

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Mon Cheri Bridals, LLC)		
)		
v.)	Case No.	19-cv-2362
)		
Does 1-464)	Judge:	Hon. Jorge L. Alonso
)		
)	Magistrate:	Hon. Young B. Kim
)		
)		
_____)		

**MEMORANDUM IN SUPPORT OF PLAINTIFF’S
MOTION FOR ENTRY OF DEFAULT AND DEFAULT JUDGMENT**

Plaintiff Mon Cheri Bridals, LLC (“Mon Cheri”) submits the following memorandum in support of their Motion for Entry of Default and Default Judgment under Fed. R. Civ. P. 55 against the Defendant Does 1-464, as identified on Schedule A of the Complaint (collectively, the "Defendants") in their action for trademark infringement, counterfeiting, false designation of origin, copyright infringement and violation of the Illinois Uniform Deceptive Trade Practices Act.

STATEMENT OF FACTS

For over twenty-five years, Plaintiff has manufactured and sold high quality bridal gowns and formalwear (“MON CHERI Products”) throughout the world. *See* Declaration of Stephen Lang (“Lang Declaration”) at ¶ 4. Since the early 1990s, the company has grown to be one of the largest manufacturers and wholesalers of wedding dresses and formalwear in the United States.

Id. at ¶ 5. Today, MON CHERI Products are sold in approximately 5500 retail stores throughout the throughout the world. *Id.* Through its creative design team, Mon Cheri has developed an extensive catalog of unique and original wedding and social occasion dress patterns. *Id.*

Each year, Mon Cheri invests millions of dollars in advertising its original unique dress designs. *Id.* at ¶ 5. These dresses are not only commercially available for sale throughout the country, but they are pictured in catalogs distributed throughout the country and overseas to retailers and others. *Id.* Mon Cheri has several trademarks registered with the United States Patent and Trademark Office, including the SOPHIA TOLLI, the JAMES CLIFFORD COLLECTION, the CAMERON BLAKE \ the LE GALA BY MON CHERI marks; moreover, these trademarks have become synonymous with luxurious and elegant formalwear. *Id.* at ¶ 6. The Mon Cheri brand is now highly successful and well known throughout the United States. *Id.*

Because Mon Cheri is a manufacturer of unique bridal gowns and formalwear, it employs its own team of dress designers, and invests significant sums of money in the development of designs that fit its own branding strategies. *Id.* at ¶ 7. Among Mon Cheri's most important assets is the intellectual property associated with its brand. *Id.* Specifically, the MON CHERI mark, as well as other marks used to identify genuine Mon Cheri products that it markets and sells. *Id.* at ¶ 9.

Mon Cheri products have become enormously popular and even iconic, driven by their arduous quality standards and innovative design. *Id.* at ¶ 6. Among the purchasing public, genuine Mon Cheri Products are instantly recognizable as such. *Id.* In the United States and around the world, the Mon Cheri brand has come to symbolize high quality, and Mon Cheri Products are among the most recognizable formalwear dresses in the world. *Id.*

Mon Cheri Products are marketed, distributed and sold to consumers through boutiques owned and operated by Mon Cheri, authorized retailers throughout the United States, and online. *Id.* at 8. Mon Cheri has registered its trademarks with the United States Patent and Trademark Office. *Id.* Plaintiff uses its trademarks in connection with the advertising and marketing of its Mon Cheri Products. *Id.*

A genuine and authentic copy of the U.S. registration certificate for the MON CHERI mark is attached to the Complaint as Exhibit 1. The MON CHERI mark is valid, subsisting, in full force and effect, and incontestable pursuant to 15 U.S.C. § 1065. Lang Decl. at ¶ 10. The MON CHERI Marks have been used exclusively and continuously by Mon Cheri, and has never been abandoned. *Id.* The MON CHERI Marks are exclusive to Plaintiff, and is displayed extensively on Mon Cheri Products and in Mon Cheri's marketing and promotional materials. *Id.* at ¶ 11.

