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18 Attorneys for Plaintiff

19 FOREVER 21, INC.

20 UNITED STATES DISTRICT COURT

21 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

22 FOREVER 21, INC., a Delaware  
23 corporation,

24 Plaintiff,

25 v.

26 GUCCI AMERICA, INC., a New York  
27 corporation, and GUCCIO GUCCI  
28 S.p.A., an Italian entity,

Defendants.

Case No.

**COMPLAINT FOR:**

**(1) DECLARATORY JUDGMENT  
OF NON-INFRINGEMENT OF  
TRADEMARKS;**

**(2) CANCELLATION OF FEDERAL  
TRADEMARK REGISTRATIONS;**

**(3) DENIAL OF FEDERAL  
REGISTRATION OF  
TRADEMARKS**

1 Plaintiff Forever 21, Inc. (“**Forever 21**”) hereby states the following  
2 allegations for its Complaint against Defendants Gucci America, Inc. and Guccio  
3 Gucci S.p.A. (collectively, “**Gucci**”).

#### 4 **INTRODUCTION**

5 1. Forever 21 seeks protection against a threat of trademark litigation by  
6 Gucci over a parallel stripe design of alternating bands colored blue-red-blue and  
7 green-red-green. The colors red, blue, and green, and stripe designs, are among the  
8 most favorite, popular and widely used colors and design features on clothing.  
9 Gucci seeks to prevent Forever 21 from using stripes with common colors on  
10 clothing and accessories sold at Forever 21. Gucci has warned Forever 21 in writing  
11 of Gucci’s allegations that Forever 21 is infringing Gucci’s trademark and has  
12 threatened to sue Forever 21 to recover monetary and injunctive relief. Consumers  
13 are not likely to believe any of Forever 21’s items are manufactured by, or otherwise  
14 associated with, Gucci. Forever 21 is not infringing any Gucci trademark. Gucci’s  
15 trademark registrations relevant to this dispute should be cancelled. Gucci’s  
16 pending applications should not proceed to registration. This matter is ripe for a  
17 declaratory judgment.

#### 18 **PARTIES**

19 2. Plaintiff Forever 21, Inc., is a Delaware corporation, having its  
20 principal place of business at 3880 N. Mission Road, Los Angeles, California  
21 90031.

22 3. On information and belief, Defendant Gucci America, Inc. is a New  
23 York corporation, having a principal place of business at 50 Hartz Way, Secaucus,  
24 New Jersey 07094.

25 4. On information and belief, Defendant Guccio Gucci S.p.A. is an Italian  
26 entity, having its registered address at Via Tornabuoni 73/r, 50123 Florence, Italy.

27 5. On information and belief, Gucci is the owner of the claimed  
28 trademarks that Gucci has asserted against Forever 21, as set forth below.



1 clothing Forever 21 sells. Consumers cannot purchase Forever 21's clothing items  
2 without encountering the FOREVER 21 trademark.

3 12. Forever 21 sells clothing displaying a wide variety of colors and  
4 ornamental patterns and designs. Some of the clothing Forever 21 sells has  
5 ornamental/decorative stripes. Forever 21 does not use stripes as a trademark or  
6 source identifier on any of its clothing items. Any use of stripes on clothing sold by  
7 Forever 21 is ornamental, decorative, and aesthetically functional.

### 8 THE GUCCI DEMAND LETTERS

9 13. Forever 21 received a letter dated December 7, 2016 from Ms. Victoria  
10 Galante, Junior Legal Counsel at Gucci. This December 7, 2016 letter demanded  
11 that Forever 21 cease and desist from any and all use of blue-red-blue stripes.

12 14. Forever 21 received a second letter dated January 6, 2017 from Ms.  
13 Victoria Galante, Junior Legal Counsel at Gucci. This January 6, 2017 letter  
14 contained the same demands as the December 7 letter, namely that Forever 21 cease  
15 and desist from any and all use of blue-red-blue stripes.


