

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA                      \*                      CRIMINAL DOCKET NO. 13-043**

**V. \* SECTION: "N"**

**MOHAMMED SAMEER AHMED** \* **VIOLATION: 18 U.S.C. § 2320**

\* \* \*

## FACTUAL BASIS

Should this matter have proceeded to trial, the government would have proven, through the introduction of competent testimony and admissible tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the Bill of Information now pending against the defendant:

A special agent with the Department of Homeland Security (DHS) would testify that on June 24, 2010, DHL shipment 1008688505 was sent from Hong Kong and arrived at the DHL Hub in Cincinnati, Ohio, on June 25, 2010. A Customs and Border Protection Officer (CBPO) seized counterfeit NFL jerseys from the package. The package was addressed to Sam Ahmed, 839 Decatur St., New Phoenix, LA 70065, and was manifested as samples of PVC pipes. After seizing the items, DHS forwarded a letter to Sam Ahmed's home in Kenner indicating that the jerseys had been seized because they were counterfeit. The letter also explained that DHS would administratively forfeit

the items if he did not challenge the seizure within thirty days. The DHS special agent would testify that Sam Ahmed never challenged the seizure.

A special agent with (DHS) would also testify that on July 25, 2010, a DHL shipment 9425293872 was sent from Hong Kong and arrived at the DHL Hub in Cincinnati, Ohio, on July 28, 2010. Upon examination, a Customs and Border Protection Officer seized counterfeit NFL jerseys from the package. The package was addressed to Sam Ahmed in Kenner. On August 10, 2010, Customs and Border Protection sent a seizure notice to Sam Ahmed's home in Kenner under reference seizure #2010419710188401, which informed him that the jerseys had been seized because they were counterfeit. The letter also explained that DHS would administratively forfeit the items if he did not challenge the seizure within thirty days. The DHS special agent would testify that Sam Ahmed never challenged the seizure.

Based on the aforesaid seizures, DHS launched an investigation to determine if Ahmed was selling counterfeit items to the public. As such, on October 1, 2010, a Special Agent with the Department of Homeland Security (DHS) went into a store called Cajun Corner - which is located at 839 Decatur Street in the French Quarter - to determine if the owner had any counterfeit items on the display racks. Cajun Corner was owned and operated by **MOHAMMED SAMEER AHMED (hereinafter "AHMED")**. After surveilling the store, the agents observed a number of counterfeit NFL jerseys for sale in the store. They noticed that the jerseys contained the trademarked Saints "Fleur de Lis" logo, "Reebok" logo and the "NFL" logo. Furthermore, they would testify that the jerseys were for sale for \$79.99 each as evidenced by the price tag/hologram label attached to the counterfeit jerseys, which was well below the standard manufacturer's suggested retail price of \$150.00 to \$300.00 for real jerseys. They

would testify that the labels attached to the jerseys also contained a false holograms purportedly issued by the NFL. In addition to counterfeit items, the agents also observed legitimate NFL merchandise for sale in the store.

On October 14, 2010, DHS agents went back to Cajun Corner and seized 58 counterfeit “NFL” football jerseys. A DHS agent would testify that the seized counterfeit jerseys were valued at approximately \$3,600.00. The agents would also testify that they observed legitimate NFL merchandise for sale in the store as they were gathering the aforesaid counterfeit items.

On November 10, 2010, the special agents interviewed **AHMED** regarding the counterfeit jerseys they seized. During the interview, **AHMED** stated that he did not have receipts for the jerseys, but recalls ordering them from the website 2009jerseys.com. He further stated that he ordered most of his NFL merchandise from distributors in Houston, and that he was not active in importing or exporting items from the United States. He also informed the agents that he usually had the items shipped to his house in Kenner, and not to the store. He also claimed to have contacted Reebok to inquire about becoming a licensed vendor, but had not heard back from the company.

Representatives of the NFL would be called to testify that the purpose of the legitimate NFL hologram is to discourage the counterfeiting of NFL apparel and to prevent counterfeiters from using the NFL trademarks. Furthermore, an expert in trademarks and counterfeit goods would testify that the 58 jerseys seized from Cajun Corner are indeed counterfeit and produced without authorization from the trademark holders and in violation of Federal criminal law.

A U.S. Customs and Border Patrol Form 6051S Custody Receipt for Seized Property and Evidence was prepared on October 14, 2010 for the counterfeit jerseys. The items were seized

because they bear counterfeit trademarks that are registered with the U. S. Patent and Trademark Office and recorded with Customs and Border Protection.

**AHMED** admits he intentionally trafficked in these counterfeit goods in that he purchased these items to sell to the public with full knowledge they were counterfeit. **AHMED** also admits that he knowingly used or caused to be used, counterfeit marks on and in connection with such goods and services, which were in use and were registered on the principal register of the United States Patent and Trademark Office.

**AHMED** also admits the use of the counterfeit marks on the seized items was likely to cause confusion, to cause mistake, and to deceive the public into believing the items were genuine NFL and Reebok merchandise which he knew were not actual NFL authorized apparel.

READ AND APPROVED:

\_\_\_\_\_  
MOHAMMED SAMEER AHMED  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
JULIE C. TIZZARD  
Counsel for Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
SPIRO G. LATSIS  
Assistant United States Attorney

\_\_\_\_\_  
Date