

AO 120 (Rev. 2/99)

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District California on the Patents or Trademarks:

DOCKET NO. CV 12-02585 JCS	DATE FILED 5/18/2012	U.S. DISTRICT COURT 450 Golden Gate Avenue, 16 th Floor, San Francisco CA 94102
PLAINTIFF TIFFANY (NJ)LLC		DEFENDANT HOLLYWOOD TOO LLC, ET AL
PATENT OR	DATE OF PATENT	HOLDER OF PATENT OR TRADEMARK
1 0,023,573	1804,353	***see attach complaint***
2 0,133,063	1,807,381	
3 1,228,189		
4 1,228,409		
5 1,669,365		

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

DATE INCLUDED	INCLUDED BY	
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
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3		
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wieking	(BY) DEPUTY CLERK Gina Augustine-Rivas	DATE May 21, 2012
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

Attorneys for Plaintiff Tiffany (NJ), LLC

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JCS

CV 12 2585
Case No.

TIFFANY (NJ), LLC,
a Delaware limited liability company,

Plaintiff,

v.

HOLLYWOOD TOO, LLC, a California
limited liability company, and KATY
CHAN a/k/a KATY CHEN, an individual,
individually and jointly, d/b/a
HOLLYWOOD TOO, and FU MEI
QING, an individual, d/b/a MJ BEAUTY
COLLECTION, and DOES 1-10,

Defendants.

COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF

Plaintiff, Tiffany (NJ), LLC, a Delaware limited liability company (“Tiffany”) hereby sues Defendants, Hollywood Too, LLC, a California limited liability company (“Hollywood Too”), and Katy Chan a/k/a Katy Chen, an individual (“Chan”), individually and jointly d/b/a Hollywood Too, and Fu Mei Qing, an individual (“Qing”), d/b/a MJ Beauty Collection, and Does 1 – 10 (collectively “Defendants”) and alleges as follows:

JURISDICTION AND VENUE

1. This is an action pursuant to (i) 15 U.S.C. §§ 1114, 1116, 1121 and 1125(a). Accordingly, this Court has jurisdiction under 28 U.S.C. §§ 1331, 1332 and 1338. Venue is proper

1 in this Court pursuant 28 U.S.C. § 1391 since the named Defendants conduct business in this
2 Judicial District.

3 **THE PARTIES**

4 2. Tiffany is a Delaware limited liability company, with its principal place of business in
5 the United States located at 15 Sylvan Way, Parsippany, NJ 07054. Tiffany has been engaged in the
6 business of manufacturing and distributing throughout the world, including within this Judicial
7 District, high quality luxury goods under multiple world famous common law and Federally
8 registered trademarks including those identified in Paragraph 7 below. Tiffany regularly enforces its
9 intellectual property rights and authorized that this action be brought in its name.

10 3. Hollywood Too, upon information and belief, is a limited liability company under the
11 laws of the State of California with its principal place of business within this Judicial District at 805
12 Grant Avenue, San Francisco, California 94108. Chan is an individual who, upon information and
13 belief resides within this Judicial District and conducts business within this Judicial District at 805
14 Grant Avenue, San Francisco, California 94108. Qing is an individual who, upon information and
15 belief resides within this Judicial District and conducts business within this Judicial District at 1035
16 Grant Avenue, San Francisco, California 94133. Upon information and belief, Chan is the moving
17 and conscious force behind the operation of Hollywood Too. Upon information and belief, Qing is
18 the moving and conscious force behind the operation of MJ Beauty Collection. All Defendants are
19 subject to personal jurisdiction by this Court.

20 4. Upon information and belief, Hollywood Too, Chan, and Qing are directly engaging
21 in the sale of counterfeit and infringing products within this Judicial District as alleged herein, and
22 Chan uses the aliases "Hollywood Too" and "Katy Chen" and Qing uses the alias "MJ Beauty
23 Supply" in connection with the operation of their counterfeiting business. Upon information and
24 belief, due to the identical nature of the counterfeit goods at issue, the Defendants may share a
25 common supplier for the counterfeit Tiffany branded goods they offer for sale and sell as detailed
26 herein.