16 15. Forever 21 received a third letter dated February 13, 2017 from Ms.  
17 Andrea L. Calvaruso, an attorney at Kelley Drye & Warren LLP, on behalf of Gucci  
18 ("**February 13 Demand Letter**"). The February 13, 2017 letter demanded that  
19 Forever 21 discontinue all sales of certain clothing and accessory items with blue-  
20 red-blue and green-red-green stripes.

21 16. The specific items identified as "infringing products" in Gucci's  
22 February 13 Demand Letter are pictured below:  
23  
24  
25  
26  
27  
28

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Free shipping on orders over \$50. [SEE DETAILS](#)

**FOREVER 21** Women Plus Size Girls Men Beauty Search Products [Hello, Sign in Your Account](#) [Heart](#) [Cart](#) United States

Home / Accessories / Striped Choker



**Striped Choker**  
\$3.90

**Color** Red/NAVY

**Size** ONE SIZE

Qty: 1 [Add To Bag](#)

[Add To Wishlist](#)

**Description**

**Details**  
A woven choker featuring a striped design, scalloped edges, high-polish finish and a lobster clasp closure.

**Content + Care**  
- Made in China

**Size + Fit**  
- Chain length: 15"  
- Décor: 11" x 0.75"

Product Code : 1000191097


**Reviews & Ratings**  
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Home / Men / Embroidered Satin Bomber Jacket



**Embroidered Satin Bomber Jacket**  
\$39.90

**Color** Blue/White

**Size** [Size Guide](#)

XS S M L XL

Qty: 1 [Add To Bag](#)

[Add To Wishlist](#)

**Description**

**Details**  
A quilted satin bomber jacket featuring a quilted body, long raglan sleeves with a contrast stripe, embroidered tigers on the chest, a zippered front closure, an interior chest pocket, slanted front waist pockets, ribbed knit trim with contrast stripes, contrast jersey mesh lining, and a back patch with tigers, "EAT & LAZE", and "NYL" embroidered on it.

**Content + Care**  
- Shell 1, Shell 2 & Lining: 100% polyester  
- Hand wash cold  
- Made in Vietnam

**Size + Fit**  
- Model is 5'7" and wearing a Large.  
- Full length: 28"  
- Chest: 48"  
- Waist: 48"  
- Sleeve length: 27"

Product Code : 2001190330

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FOREVER 21

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[Swim](#)
[Accessories](#)
[Shoes](#)

[Home](#) / [Sweaters + Cardigans](#) / Tiger Embroidery Stripe Sweater

### Tiger Embroidery Stripe Sweater

\$22.90

Color : Green/navy

Size [Size Guide](#)

S M L

Qty : 1

#### Description

##### Details

A lightweight ribbed knit sweater featuring an embroidered tiger chest logo, a round dropped shoulders, long sleeves with a stripe pattern, striped trim, and a boxy silhouette.

##### Content + Care

- 100% acrylic
- Hand wash cold
- Made in China

##### Size + Fit

- Model is 5'9" and wearing a Small
- Full length: 24.25"
- Chest: 42"
- Waist: 40.5"
- Sleeve length: 20.25"

Product Code : 2000190660



SALE STARTING AT \$2!

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[Accessories](#)
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Home / Jackets / Metallic Faux Leather Bomber

Metallic Faux Leather Bomber

\$34.90

Color : Silver

Size [Size Guide](#)

S
M
L

Qty : 1

Add To Bag

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Description

Details

A faux leather bomber jacket featuring a metallic sheen, contrast varsity stripe, contrast lining, and front welt pockets.

