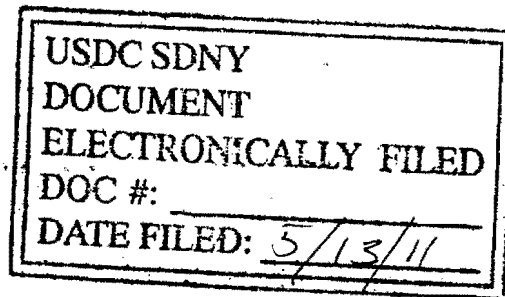


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



TORY BURCH LLC; RIVER LIGHT V, L.P.

Plaintiffs

v.

YONG SHENG INTERNATIONAL TRADE CO., LTD;  
CONGDADA PENA; BINGFENG QUI; LI  
YAXIACHAI; LI BIN; LINJIANPING; JACK  
WILSON; JIANGUO CHEN; TORYBURCH-  
MALL.COM; ZHUZIXIAN; BILL FISHER; ANTLEO  
LIN; JQ LIN; WU JUNYU; MILLION MAN d/b/a  
TORYBURCHOUTLETSHP.COM; VECTO S. d/b/a  
TORYBURCHSALE.NET; LIDAYONG; ZHAN  
JIAQUIN; JIAXINTONG IMPORT & EXPORT CO.  
LTD d/b/a SPORTS SDFSS; KEYWHOLESALE.COM  
INC; YUCANG LI; FREESHIPPINGHANDBAG.COM;  
RUAN FA; NINE NINE TRADE; DONGWEI;  
LOUBOUTINTIME.COM; DYLAN d/b/a  
JIMMYBOOTS.COM; ONESTOP-  
ONLINESHOPPING.COM; ZHONGTIAN; RAO  
YUZHAO d/b/a TOPSHOESTOBAGS TRADE CO.  
LTD.; COLO CHONG d/b/a UGGLOUBOUTIN CO,  
LTD; YE JUNJIE d/b/a GUIHE TRADING CO. LTD;  
XINLI CHEN d/b/a GUANGZHOU FASHIONPURSUE  
TRADE CO. LTD.; WU DONG d/b/a SPORTS SERIES  
TRADE CO. LTD; WHOLESALEUSLIVE.COM;  
JESSKI2010; CHINA SUNSHINE INTERNATIONAL  
TRADING CO. LTD. d/b/a NAME-BRAND-  
ONLINE.COM; YANG QIAO d/b/a FASHION866  
TRADE CO., LTD.; CHEN JIONGYANG d/b/a  
FASHIONHOLIC CO. LTD.; XIAO XIANMO d/b/a  
XIAMEN SHINSON TRADING CO., LTD.; RIHONG  
LIN d/b/a JACK SMITHS; XYZ COMPANIES; and  
JOHN and JANE DOES

Defendants.

Civil Action No. 10 Civ. 9336  
(DAB)

