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*Attorneys for Plaintiff  
 Coach Services, Inc.*

UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

15 COACH SERVICES, INC., a Maryland  
 16 Corporation,

Plaintiff,

vs.

18 VIVA VEGAS, an unknown business  
 19 entity,

Defendant.

CASE NO.

**COMPLAINT FOR DAMAGES:**

1. **TRADEMARK INFRINGEMENT**
2. **TRADE DRESS INFRINGEMENT**
3. **FEDERAL TRADEMARK DILUTION**
4. **DILUTION UNDER NEVADA LAW [N.R.S. § 600.435]**
5. **FEDERAL UNFAIR COMPETITION**
6. **UNFAIR COMPETITION UNDER NEVADA COMMON LAW**
7. **COPYRIGHT INFRINGEMENT**

**JURY TRIAL DEMANDED**

1 Plaintiff Coach Services, Inc. (“Coach” or “Plaintiff”), for its claims against  
2 Defendant Viva Vegas (collectively “Defendant”), respectfully alleges as follows:

3 **JURISDICTION AND VENUE**

4 1. Plaintiff files this action against Defendant for copyright infringement  
5 under 17 U.S.C. § 101, et seq., as well as trademark and trade dress infringement,  
6 trademark dilution under the Lanham Trademark Act of 1946, 15 U.S.C. §1051 et seq.  
7 (the “Lanham Act”), and related claims of unfair competition and trademark dilution  
8 under the statutory and common law of the State of Nevada. This Court has subject  
9 matter jurisdiction over the Federal trademark counterfeiting and infringement and  
10 trademark dilution claims under 28 U.S.C. §§1121(a), 1331, 1338(a) and 1367.

11 2. This Court has personal jurisdiction over Defendant because Defendant  
12 conducts business within this judicial district.

13 3. This action arises out of wrongful acts, including advertising, offering for  
14 sale, selling and distributing products by Defendant within this judicial district. Venue  
15 is proper in this district pursuant to 28 U.S.C. §1391 because the claims asserted arise  
16 in this judicial district.

17 **THE PARTIES**

18 4. Plaintiff Coach Services, Inc. is a corporation organized and existing  
19 under the laws of the state of Maryland.

20 5. Plaintiff’s office and principal place of business is located in New York,  
21 New York.

22 6. Upon information and belief, Defendant Viva Vegas is an unknown  
23 business entity.

24 7. Upon information and belief, Defendant Viva Vegas has a principal place  
25 of business in Las Vegas, Nevada.

26 **NATURE OF ACTION**

27 8. Plaintiff seeks injunctive relief, damages and a declaratory judgment  
28 based upon Defendant’s unfair competition with Plaintiff arising from Defendant’s



1 willful infringement and dilution of Plaintiff's trademarks and copyrighted work.  
 2 Defendant's willful infringement has impacted both upon Plaintiff's rights directly as  
 3 well as Plaintiff's ability to maintain consumer satisfaction. In this regard, it is  
 4 noteworthy that most, if not all, of the infringing items below were presented in a  
 5 confusingly deceptive manner in such a way that the implication to the buying public  
 6 is that these items are, indeed, genuine.






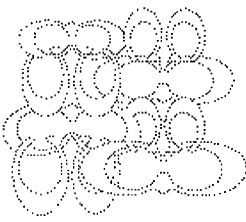
7 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

8 **A. COACH's Family of Trademarks, Logos, and Designs**

9 9. Coach was founded more than sixty years ago as a family-run workshop  
 10 in a Manhattan loft. Since that time, Coach has been engaged in the manufacture,  
 11 marketing, and sale of fine leather and mixed material products including handbags,  
 12 wallets, travel cases, briefcases, planners and diaries, leather goods, watches, eyewear,  
 13 footwear, apparel, and accessories.

