

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

DECKERS OUTDOOR CORPORATION,

Plaintiff,

v.

WOLVERINE GROUP PTY LTD, WILD
WOOL AUSTRALIA PTY LTD, WILD
WOOL PRODUCTIONS PTY
LTD, WILD WOOL RETAIL PTY LTD,
TODD MICHAEL WATTS, and DOES 1-10,

Defendants.

Case No. 24-cv-03164

Judge Sharon Johnson Coleman

Magistrate Judge Jeannice W. Appenteng

JURY TRIAL DEMANDED

SECOND AMENDED COMPLAINT

Plaintiff Deckers Outdoor Corporation (“**Deckers**” or “**Plaintiff**”) hereby brings this action against Defendants Wolverine Group Pty Ltd, Wild Wool Australia Pty Ltd, Wild Wool Productions Pty Ltd, Wild Wool Retail Pty Ltd, Todd Michael Watts, and Does 1 through 10 (collectively, “**Defendants**”) and alleges as follows:

I. INTRODUCTION

1. This action has been filed by Deckers to address Defendants’ selling and offering for sale of footwear, handbags, and other products to consumers in the United States featuring infringements and/or counterfeits of Deckers’ registered trademarks and patented designs (the “**Infringing Products**”) through Defendants’ website at <https://www.uggsince1974.com.au/>¹ (“**Defendants’ Website**”) and other media. Deckers seeks to address Defendants’ infringement and/or counterfeiting of its registered and common law trademarks and patented designs, as well

¹ Defendant also uses the website <https://www.uggaustralianmade.com.au/>, which redirects to [uggsince1974.com.au](https://www.uggsince1974.com.au/).

as to (a) protect unknowing consumers in the United States from purchasing Defendants' Infringing Products and being confused, misled, or deceived into believing that Defendants, and not Deckers, are selling the so-called "real" or "genuine" or "original" UGG-branded products, and (b) stop the ongoing tarnishment and dilution of Deckers' trademarks due to Defendants' unlawful activities. Deckers has been and continues to be irreparably damaged through consumer confusion and infringement, dilution, and tarnishment of its valuable trademarks in the United States as a result of Defendants' actions and seeks injunctive and monetary relief.

II. JURISDICTION AND VENUE

2. This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Lanham Act, 15 U.S.C. §§ 1051, *et seq.*, the Patent Act, 35 U.S.C. §§ 1, *et seq.*, 28 U.S.C. § 1338(a) and (b), and 28 U.S.C. § 1331. This Court has jurisdiction over the claims in this action that arise under the laws of the State of Illinois pursuant to 28 U.S.C. § 1367(a), because the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

3. This Court may properly exercise personal jurisdiction over Defendants because Defendants directly and intentionally target their business activities toward consumers in Illinois, derive a commercial benefit from their contacts with the State of Illinois, and are causing harm to Deckers' business within the State of Illinois. Deckers is suffering from the effects of Defendants' unlawful conduct in the State of Illinois.

4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendants because Defendants directly and intentionally target their business activities toward consumers in the United States, including Illinois, through Defendants' Website and social media accounts, and other means. Specifically,

Defendants have targeted sales to Illinois residents by setting up and operating Defendants' Website, which offers shipping to the United States, including Illinois, accepts payment in U.S. dollars, and through which Defendants have sold and shipped products featuring Deckers' registered trademarks and patented designs to residents of Illinois. Defendants are committing tortious acts in Illinois, are engaging in interstate commerce, and have wrongfully caused Deckers substantial injury in the State of Illinois.

III. THE PARTIES



Plaintiff Deckers Outdoor Corporation

5. Plaintiff Deckers Outdoor Corporation is a corporation organized and existing under the laws of the State of Delaware with an office and principal place of business located in Goleta, California. Deckers is engaged in the design, distribution, marketing, offering for sale, and sale of footwear and other products. Deckers owns and markets its footwear and other products under several distinctive trademarked brands, including its famous UGG® brand. The UGG® trademark as registered by Deckers with the United States Patent and Trademark Office is a word mark, meaning that it is registered in any combination of upper case and lower case letters. It also is registered in a design format that features a slightly larger "G" in the middle, as well a component of other trademarks owned by Deckers.

6. Deckers is well-known throughout the United States and elsewhere as a source of high-quality footwear and other products, including the famous UGG® brand of premium comfort-leisure footwear (the "**UGG® Products**"). Deckers' UGG® Products are distributed and sold to consumers through retailers throughout the United States, including in Illinois, and through the <https://www.ugg.com/> website and UGG® Stores.

7. Deckers' UGG® footwear has been and remains highly coveted today by consumers as one of the most popular and recognizable symbols of luxury and style. Since Deckers' UGG® boots were featured on Oprah's Favorite Things® in 2000, the popularity of UGG® footwear has grown exponentially, with celebrities such as Gigi Hadid, Rihanna, Hailey Bieber, Kendall Jenner, Emily Ratajowski, Megan Fox and myriad others regularly seen wearing UGG® footwear. Among the purchasing public, genuine Deckers' UGG® Products are instantly recognizable as such. In the United States and around the world, the UGG® brand has come to symbolize high quality, and Deckers' UGG® Products are among the most recognizable premium footwear products in the world.

8. Deckers holds registrations for the UGG® trademarks, including, but not limited to, the following United States Registrations, which, along with their common law counterparts, are collectively referred to herein as "**Deckers' UGG Trademarks**":

USPTO REGISTRATION NUMBER	TRADEMARK	REGISTRATION DATE	GOODS
3,050,925	UGG	January 24, 2006	For: Men's, women's, children's footwear, namely, boots, shoes, clogs, slippers; men's, women's and children's clothing, namely, coats, jackets; children's buntings in class 025.
3,360,442	UGG	December 25, 2007	For: Footwear, namely, sandals; clothing, namely, vests, mittens, scarves, headwear, namely, caps, earmuffs in class 025.
3,061,278	UGG	February 21, 2006	For: Sheepskin handbags, carry-on bags, clutch bags, shoulder bags, tote bags, backpacks, handbags, pocketbooks, purses, satchels in class 018.
5,428,744	UGG	March 20, 2018	For: Dog coats; pet clothing in class 018.
3,412,734	UGG	April 15, 2008	For: Wallets in class 018.
4,243,373	UGG	November 13, 2012	For: All purpose carrying bags in class 018.
3,166,351	UGG	October 31, 2006	For: Rugs in class 027.
4,234,396		October 30, 2012	For: Footwear; clothing, namely, sweaters, coats, jackets, vests, scarves and gloves; headwear in class 025.
4,234,408		October 30, 2012	For: Handbags; Purses; Shoulder bags in class 018.

The above United States Patent and Trademark Office registrations for Deckers' UGG Trademarks are valid, subsisting and in full force and effect, and most are incontestable pursuant to 15 U.S.C. § 1065. The registrations for Deckers' UGG Trademarks constitute *prima facie* evidence of their validity and of Deckers' exclusive right to use Deckers' UGG Trademarks pursuant to 15 U.S.C. § 1057(b). True and correct copies of the United States Registration Certificates for Deckers' UGG Trademarks listed above are attached hereto as **Exhibit 1**.

9. Deckers' UGG Trademarks have been continuously used in the United States for many years by Deckers and its predecessors in interest, with use of some dating back to the 1980s. Deckers' UGG Trademarks are used on UGG® Products and are famous among consumers worldwide, including in the United States.

