



continuously under the SKKN+ brand in Washington, DC and/or New York, New York, since at least August 2018. Despite the COVID-19 pandemic, which had a significant negative impact on the beauty services industry, Beauty Concepts has achieved a high-level of commercial success since launching in 2018 and is currently on track in 2022 to double its revenue from the prior year. Beauty Concepts currently employs four salon employees and is planning to hire additional salon staff and expand its service lines, which Ms. Lunsford projects will increase her revenues at the current location to nearly \$1 million. Attached as **Exhibit 1** are representative samples showing Beauty Concepts' prominent use of the SKKN+ Mark in connection with the salon and retail services.

2. Studies by American Express and others have shown that only a very small percentage of women-owned businesses *ever* achieve sales of \$1 million. Being on track to achieve this milestone so early on strongly suggests that Beauty Concepts is poised to continue to develop and grow into a highly successful business of at least seven figures under the SKKN+ brand. Notably, Ms. Lunsford's business plans for Beauty Concepts include expansion into its own line of skin-care products under the SKKN+ brand and into multiple retail operations through franchising and/or additional owner-operated locations under the SKKN+ brand.

3. In or about July 2021, after having successfully weathered the COVID-19 pandemic and while preparing to launch her newest and larger brick-and-mortar retail location, and having already applied to register SKKN+ with the United States Patent and Trademark Office ("USPTO"), Ms. Lunsford and Beauty Concepts learned that the Kardashian/Coty Defendants were going to launch a new skin-care line under the brand SKKN and/or SKKN BY KIM. Ms. Lunsford and Beauty Concepts were understandably concerned that such a prominent celebrity as Ms. Kardashian had chosen a brand highly confusingly similar to Beauty Concepts'

own SKKN+ brand, as consumer confusion was likely. Moreover, due to Ms. Kardashian's prominence, Beauty Concepts was also likely to be quickly overshadowed by the Kardashian/Coty Defendants' brand and would likely experience significant and irreparable brand damage as a result of this confusion.

4. Beauty Concepts, through counsel, thus reached out to the Kardashian/Coty Defendants to request that they abandon their plans to use a mark incorporating the most significant elements of Beauty Concepts' mark SKKN+, namely the letters "SKKN."

5. The Kardashian/Coty Defendants were also put on notice of likelihood of confusion by the USPTO when it issued Office Actions against several of the SKKN BY KIM applications based on Beauty Concepts' prior-filed application for its SKKN+ mark.

6. The Kardashian/Coty Defendants did not cease and desist but, to the contrary, upon information and belief, willfully and deliberately chose to proceed with their plans to use the SKKN and SKKN BY KIM brand in total disregard of Beauty Concepts' superior trademark rights.

7. Indeed, in public statements and filings in the USPTO, the Kardashian/Coty Defendants have dismissed Beauty Concepts' brand recognition and improperly argued that Beauty Concepts' is entitled to no trademark protection for its SKKN+ trademark, while at the same time pursuing trademark applications of their own for nearly identical marks. The suggestion that a small, entrepreneurial Black- and woman-owned business is not entitled to its prior rights in a nearly identical mark that is later pursued by a celebrity's large, majority-owned company raises serious questions about, among other things, the motives and legitimacy of the Kardashian/Coty Defendants' actions and arguments.

8. After negotiations with the Kardashian/Coty Defendants failed, Beauty Concepts began its legal efforts to stop them from usurping its intellectual property rights, first by filing two Opposition Proceedings in the USPTO Trademark Trial and Appeal Board (“TTAB”) against four of the Defendants’ applications for the SKKN BY KIM mark. On December 27, 2021, Beauty Concepts filed Opposition No. 91273677 against US Application Serial Nos. 90613526, 90613510, and 90613501, all for SKKN BY KIM. On January 6, 2022, Beauty Concepts then filed Opposition No. 91273850 against US Application Serial No. 90613345 for SKKN BY KIM (collectively, the “Oppositions”). The Oppositions were consolidated and are temporarily stayed by the USPTO pending resolution of a motion to strike a portion of the Defendants’ affirmative defenses. TTAB Order Suspending Proceeding Pending Disposition of Opposer’s Motion to Strike in *Beauty Concepts LLC v. Kimsaprincess Inc.*, (Mar. 9, 2022), available at <https://ttabvue.uspto.gov/ttabvue/v?pno=91273677&pty=OPP&eno=8>.

9. On June 21, 2022, despite the on-going trademark dispute between the parties, the Kardashian/Coty Defendants launched their new skin care line under the trademark SKKN BY KIM. Upon information and belief, the Kardashian/Coty Defendants have leveraged their fame to immediately achieve great commercial success and brand awareness with the products sold under the SKKN BY KIM brand.

10. Further adding to the likelihood of confusion and adverse impact on Beauty Concepts, the Kardashian/Coty Defendants repeatedly use and emphasize SKKN in their packaging and marketing. In various marketing messages for the SKKN BY KIM brand, Ms. Kardashian has repeatedly referred to her new skin-care line as “SKKN.” *See e.g.*, “Beauty Starts with Kim,” SKKN Instagram Account, available at <https://www.instagram.com/p/CeR4DBOJw2-/>, last visited June 28, 2022.