14 10. Coach is the worldwide owner of the trademark "COACH" and various  
 15 composite trademarks and assorted design components (collectively "Coach Marks").  
 16 Coach Marks include *but are not limited to* the following marks:

17	18	19	20
Mark	U.S. Registration No(s).	Registration Date	
21 "COACH"	751, 493	06/25/1963	
	1,071,000	08/09/1977	
	2,088,706	08/19/1997	
	3,157,972	10/17/2006	
23 	3,413,536	04/15/2008	
25 	3,251,315	06/12/2007	

	<p>3,441,671</p>	<p>06/03/2008</p>
	<p>2,252,847 2,534,429</p>	<p>06/15/1999 01/29/2002</p>
	<p>1,309,779 2,045,676 2,169,808</p>	<p>12/18/1984 03/18/1997 06/30/1998</p>
 <p>Signature "C" Logo</p>	<p>2,592,963 2,626,565 2,822,318 2,832,589 2,822,629 3,695,290</p>	<p>07/09/2002 09/24/2002 03/16/2004 04/13/2004 03/16/2004 10/13/2009</p>
 <p>Coach "Op Art" Mark</p>	<p>3,696,470</p>	<p>10/13/2009</p>
	<p>3,012,585</p>	<p>11/08/2005</p>

11. Coach has long been manufacturing and selling in interstate commerce high quality leather and mixed material products under the Coach Marks. These registrations are valid and subsisting and are incontestable. Through longstanding use, advertising, and registration, the Coach Marks have achieved a high degree of consumer recognition and constitute famous marks.

1           12. Coach and its predecessors have continuously used the Coach Marks in  
2 interstate commerce in connection with the sale, distribution, promotion, and  
3 advertising of its goods for four decades.

4           13. Coach has used the Signature “C” logo in connection with the sale of  
5 goods since as early as 2001.

6           14. Many of Coach’s products exhibit composites of the Signature “C” logo  
7 in an assortment of different sizes, patterns, and colors (“CC Design”), to which Coach  
8 owns the copyright registration (U.S. Reg. No. VA0001228917).

9           15. Coach and its predecessors have expended over a hundred million dollars  
10 in advertising, promoting, and marketing goods featuring the Coach Marks.

11           16. Due to Coach and its predecessors’ long use, extensive sales, and  
12 significant advertising and promotional activities, the Coach Marks have achieved  
13 widespread acceptance and recognition among the consuming public and trade  
14 throughout the United States. The arbitrary and distinctive Coach Marks identify  
15 Coach as the source/origin of the goods on which they appear.

16           17. Plaintiff’s Coach Marks are highly recognized by the public and serve to  
17 identify the source of the goods as Coach.

18           18. Coach and its predecessors have achieved sales volumes of over three  
19 billion dollars annually from goods bearing the Coach Marks. As such, the Coach  
20 Marks and the goodwill associated therewith are valuable assets of Coach.

21           19. Coach and its predecessors have expended over a hundred million dollars  
22 in advertising, promoting, and marketing goods featuring the Coach Marks.

23           20. Due to Coach and its predecessors’ long use, extensive sales, and  
24 significant advertising and promotional activities, the Coach Marks have achieved  
25 widespread acceptance and recognition among the consuming public and trade  
26 throughout the United States. The arbitrary and distinctive Coach Marks identify  
27 Coach as the source/origin of the goods on which they appear.

28



1 designation of origin and a false representation that the goods and services are  
2 manufactured, offered, sponsored, authorized, licensed by or otherwise connected with  
3 Plaintiff or come from the same source as Plaintiff's goods and are of the same quality  
4 as that assured by the Coach Marks.

5 30. Defendant's use of Plaintiff's trademarks is without Plaintiff's permission  
6 or authority and in total disregard of Plaintiff's rights to control its trademarks.

7 31. Defendant's activities are likely to lead to and result in confusion, mistake  
8 or deception, and are likely to cause the public to believe that Plaintiff has produced,  
9 sponsored, authorized, licensed or is otherwise connected or affiliated with  
10 Defendant's commercial and business activities, all to the detriment of Plaintiff.

11 32. Upon information and belief, Defendant's acts are deliberate and intended  
12 to confuse the public as to the source of Defendant's goods or services and to injure  
13 Plaintiff and reap the benefit of Plaintiff's goodwill associated with Plaintiff's  
14 trademarks.

15 33. Defendant's acts violate the Lanham Act.

16 34. As a direct and proximate result of Defendant's willful and unlawful  
17 conduct, Plaintiff has been injured and will continue to suffer injury to its business and  
18 reputation unless Defendant is restrained by this Court from infringing Plaintiff's  
19 trademarks.

20 35. Plaintiff has no adequate remedy at law.

