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FILED
FEB 04 2016
JUDGE JOHN ROBERT BLAKEY
United States District Court

Gloria Lewis
Courtroom Deputy
Room 1732
Northern District of Illinois
219 South Dearborn Street
Chicago, IL 60604
U.S.A.

2nd February 2016

Ref: Case Number: 1:16-cv-00023

Dear Gloria

Thank you for taking my call last Thursday and I appreciate your assistance with this matter.

I believe that normally documents are presented to the court in a particular fashion so I apologize if my documents are not bound correctly. I have outlined the position as best I can and hope that this will be sufficient to display to the court that my Irish registered business, should not have been included with thousands of websites based in China in the above case. Minimal due diligence by the prosecution attorney would have identified shown this fact.

I made every effort to resolve this matter without wasting the courts time and am disappointed that having made two phone calls to the prosecution attorney Mr. Richard Holmes, leaving messages in both cases, and having sent two emails which have been read, I didn't receive any response from him. He seems happy to take away my livelihood by destroying a legitimate business I spent 6 years trying to establish by winning a hollow victory in court where I never had a chance to defend myself. It was only after I sent a third email with a threat of legal action that he responded with a short acknowledgement of my email but little else. Since his limited response, I have heard nothing more from him and I am still totally in the dark regarding the outcome of the hearing in your court on Monday 25th January last.

Please accept my apologies for having to contact you in this case but I had nowhere else to turn and any assistance is appreciated. If you need to contact me, my email address and phone number are at the bottom of this page. If I am informed when the next hearing is, I will contact you in advance, as you suggested, so that I can be linked to the hearing by telephone and will be available to answer any questions the court may have.

Sincerely


Michael MacMahon

Michael MacMahon t/a LailaMonroe.com - 25 Herbert Place, Dublin 2, Ireland
Laila Monroe is registered in Dublin, Ireland. Registration Number: 434154
t: +353 86 813 8101 e: admin@lailamonroe.com w: www.lailamonroe.com

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ILLINOIS
EASTERN DIVISION

Judge: John Robert Blakey

Case No: 1:16-cv-0023

Plaintiffs:

AMERICAN BRIDAL AND PROM INDUSTRY ASSOCIATION, INC., ALLURE BRIDALS, INC., ALYCE DESIGNS, INC., JOVANI FASHIONS, INC., LA FEMME BOUTIQUE, INC., MON CHERI BRIDALS, LLC, MORI LEE, LLC, NEXT CENTURY PRODUCTIONS, INC., d/b/a ""SYDNEY'S CLOSET, and PROMGIRL, LLC

v.

Defendants:

THE PARTNERSHIPS and UNINCORPORATED ASSOCIATIONS IDENTIFIED ON SCHEDULE "A" and JOHN DOES 1-100

Submission by:

Michael MacMahon t/a LailaMonroe.com

(named defendant number 2497 in above referred "Schedule A")

Address and Contact Details:

- Michael MacMahon t/a LailaMonroe.com - 25 Herbert Place, Dublin 2, Ireland
- Laila Monroe is registered in Dublin, Ireland. Registration Number: 434154
- Tel: +353 86 813 8101
- eMail: admin@lailamonroe.com
- Website: www.lailamonroe.com

Background Information:

- Laila Monroe was registered as a business in the Companies Registration Office, Dublin, Ireland on 3 February 2011.
- Michael MacMahon is the sole owner of the business and has no partners.
- The business operates exclusively online via the lailamonroe.com website.
- The business is in engaged in the design and supply of bridal gowns. All dresses sold by the company are custom made to order.
- The company does not carry or hold any garments for sale from stock.
- All dresses are branded as either: "*Laila Monroe*" or as "*Carla Valentina for Laila Monroe*", complete with label and company logo – see **Addendum A**

Introduction

As a named Defendant in this legal action (Case No: 1:16-cv-00023), I have prepared this document and request the court to consider the contents contained. I am a totally innocent party and ask the court to deny all motions and claims against me and my business, as set down by the plaintiffs. I am unaware of any "evidence" being presented and their case appears to be based on their word and as I was not served with notice of the pending action, I had no opportunity to refute their allegations.

