

1 KILPATRICK TOWNSEND & STOCKTON LLP
DENNIS L. WILSON (Bar No. 155407)
2 DWilson@ktslaw.com
CAROLINE Y. BARBEE (Bar No. 239343)
3 CBarbee@ktslaw.com
1801 Century Park East Suite 2300
4 Los Angeles, CA 90067
Telephone: 310-248-3830
5 Facsimile: 310-860-0363

6 Attorneys for Plaintiff
META PLATFORMS, INC.
7

8 SARA T. SCHNEIDER (SBN 298103)
sara.schneider@afslaw.com
9 OSCAR A. FIGUEROA (SBN 313238)
oscar.figueroa@afslaw.com
10 ARENT FOX SCHIFF LLP
555 West Fifth Street, 48th Floor
11 Los Angeles, CA 90013
Telephone: 213.629.7400
12 Facsimile: 213.629.7401

13 Attorneys for Plaintiffs
CHRISTIAN LOUBOUTIN S.A.S.,
14 CHRISTIAN LOUBOUTIN L.L.C., and
CLERMON ET ASSOCIES
15

16 **UNITED STATES DISTRICT COURT**

17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

18 META PLATFORMS, INC., A DELAWARE
CORPORATION, CHRISTIAN
19 LOUBOUTIN S.A.S., CHRISTIAN
LOUBOUTIN L.L.C., A NEW YORK
20 LIMITED LIABILITY COMPANY, AND
CLERMON ET ASSOCIES,
21

22 Plaintiffs,

23 v.

24 CESAR OCTAVIO GUERRERO ALEJO,

25 Defendant.
26
27
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CASE NO.: 3:23-CV-5923

COMPLAINT

DEMAND FOR JURY TRIAL

1 Plaintiffs Meta Platforms, Inc. (“Meta”), Christian Louboutin S.A.S., Christian Louboutin
2 L.L.C., and Clermon et Associés (collectively, “Louboutin”) allege the following:

3 **INTRODUCTION**

4 1. Meta and Louboutin jointly bring this action in response to Defendant’s unlawful
5 use of Facebook and Instagram to sell counterfeits, including fake Louboutin products. Since at
6 least June 2020 and continuing until at least May 2023, Defendant Cesar Octavio Guerrero Alejo
7 (“Defendant”) has operated an online business, trafficking in illegal counterfeit goods. Defendant
8 used Facebook and Instagram to promote his business selling counterfeit products, including
9 counterfeit Louboutin-branded shoes, handbags, and accessories, in violation of Meta’s terms.
10 Meta has previously disabled Defendant’s accounts and removed posts for promoting the sale of
11 counterfeit goods in violation of Meta’s terms, which prohibit violating the intellectual property
12 rights of others. Despite Meta’s enforcement efforts, Defendant continued to use Facebook and
13 Instagram to promote the sale of Louboutin-branded counterfeit goods and the unauthorized use of
14 several of Louboutin’s registered trademarks, including notably: the CHRISTIAN LOUBOUTIN
15 word mark; the CHRISTIAN LOUBOUTIN and LOUBOUTIN script signature logo marks; and
16 the RED SOLE logo mark (collectively, the “Louboutin marks”).

17 2. Meta brings this action to stop Defendant’s ongoing violation of Meta’s terms.
18 Louboutin brings this action to stop Defendant’s continuing infringement and counterfeiting, false
19 designation of origin, dilution of its valuable trademarks, and unfair competition through
20 Defendant’s unauthorized advertisement, offer for sale, sales, and promotion of counterfeit
21 merchandise bearing the Louboutin marks.

22 **PARTIES**

23 3. Plaintiff Meta Platforms, Inc. is a Delaware corporation with its principal place of
24 business in Menlo Park, California. Meta’s services include the Facebook and Instagram apps.

25 4. Plaintiff Christian Louboutin S.A.S. is a French public limited company with its
26 principal place of business in Paris, France.

27 5. Plaintiff Christian Louboutin L.L.C. is a New York limited liability company with
28 its principal place of business in New York, New York.

1 21. Section 3.1 of the Meta TOS requires users to “[u]se the same name that [they] use
2 in everyday life,” “[p]rovide accurate information about [them]self,” “[c]reate only one account
3 ([their] own),” and use that account “for personal purposes,” and prohibits users from using
4 Facebook if Meta “previously disabled [a user’s] account for violations of [the TOS] or
5 [Facebook] Policies.”

6 22. Section 3.2.1 of the Meta TOS prohibits users from: (a) doing anything “unlawful,
7 misleading, [] or fraudulent”; and (b) doing anything that “infringes or violates someone else’s
8 rights, including their intellectual property rights.”

9 23. Instagram’s TOU prohibit users from (a) “do[ing] anything unlawful, misleading,
10 or fraudulent or for an illegal or unauthorized purpose”; (b) “do[ing] anything that violates
11 someone else’s rights, including intellectual property”; (c) “impersonat[ing] someone or
12 something you aren’t”; (d) “violat[ing] . . . [Instagram] Terms or [Instagram] policies”; and (e)
13 using Instagram if Meta “previously disabled your account for violation of law or any of
14 [Instagram’s] policies.”

15 **C. Meta’s Measures to Protect Intellectual Property Rights**

16 24. Meta prohibits Facebook and Instagram users from posting content that infringes
17 third parties’ intellectual property rights, including copyright infringement, trademark
18 infringement, and the promotion, sale, or advertisement of counterfeit goods. *See, e.g.*, Meta TOS,
19 Sections 3.1 and 3.2.1; Instagram TOU. Meta has a variety of measures and tools in place to help
20 people and organizations protect their intellectual property rights across its platforms and services
21 and to combat infringements, including counterfeits, on its platforms and services.

22 25. Meta operates a global notice-and-takedown program that provides dedicated
23 communication channels for rights holders to report posts or other user-generated content they
24 believe to be infringing, including content on Facebook and Instagram that promotes, advertises,
25 or sells counterfeit goods. Meta makes available publicly accessible reporting forms to streamline
26 and expedite the reporting of intellectual property violations, including a form for reporting
27 counterfeits specifically (available at <https://www.facebook.com/help/contact/628238764025713>).

28 26. Meta employs a global team to review these reports. If a report is complete and

1 valid, Meta promptly removes the reported content (e.g., disables a violating account or removes a
2 violating post). In addition, Meta notifies both the rights holder and the violating user of the fact of
3 and reason for the removal. In the second half of 2022, Facebook and Instagram removed more
4 than 1.7 million posts or other user-generated content based on reports of counterfeit goods.

5 27. Even where a report identifies a single post (for example, a photograph on a
6 Facebook or Instagram account), typically Meta reviews the entire account. If there is evidence of
7 widespread infringement, rather than remove only the reported post, Meta disables the account.
8 Likewise, Meta disables the accounts of Facebook and Instagram users who repeatedly violate the
9 Terms prohibiting violations of the intellectual property rights of others. This “repeat infringer”
10 policy applies to numerous surfaces, including Facebook accounts, Pages, groups, ad accounts,
11 and Instagram accounts. When a repeat infringer’s account is disabled, Meta informs the user that
12 they are no longer permitted to use its service.