21 36. In light of the foregoing, Plaintiff is entitled to injunctive relief prohibiting  
22 Defendant from using the Coach Marks, or any marks identical and/or confusingly  
23 similar thereto, for any purpose, and to recover from Defendant all damages, including  
24 attorneys' fees, that Plaintiff has sustained and will sustain as a result of such  
25 infringing acts, and all gains, profits and advantages obtained by Defendant as a result  
26 thereof, in an amount not yet known, as well as the costs of this action pursuant to 15  
27 U.S.C. § 1117(a), attorneys' fees and treble damages pursuant to 15 U.S.C. § 1117(b),  
28 and/or statutory damages pursuant to 15 U.S.C § 1117(c).

**SECOND CLAIM FOR RELIEF**

**(Trade Dress Infringement)**

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2  
3 37. Plaintiff incorporates herein by reference the averments of the preceding  
4 paragraphs as though fully set forth herein.

5 38. The CC Design is nonfunctional, and its inherently distinctive quality has  
6 achieved a high degree of consumer recognition and serves to identify Coach as the  
7 source of high quality goods.

8 39. Products obtained from Defendant bear marks identical and/or  
9 substantially indistinguishable from the Signature “C” logo. The infringing marks  
10 appear on the product in such a manner as to mimic the overall appearance of the CC  
11 Design.

12 40. Defendant’s unauthorized use of the CC Design on its merchandise in  
13 interstate commerce and advertising relating to same constitutes false designation of  
14 origin and a false representation that the goods and services are manufactured, offered,  
15 sponsored, authorized, licensed by or otherwise connected with Plaintiff or come from  
16 the same source as Plaintiff’s goods when, in fact, they do not.

17 41. Defendant’s use of the CC Design is without Plaintiff’s permission or  
18 authority and in total disregard of Plaintiff’s rights to control its trademarks.

19 42. Defendant’s use of the CC Design is likely to lead to and result in  
20 confusion, mistake or deception, and is likely to cause the public to believe that  
21 Plaintiff has produced, sponsored, authorized, licensed or is otherwise connected or  
22 affiliated with Defendant’s commercial and business activities, all to the detriment of  
23 Plaintiff.

24 43. Plaintiff has no adequate remedy at law.

25 44. In light of the foregoing, Plaintiff is entitled to injunctive relief prohibiting  
26 Defendant from using the CC Design, or any designs identical and/or confusingly  
27 similar thereto, and to recover all damages, including attorneys’ fees, that Plaintiff has  
28 sustained and will sustain, and all gains, profits and advantages obtained by Defendant

1 as a result of its infringing acts alleged above in an amount not yet known, and the  
2 costs of this action.

3 **THIRD CLAIM FOR RELIEF**

4 **(Trademark Dilution in Violation of Lanham Act)**

5 45. Plaintiff incorporates herein by reference the averments of the preceding  
6 paragraphs as though fully set forth herein.

7 46. Plaintiff's Coach Marks and CC Design are "famous" within the meaning  
8 of the Lanham Act.

9 47. Defendant has used in commerce in connection with the sale of its  
10 products counterfeit reproductions of the Coach Marks and CC Design, which is likely  
11 to cause, and most likely has caused, confusion or mistake as to the affiliation,  
12 connection, or association between Defendant and Plaintiff, or as to the origin,  
13 sponsorship, or approval of said counterfeit goods by Plaintiff.

14 48. Defendant's acts described above have diluted and continue to dilute  
15 Plaintiff's unique and distinctive trademarks. These acts violate the Lanham Act, have  
16 injured and, unless immediately restrained, will continue to injure Plaintiff, causing  
17 damage to Plaintiff in an amount to be determined at trial, as well as irreparable injury  
18 to Plaintiff's goodwill and reputation associated with the value of Plaintiff's  
19 trademarks.

20 49. Upon information and belief, Defendant's unlawful actions began long  
21 after Plaintiff's Coach Marks and CC Design became famous.

22 50. Upon information and belief, Defendant acted knowingly, deliberately and  
23 willfully with the intent to trade on Plaintiff's reputation and to dilute Plaintiff's Coach  
24 Marks and CC Design. Defendant's conduct is willful, wanton and egregious.

25 51. Plaintiff has no adequate remedy at law to compensate it fully for the  
26 damages that have been caused and which will continue to be caused by Defendant's  
27 unlawful acts, unless they are enjoined by this Court.









1 83. Given the widespread popularity of the CC Design, Defendant had access  
2 to said copyrighted work and, upon information and belief, Defendant has knowingly  
3 infringed upon said design by manufacturing, distributing, advertising and selling  
4 piratical copies of the design to the public in violation of 17 U.S.C. § 501.

