

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

BURBERRY LIMITED,
a United Kingdom Corporation, and

BURBERRY LIMITED,
a New York Corporation,

Plaintiffs

v.

TARGET CORPORATION and
TARGET BRANDS, INC.,

Defendants.

Civil Action No.:

COMPLAINT

**COMPLAINT FOR TRADEMARK COUNTERFEITING,
TRADEMARK INFRINGEMENT, TRADEMARK DILUTION,
FALSE DESIGNATION OF ORIGIN, AND UNFAIR COMPETITION**

Plaintiffs Burberry Limited, a United Kingdom corporation, and Burberry Limited, a New York corporation, (collectively, “Burberry” or “Plaintiffs”) complain and allege against Defendants Target Corporation and Target Brands, Inc. (collectively, “Target” or “Defendants”), as follows:

NATURE OF THE DISPUTE

1. This action arises from Target’s repeated, willful, and egregious misappropriation of Burberry’s famous and iconic luxury check trademarks (collectively, the “BURBERRY CHECK Trademark”). Despite being aware of Burberry’s exclusive trademark rights, Target nevertheless has repeatedly infringed these rights by selling a variety of products bearing close imitations and counterfeits of the BURBERRY CHECK trademark, including eyewear, luggage, stainless-steel bottles, and, most recently, scarves.

2. Set forth below on the left are images of genuine Burberry scarves bearing the famous BURBERRY CHECK Trademark. On the right are images of two scarves offered for sale by Target and promoted as “Fashion Scarves.”



3. Although Target's copycat scarves are of inferior quality, they are superficially indistinguishable from genuine Burberry scarves. Target's sale of these infringing scarves is all the more egregious given that Target had received a cease-and-desist letter from Burberry in early 2017 regarding the sale of several *different* products bearing unauthorized reproductions of the BURBERRY CHECK Trademark.

4. Target's pattern and practice of offering for sale and selling various products featuring the BURBERRY CHECK Trademark or confusingly similar variants thereof must end. Target's misuse of the BURBERRY CHECK Trademark on counterfeit and infringing

merchandise has significantly injured Burberry's hard-earned reputation and goodwill, and has diluted the distinctiveness of the famous BURBERRY CHECK Trademark. Target's repeated actions are willful, intentional, and damaging to Burberry and the famous BURBERRY CHECK Trademark.

5. Accordingly, Burberry now brings this action against Target for trademark counterfeiting, infringement, trademark dilution and for violations of the New York State common law and related causes of action brought pursuant to Sections 32, 43(a) and 43(c) of the Lanham Act, 15 U.S.C. §§ 1114, 1125(a) and (c), Sections 349 and 360-1 of the New York General Business Law, and the common law of the State of New York.

THE PARTIES

Plaintiffs

6. Burberry Limited is a corporation duly organized and existing under the laws of the United Kingdom with a principal place of business at Horseferry House, Horseferry Road, London SW1P 2AW, United Kingdom ("Burberry (UK)").

7. Burberry Limited is a corporation duly organized under the laws of New York with a principal place of business at 444 Madison Avenue, New York, New York 10022 ("Burberry (US)"). Burberry (US) has eight retail locations in New York, including its flagship store on East 57th Street in Manhattan.

Defendants

8. Upon information and belief, Target Corporation is a corporation duly organized under the laws of Minnesota with a principal place of business at 1000 Nicollet Mall, Minneapolis, Minnesota 55403.

9. Upon information and belief, Target Brands, Inc. is a corporation duly organized under the laws of Minnesota with a principal place of business at 1000 Nicollet Mall, Minneapolis, Minnesota 55403.

10. Upon information and belief, Defendants procure, market, distribute, offer for sale, and sell a wide array of merchandise nationwide, including in New York, through the target.com website and through various brick-and-mortar Target retail stores located in New York and elsewhere. Target Brands, Inc. is the registered owner and administrator of the target.com website.

JURISDICTION AND VENUE

11. This action is based on Section 32(1)(a) of the Lanham Act, 15 U.S.C. § 1114, Sections 43(a) and (c) of the Lanham Act, 15 U.S.C. § 1125(a) and (c), Sections 349 and 360-1 of the New York Business Law, and the common law of the State of New York.

12. This Court has subject matter jurisdiction over this action pursuant to Section 39 of the Lanham Act, 15 U.S.C. § 1121 (actions arising under the Lanham Act), 28 U.S.C. §§ 1331 (federal question), 1338(a) (any Act of Congress relating to patents or trademarks), and 1338 (b) (any action asserting claim of unfair competition joined with a substantial and related claim under the trademark law) for the claims arising out of the violations of Sections 32(1)(a) and 43(a) and (c) of the Lanham Act. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a) for all other claims asserted in this Complaint because those claims are so closely related to the federal claims asserted herein as to form part of the same case and controversy.

13. This Court has personal jurisdiction over Defendants pursuant to N.Y.C.P.L.R. § 302(a) because Target regularly transacts, conducts, or solicits business in New York and within this District, or engages in other persistent courses of conduct and/or derives substantial

revenue from goods used or consumed or from services rendered in New York; Target regularly and systematically directs electronic activity into New York with the intent of engaging in business in this District; Target owns, uses, and/or possesses real property situated in New York; the products giving rise to this action were offered for sale and/or sold by Target in New York through brick-and-mortar retail locations in this State and/or through the target.com website, and Target has shipped such products to consumers in New York; Target Corporation is registered with the Secretary of State to do business in New York, and also maintains a corporate office within this District at 521 West 25th Street, New York, NY 10001; and the unlawful, tortious conduct complained of herein has caused, and continues to cause, injury to Burberry within New York and in this District.

14. Venue in this Court is proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claims occurred in this District.

FACTUAL BACKGROUND

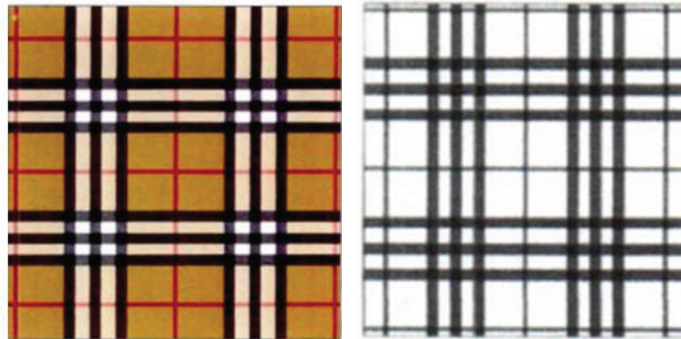
A. Burberry and the Famous BURBERRY CHECK Trademark

15. Burberry is an internationally recognized global luxury brand with a distinctive British heritage and a reputation of design, innovation, and craftsmanship. Burberry is involved in the design, manufacture, advertising, distribution, and sale of a wide variety of luxury products, including apparel and accessories.

16. Burberry's corporate heritage is rooted in Basingstoke, England, where Mr. Thomas Burberry first opened an outfitters shop in 1856. Burberry introduced the BURBERRY CHECK Trademark in the 1920's and Burberry has used it on various products since that time. The BURBERRY CHECK Trademark is not only registered in a distinctive red, camel, black and white check color pattern, but also without any color designation, which provides Burberry with the exclusive right to use the BURBERRY CHECK Trademark in any color combination.

Burberry has used the BURBERRY CHECK Trademark in both the original colors and numerous other color combinations for nearly a century.

17. Examples of the BURBERRY CHECK Trademark are set forth below:



18. The BURBERRY CHECK Trademark registrations are in full force and effect and Burberry's exclusive rights to the BURBERRY CHECK Trademark have become incontestable pursuant to 15 U.S.C. § 1065. True and correct copies of federal trademark registration certificates for the BURBERRY CHECK Trademark are attached hereto as **Exhibit A**.

19. The BURBERRY CHECK Trademark serves as a source-identifier for genuine Burberry merchandise and is used on or in connection with nearly all products offered by Burberry in the United States, including scarves, luggage, eyewear, home accessories, handbags, wallets, shoes, and clothing for men, women, and children.

20. Burberry has invested significant time, energy, and money advertising, promoting, and selling merchandise featuring the BURBERRY CHECK Trademark, as well as ensuring the high quality of the products it sells which bear the BURBERRY CHECK Trademark. Burberry's efforts have resulted in widespread and favorable public acceptance and recognition of the BURBERRY CHECK Trademark. Indeed, the BURBERRY CHECK

Trademark has become a famous, iconic mark synonymous with Burberry and its luxury products, and representative of enormous goodwill.