10. Deckers' UGG Trademarks are exclusive to Deckers and are displayed extensively on Deckers' UGG® Products and in Deckers' marketing and promotional materials. Deckers' UGG® Products are among the most popular and recognizable of their kind and have been extensively promoted and advertised at great expense. In fact, Deckers has expended millions of dollars annually in advertising, promoting and marketing featuring Deckers' UGG Trademarks. Because of these and other factors, Deckers' UGG Trademarks are well-known among United States consumers.

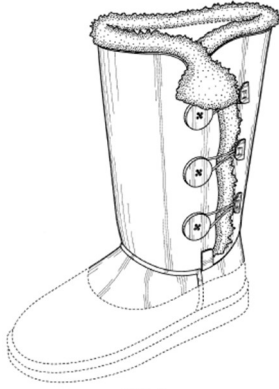
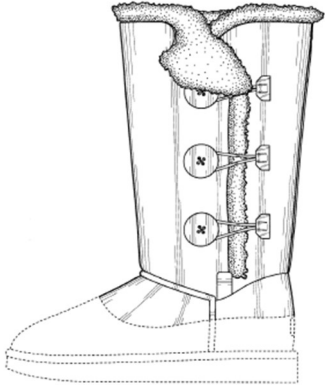

11. Deckers has expended considerable resources on advertising, marketing, and promoting Deckers' UGG Trademarks and in maintaining the distribution and sale of high-quality products in connection therewith. As such, Deckers has established goodwill and a favorable reputation for itself and Deckers' UGG Trademarks. Deckers' UGG Trademarks are among Deckers' most valuable assets.

12. Deckers extensively markets Deckers' UGG Trademarks in the United States and other countries and (together with its predecessors) has spent hundreds of millions of dollars to build the UGG® brand.

13. Deckers' UGG Trademarks are distinctive when applied to high quality apparel, footwear, and related merchandise, signifying to the purchaser that the products come from Deckers and are manufactured to Deckers' quality standards. Whether Deckers manufactures the products itself or licenses others to do so, Deckers has ensured that products bearing its trademarks are manufactured to the highest quality standards. Deckers' products branded under Deckers' UGG Trademarks have been widely accepted by the public and are enormously popular as demonstrated by nearly two billion dollars in global sales last year. In view of this immense popularity, Deckers' UGG Trademarks are famous marks in the United States and globally.

14. Deckers' UGG® Products are known for their distinctive patented designs. These designs are broadly recognized by consumers. Footwear fashioned after these designs are associated with the quality and innovation that the public has come to expect from Deckers' UGG® Products. Deckers uses these designs in connection with its UGG® Products. UGG® Products, including those that embody the patented designs, are marked and have been marked in compliance with 35 U.S.C. § 287(a).

15. Deckers is the lawful assignee of all right, title, and interest in and to the United States Design Patent No. D616,189. The '189 patent was lawfully issued on May 25, 2010, with named inventor Jennifer MacIntyre.

Patent Number	Claim	Issue Date
D616,189	 <p data-bbox="737 625 781 646">FIG. 1</p>  <p data-bbox="737 1098 781 1119">FIG. 2</p>  <p data-bbox="737 1633 781 1654">FIG. 3</p>	May 25, 2010

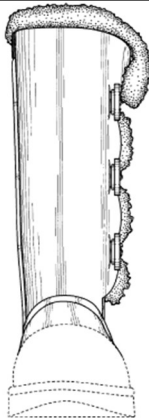


FIG. 4

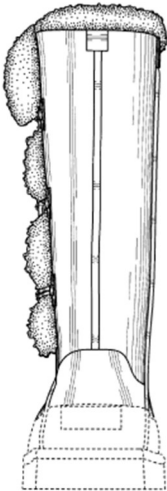


FIG. 5

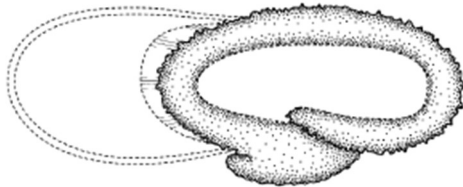
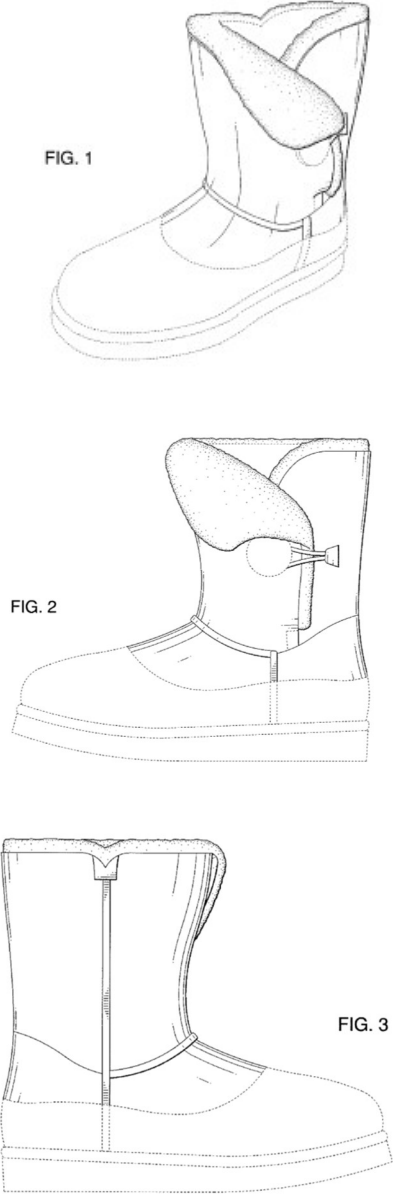
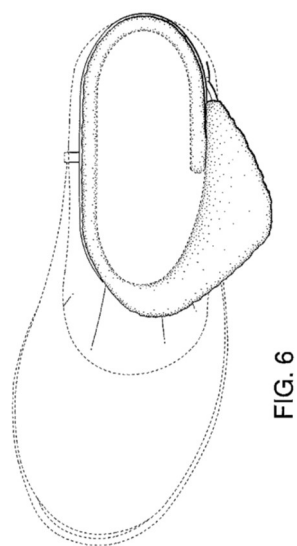
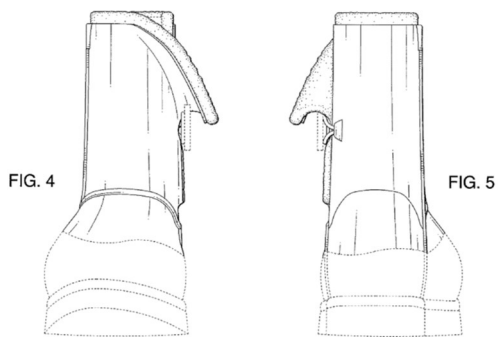
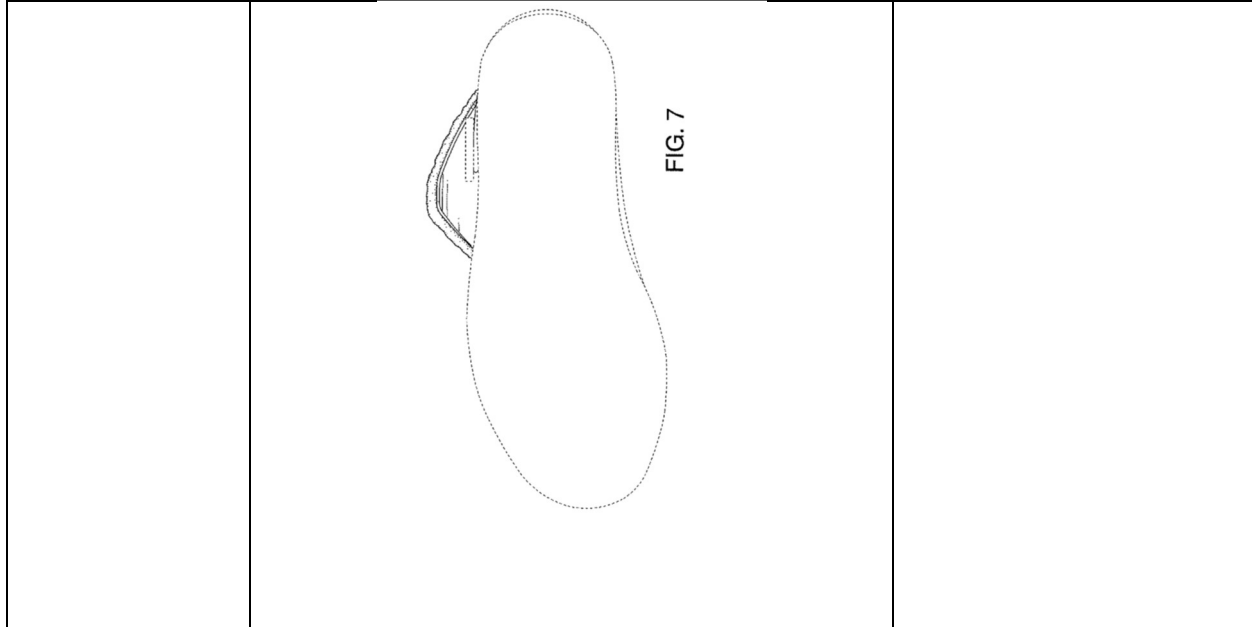