Complaint (as lodged with the court by the Plaintiffs - Case No:1:16-cv-0023)

The complaint is extensive and repetitive so I will respond briefly to the relevant parts.

1 The "Complaint" states:

10. Defendants identified on Schedule "A" are all individuals and unincorporated business associations who, upon information and belief, reside in foreign jurisdictions. The true names and addresses of Defendants are currently unknown.

Response:

My "true name and address" can be found on the lailamonroe.com website where I am listed as CEO. If a "whois" search is performed to discover details about the website registration, I am listed, along with my home address, email address and telephone as the admin contact for the domain registration. My telephone number is also prominently displayed on the home page of the website as well as on the "contact us" page.

2 The "Complaint" states:

11. Defendants conduct their illegal operations through fully interactive commercial websites registered with registrars in the United States and other foreign jurisdictions (hereinafter "Infringing Websites"). Each Defendant targets the United States, including Illinois, and has offered to sell and, on information and belief, has sold and continues to sell counterfeit products that violate Plaintiffs' intellectual property rights (hereinafter "Counterfeit Products") to consumers within the United States, including the State of Illinois and this Judicial District. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b).

Response:

I have never sold or offered to sell any "counterfeit products", or any products that violate the Plaintiffs' intellectual property rights, to consumers in the United States or any other location worldwide.

3 The "Complaint" states:

12. Through their operation of the Infringing Websites, Defendants are directly and personally contributing to, inducing and engaging in the sale of Counterfeit Products as alleged herein, often times as partners, co-conspirators and/or suppliers. Upon information and belief, Defendants are an interrelated group of counterfeiters working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Counterfeit Products. Defendants intentionally conceal their identities and the full scope of their counterfeiting operations in an effort to deter Plaintiffs from learning Defendants' true identities and the exact interworking of Defendants' illegal counterfeiting operations. On information and belief, Defendants are working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Counterfeit Products in the same transaction, occurrence, or series of transactions or occurrences. The individual, partnership or unincorporated association names used by Defendants are set forth on Schedule "A" hereto.

Response:

As above, I have never sold or offered to sell any "counterfeit products" as claimed by the Plaintiffs.

The claim that "*Defendants are an interrelated group of counterfeiters working in active concert ... etc*" is absurd. I don't know what relationship, if any, there is between the other 3,342 defendants who would appear to be based in China, but I confirm that I am based in Ireland and am not in partnership or working in active concert with any party.

Accusations (as outlined in the "Complaint")

COUNT ONE

FEDERAL TRADEMARK COUNTERFEITING AND INFRINGEMENT (15 U.S.C. §1114)

Response:

Count One (numbers 46 to 49) deals with Trademarks. None of the Plaintiffs' Trademarks have ever been used anywhere on the Laila Monroe website or on any Laila Monroe garments and at no time did we ever try to "pass off" any dresses as being by any of the Plaintiffs or by any other company. All dresses we make and sell have one of the two Laila Monroe labels as shown on "**Addendum A**".

COUNT TWO

UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN (15 U.S.C. §1125(a))

Response:

Count Two (number 51 to 54) relates to "counterfeit" products. I restate that I have never sold any "counterfeit" product. All dresses on my website are promoted and branded as a Laila Monroe product. Plaintiffs brand names are not mentioned on our website so it is implausible to suggest that any "confusion" could arise.

COUNT THREE

CYBERPIRACY 15 U.S.C. §1125(d)

Count Three relates to Trademarks. I repeat that I have never used any of the plaintiffs' trademarks and all garments sold by lailamonroe.com carry the Laila Monroe logo as shown in **Addendum A**".

COUNT FOUR

COPYRIGHT INFRINGEMENT (17 U.S.C. § 501)

Plaintiff Mon Cheri Bridals, LLC

Count Four claims copyright infringement of images owned by Mon Cheri Bridals, LLC. See comments below.