11. Notably, the logo for the SKKN BY KIM brand also heavily emphasizes the term “SKKN” and de-emphasizes the words “by Kim” (the “SKKN Logo”), amplifying the likelihood of confusion between the Kardashian/Coty Defendants’ SKKN brand and Beauty Concepts’ SKKN+ brand. The SKKN logo is used on the brand’s website at [www.skknbykim.com](http://www.skknbykim.com) (the “SKKN Website”) as well as on all the product packaging. The Kardashian/Coty Defendants also own the domain URL [www.skkn.com](http://www.skkn.com), which redirects consumers to the SKKN Website. *See* SKKN BY KIM Website, available at <https://skknbykim.com/> (last visited June 28, 2022). Attached as **Exhibit 2** are screenshots showing Defendants’ SKKN Logo and representative samples showing Defendants’ use of the Infringing SKKN Mark in connection with its products and services.

12. Compounding the damaging impact on Beauty Concepts’ brand, in their marketing messaging for the SKKN BY KIM skin care line, the Kardashian/Coty Defendants also encourage consumers to buy the products as a home alternative to professional facials and for use by professional estheticians. Indeed, in a marketing video featuring a professional esthetician, Ms. Kardashian personally touts that this skincare line was developed with assistance from, among others, professional estheticians and together, they demonstrate how the skincare products can be used by an esthetician during a professional facial, like those facial services offered by Beauty Concepts’ using its SKKN+ brand. These marketing efforts put the Infringing SKKN Marks and brand squarely into competition with Beauty Concepts’ SKKN+ branded services, thus further increasing the likelihood of confusion and harmful impact on the Beauty Concepts brand, again with deliberate disregard for Beauty Concepts’ superior rights to the SKKN+ trademarks. *See, e.g.*, SKKN Instagram video, available at [https://www.instagram.com/p/CehX\\_FAgxY6/](https://www.instagram.com/p/CehX_FAgxY6/) (last visited June 28, 2022).

13. Beauty Concepts thus brings this action against the Kardashian/Coty Defendants for willful infringement of Beauty Concepts' trademarks SKKN+ and SKKN+ and Design (collectively referred to as the "SKKN+ Marks" or the "SKKN+ Brand"), reverse confusion, and unfair competition under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), for civil conspiracy, and for substantial and related claims of infringement and unfair competition under the statutory and common laws of the State of New York, all arising from the Kardashian/Coty Defendants' unauthorized use of the SKKN, SKKN BY KIM and SKKN Logo trademarks (the "Infringing SKKN Marks") in connection with the marketing, advertising, promotion, offering for sale, and/or sale of skin care and salon related goods and services.

14. The Kardashian/Coty Defendants' adoption and use of the Infringing SKKN Marks for goods and services which are identical to, or highly related to, services offered by Beauty Concepts under the SKKN+ trademark will and have confused, misled, and deceived the general public and consumers into believing that Beauty Concepts manufactures, sells, sponsors, approves and/or licenses the Kardashian/Coty Defendants' goods and services. Such use and the Kardashian/Coty Defendants' applications attempting to register the Infringing SKKN Marks also trade off the goodwill created by Beauty Concepts in its SKKN+ Brand and damage Beauty Concepts' SKKN+ Brand.

15. The Kardashian/Coty Defendants' actions have already resulted in significant consumer confusion including confusion regarding the source of the parties' products and services. Beauty Concepts' presence on the internet has been overwhelmed by Defendants' advertising, and Beauty Concepts has experience actual confusion in the form of individuals contacting Beauty Concepts to ask if they are affiliated with the Defendants and their Infringing SKKN Marks. Beauty Concepts thus has no choice but to pursue this action to protect its

intellectual property rights and significant investment in its business and seeks injunctive relief, actual damages, disgorgement of profits, attorneys' fees and costs, and other appropriate relief pursuant to all applicable federal, state, and common law.

### **PARTIES**

16. Plaintiff Beauty Concepts LLC is a limited liability company organized and existing under the laws of Washington, DC ("DC") with its principal place of business at 130 Graham Avenue, Brooklyn, NY 11206. Beauty Concepts is registered to do business in New York State under the name "SKKN PLUS LLC" and has conducted business in DC and New York since 2018 under the d/b/a SKKN+.

17. Upon information and belief, Defendant Kimberly Noel Kardashian West, a/k/a Kim Kardashian ("Kardashian") is an individual residing at 25115 Eldorado Meadow Rd, Hidden Hills, CA 91302, and a c/o address of William Morris Endeavor Entertainment, 9601 Wilshire Blvd., 3rd Floor, Beverly Hills, CA 90210-5213.

18. Upon information and belief, Defendant Kimsaprincess Inc. is a corporation organized and existing under the laws of California with its registered address at 9255 Sunset Blvd, FL 2, West Hollywood, California 90069 (referred to herein as "Kimsaprincess (CA)").