B. Target's Repeated Violations of Burberry's Rights in the BURBERRY CHECK Trademark

21. Target is one of the largest upscale discount retailers in the United States, with nearly 2,000 stores and 39 distribution centers in the United States and an online retail business at target.com. Target sells a variety of products, ranging from apparel and accessories to home furnishings and decor.

22. Target has imported, distributed, promoted, offered for sale, and/or sold various products using close copies or counterfeits of the BURBERRY CHECK Trademark without license, authority, or other permission from Burberry to use its BURBERRY CHECK Trademark.

23. In December 2017, Burberry discovered that Target was marketing, offering for sale and selling scarves featuring spurious copies of the BURBERRY CHECK Trademark in a variety of colors (the "Infringing Scarves"). The Infringing Scarves were not manufactured, packaged, or approved for sale and/or distribution by Burberry.

24. The Infringing Scarves were promoted by Target as "Fashion Scarves," and marketed as "chic" and "sophisticated" as shown by the advertisements in **Exhibit B**. Even though Target's Infringing Scarves are of inferior quality, they are visually identical to genuine BURBERRY CHECK Trademark scarves.

25. For comparison purposes, set forth below are images of Infringing Scarves as they were promoted on the target.com website, alongside images of genuine Burberry scarves bearing the BURBERRY CHECK Trademark.

<i>Genuine Burberry Scarves</i>	<i>Target's Infringing Scarves</i>
	
	
	

<i>Genuine Burberry Scarves</i>	<i>Target's Infringing Scarves</i>
	
	
	

26. At the time Target chose to advertise and sell the Infringing Scarves, it was well aware of Burberry's long-standing, exclusive rights in the BURBERRY CHECK Trademark and of Burberry's objection to Target's sale of products bearing a spurious BURBERRY CHECK Trademark.

27. Indeed, earlier in 2017, Burberry sent a cease-and-desist letter to Target regarding its sale of several products bearing unauthorized copies of the BURBERRY CHECK Trademark, including the eyeglass case shown in **Exhibit C** (“Infringing Eyewear”), the luggage shown in **Exhibit D** which was offered in various sizes (“Infringing Luggage”), and the stainless-steel water bottles shown in **Exhibit E** (“Infringing Bottle”). The Infringing Scarves, Infringing Eyewear, Infringing Luggage and Infringing Bottle are collectively referred to as the “Infringing Products.”

28. Shown below are representative images of the Infringing Eyewear, Infringing Luggage, and Infringing Bottle alongside genuine Burberry merchandise bearing the BURBERRY CHECK Trademarks.

<i>Genuine Burberry Merchandise</i>	<i>Target’s Infringing Eyewear</i>
	

<i>Genuine Burberry Merchandise</i>	<i>Target's Infringing Luggage</i>
	
<i>Genuine Burberry Merchandise</i>	<i>Target's Infringing Bottle</i>
	

29. The Infringing Products, all of which bear blatant reproductions of the BURBERRY CHECK Trademark, were not manufactured, packaged, or approved for sale and/or distribution by Burberry.

30. Target sold each of the Infringing Products despite having actual and specific knowledge of Burberry's rights in the famous BURBERRY CHECK Trademark and of Burberry's objection to Target's sale of products bearing unauthorized copies of the BURBERRY CHECK Trademark.

31. Target's conduct is willful, intentional, and represents a conscious disregard for Burberry's rights in the BURBERRY CHECK Trademark and a calculated decision to misappropriate the enormous goodwill represented by the BURBERRY CHECK Trademark. Further, the fact that Target continued its unlawful conduct by selling the Infringing Scarves within months of receiving Burberry's cease-and-desist letter regarding the Infringing Eyewear, Luggage, and Bottle demonstrates Target's intent to continue selling infringing merchandise without regard for Burberry's intellectual property rights.

32. Target's conduct is likely to cause and, upon information and belief, has caused consumers to believe mistakenly that the Infringing Products are either affiliated with, endorsed or authorized by, or somehow connected to Burberry, or that the Infringing Products sold and promoted by Target are genuine Burberry products. Moreover, Target's well-publicized history of collaborating with popular brands and fashion designers to promote and sell Target-exclusive limited edition collections further heightens the risk of such consumer confusion.

33. The activities complained of herein have and continue to irreparably harm Burberry and dilute the distinctive quality of the BURBERRY CHECK Trademark. Further, Defendants' egregious conduct makes this an exceptional case.

FIRST CLAIM FOR RELIEF

Trademark Counterfeiting Under Section 32 of the Lanham Act

34. Burberry hereby incorporates by reference and realleges each and every allegation of Paragraphs 1 through 33 above.

35. Defendants have used in connection with the Infringing Products spurious designations that are identical with, or substantially indistinguishable from, the BURBERRY CHECK Trademark for which Burberry holds federal trademark registrations. Defendants have used these spurious designations in commerce in connection with the advertising, sale, offering

for sale and/or distribution of the Infringing Products for their own financial gain. Burberry has not authorized Defendants' use of the BURBERRY CHECK Trademark to advertise, offer for sale, sell and/or distribute Defendants' Infringing Products.

36. At all relevant times, Defendants had actual and direct knowledge of Burberry's prior use and ownership of the BURBERRY CHECK Trademark. Defendants' conduct is therefore willful and reflects Defendants' intent to exploit the goodwill and strong brand recognition associated with the BURBERRY CHECK Trademark.

37. Defendants' acts as described in this Complaint constitute trademark counterfeiting in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

38. Defendants' acts have caused, and will continue to cause, irreparable injury to Burberry. Burberry has no adequate remedy at law and is thus damaged in an amount not yet determined.

SECOND CLAIM FOR RELIEF

Trademark Infringement Under Section 32 of the Lanham Act

39. Burberry hereby incorporates by reference and realleges each and every allegation of Paragraphs 1 through 38 above.

40. Section 32(1)(a) of the Lanham Act, 15 U.S.C. § 1114(1)(a), prohibits any person from using in commerce, without the consent of the registrant, any trademark or any reproduction, counterfeit, copy, or colorable imitation thereof in connection with the marketing, advertising, distribution, or sale of goods or services which is likely to result in confusion, mistake, or deception.

41. The BURBERRY CHECK Trademark is federally registered. This mark has also acquired extraordinary fame and distinctiveness and is associated in the mind of the public exclusively with Burberry.

42. Defendants have used the BURBERRY CHECK Trademark in connection with the Infringing Products without Burberry's consent or authorization. Defendants' use, including the importation, sale, offer for sale, and/or distribution of the Infringing Products in commerce, is likely to cause confusion and mistake in the mind of the public, leading the public to believe that Defendants' products emanate or originate from Burberry, or that Burberry has approved, sponsored, or otherwise associated itself with Defendants or their Infringing Products.

43. Through the unauthorized use of the BURBERRY CHECK Trademark, Defendants are unfairly benefiting from and misappropriating Burberry's goodwill and reputation, as well as the fame of the BURBERRY CHECK Trademark. This has resulted in substantial and irreparable injury to the public and to Burberry.

44. At all relevant times, Defendants had actual and direct knowledge of Burberry's prior use and ownership of the BURBERRY CHECK Trademark. Defendants' conduct is therefore willful and reflects Defendants' intent to exploit the goodwill and strong brand recognition associated with the BURBERRY CHECK Trademark.

45. Defendants' acts constitute trademark infringement in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

46. Defendants' acts have caused, and will continue to cause, irreparable injury to Burberry. Burberry has no adequate remedy at law and is thus damaged in an amount not yet determined.

THIRD CLAIM FOR RELIEF

False Designations of Origin and False Descriptions and Representations Under Section 43(a) of the Lanham Act

47. Burberry hereby incorporates by reference and realleges each and every allegation of Paragraphs 1 through 46 above.

48. Defendants' unauthorized use in commerce of spurious copies of the BURBERRY CHECK Trademark in connection with the distribution, advertising, promotion, offering for sale, and/or sale of the Infringing Products constitutes use of a symbol or device that is likely to cause confusion, mistake, or deception as to the affiliation or connection of Defendants with Burberry and as to the origin, sponsorship, association, or approval of Defendants' Infringing Products in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

49. Defendants' actions as alleged herein, including but not limited to their unauthorized use in commerce of spurious copies of the BURBERRY CHECK Trademark, constitutes use of a false designation of origin and misleading description and representation of fact that is likely to cause confusion, mistake, or deception as to the affiliation or connection of Defendants with Burberry and as to the origin, sponsorship, association, or approval of Defendants' Infringing Products in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

50. At all relevant times, Defendants had actual and direct knowledge of Burberry's prior use and ownership of the BURBERRY CHECK Trademark. Defendants' conduct is therefore willful and reflects Defendants' intent to exploit the goodwill and strong brand recognition associated with the BURBERRY CHECK Trademark.

