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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MICHAEL KORS, L.L.C.,

Plaintiff,

v.

SUMNER COMMUNICATIONS, INC.;  
MARTHA THUY TROUPE; and "JOHN  
DOES" 1-5 all individually and d/b/a "ASH  
HANDBAGS & ACCESSORIES", "VPL  
WHOLESALE HANDBAGS",  
WHOLESALECENTRAL.COM,  
HTTPS://AKIMPORTS.NET,  
HTTPS://BESTDEALCLOSEOUT.COM,  
HTTPS://HENRYBRANDT.COM,  
HTTPS://INTERTRADECORP.COM,  
HTTPS://KCPWHOLESALE.COM,  
HTTPS://KDCSILKFLOWERS.COM,  
HTTPS://NOSEDESSERTS.COM,  
HTTPS://ROCKEYTRADING.COM,  
HTTPS://RODENIMPORTS.COM,  
HTTPS://UNIQUEMKT.COM, and  
HTTPS://WEBWHOLESALEMAGAZINE.COM.

Defendants.

CASE NO. 13-CIV-1815 (AJN)

~~[PROPOSED]~~

AJN

PRELIMINARY INJUNCTION

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DATE FILED: APR 03 2013



WHEREAS, this action having been commenced by plaintiff Michael Kors, L.L.C. ("MK") against defendant Martha Thuy Troupe and "John Does" 1-5 all individually and doing business as "Ash Handbags & Accessories", "VPL Wholesale Handbags", <https://akimports.net>,

<https://bestdealcloseout.com>, <https://henrybrandt.com>, <https://intertradecorp.com>,  
<https://kcpwholesale.com>, <https://kdc silkflowers.com>, <https://nosedesserts.com>,  
<https://rockeytrading.com>, <https://rodenimports.com> and <https://uniquemkt.com>(hereinafter collectively referred to as “Defendants”) alleging trademark counterfeiting, and trademark infringement under Federal law and a copy of the Summons, Complaint, Temporary Restraining Order and all supporting papers having been served upon Defendant:

IT IS STIPULATED, ORDERED, ADJUDGED AND DECREED that:

A. MK is the owner of, including but not limited to, the following federal trademark registrations in the U.S. Patent and Trademark Office:

Trademark	Reg. No.	Reg. Date	Goods
MICHAEL MICHAEL KORS	4,052,752	11/8/11	Jewelry and watches.
MICHAEL KORS	4,052,748	11/8/11	Jewelry.

<b>MK MICHAEL KORS</b>	3,438,412	5/27/08	<p>Eyeglass frames, eyeglasses, sunglasses, eyeglass cases, eye shades, protective eye wear and eye wear for sports, handbags, Men's and women's clothing, namely, dresses, skirts, blouses, pants, jackets, blazers, coats, raincoats, capes, ponchos, scarves, hats, gloves, sweaters, belts, hosiery, bathing suits, halter tops, socks, jeans, warm up suits, sweatshirts, sweatpants, leggings, shorts, slacks, sport coats, sport shirts, suits, T-shirts, tuxedos, vests, ties; undergarments for men and women, namely, boxer shorts, bras, bustiers, camisoles, nightgowns, nightshirts, pajamas, panties, undershirts, underwear; footwear and headwear; belts.</p>
	3,356,080	12/18/07	Handbags and smaller leather goods, namely, wristlet bags.
<b>MICHAEL KORS</b>	3,160,981	10/17/06	Watches.
	3,130,753	8/15/06	<p>Eyeglass frames, eyeglasses, sunglasses, watches, carrying cases, tote bags, handbags, purses; wallets, men's and women's clothing, namely, dresses, skirts, blouses, pants, jackets, blazers, coats, raincoats, sweaters, belts, hosiery, bathing suits, halter tops, socks, jeans, warmup suits, sweatshirts, sweatpants, shorts, slacks, sport coats, sport shirts, suits, T-shirts, ties.</p>

MICHAEL MICHAEL KORS	3,080,631	4/11/06	Eyeglass frames, eyeglasses, sunglasses, eyeglass cases, eye shades, protective eye wear and eye wear for sports, (( Carrying cases, namely, attaché cases; )) bags, namely, tote bags; (( luggage; suitcases; )) [ umbrellas; ] handbags; purses; wallets, Men's and women's clothing, namely, dresses, skirts, blouses, pants, jackets, blazers, coats, raincoats, capes, ponchos, scarves, hats, gloves, sweaters, belts, [ hosiery, ] bathing suits, halter tops, [ socks, ] jeans, warm up suits, sweatshirts, sweatpants, leggings, shorts, slacks, sport coats, sport shirts, suits, t-shirts, [ tuxedos, ] vests, ties; undergarments for [ men and ] women, namely, [ boxer shorts, bras, bustiers, ] camisoles; [, nightgowns, nightshirts, pajamas, panties, undershirts, underwear; ] footwear and headwear; belts.
MK MICHAEL KORS	3,535,310	11/18/10	Watches.

