

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 17-24561-CIV-SCOLA

TAPESTRY, INC., and OTHERS,

Plaintiffs,

v.

2012COACHOUTLETS.COM,
and OTHERS,

Defendants.

[PROPOSED] FINAL DEFAULT JUDGMENT

THIS CAUSE came before the Court on Plaintiffs' Motion for Entry of Final Default Judgment (the "Motion") (ECF No. 25) after the Clerk's Entry of Default (ECF No. 23). Defendants¹ failed to respond to Plaintiffs' Motion and the time to do so has passed. The Motion is now ripe for review.

By the instant Motion, Plaintiffs seek permanent injunctive relief and an award of statutory damages against Defendants for trademark counterfeiting and infringement under 15 U.S.C. §1114 of the Lanham Act, cybersquatting, and common law trademark infringement.

The well-pleaded allegations made in Plaintiffs' Complaint (ECF No. 1) are deemed to have been admitted by Defendants by virtue of the default entered against them. *Cotton v. Mass. Mut. Life Ins. Co.*, 402 F.3d 1267, 1277–78 (11th Cir. 2005) (citations omitted). Here, Plaintiffs allege that Defendants engaged in the sale or offering for sale of goods which bore marks which are "identical copies" of Plaintiffs' trademarks through the fully interactive

¹ Defendants" collectively refers to the Defendants and Subject Domain Names identified in the attached Schedule A.

commercial Internet websites operating under the Subject Domain Names. The Court notes that such marks are within the definition of “counterfeit mark” as used in the Lanham Act. 15 U.S.C. §1116(d)(1)(B)(ii). Thus, the Court finds that Defendants infringed on Plaintiffs’ Marks by their use of the counterfeit marks.

Accordingly, UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that Plaintiffs’ Motion (ECF No. 25) is GRANTED:

1. It is further ORDERED AND ADJUDGED that, pursuant to Federal Rules of Civil Procedure 55 and 58, Default Final Judgment is hereby entered in favor of Plaintiffs and against Defendants as to all Counts of the Complaint.
2. It is further ORDERED AND ADJUDGED that, pursuant to Federal Rule of Civil Procedure 65, Defendants and their officers, agents, servants, employees and attorneys, and all persons acting in concert and participation with them are hereby PERMANENTLY RESTRAINED AND ENJOINED from:
 - a. manufacturing or causing to be manufactured, importing, advertising, or promoting, distributing, selling or offering to sell counterfeit and infringing goods bearing Plaintiffs’ trademarks identified in in Schedule B attached to the Complaint (the “Tapestry Marks”);
 - b. using the Tapestry Marks in connection with the sale of any unauthorized goods;
 - c. using any logo, and/or layout which may be calculated to falsely advertise the services or products of Defendants offered for sale or sold via the Internet websites operating under the domain names identified on Schedule “A” hereto (collectively the “Subject Domain Names”) and/or any other website, or business, as being sponsored by, authorized by, endorsed by, or in any way associated with Plaintiffs;
 - d. falsely representing themselves as being connected with Plaintiffs, through sponsorship or association;

- e. 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 offered for sale or sold via the Subject Domain Names and/or any other website, domain name, or business, are in any way endorsed by, approved by, and/or associated with Plaintiffs;
 - f. using any reproduction, counterfeit, copy, or colorable imitation of the Tapestry Marks in connection with the publicity, promotion, sale, or advertising of any goods sold by Defendants via the Subject Domain Names and/or any other website or business;
 - g. 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 goods offered for sale or sold by Defendants via the Subject Domain Names and/or any other website, domain name, or business, as being those of Plaintiffs or in any way endorsed by Plaintiffs;
 - h. using the Tapestry Marks, or any confusingly similar trademarks, within domain name extensions, metatags or other markers within website source code, from use on any webpage (including as the title of any web page), from any advertising links to other websites, search engines' databases or cache memory, and any other form of use of such terms which is visible to a computer user or serves to direct computer searches to websites registered by, owned, or operated by Defendants, including the Internet websites operating under all of the Subject Domain Names; and
 - i. effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth above.
3. It is further ORDERED AND ADJUDGED that Plaintiffs are entitled to the following EQUITABLE RELIEF:
- a. In order to give practical effect to the Permanent Injunction, the Subject Domain Names are hereby ordered to be IMMEDIATELY TRANSFERRED by Defendants, their assignees and/or successors in interest or title, and the Registrars to Plaintiffs' control. To the extent the current Registrars do not facilitate the transfer of the domain names to Plaintiffs' control within five (5) days of receipt of this judgment, the Registries shall, within thirty (30) days, change the Registrar of Record for the Subject Domain Names to a Registrar of Plaintiffs' choosing, and that Registrar shall transfer those Subject Domain Names to Plaintiffs; and