51. Defendants' wrongful acts will continue unless enjoined by this Court.

52. Defendants' acts have caused, and will continue to cause, irreparable injury to Burberry. Burberry has no adequate remedy at law and is thus damaged in an amount not yet determined.

FOURTH CLAIM FOR RELIEF

Trademark Dilution Under 43(c) of the Lanham Act

53. Burberry hereby incorporates by reference and realleges each and every allegation of Paragraphs 1 through 52 above.

54. Burberry Limited (UK) is the exclusive owner of the BURBERRY CHECK Trademark.

55. The BURBERRY CHECK Trademark is famous and distinctive within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c), and has been famous and distinctive since long before Defendants began offering for sale, selling, and promoting Infringing Products bearing indistinguishable copies of the BURBERRY CHECK Trademark. The BURBERRY CHECK Trademark is famous because, among other things: (1) the BURBERRY CHECK Trademark has a high degree of distinctiveness; (2) the BURBERRY CHECK Trademark has been used continuously and exclusively for decades throughout the United States to identify many goods and services; (3) Burberry has extensively and continuously advertised and publicized the BURBERRY CHECK Trademark for decades throughout the United States; (4) Burberry has used its BURBERRY CHECK Trademark in a trading area of broad geographical scope; (5) the BURBERRY CHECK Trademark is among the preeminent marks in the United States; (6) the BURBERRY CHECK Trademark is famous and has an extremely high degree of recognition among consumers; and (7) the BURBERRY CHECK Trademark is the subject of valid and subsisting registrations under the Lanham Act on the Principal Register.

56. Long after the BURBERRY CHECK Trademark became famous, Defendants, without authorization from Burberry, used unauthorized reproductions, counterfeits, copies, and colorable imitations of the BURBERRY CHECK Trademark. Defendants' use of the

BURBERRY CHECK Trademark dilutes and/or is likely to dilute the distinctive quality of the BURBERRY CHECK Trademark and to lessen the capacity of such mark to identify and distinguish Burberry's goods. Defendants' unlawful use of the BURBERRY CHECK Trademark in connection with inferior, counterfeit goods is also likely to tarnish that trademark and cause blurring in the minds of consumers of the distinctiveness of the BURBERRY CHECK Trademark and its exclusive association with Burberry, thereby lessening the value of the BURBERRY CHECK Trademark as a unique identifier of Burberry and its products.

57. At all relevant times, Defendants had actual and direct knowledge of Burberry's prior use and ownership of the BURBERRY CHECK Trademark. Defendants' conduct is therefore willful and reflects Defendants' intent to exploit the goodwill and strong brand recognition associated with the BURBERRY CHECK Trademark.

58. By the acts described above, Defendants have intentionally and willfully diluted, and/or are likely to dilute, the distinctive quality of the famous BURBERRY CHECK Trademark in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

59. Defendants' wrongful acts will continue unless enjoined by this Court.

60. Defendants' acts have caused, and will continue to cause, irreparable injury to Burberry. Burberry has no adequate remedy at law and is thus damaged in an amount not yet determined.

FIFTH CLAIM FOR RELIEF

Deceptive Acts and Practices Under Section 349 of New York General Business Law

61. Burberry hereby incorporates by reference and realleges each and every allegation of Paragraphs 1 through 60 above.

62. Through its distribution, advertisement, promotion, offering for sale, and sale of Infringing Products bearing marks confusingly similar to the BURBERRY CHECK Trademark, Defendants have engaged in consumer-oriented conduct that has affected the public interest of New York and has resulted in injury to consumers in New York.

63. By the acts described above, Defendants have willfully engaged in deceptive acts or practices in the conduct of business and furnishing of goods in violation of Section 349 of the New York General Business Law.

64. Defendants' acts have caused, and will continue to cause, irreparable injury to Burberry. Burberry has no adequate remedy at law and is thus damaged in an amount not yet determined.

SIXTH CLAIM FOR RELIEF

Trademark Dilution and Likelihood of Injury to Business Reputation Under Section 360-l of New York General Business Law

65. Burberry hereby incorporates by reference and realleges each and every allegation of Paragraphs 1 through 64 above.

66. Burberry Limited (UK) is the exclusive owner of the BURBERRY CHECK Trademark

67. Through prominent, long and continuous use in commerce, including commerce within New York, the BURBERRY CHECK Trademark has become and continues to be famous and distinctive.

68. Long after the BURBERRY CHECK Trademark became famous, Defendants, without authorization from Burberry, used unauthorized reproductions, counterfeits, copies, and colorable imitations of the BURBERRY CHECK Trademark. Defendants' use of the BURBERRY CHECK Trademark dilutes and/or is likely to dilute the distinctive quality of those

marks and to lessen the capacity of such marks to identify and distinguish Burberry's goods. Defendants' unlawful use of the BURBERRY CHECK Trademark in connection with inferior, counterfeit goods is also likely to tarnish that trademark and Burberry and cause blurring in the minds of consumers as to the distinctiveness of the BURBERRY CHECK Trademark and its exclusive association with Burberry, thereby lessening the value of the BURBERRY CHECK Trademark as unique identifiers of Burberry's products.

69. By the acts described above, Defendants have diluted the distinctiveness of the BURBERRY CHECK Trademark and caused a likelihood of harm to Burberry's business reputation in violation of Section 360-1 of the New York General Business Law.

70. Defendants' wrongful acts will continue unless enjoined by this Court.

71. Defendants' acts have caused, and will continue to cause, irreparable injury to Burberry. Burberry has no adequate remedy at law and is thus damaged in an amount not yet determined.

SEVENTH CLAIM FOR RELIEF

Trademark Infringement Under Common Law

72. Burberry hereby incorporates by reference and realleges each and every allegation of Paragraphs 1 through 71 above.

73. By the acts described above, Defendants have engaged in trademark infringement in violation of the common law of the State of New York.

74. Defendants' acts have caused, and will continue to cause, irreparable injury to Burberry. Burberry has no adequate remedy at law and is thus damaged in an amount not yet determined.

EIGHTH CLAIM FOR RELIEF

Unfair Competition Under Common Law

75. Burberry hereby incorporates by reference and realleges each and every allegation of Paragraphs 1 through 74 above.

76. By the acts described above, Defendants have intentionally engaged in unfair competition in violation of the common law of the State of New York.

77. Defendants' acts have caused, and will continue to cause, irreparable injury to Burberry. Burberry has no adequate remedy at law and is thus damaged in an amount not yet determined.

WHEREFORE, Burberry prays:

A. For judgment that Defendants Target Corporation and Target Brands, Inc.:

- (i) have violated Section 32(1)(a) of the Lanham Act, 15 U.S.C. § 1114(1)(a);
- (ii) have violated Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a);
- (iii) have violated Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c);
- (iv) have engaged in deceptive acts and practices under Section 349 of the New York General Business Law;
- (v) have diluted the BURBERRY CHECK Trademark in violation of Section 360-1 of the New York General Business Law;
- (vi) have engaged in trademark infringement under the common law of the State of New York; and
- (vii) have engaged in unfair competition in violation of the common law of the State of New York.

B. That an injunction be issued enjoining and restraining Defendants Target Corporation, Target Brands, Inc., each of their officers, agents, servants, employees, and attorneys, and all those in active concert or participation with it from:

- (i) Using the BURBERRY CHECK Trademark or any other reproduction, counterfeit, copy or colorable imitation of the BURBERRY CHECK Trademark on or in connection with any goods or services;
- (ii) Engaging in any course of conduct likely to cause confusion, deception or mistake, or to injure Burberry's business reputation or dilute the distinctive quality of the BURBERRY CHECK Trademark, including through the continued importation, distribution, sale or offering for sale of counterfeit Burberry products;
- (iii) Using any simulation, reproduction, counterfeit, copy, or colorable imitation of the BURBERRY CHECK Trademark in connection with the promotion, advertisement, display, sale, offer for sale, manufacture, production, importation, circulation, or distribution of any products;
- (iv) Making any statement or representation whatsoever, or using any false designation of origin or false description, or performing any act, which can or is likely to lead the trade or public, or individual members thereof, to believe that any products manufactured, distributed, or sold by Defendants are in any manner associated or connected with Burberry, or are sold, manufactured, licensed, sponsored, approved, or authorized by Burberry;
- (v) Destroying, altering, removing, or otherwise dealing with the unauthorized products or any books or records which contain any information relating to the importation, manufacture, production, distribution, circulation, sale, marketing, offer for sale, advertising, promotion, rental or display of all unauthorized products which infringe or dilute the BURBERRY CHECK Trademark; and
- (vi) Effecting assignments or transfers, forming new entities or associations, or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (i) through (v).