Comment on Copyright

The lailamonroe.com website has about 160 dress styles listed and of these, 45 were photographed by me personally so I own the copyright on those images. Of the other product images, the copyright belongs to my supplier. I can verify this as I have seen video of the actual photo shoots taking place and recognize many of the factory staff that I have met in person. The factory has their own photo studio and I recognized certain identifying features from my visits there. I also know some of the models involved in the photo shoots. I make the above points to clarify that any claims of copyright are false as NONE of the images on my website belong to the plaintiffs.

COUNT FIVE

ILLINOIS UNIFORM DECEPTIVE TRADE PRACTICES ACT

(815 ILCS § 510, et seq.)

Count Five repeats the allegations made in Counts 1 to 4. As before, I deny any of their claims as I have outlined above.

PRAYER FOR RELIEF

The plaintiffs' seek judgment in their favor and pray for equitable relief on foot of the claims made in their "Complaint" and outlined in Counts 1 to 5.

I deny all the claims outlined in the "Complaint" and respectfully request the court to deny judgment on all counts in the Complaint.

I also respectfully request the court to dismiss the prayer for equitable relief as it is without foundation.

Additional Comment on item 1 of the "Complaint"

As previously, my business address and my personal telephone contact are clearly visible on my website and a Google search will show that my contact details are available in many other places including as a member on LinkedIn, so claims that I am trying to "hide" are pathetic. On my LinkedIn profile, among my approx. 70 contacts I have listed a friend of over 40 years who was head designer for a number of years in some of Europe's leading fashion houses including the House of Chloe and Givenchy, both in Paris, France. I have many friends working in fashion design so the idea of me being involved in producing counterfeit goods is absurd. Another of my contacts is the owner of one of Irelands leading IP firms, who I came to know when he joined a business group of which I was one of the founding members. His firm did work for me on my patent application for an electronic device I was developing about 15 years ago. I am very aware of the laws regarding intellectual property, copyright and trademarks.

Service of Notice

The original application for a Temporary Restraining Order was dated 4th January 2016 with the TRO granted on 13th January 2016 but I was not aware of any legal action until Saturday 23rd January 2016 when I received an email from Mr. Richard J Holmes, Vice President of Legal Affairs and New Business Development of a company called Counterfeit Technology. Mr Holmes is also the counsel for the plaintiffs.

The email had five documents attached but was not addressed to me personally. My name or my business name were not mentioned in any or the five documents. It was only on Sunday when I clicked a link at the bottom of the page for "more information about the case" that I saw a list of 11 documents. I eventually found a document called "SEALED-TRO-and-Schedule-A.pdf" and on "Schedule A" I was listed (number 2497), along with www.LailaMonroe.com as a defendant.

Business and Reputational Damage

As a result of being named in this legal action, I have suffered and continue to suffer damage to my personal and business reputation. It is impossible to know how many of the 3,343 websites named in this action have had legal "notices" placed on their home page, but it would appear that a large number. These "notices" have a link to the eleven documents referred to above including "Schedule A.pdf" and the "SEALED-TRO-and-Schedule-A.pdf" where my name and the lailamonroe.com website are listed. These documents are also available for anybody to view or to download.

Effects on Business

As a result of being named in this action, I have had to spend over a week reading up on this case and trying to gather as much information as possible so that I can defend my good name and that of my business.

I believe that I have no case to answer as I have never violated any trademarks or sold counterfeit products as claimed by the plaintiffs. However, I have the utmost respect for the court and having discovered that lailamonroe.com was subject to a temporary restraining order, I made the decision to stop accepting new orders because, if the injunction is made permanent and implemented, I would not be in a position to deliver the orders and my customers would become the innocent victims of the actions by the plaintiffs, the American Bridal and Prom Industry Association. It would be unethical for me to put my customers at risk of financial losses in such circumstances. I also stopped all work on updating my website as it would be pointless spending more time and money on the website when its' future depends on the outcome of this legal action.