- b. Upon Plaintiffs' request, the top level domain (TLD) Registry for each of the Subject Domain Names, or their administrators, including backend registry operators or administrators, within thirty (30) days of receipt of this Order, shall place the Subject Domain Names on Registry Hold status for the life of the current registration, thus removing them from the TLD zone files maintained by the Registries which link the Subject Domain Names to the IP addresses where the associated websites are hosted.
4. It is further ORDERED AND ADJUDGED that Plaintiffs are entitled to the following statutory damages in addition to the permanent injunctive relief awarded to Plaintiffs:
- a. Plaintiffs are awarded \$500,000.00 against each Defendant pursuant to 15 U.S.C. § 1117(c), for which let execution issue;
 - b. Plaintiffs are awarded \$10,000 against Defendant 1 – 2012coachoutlets.com pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
 - c. Plaintiffs are awarded \$20,000 against Defendant 2 – cheapcoachoutlet.net for its domain names, cheapcoachoutlet.net and cheapercoachoulet.net, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
 - d. Plaintiffs are awarded \$10,000 against Defendant 6 – coach-outlet-online.org, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
 - e. Plaintiffs are awarded \$10,000 against Defendant 7 – coach-factoryoutlet-online.us.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
 - f. Plaintiffs are awarded \$10,000 against Defendant 8 – coach-outlet-online.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
 - g. Plaintiffs are awarded \$10,000 against Defendant 9 – coach-outlet.net, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
 - h. Plaintiffs are awarded \$10,000 against Defendant 10 – coachbags-outlet2017.org, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;

- i. Plaintiffs are awarded \$10,000 against Defendant 11 – coachbags2017.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- j. Plaintiffs are awarded \$20,000 against Defendant 12 – coachbagsforcheap.com for its domain names, coachbagsforcheap.com and coachoutletonline2017.com pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- k. Plaintiffs are awarded \$10,000 against Defendant 13 – coachbagsell.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- l. Plaintiffs are awarded \$10,000 against Defendant 14 – coachbagsofficialsite.net, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- m. Plaintiffs are awarded \$10,000 against Defendant 15 – coachbagsonclearance.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- n. Plaintiffs are awarded \$10,000 against Defendant 16 – coachbagusoutlet.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- o. Plaintiffs are awarded \$10,000 against Defendant 17 – coachbagxen.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- p. Plaintiffs are awarded \$10,000 against Defendant 18 – coachblacksales.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- q. Plaintiffs are awarded \$10,000 against Defendant 19 – coachcoachtaiwan.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- r. Plaintiffs are awarded \$10,000 against Defendant 20 – coachhandbagsshop.us.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- s. Plaintiffs are awarded \$10,000 against Defendant 21 – coachoutlet-inc.net, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- t. Plaintiffs are awarded \$10,000 against Defendant 22 – coachoutlet-site.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;

- u. Plaintiffs are awarded \$10,000 against Defendant 23 – coachoutletofficial.us.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- v. Plaintiffs are awarded \$10,000 against Defendant 24 - coachoutletonline-factory.us.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- w. Plaintiffs are awarded \$10,000 against Defendant 25, coachbagsonsaleoutlet.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- x. Plaintiffs are awarded \$20,000 against Defendant 26 – coachoutletonlinecoachfactoryoutlet.com for its domain names, coachoutletonlinecoachfactoryoutlet.com and coach-factoryoutletclearance.us.com pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- y. Plaintiffs are awarded \$10,000 against Defendant 27 – coachoutletonlinestoresinc.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- z. Plaintiffs are awarded \$10,000 against Defendant 28 – coachoutletonlineshop.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- aa. Plaintiffs are awarded \$10,000 against Defendant 29 – coachoutlets.us.org, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- bb. Plaintiffs are awarded \$10,000 against Defendant 30 – coachoutletsale.net, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- cc. Plaintiffs are awarded \$10,000 against Defendant 31 – coachoutletsstore.net, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- dd. Plaintiffs are awarded \$10,000 against Defendant 32 – coachoutletstoress.us.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- ee. Plaintiffs are awarded \$10,000 against Defendant 33 – coachoverbags.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- ff. Plaintiffs are awarded \$10,000 against Defendant 34 –