19. Upon information and belief, Kimsaprincess (CA) is the USPTO record owner of all of the pending U.S. applications for the Infringing SKKN Marks and has licensed and/or otherwise authorized the use of those marks to one or more of the other Defendants for the purposes of making, distributing, and/or selling products and services under the Infringing SKKN Marks.

20. Upon information and belief, Defendant Kimsaprincess Inc. is a corporation organized and existing under the laws of New York with its registered address at 216 W. 141<sup>st</sup> Street, NY, NY 10030 (referred to herein as "Kimsaprincess (NY)").

21. Upon information and belief, Kimsaprincess (NY) is a newly formed corporation (formed on January 19, 2021) and is believed to be an active participant in the actions complained of herein.

22. Upon information and belief, Defendants Kimsaprincess (CA) and Kimsaprincess (NY) operate under the control and direction of Ms. Kardashian. Upon information and belief, Kimsaprincess (CA), Kimsaprincess (NY), and/or Ms. Kardashian engaged in specific acts of infringement and/or acts in furtherance of the infringement alleged herein, in concert with each of the other Defendants and aided, abetted, directed, approved, or ratified each act or omission alleged in this Complaint to have been performed by Defendants.

23. Upon information and belief, Defendant Coty Inc. (“Coty Inc.”) is a corporation organized and existing under the laws of Delaware with its principal executive office and registered address at 350 5th Ave, New York, New York 10118

24. Upon information and belief, Defendant Coty Inc. is a global skin and beauty product company engaged in making, selling, and distributing, among other things, cosmetic, skin, fragrance & hair care products, such as those under the brand SKKN BY KIM.

25. Upon information and belief, Defendant Coty US LLC. (“Coty US”) is a limited liability company organized and existing under the laws of Delaware with its principal executive office and registered address at 350 5th Ave, New York, New York 10118.

26. Upon information and belief, Defendant Coty US is engaged the US business activities of Coty Inc. and, more specifically, engaged making, selling, and distributing, among other things, cosmetic, skin, fragrance & hair care products, such as those under the brand SKKN BY KIM.



27. Upon information and belief, Defendant Coty DTC Holdings, LLC. (“Coty DTC”) is a limited liability company organized and existing under the laws of Delaware with its principal executive office and registered address at 350 5th Ave, New York, New York 10118.

28. Upon information and belief, Defendant Coty DTC is the Coty Inc. related entity that is responsible for the direct sales to consumers via the [www.skknbykim.com](http://www.skknbykim.com) website, being listed as such in the Terms of Sales, Terms of Use, Privacy Policy, and Cookie Policy on that website. Thus, upon information and belief, Coty DTC is also engaged in making, selling, and distributing various cosmetic, skin, fragrance & hair care products, including those products sold under the Infringing SKKN Marks.

29. Upon information and belief, Coty Inc, Coty US and/or Coty DTC engaged in specific acts of infringement and/or acts in furtherance of the infringement alleged herein, in concert with each of the other Defendants and aided, abetted, directed, approved, or ratified each act or omission alleged in this Complaint to have been performed by Defendants.

### **JURISDICTION AND VENUE**

30. This Court has subject matter jurisdiction over this action under Section 39 of the Lanham Act, 15 U.S.C. § 1121(a), as well as 28 U.S.C. §§ 1331 & 1338.

31. This Court has supplemental jurisdiction over Plaintiff’s state law claims under 28 U.S.C. § 1367.

32. This Court has personal jurisdiction over Defendants because Defendants solicit, transact, and do business within the State of New York and within this District.

33. Defendants’ infringing goods and services are being marketed, offered, sold, and shipped to customers within this District, and upon information and belief by distributors and retailers within this District and/or who do business with customers in this District.

34. Defendants have caused and are causing injury within this District by advertising, distributing, and selling products bearing the Infringing SKKN Marks within this District.

35. Venue is proper in this Court under 28 U.S.C § 1391(b) because Plaintiff's business resides within this District and a substantial part of the events giving rise to the claims alleged herein occurred in this District.

## **FACTUAL ALLEGATIONS**

### **I. HISTORY OF BEAUTY CONCEPTS' BUSINESS**

36. In the summer of 2018, Ms. Lunsford formed Beauty Concepts. At or about this time, Beauty Concepts began providing salon services under the SKKN+ Marks, initially in DC and through the Aveda Institute in New York, New York, where Ms. Lunsford was attending school for esthetics.

37. On or about October 1, 2018, Beauty Concepts opened its first salon under the SKKN+ Marks at 68 Jay Street, Suite 201, Brooklyn, NY 11201 ("Jay Street Location"). At the Jay Street Location, Beauty Concepts continued to provide salon services to customers under the SKKN+ Marks, and now added the sale of related products to its offerings both at that location and online on its website at [www.skknplus.com](http://www.skknplus.com) at least as early as March 2019.