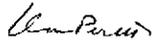
27 5. Defendant Does 1-5 are, upon information and belief, individuals who reside and/or
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1 conduct substantial business within this Judicial District. Further, Does 1-5 are directly and
2 personally contributing, inducing and engaging in the sale of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

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

11 **COMMON FACTUAL ALLEGATIONS**

12 7. Tiffany is the owner and/or exclusive licensee of the following United States Federal
13 Trademark Registrations:

<u>Mark</u>	<u>Registration No.</u>	<u>Registration Date</u>
TIFFANY & CO	0,023,573	September 5, 1893
TIFFANY	0,133,063	July 6, 1920
TIFFANY & CO.	1,228,189	February 22, 1983
TIFFANY	1,228,409	February 22, 1983
T & CO.	1,669,365	December 24, 1991
	1,804,353	November 16, 1993
	1,807,381	November 30, 1993

24 (collectively the "Tiffany Marks") which are registered in International Class 14, and are used in
25 connection with the manufacture and distribution of, among other things, high quality jewelry,
26 including bracelets, necklaces, earrings and rings.

27 8. The Tiffany Marks have been used in interstate commerce to identify and distinguish
28 Tiffany's high quality jewelry, such as bracelets, necklaces, earrings and rings, and other goods for

1 an extended period of time.

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

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

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

9 12. Tiffany has extensively used, advertised and promoted the Tiffany Marks in the
10 United States in association with the sale of high quality jewelry, such as bracelets, necklaces,
11 earrings and rings, and other goods and has carefully monitored and policed the use of the Tiffany
12 Marks.

13 13. As a result of Tiffany's efforts, members of the consuming public readily identify
14 merchandise bearing the Tiffany Marks, as being high quality merchandise sponsored and approved
15 by Tiffany.

16 14. Accordingly, the Tiffany Marks have achieved secondary meaning as identifiers of
17 high quality jewelry, such as bracelets, necklaces, earrings and rings, and other goods.

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

21 16. Tiffany has discovered the Defendants are promoting and otherwise advertising,
22 distributing, selling and/or offering for sale counterfeit products, including at least jewelry, such as
23 bracelets, necklaces, earrings and rings bearing trademarks which are exact copies of the Tiffany
24 Marks (the "Counterfeit Goods"). Specifically, upon information and belief, the Defendants are
25 using the Tiffany Marks in the same stylized fashion, for different quality goods.

26 17. Upon information and belief, the Defendants' Counterfeit Goods are of a quality
27 substantially different than that of Tiffany's genuine goods. Despite the nature of their Counterfeit
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1 Goods and the knowledge they are without authority to do so, the Defendants, upon information and
2 belief, are actively using, promoting and otherwise advertising, distributing, selling and/or offering
3 for sale substantial quantities of their Counterfeit Goods with the knowledge that such goods will be
4 mistaken for the genuine high quality products offered for sale by Tiffany. The net effect of the
5 Defendants' actions will be to result in the confusion of consumers who will believe the Defendants'
6 Counterfeit Goods are genuine goods originating from and approved by Tiffany.

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

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

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

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

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

6 23. Tiffany has no adequate remedy at law.

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

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

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

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

15 27. Tiffany hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through
16 26 above.

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

20 29. Specifically, Defendants are promoting and otherwise advertising, selling, offering
21 for sale and distributing counterfeit and infringing jewelry, such as bracelets, necklaces, earrings and
22 rings bearing the Tiffany Marks. The Defendants are continuously infringing and inducing others to
23 infringe the Tiffany Marks by using them to advertise, promote and sell counterfeit jewelry, such as
24 bracelets, necklaces, earrings and rings.

25 30. Defendants' counterfeiting and infringing activities are likely to cause and actually
26 are causing confusion, mistake and deception among members of the trade and the general
27 consuming public as to the origin and quality of Defendants' Counterfeit Goods bearing the Tiffany
28

1 Marks.

2 31. The Defendants' unlawful actions have caused and are continuing to cause
3 unquantifiable damages to Tiffany.

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

7 33. Tiffany has suffered and will continue to suffer irreparable injury due to the above
8 described activities of the Defendants if the Defendants are not preliminarily and permanently
9 enjoined.