C. For the entry of an order directing Defendants Target Corporation and Target Brands, Inc. to deliver up for destruction to Burberry all products, advertisements, promotional materials, and packaging in their possession or under their control bearing the BURBERRY CHECK Trademark, or any simulation, reproduction, counterfeit, copy or colorable imitation thereof, and all plates, molds, matrices, and other means of production of same pursuant to 15 U.S.C. § 1118;

D. For an assessment of: (a) damages suffered by Burberry, trebled, pursuant to 15 U.S.C. § 1117(b); or, in the alternative, (b) all illicit profits that Defendants derived while using counterfeits and/or infringements of the BURBERRY CHECK Trademark, trebled, pursuant to 15 U.S.C. § 1117(b); or, in the alternative, (c) statutory damages, awarded to Burberry pursuant to 15 U.S.C. § 1117(c), of up to \$2,000,000 for each trademark that Defendants have counterfeited and/or infringed, as well as attorneys' fees and costs; and (d) an award of Burberry's costs and attorneys' fees to the full extent provided for by Section 35 of the Lanham Act, 15 U.S.C. § 1117; and (e) profits, damages and fees, to the full extent available, pursuant to Sections 349 and 360-1 of the New York General Business Law; and (f) punitive damages to the full extent available under the law; and

E. For costs of suit, and for such other and further relief as the Court shall deem appropriate.

Dated: May 2, 2018

STEPTOE & JOHNSON LLP

By:



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*Counsel for Plaintiffs Burberry Limited,
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Burberry Limited, a New York corporation*

EXHIBIT A

Int. Cl.: 25

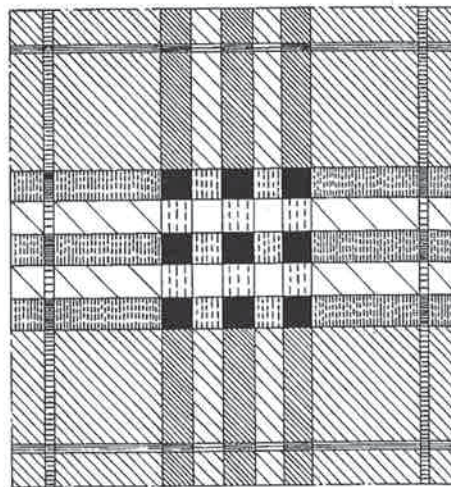
Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,241,222

Registered Jun. 7, 1983

TRADEMARK
Principal Register



Burberrys Limited (United Kingdom corporation)
18/22 Haymarket
London, England SW1Y 4DQ

For: COATS, TOP COATS, JACKETS, TROUSERS, SLACKS, WAISTCOATS, SKIRTS, CAPES, HATS, BONNETS, BERETS, SHIRTS, SCARVES, SHAWLS AND BLOUSES, in CLASS 25 (U.S. Cl. 39).

First use Mar. 1, 1923; in commerce Jul. 1, 1924.

The designated colors are a feature of the mark and the colors and shades of colors are light tan, dark

tan, light brown, dark brown, black, white, very dark red, dark red, medium red, light red, dark grey, medium grey and light grey.

Sec. 2(f).

Ser. No. 170,890, filed May 18, 1978.

HENRY S. ZAK, Examining Attorney

Int. Cl.: 14

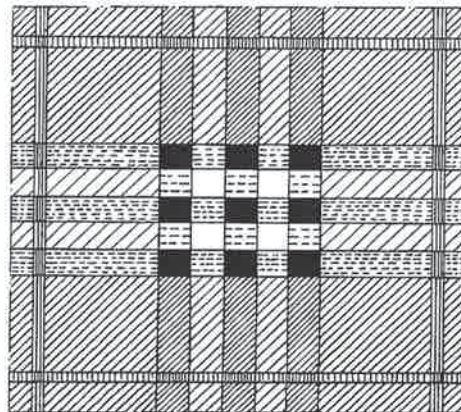
Prior U.S. Cls.: 27 and 28

United States Patent and Trademark Office

Reg. No. 1,855,154

Registered Sep. 20, 1994

**TRADEMARK
PRINCIPAL REGISTER**



BURBERRYS LIMITED (UNITED KINGDOM
LIMITED LIABILITY COMPANY)
18-22 HAYMARKET
LONDON SW1Y 4DQ, ENGLAND

FOR: WATCHES, CLOCKS, AND PARTS
THEREFOR; STRAPS, BRACELETS FOR
WRIST WATCHES; POCKET WATCHES;
JEWELLERY; COSTUME JEWELLERY, TIE
PINS, CUFF LINKS, IN CLASS 14 (U.S. CLS. 27
AND 28).

FIRST USE 0-0-1982; IN COMMERCE
0-0-1982.

OWNER OF U.S. REG. NO. 1,393,979.

THE DRAWING IS LINED FOR THE
COLORS AND SHADES OF LIGHT TAN,
DARK TAN, LIGHT BROWN, DARK BROWN,
BLACK, WHITE, VERY DARK RED, DARK
RED, MEDIUM RED, LIGHT RED, DARK
GRAY, MEDIUM GRAY AND LIGHT GRAY.

SN 74-237,110, FILED 1-13-1992.

VIVIAN MICZNIK FIRST, EXAMINING AT-
TORNEY

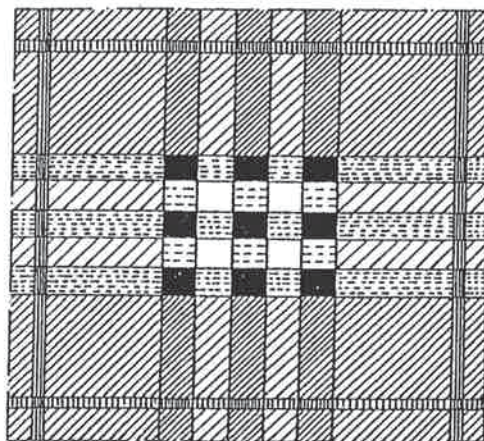
Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,015,462

United States Patent and Trademark Office Registered Nov. 12, 1996

**TRADEMARK
PRINCIPAL REGISTER**



BURBERRYS LIMITED (UNITED KINGDOM
LIMITED LIABILITY COMPANY)
18-22 HAYMARKET
LONDON SW1Y 4DQ, ENGLAND

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

FIRST USE 1-0-1994; IN COMMERCE
4-0-1995.

OWNER OF U.S. REG. NOS. 1,241,222 AND
1,855,154.

THE MARK IS LINED FOR THE COLORS
LIGHT TAN, DARK TAN, LIGHT BROWN,
DARK BROWN, VERY DARK RED, DARK
RED, MEDIUM RED, LIGHT RED, DARK
GREY, MEDIUM GREY, AND LIGHT GREY.

BLACK IS CLAIMED AS A FEATURE OF THE
AREAS THAT ARE COMPLETELY DARK-
ENED. WHITE IS CLAIMED AS A FEATURE
OF THOSE AREAS THAT ARE NOT DARK-
ENED AND ARE WITHOUT LINING.

THE MARK IS COMPRISED OF A REPEAT-
ING PLAID PATTERN. THE BROKEN LINES
IN THE DRAWING SIGNIFY THAT THE
MARK IS NOT LIMITED AS TO POSITION OR
PLACEMENT.

SEC. 2(F).

SER. NO. 75-022,360, FILED 11-20-1995.