13 **D. Louboutin’s Rights and Anti-Counterfeiting Efforts**

14 28. Founded in 1991 in Paris, France, the Christian Louboutin brand is one of the most
15 well-known, valuable, and popular luxury brands known worldwide for its trend setting, bold, and
16 high-end designs. The brand, immediately recognizable by its signature, and trademarked, red
17 soles, has garnered a celebrity following, including among many others, Beyoncé, Taylor Swift,
18 Sarah Jessica Parker, and Jennifer Lopez, and has been featured in music, television, and movies
19 as a symbol of success and luxury.

20 29. The Christian Louboutin name and mark was first used in the United States in
21 1992. Since that time, Louboutin has sold shoes in high-end department stores throughout the
22 United States. The Louboutin brand has also expanded its product offerings to include, *inter alia*,
23 men’s shoes, belts, handbags, beauty products, and other accessories. These products are
24 distributed and sold throughout the United States under the Louboutin marks, including notably
25 the CHRISTIAN LOUBOUTIN word mark; the CHRISTIAN LOUBOUTIN and LOUBOUTIN
26 script signature logo marks; the RED SOLE position mark; and the RED SOLE logo mark.



27 30. The Louboutin-branded products can be found at its many Louboutin retail
28 boutiques as well as through its official website, <https://us.christianlouboutin.com/>. Louboutin-

1 branded products are also sold online and in-store at select high-end department stores, including
 2 Nordstrom, Bloomingdales, Neiman Marcus, and Saks Fifth Avenue, among others.



3 31. Every year, Louboutin spends millions in promoting products offered under the
 4 Louboutin marks. Louboutin further has maintained its status as a top designer by employing the
 5 highest standards for craftsmanship and materials. Louboutin’s efforts have resulted in high
 6 quantities of sales in the United States.




7 32. As a result of effective promotion and sales, the Louboutin marks are instantly
 8 recognizable to the general public and exclusively associating Louboutin as the sole source of
 9 products bearing, and sold under, the Louboutin marks and signaling the high quality of those
 10 products. The Louboutin marks are tremendously valuable assets of Louboutin as a result of their
 11 acquisition of substantial goodwill and secondary meaning in the marketplace.

12 33. Louboutin owns several federal trademark registrations in addition to its
 13 widespread common law rights in the world-famous Louboutin marks, including:

Trademark	Class and Description of Goods and Services	Reg. Date
 1,816,940	IC 025. US 039. G&S: shoes	1/18/94
 3,361,597	IC 025. US 022 039. G&S: women’s high fashion designer footwear.	1/1/08
CHRISTIAN LOUBOUTIN 3,425,538	IC 018. US 001 002 003 022 041. G&S: handbags, evening handbags	5/13/08
CHRISTIAN LOUBOUTIN 3,206,366	IC 025. US 022 039. G&S: Footwear [, headwear]	2/6/07

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 3,376,197	<p>IC 018. US 001 002 003 022 041. G&S: [Leather and imitation leather, animal skins and animal hides; trunks, chests and suitcases; umbrellas, parasols and walking sticks; whips, harnesses and saddlery;] shoulder bags, 'eggars' bags, handbags, leather shopping bags, rucksacks, travelling bags, college satchels, [beach bags,] school bags, satchels, [leather bags for merchandise packaging and] pouches of leather; [garment bags for travel;] leather or imitation leather goods, namely, leather bags, [suitcases and] wallets, [leather for shoes;] purses not of precious metal, wallets with card compartments [, attaché cases; travel sets comprising bags, suitcases and cases] [; unfitted vanity cases sold empty]</p> <p>IC 025. US 022 039. G&S: Footwear [, headwear; gloves, belts] [; scarves]</p>	1/29/08
 3,876,383	<p>IC 025. US 022 039. G&S: Footwear, except orthopedic footwear</p>	11/16/10
LOUBI 4,654,832	<p>IC 003. US 001 004 006 050 051 052. G&S: Cosmetics, perfumery products, [non-medicated preparations for skin care, bath soaps; bath and body products, namely, shower and bath gels, oils and beads; nail care preparations;] nail polish; lipstick [, cosmetic preparations for eyelashes]</p> <p>IC 018. US 001 002 003 022 041. G&S: [Goods made of leather and imitation leather not included in other classes, namely, key cases, document cases, hat boxes of leather, satchels, leather travel sets, namely, leather baggage;] beach bags, garment bags for travel, [leather or leather-board boxes;] trunks and traveling bags; handbags; wallets; [backpacks; leather briefcases; cases of leather or leatherboard; leather suitcases; coin purses;] purses; carrier bags [; baskets of leather] ; evening bags</p> <p>IC 025. US 022 039. G&S: Footwear</p>	12/16/14

<p>1 </p> <p>2</p> <p>3</p> <p>4</p> <p>5 4,438,425</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p>	<p>IC 003. US 001 004 006 050 051 052. G&S: (Based on 44(e)) Cosmetics; perfumery; [non- medicated skin care preparations; bath soaps; bath and body products, namely, bath and shower gels, oils and beads; nail care preparations;] nail polishes IC 009. US 021 023 026 036 038. G&S: (Based on 44(e)) Protective covers and cases for cell phones [, laptops, tablet computers, reading devices, and portable media players] IC 014. US 002 027 028 050. G&S: (Based on 44(e)) Jewelry [, watches, watch bands] IC 016. US 002 005 022 023 029 037 038 050. G&S: (Based on 44(e)) [Paper shopping bags,] cardboard shoe boxes. IC 018. US 001 002 003 022 041. G&S: (Based on 44(e)) (Based on Use in Commerce) Handbags, evening bags, wallets, travel bags, purses, tote bags. IC 025. US 022 039. G&S: [(Based on 44(e)) Hosiery, stockings, tights;] (Based on Use in Commerce) Footwear. IC 035. US 100 101 102. G&S: (Based on 44(e)) Retail store services and online retail store services featuring perfumes and cosmetics; (Based on Use in Commerce) Retail store services and online retail store services featuring footwear, handbags, evening bags.</p>	<p>11/26/13</p>
<p>20 </p> <p>21</p> <p>22</p> <p>23</p> <p>24 4,442,328</p>	<p>IC 009. US 021 023 026 036 038. G&S: Protective covers and cases for [tablet computers,] reading devices and portable media players. IC 018. US 001 002 003 022 041. G&S: Handbags, evening bags, wallets, travel bags, purses, tote bags.</p>	<p>12/3/13</p>
<p>25 </p> <p>26 6,852,768</p>	<p>IC 018. US 001 002 003 022 041. G&S: Handbags; evening bags; wallets; purses; tote bags; backpacks; all-purpose carrying bags; beach bags; travel bags; leather shoulder bags.</p>	<p>11/20/22</p>

27 Copies of the certificates of registration for the U.S. Louboutin marks are attached hereto as

28 **Exhibit 1.** These registrations are valid and subsisting, and U.S. Reg. Nos. 1,816,940; 3,361,597;

1 3,425,538; 3,206,366; 3,376,197; 3,876,383; 4,654,832; 4,438,425; and 4,442,328 are
2 incontestable.