FIG. 6

16. Deckers also was the lawful assignee of all right, title, and interest in and to the United States Design Patent No. D599,999. The '999 patent was lawfully issued on September 15, 2009, with named inventor Jennifer MacIntyre.

Patent Number	Claim	Issue Date
D599,999	 <p>FIG. 1</p> <p>FIG. 2</p> <p>FIG. 3</p>	September 15, 2009





17. Attached hereto as **Exhibit 2** are true and correct copies of United States Design Patent No. D616,189 (the “**189 Design**”) and United States Design Patent No. D599,999 (the “**999 Design**”). The ‘189 Design and the ‘999 Design are collectively referred to herein as the “**Patented UGG Designs**”.

The Defendants

18. On information and belief, Defendant Wolverine Group Pty Ltd is an Australian Proprietary Company organized and existing under the laws of Australia and was registered with the Australian Securities and Investments Commission on September 22, 2015.

19. On information and belief, Defendant Wild Wool Australia Pty Ltd is an Australian Proprietary Company organized and existing under the laws of Australia and was registered with the Australian Securities and Investments Commission on March 19, 2021.

20. On information and belief, Defendant Wild Wool Productions Pty Ltd is an Australian Private Company organized and existing under the laws of Australia and was registered with the Australian Securities and Investments Commission on March 25, 2017.

21. On information and belief, Defendant Wild Wool Retail Pty Ltd is an Australian Private Company organized and existing under the laws of Australia and was registered with the Australian Securities and Investments Commission on March 25, 2017.

22. On information and belief, Defendant Todd Michael Watts (hereinafter “**Defendant Watts**” or “**Mr. Watts**”) is an individual who resides in Tallebudgera Valley, Queensland, Australia and is the sole owner and managing director of Defendants Wolverine Group Pty Ltd, Wild Wool Australia Pty Ltd, Wild Wool Productions Pty Ltd, and Wild Wool Retail Pty Ltd (hereinafter collectively referred to as the “**Pty Ltd Defendants**”). On information and belief, Mr. Watts personally directed, controlled, and participated in the manufacture, offering for sale and sale of Infringing Products to consumers in the United States bearing Deckers’ UGG Trademarks and incorporating Deckers’ Patented UGG Designs. On information and belief, Mr. Watts did so with knowledge of Deckers’ UGG Trademarks and footwear styles, which he knew were copied. Moreover, on information and belief, Mr. Watts has personally directed, controlled, and participated in Defendants’ deliberate attempts to dilute and tarnish Deckers’ UGG Trademarks and undermine Deckers’ right to the exclusive use of Deckers’ UGG Trademarks, as further described below.

23. Deckers is informed and believes that the Pty Ltd Defendants are the alter egos of Mr. Watts and that the Pty Ltd Defendants’ purported separate corporate existence should be ignored. Deckers is informed and believes that the Pty Ltd Defendants are not only influenced and governed by Mr. Watts, but that there is such a unity of interest and ownership that the individuality or separateness of Mr. Watts and the Pty Ltd Defendants has ceased, and adherence to the fiction of the separate existence of the Pty Ltd Defendants would, under the circumstances presented by this case, sanction a fraud or promote injustice. Deckers is informed and believes that: (a) the Pty

Ltd Defendants and Mr. Watts have commingled funds and other assets, failed to segregate funds of the separate entities, and diverted corporate funds or assets to other than corporate uses; (b) Mr. Watts has treated assets of the corporations as his own; (c) Mr. Watts is the sole shareholder and managing director of each of the Pty Ltd Defendants and operates each of the Pty Ltd Defendants; (d) Mr. Watts has failed to adequately capitalize the Pty Ltd Defendants; (e) the Pty Ltd Defendants are used as mere shells, instrumentalities, or conduits for the business of Mr. Watts; (f) Mr. Watts has disregarded legal formalities vis-à-vis the Pty Ltd Defendants and failed to maintain arm's length relationships with them; and (g) Mr. Watts has registered accounts with third-party service providers and social media platforms for the business.

24. The true names and capacities of the defendants named herein as Does 1 through 10, whether individual, corporate, associate or otherwise, are unknown to Deckers, which therefore sues those defendants by such fictitious names. Deckers is informed and believes, and thereon alleges, that each of the defendants designated as a "Doe" defendant is legally responsible for the events hereinafter alleged and legally caused injury and damages proximately thereby to Deckers as herein alleged. Deckers will seek leave to amend this *Second Amended Complaint* when the true names and capacities of the "Doe" defendants have been ascertained. The previously identified Defendants, together with the "Doe" defendants, are hereinafter collectively referred to as the "**Defendants**".

25. On information and belief, the Pty Ltd Defendants, Does 1 through 10, and Mr. Watts collectively operate Defendants' Website.

26. Defendants conduct business throughout the United States, including within the State of Illinois and this Judicial District, through the operation of at least the fully interactive, commercial Defendants' Website and Defendants' social media accounts. Defendants target the



United States, including Illinois residents, and have offered to sell, and have sold and delivered, Infringing Products to consumers within the State of Illinois through Defendants' Website.

IV. DEFENDANTS' FALSE NARRATIVE

27. Defendants' repeated assertions that they hold trademark rights in "UGG" or "UGG Since 1974" in the United States dating back to 1974 are false and are propagated by Defendants in the marketplace as part of a fictional narrative intentionally aimed at damaging Deckers' UGG Trademarks and trying to misappropriate the valuable goodwill Deckers has developed in its UGG® brand over the past three decades.