ANDREW LAWRENCE, EXAMINING ATTOR-
NEY

Int. Cls.: 18, 24, 25 and 28

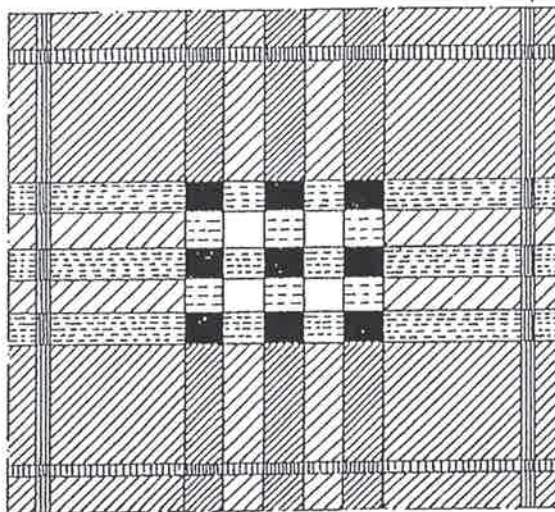
Prior U.S. Cls.: 1, 2, 3, 22, 23, 38, 39, 41, 42 and 50

Reg. No. 2,022,789

United States Patent and Trademark Office

Registered Dec. 17, 1996

TRADEMARK
PRINCIPAL REGISTER



BURBERRYS LIMITED (UNITED KINGDOM
LIMITED LIABILITY COMPANY)
18-22 HAYMARKET
LONDON SW1Y 4DQ, ENGLAND

FOR: SUITCASES, TRAVELING BAGS, HOLLERS, SUIT AND GARMENT CARRIERS FOR TRAVEL, ATTACHE CASES, DOCUMENT CASES, BRIEFCASES, PURSES, DRAWSTRING POUCHES, WALLETS, BILLFOLDS, PASSPORT HOLDERS, KEY CASES, HANDBAGS, SHOULDER BAGS, CREDIT CARD CASES, BUSINESS CARD CASES, TOILET BAGS SOLD EMPTY, TOILET CASES SOLD EMPTY, SHAVING BAGS SOLD EMPTY, TIE CASES FOR TRAVEL, UMBRELLAS AND PARASOLS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 0-0-1969; IN COMMERCE 0-0-1974.

FOR: TRAVELING COMFORTER, NAMELY, FABRIC BLANKET-LIKE ARTICLES FOR KEEPING WARM, E.G., WHEN TRAVELING IN COLD CLIMATES, OR FOR USE AS A STADIUM BLANKET, IN CLASS 24 (U.S. CLS. 42 AND 50).

FIRST USE 3-0-1976; IN COMMERCE 0-0-1976.

FOR: CLOTHING FOR MEN AND WOMEN, NAMELY, SCARVES, PULLOVERS, CARDIGANS, SWEATERS, OVERCOATS, RAINCOATS, SHIRTS, BELTS; SLIPPERS FOR MEN, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 3-1-1923; IN COMMERCE 7-1-1924.

2

2,022,789

FOR: GOLF BAGS, GOLF CLUB COVERS, GOLF BALL HOLDERS, CASES CONTAINING GOLF BALLS, GOLF TEES AND GOLF MARKERS, CASES FOR HOLDING SCORE CARDS, PENS AND PENCILS FOR USE IN GOLF, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 9-0-1981; IN COMMERCE 9-0-1981.

OWNER OF U.S. REG. NOS. 1,241,222 AND 1,855,154.

THE FOLLOWING COLORS AND SHADES OF COLORS ARE CLAIMED AS FEATURES OF THE MARK; LIGHT TAN, DARK TAN, LIGHT BROWN, DARK BROWN, BLACK, WHITE, VERY DARK RED, DARK RED, MEDIUM RED, LIGHT RED, DARK GRAY,

MEDIUM GRAY AND LIGHT GRAY. THE COLOR LINING SYMBOLS FOR RED, BROWN AND GRAY ARE SHOWN IN THE DRAWING.

THE MARK CONSISTS OF A RED, BROWN, GRAY, BLACK, AND WHITE PLAID PATTERN APPLIED UNIFORMLY OVER THE GOODS OR SIGNIFICANT PARTS THEREOF. THE BROKEN LINES IN THE DRAWING ARE NOT A FEATURE OF THE MARK.

SEC. 2(F).

SER. NO. 74-532,896, FILED 6-3-1994.

ANDREW LAWRENCE, EXAMINING ATTORNEY

Int. Cl.: 3

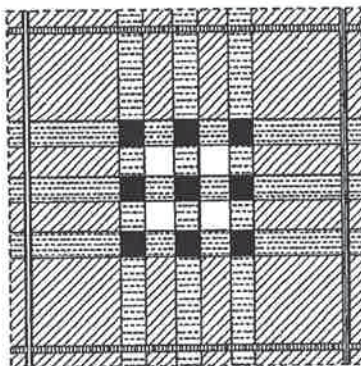
Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

United States Patent and Trademark Office

Reg. No. 2,689,921

Registered Feb. 25, 2003

**TRADEMARK
PRINCIPAL REGISTER**



BURBERRY LIMITED (UNITED KINGDOM
CORPORATION)
18-22 HAYMARKET
LONDON SW1Y 4DQ, UNITED KINGDOM

FOR: PERFUMES, EAU DE TOILETTES, BODY
LOTION; SOAPS; PERSONAL DEODORANTS; EAU
DE PARFUMS; AFTERSHAVES; SHAMPOO FOR
THE HAIR AND FOR THE BODY; SHOWER GELS;
BATH GELS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND
52).

PRIORITY CLAIMED UNDER SEC. 44(D) ON
UNITED KINGDOM APPLICATION NO. 2225922,
FILED 3-15-2000, REG. NO. 2225922, DATED 11-9-
2001, EXPIRES 3-15-2010.

OWNER OF U.S. REG. NOS. 1,241,222, 2,022,789
AND OTHERS.

THE MARK IS LINED FOR THE COLORS TAN,
BLACK, GREY, WHITE AND RED.

THE MARK CONSISTS OF A DESIGN USED IN
WHOLE AND IN PART ON OR IN CONNECTION
WITH THE GOODS. THE BROKEN LINES IN THE
DRAWING SIGNIFY THAT THE MARK IS NOT
LIMITED TO POSITION OR PLACEMENT.

SER. NO. 76-197,401, FILED 6-13-2000.

G. MAYERSCHOFF, EXAMINING ATTORNEY

Int. Cl.: 24

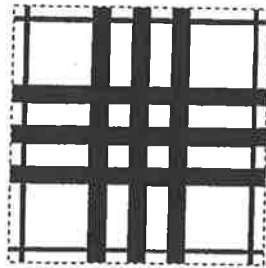
Prior U.S. Cls.: 42 and 50

United States Patent and Trademark Office

Reg. No. 2,728,709

Registered June 24, 2003

TRADEMARK
PRINCIPAL REGISTER



BURBERRY LIMITED (UNITED KINGDOM CORPORATION)
18-22 HAYMARKET
LONDON, SW1Y 4DQ, GB, UNITED KINGDOM

FOR: FABRICS FOR USE IN THE MANUFACTURE OF CLOTHING, UNDERCLOTHES, SWIMWEAR, HEADWEAR, FOOTWEAR, HOSIERY, SOCKS; AND BELTS; FABRICS FOR USE IN THE MANUFACTURE OF LINENS, BED COVERS, TABLE COVERS, FURNITURE COVERS, AND WINDOW AND WALL COVERS; FABRICS FOR USE IN THE MANUFACTURE OF COSMETICS CASES AND BAGS, TOILETRY CASES AND BAGS, AND SHAVING CASES AND BAGS; FABRICS FOR USE IN THE MANUFACTURE OF PURSES, POUCHES, BAGS, LUGGAGE, CARRIERS, TRAVEL BAGS, AND SUIT AND GARMENT BAGS; FABRICS FOR USE IN THE MANUFACTURE OF CASES AND HOLDERS FOR MONEY, DOCUMENTS, KEYS, GLASSES, GOGGLES, WATCHES, JEWELRY AND TIES; FABRICS FOR USE IN THE MANUFACTURE OF UMBRELLAS AND PARASOLS AND CASES THEREOF; FABRICS FOR USE IN THE MANUFACTURE OF STRAPS AND BRACELETS FOR WATCHES, AND STRAPS FOR SHOES AND BAGS; FABRICS FOR USE IN THE MANUFACTURE OF LINING FOR ALL THE FOREGOING GOODS; FABRICS FOR USE IN THE MANUFACTURE OF PET AND ANIMAL

CARRIERS, PET AND ANIMAL CLOTHING, PET AND ANIMAL HEADWEAR, PET AND ANIMAL COLLARS AND LEASHES, AND LINING FOR ALL THE FOREGOING GOODS; BED BLANKETS AND LINENS; TABLE CLOTHS NOT OF PAPER; TABLE LINENS; COMFORTERS AND BLANKETS, IN CLASS 24 (U.S. CLS. 42 AND 50).