- coachsalsus.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- gg. Plaintiffs are awarded \$10,000 against Defendant 35 – coachuscom.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- hh. Plaintiffs are awarded \$10,000 against Defendant 40 – katespade-outlet.us.org, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- ii. Plaintiffs are awarded \$10,000 against Defendant 41 – katespadeous.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- jj. Plaintiffs are awarded \$10,000 against Defendant 42 – katespadeoutletstore.us.org, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- kk. Plaintiffs are awarded \$10,000 against Defendant 43 – katespadeoutletsus.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- ll. Plaintiffs are awarded \$10,000 against Defendant 44 – katespadeoutletuk.co.uk, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- mm. Plaintiffs are awarded \$10,000 against Defendant 45 – katespadesen.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- nn. Plaintiffs are awarded \$10,000 against Defendant 46 – katespadewen.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- oo. Plaintiffs are awarded \$10,000 against Defendant 47 – katespadexen.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- pp. Plaintiffs are awarded \$10,000 against Defendant 48 – katespadexus.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- qq. Plaintiffs are awarded \$10,000 against Defendant 50 – ofcoachoutlet.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- rr. Plaintiffs are awarded \$10,000 against Defendant 51 – online-

- coachbags.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- ss. Plaintiffs are awarded \$10,000 against Defendant 53 – shopcoach.us, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- tt. Plaintiffs are awarded \$10,000 against Defendant 54 – stuartweitzmanheels.com, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
- uu. Plaintiffs are awarded \$10,000 against Defendant 55 – stuartweitzmanoutlet.store, pursuant to 15 U.S.C. § 1117(d), for which let execution issue;
5. Plaintiffs are awarded interest from the date of this Order, compounded annually pursuant to the provisions of 28 U.S.C. §1961.
6. The Court retains jurisdiction to enforce this Judgment and permanent injunction.
7. Plaintiffs may disable the website (www.noticeoflawsuit1.com) they created to publish copies of all documents on file in this action no sooner than 120 days following entry of this Order.
8. It is further ORDERED AND ADJUDGED that the bond posted by Plaintiffs in the amount of \$10,000.00 SHALL BE RELEASED by the Clerk of the Court.

The Clerk of the Court is instructed to CLOSE this Case. All pending motions are DENIED AS MOOT.

DONE AND ORDERED in Chambers at Miami, Florida, this ____ day of _____, 2018.

Robert N. Scola, Jr.
United States District Judge

SCHEDULE "A"
DEFENDANTS BY NUMBER AND SUBJECT DOMAIN NAME

Defendant Number	Defendant / Domain Name
1	2012coachoutlets.com
2	Cheapcoachoutlet.net
2	Cheapercoachoutlet.net
3	Classicbagonline.com
4	Classicbagsell.com
5	Classicbagsonlinesale.com
6	Coach--outlet-online.org
7	Coach-factoryoutlet-online.us.com
8	Coach-outlet-online.com
9	Coach-outlet.net
10	Coachbags-outlet2017.org
11	Coachbags2017.com
12	Coachbagsforcheap.com
12	Coachoutletonline2017.com
13	Coachbagsell.com
14	Coachbagofficialsite.net
15	Coachbagsonclearance.com
15	Coachoutletonline2017.com
16	Coachbagusoutlet.com/
17	Coachbagxen.com/
18	Coachblacksales.com
19	Coachcoachtaiwan.com
20	Coachhandbagsshop.us.com/
21	Coachoutlet-inc.net
22	Coachoutlet-site.com
23	Coachoutletofficial.us.com
24	Coachoutletonline-factory.us.com
25	Coachbagsonsaleoutlet.com
25	Coachoutletonline2017.com/
26	Coachoutletonlinecoachfactoryoutlet.com
26	Coach-factoryoutletclearance.us.com/
27	Coachoutletonlineestoresinc.com
28	Coachoutletonlineshop.com
29	Coachoutlets.us.org
30	Coachoutletsale.net
30	Cheapercoachoutlet.net
31	Coachoutletsstore.net
32	Coachoutletstoress.us.com
33	Coachoverbags.com

34	Coachsaleus.com
35	Coachuscom.com
36	Craftsbagdiscounts.com
37	Craftsmanshipstore.com
38	Fashionbagsell.com
39	Hotbagsstore.com
40	Katespade-outlet.us.org
41	Katespadeous.com
42	Katespadeoutletstore.us.org
43	Katespadeoutletsus.com
44	Katespadeoutletuk.co.uk
45	Katespadesen.com
46	Katespadewen.com
47	Katespadexen.com
48	Katespadexus.com
49	Nystyleshop.com
50	Ofcoachoutlet.com
51	Online-coachbags.com
51	Cheapercoacchoutlet.net
52	Shangpin.com/women/brand/katespade
53	Shopcoach.us
54	Stuartweitzmanheels.com
55	Stuartweitzmanoutlet.store
56	Topclassicalshop.com
57	Topestcraft.com
58	Topsclassicalart.com
59	Vnhline.com
60	Zcoachoutlet.com