28. Defendants repeatedly assert that their use of "UGG" as a trademark dates back to 1974 in Australia when Defendant Watts' grandparents, Arthur John Springthorpe and Faye Elizabeth Springthorpe, allegedly were using it in their business. But, on information and belief, the Springthorpes did not form that business (Kangaroo Fur & Sheep Skin Products Pty Ltd) until March 17, 1986 when it was registered with the Australian Securities and Investments Commission. On information and belief, the only trademark that A.J. Springthorpe tried to register in Australia was BLUE GUM BILLY, for use with "Toy koalas made from kangaroo skins and sheepskins and other animal toys made from synthetic fur". On information and belief, the business Mr. Springthorpe had then was sold to a separate, unaffiliated company in 2014, KF & S Pty Ltd, run by Richard Friedrichs, who was not affiliated with the Springthorpe family. On information and belief, that unaffiliated company went into liquidation in April 2017 and ultimately sold its intellectual property assets to Defendant Wolverine Group Pty Ltd on June 2, 2017. (At the time, the Director of Wolverine Group Pty Ltd was Defendant Watts' wife. Defendant Watts did not become a Director of the company until much later – on November 10, 2023.)

29. On information and belief, the marks that were sold to Defendant Wolverine Group Pty Ltd as part of the intellectual property assets held by unaffiliated KF & S Pty Ltd in 2017 were the following:

MARK	COUNTRY OR REGION WHERE THE MARKS WERE USED OR REGISTERED
  BURLEE AUSTRALIA Burlee UGG Since 1974	<p>Australia (registered October 3, 2012)</p> <p>Australia (registered May 30, 2014)</p> <p>Australia (registered February 19, 2016)</p> <p>Australia (registered August 3, 2017)</p>
Burlee Australia Burlee UGG Since 1974	<p>New Zealand (registered February 8, 2017)</p> <p>New Zealand (application abandoned September 6, 2017)</p>
BURLEE UGG 柏利 BURLEE AUSTRALIA	<p>China</p> <p>China</p> <p>China</p>
BURLEE AUSTRALIA	<p>Hong Kong (registered July 23, 2015)</p>
BURLEE AUSTRALIA	<p>EU (registered April 30, 2015)</p>
BURLEE AUSTRALIA	<p>Japan (registered June 10, 2016)</p>
BURLEE AUSTRALIA	<p>US (registered May 30, 2017; abandoned December 15, 2023)</p>

As shown in that chart, the only United States mark sold to Defendant Wolverine Group Pty Ltd was BURLEE AUSTRALIA, which did not include the term “UGG” in any form. Notably, the other Defendants of which Defendant Watts, on information and belief, is the sole Director and Shareholder were either formed while the IP sale was pending (Defendants Wild Wool Retail Pty Ltd and Wild Wool Productions Pty Ltd were formed on May 25, 2017) or much later

(Defendant Wild Wool Australia Pty Ltd was formed on March 19, 2021). None were around when unaffiliated KF & S Pty Ltd purchased the business in 2014, much less in 1974.

30. Long after that 2017 sale by unaffiliated KF & S Pty Ltd of its intellectual property assets, Defendant Wolverine Group Pty Ltd registered two new trademarks in Australia that contained the term “UGG”:



Neither, however, was registered until November 9, 2020. Notably, for each, Defendant Wolverine Group Pty Ltd claimed priority dating back to no earlier than **November 27, 2018 -- 4½ decades after 1974.**

31. Even the business names registered by Defendant Wolverine Group Pty Ltd with the Australian Securities and Investments Commission are very recent incarnations – **also created over four decades after 1974:**

REGISTERED	BUSINESS NAME	OWNER
July 4, 2017	UGG REPUBLIC	Defendant Wolverine Group Pty Ltd
June 27, 2017	burlee australia	Defendant Wolverine Group Pty Ltd
June 27, 2017	UGG SINCE 1974	Defendant Wolverine Group Pty Ltd
Oct. 29, 2018	Wild Wool	Defendant Wolverine Group Pty Ltd
March 6, 2019	Wild Wool by UGG Since 1974	Defendant Wolverine Group Pty Ltd

32. All of the foregoing activity by Defendants took place long after Deckers’ UGG Trademarks had become famous in the United States, long after Defendants knew that they had become famous, and long after Defendants knew that Deckers had long owned exclusive rights to

Deckers' UGG Trademarks outside Australia and New Zealand and, in particular, in the United States.

V. DEFENDANTS' UNLAWFUL CONDUCT

33. Defendants are engaged in selling, offering for sale, distributing and/or advertising products on Defendants' Website and social media accounts bearing at least one logo, source-identifying indicia or design elements, that are studied imitations, infringements, and/or counterfeits of Deckers' UGG Trademarks and patented designs (previously defined as the **"Infringing Products"**).

34. On information and belief, Deckers' UGG Trademarks were famous long before Defendants adopted the use of the marks and logos used in the Infringing Products.

35. Defendants operate the fully interactive, commercial Defendant's Website.

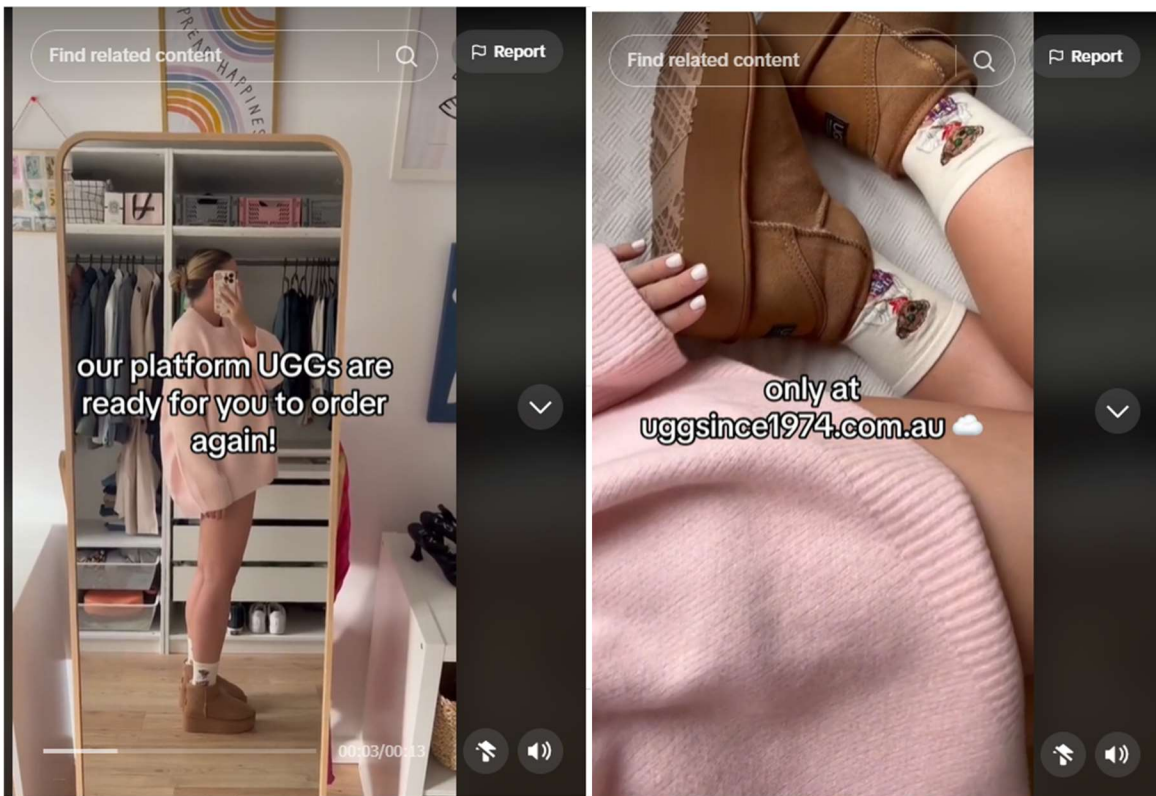
36. On information and belief, Defendants operate various social media accounts, including Instagram, using the handle @uggsince1974, and TikTok, using the handle @uggsince1974, (collectively, **"Defendants' Social Media Accounts"**).