Content + Care

- Shell: 55% polyurethane, 45% cotton
- Contrast: 90% polyester, 10% spandex
- Dry clean
- Made in China

Size + Fit

- Model is 5'8" and wearing a Small
- Full length: 21"
- Chest: 36"
- Waist: 35"
- Sleeve length: 24"


Product Code : 2000226252

SALE STARTING AT \$2!  
Free shipping on orders over \$50. [SEE DETAILS](#)

**FOREVER 21** [Women](#) [Plus Size](#) [Girls](#) [Men](#) [Beauty](#)  [Hello, Sign In Your Account](#) [United States](#)

[New Arrivals](#) [Want List](#) [Dresses](#) [Tops](#) [Jackets](#) [Bottoms](#) [Intimates](#) [Activewear](#) [Swim](#) [Accessories](#) [Shoes](#) [Brands](#)

[Home](#) / [Jackets](#) / [Floral Bomber Jacket](#)



**Floral Bomber Jacket**  
\$68.00

Color : [Black](#)

Size [Size Guide](#)  
S M L

Qty : 1 [Add To Bag](#)

[Add To Wishlist](#)

**Description**

\*Available for shipment exclusively within the U.S.

**Details**  
A knit bomber jacket featuring an allover floral print, striped ribbed trim, a zip front, front zip po and long sleeves. This is an independent brand and not a Forever 21 branded item.

**Content + Care**  
- 95% polyester, 5% spandex  
- Hand wash cold  
- Made in China

**Size + Fit**  
- Model is 5'9" and wearing a Small  
- Full length: 23"  
- Chest: 41"  
- Waist: 40"  
- Sleeve length: 23.25"

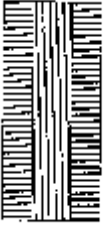

Product Code : 2000206673

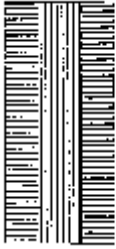

17. Forever 21, through its Senior Corporate Counsel, Jerry Noh, responded to Gucci's February 13 Demand Letter in a letter dated March 22, 2017, in which Forever 21 denied Gucci's claims of infringement.


### **GUCCI'S TRADEMARK REGISTRATIONS AND APPLICATIONS**

18. In its February 13 Demand Letter, Gucci asserted that each of the items pictured above (the "**Striped Products**") infringes Gucci's rights in various federal trademark registrations for the use of blue-red-blue and green-red-green stripes on clothing and accessory items. The registrations asserted in Gucci's February 13 Demand Letter are listed in the table below:




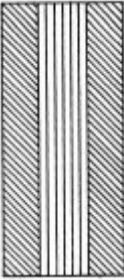
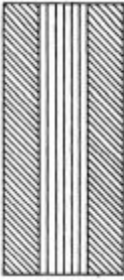
| Mark   | Class: Goods   |
|--|--|
| <p>Reg. No. 1520796<br/>Reg. Date: 1/17/1989</p>  <p>THE MARK IS AT LEAST ONE PROMINENT STRIPE CONTAINING THREE DISTINCT BANDS OF COLOR, THE COLORS BEING BLUE, RED, AND THEN BLUE, APPEARING ON THE GOODS AND NOT CONTIGUOUS TO ANOTHER STRIPE.</p> <p>Incontestable: 9/15/1995<br/>Renewal Date: 6/6/2008</p> | <p>14: [ GOODS MADE OR COATED WITH PRECIOUS METAL -NAMELY, CANDLE HOLDERS, ] WATCHES, [ CUFFLINKS, BRACELETS, PENDANTS, KEY RINGS, PAPERWEIGHTS, EARRINGS, RINGS, NECKLACES, ICE BUCKETS, GOBLETS, AND STYLIZED ANIMAL CONTAINERS ].</p> <p>FIRST USE: 19570000. FIRST USE IN COMMERCE: 19670000</p> |
| <p>Reg. No. 4563151<br/>Reg. Date: 7/8/2014</p>  <p>The color(s) Blue and Red is/are claimed as a feature of the mark. The mark consists of a stripe containing three distinct bands of color with a red band in the middle of two blue bands.</p>  | <p>18: Gym bags, wallets, cosmetic cases sold empty.</p> <p>FIRST USE: 19630000. FIRST USE IN COMMERCE: 19630000</p>   |