3 34. Louboutin makes significant efforts to protect its valuable intellectual property to
4 safeguard its legacy and its customers from infringers and counterfeiters worldwide. To that end,
5 Louboutin has adopted a zero-tolerance policy and has put in place a comprehensive program to
6 deal with bad actors attempting to sell fake Louboutin merchandise. Through its “Stopfake” online
7 program (<https://stopfake.christianlouboutin.com/en/>), Louboutin has endeavored to educate and
8 encourage consumers to spot and avoid counterfeit Louboutin-branded products.

9 35. Louboutin actively cooperates and partners with U.S. Customs and Border
10 Protection and other law enforcement agencies in the United States and around the world to
11 identify and combat illegal counterfeiting. Louboutin regularly pursues legal action to stop online
12 counterfeiters. Examples of recent seizures of counterfeit Louboutin-branded merchandise include
13 the following:

<u>DATE</u>	<u>COUNTRY</u>	<u>CONTENT</u>
December 9, 2022	China	Seizure of 186 counterfeiting goods by Customs
October 19, 2022	Bulgaria	Seizure of 65 counterfeiting goods by Customs
October 11, 2022	United States	Seizure of 479 counterfeiting goods by Customs
October 7, 2022	Italy	Seizure of 142 counterfeiting goods by Customs
September 9, 2022	China	Seizure of 960 counterfeiting goods by Customs
June 16, 2022	China	Raid, with the help of local authorities, leading to the seizure of 83.800 packaging items
May 19, 2022	South Africa	Seizure of 96 counterfeiting goods by Customs
April 7, 2022	Malaysia	Seizure of 2060 counterfeiting goods by Customs
March 10, 2022	South Africa	Seizure of 102 counterfeiting goods by Customs
January 24, 2022	Switzerland	Seizure of 95 counterfeiting goods by Customs
January 18, 2022	China	Raid, with the help of local authorities, leading to the seizure of 672 counterfeiting goods
January 18, 2022	China	Raid, with the help of local authorities, leading to the seizure of 1060 packaging items

24 36. Partnering with Meta, Louboutin is bringing this action to deter Defendant from his
25 continued advertisement, promotion, offers for sale, and sales of low-quality copies of Louboutin
26

1 goods at high price points for counterfeits.

2 **E. Defendant Accepted the Meta and Instagram Terms**

3 37. At all relevant times, Defendant was bound by Meta’s and Instagram’s Terms and
4 Policies.

5 38. Between May 3, 2010 and January 11, 2023, Defendant created and maintained at
6 least 44 Facebook user accounts. For example:

- 7 a. On May 3, 2010, Defendant created a Facebook user account with the username
8 “Cesar Guerrero.”
- 9 b. On August 23, 2020, Defendant created a Facebook user account with the
10 username “RC Shop.”
- 11 c. On November 8, 2022, Defendant created a Facebook user account with the
12 username “BuchiFresa Store.”
- 13 d. On January 9, 2023, Defendant created a Facebook user account with the name
14 “ventas_cln_mx.”
- 15 e. On January 10, 2023, Defendant created a Facebook user account with the name
16 “shopping_luxury_02.”
- 17 f. On January 11, 2023, Defendant created a Facebook account with the name
18 “shopcg.”

19 39. Between October 15, 2015 and December 28, 2022, Defendant created and
20 maintained at least 32 Instagram accounts. For example:

- 21 a. On October 15, 2015, Defendant created an Instagram account with the name
22 “porte_luxury.”
- 23 b. On December 11, 2016, Defendant created an Instagram account with the name
24 “shopping_luxury_02.”
- 25 c. On March 10, 2017, Defendant created an Instagram account with the name
26 “rc_shop_cln.”
- 27 d. On February 11, 2018, Defendant created an Instagram account with the name
28 “shopcg_cln.”

1 e. On November 30, 2022, Defendant created an Instagram account with the name
2 “el_oso_shop.”

3 f. On December 28, 2022, Defendant created an Instagram account with the name
4 “shop_rcve.”

5 40. Defendant also created and maintained at least 30 Facebook Pages, 19 Business
6 Manager accounts, and 19 ad accounts.

7 **F. Overview of Defendant’s Counterfeiting Business**

8 41. Since at least June 2020, Defendant has used a web of Facebook and Instagram
9 accounts to promote his business in violation of the Terms. On his Facebook and Instagram
10 accounts and Facebook Pages, Defendant offered for sale branded, luxury “clothes and accessories
11 for women and men” to consumers and resellers and promised “100% secure shipments” “to all of
12 Mexico and the United States.” *See, e.g.*, Figures 1 and 2, *infra*.

13 42. As early as June 2020, Defendant’s Facebook and Instagram accounts and
14 Facebook Pages listed dozens of counterfeit products for sale featuring designer brand names,
15 including Louboutin. On Facebook and Instagram, Defendant has used spurious marks that are
16 identical to, or substantially indistinguishable from, or are otherwise confusingly similar to the
17 Louboutin Marks, without Louboutin’s authorization. Defendant has used these spurious marks in
18 connection with various products, including shoes and belts.

19 43. Defendant offered and sold Louboutin-branded goods that were not genuine
20 products of Louboutin and that were materially different from Louboutin’s genuine products.
21 Further, Defendant was not an authorized reseller of authentic Louboutin goods. Louboutin did not
22 approve Defendant’s actions.

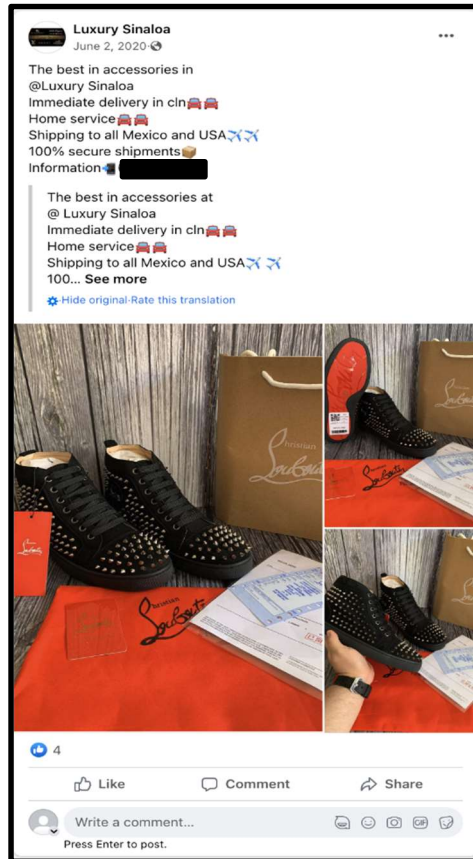
23 **G. Defendant Promoted the Sale of Counterfeit Goods on Facebook and**
24 **Instagram in Violation of the Terms**

25 44. Between at least June 2020 and November 2023, Defendant used his Facebook and
26 Instagram accounts to promote counterfeit goods offered for sale. Defendant used Louboutin-
27 branded products in these promotional posts.