Defendants' Social Media Activity

37. Defendants' Social Media Accounts are extensively used to advertise, market, and promote Defendants' Website and Infringing Products to consumers in the United States, examples of which are shown below.



Screenshot of Instagram Post

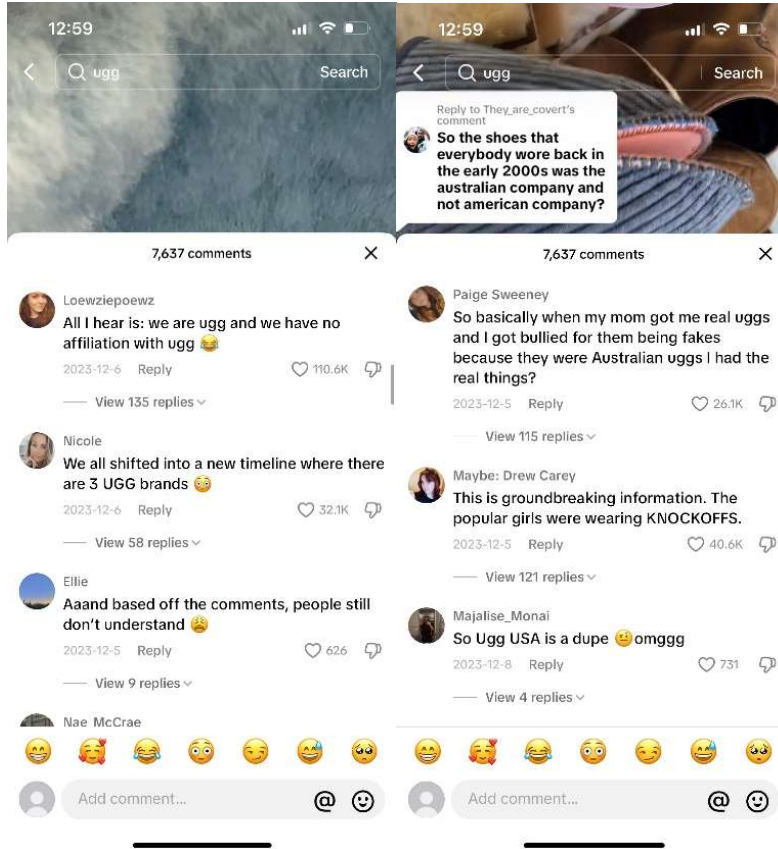


Screenshots of TikTok Post

38. On information and belief, Defendants' Social Media Accounts gained a significant increase in user traffic and engagement at or around December 2023. This coincided with

Defendants posting content on Defendants' Social Media Accounts that referenced Deckers, Deckers' UGG Trademarks, and Deckers' UGG® Products and discussed the alleged difference between Defendant's "UGG Since 1974" brand and products and Deckers' UGG Trademarks and UGG® Products. For example, on December 5, 2023, Defendants posted a video on their TikTok account in response to a question posed by a TikTok user where the user asked, "So the shoes that everybody wore back in the early 2000s was the Australian company and not American company?" (see screenshot on subsequent page). On information and belief, Defendants posted that video just 3½ weeks after Defendant Watts assumed the position as Sole Director of Defendant Wolverine Group Pty Ltd. Defendants' video explained that they are separate from Deckers, all the while displaying Deckers' UGG Trademarks throughout the duration of the video.² This video received at least 12.3 million views. As demonstrated by the comments to the video, Defendants' video resulted in people believing that the famous UGG® marks did not originate with Deckers. Below are a few examples of comments posted to Defendants' December 5, 2023 TikTok video:

² UGG Since 1974 (@uggsince1974), TIKTOK (Dec. 5, 2023), <https://www.tiktok.com/@uggsince1974/video/7309273500445871378?lang=en>.



Comments from Defendants' December 5, 2023 TikTok Post

39. Defendants have attempted to capitalize on the confusion they have caused by using Deckers' UGG Trademarks and associating themselves with Deckers, Deckers' UGG-related business, and Deckers' UGG® Products. For example, on February 2, 2024, Defendants posted a video on their TikTok account where a model is shown displaying one of Defendants' products.³ The voiceover for the video states the following: "POV you just found the real Australian UGGs and didn't know there was a difference. Welcome to UGG Since 1974." That video was intentionally posted by Defendants on TikTok, knowing that they would be targeting an American audience.

³ UGG Since 1974 (@uggsince1974), TIKTOK (Feb. 2, 2024), <https://www.tiktok.com/@uggsince1974/video/7331103455504895239?lang=en>.

40. Defendants' actions and representations through Defendants' Social Media Accounts, since at least December 2023, also have elicited independent influencers/content creators on various social media platforms to produce videos commenting on the uninformed and misguided difference between Defendants' products and marks and Deckers' products and marks. For example, a social media influencer using the name Amanda Rollins posted a video on December 15, 2024, to her TikTok account, <@americanfille>, in which she opens (or "unboxes") boots from Defendants' store.⁴ The caption for the video is "My first REAL pair of Uggs!" During the video, Ms. Rollins says:

"Did you know you probably have fake UGGs? If you live in the U.S. and you have a pair of UGGs, there's a high chance that you don't actually have UGGs, but you have the American rip-off, stolen copyright, bootleg version of UGGs. I only found this out because of TikTok."

This video has been viewed around 8.1 million times. Defendants left the following comment on Ms. Rollins' video:



Defendants' Comment on Amanda Rollins' December 15, 2024 TikTok Post

⁴ Amanda Rollins (@americanfille), TIKTOK (Dec. 15, 2024), <https://www.tiktok.com/@americanfille/video/7448637405671722263>.

41. Other influencers/content creators have posted similar videos falsely asserting that Defendants' brand is the "real UGG", the "genuine UGG", or the "original UGG" and/or falsely asserting that Deckers stole Defendants' product designs and name. These videos have been and are currently being viewed by consumers in the United States and elsewhere and viewers worldwide.

42. On January 13, 2025, Defendant Watts posted a video on Defendants' TikTok account in which he explained that Defendants were being sued by Deckers and that, as a result, Defendants were rebranding their products to have "Since 74" stitched on all foreign-shipped products.⁵ Through the duration of the video, Mr. Watts is seen wearing a black t-shirt with "UGG" in large, bold font near his left breast and "SINCE 1974" in significantly smaller font located just below the "UGG" lettering:



During the video, Mr. Watts pleads to all his viewers/supporters to "spread the story that's being told." Specifically, Mr. Watts says the following:

⁵ Todd Watts (@uggsince1974), TIKTOK (Jan. 13, 2025), <https://www.tiktok.com/@uggsince1974/video/7459473800300694802?lang=en>.