FIRST USE 0-0-1924; IN COMMERCE 0-0-1929.

OWNER OF U.S. REG. NOS. 1,241,222, 2,022,789 AND OTHERS.

THE LINING IS A FEATURE OF THE MARK AND IS NOT INTENDED TO INDICATE COLOR.

THE MARK CONSISTS OF A DESIGN APPLIED IN WHOLE AND IN PART ON OR IN CONNECTION WITH THE GOODS. THE BROKEN LINES IN THE DRAWING SIGNIFY THAT THE MARK IS NOT LIMITED TO POSITION OR PLACEMENT.

SEC. 2(F).

SER. NO. 76-351,946, FILED 12-21-2001.

G. MAYERSCHOFF, EXAMINING ATTORNEY

Int. Cls.: 3, 18, and 25

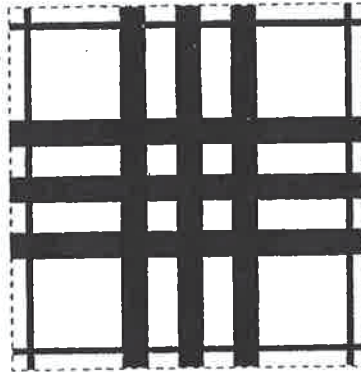
Prior U.S. Cls.: 1, 2, 3, 4, 6, 22, 39, 41, 50, 51, and 52

Reg. No. 2,732,617

United States Patent and Trademark Office

Registered July 1, 2003

TRADEMARK
PRINCIPAL REGISTER



BURBERRY LIMITED (UNITED KINGDOM CORPORATION)
18-22 HAYMARKET
LONDON SW1Y 4DQ, UNITED KINGDOM

FOR: PERFUMES, EAU DE TOILETTES, EAU DE PARFUMS; BODY LOTION, SOAPS; PERSONAL DEODORANTS; AFTERSHAVE; SHAMPOO FOR THE HAIR AND FOR THE BODY; SHOWER GELS; BATH GELS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 0-0-1995; IN COMMERCE 0-0-1995.

FOR: ARTICLES OF LUGGAGE, NAMELY, SUITCASES, ATHLETIC AND SPORT BAGS, BEACH BAGS, CARRY-ON BAGS, CLUTCH BAGS; DUFFEL AND GYM BAGS; OVERNIGHT BAGS; SCHOOL BOOK BAGS, SHOULDER BAGS, TOTE BAGS, GARMENT BAGS FOR TRAVEL, CARRYALL BAGS, TRAVELING BAGS, HAND BAGS, LEATHER BAGS FOR COMPUTERS AND CAMERAS; WALLET AND PURSES; TOILETRY BAGS SOLD EMPTY AND COSMETICS BAGS SOLD EMPTY; BRIEF CASES, SATCHELS AND PORTFOLIOS; PARASOLS, UMBRELLAS, WALKING STICKS; LEATHER KEY FOBS, LEATHER KEY HOLDERS, AND DOG COATS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 0-0-1969; IN COMMERCE 0-0-1974.

FOR: ARTICLES OF OUTERCLOTHING, NAMELY, COATS, OVERCOATS, TRENCH COATS, CA-

SUAL COATS, RAINCOATS, JACKETS AND BLOUSONS, POLOSHIRTS, BLOUSES, DRESSES, PYJAMAS, KNITWEAR NAMELY, JUMPERS, SWEATERS, GILETS, KNITTED SHIRTS, KNITTED SKIRTS AND KNITTED SCARVES; AND SHORTS, TROUSERS, SUITS, SKIRTS, UNDERCLOTHES, HOSIERY, HEADWEAR, FOOTWEAR, SPORTS CLOTHING NAMELY, SPORTS TROUSERS, SPORTS SHORTS, SPORTS SHIRTS, SPORTS JACKETS, SPORTS FOOTWEAR: TRACKSUITS, GARMENTS THAT CAN BE ATTACHED TO OR DETACHED FROM COATS, RAINCOATS, TRENCH COATS, OR CASUAL COATS FOR ADDITIONAL WARMTH; TIES, BELTS, WRAPS, SERAPES, SCARVES, SHAWLS AND STOLE, GLOVES, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 3-1-1923; IN COMMERCE 7-1-1924.

OWNER OF U.S. REG. NOS. 1,241,222, 2,022,789, AND OTHERS.

THE LINING IS A FEATURE OF THE MARK AND IS NOT INTENDED TO INDICATE COLOR. THE COLORS BLACK AND WHITE ARE NOT CLAIMED AS PART OF THE MARK.

THE MARK CONSISTS OF A DESIGN USED IN WHOLE AND IN PART ON OR IN CONNECTION WITH THE GOODS. THE BROKEN LINES IN THE DRAWING SIGNIFY THAT THE MARK IS NOT LIMITED TO POSITION OR PLACEMENT.

Int. Cl.: 9

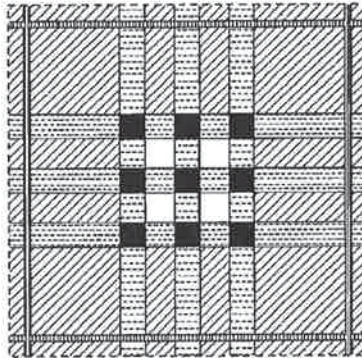
Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,845,852

Registered May 25, 2004

TRADEMARK
PRINCIPAL REGISTER



BURBERRY LIMITED (UNITED KINGDOM
CORPORATION)
18-22 HAYMARKET
LONDON SW1Y 4DQ, UNITED KINGDOM

FOR: SUNGLASSES, SPECTACLES, OPTICAL
GLASSES; FITTED FRAMES AND LENSES FOR
THE AFORESAID GOODS; CASES AND HOLDERS
FOR THE AFORESAID GOODS; CARRYING CASES
AND HOLDERS FOR PORTABLE COMPUTERS
AND MOBILE TELEPHONES, IN CLASS 9 (U.S.
CLS. 21, 23, 26, 36 AND 38).

FIRST USE 0-0-1987; IN COMMERCE 1-0-1995.

OWNER OF U.S. REG. NOS. 1,241,222, 2,022,789,
AND OTHERS.

THE MARK IS LINED FOR THE COLORS TAN,
BLACK, GRAY, WHITE AND RED. THE VERTICAL
LINES ARE FOR THE COLOR RED. THE DIAGO-
NAL LINES ARE FOR THE COLOR TAN AND THE
HORIZONTAL DASHED LINES ARE FOR THE
COLOR GRAY.

THE MARK CONSISTS OF A PATTERN APPLIED
IN WHOLE OR IN PART ON OR IN CONNECTION
WITH THE GOODS. THE BROKEN LINES IN THE
PERIMETER SIGNIFY THAT THE MARK IS NOT
LIMITED TO POSITION OR PLACEMENT.

SN 76-424,106, FILED 6-20-2002.

G. MAYERSCHOFF, EXAMINING ATTORNEY

Int. Cls.: 18, 20, 21, 24, 25, 28 and 35

Prior U.S. Cls.: 1, 2, 3, 13, 22, 23, 25, 29, 30,
32, 33, 38, 39, 40, 41, 42, 50, 100, 101 and 102

Reg. No. 3,529,814

United States Patent and Trademark Office

Registered Nov. 11, 2008

Amended

OG Date Sep. 22, 2009

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER



BURBERRY LIMITED (UNITED KING-
DOM CORPORATION)
HORSEFERRY HOUSE, HORSEFERRY
ROAD
LONDON SW1P 2AW, UNITED KING-
DOM

OWNER OF ERPN CMNTY TM OFC
REG. NO. 1591601, DATED 2-15-2002.

OWNER OF ERPN CMNTY TM OFC
REG. NO. 3940442, DATED 9-27-2005.

OWNER OF U.S. REG. NOS. 2,015,462,
2,845,852 AND OTHERS.

THE COLOR(S) TAN, BLACK, WHITE,
RED AND SHADES THEREOF IS/ARE
CLAIMED AS A FEATURE OF THE
MARK.