28 45. For example, on June 2, 2015, Defendant created a Facebook Page called “Luxury

1 Sinaloa.” **Figure 1** is a screenshot of a June 2, 2020 post on the Luxury Sinaloa Page including
 2 contact information for the Defendant and a pair of Louboutin-branded sneakers for sale.¹ On
 3 November 16, 2023, Meta disabled “Luxury Sinaloa” for violating Meta’s Terms of Service
 4 against violating third parties’ intellectual property rights.

5 **Figure 1: Defendant’s Counterfeit Louboutin Sneakers**



20 46. On February 11, 2018, Defendant created an Instagram account with the username
 21 “shopcg_cln.” **Figure 2** is a screenshot of a January 30, 2023 post including contact information
 22 for Defendant and three Louboutin-branded sneakers. On November 16, 2023, Meta disabled the
 23 “shopcg_cln” account for violating Instagram’s Terms against violating third parties’ intellectual
 24 property rights.

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28 ¹ Figures 1 & 2 reflect machine translations using open source tooling to convert Spanish text to English. Telephone numbers have been redacted from Figures 1 & 2.

Figure 2: Defendant's Counterfeit Louboutin Sneakers

47. On or around May 13, 2023, Louboutin's agent purchased a pair of counterfeit shoes from Defendant advertised on his Instagram account, "el_oso_shop." Louboutin's agent communicated with Defendant through WhatsApp and made payment to Defendant through a Western Union location in the San Francisco area. Defendant confirmed receipt of the Western Union payment on the same day. On May 17, 2023, Louboutin's agent received a DHL shipment at its San Francisco, California address with a return address from Culiacán, Sinaloa. The shipment contained a box with a pair of shoes in a white cloth bag with multiple references to "Christian Louboutin."

Figure 3 includes photographs of the counterfeit shoes that Louboutin's agent received from Defendant on May 17, 2023 at its San Francisco, California address after completing the purchase. Louboutin has confirmed that the shoes purchased from Defendant are not genuine and are counterfeit.

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Figure 3: Defendant's Counterfeit Sneakers



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1 distribute, offer for sale, or sell goods bearing the Louboutin marks when Defendant was not so
2 authorized.

3 64. Defendant's use was done willfully and with knowledge that such use would and
4 was likely to cause confusion and deceive the relevant audience.

5 65. As a direct and proximate result of Defendant's trademark infringement and false
6 designation of origin, Louboutin has been damaged within the meaning of 15 U.S.C. § 1114 *et*
7 *seq.*

8 66. Louboutin has suffered damages in an amount to be determined or in the statutory
9 amount. Statutory damages up to the maximum for willful infringement are warranted. Louboutin
10 is also entitled to damages in the form of reasonable royalties. Further, corrective advertising is
11 necessary to remedy the misimpressions and false association already proliferated by Defendant in
12 the marketplace.

13 67. Louboutin is further entitled to disgorge Defendant's profits for his willful and
14 reckless sales and unjust enrichment, including ongoing infringement, and because of the breadth
15 of usage with either the failure to run an adequate trademark search or, if known, in complete
16 disregard of Plaintiff's prior rights. Such disgorgement is necessary due to the mental state of the
17 infringement, unjust enrichment and/or to deter future infringement by Defendant and others
18 similarly situated.

19 68. This case qualifies as an "exceptional case" within the meaning of 15 U.S.C. §
20 1117(a) in that Defendant's acts were willful, in willful blindness and reckless disregard, and in
21 bad faith, entitling Louboutin to its attorney's fees and an enhancement of damages, including a
22 trebling of its damages and/or disgorged profits.

23 69. As a direct result of Defendant's willful and unlawful actions, Louboutin has
24 suffered and continues to suffer irreparable harm and damages, including damage to and
25 diminution in value of the Louboutin marks, necessary corrective advertising, lost sales, and loss
26 of brand control. Louboutin's remedy at law is not adequate to compensate for injuries inflicted by
27 Defendant. Thus, Louboutin is entitled to injunctive relief.

28

THIRD CAUSE OF ACTION

UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN, 15 U.S.C. § 1125

(By Louboutin against Defendant)

70. Louboutin repeats and incorporates all other paragraphs as if fully set forth herein.

71. Louboutin is the owner of the Louboutin marks.

72. Defendant's use of the Louboutin marks has caused confusion in the marketplace, is likely to cause both confusion and mistake, is likely to deceive consumers or result in the belief that Defendant is legitimately connected with, sponsored by, or licensed or approved by Louboutin. As a result of Defendant's unauthorized use of the Louboutin marks, the public is likely to be misled and confused as to the source, sponsorship, or affiliation of Defendant's counterfeit merchandise.

73. Defendant's use was done willfully and with knowledge that such use would and was likely to cause confusion and deceive the relevant audience.

74. As a direct and proximate result of Defendant's trademark infringement and false designation of origin, Louboutin has been damaged within the meaning of 15 U.S.C. § 1125(a).

75. Louboutin has suffered damages in an amount to be established after proof at trial.

76. Louboutin is further entitled to disgorge Defendant's profits for its willful sales and unjust enrichment. In addition, disgorgement is warranted to deter further infringement by Defendant and others similarly situated.

77. This case qualifies as an "exceptional case" within the meaning of 15 U.S.C. § 1117(a) in that Defendant's acts were willful, in willful blindness and reckless disregard, and taken in bad faith, entitling Louboutin to its attorneys' fees and an enhancement of damages, including a trebling of its damages and/or disgorged profits. Louboutin is also entitled to reasonable royalties as damages.

78. As a direct result of Defendant's willful and unlawful actions, Louboutin has suffered and continues to suffer irreparable harm, including damage to and diminution in value of the Louboutin marks. Louboutin's remedy at law is not adequate to compensate for injuries inflicted by Defendant. Thus, Louboutin is entitled to injunctive relief.

FOURTH CAUSE OF ACTION

TRADEMARK DILUTION, 15 U.S.C. § 1125

(By Louboutin against Defendant)

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4 79. Louboutin repeats and incorporates all other paragraphs as if fully set forth herein.

5 80. The Louboutin marks are famous, well-known and distinctive and have been for
6 many years. The Louboutin marks achieved such status long prior to Defendant's infringing
7 activities.

8 81. Defendant's unauthorized advertisement, promotion, display, offer for sale, sales,
9 and distribution of counterfeit merchandise bearing the Louboutin marks in commerce is likely to
10 impair the distinctive quality of, and harm the reputation of, Louboutin's distinctive, well-known
11 and famous Louboutin marks.

