florida. *Rolex Watch U.S.A., Inc. v. Forrester*, No. 83-8381-Civ-Paine, 1986 WL 15668, at *3 (S.D. Fla. Dec. 9, 1987) (“The appropriate test for determining whether there is a likelihood of confusion, and thus trademark infringement, false designation of origin, and unfair competition under the common law of Florida, is set forth in

John H. Harland, Inc. v. Clarke Checks, Inc., 711 F.2d 966, 972 (11th Cir. 1983.)”) Plaintiff has established there is a likelihood of confusion regarding Defendants’ use of the Louis Vuitton Marks on their counterfeit and infringing products. Accordingly, Plaintiff has succeeded on the merits of its common law unfair competition claim

IV. INJUNCTIVE RELIEF

Plaintiff is entitled to the requested injunctive relief pursuant to 15 U.S.C. § 1116. A plaintiff seeking a permanent injunction must demonstrate that (1) it has suffered an irreparable injury; (2) remedies at law, such as monetary damages, are inadequate to compensate for that injury; (3) considering the balance of hardship between plaintiff and defendant, a remedy in equity is warranted; and (4) that the public interest would not be disserved by a permanent injunction. *See eBay, Inc. v. MercExchange, LLC*, 547 U.S. 388, 391 (2006).

Here, the well-pled allegations and record evidence demonstrate that Plaintiff has developed goodwill among the consuming public which would be undermined if Defendants are not prohibited from further infringement. Defendants’ counterfeit products will create irreparable harm and confusion, particularly because the counterfeit products bear identical markings as Plaintiff’s genuine merchandise, and are not manufactured to Plaintiff’s quality standards. Furthermore, Defendants willfully infringed the Louis Vuitton Marks, and several of the Defendants continued to do so even after service of the Second Amended Complaint in this matter upon them. Such willful conduct demonstrates a likelihood that Defendants would continue to harm Plaintiff’s trademarks if the Court declined to issue an injunction. *Petmed Express*, 336 F. Supp. 2d 1222-23 (entering permanent injunction under 15 U.S.C. § 1116 to prevent further infringement of federally-protected trademarks).

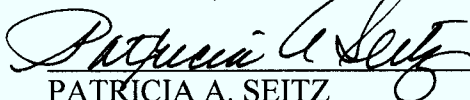
V. CONCLUSION

For the reasons stated above, it is hereby

ORDERED THAT

- (1) Plaintiff's Motion for Entry of Final Default Judgment [DE 102] is GRANTED.
- (2) The Court shall concurrently enter Final Judgment against Defendants.
- (3) This case is CLOSED.

DONE AND ORDERED in Miami, Florida, this ²28 day of March, 2013.



PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE

cc: All Counsel of Record

42	bestknockoffbags.com
43	bestlouisvuittonbag.com
44	bestlouisvuittonreplica.org
45	bestsunglassessaler.com
46	bestsunglassessaler.net
47	brandshandbagsale.com
48	buslinepress.com
49	buybagslouisvuitton.com
50	buycheapralphlauren.com
51	buy-handbagreplica.com
52	buyhandbagstyles.com
53	buylouisvuitton.biz
54	buylouisvuittonshops.com
55	buylouisvuittonspeedy35.com
56	buylvhandbags4u.com
57	buy-lvonline.com
58	buy-topbag.com
59	buytophandbags.net
60	buytop-bags.com
61	buy-top-replicas.org
62	buy-topreplica.com
63	calouisvuittonpurses.com
64	canadalouisvuittonoutlet.com
65	cheapauthenticlouisvuittonoutlet.com
66	cheapbags2012.com
67	cheapbag2012.com
68	cheapbrandhandbagsstores.com
69	cheaphandbags2sale.com
70	cheaphandbagscom.com
71	cheaphandbags-stores.org
72	cheaplouisvuitton20.com
73	cheaplouisvuitton30.com
74	cheaplouisvuitton90.com
75	cheap-louisvuittonbagssale.net
76	cheaplouisvuittonbagsus.com
77	cheaplouisvuittonbagsus.net
78	cheaplouisvuittonhandbagsale.com
79	cheaplouisvuittonhandbagsus.net
80	cheaplouisvuittonhandbagus.com
81	cheaplouisvuitton-onsale.com
82	cheaplouisvuittonoutlet.info
83	cheaplouisvuitton-outlet.org
84	cheaplouisvuitton-sales.com
85	cheaplouisvuitton-sales.net
86	cheaplouisvuitton-store.net

87	cheaplouisvuitton-stores.net
88	cheaplthandbagsoutlet.info
89	cheapluxuryoutlet.co
90	cheapshoesplaza.com
91	cheapshoxplaza.com
92	cheapslouisvuitton-outlet-sales.net
93	cheapslouisvuitton-outlet-sales.org
94	chic-now.com
95	fallinlovewithbags.com
96	clothingmallsale.com
97	mallsaleshop.com
98	clothingwebstore.com
99	clothingwebstore.net
1	colahandbags.com
2	commandepaschere.com
3	deluxeandbags.org
4	designerbagsmallhome2012.com
5	destockage-paschere.com
6	destockage-pascher.com
7	destockage-pascher.net
8	destockagesacenligne.com
9	diggbag.com
10	discountbags360.net
11	discountbags2u.com
12	discountlouisvuittonhandbagsus.com
13	discountlouisvuittonhandbagsus.net
14	discountlouisvuittonhandbagus.com
15	discountlvbags.org
16	ebaypascher.com
17	eluxurys-handbag.com
18	eluxurys-handbag.net
19	ermobags.com
20	estylefocus.com
21	etohandbag.com
100	fakelouisvuittonbelts.org
101	fake-louisvuittonhandbags.com
101	fakelouisvuittonhandbagssale.com
101	louisvuittonreplicashandbags2u.com
102	fakelouisvuitton-handbags.com
102	louisvuittonreplicashandbags4u.com
103	fakelouisvuittons.net
104	fakeslouisvuittonbags.com
105	fashionbag2sale.com
106	fashion-louisvuittondiscount.com
107	fashionlouisvuittonsale.net

107	fashionlouisvuittonsale.org
108	fauxlouisvuitton.net
109	findcoachhandbags.com
110	forcheapersale.com
111	genuinelouisvuittonsale.com
111	louisvuittonoutletscenter.net
112	gogotrademall.com
113	gorgeousitems.com
114	greatest-replicas.com
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