

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

UNITED STATES OF AMERICA)
)
vs.) No. 4:08CR00
) 18 U.S.C. § 2320(a)
STEPHEN P. McDANIEL) 18 U.S.C. § 2323(b)

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT 1

On or about June 6, 2007, in the Eastern District of Arkansas,

STEPHEN P. McDANIEL

intentionally trafficked in goods, to-wit, two (2) pairs of shoes, and knowingly used counterfeit marks on and in connection with such goods, that is, the mark associated with Nike, Inc. products, which counterfeit marks were identical with and substantially indistinguishable from genuine marks in use and registered for those goods on the principle register in the United States Patent and Trademark Office, and the use of which counterfeit marks was likely to cause confusion, to cause mistake, and to deceive.

All in violation of Title 18, United States Code, Section 2320(a).

COUNT 2

On or about July 31, 2007, in the Eastern District of Arkansas,

STEPHEN P. McDANIEL

intentionally trafficked in goods, to-wit, two (2) pairs of shoes, and knowingly used counterfeit marks on and in connection with such goods, that is, the mark associated with

Nike, Inc. products, which counterfeit marks were identical with and substantially indistinguishable from genuine marks in use and registered for those goods on the principle register in the United States Patent and Trademark Office, and the use of which counterfeit marks was likely to cause confusion, to cause mistake, and to deceive.

All in violation of Title 18, United States Code, Section 2320(a).

COUNT 3

On or about August 10, 2007, in the Eastern District of Arkansas,

STEPHEN P. McDANIEL

intentionally trafficked in goods, to-wit, a T-shirt, and knowingly used counterfeit marks on and in connection with such goods, that is, the mark associated with Coogi products, which counterfeit marks were identical with and substantially indistinguishable from the genuine marks in use and registered for those goods on the principle register in the United States Patent and Trademark Office, and the use of which counterfeit marks was likely to cause confusion, to cause mistake, and to deceive.

All in violation of Title 18, United States Code, Section 2320(a).

COUNT 4

On or about January 28, 2008, in the Eastern District of Arkansas,

STEPHEN P. McDANIEL

intentionally trafficked in goods, to-wit, a wallet, and knowingly used counterfeit marks on and in connection with such goods, that is, the mark associated with Coach products, which counterfeit marks were identical with and substantially indistinguishable from the genuine

marks in use and registered for those goods on the principle register in the United States Patent and Trademark Office, and the use of which counterfeit marks was likely to cause confusion, to cause mistake, and to deceive.

All in violation of Title 18, United States Code, Section 2320(a).

COUNT 5

On or about May 25, 2008, in the Eastern District of Arkansas,

STEPHEN P. McDANIEL

intentionally trafficked in goods, to-wit, twelve (12) pairs of shorts, and knowingly used counterfeit marks on and in connection with such goods, that is, the mark associated with Coogi products, which counterfeit marks were identical with and substantially indistinguishable from genuine marks in use and registered for those goods on the principle register in the United States Patent and Trademark Office, and the use of which counterfeit marks were likely to cause confusion, to cause mistake, and to deceive.

All in violation of Title 18, United States Code, Section 2320(a).

COUNTS 6-40

On or about July 2, 2008, in the Eastern District of Arkansas,

STEPHEN P. McDANIEL

intentionally trafficked in goods, as set forth below, the Manufacturer's Suggested Retail Price (MSRP) of which totaled over \$1,000,000, and knowingly used counterfeit marks on and in connection with such goods, that is, the protected marks associated with the products as named below, which counterfeit marks were identical with and substantially

indistinguishable from the genuine marks in use and registered for those goods on the principle register in the United States Patent and Trademark Office, and the use of which counterfeit marks were likely to cause confusion, to cause mistake, and to deceive.

Count	Mark Used	Description of Goods
6	7 For All Mankind	Jeans
7	Apple Bottoms	Jacket, Jump Suit, Shirts
8	Armani	Sunglasses
9	Baby Milo	Hoodies, Shirts
10	Baby Phat	Belt Buckle, Dresses, Jeans, Jump Suit, Shirts, Handbag, Sweat Suits, Skirts
11	Bape	Shirts, Hoodies, Shoes, Sweat Shirt
12	Billionaire Boys Club	Shirts
13	Burberry	Hats, Handbags
14	Chanel	Handbags, Shirts, Wallets
15	Christian Dior	Belt
16	Coach	Backpacks, Hats, Handbags, Sunglasses, Wallets, Shoes
17	Coogi	Shirts, Hoodies, Jeans, Shorts, Sweat Shirt, Sweat Suits
18	Dolce & Gabbana	Handbags, Metal Labels
19	Dooney & Bourke	Handbags
20	Ecko / Ecko Red	Shirts
21	Ed Hardy	Hats, Shirts
22	Evisu	Jeans, Shorts, Shirts
23	Fendi	Hats, Shoes, Shirts
24	FUBU	Hats

Count	Mark Used	Description of Goods
25	Gucci	Shirts, Shoes, Wallets
26	Harley-Davidson	Hats
27	Kate Spade	Handbag
28	Lacoste	Shirts, Sweat Shirt, Jump Suit
29	Louis Vuitton	Address Books, Briefcase, Jewelry Box, Handbag, Shirts, Wallets
30	LRG	Athletic Jacket, Shirts, Hoodies, Jeans
31	Nike	Shoes, Belt Buckle, Shirts, Hats, Visor
32	Oakley	Cloth Sunglass Cases
33	Polo Ralph Lauren	Hats, Shirts, Visor
34	Prada	Handbags
35	Rocawear	Belt Buckle, Dog Tags, Jeans, Shirts
36	Rolex	Oyster Boxes, Watch
37	Tag Heuer	Watch
38	Tommy Hilfiger	Hats, Visor
39	True Religion	Jeans
40	Versace	Shirts

All in violation of Title 18, United States Code, Section 2320(a).

