

**FILED**

AO 451 (Rev. 01/09) Clerk's Certification of a Judgment to be Registered in Another District

JUL 19 2011

**UNITED STATES DISTRICT COURT**

for the

Southern District of New York

STATE OF INDIANA, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

COACH, INC. and COACH SERVICES, INC., )

Plaintiff )

v. )

JAY DEE LEAP, SR., et al. )

Defendant )

2:11 mc 135

Civil Action No. 11 Civ. 1985(LBS)

**CLERK'S CERTIFICATION OF A JUDGMENT TO BE REGISTERED IN ANOTHER DISTRICT**

I certify that the attached judgment is a copy of a judgment entered by this court on (date) 05/25/2011.

I also certify that, as appears from this court's records, no motion listed in Fed. R. App. P. 4(a)(4)(A) is pending before this court and that no appeal has been filed or, if one was filed, that it is no longer pending.

Date: July 6, 2011

CLERK OF COURT

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Signature of Clerk or Deputy Clerk

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LAKE COUNTY  
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MICHELLE L. FAHMAN  
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Brian W. Brokate (BB 5830)  
John Macaluso (JM 2058)  
Walter-Michael Lee (WL 6353)  
Gibney, Anthony & Flaherty, LLP  
665 Fifth Avenue  
New York, New York 10022  
Telephone: (212) 688-5151  
Facsimile: (212) 688-8315  
Attorney for Plaintiff

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

COACH, INC. and COACH SERVICES, INC.,

Plaintiff,

v.

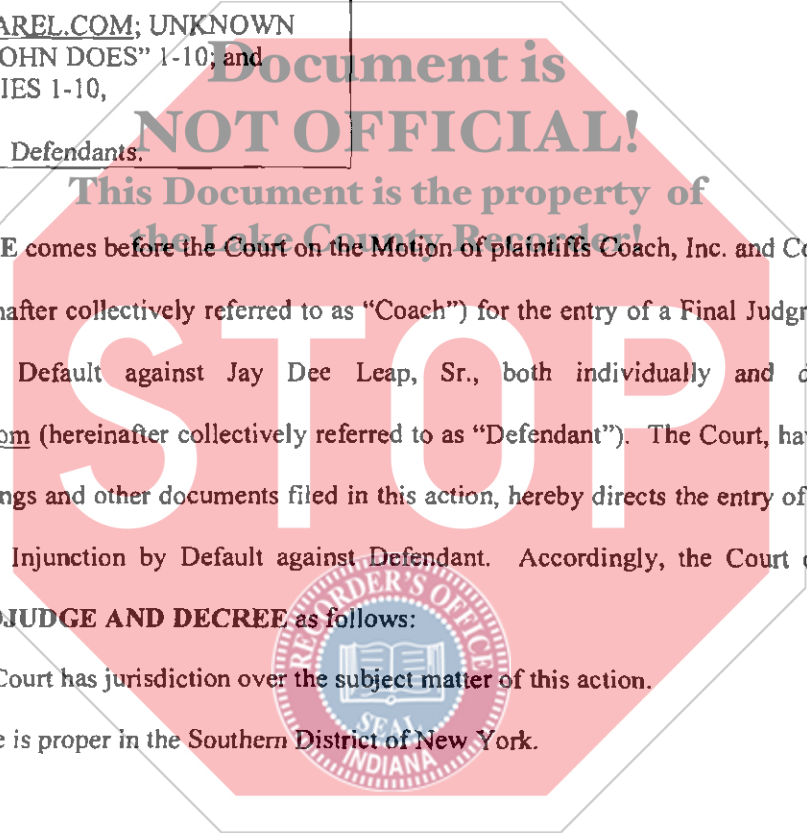
JAY DEE LEAP, SR. both individually and  
doing business as  
WWW.JAYDEAPPAREL.COM; UNKNOWN  
WEBSITES 1-10; "JOHN DOES" 1-10; and  
UNKNOWN ENTITIES 1-10,

Defendants.