DEFAULT JUDGMENT AND PERMANENT INJUNCTION ORDER

This action having been commenced by TORY BURCH LLC and RIVER LIGHT V, L.P. (collectively, "Tory Burch" or "Plaintiffs") against Defendants YONG SHENG INTERNATIONAL TRADE CO., LTD; CONGDADA PENA; BINGFENG QUI; LI YAXIACHAI; LI BIN; LINJIANPING; JACK WILSON; JIANGUO CHEN; TORYBURCH-MALL.COM; ZHUZIXIAN; BILL FISHER; ANTLEO LIN; JQ LIN; WU JUNYU; MILLION MAN d/b/a TORYBURCHOUTLETSHP.COM; VECTO S. d/b/a TORYBURCHSALE.NET; LIDAYONG; ZHAN JIAQUIN; JIAXINTONG IMPORT & EXPORT CO. LTD d/b/a SPORTS SDFSS; KEYWHOLESALE.COM INC; YUCANG LI; FREESHIPPINGHANDBAG.COM; RUAN FA; NINE NINE TRADE; DONGWEI; LOUBOUTINTIME.COM; DYLAN d/b/a JIMMYBOOTS.COM; ONESTOP-ONLINESHOPPING.COM; ZHONGTIAN; RAO YUZHAO d/b/a TOPSHOESTOBAGS TRADE CO. LTD.; COLO CHONG d/b/a UGGLouboutin CO, LTD; YE JUNJIE d/b/a GUIHE TRADING CO. LTD; XINLI CHEN d/b/a GUANGZHOU FASHIONPURSUE TRADE CO. LTD.; WU DONG d/b/a SPORTS SERIES TRADE CO. LTD; WHOLESALEUSLIVE.COM; JESSKI2010; CHINA SUNSHINE INTERNATIONAL TRADING CO. LTD. d/b/a NAME-BRAND-ONLINE.COM; YANG QIAO d/b/a FASHION866 TRADE CO., LTD.; CHEN JIONGYANG d/b/a FASHIONHOLIC CO. LTD.; XIAO XIANMO d/b/a XIAMEN SHINSON TRADING CO., LTD.; RIHONG LIN d/b/a JACK SMITHS; XYZ COMPANIES; and JOHN and JANE DOES (collectively, "Defendants") for a Temporary Restraining Order, Order to Disable Certain Web Sites, Asset Restraining Order, Expedited Discovery Order and Order to Show Cause for Preliminary Injunction (collectively, the "Temporary Restraining Order") pursuant to Federal Rule of Civil Procedure 65 and the Trademark Act of 1946, 15 U.S.C. §§ 1051, *et seq.*, as amended by the Trademark Counterfeiting Act of 1984, Public Law 98-473 (October 12, 1984), the

Anticybersquatting Consumer Protection Act of 1996, Pub. L. 104-153 (July 2, 1996), and the Prioritizing Resources and Organization for Intellectual Property Act of 2007, H.R. 4279 (October 13, 2008) (the "Lanham Act") for the reason that Defendants are distributing, offering for sale and/or selling, via the Internet, goods bearing counterfeit reproductions of Tory Burch's federally registered trademarks, as listed in Tory Burch's Complaint and incorporated herein by reference, which trademarks (collectively, the "TORY BURCH Marks") are owned and controlled by Tory Burch and used in connection with products listed in Tory Burch's Complaint and incorporated herein by reference (collectively, the "Tory Burch Products"); and the Court, having reviewed the Complaint, Memorandum of Law in support of the Temporary Restraining Order, and supporting Declarations and exhibits, issued such a Temporary Restraining Order on December 17, 2010 and subsequently on January 4, 2011 issued an Order of Preliminary Injunction ("Preliminary Injunction"); and

Defendants having each been properly served with the Temporary Restraining Order, Complaint, Summons and supporting papers, including notice of the show cause hearing held on January 4, 2011 at 11:00 a.m. in Courtroom 24B in the United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007, as well as Defendants having each been properly served with the Preliminary Injunction; and

None of the Defendants having appeared at the show cause hearing, filed a response to Tory Burch's moving papers or otherwise appeared in this action; and

The Clerk of Court having entered a default against each Defendant on January 24, 2011; and

Tory Burch having moved for final default judgment under Fed. R. Civ. P. 55(b) and Tory Burch having shown, *inter alia*, the following:

1. Tory Burch owns all right, title and interest in and to the TORY BURCH Marks in connection with the Tory Burch Products and the TORY BURCH Marks are valid and protectable and entitled to protection; and

2. Defendants are manufacturing, distributing, offering for sale and/or selling counterfeit products -- including, *inter alia*, footwear, handbags and accessories -- bearing counterfeits of the TORY BURCH Marks ("Counterfeit Products") to buyers in the United States, including in this Judicial District; and

3. Defendants are selling Counterfeit Products by operating a network of web sites ("Defendants' Infringing Web Sites") resolving at various domain names set forth in Exhibit 1 attached hereto, including, without limitation, domain names containing the TORY BURCH Marks (the "Infringing Domain Names"); and

4. Defendants have gone to great lengths to conceal themselves and their ill-gotten proceeds from Tory Burch's and this Court's detection including by using multiple false identities and addresses associated with their operations as well as purposely-deceptive contact information; and

5. Defendants have disregarded the Temporary Restraining Order and Preliminary Injunction and so the Court:


HEREBY FINDS that each Defendant is liable for federal trademark counterfeiting and infringement under 15 U.S.C. §§ 1114, 1117 and cybersquatting under 15 U.S.C. § 1125(d)(1); and this Default Judgment and Permanent Injunction Order ("Permanent Injunction") is entered against each Defendant.