The MON CHERI Marks have achieved tremendous fame and recognition which has only added to the inherent distinctiveness of the mark. *Id.* As such, the goodwill associated with the MON CHERI Marks are of incalculable value to Plaintiff. *Id.* at ¶ 12. Mon Cheri has received extensive editorial coverage and unsolicited press in various magazines and other publications throughout the world. *Id.* at ¶ 13. Mon Cheri Products have been featured in numerous publications and magazines throughout the world. *Id.*

In addition to the MON CHERI mark, Mon Cheri also owns federal copyright rights to hundreds of original photographs and images ("Mon Cheri Copyright") that it uses to advertise genuine Mon Cheri Products. *Id.* at ¶ 14. Genuine and authentic copies of United States Copyright Registrations are attached to the Complaint as Exhibit 2.

Mon Cheri's copyrights are for original, copyrightable works of Mon Cheri. Mon Cheri has complied with all statutory formalities and requirements in obtaining the copyrights. *Id.* at ¶ 16. Mon Cheri extensively uses photographs and images protected by copyright in connection with the marketing of its Mon Cheri Products on its Website. *Id.*

Genuine Mon Cheri Products are widely legitimately advertised, and promoted on the Website primarily with original images owned by Mon Cheri and protected by the registered copyrights. *Id.* at ¶ 8,16.

Mon Cheri spends significant sums of money on Internet marketing and consumer education regarding its products, including search engine optimization ("SEO") strategies that allow Mon Cheri and others to fairly and legitimately educate consumers about the value associated with the MON CHERI Marks, brand and the goods sold thereunder and the problems associated with counterfeiting and the unauthorized use of the Mon Cheri Trademarks and Copyright. *Id.* at ¶ 17. Defendants, through their operation of the Infringing Websites, engage in so-called "black hat" SEO strategies that involve the unlawful use of Mon Cheri's name and trademark within the content, anchor text, and/or meta tags of the Infringing Websites in order to attract the automated eye of various search engines crawling the Internet looking for websites relevant to consumer searches for genuine Mon Cheri Products. *Id.* at ¶ 18. Such illegal use results in unfair competition for Mon Cheri when competing for visibility on the Internet and deceives consumers into falsely believing they are buying legitimate Mon Cheri Products from these sites. *Id.*

In recent years, the bridal dress and formalwear industry in the United States has been plagued by the onset of individuals and entities that unlawfully use the trademarks and goodwill built by Mon Cheri and other manufacturers in this industry to sell cheap counterfeits of Mon

Cheri dresses. *Id.* at ¶ 19. Due to the proliferation of websites selling counterfeit dresses, Mon Cheri retained the services of Counterfeit.Technology, a company that provides online policy enforcement technology focused on identifying websites selling Counterfeit Products. *Id.* Counterfeit.Technology uses a large web crawler coupled with sophisticated algorithms and detection models to identify counterfeit products offered for sale across the Internet. *Id.* at ¶ 20. Counterfeit.Technology collects content from websites and the software program's algorithms identify which of the websites are likely counterfeiters, using a combination of information supplied by the brand owners and inspecting characteristics on the Infringing Websites consistent with counterfeiting. *Id.*

ARGUMENT

I. Jurisdiction and Venue Are Proper in This Court

This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Lanham Act, 15 U.S.C. § 1051 et seq., 28 U.S.C. § 1338(a)-(b) and 28 U.S.C. § 1331. This Court has jurisdiction over the claims in this action that arise under the laws of the State of Illinois pursuant to 28 U.S.C. § 1367(a), because the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts. Venue is proper in this Court pursuant 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendants since each of the Defendants directly targets business activities toward consumers in Illinois and causes harm to Mon Cheri's business within this Judicial District. See Complaint at ¶¶ 27; *uBID, Inc. v. GoDaddy Grp., Inc.* 623 F.3d 421, 423-24 (7th Cir. 2010) (without benefit of an evidentiary hearing, plaintiff bears only the burden of making a prima facie case for personal jurisdiction; all

of plaintiff's asserted facts should be accepted as true and any factual determinations should be resolved in its favor).

Through at least the fully interactive commercial Internet websites, each of the Defendants has targeted sales from Illinois residents by offering shipping to Illinois and, on information and belief, have sold Counterfeit Mon Cheri Products to residents of Illinois. As such, personal jurisdiction is proper since each of the Defendants is committing tortious acts in Illinois, is engaging in interstate commerce and has wrongfully caused Mon Cheri substantial injury in the State of Illinois. See *True Religion Apparel, Inc., et al. v. Does 1-100*, No. 1:12-cv-9894 (N.D. Ill. Feb. 6, 2013) (unpublished) (Docket Nos. 42 and 43); *Deckers Outdoor Corp. v. Does 1-55*, No. 1:11-cv-00010 (N.D. Ill. Oct. 14, 2011) (unpublished) (Docket Nos. 68 and 69).