CASE NO. 11 CIV 1985 (LBS)

#11,0972

**FINAL JUDGMENT AND INJUNCTION  
BY DEFAULT AGAINST DEFENDANT**








**THIS CAUSE** comes before the Court on the Motion of plaintiffs Coach, Inc. and Coach Services, Inc. (hereinafter collectively referred to as "Coach") for the entry of a Final Judgment and Injunction by Default against Jay Dee Leap, Sr., both individually and d/b/a www.jaydeapparel.com (hereinafter collectively referred to as "Defendant"). The Court, having considered all pleadings and other documents filed in this action, hereby directs the entry of this Final Judgment and Injunction by Default against Defendant. Accordingly, the Court does hereby **ORDER, ADJUDGE AND DECREE** as follows:







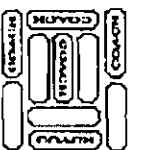

1. This Court has jurisdiction over the subject matter of this action.
2. Venue is proper in the Southern District of New York.









3. Defendant is subject to the jurisdiction of this Court pursuant to and in accordance with the laws of the State of New York, the United States Constitution and Rule 4 of the Federal Rules of Civil Procedure.

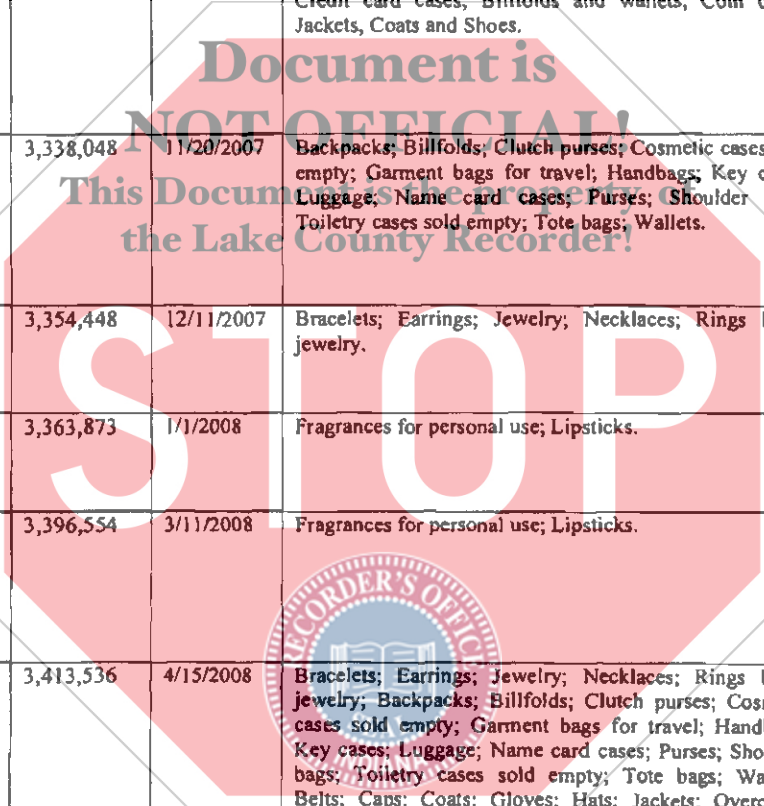
4. Coach Services, Inc. has adopted and is the owner of the trademarks which are protected by the following United States Federal Trademark Registrations:




