

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

FENDI S.R.L.,

Plaintiff,

v.

THE PARTNERSHIPS and
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE “A”,

Defendants.

Case No. 1:24-cv-05629

District Judge April M. Perry

Magistrate Judge Gabriel A. Fuentes

**PLAINTIFF’S SECOND SUPPLEMENTAL BRIEF IN SUPPORT OF ITS MOTION FOR
ENTRY OF DEFAULT AND DEFAULT JUDGMENT**

Plaintiff Fendi S.R.L. (“Fendi” or “Plaintiff”) submits its Second Supplemental Brief in support of its Motion for Entry of Default and Default Judgment (Second Supplemental Brief) under Federal Rules of Civil Procedure 55(a) and 55(b)(2) against the Defendants identified on Schedule A to the Complaint (collectively, the “Defaulting Defendants”) and in accordance with the Court’s January 21, 2025 (Order, Dkt. 49.)

ARGUMENT

**I. THE SUPPLEMENTAL DOCUMENTATION PROVIDED SUPPORTS AN
AWARD OF STATUTORY DAMAGES TO FENDI FOR DEFENDANTS’
WILLFUL TRADEMARK INFRINGEMENT AND SALE OF
COUNTERFEIT GOODS**

The spreadsheet identified as Exhibit 1 to the Declaration of Paul Kossof attached herein sets forth the name of each individual Defendant listed in Schedule A (collectively, the “Defaulting Defendants”), partial gross sales reported by the corresponding e-commerce platform as earned by each Defaulting Defendant for the specific infringing product, the unit price of the infringing products sold, and the unit price of the corresponding luxury Fendi goods sold by Plaintiff.

(Declaration of Paul Kossof, ¶5, Ex. 1.) The prices for the corresponding Fendi goods that are the subject of Defendants' unlawful counterfeiting and infringement were taken directly from Fendi's website (www.fendi.com/us-en). *Id.* at ¶6. The damages set forth in Column F of Exhibit 1 are calculated by dividing gross sales by the unit price of the specific counterfeit goods sold on the Defaulting Defendant's e-commerce stores to determine the number of counterfeit units sold, multiplied by Fendi's unit price for each corresponding Fendi branded item as sold in the marketplace. *Id.* at ¶7. The gross sales data for each Defendant was provided by Amazon and DHgate. *Id.* at ¶9. (See also Dkt. 48, Ex. 1 and 2.) An additional \$50,000 was added to each damage calculation in Column F to account for damage to Plaintiff's reputation and untracked sales that were not captured by the Amazon and DHgate platforms. *Id.* at ¶8.

The damages caused by what is very likely a fraction of Defaulting Defendants' willful counterfeiting and trademark infringement total \$20,052,575.10, or \$426,650.53 per Defaulting Defendant.¹ As it is indisputable that Defaulting Defendants sell additional counterfeit Fendi good through multiple aliases and platforms, a statutory award in favor of Plaintiff and against each Defaulting Defendant is well within the purview of 15 U.S.C. §1117(c) and the Court's discretion. Thus, in order to deter Defendant from continuing to capitalize on these illegal acts, protect Fendi's well respected brand and reputation, and further punish Defendant for its willful acts, Plaintiff respectfully requests entry of a judgment in the statutory amount of \$500,000 per Defaulting Defendant.

CONCLUSION

Fendi respectfully requests that the Court enter default and default judgment against each

¹ This figure is derived from the sum total of columns F:4 – F:47 in Exhibit 1 to the Declaration of Paul Kossof and dividing the sum total by the number of the 44 Defaulting Defendants.

Defaulting Defendant, award statutory damages in the amount of five hundred thousand dollars (\$500,000) per Defaulting Defendant pursuant to 15 U.S.C. § 1117 (c) and enter an order transferring all assets in Defaulting Defendants' financial accounts, including but not limited to those operated by PayPal, Alipay, Payoneer, DHgate and Amazon, to Plaintiff Fendi S.R.L.

Dated January 29, 2025.

Respectfully submitted,

/s/ Lindsay E. Dansdill _____

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CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2025, I will cause the foregoing to be filed electronically with the Clerk of the Court using the CM/ECF system, published on a website, and I will cause to be sent an e-mail to the e-mail addresses identified in Exhibit 2 to the Declaration of Nicolas Lambert and any e-mail addresses provided for Defendants by third parties that includes a link to said website.

/s/ Lindsay E. Dansdill _____

Counsel for Plaintiff Fendi, S.R.L.