II. Plaintiff Has Met the Requirements for Entry of Default

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, “when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.” Fed. R. Civ. P. 55(a). On July 23, 2018, Mon Cheri filed its Complaint alleging federal trademark infringement and counterfeiting, 15 U.S.C. § 1114 (Count I), unfair competition and false designation of origin, 15 U.S.C. § 1125(a) (Count II), copyright infringement, 17 U.S.C. § 501 and violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS § 510 (Count IV). (Docket Entry 1).

The Defendants were properly served on August 17, 2018. (Docket Entry 25). Despite having been served with process, the Defendants have ignored these proceedings and failed to plead or otherwise defend this action. (Gulbransen Declaration at ¶ 2). Upon information and

belief, Defendants are not active-duty members of the U.S. armed forces. (Id. at ¶ 3).

Accordingly, Mon Cheri asks for entry of default against Defendants.

III. Plaintiff Has Met the Requirements for Entry of Default Judgment

Rule 55(b)(2) of the Federal Rules of Civil Procedure provides for a court-ordered default judgment. A default judgment establishes, as a matter of law, that Defendants are liable to Plaintiff on each cause of action alleged in the complaint. *United States v. Di Mucci*, 879 F.2d 1488, 1497 (7th Cir. 1989). When the Court determines that a defendant is in default, the factual allegations of the Complaint are taken as true and may not be challenged, and the defendants are liable as a matter of law as to each cause of action alleged in the complaint. *Black v. Lane*, 22 F.3d 1395, 1399 (7th Cir. 1994).

As noted above, Mon Cheri served Defendants on August 17, 2018. More than 21 days have passed since Defendants were served, and no answer or other responsive pleading has been filed. *See* Fed. R. Civ. P. 12(a)(1)(A). Accordingly, default judgment is appropriate, and Plaintiff requests an award of damages as authorized by 15 U.S.C. § 1117(c)(1) for willful trademark counterfeiting against each of the Defendants in the amount of \$1,000,000.00 per Defendant for use of counterfeit Mon Cheri trademarks on products sold through each of the Defendant's websites. Mon Cheri also seeks entry of a permanent injunction prohibiting Defendants from selling Counterfeit Mon Cheri Products, an Order that the domains used by Defendants to sell Counterfeit Mon Cheri Products be permanently transferred to Mon Cheri, and that all assets in Defendants' PayPal, eBay, Western Union, MoneyGram, etc. accounts, as well as any newly discovered assets, be transferred to Mon Cheri.

A. Trademark Infringement and Counterfeiting

To properly plead a claim of trademark infringement and counterfeiting pursuant to the

Lanham Act, a plaintiff must allege that (1) its mark is distinctive enough to be worthy of protection, (2) defendants are not authorized to use the mark; and (3) defendant's use of the mark causes a likelihood of confusion as to the origin or sponsorship of defendant's products. See *Neopost Industrie B.V. v. PFE Int'l Inc.*, 403 F. Supp. 2d 669, 684 (N.D. Ill. 2005) (citing *Bliss Salon Day Spa v. Bliss World LLC*, 268 F.3d 494, 496-97 (7th Cir. 2001)).

Mon Cheri alleges in its Complaint that its MON CHERI Trademark is highly distinctive, that Defendants have knowledge of Mon Cheri's rights in the MON CHERI Marks, that Defendants are not authorized to use the MON CHERI Trademark, and that Defendants' use of the MON CHERI Trademarks causes a likelihood of confusion. Complaint at ¶¶ 33-37. Since the Defendants have failed to respond or otherwise plead in this matter, the Court must accept the allegations contained in the Complaint as true. See Fed. R. Civ. P. 8(b)(6); *Am. Taxi Dispatch, Inc. v. Am. Metro Taxi & Limo Co.*, 582 F. Supp. 2d 999, 1004 (N.D. Ill. 2008). Accordingly, Mon Cheri requests entry of judgment with respect to Count I for willful infringement and counterfeiting of the MON CHERI Trademarks.