<b>Trademark</b>	<b>Reg. No.</b>	<b>Date</b>	<b>Description of Goods</b>
COACH	0,751,493	6/23/1963	Leather Goods-Namely, Utility Kits, Portfolios, Key Cases, Comb Cases, Pass Cases, Money Clips, Billfolds, Wallets, Pocket Secretaries, Stud Cases, Jewel Cases, and Leather Book Covers.
COACH	1,071,000	8/09/1977	Women's Handbags and carry-on luggage; Men's and women's belts.
	1,070,999	8/09/1977	Women's handbags, portfolios, toiletry travel kits and carry-on luggage pieces.
 COACH LEATHERWARE	1,242,098	6/14/1983	Women's Handbags, Portfolios, Carry On Luggage, Clutches, Totes, Travel Kits, Cosmetic Cases, and Briefcases; Men's and Women's Belts.
 COACH	1,309,779	12/18/1984	Eye-glass Cases; Checkbook Cases and Pocket Secretaries; Leather Goods-Namely, Wallets, Purses, Key Cases, Cosmetic Cases (Sold Empty), Business Card Cases, Credit Card Cases, Passport Holders, Clutches, Tote Bags, and Shoulder Bags.
COACH	1,846,801	7/26/1994	Men's and women's coats and jackets.
	2,035,056	2/4/1997	Leather cleaning and moisturizing preparations; shoe brushes, cleaning cloths for wiping or dusting leather products
	2,045,676	3/18/1997	Key fobs of metal and money clips; cellular phone cases, computer cases and computer accessory cases; Desk pads, [ desk file trays, memo boxes, pencil cups], business card holders, paperweights, planning diaries, daily business planners, checkbook covers, passport covers; attaché cases, briefcases, briefcase-type portfolios; satchels, duffel bags, men's clutches, coin cases, waist pouches, [water bottle carriers,] passport covers, and identification tags for luggage, luggage, garment bags, backpacks; Picture frames, jewelry cases not of precious metal; Hats, caps and gloves.
COACH	2,074,972	7/1/1997	Leather cleaning and moisturizing preparations; brushes and cleaning cloths for wiping or dusting of leather products.

	2,088,707	8/19/1997	Cellular phone cases, computer cases and computer accessory cases; attaché cases, briefcases, briefcase-type portfolios, handbags, satchels, tote bags, duffel bags, luggage, garment bags for travel, back packs, tie cases, men's clutches, cosmetic bags sold empty, toiletry cases sold empty, water bottle carriers and waist pouches; men's and women's belts.
COACH COACH	2,088,706	9/19/1997	key fobs of metal, metal money clips; eyeglass cases, cellular phone cases, computer cases and computer accessory cases; desk pads, desk file trays, memo boxes, pencil cups, business card holders, paperweights, planning diaries, daily business planners, checkbook covers; attaché cases, briefcases, satchels, tote bags, duffel bags, key cases and leather key fobs, men's clutches, coin cases, credit card cases, waist pouches, water bottle carriers, passport covers, cosmetic cases sold empty, toiletry cases sold empty, and identification tags for luggage, luggage, garment bags, back packs; picture frames, jewelry cases not of precious metal, non-metal money clips; hats, caps and gloves.
	2,162,303	6/2/1998	Belts.
	2,169,808	6/30/1998	Clothing for men, women and children, namely, coats, jackets, vests, shirts, overcoats, raincoats, socks, scarves, ties, suspenders, shoes, slippers, and belts.
COACH COACH	2,231,001	3/9/1999	Clothing for men, women and children, namely, coats, jackets, vests, shirts, overcoats, raincoats, socks, scarves, ties, suspenders, shoes, slippers, and belts.
COACH COACH	2,291,341	11/9/1999	Clocks and watches.
	2,291,368	11/9/1999	Clocks, watches and component parts thereof.
COACH	2,446,607	4/24/2001	Writing instruments, namely, pens and pencils.
COACH COACH	2,451,168	5/15/2001	Eyeglasses.
	2,534,429	1/29/2002	Eyeglasses, eyeglass frames, sunglasses.
COACH  CC CC CC CC	2,592,963	7/9/2002	Clothing, namely, Scarves, Ties, Gloves, Belts, Caps, Hats, Shoes, [Slippers,] Coats, Jackets [and Suspenders].