<b>KORS MICHAEL KORS</b>	2,824,657	3/23/04	Men's and women's clothing, namely, [ bandannas, bathing suits, belts, blazers, blouses, bodysuits, capes, caps, cardigans, chemises, ] coats, [ culottes, ear muffs, gloves, halter tops, hats, headbands, hosiery, ] jackets, jeans, [ jogging suits, jumpers, jumpsuits, kerchiefs, kimonos, leggings, leotards, loungewear, mittens, mufflers, neckerchiefs, neckties, neckwear, overalls, pants, pantsuits, pantyhose, parkas, pedal pushers, playsuits, ponchos, pullovers, raincoats, scarves, shawls, shirts, shorts, gym shorts, sweat shorts, ski suits, slacks, socks, snowsuits, sport coats, sport shirts, stockings, stoles, suits, sweat pants, sweat shirts, sweaters, t-shirts, trousers, tuxedos, vests and warm-up suits; footwear for men and women, namely, athletic shoes, boots, clogs, galoshes, moccasins, overshoes, sandals, sport shoes, dress shoes and sneakers; and undergarments for men and women, namely, boxer shorts, brassieres, bustiers, camisoles, corselets, garter belts, girdles, negligees, nightgowns, nightshirts, pajamas, panties, peignoirs, undershorts and undershirts ].
<b>MICHAEL KORS</b>	2,547,039	3/12/02	Retail store services in the fields of clothing, jewelry and clothing accessories.
<b>MICHAEL KORS</b>	2,520,758	12/18/01	Eyeglasses, eyeglass cases, [ contact lenses and binoculars ].
<b>MICHAEL KORS</b>	2,520,757	12/18/01	Handbags, billfolds, credit card cases, [ suitcases, ] [ umbrellas, attache cases, ] [ back packs, ] [ brief cases, garment bags for travel, hat boxes of leather for travel, ] key cases, [ knap sacks, ] [ parasols, ] tote bags, [ and trunks for travelling ].

MICHAEL KORS	2,049,326	4/1/97	<p>Clothing for use by women; namely, anoraks; [aprons;] ascots; babushkas; bandanas; bathrobes; belts; blazers; blousons; bodysuits; boleros; boots;[ boxer shorts; brassieres; briefs;] caftans; camisoles; capes; caps; cardigans; chemises; clogs; fur coats; suit coats;[ corselets;] culottes; earmuffs; [galoshes; garter belts; girdles;] gloves; nightgowns; halter tops; hats; headbands; hosiery; jeans; jogging suits; jumpers; jumpsuits; kerchiefs; kimonos; leggings;[ leotards; ]loungewear; mittens; moccasins; mufflers; neckerchiefs; neckties; neckwear;[ negligees;] nightshirts; [overalls; overshoes] pajamas;[ panties;] pantsuits; [ pantyhose; ] parkas; pedal pushers;[ peignors;] pinafores; [playsuits; pocket squares;] ponchos; pullovers; raincoats; sandals; scarves; shawls; shorts; undershirts; athletic shoes; gym shorts; sweat shorts; ski suits; slacks; snowsuits; socks; sport coats; sport shirts; stockings; stoles; suits; suspenders; sweat pants; sweat shirts; T-shirts; trousers; [tuxedos; underpants;] vests; vested suits; and warm-up suits; and, clothing for use by men; namely, anoraks; ascots; bandanas;[ bathrobes; ]belts; blazers;[ boots; boxer shorts; briefs;] capes; [caps;] cardigans; clogs; fur coats; suit coats;[ earmuffs; galoshes;] gloves; hats;[ headbands; hosiery;] jeans; jogging suits; kerchiefs; [leotards; loungewear; mittens; moccasins;] mufflers; neckerchiefs; neckties; neckwear; [nightshirts; overalls; overshoes; pajamas; pantsuits;] parkas;[ pedal pushers; playsuits;] pocket squares; ponchos; pullovers; raincoats; [sandals;] scarves; [shawls;] shorts; undershirts; [athletic shoes;] gym shorts; sweat shorts; ski suits; slacks;[ snowsuits; socks;] sport coats; sport shirts; suits; suspenders; sweat pants; sweat shirts; T-shirts; trousers; tuxedos; vests; vested suits;[ and warm-up suits].</p>
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<b>MICHAEL KORS</b>	1,977,507	6/4/96	Ladies' clothing; namely, dresses, jackets, pants, skirts, shirts, blouses, shorts, sweaters, coats, swimwear.
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(Hereinafter collectively referred to as the “MK Registered Trademarks”.)