FORFEITURE ALLEGATION

Upon conviction of the offenses in 18 U.S.C. § 2320 as alleged in Counts 1 - 40 of this Indictment, the defendant herein shall forfeit to the United States of America pursuant to 18 U.S.C. § 2323(b), all property, real or personal, which:

- (a) is any article, the making or trafficking of which is, prohibited under section 2320;
- (b) any property used, or intended to be used, in any manner or part to commit or facilitate the commission of the offense;
- (c) any property constituting or derived from any proceeds obtained directly or indirectly as a result of the commission of the offense.

The property to be forfeited includes, but is not limited to:

- (1) One Dell Dimension XPS Computer, SN 3TMZ481
- (2) \$1,634.00 in U.S. Currency
- (3) the items as listed in the chart below, each of which bears one or more counterfeit marks.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 8539(p), incorporated by 18 U.S.C. § 2323(b).

Mark Used	Description	Quantity
7 For All Mankind	Jeans	2
Apple Bottoms	Jacket	1
Apple Bottoms	Shirts	72
Apple Bottoms	Jump Suit	1
Armani	Sunglasses	6
Baby Milo	Hoodies	13
Baby Milo	Shirts	24
Baby Phat	Belt Buckle	5
Baby Phat	Dresses	6
Baby Phat	Jeans	1
Baby Phat	Jump Suit	1
Baby Phat	Long-sleeved Shirts	4
Baby Phat	Medium Handbags	54
Baby Phat	Shirts	1
Baby Phat	Shirts	133
Baby Phat	Sweat Suits	5
Baby Phat	Skirts	9
Baby Phat	Tank Tops	13
Bape	Hoodies	33
Bape	Shirts	5
Bape	Shoes	82
Bape	Sweat Shirts	5
Billionaire Boys Club	Shirts	105
Burberry	Hats	20

Mark Used	Description	Quantity
Burberry	Large Handbags	53
Burberry	Medium Handbags	289
Burberry	Small Handbags	10
Chanel	Medium Handbags	4
Chanel	Shirts	3
Chanel	Small Handbags	9
Chanel	Wallets	68
Christian Dior	Belts	18
Coach	Backpacks	11
Coach	Hats	55
Coach	Large Handbags	4
Coach	Medium Handbags	536
Coach	Small Handbags	41
Coach	Sunglasses	1
Coach	Wallets	46
Coach	Single Shoes	28
Coogi	Golf Shirts	8
Coogi	Hoodies	15
Coogi	Jeans	333
Coogi	Shirts	816
Coogi	Shorts	1
Coogi	Sweat Shirts	9
Coogi	Sweat Suit	1
Dolce & Gabbana	Large Handbags	10

Mark Used	Description	Quantity
Dolce & Gabbana	Medium Handbags	48
Dolce & Gabbana	Metal Labels	3
Dolce & Gabbana	Small Handbags	58
Dooney & Bourke	Large Handbag	1
Dooney & Bourke	Medium Handbags	3
Dooney & Bourke	Small Handbags	6
Ecko	Shirts	34
Ecko Red	Shirts	139
Ed Hardy	Hats	51
Ed Hardy	Long-sleeved Shirt	1
Ed Hardy	Shirts	308
Evisu	Jeans	3
Evisu	Shirts	67
Evisu	Shorts	1
Fendi	Hats	8
Fendi	Single Shoes	1
Fendi	Shirts	19
FUBU	Hats	312
Gucci	Shirts	8
Gucci	Single Shoes	5
Gucci	Wallets	1
Harley Davidson	Hats	22
Kate Spade	Medium Handbags	32
Lacoste	Shirts	70

Mark Used	Description	Quantity
Lacoste	Sweat Shirts	4
Lacoste	Jump Suit	2
Louis Vuitton	Address Book	1
Louis Vuitton	Briefcase	1
Louis Vuitton	Jewelry Boxes	2
Louis Vuitton	Medium Address Books	2
Louis Vuitton	Medium Handbags	59
Louis Vuitton	Shirt	1
Louis Vuitton	Small Address Book	1
Louis Vuitton	Wallets	11
LRG	Athletic Jacket	1
LRG	Golf Shirts	32
LRG	Hoodie	1
LRG	Jeans	304
LRG	Shirts	33
Nike	Air Force Ones	44
Nike	Air Jordans	34
Nike	Air Max	4
Nike	Belt Buckles	7
Nike	Fleece Shirt	1
Nike	Hats	75
Nike	Shirts	38
Nike	Shoes	4
Nike	Visors	4

Mark Used	Description	Quantity
Oakley	Cloth Sunglass Cases	240
Polo Ralph Lauren	Hat	1
Polo Ralph Lauren	Shirts	80
Polo Ralph Lauren	Visors	28
Prada	Large Handbags	11
Prada	Medium Handbags	42
Prada	Small Handbags	8
Rocawear	Belt Buckle	1
Rocawear	Dog Tags	3
Rocawear	Jeans	1
Rocawear	Long-sleeved Shirts	7
Rocawear	Shirts	130
Rolex	Oyster Boxes	28
Rolex	Watches	2
Tag Heuer	Watch	1
Tommy Hilfiger	Hats	241
Tommy Hilfiger	Visors	43
True Religion	Jeans	1
Versace	Shirts	7

(End of text. Signature page attached).

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A TRUE BILL.

FOREMAN

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