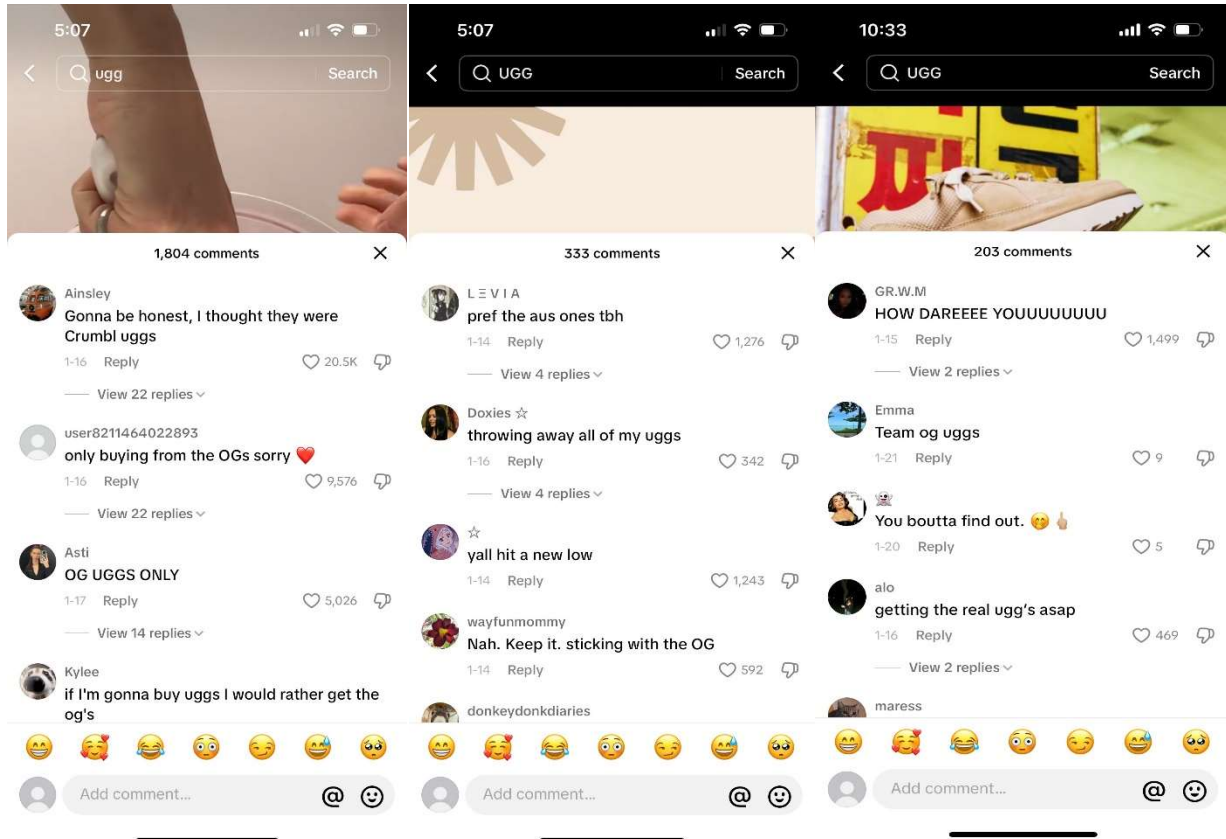
“We are the original and we will still be the original no matter what our label says on the back of our boots... we need you guys now more than ever. We don’t ask you guys to spread anything you don’t feel comfortable with. Just tell the truth. Tell what you know. Spread the story that’s being told. Everything you say and everything you do assists in this process.”

Mr. Watts is creating and propagating a false narrative about the creation and development of the “ugg” sheepskin boot in Australia and Deckers’ development of Deckers’ UGG Trademarks and UGG® Products. Mr. Watts’ January 13, 2025, TikTok video has been viewed around 13.4 million times. One comment on Mr. Watts’ video states “so uGg’s are a knock off to the original UGG’s.” That one comment received around 131,800 “likes”. Defendants’ fictional narrative is not only false, but also dangerous. This one TikTok post has resulted in death threats being directed at Deckers’ executives, which Deckers has had to report to law enforcement.

43. In the wake of Mr. Watts’ video, there has been an uptick in posts on social media by users and influencers/content creators similarly making uninformed and misguided assertions regarding Deckers not being the real “UGG” and/or that Deckers stole Defendants’ product designs. Such assertions are false, and on information and belief, Defendants know they are false.

44. On information and belief, Defendants have solicited and/or actively encouraged social media influencers/independent content creators to create content related to the alleged, but false, “truth about UGG” and/or content that undermines Deckers’ ownership of Deckers’ UGG Trademarks, Patented UGG Designs, and UGG® Products, and that tarnishes and dilutes the distinctiveness of Deckers’ UGG Trademarks. Deckers is informed and believes that those efforts by Defendants are intentionally aimed as usurping the goodwill developed by Deckers in Deckers’ UGG Trademarks, confusing the public as to the source and nature of Deckers’ UGG® Products, and tarnishing and diluting the distinctiveness of Deckers’ UGG Trademarks.

45. Since Defendants' January 13, 2025 video, content posted by Deckers on its own "UGG" branded social media accounts has been inundated with comments from people stating that they will only buy from the "original UGG" or "OG", *i.e.*, Defendants. Below are a few examples of comments that have been left on three separate videos on Deckers' TikTok account after Defendants' January 13, 2025 TikTok post:



Comments Left on Deckers' Posts on TikTok

46. As demonstrated above, Defendants' actions have resulted in the tarnishment and dilution of Deckers' UGG® Trademarks and have been contributing to the deterioration of their distinctiveness.

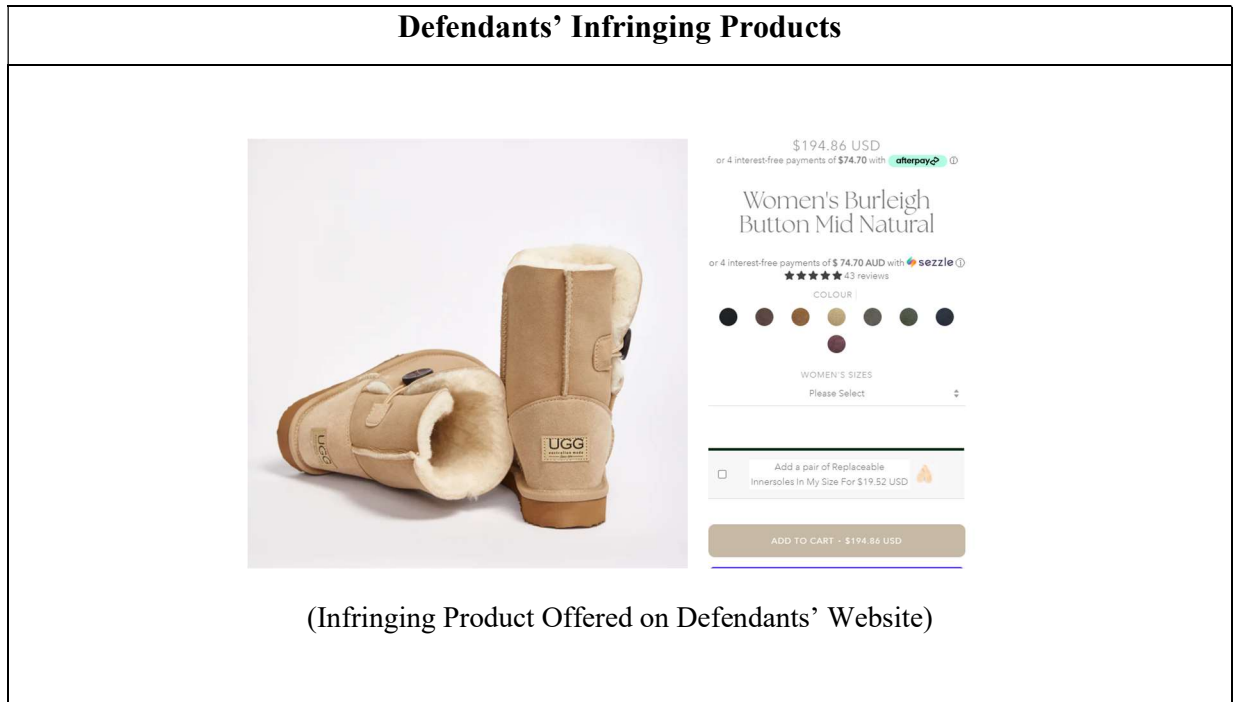
Defendants' Infringing Products

47. Deckers' investigator visited Defendants' Website and purchased Infringing Products.

48. The purchased Infringing Products were offered for sale by Defendants to, and shipped by Defendants to, United States consumers, including consumers located in the State of Illinois.