 CC CC CC CC	2,626,565	9/24/2002	Handbags, Purses, Clutches, Shoulder Bags, Portfolios, Tote bags, Waist pouches, Backpacks, Cosmetic cases sold empty, Toiletry cases sold empty, Briefcases, Luggage, Garment bags, Billfolds, Wallets, Key cases, Business card cases, credit card cases, Passport holders, Identification cases, tie cases and Coin pouches.
 COACH	2,666,744	12/24/2002	Bed sheets, pillowcases, towels, comforters, duvet covers, bedspreads, dust ruffles, pillow shams, curtains, draperies, tablecloths not of paper, cloth napkins and bed blankets.
 CC	2,822,318	3/16/2004	Fabric for use in the manufacture of clothing, shoes, handbags and luggage.
 CC	2,822,629	3/16/2004	Retail store services featuring handbags, luggage, home furnishings, stationary, jewelry, watches, small leather goods, clothing, accessories, shoes, eyewear, toys, desk accessories and pet products.
 CC	2,832,589	4/13/2004	Candles; metal key fobs; sunglasses and eyeglass cases; watches and watch straps; jewelry, namely, necklaces, bracelets, earrings, rings; diaries and planning diaries made of leather; leather key fobs, umbrellas, dog and cat collars and leashes; clothing, namely, skirts and pants, and dogs coats.
 COACH	2,832,740	4/13/2004	Stuffed toy animals.
COACH	2,836,172	4/27/2004	Sporting Goods, namely, Golf Bags, Golf Balls, Footballs, Baseballs, Golf Tees and Ball Pouches, Golf Gloves and Glove Club Covers; Stuffed Toy Animals.
COACH	2,939,127	4/12/2005	Cameras and Camera Cases.
 COACH	2,983,654	8/9/2005	Handbags and linings sold as an integral component thereof, beach tote bags, umbrellas; Beach towels, fabrics for use in making clothing, shoes and handbags; Swimwear, scarves, hats, and shoes.
 C	3,012,585	11/8/2005	Handbags, Purses, Clutches, Shoulder Bags, Tote Bags, Waist Pouches, Cosmetic Cases Sold Empty, Toiletry Cases Sold Empty, Billfolds, Wallets, Key Cases, Business Card cases, Credit card Cases, Passport Holders, Identification Cases, Key Fobs, Coin Pouches and Umbrellas; Fabrics for use in the manufacture of clothing, shoes and handbags; Clothing, namely, Scarves, Hats, Caps and Shoes.

	3,072,459	3/28/2006	Leather goods, namely, key fobs, wallets, key cases, bags, travel kits, tote bags, valet trays, briefcases, messenger bags and duffel bags.
	3,149,330	9/26/2006	Watches.
C			
COACH COACH	3,157,972	10/17/2006	Retail store services, on-line retail store services and catalog mail order services featuring handbags, luggage, stationary, jewelry, watches, small leather goods, clothing, accessories, shoes, eyewear, toys, desk accessories and pet products.
	3,187,894	12/19/2006	Purses, toiletry cases sold empty and handbags; leather goods, namely, luggage, billfolds, brief case type portfolios, attaché cases, wallets, pocket wallets, clutch purses, key cases; clothing, namely, coats, jackets, hats, and gloves, all of which are made of leather and/or fur.
 COACH EST. 1941	3,251,315	6/12/2007	Handbags; Small leather goods, namely, Key cases, Credit card cases, Billfolds and wallets, Coin cases; Jackets, Coats and Shoes.
 COACH	3,338,048	11/20/2007	Backpacks; Billfolds; Clutch purses; Cosmetic cases sold empty; Garment bags for travel; Handbags; Key cases; Luggage; Name card cases; Purses; Shoulder bags; Toiletry cases sold empty; Tote bags; Wallets.
COACH COACH	3,354,448	12/11/2007	Bracelets; Earrings; Jewelry; Necklaces; Rings being jewelry.
 COACH	3,363,873	1/1/2008	Fragrances for personal use; Lipsticks.
 CC	3,396,554	3/11/2008	Fragrances for personal use; Lipsticks.
 COACH EST. 1941	3,413,536	4/15/2008	Bracelets; Earrings; Jewelry; Necklaces; Rings being jewelry; Backpacks; Billfolds; Clutch purses; Cosmetic cases sold empty; Garment bags for travel; Handbags; Key cases; Luggage; Name card cases; Purses; Shoulder bags; Toiletry cases sold empty; Tote bags; Wallets; Belts; Caps; Coats; Gloves; Hats; Jackets; Overcoats; Raincoats; Scarves; Shoes; Slippers; Ties.