THEREFORE, IT IS HEREBY ORDERED that Defendants, their officers, agents servants and employees and any persons in active concert or participation with them are permanently enjoined and restrained from:

- (i) using the TORY BURCH Marks or any reproduction, counterfeit, copy or colorable imitation of the TORY BURCH Marks in connection with the distribution, advertising, offer for sale and/or sale of merchandise not the genuine products of Tory Burch; and
- (ii) passing off, inducing or enabling others to sell or pass off any Counterfeit Products as and for Tory Burch Products; and
- (iii) shipping, delivering, holding for sale, distributing, returning, transferring or otherwise moving, storing or disposing of in any manner footwear, handbags, apparel, accessories or other items falsely bearing the TORY BURCH Marks, or any reproduction, counterfeit, copy or colorable imitation of same; and
- (iv) utilizing the Infringing Domain Names and registering any additional domain names that use or incorporate any of the TORY BURCH Marks; and
- (v) operating and/or hosting Defendants' Infringing Web Sites; and

IT IS FURTHER ORDERED, that third parties providing services used in connection with Defendants' operations including, without limitation, Internet Service Providers ("ISP"), registries, registrars, or online third-party selling platforms including, without limitation, Alibaba.com, Tradekey.com, iOffer.com, EC21.com, Ecplaza.net and DIYtrade.com, having knowledge of this Permanent Injunction by service, actual notice or otherwise be, and are, hereby permanently enjoined from providing services to any Defendant in conjunction with any of the acts set forth in subparagraphs (i)-(v) above; and

IT IS FURTHER ORDERED, that pursuant to 15 U.S.C. § 1117(c)(2), Tory Burch is awarded maximum statutory damages for willful trademark counterfeiting of two million dollars and no cents (\$2,000,000.00) against each Defendant for its counterfeiting of the TORY BURCH

Mark "TORY BURCH" and is awarded maximum statutory damages for willful trademark counterfeiting of two million dollars (\$2,000,000.00) and no cents against each Defendant for its counterfeiting of the TORY BURCH Mark , for a total award of statutory damages in the amount of four million dollars and no cents (\$4,000,000.00) against each Defendant; and

IT IS FURTHER ORDERED that monies currently restrained in various Defendants' accounts held by PayPal, Inc. ("PayPal"), are hereby released to Tory Burch as partial payment of the above-mentioned damages; and

IT IS FURTHER ORDERED that the domain names associated with the Infringing Web Sites identified above be transferred to Tory Burch's ownership and control; and

IT IS FURTHER ORDERED that in accordance with this Court's inherent equitable powers and its power to coerce compliance with its lawful orders, until Tory Burch has recovered the full payment of monies owed to them by any Defendant under this Permanent Injunction, in the event Tory Burch discovers new monies or accounts belonging to or controlled by any Defendant, Tory Burch shall have the ongoing authority to serve this Permanent Injunction on any party controlling or otherwise holding such accounts, including but not limited to PayPal or other merchant account providers, payment providers, or third party processors (collectively, "Account Holder"); and

IT IS FURTHER ORDERED that Account Holder shall immediately locate and restrain all accounts belonging to or controlled by such Defendant from transferring or disposing of any money, stocks or other of such Defendant's assets, not allowing such funds to be transferred or withdrawn by such Defendant and shall provide Tory Burch with the information relating to those websites and/or accounts; and

IT IS FURTHER ORDERED that after thirty (30) business days following the service of this Permanent Injunction on such Defendant and Account Holder, Account Holder shall transfer all monies in the restrained accounts to Tory Burch, unless the Defendant has filed with the Court and served upon Plaintiffs' counsel a request that such monies be exempted from this Permanent Injunction; and

IT IS FURTHER ORDERED, that any Defendant may upon two (2) business days' written notice to the Court and Tory Burch's counsel, upon proper showing, appear and move for the dissolution or modification of the provisions of this Permanent Injunction concerning the restriction upon transfer of such new monies or accounts belonging to or controlled by any Defendant; and