B. MK distributes authorized merchandise bearing the MK Registered Trademarks in the United States.

C. MK alleges that Defendants have advertised, promoted, offered for sale, sold and/or distributed merchandise using counterfeits, reproductions, copies, and/or colorable imitations of the MK Registered Trademarks on the Internet.

D. Defendants are not now, nor have they ever been, authorized or licensed to use, reproduce, or make counterfeits, copies, reproductions, and/or colorable imitations of the MK Registered Trademarks.

E. This Court retains jurisdiction over the claims asserted and the Defendants for the duration of this action. Defendants have waived any and all objections or defenses based on this Court’s lack of jurisdiction.

F. Defendants, their agents, servants, employees, officers, and all persons in active concert and participation with them, are permanently enjoined from the following:

- (a) using any reproduction, counterfeit, copy, or colorable imitation of the MK Registered Trademarks to identify any goods or the rendering of any services not authorized by MK;
- (b) using a false description or representation including words or other symbols tending to falsely describe or represent their unauthorized goods as being those of MK or sponsored by or associated with MK and from offering such goods in commerce;

(c) further infringing the MK Registered Trademarks by manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, displaying or otherwise disposing of any products not authorized by MK bearing any simulation, reproduction, counterfeit, copy or colorable imitation of the MK Registered Trademarks;

(d) using any simulation, reproduction, counterfeit, copy or colorable imitation of the MK Registered Trademarks in connection with the promotion, advertisement, display, sale, offering for sale, manufacture, production, circulation or distribution of any unauthorized products in such fashion as to relate or connect, or tend to relate or connect, such products in any way to MK, or to any goods sold, manufactured, sponsored or approved by, or connected with MK;

(e) making any statement or representation whatsoever, or using any false designation of origin or false description, or performing any act, which can or is likely to lead the trade or public, or individual members thereof, to believe that any services provided, products manufactured, distributed, sold or offered for sale, or rented by Defendant are in any way associated or connected with MK, or is provided, sold, manufactured, licensed, sponsored, approved or authorized by MK;

(f) secreting, destroying, altering, removing, or otherwise dealing with the unauthorized products or any books or records which contain any information relating to the importing, manufacturing, producing,



distributing, circulating, selling, marketing, offering for sale, advertising, promoting, or displaying of all unauthorized products which infringe the MK Registered Trademarks; and

(g) permitting any person to utilize Defendants' websites to offer for sale and/or sell merchandise bearing counterfeits and infringements of the MK Registered Trademarks.

(h) 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 in subparagraphs (a) through (g).

ASN  
G. The \$25,000.00 bond posted by MK in compliance with the Order, dated March 20, 2013, shall be ~~released~~ *continued*.

H. In accordance with Rule 64 of the Federal Rules of Civil Procedure, 15 U.S.C. § 1116(a) and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, the Order issued restraining Defendants' assets shall remain in effect as follows: Defendants, Martha Thuy Troupe ("Troupe") and any persons in active concert or participation with her, and any banks, savings and loan associations or other financial institutions or other merchant account providers, payment providers, or third party processors for Troupe, who receives actual notice of this Order, shall immediately locate all accounts connected to Troupe and be temporarily restrained and enjoined from transferring or disposing of any money, stocks or other of Troupe's assets, without prior approval of the Court, except as to Troupe that files with the Court and serves upon MK's counsel:

(1) an accounting of any of all Troupe's assets located in the United States

having a value of two thousand dollars (\$2,000) or more, and the location and identity thereof; and

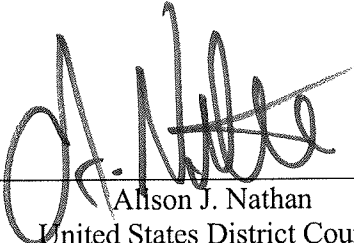
(2) uncontradicted documentary proof accepted by MK (such acceptance not to be unreasonably withheld) that particular assets are not proceeds of Troupe's counterfeiting activities, in which case those particular assets shall be released to Troupe.

I. The seal on this matter is hereby released and the file is to be returned to the public portion of the Clerk's office.

**SO ORDERED:**

Dated: April 3, 2013  
3:20 P.m.

New York, NY

  
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Alison J. Nathan  
United States District Court Judge