COACH	3,439,871	6/3/2008	Umbrellas.
COACH 	3,441,671	6/3/2008	Eyeglasses; sunglasses; Jewelry; watches; Credit card cases; garment bags for travel; handbags; leather cases; leather key cases; purses; traveling bags; umbrellas; wallets; Coats; footwear; hats; jackets; shoes.
COACH	3,633,302	6/2/2009	Body sprays; Cologne; Cosmetics; Hand lotions; Perfumes; Skin lotions; Skin moisturizer; Skin soap; Toilet soaps.
	3,685,590	9/22/09	Bracelets; Earrings; Jewelry; Necklaces; Rings being jewelry; Watches.
COACH	3,691,827	10/6/09	Bracelets; Earrings; Jewelry; Necklaces; Rings being jewelry; Watches.
 CC	3,696,470	10/13/09	Backpacks; Billfolds; Clutch purses; Cosmetic cases sold empty; Garment bags for travel; Handbags; Key cases; Luggage; Name card cases; Purses; Shoulder bags; Toiletry cases sold empty; Tote bags; Wallets; Business card cases; Credit card cases; Coin purses; Umbrellas. Fabrics for the manufacture of clothing, shoes and handbags. Belts made of leather; Headgear, namely, caps and hats; Coats; Gloves; Jackets; Overcoats; Raincoats; Scarves; Shoes; Slippers; Ties

(hereinafter collectively referred to as the "Coach Registered Trademarks.")

5. The Coach Registered Trademarks have been used in interstate commerce to identify and distinguish Coach's high quality merchandise, including, but not limited to, high quality handbags, wallets, jewelry, products, shoes, eyewear, and fragrances among other goods and accessories for an extended period of time.

6. The Coach Registered Trademarks have not been assigned or licensed to any other Defendants in this matter.

7. Coach has extensively used, advertised and promoted the Coach Registered Trademarks in the United States in association with the sale of high quality merchandise and has carefully monitored and polices the use of the Coach Registered Trademarks.

8. As a result of Coach's efforts, members of the consuming public readily identify merchandise bearing the Coach Registered Trademarks as being high quality merchandise sponsored and approved by Coach.

9. The Coach Registered Trademarks are entitled to protection under the federal trademark laws and under the laws of the State of New York.

10. On March 22, 2011, Coach filed its Complaint against Defendant.

11. On March 25, 2011, Defendant was served with a copy of the Summons and the Complaint in this action.

12. Defendant has failed to file an answer or otherwise defend this action, as required by law.

13. On April 26, 2011, a default was entered by the Clerk of Court against Defendant.

14. As a result of Defendant's default in this action, Defendant is deemed to have admitted the allegations contained in Coach's Complaint.

15. Thus, the Court finds that Defendant is liable to Coach on all Counts of the Complaint. Therefore, Defendant is liable to Coach for: willful and malicious trademark counterfeiting under federal law, 15 U.S.C. § 1114, *et seq.*; willful and malicious trademark infringement under federal law, 15 U.S.C. § 1114, *et seq.*; willful and malicious trademark dilution under federal law, 15 U.S.C. § 1125(c); and unfair competition, false designation of origin and false description under federal law, 15 U.S.C. § 1125(a).