49. The purchased Infringing Products were inspected and it was determined that they bore counterfeit Deckers UGG Trademarks.

50. A comparison of Deckers' UGG Trademarks to Defendants' Infringing Products offered for sale on Defendants' Website and received by Deckers' investigator exemplifies Defendants' counterfeiting and infringement of Deckers' UGG Trademarks.





(Received Infringing Product)

A screenshot of a website product page for a 'Designer Celine Bag'. On the left is a photograph of a brown suede tote bag with a white fur trim and a leather handle. On the right is the product information: the price is \$191.69 USD, with an option for 4 interest-free payments of \$73.49 using Afterpay. Below the price is the product name 'Designer Celine Bag' and another payment option for 4 interest-free payments of \$73.48 AUD using Sezzle. There are two color swatches shown. Below the swatches is an 'ADD TO CART - \$191.69 USD' button and a 'Buy with shop Pay' button. Further down, there are links for 'More payment options' and 'WHAT SIZE SHOULD I BUY?'. A short description at the bottom reads: 'Our Designer Celine bag is sure to draw attention with a beautiful pure sheepskin suede exterior with the flare of sheepskin shining its beauty at the seams. Can easily be worn over your shoulder or carried in hand with the petite leather strap.'

(Infringing Product Offered on Defendants' Website)



(Received Infringing Product)



\$19.52 USD
or 4 interest-free payments of \$7.49 with [afterpay](#) ⓘ

Sheepskin Coin Purse

or 4 interest-free payments of \$7.49 AUD with [sezzle](#) ⓘ

★★★★★ 5 reviews

COLOUR | Lilac

ADD TO CART - \$19.52 USD

Buy with [shop Pay](#)

More payment options

(Infringing Product Offered on Defendants' Website)



(Infringing Product Offered on Defendants' Website)

As shown in each of the foregoing examples, unless one examines the photograph or products very closely, the only readily visible component is the very large and bold “UGG” in all capital letters. In fact, the “UGG” is approximately **500% larger** than the tiny “australian made” and “Since 1974” subtitles. By making the “UGG” the most prominent element, Defendants intentionally set out to confuse United States consumers into thinking that they would be buying genuine Deckers UGG® Products.

51. On information and belief, Defendants have been well aware of the extraordinary fame and strength of Deckers UGG Trademarks and the goodwill associated therewith at all times since Defendants commenced business on or about June 2, 2017, when they purchased certain intellectual property from the unaffiliated Australian company, KF &S Pty Ltd.

52. On information and belief, Defendants have acknowledged Deckers' rights in Deckers' UGG Trademarks in the United States and worldwide.

53. Defendants, without any authorization, license, or other permission from Deckers, have used Deckers' UGG Trademarks in connection with the advertisement, distribution, offering for sale, and sale of the Infringing Products into the United States and Illinois over the Internet and other media.

54. Defendants' use of infringements and/or counterfeits of Deckers' UGG Trademarks in the advertisement, distribution, offering for sale, and sale of the Infringing Products was willful.

55. Defendants are involved in the importation, offering for sale, and sale of footwear on Defendants' Website that infringes Deckers' '189 Design and the '999 Design (previously defined as the "Patented UGG Designs").

56. A comparison of Deckers' '189 Design with the Infringing Products offered for sale on Defendants' Website exemplifies Defendants' infringement of Deckers' '189 Design.

Deckers' '189 Design	Defendants' Infringing Products
 <p>FIG. 1</p>	

57. A comparison of Deckers' '999 Design with the Infringing Products offered for sale on Defendants' Website exemplifies Defendants' infringement of Deckers' '999 Design.

Deckers' '999 Design	Defendants' Infringing Products
 <p data-bbox="289 632 342 653">FIG. 2</p>	

58. On information and belief, Defendants are well aware of the extraordinary fame of the Patented UGG Designs and the high-quality products associated therewith.

59. Defendants, without any authorization, license, or other permission from Deckers, have used the Patented UGG Designs in connection with the making, using, offering to sell, selling, or importing of Infringing Products into the United States and Illinois over the Internet.

60. Defendants' use of infringements of Deckers' Patented UGG Designs in the making, using, offering to sell, selling, or importing of the Infringing Products was willful.

61. Defendants' willful use of infringements of Deckers' Patented UGG Designs in connection with the making, using, offering to sell, selling, or importing of Infringing Products, including the sale of Infringing Products into the United States and the State of Illinois, is irreparably harming Deckers.

62. Defendants' willful use of infringements and/or counterfeits of Deckers' UGG Trademarks and infringements of Deckers' Patented UGG Designs in connection with the

advertisement, distribution, offering for sale, and sale of the Infringing Products, including the sale of Infringing Products into the United States and the State of Illinois, is likely to cause and has caused confusion, mistake, and deception by and among consumers in the United States and is irreparably harming Deckers and its intellectual property rights.

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

63. Deckers hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

64. This is a trademark infringement action against Defendants based on their unauthorized use in commerce of counterfeit imitations of the federally registered Deckers' UGG Trademarks in connection with the sale, offering for sale, distribution, and/or advertising of infringing goods. Deckers' UGG Trademarks are highly distinctive marks. Consumers have come to expect the highest quality from Deckers' UGG® Products sold or marketed under Deckers' UGG Trademarks.

65. Defendants have sold, offered to sell, marketed, distributed and advertised products in the United States and the State of Illinois bearing infringements and/or counterfeits of Deckers' UGG Trademarks without Deckers' permission.

66. Deckers is the exclusive owner of Deckers' UGG Trademarks. Deckers' United States Registrations for Deckers' UGG Trademarks (**Exhibit 1**) are in full force and effect. On information and belief, Defendants have knowledge of Deckers' rights in Deckers' UGG Trademarks and are willfully infringing and intentionally using counterfeits of Deckers' UGG Trademarks. Defendants' willful, intentional, and unauthorized use of Deckers' UGG Trademarks is likely to cause and is causing confusion, mistake, and deception as to the origin and quality of the Infringing Products among the general public in the United States and the State of Illinois.

67. Defendants' activities constitute willful trademark infringement and counterfeiting under Section 32 of the Lanham Act, 15 U.S.C. § 1114.

68. Deckers has no adequate remedy at law, and if Defendants' actions are not enjoined, Deckers will continue to suffer irreparable harm to its reputation and the goodwill of its well-known Deckers UGG Trademarks.

69. The injuries and damages sustained by Deckers have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offering to sell, and sale of Infringing Products.

COUNT II
FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))

70. Deckers hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

71. Defendants' promotion, marketing, offering for sale, and sale of Infringing Products has created and is creating a likelihood of confusion, mistake, and deception among the general public in the United States and the State of Illinois as to the affiliation, connection, or association with Deckers or the origin, sponsorship, or approval of Defendants' Infringing Products by Deckers.