IT IS FURTHER ORDERED that in accordance with this Court's inherent equitable powers and its power to coerce compliance with its lawful orders, and due to Defendants' ongoing operation of their counterfeiting activities, in the event Tory Burch identifies any new web sites ("Newly-Detected Web Sites") registered or operated by any Defendant and used in conjunction with the sale of Counterfeit Products, including such web sites utilizing domain names containing the TORY BURCH Marks or marks confusingly similar thereto, Tory Burch shall have the ongoing authority to serve this Permanent Injunction on the domain name registries and/or the individual registrars holding and/or listing one or more the domain names associated with the Newly-Detected Web Sites; and

IT IS FURTHER ORDERED that the domain name registries and/or the individual registrars holding and/or listing one or more of the domain names associated with the Newly-Detected Web Sites, within seven (7) days shall temporarily disable any domain names associated with the Newly-Detected Web Sites and make them inactive and untransferable; and

IT IS FURTHER ORDERED that after thirty (30) business days following the service of this Permanent Injunction, the registries and/or the individual registrars shall transfer any domain names associated with the Newly-Detected Web Sites to the ownership and control of Tory Burch, through the registrar of Tory Burch's choosing, unless the Defendant has filed with the Court and served upon Tory Burch's counsel a request that such Newly-Detected Web Sites be exempted from this Permanent Injunction or unless Tory Burch requests that such domain names associated with the Newly-Detected Web Sites be released rather than transferred; and

IT IS FURTHER ORDERED, that any Defendant may upon two (2) business days' written notice to the Court and Tory Burch's counsel, upon proper showing, appear and move for the dissolution or modification of the provisions of this Permanent Injunction concerning the restriction upon transfer of such domain names associated with the Newly-Detected Web Sites belonging to or controlled by any Defendant; and

IT IS FINALLY ORDERED that this Court shall retain jurisdiction over the parties and the subject matter of this litigation for the purpose of interpretation and enforcement of this Default Judgment and Permanent Injunction Order.

This is a FINAL JUDGMENT.

SIGNED this 13<sup>th</sup> day of May 2011.

  
\_\_\_\_\_  
THE HONORABLE DEBORAH A. BATTS

**EXHIBIT 1**  
**TO THE [PROPOSED] DEFAULT JUDGMENT AND**  
**PERMANENT INJUNCTION ORDER**

<b>Defendants Infringing Web Sites</b>
brandfanshome.com
brandslead.com
cheaptoryburchoutlet.com
cheaptoryburchs.com
cheaptoryburchshoes.com
cheap-toryburchshoes.com
cheaptoryburchshop.com
christianlouboutinmy.com
designerhandbags8.com
discounttoryburch.com
discount-tory-burch.com
discounttoryburch.org
discounttoryburchs.com
discount-toryburchshoes.com
Eluxuryclothing.com
etoryburch.com
etoryburchshoes.com
eugg.us
fallinfashion.com
fashion866.com
fashionpursue.com
fashionshop911.com
flatsshoesshop.com
Freeshippinghandbag.com
goodshoesbuy.com
handbag77.com
hotsaletoryburch.com
hotsdeal.com
jimmyboots.com
keenretail.com
keywholesale.com
keywholesaleclothing.com
keywholesaleinc.com
keywholesaleshop.com
likehighheels.com
louboutintime.com
lovetoryburch.com

maiditrade.com
mytoryburch.net
name-brand-online.com
newtoryburch.net
Nikejordancenter.com
onestop-onlineshopping.com
onlytoryburch.com
ontoryburch.com
ontoryburch.net
outlettoryburch.com
pop-luxury.com
poptoryburch.com
saletoryburch.com
sale-toryburch.com
saletoryburchon.com
saletoryburchs.com
sale-toryburchshoes.com
shoesda.com
shoesonshop.net
shoestorecn.com
shoptoryburchoutlet.com
shoptoryburchoutlets.com
Thehouseofgucci.com
thetoryburch2011.com
topsaletoryburch.com
topshoessale.com
topshoestobags.com
tory-burch.us
toryburch2011.com
toryburch2011outlet.com
toryburch2u.com
toryburchaaa.com
toryburchagent.com
toryburchandbag.com
toryburchbag.com
tory-burch-bags.com
toryburchbagsonsale.com
toryburchbest.com
toryburchbooties.com