38. In December 2019, Beauty Concepts moved the salon, still under the SKKN+ Marks, to a new location at 175 Pearl Street, Suite 253, Brooklyn, New York 11201 ("Pearl Street Location"). This new location allowed for more space and greater privacy for clients than the Jay Street Location. At the Pearl Street Location, Beauty Concepts continued to provide both salon services and related products to customers under the SKKN+ Marks. Attached as **Exhibit 3** are photograph showing examples of Beauty Concepts' consistent prominent display of its SKKN+ Marks as it has grown and moved locations.

39. Beauty Concepts was also extremely successful at the Pearl Street Location. Thus, in 2020, despite the pandemic and government shutdowns and restrictions, Ms. Lunsford began the process of looking for and negotiating a lease for an even bigger location with more space for additional employees to service its growing customer base. Beauty Concepts signed a lease for its newest location on or about September 1, 2021, at 130 Graham Avenue, Brooklyn, NY 11206 (the “Graham Avenue Location”). The Graham Avenue Location is located in East Williamsburg, a diverse community described as artistic and stylish.

40. Between the fall of 2021 and the spring of 2022, Ms. Lunsford and the Beauty Concepts team spent hundreds of hours planning the Graham Avenue Location, designing the space, dealing with permits and construction, and preparing the Graham Avenue Location for use. Beauty Concepts also invested in excess of \$200,000 for build out expenses, including design, contractors, equipment, furnishing, signage, and more.

41. During the time in which the planning for and build out of the Graham Avenue Location was underway, until April 2022, Beauty Concepts continued to operate its salon at the Pearl Street Location under the SKKN+ Marks, providing salon services and related products to its customers. During April 2022, while the Graham Avenue Location was in the final stages of development, Beauty Concepts operated a “pop-up” location under the SKKN+ Marks at 65 Graham Street, in the same Brooklyn neighborhood as the Graham Avenue Location.

42. Beauty Concepts opened the Graham Avenue Location on or about May 1, 2022 and has operated continuously at that location since that time. This street-level location in East Williamsburg, Brooklyn, with its prominent signage displaying the SKKN+ Brand, is likely to garner significant increased foot traffic and brand awareness. Attached as **Exhibit 4** is a

photograph showing Beauty Concepts' prominent display of the SKKN+ Mark on its Graham Street Location.

43. Beauty Concepts currently employs four salon professionals, and the Graham Avenue Location is built to employ up to eight total salon professionals, which, in combination with the new street level location, is projected to increase revenues for Beauty Concepts to nearly \$1 million at this location.

44. Since 2018, Beauty Concepts has advertised its SKKN+ services nationwide online via its website and social media accounts including on Instagram (handle @skknplus) and Facebook (handle @skknplus). As a result of these efforts, Beauty Concepts has garnered thousands of followers online.

45. As a result of these efforts, since 2018, Beauty Concepts has advertised and sold services and products under the SKKN+ Marks to consumers located in New York, New Jersey, Pennsylvania, Maryland, District of Columbia, among others. As a result of such advertising and promotion, and providing high quality services, the SKKN+ Marks have enjoyed a favorable reputation among consumers across the New York metropolitan area and beyond.

46. To date, Beauty Concepts' clientele includes more than 2,000 customers. Beauty Concepts actively seeks to advertise, market to, and serve clients of all genders, races, and ethnicities, specializing in corrective skin care for all skin types. Notably, Beauty Concepts is a Black-owned business and seeks to ensure its services specifically serve Black women and other women of color, who have been historically underserved, excluded, and diminished by the beauty industry, despite the fact that Black women are an extremely important consumer group, spending billions of dollars annually in beauty and hair care products and services. Beauty Concepts' commitment to ensuring the SKKN+ Brand represents inclusivity is evidenced by its

customer base, the types of products offered, and the representative images it selects and uses in marketing its services. Additionally, Beauty Concepts intentionally chose to open its larger storefront SKKN+ location in a diverse neighborhood to help further its commitment to serving a diverse clientele. As a result of its efforts and values, Beauty Concepts has developed strong brand loyalty among its customer base.

47. To date, Ms. Lunsford has grown her business organically, bootstrapping the business from her own savings and earnings, and with the support of her parents, both entrepreneurs themselves.

48. In building her brand, Ms. Lunsford has relied on her own experience, as well as her education and training as both a marketing professional and trained esthetician.

49. Starting without a brick-and-mortar location, Beauty Concepts originally operated out of the Aveda Institute under the SKKN+ Brand, but quickly grew the business to the point where Ms. Lunsford could launch her first physical location under the SKKN+ Brand a few short months later.

50. As the first two Beauty Concepts locations were not at street level, Ms. Lunsford relied primarily on online marketing and word of mouth to grow the SKKN+ Brand and the Beauty Concepts' customer base. Through her dedication to building her business, Ms. Lunsford has now been able to launch her highly visible street-level location, evidence of the growth of her customer base and revenue.

51. Ms. Lunsford is an American success story and an example of the success that can be achieved through hard work and effort, even without prior fame and lush financial resources.

52. For a business that started in 2018, and especially given that it is a service industry business operating during the COVID-19 pandemic, Beauty Concepts has achieved dramatic success and is well poised for future growth and scaling.