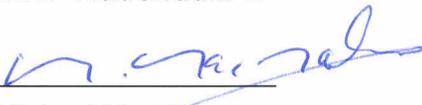
Attempts to Resolve

When I became aware of this case on 23rd January, I responded with an email to Mr Richard J Holmes, Counsel for the plaintiffs (see **Addendum B**). I received no reply. After discovering that I was listed as a defendant, I sent a second email to Mr Holmes on 25th January 2016 (see **Addendum C**). Once again, I received no reply.

I phoned Mr Holmes on Tuesday 26th and Thursday 28th January, during his office hours and left voice messages on both occasions, referencing the emails I had sent. Again, I received no response.

I used "receipt notification" software with the second email I sent so I know it was opened multiple times by the recipient on the day it was sent. It was also opened once on each of the next two days so it is clear that he received my emails but showed no interest in resolving what appears to be an error by his company who wrongly identified lailamonroe.com in the first place as an "infringing website". Due diligence would have shown that we have no case to answer but he chose to ignore that. This made me wonder if Mr Holmes, in his role as Vice President of Legal Affairs and Business Development Manager for Counterfeit Technology, was more interested in scoring points for his software business rather than seeing justice done.

It was only after my repeated attempts to get Mr Holmes to engage failed, that I sent a third email on Friday 29th January 2016 (see **Addendum D**) putting him on notice that I was prepared to protect my business and reputation by filing a law suit against his clients, here in Ireland and in the United States. As before, I used "receipt notification" software that showed he opened the email minutes after I sent it and this time, with the mention of legal action, he finally responded. His response is shown in "**Addendum D**"

Signed 
Michael MacMahon
2nd February 2016

Addendum A

These are copies of the labels used on dresses made and sold by LailaMonroe.com



Original Laila Monroe logo on labels for a wedding dress and cocktail dresses we made for one of our photo shoot. Also, in picture on right are hanging straps with Laila Monroe branding.



Updated version of Laila Monroe Label for garments designed by our original design team



Secondary brand for garments designed by our second design team



Example of label on dress prior to shipping to customer.

Addendum B

Email sent to Mr Holmes on 23rd January 2016
with
Original "notification" email received from Mr Holmes below

Re: American Bridal and Prom Industry Association, Inc. v. Shen Chen, et al. (Case No. 1:16-cv-23) 

Admin/Legal: x



admin@lailamonroe.com

23 Jan (9 days ago) ★



To: Legal, counterfeitlaw 

Dear Mr. Holmes

I am surprised to receive the email below to inform us that a law suit has been filed against us. I feel that this email was sent in error and are not mentioned in the legal documents referred to.

We are an Irish registered and based business involved in the bridal industry and all our business is conducted above board. We do not condone copyright infringement in any form and would appreciate if you can confirm that we are not subject to any legal action as referred to in your email.

Kind regards

Michael MacMahon
CEO Laila Monroe Bridal
Tel: [+353 86 813 8101](tel:+353868138101)

On 2016-01-22 17:33, Legal Notice Counterfeit Technology wrote:

Please be advised that the American Bridal and Prom Industry Association, Inc. and other plaintiffs have filed suit against you and other defendants for operating websites in violation of federal trademark and copyright laws. A copy of the Amended Complaint and Summons are attached to this message.

On January 13, 2015, the Court granted Plaintiffs' _Ex Parte_ Motion for a Temporary Restraining Order. A copy of this order is also attached to this message.

A hearing before the Honorable John Robert Blakey is scheduled for Monday, January 25, 2016 at 9:45 a.m. in Room 1725 at the U.S District Court for the Northern District of Illinois located at 219 South Dearborn Street, Chicago, Illinois 60604. Plaintiffs' will be seeking a Preliminary Injunction Order at this hearing. The following documents are also attached to this message: (1) Motion for Preliminary Injunction; (2) Memorandum of Law in Support of Preliminary Injunction; and (3) Notice of Motion for Presentment of Motion for Preliminary Injunction.