toryburchbootss.com
toryburchbrand.com
toryburchbrandstore.com
toryburch-buy.com
toryburchcanada.com
toryburchcenter.com
toryburchclassic.com
toryburchclearance.com
toryburchclub.com
toryburchcom.com
toryburchcool.com
toryburchcoupon.com
toryburchdiscount.com
toryburches.com
toryburcheshop.com
toryburchfans.com
toryburchflatsoutlet.org
toryburchflatss.com
toryburchflatssale.org
toryburchflats-store.com
toryburchflipflop.com
toryburchhandbagshop.com
toryburch-home.com
toryburch-hot.com
toryburchking.com
toryburchlover.com
toryburch-mall.com
toryburchmalls.com
toryburchmy.com
toryburchnice.com
toryburchnow.com
toryburchofficial.com
toryburch-official.com
toryburchofficials.com
toryburchok.com
toryburchonlineshop.org
toryburchonsale.com
tory-burch-onsale.com
toryburchonsale.net

toryburch-outlet.com
tory-burch-outlet.com
toryburch--outlet.com
toryburchoutlet.org
toryburch-outlet.us
toryburchoutlet2u.com
toryburchoutlet-mall.com
toryburchoutlets.com
toryburchoutlets.org
toryburchoutletsale.com
toryburchoutletshoes.com
toryburchoutletshop.com
toryburchoutlet-store.com
toryburchoutlett.com
toryburchoutletus.com
toryburchoutlet-us.com
toryburchoutletusa.com
toryburchoutlet--usa.com
toryburchoutlet-usa.net
toryburchphilippines.com
toryburch-retail.com
toryburch-retailshop.com
toryburchreva.net
toryburch-revaflats.com
toryburchrevaflats.org
toryburchrevaoutlet.com
tory-burch-revas.com
toryburchs.com
toryburchs.us
toryburch-sale.com
tory-burch-sale.com
toryburchsale.net
toryburch-sale.net
tory-burch-sale.net
toryburchsale.org
toryburchsale.us
toryburchsale4u.net
toryburchsalenice.com
toryburchsaleonline.com

toryburch-saleonline.com
toryburchsale-outlet.com
toryburchsaler.com
toryburch-saler.com
toryburchsaler.net
toryburchsales.com
toryburchsales.net
toryburchsalesshoes.com
toryburchsale-shoes.com
toryburchsalesshoes.net
toryburchsale-shop.com
toryburchsalesite.com
toryburchsalet.com
toryburchsell.com
toryburch-shoe.com
toryburchshoeonsale.com
toryburch-shoes.us
toryburchshoesale.com
toryburchshoesclearance.org
toryburchshoese.com
toryburchshoes-flats.com
toryburchshoesol.com
toryburchshoes-online.com
toryburchshoesonsale.com
toryburchshoes-onsale.com
toryburchshoesoutlet.com
toryburchshoes-outlet.com
toryburchshoesoutlet.net
toryburchshoesoutlet.us
toryburchshoes-outlets.com
toryburchshoesoutlets.com
toryburchshoes-sale.com
toryburchshoessale.net
toryburchshoessaler.net
toryburchshoessite.com
toryburchshoessite.net
toryburchshoesstore.com
toryburchshoestrade.com
toryburchshoesusa.com

toryburchshoeswholesale.net
toryburchshop.us
toryburchshops.com
toryburchsoutlet.com
toryburchsoutlets.com
toryburchsoutlets.net
toryburchsoutlets.org
toryburchs-sale.com
toryburchssales.com
toryburchsshoe.com
toryburch-store.com
toryburchstores.com
toryburchstoreus.com
toryburchstoreus.org
toryburchsupply.com
toryburchtimes.com
toryburchto.com
toryburchtop.com
toryburchtopsale.com
toryburchtradeonline.com
toryburchuk.com
toryburchus.com
toryburch-us.com
toryburch-usa.com
toryburchwholesale.com
toryburchworlds.com
toryburch-x.com
toryburchyes.com
toryburchzone.com
toryshoes.com
toryburchstores.com
uggbootsell.net
uggjordanghd.com
ugglouboutin.com
usa-toryburchhandbag.com
usa-toryburchoutlet.com
ustoryburchshoes.com
us-toryburchshoes.com
wholesale-go.com