53. Beauty Concepts' early success has proven its ability to appeal to a broad and diverse customer base, and to provide sought-after services and products. Were it not for the willful infringement and usurpation of the SKKN+ Brand by the Kardashian/Coty Defendants, Ms. Lunsford's and Beauty Concepts' growth trajectory and future success were assured. They are now in jeopardy due to the willful and improper actions of the Defendants.

## **II. BEAUTY CONCEPTS' SKKN+ TRADEMARKS**

54. Beauty Concepts owns common law trademark rights in its SKKN+ and for SKKN+ and Design marks for use in connection with the provision of salon services, as well as brick-and-mortar and online retail stores for selling skin care products. Since approximately August 1, 2018, Beauty Concepts has used the SKKN+ Marks in connection with offering high-end salon services, specializing in facials, chemical peels, waxing, curated skin treatments, and other skin services provided by licensed estheticians. (the "SKKN+ Salon Services").

55. Beauty Concepts also sells various products in its bricks and mortar retail store and maintains a related online retail store under its SKKN+ Marks, offering various skin-care products related to the SKKN+ Salon Services. (These retail store services and the SKKN+ Salon Services will be referred to collectively herein as the SKKN+ Services.)

56. Beauty Concepts has used the SKKN+ Marks in commerce in the United States continuously since 2018 in connection with the provision of SKKN+ Services, and the marketing, advertising and promotion of those services. See **Exhibit 1** showing representative samples of Beauty Concepts' prominent use of the SKKN+ Mark in connection with the salon and retail services.

57. Beauty Concept is the owner of the valid and subsisting New York State Trademark Registration No. S25348, which was issued by the New York State Department of State on August 13, 2021, for its SKKN+ word mark for use in connection with “skin care salon services; beauty spa services; skin care services; beauty salon services,” which states a date of August 2018 for the first use of the mark anywhere. Attached as **Exhibit 5** is a true and correct copy of the registration certificate for Plaintiff's New York State Trademark Registration No. S25348.

58. On March 28, 2021, Beauty Concepts applied for, and is thus the owner of, a valid and subsisting United States Trademark Application Serial No. 90608147 (the “147 Application”) for the SKKN+ & Design mark for use in connection with “Skin care salon services care services; Beauty spa services; Skin care services; Beauty salon services,” stating August 2018 as the date of first use of the mark anywhere. Attached as **Exhibit 6** is a true and correct copy of the USPTO Trademark Status and Document Retrieval (“TSDR”) summary page for Plaintiff's '147 Application as filed on the Principal Register in the United States Patent and Trademark Office.

59. Upon information and belief, at the time of Beauty Concepts' filing of the '147 Application for SKKN+, there were no pending applications or registrations in the United States by any other party featuring any variation of “SKKN.”

60. On June 26, 2022, Beauty Concept applied for, and is now the owner of, a valid and subsisting United States Trademark Application Serial No. 97476341 (the '341 Application”) for the SKKN+ word mark for use in connection with “retail store services featuring skincare products; online retail store services featuring skincare products.” Attached as

**Exhibit 7** is a true and correct copy of the USPTO TSDR page for Plaintiff's '341 Application filed on the Principal Register in the United States Patent and Trademark Office.

61. On June 26, 2022, Beauty Concept applied for, and is now the owner of, a valid and subsisting United States Trademark Application Serial No. 97476345 (the '345 Application") for the SKKN+ word mark for use in connection with "Skin care salon services care services; Beauty spa services; Skin care services; Beauty salon services; esthetician services." Attached as **Exhibit 8** is a true and correct copy of the USPTO TSDR page for Plaintiff's '345 Application filed on the Principal Register in the United States Patent and Trademark Office.

62. As a result of its widespread, continuous, and exclusive use of the SKKN+ Marks to identify its SKKN+ Services and Beauty Concepts as their source, Beauty Concept has valid and subsisting rights to the SKKN+ Marks. Beauty Concepts' SKKN+ Marks are distinctive to both the consuming public and Beauty Concepts' channels of trade.

63. As a result of Plaintiff's expenditures and efforts, the SKKN+ Marks have come to signify the high quality of the SKKN+ Services, and acquired incalculable distinction, reputation, and goodwill belonging exclusively to Plaintiff.

### **III. DEFENDANTS BEGIN THEIR PLANS TO LAUNCH A BRAND UNDER INFRINGING SKKN TRADEMARKS**

64. On or about July 9, 2022, Kardashian directed Kimsaprincess (CA) to file a federal trademark application Serial No. 90819462 for SKKN (the "'462 Application"), a nearly identical mark to Plaintiff's SKKN+ Marks, for use in connection with products including skin care and cosmetic products. Kardashian signed the '462 Application in her capacity as President of Kimsaprincess (CA). Attached as **Exhibit 9** is a true and correct copy of the USPTO Trademark Status and Document Retrieval ("TSDR") summary page for the '462 Application.



65. Kimsaprincess (CA) asserted a claim of priority in its '462 Application based on a foreign filing alleged to have been filed in Jamaica on January 25, 2021 and assigned application number 082519.