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

12 34. Tiffany hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through
13 26 above.

14 35. The Defendants' Counterfeit Goods bearing and sold under the Tiffany Marks have
15 been widely advertised and distributed throughout the United States.

16 36. The Defendants' Counterfeit Goods bearing and sold under the Tiffany Marks are
17 virtually identical in appearance to each of Tiffany's respective genuine goods. However, the
18 Counterfeit Goods are different and likely inferior in quality. Accordingly, the Defendants'
19 activities are likely to cause confusion in the trade and among the general public as to at least the
20 origin or sponsorship of the Counterfeit Goods.

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

26 38. Specifically, the Defendants have authorized an infringing use of the Tiffany Marks,
27 in the Defendants' advertisement and promotion of their counterfeit and infringing jewelry, such as
28 bracelets, necklaces, earrings and rings. The Defendants, have misrepresented to members of the

1 consuming public that the Counterfeit Goods being advertised and sold by them are genuine, non-
2 infringing products.

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

5 40. Tiffany has sustained injury and damage caused by Defendants' conduct, and absent
6 an entry of an injunction by this Court, Tiffany will continue to suffer irreparable injury to their
7 goodwill and business reputation as well as monetary damages.

8 **PRAYER FOR RELIEF**

9 41. WHEREFORE, Tiffany demands judgment jointly and severally against the
10 Defendants as follows:

11 a. The Court enter a preliminary and permanent injunction enjoining Defendants,
12 their agents, representatives, servants, employees, and all those acting in concert or participation
13 therewith, from manufacturing or causing to be manufactured, importing, advertising or promoting,
14 distributing, selling or offering to sell their Counterfeit Goods; from infringing, counterfeiting, or
15 diluting the Tiffany Marks; from using the Tiffany Marks, or any mark or trade dress similar thereto,
16 in connection with the sale of any unauthorized goods; from using any logo, trade name or
17 trademark or trade dress which may be calculated to falsely advertise the services or products of the
18 Defendants as being sponsored by, authorized by, endorsed by, or in any way associated with
19 Tiffany; from falsely representing themselves as being connected with Tiffany, through sponsorship
20 or association, or engaging in any act which is likely to falsely cause members of the trade and/or of
21 the purchasing public to believe any goods or services of the Defendants, or in any way endorsed by,
22 approved by, and/or associated with Tiffany; from using any reproduction, counterfeit, copy, or
23 colorable imitation of the Tiffany Marks in connection with the publicity, promotion, sale, or
24 advertising of any goods sold by the Defendants, including, without limitation, jewelry, such as
25 bracelets, necklaces, earrings and rings, and other goods; from affixing, applying, annexing or using
26 in connection with the sale of any goods, a false description or representation, including words or
27 other symbols tending to falsely describe or represent Defendants' goods as being those of Tiffany,
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1 or in any way endorsed by Tiffany and from offering such goods in commerce; and from otherwise
2 unfairly competing with Tiffany.

3 b. The Defendants be required to account to and pay Tiffany for all profits and
4 damages resulting from Defendants' trademark infringing and counterfeiting activities and that the
5 award to Tiffany be trebled, as provided for under 15 U.S.C. §1117, or, at Tiffany's election with
6 respect to Count I, that Tiffany be awarded statutory damages from each Defendants in the amount
7 of two million dollars (\$2,000,000.00) per each counterfeit Tiffany Mark used and product sold, as
8 provided by 15 U.S.C. §1117(c)(2) of the Lanham Act.

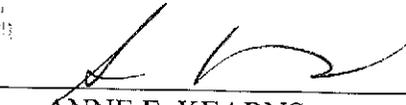
9 c. Tiffany be awarded pre-judgment interest on its respective judgment.

10 d. Tiffany be awarded its costs and reasonable attorneys' fees and investigators'
11 fees associated with bringing this action.

12 e. Tiffany be awarded such other and further relief as the Court may deem just
13 and proper.

14 Dated: May 18 2012

KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP

16 By: 
17 ANNE E. KEARNS
18 Attorneys for Plaintiff Tiffany (NJ), LLC