THE MARK CONSISTS OF A TAN
BACKGROUND, LIGHT TAN VERTICAL
AND HORIZONTAL LINES, BLACK VER-
TICAL AND HORIZONTAL LINES,
WHITE SQUARES, AND RED VERTICAL
AND HORIZONTAL LINES, FORMING A
PLAID PATTERN. THE MARK ALSO
CONSISTS OF A REPEATING CHECK
DESIGN APPLIED IN WHOLE OR IN
PART ON OR IN CONNECTION WITH
THE GOODS OR SERVICES. THE MARK
IS NOT LIMITED TO POSITION OR
PLACEMENT.

SEC. 2(F).

FOR: CLOTHING FOR PETS,
LEASHES AND COLLARS FOR PETS,
PET CARRIERS, IN CLASS 18 (U.S. CLS.
1, 2, 3, 22 AND 41).

FOR: PICTURE FRAMES, PET BEDS
AND CUSHIONS; CUSHIONS, PICNIC
BASKETS, HAMPERS, DECK CHAIRS
AND FOLDING CHAIRS, DOOR STOPS
OF PLASTIC, HANGERS FOR CLOTHES,
NON-METAL KEY FOBBS, IN CLASS 20
(U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FOR: GLASS, CRYSTAL, PORCELAIN
AND EARTHENWARE PRODUCTS,
NAMELY, BOWLS, NON-METAL CAN-
DLE HOLDERS, VASES, CROCKERY,
NAMELY, BUTTER DISHES, GRAVY
BOATS, MILK JUGS, PITCHERS, SER-
VING PLATTERS, AND SUGAR BOWLS,
DINNERWARE, PLATES, BOWLS, CUPS,
MUGS, TEAPOTS, COFFEE POTS, TEA
SETS, JUGS, SAUCERS, GLASSES AND
STEMWARE, CAKE STANDS, CARAFES,
WINE BUCKETS, ICE BUCKETS, EGG
CUPS, SALT AND PEPPER SHAKERS;

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Sep. 22, 2009.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

GOODS OF PRECIOUS METALS, NAMELY, VASES, TEA SERVICES, SALT AND PEPPER SHAKERS, NAPKIN RINGS, CANDLE HOLDERS, SERVING TRAYS, BOWLS, FLASKS, PET BOWLS, COASTERS, POWDER COMPACTS SOLD EMPTY; NON-METAL BOXES OF GLASS, CRYSTAL OR EARTHENWARE, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FOR: BED LINEN, BATH LINEN, TABLE LINEN, BLANKETS, TOWELS, PICNIC BLANKETS, BEACH TOWELS, GOLF TOWELS, CURTAINS, FURNITURE COVERINGS, CUSHION COVERS, HANDKERCHIEFS, PET BLANKETS, TEXTILE USED AS LININGS FOR CLOTHING AND ACCESSORIES, LABELS OF TEXTILE; FABRICS FOR USE IN THE MANUFACTURE OF CLOTHING, FOOTWEAR, HEADWEAR, HOSIERY, BELTS, BAGS, CASES, HOLDERS AND KEY RINGS, UMBRELLAS, WATCHES, JEWELRY, ANIMAL CLOTHING, COLLARS, LEASHES, BED LINENS, TABLE LINENS, BATH LINENS, TOWELS, BLANKETS, TOWELS, IN CLASS 24 (U.S. CLS. 42 AND 50).

FOR: COATS, DETACHABLE COAT LININGS, RAINWEAR, PONCHOS, JACKETS, GILETS, JERSEYS, JUMPERS, SWEATERS, BLOUSES, SHIRTS, POLO SHIRTS, T-SHIRTS, SINGLET, VESTS, TANK TOPS, WAISTCOATS, SUITS, DRESSES, SKIRTS, APRONS, TROUSERS, JEANS, SHORTS, SKI WEAR, SPORTS JACKETS, SPORTS JERSEYS, SPORTS SHIRTS, SPORTS TROUSERS, SWEAT PANTS, SWEAT SHIRTS, SWEAT SHORTS, TRACKSUITS, TENNIS WEAR, WATERPROOF CLOTHING, NAMELY,

COATS, JACKETS, AND TROUSERS, BIKINIS, SARONGS, SWIMWEAR, BATH ROBES, BOXER SHORTS, LINGERIE, LOUNGEWEAR, NIGHTWEAR, UNDERGARMENTS, TIES, CRAVATS, FOOTWEAR, SHOES, BOOTS, ATHLETIC FOOTWEAR, SLIPPERS, BALLET SLIPPERS, HOSIERY, SOCKS, LEGGINGS, CAPS, BANDANAS, HATS, HEAD SCARVES, KNITTED HATS, VISORS, BELTS, GLOVES, MUFFLERS, SCARVES, SHAWLS, STOLE, PASHMINAS, CHILDREN'S AND INFANT'S CLOTHING, NAMELY, COATS, JACKETS, PONCHOS, JERSEYS, SWEATERS, BLOUSES, SHIRTS, T-SHIRTS, SINGLET, VESTS, TANK TOPS, WAISTCOATS, SUITS, DRESSES, SKIRTS, TROUSERS, JEANS, SHORTS, CHILDREN'S HEADWEAR, CHILDREN'S SWIMWEAR, CHILDREN'S NIGHTWEAR, TIGHTS, CHILDREN'S UNDER GARMENTS, AND ONE-PIECE CLOTHING, HEADWEAR, FOOTWEAR, CLOTH BIBS, TEXTILE NAPPIES, IN CLASS 25 (U.S. CLS. 22 AND 39).

FOR: TEDDY BEARS, CLOTHING FOR TOYS, CHRISTMAS TREE ORNAMENTS AND DECORATIONS EXCEPT CONFECTIONERY OR ILLUMINATION ARTICLES, BABY RATTLES, PLAYING CARDS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FOR: RETAIL STORE SERVICES IN THE FIELDS OF CLOTHING, ACCESSORIES, FOOTWEAR, HEADGEAR, LUGGAGE, LEATHER GOODS, TIMEPIECES, JEWELRY, EYEWEAR AND FRAGRANCES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

SER. NO. 77-209,954, FILED 6-19-2007.

In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on Sep. 22, 2009.

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

United States of America

United States Patent and Trademark Office



Reg. No. 4,123,508

Registered Apr. 10, 2012

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

BURBERRY LIMITED (UNITED KINGDOM LIMITED COMPANY)
HORSEFERRY HOUSE,
HORSEFERRY ROAD; LONDON SW1P 2AW
UNITED KINGDOM

FOR: TELEPHONES, MOBILE TELEPHONES, MOBILE ELECTRONIC DEVICES, NAMELY, PDAS (PERSONAL DIGITAL ASSISTANTS), SMART PHONES, PERSONAL ENTERTAINMENT DEVICES, NAMELY, ELECTRONIC BOOK READERS, TABLET COMPUTERS, NETBOOKS, ELECTRONIC NOTEBOOKS, HANDHELD COMPUTERS, PORTABLE DIGITAL AUDIO AND/OR VIDEO PLAYERS, AND ACCESSORIES FOR THE FOREGOING, NAMELY, HEADSETS, HEADPHONES, COVERS, FASCIA, LANYARDS SPECIALLY DESIGNED FOR MOBILE ELECTRONIC DEVICES AND MOBILE TELEPHONES, STYLUS, BATTERY CHARGERS, PHONE JEWELRY AND ACCESSORY CHARMS FOR MOBILE ELECTRONIC DEVICES; CASES AND HOLDERS FOR TELEPHONES, MOBILE TELEPHONES AND MOBILE ELECTRONIC DEVICES, NAMELY, FOR PDAS (PERSONAL DIGITAL ASSISTANTS), SMART PHONES, PERSONAL ENTERTAINMENT DEVICES IN THE NATURE OF ELECTRONIC BOOK READERS, TABLET COMPUTERS, NETBOOKS, ELECTRONIC NOTEBOOKS, HANDHELD COMPUTERS AND PORTABLE DIGITAL AUDIO AND/OR VIDEO PLAYERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

OWNER OF U.S. REG. NOS. 2,015,462, 2,612,272 AND OTHERS.

PRIORITY DATE OF 10-16-2009 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 1050179 DATED 4-7-2010, EXPIRES 4-7-2020.