66. Kimsaprincess (CA) additionally filed International Application No. 1613648 with the World Intellectual Property Organization (“WIPO”) under the Madrid Protocol based on its '462 Application, designating twenty-three countries or territories where they are seeking trademark protection for the SKKN mark. Attached as **Exhibit 10** is a true and correct copy of the WIPO summary page for International Application No. 1613648.

67. On or about March 30, 2021, Kardashian directed Kimsaprincess (CA) to file nineteen (19) applications with the USPTO to register the SKKN BY KIM mark for various products and services, many of which are services that are similarly confusing to those services provided by Plaintiff.

68. On or about May 26, 2022 and September 10, 2021, Defendant filed express abandonments for two of the nineteen applications, shown in the table below. Attached as **Exhibits 11 and 12** are true and correct copies of the USPTO Trademark Status and Document Retrieval (“TSDR”) summary page for the abandoned applications, shown below.

Exh. No.	USPTO Serial No.	Mark	Int'l Class	Summary of Goods/Services	Status
A11	90613297	SKKN BY KIM	010	...cosmetic apparatus using ultrasound for performing aesthetic skin treatment procedures; facial toning machines for cosmetic use; ...	Withdrawn/ Expressly Abandoned
A12	90613596	SKKN BY KIM	044	Beauty salon services; skincare services; ...; health and beauty spa services, namely, cosmetic face and body care	Withdrawn/ Expressly Abandoned

69. Upon information and belief, Defendants expressly abandoned these applications at least in part due to their awareness of Beauty Concept’s prior rights in its SKKN+ Marks.

70. The table below further details the seventeen active applications and includes a general overview of the extensive list of goods and services associated with each application. A true and correct copy of USPTO Trademark Status and Document Retrieval (“TSDR”) summary page for each of the applications shown below are attached as the corresponding Exhibit number shown in the table. Upon information and belief, Kardashian signed each of these applications in her capacity as President of Kimsaprincess (CA).

71. The USPTO has issued Office Actions on at least five (5) of the Kardashian/Coty Defendants’ applications for SKKN BY KIM citing a likelihood of confusion with Beauty Concepts’ prior-filed SKKN+ application. Namely, between November 15 and 20, 2021, the USPTO issued Office Actions against Defendant’s applications Ser. Nos. 90613170, 90613211, 90613297, 90613479, and 90613548 based on the USPTO Examiner’s assessment that a likelihood of confusion would result with Beauty Concept’s prior-filed SKKN+ application. Defendants expressly abandoned application Ser. No. 90613297 after receiving the Office Action issued by the USPTO. Attached as **Exhibit 13** are true and correct copies of the Office Actions as downloaded from the USPTO TSDR.

72. Beauty Concepts’ consolidated Opposition is currently pending against four of Defendants’ applications, namely Serial Nos. 90613501, 90613510, 90613526, and 90613345. Beauty Concepts fully intends to file additional proceedings with the USPTO Trademark Trial and Appeal Board opposing other of the marks shown in the Table below.

<b>Exh. No.</b>	<b>USPTO Serial No.</b>	<b>Mark</b>	<b>Int’l Class</b>	<b>Brief Summary of Goods/Services</b>	<b>Status</b>
<b>14</b>	90613170	SKKN BY KIM	003	Fragrances; moisturizers; facial oils; cosmetics; room fragrances; artificial eyelashes; makeup applicators, ...	Active/Under Examination
<b>15</b>	90613195	SKKN BY KIM	004	Candles	Active/ Under Examination
<b>16</b>	90613211	SKKN BY KIM	005	Vitamins; dietary and nutritional supplements; nutritional supplement	Active/ Under Examination

Exh. No.	USPTO Serial No.	Mark	Int'l Class	Brief Summary of Goods/Services	Status
				shakes; medicated dermatological preparations and substances ...	
17	90613243	SKKN BY KIM	008	Curling irons; manicure implements; eyelash curlers; hand-operated kitchen appliances; flatware; table cutlery ...	Active/Under Examination
18	90613269	SKKN BY KIM	009	Downloadable software; digital media; downloadable ring tones; eyewear; sunglasses ...	Active/Under Examination
19	90613345	SKKN BY KIM	011	Hair dryers; lighting fixtures; convection ovens; microwave ovens ...	Active/Opposition Pending
20	90613378	SKKN BY KIM	014	Clocks; jewelry; watches; keychains ...	Active/Under Examination
21	90613408	SKKN BY KIM	016	Printed calendars; printed books, printed magazines ...	Active/Under Examination
22	90613420	SKKN BY KIM	018	Toiletry bags; cosmetics bag; back packs; handbags; purses; umbrellas ...	Active/Published
23	90613460	SKKN BY KIM	020	Mirrors; furniture; picture frames; pillows; baby changing tables; baby walkers; playpens ...	Active/Under Examination
24	90613479	SKKN BY KIM	021	Sponges used for applying make-up; hair brushes; power-operated brush used to clean and exfoliate the skin; applicator wands; bath accessories ...	Active/Under Examination
25	90613493	SKKN BY KIM	024	Towels; wash cloths; bath mitts; shower; bed linens ...	Active /Published
26	90613501	SKKN BY KIM	025	Shower caps; Belts; Coats; Dresses; Footwear; Gloves; Headbands ...	Active/Opposition Pending
27	90613510	SKKN BY KIM	026	Hair accessories; Hair extensions; Ornamental novelty pins ...	Active/Opposition Pending
28	90613526	SKKN BY KIM	027	Bathmats; rugs; floor mats; floor coverings; wallpaper; personal exercise mats.	Active/Opposition Pending
29	90613548	SKKN BY KIM	035	Retail store services featuring skin, cosmetics, hair, nail and beauty products, tools and accessories, fragrances; advertising, marketing and promotion services ...	Active/Under Examination
30	90613562	SKKN BY KIM	041	Entertainment services ...	Active/Under Examination