12 82. Defendant's unauthorized advertisement, promotion, display, offering for sale,
13 sales, and distribution of counterfeit merchandise bearing the Louboutin marks in commerce is
14 likely to cause dilution by blurring the exclusive association consumers have when exposed to the
15 Louboutin marks, that is, consumer identification of the Louboutin marks as originating from a
16 single source, namely Louboutin.

17 83. Moreover, because Defendant's counterfeit merchandise is not subject to
18 Louboutin's quality control standards, Defendant's unauthorized advertisement, promotion,
19 display offering for sale, sales, and distribution of counterfeit merchandise bearing the Louboutin
20 marks is likely to cause dilution by tarnishing the reputation that Louboutin has built up and
21 enjoys in its high-quality Louboutin products under the Louboutin marks.

22 84. Defendant's acts as alleged herein constitute dilution by blurring and dilution by
23 tarnishment in violation of 15 U.S.C. § 1125(c).

24 85. Defendant's use of the Louboutin marks is deliberate, willful, fraudulent, and
25 constitutes knowing dilution of the Louboutin marks.

26 86. By reason of Defendant's acts as alleged herein, Louboutin has suffered and will
27 continue to suffer monetary damages and irreparable harm to the value and goodwill of the
28 Louboutin marks, as well as irreparable harm to Louboutin's business, goodwill, and reputation.

1 Louboutin has no adequate remedy at law because damage to its goodwill and reputation are
2 continuing and difficult to ascertain.

3 **FIFTH CAUSE OF ACTION**

4 **COMMON LAW TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION**

5 ***(By Louboutin against Defendant)***

6 87. Louboutin repeats and incorporates all other paragraphs as if fully set forth herein.

7 88. Louboutin has federal and common law rights throughout the entire United States
8 to the Louboutin marks, including, but not limited to under the common law of the State of
9 California.

10 89. Defendant committed acts of unfair competition, including trademark infringement,
11 false designation of origin, trademark dilution, unlawful business practices, and related
12 misconduct referred to in this Complaint. These actions constitute unlawful, unfair or fraudulent
13 business acts or practices, and/or unfair, deceptive, untrue or misleading business practices. The
14 actions cause confusion or misunderstanding as to the source, sponsorship, approval, or
15 certification of goods or services and were done in connection with sales and/or advertising. These
16 actions were intentional and knowing acts of infringement through use of the Louboutin marks on
17 counterfeit merchandise. Further, such wrongful conduct threatens and/or harms consumers and
18 competitors and competition in the industry.

19 90. As a direct and proximate result of Defendant's wrongful acts, Louboutin has
20 suffered and continues to suffer substantial pecuniary losses and irreparable injury to its business
21 reputation and goodwill. As such, Louboutin's remedy at law is not adequate to compensate for
22 injuries inflicted by Defendant, Louboutin is entitled to injunctive relief.

23 91. By reason of such wrongful acts, Louboutin is, was, and will be in the future,
24 deprived of, among other damages, the profits and benefits of business relationships, agreements,
25 and transactions with various third parties and/or prospective business relationships. Defendant
26 has wrongfully obtained profit and benefits instead of Louboutin. As a result, Louboutin is entitled
27 to compensatory damages and disgorgement of Defendant's said profits in an amount to be proven
28 at trial. In addition, profits should be disgorged as deterrence, for willful infringement and unjust

1 enrichment. The damages and/or profits awarded should be trebled or enhanced.

2 92. Defendant's acts as alleged above were done with malice and oppression, thus
3 entitling Louboutin to exemplary and punitive damages for common law trademark infringement
4 and unfair competition pursuant to California Civil Code § 3294.

5 93. Louboutin is entitled to its reasonable attorneys' fees under California state law.

6 **SIXTH CAUSE OF ACTION**

7 **VIOLATION OF BUS. & PROF. CODE § 17200**

8 ***(By Louboutin against Defendant)***

9 94. Louboutin repeats and incorporates all other paragraphs as if fully set forth herein.

10 95. Defendant's acts of trademark infringement, false designation of origin, and
11 trademark dilution constitute unfair competition with Louboutin under the common law and
12 statutory laws of the State of California, particularly California Business & Professions Code
13 § 17200, *et seq.*

14 96. Defendant's conduct is unfair because it allows him to benefit unjustly by virtue of
15 the goodwill and reputation associated with Louboutin, the Louboutin marks, and its goods and
16 services. Defendant has intentionally violated, and continues to violate, Louboutin's rights in the
17 Louboutin marks and related commercial benefits.

18 97. Defendant's conduct is likely to confuse the public as to whether Defendant's
19 counterfeit merchandise is somehow related to, or approved or sponsored by, Louboutin.

20 98. As a direct, proximate, and foreseeable result of Defendant's wrongful conduct,
21 Defendant has derived and received, and will continue to derive and receive, gains, profits, and
22 advantages from its unfair competition in an amount to be proven at trial.

23 99. By reason of Defendant's wrongful acts as alleged in this Complaint, Louboutin
24 has suffered and will suffer monetary damages.

25 100. Louboutin, and the public at large, have been, and continue to be, irreparably
26 damaged by Defendant's willful violation of California State law, common law, and the Lanham
27 Act, and Louboutin has no adequate remedy at law because damage to its goodwill and reputation
28 are continuing and difficult to ascertain. Unless enjoined, Defendant's unlawful and unfair conduct

1 will continue, further injuring Louboutin and confusing the public.

2 **SEVENTH CAUSE OF ACTION**

3 **BREACH OF CONTRACT UNDER CALIFORNIA LAW**

4 ***(By Meta against Defendant)***

5 101. Meta repeats and incorporates all other paragraphs as if fully set forth herein.

6 102. Defendant created and used Facebook and Instagram accounts, thereby agreeing to
7 the Meta and Instagram Terms. Meta’s and Instagram’s Terms constitute valid and enforceable
8 agreements between Defendant and Meta.

9 103. Meta has performed all conditions, covenants, and promises required of it in
10 accordance with its agreements with Defendant.

11 104. Since at least June 2020, and continuing to the present, Defendant has used a web
12 of Facebook and Instagram accounts to promote the sale of counterfeit Louboutin goods.

13 105. Defendant has breached and continues to breach Meta’s Term 3.1, which requires
14 users to: (i) “[u]se the same name that [they] use in everyday life,” (ii) “[p]rovide accurate
15 information about [them]self”; (iii) [c]reate only one account ([their] own)”; and (iv) and use their
16 account “for personal purposes.”

17 106. Defendant has breached and continues to breach the Instagram Terms and Meta’s
18 Term 3.2.1, which prohibit users from: (i) using Facebook and Instagram if Meta “previously
19 disabled [a user’s] account for violations of [the TOS/TOU] or [Facebook/Instagram] Policies”;
20 (ii) doing anything “unlawful, misleading, [] or fraudulent”; and (iii) doing anything that
21 “infringes or violates someone else’s rights, including their intellectual property rights.”

22 107. Defendant’s many breaches have caused Meta to incur damages in excess of
23 \$75,000, in an amount to be determined at trial.