72. By using Deckers' UGG Trademarks on the Infringing Products, Defendants have created a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Infringing Products.

73. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the Infringing Products to the general public in the United States and the State of Illinois involves the use of counterfeit marks and is a willful violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125.

74. Deckers has no adequate remedy at law and, if Defendants' actions are not enjoined, Deckers will continue to suffer irreparable harm to the reputation and the goodwill of Deckers' UGG Trademarks and Deckers' UGG® brand.

COUNT III
VIOLATION OF ILLINOIS UNIFORM DECEPTIVE TRADE PRACTICES ACT
(815 ILCS § 510, *et seq.*)

75. Deckers hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

76. Defendants are engaged in acts violating Illinois law including, but not limited to, passing off their Infringing Products as those of Deckers, causing a likelihood of confusion and/or misunderstanding as to the source of their goods, causing a likelihood of confusion and/or misunderstanding as to an affiliation, connection, or association with genuine UGG® Products, representing that their products have Deckers' approval when they do not, disparaging Deckers' UGG Trademarks, UGG® Products, and Deckers' business through false or misleading representations of fact, and engaging in other conduct that creates a likelihood of confusion or misunderstanding among the public.

77. The foregoing acts by Defendants constitute a willful violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS §§ 510, *et seq.*

78. Deckers has no adequate remedy at law, and Defendants' conduct is causing Deckers to suffer damage to its reputation and associated goodwill. Unless enjoined by the Court, Deckers will suffer future irreparable harm as a direct result of Defendants' unlawful activities.

COUNT IV
INFRINGEMENT OF UNITED STATES DESIGN PATENT NO. D616,189
(35 U.S.C. § 271)

79. Deckers hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

80. Defendants are making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use Infringing Products that infringe directly and/or indirectly the ornamental design claimed in the '189 Design.

81. Deckers is entitled to recover damages adequate to compensate for the infringement, including Defendants' profits pursuant to 35 U.S.C. § 289. Deckers is entitled to recover any other damages as appropriate pursuant to 35 U.S.C. § 284.

COUNT V
INFRINGEMENT OF UNITED STATES DESIGN PATENT NO. D599,999
(35 U.S.C. § 271)

82. Deckers hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

83. Defendants have made, used, offered for sale, sold, and/or imported into the United States for subsequent sale or use Infringing Products that infringe directly and/or indirectly the ornamental design claimed in the '999 Design.

84. Deckers is entitled to recover damages adequate to compensate for the infringement, including Defendants' profits pursuant to 35 U.S.C. § 289. Deckers is entitled to recover any other damages as appropriate pursuant to 35 U.S.C. § 284.

COUNT VI
TRADEMARK DILUTION (15 U.S.C. § 1125(c))

85. Deckers hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

86. In the United States and around the world, Deckers' UGG Trademarks have come to symbolize high quality, and UGG® Products bearing Deckers' UGG Trademarks or marketed in connection therewith are among the most recognizable premium footwear products in the world. As such, Deckers' UGG Trademarks are famous, have a high degree of consumer recognition, and are widely recognized by the general consuming public of the United States as a designation of Deckers' products.

87. Deckers' UGG Trademarks became distinctive and famous well before Defendants adopted the use of the term "UGG" following their purchase of them on June 2, 2017, from the unaffiliated company KF & S Pty Ltd.

88. Defendants' actions described herein are likely to cause dilution by blurring where Defendants' use of counterfeit or highly similar "UGG"-related trademarks is likely to cause an association between Defendants' marks and Deckers' UGG Trademarks that impairs Deckers' UGG Trademarks' distinctiveness and weakens the connection in consumers' minds between Deckers' UGG Trademarks and Deckers' UGG® Products.

89. Defendants' actions described herein are likely to cause dilution by tarnishment where Defendants have portrayed Deckers' UGG Trademarks and UGG® Products in such a disparaging and unfavorable light that is it likely to evoke consumers in the United States to have negative associations with Deckers and Deckers' UGG Trademarks.

90. Defendants' actions are intended to exploit the goodwill that Deckers has built in Deckers' UGG Trademarks.

91. Deckers has been, and will continue to be, irreparably injured and damaged by Defendants' unlawful conduct. Unless enjoined by the Court, Deckers will suffer future irreparable harm as a direct result of Defendants' unlawful activities.

PRAYER FOR RELIEF

WHEREFORE, Deckers prays for judgment against Defendants as follows:

- 1) That Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert with them, be permanently enjoined and restrained from the following acts in the United States or in any other manner that effects U.S. commerce:
 - a. using Deckers' UGG Trademarks or any reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine Deckers UGG® Product or is not authorized by Deckers to be sold in connection with Deckers' UGG Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any products as genuine Deckers UGG® Products or any other products produced by Deckers that are not Deckers', or not produced under the authorization, control, or supervision of Deckers and approved by Deckers for sale under Deckers' UGG Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' Infringing Products are those sold under the authorization, control, or supervision of Deckers, or are sponsored by, approved by, or otherwise connected with Deckers;
 - d. further infringing Deckers' UGG Trademarks and damaging Deckers' goodwill;
 - e. making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use the Infringing Product;

- f. aiding, abetting, contributing to, or otherwise assisting anyone in making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use the Infringing Product; and
 - g. 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 (g).
- 2) For items that are located in the United States or that have been distributed or used in any manner in United States commerce, directing that Defendants deliver for destruction all footwear, and labels, signs, prints, packages, dyes, wrappers, receptacles and advertisements relating thereto in their possession or under their control bearing Deckers' UGG Trademarks, and variations thereof or any simulation, reproduction, counterfeit, copy or colorable imitations of Deckers' UGG Trademarks;
 - 3) That Defendants account for and pay to Deckers all profits realized by Defendants by reason of Defendants unlawful acts herein alleged, and that the amount of damages for infringement of Deckers' UGG Trademarks be increased by a sum not exceeding three times the amount thereof as provided by 15 U.S.C. § 1117;
 - 4) That Deckers be awarded statutory damages for willful trademark counterfeiting pursuant to 15 U.S.C. § 1117(c) of \$2,000,000 (two million dollars) for each and every use of Deckers' UGG Trademarks;
 - 5) That Deckers be awarded such damages as it shall prove at trial against Defendants that are adequate to compensate Deckers for Defendants infringement of the Patented UGG Designs, but in no event less than a reasonable royalty for the use made of the invention by the Defendants, together with interest and costs, pursuant to 35 U.S.C. § 284;

- 6) That the amount of damages awarded to Deckers to compensate Deckers for infringement of the Patented UGG Designs be increased by three times the amount thereof, as provided by 35 U.S.C. § 284;
- 7) In the alternative, that Deckers be awarded all profits realized by Defendants from Defendants' infringement of the Patented UGG Designs, pursuant to 35 U.S.C. § 289;
- 8) Awarding Deckers punitive damages for Defendants' willful acts of deceptive practices under Illinois law;
- 9) That Deckers be awarded its reasonable attorneys' fees and costs; and
- 10) Award any and all other relief that this Court deems just and proper.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38, Deckers hereby demands a trial by jury as to all issues so triable.

Dated this 13th day of February 2025

/s/ Justin R. Gaudio

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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of February 2025, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system. The CM/ECF system will send a “Notice of E-Filing” to the attorneys of record in this case.

/s/ Justin R. Gaudio _____
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