THE COLOR(S) TAN, BLACK, WHITE, RED AND SHADES THEREOF IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF A TAN BACKGROUND, LIGHT TAN VERTICAL AND HORIZONTAL LINES, BLACK VERTICAL AND HORIZONTAL LINES, WHITE SQUARES, AND RED VERTICAL AND HORIZONTAL LINES, FORMING A PLAID PATTERN. THE MARK ALSO CONSISTS OF A REPEATING CHECK DESIGN APPLIED IN WHOLE OR IN PART ON OR IN CONNECTION WITH THE GOODS OR SERVICES. THE MARK IS NOT LIMITED TO POSITION OR PLACEMENT.



David J. Kappas

Director of the United States Patent and Trademark Office

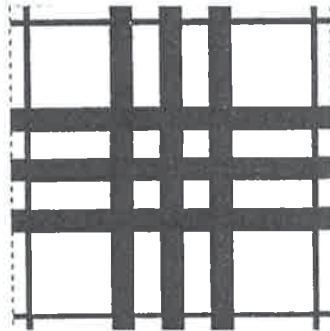
Reg. No. 4,123,508 SEC. 2(F).

SER. NO. 79-087,007, FILED 4-7-2010,

JAMES MACFARLANE, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office



Reg. No. 4,441,542

Registered Nov. 26, 2013

Int. Cls.: 9 and 14

TRADEMARK

PRINCIPAL REGISTER

BURBERRY LIMITED (UNITED KINGDOM LIMITED COMPANY (LTD.))
HORSEFERRY HOUSE, HORSEFERRY ROAD
LONDON SW1P 2AW, UNITED KINGDOM

FOR: SUNGLASSES, CAMERA CASES, SPECTACLES, OPTICAL GLASSES, MOBILE PHONE ACCESSORIES, NAMELY, MOBILE PHONE COVERS, CHARMS AND LANYARDS FOR MOBILE PHONES; FITTED FRAMES AND LENSES FOR THE AFORESAID GOODS; CASES AND HOLDERS FOR THE AFORESAID GOODS; PARTS AND FITTINGS FOR ALL THE AFORESAID GOODS; CASES AND HOLDERS FOR PORTABLE ELECTRONIC DEVICES, NAMELY, PDAS (PERSONAL DIGITAL ASSISTANTS), SMART PHONES, ELECTRONIC BOOK READERS, TABLET COMPUTERS, NETBOOKS, ELECTRONIC NOTEBOOKS, HANDHELD COMPUTERS AND PORTABLE DIGITAL AUDIO AND/OR VIDEO PLAYERS, MOBILE TELEPHONES, PORTABLE AUDIO AND VIDEO SYSTEMS AND COMPUTERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 0-0-1995; IN COMMERCE 0-0-1995.

FOR: WATCHES, WATCH STRAPS AND BRACELETS THEREFOR; JEWELRY, IMITATION JEWELRY, TIE-PINS, TIE CLIPS AND CUFF LINKS; ARTICLES MADE OF PRECIOUS METALS OR COATED THEREWITH, NAMELY, KEY RINGS. IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 0-0-1995; IN COMMERCE 0-0-1995.

OWNER OF U.S. REG. NOS. 2,845,852, 4,123,508, AND OTHERS.

THE MARK CONSISTS OF VERTICAL AND HORIZONTAL LINES FORMING A PATTERN.

SN 85-980,297, FILED 2-14-2012.

LINDA ORNDORFF, EXAMINING ATTORNEY



Deborah S. Cohen

Commissioner for Trademarks of the
United States Patent and Trademark Office

EXHIBIT B


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fit & style

- Classic plaid scarf with fringe adds a fun finishing touch to any look
- Lightweight fabric makes it a stylish versatile scarf to wear year-round

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Give your collection of accessories a classic spin by adding the Sylvia Alexander Camel Plaid Scarf to your everyday style. In a lightweight fabric, this stylish scarf will seamlessly transition from season to season while it adds a chic finishing touch to your style. The camel plaid features red, black and white hues to easily match the scarf to a variety of looks, while fringed ends add fun movement. Tie it once around your neck and pair with a simple tee and jeans or bundle it up for a layered look atop your favorite dresses to create a style that's all your own.

Sizing: Women
 Material: 100.0% Polyester



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Women's Sylvia Alexander Scarf - Maroon Plaid

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fit & style

- Classic plaid scarf with fringe adds a fun finishing touch to any look
- Lightweight fabric makes it a stylish versatile scarf to wear year-round

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Give your collection of accessories a classic twist by adding the Sylvia Alexander Maroon Plaid Scarf to your everyday style. In a lightweight fabric, this stylish scarf will seamlessly transition from season to season while it adds a chic finishing touch to your style. The multicolored plaid keeps things simple and easy to match to a variety of looks, while fringed ends add fun movement. Tie it once around your neck and pair with a simple tee and jeans or bundle it up for a layered look atop your favorite dresses to create a style that's all your own.

Sizing: Women

Material: 100.0% Polyester



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Women's Sylvia Alexander Scarf - Gray Plaid

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fit & style

- Classic plaid scarf with fringe adds a fun finishing touch to any look
- Lightweight fabric makes it a stylish versatile scarf to wear year-round

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Give your collection of accessories a classic spin by adding the Sylvia Alexander Gray Plaid Scarf to your everyday style. In a lightweight fabric, this stylish scarf will seamlessly transition from season to season while it adds a chic finishing touch to your style. The red, white and gray plaid keeps things simple and easy to match to a variety of looks, while fringed ends add fun movement. Tie it once around your neck and pair with a simple tee and jeans or bundle it up for a layered look atop your favorite dresses to create a style that's all your own.

Sizing: Women

Material: 100.0% Polyester





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Women's Sylvia Alexander Scarf - Navy Plaid

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Women's Sylvia Alexander Scarf - Black Plaid

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fit & style

- Classic plaid scarf with fringe adds a fun finishing touch to any look
- Lightweight fabric makes it a stylish versatile scarf to wear year-round

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Give your collection of accessories a classic twist by adding the Sylvia Alexander Black Plaid Scarf to your everyday style. In a lightweight fabric, this stylish scarf will seamlessly transition from season to season while it adds a chic finishing touch to your style. The red, white and black plaid keeps things simple and easy to match to any look, while fringed ends add fun movement. Tie it once around your neck and pair with a simple tee and jeans or bundle it up for a layered look atop your favorite dresses to create a style that's all your own.

Sizing: Women
 Material: 100.0% Polyester



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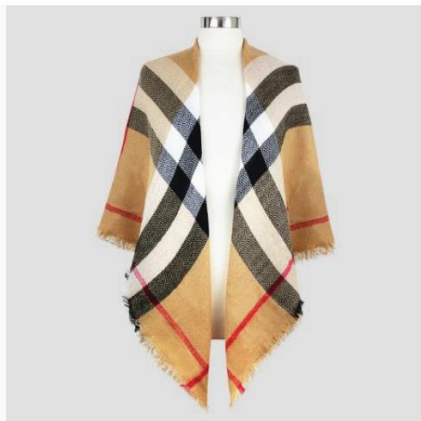
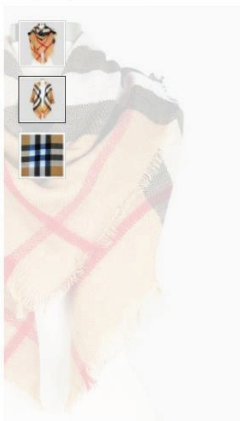
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Women's Sylvia Alexander Fashion Scarf - Camel Plaid

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fit & style

- Cozy blanket scarf in a soft, midweight fabric keeps you warm on a cool day
- Classic plaid pattern mixes in easily with a variety of outfits

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There's nothing better than bundling up in cozy comfort when the cold season arrives. When you add the Sylvia Alexander Plaid Blanket Scarf to your look, you'll stay nice and warm — and always stylish. In a soft, midweight fabric, this scarf makes the perfect companion for cold days ahead. The camel plaid pattern keeps your style chic and sophisticated, while the neutral hues mix in easily with a variety of looks. Wrap the plaid scarf around your shoulders to take in the warmth like a blanket, or tie it around your neck a few times for a comfy layered look.

Sizing: Women

Material: 100.0% Acrylic



EXHIBIT C



EXHIBIT D

1/25/2017

American Tourister 9" Satchel - Red Satchel; Target

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American Tourister 25" Spinner Fashion Luggage - Red Plaid - Target

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\$79.99
SwissGear Zurich 22" Wheeled Duffel Bag - Black



\$59.99 - \$167.99
Rockland Journey 4pc Luggage Set



\$139.99
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EXHIBIT E