| Mark   | Class: Goods   |
|--|--|
| <p>Reg. No. 1495863<br/>Reg. Date: 7/12/1988</p>  <p>THE MARK IS MADE UP OF A STIPE CONTAINING THREE DISTINCT BANDS OF COLOR, THE COLORS BEING BLUE, RED AND THEN BLUE.</p> <p>Incontestable: 11/7/1994<br/>Renewal Date: 3/29/2008</p> | <p>25: FOOTWEAR.<br/>FIRST USE: 19590000. FIRST USE IN COMMERCE: 19670000</p>  |
| <p>Reg. No. 1511774<br/>Reg. Date: 11/8/1988</p>  <p>THE DRAWING IS LINED FOR THE COLORS BLUE AND RED.</p> <p>Incontestable: 5/15/1995<br/>Renewal Date: 4/30/2008</p>  | <p>28: [ WALLETS, ] PURSES, HANDBAGS, SHOULDER BAGS, CLUTCH BAGS, TOTE BAGS [ , BUSINESS CARD CASES, CREDIT CARD CASES, PASSPORT CASES, COSMETIC CASES SOLD EMPTY, ATTACHE CASES, VALISES, SUITCASES, DUFFLE BAGS, NECKTIE CASES, UMBRELLAS, SADDLES, BRIDLES, WALKING STICKS, CANES AND KEY CASES ].<br/>FIRST USE: 19510000. FIRST USE IN COMMERCE: 19630000</p> |

| Mark  | Class: Goods  |
|---|---|
| <p>Reg. No. 4379039<br/>Reg. Date: 8/6/2013</p>  <p>The color(s) GREEN and RED is/are claimed as a feature of the mark. The mark consists of a stripe containing three distinct bands of color with a red band in the middle of two green bands.</p> | <p>25: Shorts, pants, jeans, leggings, t-shirts, polo shirts, shirts, sweaters, sweatshirts, dresses, skirts, swimwear, one piece garments for infants and toddlers, cloth bibs, scarves, ties, hats, gloves, suspenders, belts.<br/>FIRST USE: 19670900. FIRST USE IN COMMERCE: 19670900</p> |

19. On information and belief, Gucci America, Inc. is the registered owner of the following trademark registrations for green-red-green stripes, which were not included or identified in Gucci's February 13 Demand Letter:



| Mark   | Class: Goods  |
|--|---|
| <p>Reg. No. 1483526<br/>Reg. Date: 4/5/1988</p>  <p>THE MARK IS MADE UP OF A STRIPE CONTAINING THREE BANDS OF COLOR, THE COLORS BEING GREEN, RED THEN GREEN. THE MARK IS LINED FOR THE COLORS RED AND GREEN.</p> <p>Incontestable: 6/17/1994<br/>Renewal Date: 10/25/2007</p> | <p>25: FOOTWEAR.<br/>FIRST USE: 19670900. FIRST USE IN COMMERCE: 19670900</p> |

| Mark   | Class: Goods  |
|--|---|
| <p>Reg. No. 1123224<br/>Reg. Date: 7/31/1979</p>  <p>THE MARK IS MADE OF A STRIPE CONTAINING THREE DISTINCT BANDS OF COLOR BEING GREEN, RED, THEN GREEN.</p> <p>Incontestable: 9/12/1985<br/>Renewal Date: 9/11/2008</p>                  | <p>14: GOODS MADE OR COATED WITH PRECIOUS METAL-NAMELY, [ CANDLE HOLDERS, ] WATCHES, [ CUFFLINKS, BRACELETS, PENDANTS, KEY RINGS, PAPERWEIGHTS, EARRINGS, RINGS, NECKLACES, ICE BUCKETS, GOBLETS, STYLIZED ANIMAL CONTAINERS AND LETTER OPENERS ].</p> <p>FIRST USE: 19670800. FIRST USE IN COMMERCE: 19670800</p>          |
| <p>Reg. No. 1122780<br/>Reg. Date: 7/24/1979</p>  <p>THE MARK IS MADE UP OF A STRIPE CONTAINING THREE DISTINCT BANDS OF COLORS, THE COLORS BEING GREEN, RED THEN GREEN.</p> <p>Incontestable: 9/13/1985<br/>Renewal Date: 1/14/2009</p> | <p>18: WALLET, PURSES, HANDBAGS, SHOULDER BAGS, CLUTCH BAGS, TOTE BAGS, CARD CASES, [ PASSPORT CASES, COSMETIC CASES, ] ATTACHE CASES, VALISES, SUITCASES, DUFFLES, [ [ NECKTIE CASES, UMBRELLAS, SADDLES, BRIDLES, WALKING STICKS, CANES, ] AND KEY CASES.</p> <p>FIRST USE: 19630700. FIRST USE IN COMMERCE: 19630700</p> |