24 108. Defendant has demonstrated a pattern of creating new accounts after previously
25 created accounts have been disabled, establishing a pattern of recidivism and attempts to bypass
26 Meta’s prior enforcement efforts.

27 109. Meta is, therefore, entitled to a permanent injunction against Defendant as set forth
28 in the Prayer for Relief below to stop Defendant’s persistent breaches.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request judgment against Defendant as follows:

1. That the Court enter judgment against Defendant that Defendant has:
 - a. Breached Defendant’s contracts with Meta in violation of California law;
 - b. Violated 15 U.S.C. § 1125(a) and (c) by willfully infringing the Louboutin marks by using false designation of origin and dilution, through the advertising, promotion, offer for sale, and sales of Defendant’s counterfeit merchandise; and 15 U.S.C. § 1114 by willfully infringing the Louboutin marks;
 - c. Unfairly competed with Louboutin in violation of Cal. Bus. & Professions Code §§ 17200; and
 - d. Infringed and unfairly competed with Louboutin in violation of the common law of the State of California.

2. That the Court enter a permanent injunction enjoining and restraining Defendant and his agents, servants, employees, successors, and assigns, and all other persons acting in concert or conspiring with any of them or who are affiliated with Defendant (collectively, the “Enjoined Parties”) from:
 - a. Accessing or attempting to access Meta’s services, platforms, and computer systems, including notably Facebook and Instagram;
 - b. Creating or maintaining any Facebook or Instagram accounts in violation of the Terms, including the Meta TOS and Instagram TOU;
 - c. Engaging in any activity, or facilitating others to do the same, that violates the Terms, including the Meta TOS and Instagram TOU;
 - d. Using the Louboutin marks, or any other mark likely to cause confusion or mistake with the Louboutin marks (including any alternative spellings or variations of those marks) in, on, or with any products or services, or in connection with the advertising, marketing, or other promotion, distribution, offering for sale, or sale, of any products or services, including on websites or social media;

- 1 e. Using any false designation of origin, false representation, or any false or
2 misleading description of fact, that can, or is likely to lead the consuming
3 public or individual members thereof, to believe that any products or services,
4 offered, promoted, marketed, advertised, provided, sold, or otherwise
5 distributed by the Enjoined Parties are in any manner associated or connected
6 with Louboutin, or are licensed, approved, or authorized in any way by
7 Louboutin;
- 8 f. Representing, suggesting in any fashion to any third party, or performing any
9 act that may give rise to the belief that the Enjoined Parties, or any of their
10 products or services, are related to, or authorized or sponsored by, Louboutin;
- 11 g. Registering or maintaining any domain names in the Enjoined Parties'
12 possession, custody, or control that include the word "Christian Louboutin"
13 (including any similar alternative spellings or variations of the word), or that
14 are otherwise confusingly similar to the Louboutin marks;
- 15 h. Registering or maintaining any social media accounts (such as YouTube,
16 LinkedIn, Facebook, Instagram, WhatsApp, or X (formerly Twitter)) that
17 promote the Louboutin marks (including any alternative spellings or variations
18 of the marks);
- 19 i. Unfairly competing with Louboutin in any manner whatsoever, or engaging in
20 any unfair, fraudulent, or deceptive business practices that are related in any
21 way to the production, distribution, marketing, offer for sale, and/or sale of
22 products and services bearing the Louboutin marks, or any other mark or trade
23 name likely to cause confusion with the Louboutin marks or trade name
24 (including any alternative spellings or variations of those marks); and
- 25 j. Applying for or seeking to register any other mark likely to cause confusion or
26 mistake with the Louboutin marks (including any alternative spellings or
27 variations of the mark or trade name);
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- 3. That the Court enter judgment against Defendant requiring Defendant:
 - a. To destroy any remaining inventory of merchandise as well as any and all advertising and promotional materials, displays, marketing materials, web pages, and all other data or things that use the words “Christian Louboutin” (including any similar alternative spellings or variations of the words), or that are otherwise confusingly similar to the Louboutin marks; and
 - b. To file with this Court and serve on Plaintiffs within thirty days after the service of the injunction, a report, in writing, under oath, setting forth in detail the manner and form in which it has complied with the injunction pursuant to 15 U.S.C. § 1116;
- 4. That the Court enter judgment against Defendant, awarding Plaintiffs:
 - a. Restitution and disgorgement;
 - b. Treble damages, in an amount to be proven at trial, pursuant to 15 U.S.C. § 1117;
 - c. Costs, reasonable attorneys’ fees, and investigators’ fees incurred in this action as permitted by law;
 - d. Pre-judgment interest on their judgment; and
 - e. Such other and further relief as the Court may deem just and proper.

DATED: November 16, 2023

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

By: /s/ Caroline Y. Barbée
DENNIS L. WILSON
CAROLINE Y. BARBEE

Attorneys for Plaintiff
META PLATFORMS, INC.

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DATED: November 16, 2023

Respectfully submitted,

ARENT FOX SCHIFF LLP.

By: /s/ Sara T. Schneider

SARA T. SCHNEIDER
OSCAR A. FIGUEROA

Attorneys for Plaintiffs
CHRISTIAN LOUBOUTIN S.A.S.,
CHRISTIAN LOUBOUTIN L.L.C., and
CLERMON ET ASSOCIES

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38, Plaintiffs hereby demand a trial by jury on all issues triable to a jury.

DATED: November 16, 2023

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

By: /s/ Caroline Y. Barbee

DENNIS L. WILSON
CAROLINE Y. BARBEE

Attorneys for Plaintiff
META PLATFORMS, INC.

DATED: November 16, 2023

Respectfully submitted,

ARENT FOX SCHIFF LLP.

By: /s/ Sara T. Schneider

SARA T. SCHNEIDER
OSCAR A. FIGUEROA

Attorneys for Plaintiffs
CHRISTIAN LOUBOUTIN S.A.S.,
CHRISTIAN LOUBOUTIN L.L.C., and
CLERMON ET ASSOCIES

EXHIBIT 1

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office **Reg. No. 1,816,940**
Registered Jan. 18, 1994

**TRADEMARK
PRINCIPAL REGISTER**



CHRISTIAN LOUBOUTIN S.A.R.L. (FRANCE
CORPORATION)
19, RUE JEAN-JACQUES ROUSSEAU
75001 PARIS, FRANCE

"CHRISTIAN LOUBOUTIN" IDENTIFIES A
LIVING INDIVIDUAL WHOSE CONSENT IS
OF RECORD.

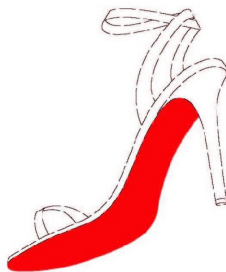
FOR: SHOES, IN CLASS 25 (U.S. CL. 39).
FIRST USE 7-0-1992; IN COMMERCE
7-0-1992.

SER. NO. 74-326,084, FILED 10-27-1992.