B. False Designation of Origin

A plaintiff bringing a false designation of origin claim under 15 U.S.C. § 1125(a) must show that: (1) defendant used a false designation of origin in connection with products; (2) defendant's use of the products was in interstate commerce; and (3) there is a likelihood that consumers will be confused by defendant's false designation of origin. *Web Printing Controls Co., Inc. v. Oxy-Dry Corp.*, 906 F.2d 1202, 1204 (7th Cir. 1990).

Mon Cheri alleges in its Complaint that Defendants' Counterfeit products are of the same nature and type and look identical to genuine Mon Cheri products, but Defendants' Counterfeit Mon Cheri products are not of the same quality as genuine Mon Cheri products. As such, this

creates a likelihood of confusion, mistake, and deception among the general public as to the affiliation or sponsorship of Defendants' Counterfeit Mon Cheri products with genuine Mon Cheri products. Complaint at ¶¶ 38-48. Furthermore, by using a counterfeit of the MON CHERI Trademark on the Counterfeit Mon Cheri products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Counterfeit Mon Cheri products. *Id.* at ¶ 41. As such, Mon Cheri requests entry of judgment with respect to Count II for willful false designation of origin.

C. Copyright Infringement

Section 501(a) of Title 17 of the United States Code provides, in part, that “[a]nyone who violates.. the exclusive rights of the copyright owner... is an infringer of the copyright.” Plaintiffs are generally entitled to various remedies for infringement, including injunctions, monetary damages, costs and attorney’s fees. 17 U.S.C. §§ 502, 504, 505. A plaintiff bringing a copyright infringement claim under 17 U.S.C. § 501 must show that: (1) ownership of a valid copyright, and (2) copying of constituent elements of the work that are original. *Pickett v. Prince*, 52 F.Supp.2d 893, 900–01 (N.D. Ill. 1999) (citing *Feist Publications, Inc. v. Rural Tel. Serv.*, 499 U.S. 340, 361, 111 S.Ct. 1282 (1991); see also *Atari, Inc. v. North Am. Phillips Consumer Elecs. Corp.*, 672 F.2d 607, 614 (7th Cir. 1982). The registration of a copyright certificate creates a *prima facie* presumption of validity of a copyright. *See* 17 U.S.C. § 410(c). That presumption, however, is rebutted by evidence that disputes or rebuts the plaintiff’s *prima facie* case. *Runstadler Studios, Inc. v. MCM Ltd. Partnership*, 768 F.Supp. 1292 (N.D. Ill. 1991).

Here, Plaintiff is the owner of all right, title and interest in and to federally registered MON CHERI Copyright. *See* Complaint at ¶ 50. The aforementioned registration is valid, subsisting, unrevoked and uncanceled. *Id.* Among the exclusive rights granted to Plaintiff under the

Copyright Act are the exclusive rights to use and reproduce photographs protected by the MON CHERI Copyright and to distribute these photographs to the public. *Id.* at ¶ 51. Defendants have stolen Plaintiff’s original images protected by the MON CHERI Copyright and unlawfully displayed them on the Infringing Websites in order to sell Counterfeit Products. *Id.* at ¶¶ 52-53. Thus, Plaintiff seeks entry of judgment against all Defendants for Count III of the Complaint.

D. Uniform Deceptive Trade Practice Act

In Illinois, courts resolve unfair competition and deceptive trade practice claims “according to the principles set forth in the Lanham Act.” *Spex, Inc. v. Joy of Spex, Inc.*, 847 F. Supp. 567, 579 (N.D. Ill. 1994). Illinois courts look to federal case law and apply the same analysis to state infringement claims. *Id.* at 579 (citation omitted). The determination as to whether there is a likelihood of confusion is similar under both the Lanham Act and the Illinois Uniform Deceptive Trade Practice Act. *Am. Broad. Co. v. Maljack Prods., Inc.*, 34 F. Supp. 2d 665, 681 (N.D. Ill. 1998).

Mon Cheri alleged in its Complaint that Defendants have engaged in acts violating Illinois law including, but not limited to, passing off their products as those of Mon Cheri, causing a likelihood of confusion and/or misunderstanding as to the source of their goods, causing a likelihood of confusion and/or misunderstanding as to affiliation, connection, or association with Mon Cheri products, representing that their products have Mon Cheri approval when they do not, and engaging in other conduct which creates a likelihood of confusion or misunderstanding among the public. Complaint at ¶¶ 58-63. Mon Cheri, therefore, requests entry of judgment with respect to Count IV of its Complaint for willful violation of the Illinois Uniform Deceptive Trade Practices Act.