#### IV. THE KARDASHIAN/COTY DEFENDANTS' WRONGFUL AND INFRINGING CONDUCT

73. Despite express notice of Beauty Concepts prior rights in its SKKN+ Marks, both through the receipt of a cease-and-desist letter and direct communications from Beauty

Concepts' counsel for and the USPTO's issuance of Office Actions against several of its applications, the Kardashian/Coty Defendants continued on with the launch of their skin care products line using the Infringing SKKN Marks. The Defendants began to formally advertise products under the Infringing SKKN Marks on or about June 1, 2022. See Defendants' Press Release, attached as **Exhibit 31**.

74. Upon information and belief, the Kardashian/Coty Defendants knew of Beauty Concepts' prior use of its SKKN+ Marks before they adopted the Infringing SKKN Marks and prior to filing any of its trademark applications seeking to register the Infringing SKKN Marks.

75. Since early June 2022, the Kardashian/Coty Defendants have been advertising and promoting their products bearing the Infringing SKKN Marks via several social media handles featuring "SKKN," including [www.instagram.com/skkn](http://www.instagram.com/skkn), [www.twitter.com/skkn](http://www.twitter.com/skkn), [www.facebook.com/skkn](http://www.facebook.com/skkn), [www.tiktok.com/@skkn](http://www.tiktok.com/@skkn), and [youtube.com/skkn](http://youtube.com/skkn). Upon information and belief, due to the celebrity status of Ms. Kardashian, in less than four weeks, the Kardashian/Coty Defendants' Instagram account @skkn has obtained more than five million followers (see **Exhibit 32**, displaying a screenshot of Defendants' "SKKN" Instagram page), virtually overwhelming Beauty Concepts' hard won social media presence developed over several years, and began offering the products under the Infringing SKKN Marks in interstate commerce on or about June 21, 2022. Upon information and belief, Defendants own and use the domain address [www.skkn.com](http://www.skkn.com), which serves to redirect consumers to the domain [www.skknbykim.com](http://www.skknbykim.com).

76. Upon information and belief, although the trademark used on the product packaging and website is SKKN BY KIM, the Kardashian/Coty Defendants intend to, have used,

and will continue to use the trademark SKKN in connection with their marketing and advertising of these products.

77. For example, in a video posted by Ms. Kardashian on or about June 1, 2022, on social media, she referred to the launch of her new product line as “SKKN.” See Defendants’ “SKKN” Instagram Account, accessed at <https://www.instagram.com/p/CeR4DBOJw2-/?hl=en>, last visited June 28, 2022.

78. In a video posted by Ms. Kardashian on or about June 16, 2022, on social media, Ms. Kardashian again referred to the launch of her new product line as “my SKKN products.” See Defendants’ June 16 launch video screenshot from Defendant’s “SKKN” Instagram account, attached as **Exhibit 33** and available at [https://www.instagram.com/reel/Ce4TYd6AL5m/?utm\\_source=ig\\_web\\_copy\\_linkm](https://www.instagram.com/reel/Ce4TYd6AL5m/?utm_source=ig_web_copy_linkm), last visited June 28, 2022.

79. In addition, upon information and belief, the Instagram, Facebook, and Twitter handles for the new line of products under the Infringing SKKN Marks is “@skkn” not @skknbykim.

80. The Kardashian/Coty Defendants’ use and intention is further underscored by several pending trademark applications just for the mark SKKN, as well as by the overemphasis of the element SKKN in the SKKN BY KIM Logo, which is used on the [www.skknbykim.com](http://www.skknbykim.com) website, the product packaging, and other marketing materials.

81. Both SKKN BY KIM and SKKN are likely to cause, have already caused, and are continuing to cause confusion with Beauty Concepts SKKN+ Marks, as the USPTO underscored in the Office Actions that it issued against the SKKN BY KIM applications – citing to Beauty Concepts prior-filed SKKN+ application. However, upon information and belief, the

Kardashian/Coty Defendants use of and emphasis on the SKKN element willfully amplifies the likelihood of confusion between the SKKN+ Marks and the Infringing SKKN Marks.