PAUL KRUSE, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office



Reg. No. 3,361,597

Registered Jan. 1, 2008

Corrected May 7, 2013

Int. Cl.: 25

CHRISTIAN LOUBOUTIN (FRANCE INDIVIDUAL)
24 RUE VICTOR MASSÉ
PARIS, FRANCE 75009

FOR: WOMEN'S HIGH FASHION DESIGNER FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 0-0-1992; IN COMMERCE 0-0-1992.

TRADEMARK

THE COLOR(S) RED IS/ARE CLAIMED AS A FEATURE OF THE MARK.

PRINCIPAL REGISTER

THE MARK CONSISTS OF A RED LACQUERED OUTSOLE ON FOOTWEAR THAT CONTRASTS WITH THE COLOR OF THE ADJOINING ("UPPER") PORTION OF THE SHOE. THE DOTTED LINES ARE NOT PART OF THE MARK BUT ARE INTENDED ONLY TO SHOW PLACEMENT OF THE MARK.

SEC. 2(F).

SER. NO. 77-141,789, FILED 3-27-2007.



Lisa Street Lee

Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

Int. Cl.: 18

Prior U.S. Cls.: 1, 2, 3, 22 and 41

United States Patent and Trademark Office

Reg. No. 3,425,538

Registered May 13, 2008

**TRADEMARK
PRINCIPAL REGISTER**

CHRISTIAN LOUBOUTIN

CHRISTIAN LOUBOUTIN (FRANCE INDIVIDUAL)

24 RUE VICTOR MASSE

PARIS, FRANCE 75009

FOR: HANDBAGS, EVENING HANDBAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 7-0-2002; IN COMMERCE 7-0-2002.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 1,816,940.

SER. NO. 77-157,389, FILED 4-16-2007.

BENJAMIN OKEKE, EXAMINING ATTORNEY

Int. Cls.: 18 and 25

Prior U.S. Cls.: 1, 2, 3, 22, 39 and 41

United States Patent and Trademark Office

Reg. No. 3,206,366

Registered Feb. 6, 2007

**TRADEMARK
PRINCIPAL REGISTER**

CHRISTIAN LOUBOUTIN

CHRISTIAN LOUBOUTIN (FRANCE INDIVIDUAL)

24, RUE VICTOR MASSÉ

F-75009 PARIS

FRANCE

FOR: LEATHER AND IMITATION LEATHER, ANIMAL SKINS, ANIMAL HIDES, TRUNKS AND SUITCASES, UMBRELLAS, PARASOLS AND WALKING STICKS, WHIPS AND SADDLERY, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FOR: FOOTWEAR, HEADWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF INTERNATIONAL REGISTRATION 0787286 DATED 6-28-2002, EXPIRES 6-28-2012.

OWNER OF U.S. REG. NO. 1,816,940.

SER. NO. 79-013,759, FILED 5-23-2005.

ANDREA K. NADELMAN, EXAMINING ATTORNEY

Int. Cls.: 18 and 25

Prior U.S. Cls.: 1, 2, 3, 22, 39 and 41

United States Patent and Trademark Office

Reg. No. 3,376,197

Registered Jan. 29, 2008

**TRADEMARK
PRINCIPAL REGISTER**



LOUBOUTIN CHRISTIAN (FRANCE INDIVIDUAL)
24, RUE VICTOR MASSÉ
F-75009 PARIS, FRANCE

FOR: LEATHER AND IMITATION LEATHER, ANIMAL SKINS AND ANIMAL HIDES; TRUNKS, CHESTS AND SUITCASES; UMBRELLAS, PARASOLS AND WALKING STICKS; WHIPS, HARNESSES AND SADDLERY; SHOULDER BAGS, BEGGAR'S BAGS, HANDBAGS, LEATHER SHOPPING BAGS, RUCKSACKS, TRAVELLING BAGS, COLLEGE SATCHELS, BEACH BAGS, SCHOOL BAGS, SATCHELS, LEATHER BAGS FOR MERCHANDISE PACKAGING AND POUCHES OF LEATHER; GARMENT BAGS FOR TRAVEL; LEATHER OR IMITATION LEATHER GOODS, NAMELY, LEATHER BAGS, SUITCASES AND WALLETS, LEATHER FOR SHOES; PURSES NOT OF PRECIOUS METAL, WALLETS WITH CARD COMPARTMENTS, ATTACHÉ CASES; TRAVEL SETS COMPRISING BAGS, SUITCASES AND CASES; UNFITTED VANITY CASES SOLD EMPTY, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FOR: FOOTWEAR, HEADWEAR; GLOVES, BELTS; SCARVES, IN CLASS 25 (U.S. CLS. 22 AND 39).

PRIORITY DATE OF 3-8-2006 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 0902955 DATED 8-29-2006, EXPIRES 8-29-2016.

THE COLOR(S) RED IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE COLOR RED APPEARS IN THE DESIGN REPRESENTING A STYLIZED RED SOLE.

SER. NO. 79-030,715, FILED 8-29-2006.

STEVEN JACKSON, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office



Reg. No. 3,876,383

CHRISTIAN LOUBOUTIN (FRANCE INDIVIDUAL)

Registered Nov. 16, 2010

1 RUE VOLNEY
F-75002 PARIS, FRANCE

Int. Cl.: 25

FOR: FOOTWEAR, EXCEPT ORTHOPEDIC FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

TRADEMARK

OWNER OF U.S. REG. NOS. 1,816,940, 3,206,366, AND 3,425,538.

PRINCIPAL REGISTER

OWNER OF INTERNATIONAL REGISTRATION 1013915 DATED 9-7-2009, EXPIRES 9-7-2019.

THE MARK CONSISTS OF THE STYLIZED WORDING "LOUBOUTIN" AND "LOUBOUTIN" IN MIRROR IMAGE USED UPON FOOTWEAR. THE DOTTED LINES ARE NOT PART OF THE MARK BUT ARE INTENDED ONLY TO SHOW PLACEMENT OF THE MARK.

SER. NO. 79-073,131, FILED 9-7-2009.

ADA HAN, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

LOUBI

Reg. No. 4,654,832

Registered Dec. 16, 2014

Corrected Dec. 05, 2017

Int. Cl.: 3, 18, 25

Trademark

Principal Register

Christian Louboutin (FRANCE INDIVIDUAL)
1 Rue Volney
F-75002 Paris
FRANCE

CLASS 3: Cosmetics, perfumery products, non-medicated preparations for skin care, bath soaps; bath and body products, namely, shower and bath gels, oils and beads; nail care preparations; nail polish; lipstick, cosmetic preparations for eyelashes

CLASS 18: Goods made of leather and imitation leather not included in other classes, namely, key cases, document cases, hat boxes of leather, satchels, leather travel sets, namely, leather baggage; beach bags, garment bags for travel, leather or leather-board boxes; trunks and traveling bags; handbags; wallets; backpacks; leather briefcases; cases of leather or leatherboard; leather suitcases; coin purses; purses; carrier bags; [baskets of leather;] evening bags

CLASS 25: Footwear

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4438425

PRIORITY DATE OF 07-24-2013 IS CLAIMED

OWNER OF INTERNATIONAL REGISTRATION 1208629 DATED 11-28-2013, EXPIRES 11-28-2023

The name(s), portrait(s), and/or signature(s) shown in the mark identifies Christian Louboutin, whose consent(s) to register is made of record.