16. As a result of Defendant's unlawful conduct, Coach is entitled to the entry of a permanent injunction against Defendant. Accordingly, the Court hereby permanently enjoins and restrains Defendant and his employees, agents, servants, successors and assigns, and all those acting in concert or participation therewith, from:

(a) using any reproduction, counterfeit, copy, or colorable imitation of the Coach Registered Trademarks to identify any goods or the rendering of any services not authorized by Coach;

(b) engaging in any course of conduct likely to cause confusion, deception or mistake, or injure Coach's business reputation or weaken the distinctive quality of the Coach Registered Trademarks, Coach's name, reputation or goodwill;

(c) using a false description or representation including words or other symbols tending to falsely describe or represent their unauthorized goods as being those of Coach or sponsored by or associated with Coach and from offering such goods in commerce;

(d) further infringing or diluting the Coach Registered Trademarks by manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, displaying or otherwise disposing of any products not authorized by Coach bearing any simulation, reproduction, counterfeit, copy or colorable imitation of the Coach Registered Trademarks;

(e) using any simulation, reproduction, counterfeit, copy or colorable imitation of the Coach Registered Trademarks in connection with the promotion, advertisement, display, sale, offering for sale, manufacture, production, circulation or distribution of any unauthorized products in such fashion as to relate or connect, or tend to relate or connect, such products in any way to Coach, or to any goods sold, manufactured, sponsored or approved by, or connected with Coach;

(f) 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 services provided, products manufactured, distributed, sold or offered for sale, or rented by Defendant are in any way associated or connected with Coach, or is provided, sold, manufactured, licensed, sponsored, approved or authorized by Coach;

(g) engaging in any conduct constituting an infringement of any of the Coach Registered Trademarks, of Coach's rights in, or to use or to exploit, said trademark, or constituting any weakening of Coach's name, reputation and goodwill;

(h) using or continuing to use the Coach Registered Trademarks or trade names in any variation thereof on the Internet (either in the text of a website, as a domain name, or as a keyword, search word, metatag, or any part of the description of the site in any submission for registration of any Internet site with a search engine or index) in connection with any goods or services not directly authorized by Coach;

(i) hosting or acting as Internet Service Provider for, or operating or engaging in the business of selling any web site or other enterprise that offers for sale any products bearing the Coach Registered Trademarks;

(j) acquiring, registering, maintaining or controlling any domain names that include the COACH trademark or any of the other Coach Registered Trademarks or any marks confusingly similar thereto, activating any website under said domain names, or selling, transferring, conveying, or assigning any such domain names to any entity other than Coach;

(k) using any e-mail addresses to offer for sale any nongenuine products bearing counterfeits of the Coach Registered Trademarks;

(l) having any connection whatsoever with any websites that offer for sale any merchandise bearing counterfeits or infringements of the Coach Registered Trademarks;

(m) secreting, destroying, altering, removing, or otherwise dealing with the unauthorized products or any books or records which contain any information relating to the importing, manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, or displaying of all unauthorized products which infringe the Coach Registered Trademarks; and

(n) 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 (a) through (m).

17. Pursuant to and in accordance with 15 U.S.C. § 1117(c), the Court hereby Orders Defendant to pay Coach the sum of \$1,400,000, as an award of statutory

damages for Defendant's willful acts of trademark counterfeiting. Said award to Coach shall bear interest from the date of this judgment at the rate provided by law.

18. Pursuant to and in accordance with 15 U.S.C. § 1117 and applicable law, Coach shall also have and recover from Defendant its actual costs incurred in this action in the sum of \$559.00, with interest thereon at the rate provided by law.

19. Within ten (10) days of the date of this Final Judgment and Injunction by Default, Defendant shall take all steps necessary to remove from all websites Defendant owns or controls all text or any other media bearing Coach Registered Trademarks or any marks confusingly similar hereto.

20. Within thirty (30) days of the date of this Final Judgment and Injunction by Default, Defendant shall file and serve Coach with a sworn statement setting forth in detail the manner and form in which Defendant has complied with this Final Judgment and Injunction by Default, including its injunctive provisions.

21. That Defendant be required to deliver up for destruction to Coach all unauthorized materials bearing any of the Coach Registered Trademarks in association with unauthorized goods or services and the means for production of same pursuant to 15 U.S.C. § 1118.

22. That Defendant and his Internet Service Provider and/or Registrar be ordered to cancel or transfer to Coach or to place on Registry Hold Status any domain names, including but not limited to [jaydeapparel.com](http://jaydeapparel.com), used by Defendant to engage in his unauthorized activities concerning the Coach Registered Trademarks.