IV. PLAINTIFF IS ENTITLED TO MONETARY AND INJUNCTIVE RELIEF

A. Statutory Damages Are Appropriate in this Case

Pursuant to the statutory damages provision of the Lanham Act, 15 U.S.C. § 1117(c), a plaintiff in a case involving the use of a counterfeit mark may elect to receive “not less than \$1,000 or more than \$200,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just.” 15 U.S.C. § 1117(c)(1). When the counterfeiting is found to be willful, 15 U.S.C. § 1117(c)(2) provides for statutory damages of up to “\$2,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just.” 15 U.S.C. § 1117(c)(2).

Courts have recognized that statutory damages should be awarded without requiring an evidentiary hearing. See *Lorillard Tobacco Co. v. Montrose Wholesale Candies & Sundries, Inc.*, 2008 U.S. Dist. LEXIS 31761, *11 (N.D. Ill. Apr. 17, 2008).

B. Defendants’ Counterfeiting Was Willful

As indicated in Mon Cheri’s Complaint, Defendants facilitated sales by using the MON CHERI mark on their website store listings, including utilization of photographs of genuine Mon Cheri products. Complaint at ¶¶ 35-36, 52-53. Use of the mark and the images make it difficult for consumers to distinguish such counterfeit products from genuine Mon Cheri products.

“Willful infringement may be attributed to the defendant’s actions where he had knowledge that his conduct constituted infringement or where he showed a reckless disregard for the owner’s rights.” *Lorillard Tobacco Co. v. S & M Cent. Serv. Corp.*, 2004 LEXIS 22563, *19-20 (N.D. Ill. Feb. 25, 2005). As such, knowledge need not be proven directly, but can be inferred from a defendant’s conduct. *Id.* at 20. In the instant case, Defendants clearly had knowledge that their activities constituted infringement or at least a reckless disregard for Mon Cheri’s rights in the MON CHERI Trademark as demonstrated by the fact that Defendants were directly copying

Mon Cheri images.

Finally, District Courts have deemed counterfeiting willful when defendants default. *See True Religion Apparel, Inc., et al. v. Does 1-100*, No. 1:12-cv-9894 (N.D. Ill. Feb. 6, 2013) (unpublished) (Docket No. 43); *Oakley, Inc. v. Does 1-100*, No. 1:12-cv-9864 (N.D. Ill. Jan. 30, 2013) (unpublished) (Docket No. 32).

C. A High Statutory Damages Award Is Appropriate and Just

Although 15 U.S.C. § 1117(c) contains the dollar range for possible statutory damage awards, the only guidance provided by the statute for how to determine a damage award within the statutory dollar range is “as the court considers just.” 15 U.S.C. § 1117(c). Courts interpreting 15 U.S.C. § 1117(c) have analogized case law applying the statutory damage provision of the Copyright Act contained in 17 U.S.C. § 504(c). *See Lorillard Tobacco Co.*, 2004 U.S. Dist. LEXIS 22563, *10; *Sara Lee v. Bags of New York, Inc.*, 36 F. Supp. 2d 161, 166 (S.D.N.Y. 1999).

The Seventh Circuit's standard for awarding statutory damages for copyright infringement under 17 U.S.C § 504(c) is articulated in *Chi-Boy Music v. Charlie Club*, 930 F.2d 1224, 1229 (7th Cir. 1991). Under the *Chi-Boy* standard, a court awarding statutory damages is “not required to follow any rigid formula,” but instead “enjoys wide discretion.” *Id.* In computing the award amount, a court may consider factors such as “the difficulty or impossibility of proving actual damages, the circumstances of the infringement, and the efficacy of the damages as a deterrent.” *Id.* Courts in this district have also considered the significant value of a plaintiff’s brand and the efforts taken to protect, promote and enhance that brand in determining the appropriate dollar figure for the award. *Lorillard Tobacco Co.*, 2004 U.S. Dist. LEXIS 22563, *16.