Additional information for this case can be found here:

<http://legalnotification.counterfeittechnology.com/notification/not-rated/abpia-116-cv-23/>

[1]

Sincerely,

Rich Holmes
Counsel for Plaintiffs
legal@counterfeittechnology.com
+1 (872) 216-4104 [2]

Links:

[1]

<http://legalnotification.counterfeittechnology.com/notification/not-rated/abpia-116-cv-23/>

[2] tel:%2B1%20%28872%29%20216-4104

Addendum C

Second email sent to Mr Holmes on 25th January 2016



Laila Monroe Admin <admin@lailamonroe.com>
to legal ▾

25 Jan (7 days ago) ★



Dear Mr Holmes

Further to your email ref: **Case No: 1:16-cv-23**

I received your email dated 21 January 2015. I checked the documents attached and neither my own name or that of my business was to be found. However, when I clicked your link for "additional information", I found a large number of documents and note that in one of those documents titled **Schedule A**, number **2497** lists LailaMonroe.com as an "offending website" and Michael MacMahon as the "registrar/alias" for this website.

I deny all claims as outlined in the accompanying "Complaint" and I request that my name and my business, lailamonroe.com be removed from this legal action.

Please note:

- We have never used a logo or Trademark belonging to any of the plaintiffs.
- Any garment sold by us had the Laila Monroe label and logo on it.
- We have never sold any garments to anybody resident in Illinois.

I prefer consultation rather than confrontation so I wish to point out that if "due diligence" is performed, as required under Rule 11 of the Federal Rules of Civil Procedure, it will become clear that there is no underlying justification in fact for your client's claims as there is nothing on our website that infringes on your clients trademarks or copyright.

Our website has about 150 images of which about 45 were photographed by me so I personally own the copyright of those images. The other images were given to us by the legitimate copyright owners and are not in dispute.

To continue with this action could be construed as frivolous and a waste of the courts time and would be very damaging to my good name and that of my business. In such circumstances, I would defend the case vigorously and seek financial compensation for damage caused to my business reputation and to my personal reputation as well as the costs incurred in defending this case.

I hope this won't be necessary and that common sense will prevail. I am available any time to discuss this on the phone on [+353 86 813 8101](tel:+353868138101).

Kind regards

Michael MacMahon

CEO Laila Monroe Bridal


LAILA MONROE

Northwood, Santry, Dublin 9, Ireland

Telephone: [+353 86 813 8101](tel:+353868138101)



Addendum D

Third email sent to Mr Holmes on 29th January 2016
with
Reply from Mr Holmes below



Laila Monroe Admin <admin@lailamonroe.com>
to legal

29 Jan (3 days ago) ★



Without Prejudice

Richard J. Holmes
Counsel for the American Bridal and Prom Industry Association
818 Water Wheel Court
Charlotte
North Carolina 28209

Ref: Case Number: 1:16-cv-00023

Dear Mr Holmes

I am disappointed that you failed to respond to my two previous emails or to my phone messages in relation to the legal action you are undertaking on behalf of the American Bridal and Prom Industry Association.

I have made it clear from the outset that I believe that our business was included in this legal action in error and that any mistakes can be resolved simply if common sense prevails. All that's required to resolve this issue is to remove LailaMonroe.com and Michael MacMahon from this legal action and confirm the same to us.

Since you have failed to respond to my contacts and reasonable requests, you leave me with no option but to put you on notice that if your legal action on behalf of the American Bridal and Prom Industry Association results in my business being effected and / or my personal reputation and good name being damaged, I will instigate legal action against the American Bridal and Prom Industry Association in the courts here in Ireland and also in the U.S.A. for substantial damages.

I hope this will not be necessary but I will not stand by and see my legitimate business destroyed.

Kind regards

Michael MacMahon
CEO LailaMonroe.com

Date: 29 January 2016

Laila Monroe is registered in Dublin, Ireland - registration number 434154.



Northwood, Santry, Dublin 9, Ireland

Telephone: [+353 86 813 8101](tel:+353868138101)



Reply from Mr Holmes:



Legal Counterfeit Technology
to Laila

29 Jan (3 days ago) ★



Dear Michael,

Please accept my apologies for the delay in responding. I will review our case file more closely right now and respond to you shortly. Thank you for your patience and understanding.

Sincerely,

Rich