| Mark   | Class: Goods  |
|--|---|
| <p>Reg. No. 4567112<br/>Reg. Date: 7/15/2014</p>  <p>The color(s) GREEN and RED is/are claimed as a feature of the mark. The mark consists of a stripe containing three distinct bands of color with a red band in the middle of two green bands.</p> | <p>09: Eyeglasses and sunglasses and cases therefor; protective covers and cases for mobile electronic communication devices and computers; cell phone straps; computer carrying cases.<br/>FIRST USE: 20100915. FIRST USE IN COMMERCE: 20100915</p> <p>14: Jewelry and key rings of precious metal.<br/>FIRST USE: 20100915. FIRST USE IN COMMERCE: 20100915</p> <p>18: Cosmetic cases sold empty, suitcases, luggage, duffle bags, diaper bags partly and wholly of leather; pet accessories, namely, carriers, collars and leashes.<br/>FIRST USE: 20100915. FIRST USE IN COMMERCE: 20100915</p> |


20. Hereinafter, the registrations identified in the charts above will be collectively referred to as the “**Gucci Registrations.**”

21. On information and belief, Gucci America, Inc. is the owner of record for the following trademark applications for blue-red-blue and green-red-green stripes (hereinafter, the “**Gucci Applications**”):

| Mark   | App. Serial No.   | Class: Goods  |
|--|---|---|
|  <p>The color(s) Blue and Red is/are claimed as a feature of the mark. The mark consists of a stripe containing three distinct bands of color with a red band in the middle of two blue bands.</p>  | <p>87206686</p> <p>Filing Date:<br/>10/18/2016<br/>Filing Basis: 1A</p> | <p>25: Clothing, namely, sweaters, shirts, tops, jackets, coats, skirts, pants, jeans, shorts, dresses, boots, sandals, sneakers, belts and hats<br/>FIRST USE: 19740000. FIRST USE IN COMMERCE: 19740000</p> |
|  <p>The color(s) Blue and Red is/are claimed as a feature of the mark. The mark consists of a stripe containing three distinct bands of color with a red band in the middle of two blue bands.</p> | <p>87116368</p> <p>Filing Date:<br/>7/26/2016<br/>Filing Basis: 1A</p>  | <p>24: Baby blankets.<br/>FIRST USE: 20160100. FIRST USE IN COMMERCE: 20160100</p>  |



| Mark   | App. Serial No.   | Class: Goods   |
|--|---|--|
|  <p>The color(s) Blue and red is/are claimed as a feature of the mark. The mark consists of a stripe containing three distinct bands of color with a red band in the middle of two blue bands.</p>    | <p>87391139</p> <p>Filing Date:<br/>3/29/2017</p> <p>Filing Basis: 1A</p> | <p>09: Sunglasses; mobile phone cases; cell phone straps.<br/>FIRST USE: 20040000. FIRST USE IN COMMERCE: 20040000</p> <p>18: Backpacks.<br/>FIRST USE: 20110000. FIRST USE IN COMMERCE: 20110000</p> <p>25: Scarves.<br/>FIRST USE: 20080000. FIRST USE IN COMMERCE: 20080000</p> |
|  <p>The color(s) GREEN and RED is/are claimed as a feature of the mark. The mark consists of a stripe containing three distinct bands of color with a red band in the middle of two green bands.</p> | <p>87116786</p> <p>Filing Date:<br/>7/26/2016</p> <p>Filing Basis: 1A</p> | <p>24: Baby blankets.<br/>FIRST USE: 20160100. FIRST USE IN COMMERCE: 20160100</p>   |