In addition, courts have awarded high damage amounts where a defendant's counterfeiting activities attracted wide market exposure through Internet traffic or advertisement. See *Coach, Inc. v. Ocean Point Gifts*, 2010 U.S. Dist. LEXIS 59003, *15-16 (D.N.J. Jun. 14, 2010) (high damage awards in counterfeit cases were "due in part to the wide market exposure that the Internet can provide"); *Burberry Ltd. v. Designers Imports, Inc.*, 2010 U.S. Dist. LEXIS 3605, *28-29 (S.D.N.Y. Jan. 19, 2010) (damages amount based, in part, on "Defendant's ability to reach a vast customer base through internet advertising").

In similar cases involving willful Internet-based counterfeiting, courts have awarded significant damages, including up to the maximum provided by law, to the plaintiff to serve the purposes of: (1) deterring the defendant and others situated like him from bringing into commerce counterfeit goods, (2) compensating the plaintiff for damages caused by defendant's infringement, and (3) punishing the defendant appropriately for his counterfeiting activities. See, e.g., *Philip Morris U.S.A. Inc. v. Castworld Prods.*, 219 F.R.D. 494, 501 (C.D. Cal. 2003); *Oakley, Inc. v. Does 1-100*, No. 1:12-cv-9864 (N.D. Ill. Jan. 30, 2013) (unpublished) (Docket No. 32) (awarding \$2,000,000 in statutory damages per defendant); *Coach, Inc. v. Does 1-573*, No. 1:12-cv-1514 (N.D. Ill. Oct. 15, 2012) (unpublished) (Docket No. 27) (awarding \$2,000,000 in statutory damages per defendant); *Deckers Outdoor Corp. v. Does 1-1,281*, No. 1:12-cv-01973 (N.D. Ill. June 29, 2012) (unpublished) (Docket No. 33) (awarding \$2,000,000 in statutory damages per defendant). Given the Court's clear discretion in determining the appropriate amount of the statutory damages award within the statutory limits of 15 U.S.C. § 1117(c), Mon Cheri respectfully requests the Court's entry of an award \$2,000,000.00 per Defendant.

Additionally, the remedy imposed under the statute must provide a sufficient deterrent effect to ensure that the guilty party will not engage in further infringing conduct. *Sands, Taylor*

& Wood v. Quaker Oats Co., 34 F.3d 1340, 1348 (7th Cir. 1994). For example, in *Phillip Morris USA Inc. v. Marlboro Express*, the Court stated that due to “the size of the potential profit given the quantities of [counterfeit goods] involved, and the need for a substantial deterrent to future misconduct by defendants and other counterfeit traffickers ... plaintiff is entitled to the maximum statutory award under 15 U.S.C. § 1117(c)(2).” 2005 U.S. Dist. LEXIS 40359, *28 (E.D.N.Y. Aug. 26, 2005).

D. Plaintiff is Entitled to Permanent Injunctive Relief

In addition to the foregoing relief, Mon Cheri respectfully requests entry of a permanent injunction enjoining Defendants from infringing or otherwise violating Mon Cheri’s registered trademark rights in the MON CHERI Trademark, including at least all injunctive relief previously awarded by this Court to Mon Cheri in the TRO and preliminary injunction. Mon Cheri is also entitled to injunctive relief so it can quickly take action against any new websites that are identified, found to be linked to Defendants, and selling Counterfeit Mon Cheri products. See *Oakley, Inc. v. Does 1- 100*, No. 1:12-cv-9864 (N.D. Ill. Jan. 30, 2013) (unpublished) (Docket Nos. 31 and 32); *Deckers Outdoor Corp. v. Does 1-101*, No. 1:11-cv-07970 (N.D. Ill. May 17, 2012) (unpublished) (Docket No. 67).

CONCLUSION

Mon Cheri respectfully requests that the Court enter default and default judgment against each Defendant, award statutory damages as authorized by 15 U.S.C. § 1117(c)(1) for willful trademark counterfeiting against each of the Defendants in the amount of \$1,000,000 per Defendant and enter a permanent injunction prohibiting Defendants from selling Counterfeit Mon Cheri Products, and that all assets in Defendants’ PayPal, Payoneer, Western Union, MoneyGram, or other bank accounts, as well as any newly discovered assets, be transferred to

Mon Cheri.

Dated this 20th Day of June, 2019

Respectfully submitted,

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