SER. NO. 79-149,043, FILED 11-28-2013



Joseph Matal

Performing the Functions and Duties of the
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office

Reg. No. 4,438,425

LOUBOUTIN, CHRISTIAN (FRANCE INDIVIDUAL)
1 RUE VOLNEY

Registered Nov. 26, 2013

PARIS, FRANCE 75002

Int. Cls.: 3, 9, 14, 16, 18, 25 and 35

FOR: (BASED ON 44(E)) COSMETICS; PERFUMERY; NON-MEDICATED SKIN CARE PREPARATIONS; BATH SOAPS; BATH AND BODY PRODUCTS, NAMELY, BATH AND SHOWER GELS, OILS AND BEADS; NAIL CARE PREPARATIONS; NAIL POLISHES, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

TRADEMARK

FOR: (BASED ON 44(E)) PROTECTIVE COVERS AND CASES FOR CELL PHONES, LAPTOPS, TABLET COMPUTERS, READING DEVICES, AND PORTABLE MEDIA PLAYERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SERVICE MARK

PRINCIPAL REGISTER

FOR: (BASED ON 44(E)) JEWELRY, WATCHES, WATCH BANDS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FOR: (BASED ON 44(E)) PAPER SHOPPING BAGS, CARDBOARD SHOE BOXES, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: (BASED ON 44(E)) (BASED ON USE IN COMMERCE) HANDBAGS, EVENING BAGS, WALLETS, TRAVEL BAGS, PURSES, TOTE BAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 10-0-2005; IN COMMERCE 10-0-2005.

FOR: (BASED ON 44(E)) HOSIERY, STOCKINGS, TIGHTS; (BASED ON USE IN COMMERCE) FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 10-0-1991; IN COMMERCE 10-0-1991.

FOR: (BASED ON 44(E)) RETAIL STORE SERVICES AND ONLINE RETAIL STORE SERVICES FEATURING PERFUMES AND COSMETICS; (BASED ON USE IN COMMERCE) RETAIL STORE SERVICES AND ONLINE RETAIL STORE SERVICES FEATURING FOOTWEAR, HAND BAGS, EVENING BAGS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 7-0-2010; IN COMMERCE 7-0-2010.



Deborah S. Cohn

Commissioner for Trademarks of the
United States Patent and Trademark Office

Reg. No. 4,438,425 PRIORITY CLAIMED UNDER SEC. 44(D) ON FRANCE APPLICATION NO. 12/3932430, FILED 7-6-2012, REG. NO. 12/3932430, DATED 7-6-2012, EXPIRES 7-6-2022.

OWNER OF U.S. REG. NOS. 1,816,940, 4,030,458 AND OTHERS.

THE NAME "LOUBOUTIN" IDENTIFIES A LIVING INDIVIDUAL WHOSE CONSENT IS OF RECORD.

THE MARK CONSISTS OF "LOUBOUTIN" IN A STYLIZED FONT.

SER. NO. 85-700,799, FILED 8-10-2012.

JEFFREY LOOK, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office

Christian
Loeboutin

Reg. No. 4,442,328

Registered Dec. 3, 2013

Int. Cls.: 9 and 18

TRADEMARK

PRINCIPAL REGISTER

LOUBOUTIN, CHRISTIAN (FRANCE INDIVIDUAL)
1 RUE VOLNEY
PARIS, FRANCE 75002

FOR: PROTECTIVE COVERS AND CASES FOR TABLET COMPUTERS, READING DEVICES
AND PORTABLE MEDIA PLAYERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-0-2010; IN COMMERCE 5-0-2010.

FOR: HANDBAGS, EVENING BAGS, WALLETS, TRAVEL BAGS, PURSES, TOTE BAGS,
IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 3-0-2002; IN COMMERCE 3-0-2002.

OWNER OF U.S. REG. NOS. 3,206,366, 4,030,458 AND OTHERS.

THE NAME "CHRISTIAN LOUBOUTIN" IDENTIFIES A LIVING INDIVIDUAL WHOSE
CONSENT IS OF RECORD.

THE MARK CONSISTS OF "CHRISTIAN LOUBOUTIN" IN A STYLIZED FONT.

SER. NO. 85-700,808, FILED 8-10-2012.

JEFFREY LOOK, EXAMINING ATTORNEY



Deborah S. Cohn

Commissioner for Trademarks of the
United States Patent and Trademark Office

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Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

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United States of America

United States Patent and Trademark Office

Louboutin

Reg. No. 6,852,768

Registered Sep. 20, 2022

Int. Cl.: 18

Trademark

Principal Register

Christian Louboutin (FRANCE INDIVIDUAL)
1 rue Volney
Paris, FRANCE 75002

CLASS 18: Handbags; evening bags; wallets; purses; tote bags; backpacks; all-purpose carrying bags; beach bags; travel bags; leather shoulder bags

FIRST USE 4-10-2018; IN COMMERCE 2-26-2019

The mark consists of the wording "LOUBOUTIN" in a stylized script.

OWNER OF U.S. REG. NO. 4438425

The name(s), portrait(s), and/or signature(s) shown in the mark identifies Christian Louboutin, whose consent(s) to register is made of record.

SER. NO. 88-330,409, FILED 03-07-2019



Katherine Kelly Vidal

Director of the United States
Patent and Trademark Office



REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

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NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

META PLATFORMS, INC., a Delaware corporation; CHRISTIAN LOUBOUTIN S.A.S.; CHRISTIAN LOUBOUTIN L.L.C., a New York limited liability company and CLERMONT ET ASSOCIES.

(b) County of Residence of First Listed Plaintiff San Mateo County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Dennis Wilson (SBN 155407); Caroline Y. Barbee (SBN 239343) KILPATRICK TOWNSEND & STOCKTON LLP 1801 Century Park East, Suite 2300, Los Angeles, CA 90067 Tel: 301.284.3830 (Counsel for Plaintiff Meta Platforms, Inc.)

DEFENDANTS

CESAR OCTAVIO GUERRERO ALEJO

County of Residence of First Listed Defendant Culiacan, Sinaloa, Mexico (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Unknown

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff 2 U.S. Government Defendant 3 Federal Question (U.S. Government Not a Party) 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, HABEAS CORPUS, OTHER, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation-Transfer 8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 U.S.C. § § 1114; 1125 Brief description of cause: Trademark infringement, counterfeiting, dilution, unfair competition, common law infringement and unfair competition, Bus. & Prof. Code § 17200, breach of contract.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE 11/16/2023

SIGNATURE OF ATTORNEY OF RECORD

/s/ Caroline Y. Barbee