| Mark  | App. Serial No.   | Class: Goods   |
|---|---|--|
|  <p>The color(s) Green and red is/are claimed as a feature of the mark. The mark consists of a stripe containing three distinct bands of color with a red band in the middle of two green bands.</p> | <p>87390952</p> <p>Filing Date:<br/>3/29/2017</p> <p>Filing Basis: 1A</p> | <p>18: Backpacks; briefcases and messenger bags.</p> <p>FIRST USE: 19680000. FIRST USE IN COMMERCE: 19680000</p> |

### **GUCCI'S THREATENED CLAIMS**

22. Gucci's February 13 Demand Letter accuses Forever 21 of trademark infringement based on Forever 21's sale of the Striped Products.

23. In addition to demanding that Forever 21 "immediately ceas[e] any and all manufacture, importation, offering for sale, sale, shipment, advertising or display" of the Striped Products and any other products bearing designs that are "confusingly similar" to Gucci's blue-red-blue and green-red-green stripe marks, Gucci demanded in its February 13 Demand Letter that Forever 21 provide an accounting of all Striped Products sold and in inventory, as well as the identity and contact information for the persons or entities that designed, manufactured, and or distributed the Striped Products. Gucci further threatened to file an action against Forever 21 "to fully protect [Gucci's] valuable rights in the U.S. and abroad," if Forever 21 did not comply with Gucci's demands.

24. Gucci's February 13 Demand Letter further stated, "We must hear from you or your counsel within five (5) business days to arrange Forever 21's compliance with the foregoing."



1 trademark is currently being infringed by Forever 21's Striped Products, and  
 2 Forever 21 has denied any wrongdoing. The dispute between Forever 21 and Gucci  
 3 is substantial, definite and immediate, and not hypothetical.

4 35. A declaratory judgment of non-infringement should be entered in  
 5 Forever 21's favor regarding the blue-red-blue and green-red-green striped design.

6 36. In order to resolve the legal and factual questions raised by Gucci and  
 7 to afford relief from the uncertainty and controversy which Gucci's assertions have  
 8 precipitated, Forever 21 is entitled to a declaratory judgment of its rights under 28  
 9 U.S.C. §§ 2201-02.

## 10 **SECOND CAUSE OF ACTION**

### 11 **(Cancellation of Federal Registration Nos. 4379039, 4563151, and 4567112 12 for Lack of Secondary Meaning)**

13 37. Forever 21 incorporates paragraphs 1 through 36 herein by reference.

14 38. Forever 21 believes that it will be damaged by the continued  
 15 registration of Registration Nos. 4379039, 4563151, and 4567112, and hereby  
 16 petitions to cancel these registrations on the grounds that the marks that are the  
 17 subject of these registrations lack secondary meaning.

## 18 **THIRD CAUSE OF ACTION**

### 19 **(Cancellation of Federal Registration Nos. 1495863, 1511774, 1520796, 20 1483526, 1123224, 1122780, 4379039, 4563151, and 4567112 21 for Aesthetic Functionality)**

22 39. Forever 21 incorporates paragraphs 1 through 38 herein by reference.

23 40. Forever 21 believes that it will be damaged by the continued  
 24 registration of Registration Nos. 1495863, 1511774, 1520796, 1483526, 1123224,  
 25 1122780, 4379039, 4563151, and 4567112, and hereby petitions to cancel these  
 26 registrations on the grounds that the marks that are the subject of these registrations  
 27 are aesthetically functional.  
 28

1 **FOURTH CAUSE OF ACTION**

2 **(Cancellation of Federal Registration Nos. 1495863, 1511774, 1520796,**  
3 **1483526, 1123224, 1122780, 4379039, 4563151, and 4567112**  
4 **for Genericism)**

5 41. Forever 21 incorporates paragraphs 1 through 40 herein by reference.