23. Because the Court finds that Defendant's acts constitute willful and/or malicious injury to Coach and/or Coach's property under 11 U.S.C. § 523(a)(6), the sums awarded to Coach herein are not dischargeable in any bankruptcy proceeding filed by Defendant.

24. That PayPal, Inc. be ordered to transfer to Coach any funds located in Defendant or Defendant's Website's PayPal accounts that were frozen according to Judge Baer's order in this case dated March 21, 2011.

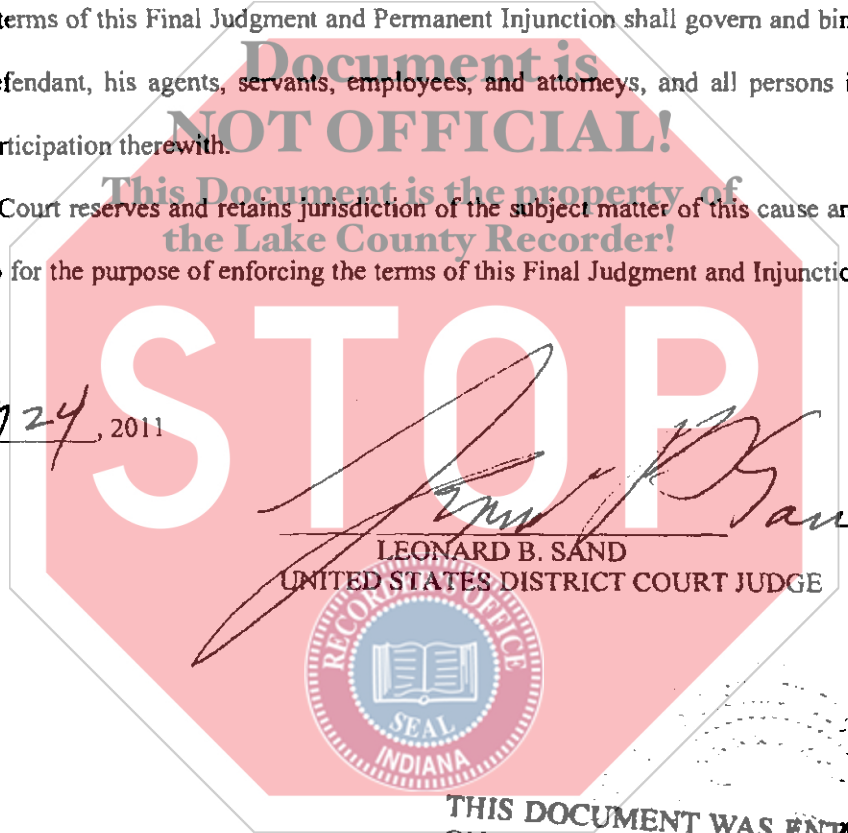
25. In the event Coach seeks enforcement of any provision of this Final Judgment and Injunction by Default, Coach shall serve Defendant by United States Mail with a copy of Coach's enforcement application. Such service shall be considered effective if Coach sends a copy of Coach's enforcement application to Defendant at the following address:

Jay Dee Leap, Sr. both  
Individually and doing business  
as [www.jaydeapparel.com](http://www.jaydeapparel.com)  
2698 Gibson Street  
Lake Station, IN 46405-1541

26. The terms of this Final Judgment and Permanent Injunction shall govern and bind the activities of Defendant, his agents, servants, employees, and attorneys, and all persons in active concert or participation therewith.

27. The Court reserves and retains jurisdiction of the subject matter of this cause and of the parties hereto for the purpose of enforcing the terms of this Final Judgment and Injunction by Default.

Dated: May 24, 2011



THIS DOCUMENT WAS ENTERED ON THE DOCKET ON 5/25/11

A CERTIFIED COPY  
RUBY J. KRAJICK, CLERK

BY [Signature]  
Deputy Clerk