5 84. Upon information and belief, Defendant has intentionally, knowingly and  
6 willfully copied Plaintiff Coach's CC Design in order to personally benefit from the  
7 widespread customer recognition and acceptance of said designs/logos, and to  
8 capitalize upon the market created by said designs.

9 85. Upon information and belief, the aforesaid infringements by Defendant of  
10 Plaintiff's copyrighted works occurred and continue to occur with the knowledge that  
11 such designs are copyrighted and the Defendant, in committing the acts complained of  
12 herein, have willfully infringed upon Plaintiff's rights under the Copyright Laws of the  
13 United States, Title 17 U.S.C. § 101, et seq.

14 86. Defendant's infringement of Plaintiff's copyrighted works is to the great  
15 and irreparable damage of Plaintiff, and Plaintiff is informed and believes, as  
16 indicated, that Defendant will continue such infringement unless enjoined by this  
17 Court.

18 87. Plaintiff has suffered loss of profits and other damages, and Defendant has  
19 earned illegal profits in an amount to be proven at trial, as the result of the aforesaid  
20 acts of Defendant.

21 88. Plaintiff has no adequate remedy at law.

22 89. In light of the foregoing, Plaintiff is entitled to injunctive relief prohibiting  
23 Defendant from using the CC Design, and to recover from Defendant all damages,  
24 including attorneys' fees, that Plaintiff has sustained and will sustain as a result of such  
25 infringing acts, and all gains, profits and advantages obtained by Defendant as a result  
26 thereof, in an amount not yet known, as well as the costs of this action pursuant to 17  
27 U.S.C. § 504(b) or statutory damages pursuant to 17 U.S.C. § 504(b), and attorneys'  
28 fees and treble damages pursuant to 17 U.S.C. § 505(b).

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Coach Services, Inc. respectfully prays that this Court enter judgment in its favor and against Defendant Viva Vegas as follows:

A. Granting temporary, preliminary and permanent injunctive relief restraining Defendant, its agents, servants, employees, officers, associates, attorneys, and all persons acting by, through, or in concert with any of them, from:

(1) Using any of Coach’s federally registered trademarks, copyrighted works, and/or CC Design in connection with the manufacturing, distribution, advertising, offering for sale, and/or sale of merchandise;

(2) Committing any other act which falsely represents or which has the effect of falsely representing that the goods and services of Defendant is licensed by, authorized by, offered by, produced by, sponsored by, or in any other way associated with Plaintiff;

(3) Otherwise infringing upon Coach’s federally registered trademarks, copyrighted works, and/or CC Design;

(4) Otherwise diluting Coach’s federally registered trademarks, copyrighted works, and/or CC Design;

(5) Unfairly competing with Plaintiff.

B. Awarding actual damages suffered by Plaintiff as a result of Defendant’s acts;

C. Ordering an accounting by Defendant of all gains, profits and advantages derived from its wrongful acts;

D. Ordering Defendant to disgorge its profits;

E. Awarding Plaintiff all of Defendant’s profits and all damages sustained by Plaintiff as a result of Defendant’s wrongful acts, and such other compensatory damages as the Court determines to be fair and appropriate pursuant to 15 U.S.C. § 1117(a) and 17 U.S.C. § 504(b);

1 F. Awarding treble damages in the amount of Defendant's profits or  
2 Plaintiff's damages, whichever is greater, for willful infringement pursuant to 15  
3 U.S.C. § 1117(b);

4 G. Awarding applicable interest, costs, disbursements and attorneys' fees,  
5 pursuant to 15 U.S.C. § 1117(b) and 17 U.S.C. § 505;

6 H. Awarding Plaintiff statutory damages pursuant to 15 U.S.C. §1117(c) and  
7 17 U.S.C. § 504(c);

8 I. Awarding Plaintiff punitive damages in connection with its claims under  
9 Nevada law; and

10 J. Awarding Plaintiff such other and further relief as the Court deems just  
11 and proper.

12  
13 Dated: March 30, 2010

MEYERS McCONNELL

14  
15 By:

  
Lori E. Siderman  
*Attorneys for Plaintiff*  
*Coach Services, Inc.*


16  
17  
18 **DEMAND FOR JURY TRIAL**

19 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby  
20 demands a trial by jury as to all claims in this litigation.  
21

22  
23 Dated: March 30, 2010

MEYERS McCONNELL

24  
25 By:

  
Lori E. Siderman  
*Attorneys for Plaintiff*  
*Coach Services, Inc.*