6 42. Forever 21 believes that it will be damaged by the continued  
7 registration of Registration Nos. 1495863, 1511774, 1520796, 1483526, 1123224,  
8 1122780, 4379039, 4563151, and 4567112, and hereby petitions to cancel these  
9 registrations on the grounds that the marks that are the subject of these registrations  
10 are generic.

11 **FIFTH CAUSE OF ACTION**

12 **(Denial of Federal Registration of Marks in USPTO Application Serial Nos.**  
13 **87116786, 87206686, 87116368, 87390952, 87391139)**

14 43. Forever 21 incorporates paragraphs 1 through 42 herein by reference.

15 44. Forever 21 believes that it will be damaged by the registration of the  
16 marks that are the subject of U.S. Application Serial Nos. 87116786, 87206686,  
17 87116368, 87390952, 87391139, and hereby seeks denial of federal registration of  
18 these marks on the grounds that the marks that are the subject of these applications  
19 are not registrable for lack of secondary meaning.

20 45. Forever 21 believes that it will be damaged by the registration of the  
21 marks that are the subject of U.S. Application Serial Nos. 87116786, 87206686,  
22 87116368, 87390952, 87391139, and hereby seeks denial of federal registration of  
23 these marks on the grounds that the marks that are the subject of these applications  
24 are not registrable because they are aesthetically functional.

25 46. Forever 21 believes that it will be damaged by the registration of the  
26 marks that are the subject of U.S. Application Serial Nos. 87116786, 87206686,  
27 87116368, 87390952, 87391139, and hereby seeks denial of federal registration of  
28

1 these marks on the grounds that the marks that are the subject of these applications  
2 are not registrable because they are generic.

### 3 **PRAYER FOR RELIEF**

4 WHEREFORE, Forever 21 prays for the following relief:

5 1. A judgment declaring that (a) the blue-red-blue and green-red-green  
6 stripes on Forever 21's Striped Products are ornamental and do not serve a source-  
7 identifying function, and (b) Forever 21's Striped Products do not infringe any  
8 trademark rights owned by Gucci;

9 2. A judgment declaring that Forever 21 has the right to use blue-red-blue  
10 and green-red-green stripes on products sold and offered for sale by Forever 21, free  
11 from interference by Gucci, its officers, agents, employees, attorneys, privies,  
12 representatives, successors and assigns, and any and all persons acting in active  
13 concert or participation with or under authority from Gucci;

14 3. A judgment ordering that Gucci, its officers, agents, employees,  
15 attorneys, privies, representatives, successors and assigns, and any and all persons in  
16 active concert or participation with or under authority from Gucci, be permanently  
17 enjoined from:

18 a. Interfering with or threatening to interfere with the use of blue-red-  
19 blue and green-red-green stripes by Forever 21, its related  
20 companies, successors or assigns, in connection with its or their  
21 business;

22 b. Instituting or prosecuting any suit or other proceeding placing in  
23 issue the right of Forever 21 or said related companies, successors  
24 or assigns to use the blue-red-blue and green-red-green stripes in  
25 connection with products sold or offered for sale by Forever 21;

26 4. A judgment ordering the cancellation of Registration Nos. 1495863,  
27 1511774, 1520796, 1483526, 1123224, 1122780, 4379039, 4563151, and 4567112;  
28



1           5.     A judgment ordering the denial of registration of Application Serial  
2 Nos. 87116786, 87206686, 87116368, 87390952, 87391139;

3           6.     An award of costs in this action;

4           7.     A finding that this case is “exceptional” within the meaning of 15  
5 U.S.C. § 1117 and a corresponding award of attorneys’ fees in Forever 21’s favor;  
6 and

7           8.     For such other, further, or different relief as the Court deems just and  
8 proper.

9 Dated: June 26, 2017

10                               SHEPPARD, MULLIN, RICHTER & HAMPTON  
11                               LLP

12  
13                               By   /s/ Laura L. Chapman            
14   LAURA L. CHAPMAN

15   Attorneys for Plaintiff  
16   FOREVER 21, INC.