82. Upon information and belief, the Kardashian/Coty Defendants intend to compete, and have competed, with salon services and also intend that their products be used by professional estheticians. For example, prior to the commencing advertising and sales, the Kardashian/Coty Defendants also held a launch party at The Greenwich Hotel in New York, New York in May 2022 (the “Launch Party”) featuring facials and other skin care services in connection with products the Kardashian/Coty Defendants intended to advertise and sell under the Infringing SKKN Marks. The Launch Party featured the use of Defendants products bearing the Infringing SKKN Marks and being applied by an esthetician. See eg. “Video: Kim Kardashian thanks supporters as she celebrates SKKN launch,” accessed at <https://www.youtube.com/watch?v=wcL7V1erh5Q>, last visited on June 28, 2022.

83. In addition, the marketing videos and other advertising and marketing on the [www.skknbykim.com](http://www.skknbykim.com) website also show a professional esthetician performing a facial using products bearing the Infringing SKKN Marks and suggests that customers can use the products to perform at-home facials, thereby avoiding the need to seek out salon services.

84. Without authorization, and despite Beauty Concept’s prior use of and rights in the SKKN+ Marks, the Kardashian/Coty Defendants have begun advertising, manufacturing, offering for sale, selling, and/or distributing on a national basis, including within this District and in interstate commerce, skin care products under the nearly identical Infringing SKKN Marks, thereby infringing Beauty Concepts’ SKKN+ Marks and creating a likelihood of confusion, mistake, and deception among consumers as to source, sponsorship, or affiliation, of Beauty Concepts’ services and products, as well as causing unfair competition between Beauty Concepts

and the Kardashian/Coty Defendants. The Kardashian/Coty Defendants are also thereby unjustly enriched by the use of the Infringing SKKN Marks.

85. The Kardashian/Coty Defendants improper conduct and the likelihood of confusion and irreparable harm to Beauty Concepts caused by such conduct is heightened by the Kardashian/Coty Defendants' intention to use the Infringing SKKN Marks in connection with a wide variety of products and services, as evidenced by the filing of nineteen currently pending USPTO trademark applications featuring the marks SKKN or SKKN BY KIM.

86. In short, the Kardashian/Coty Defendants' products and services, and intended products and services, offered under the Infringing SKKN Marks are related to/or overlapping with Beauty Concepts' services and retail and online store product sales.

**V. THE HARMFUL IMPACT OF THE KARDASHIAN/COTY DEFENDANTS' WRONGFUL AND INFRINGING CONDUCT ON BEAUTY CONCEPTS**

87. The Kardashian/Coty Defendants' production, marketing, distribution, and sale of skin care products bearing the Infringing SKKN Marks are likely to confuse and deceive, and have already confused and deceived, consumers as to the source of the goods sold under the Infringing SKKN Marks.

88. The Kardashian/Coty Defendants' production, marketing, distribution, and sale of skin care products bearing the Infringing SKKN Marks is likely to and has already irreparably harmed Beauty Concepts' reputation and goodwill.

89. The Kardashian/Coty Defendants' production, marketing, distribution, and sale of skin-care products bearing the Infringing SKKN Marks is likely to severely hamper and has already hampered Beauty Concepts' ability to advertise, promote and grow its business.

90. Beauty Concepts is already aware of instances of actual confusion caused by Defendants' use of the Infringing SKKN Marks. To date, several visitors to Beauty Concepts'

salon have inquired about the connection between Beauty Concepts' business and that of the Defendants, including whether Beauty Concepts' salon is using the Defendants' products bearing the Infringing SKKN Marks or is otherwise affiliated with or authorized by the Kardashian/Coty Defendants.

91. In addition, numerous users on social media have mistakenly tagged Beauty Concepts' @skknplus social media accounts when referencing the Kardashian/Coty Defendants' products.

92. Especially due to the immediate success of the products bearing the Infringing SKKN Marks and, upon information and belief, due to Ms. Kardashian's celebrity status, the Kardashian/Coty Defendants use of the Infringing SKKN Marks subjects Beauty Concept to reverse confusion with its SKKN+ Marks by users expecting to acquire the Defendants' products bearing the Infringing SKKN Marks and/or services performed using such products from Beauty Concepts.

93. Beauty Concepts is also irreparably damaged by widespread publicity attached to the Kardashian/Coty Defendants' advertising and marketing using the Infringing SKKN Marks, as it has and will continued to impair the ability of Beauty Concepts' customers and potential customers to search and find information about Beauty Concepts, its physical location, the SKKN+ Services, and the SKKN+ website and online marketing. Beauty Concepts SKKN+ brand had achieved a top ranking in an online search, which takes time, investment, and customer awareness for a small business to achieve. However, since the Defendants' launch, Beauty Concepts online presence has been overwhelmed by the Defendants' online advertising.

94. Upon information and belief, while at the same time Beauty Concepts is now struggling to maintain its goodwill and brand and to continue the success and growth of its



business, the Kardashian/Coty Defendants are poised to earn hundreds of millions of dollars in revenue under the Infringing SKKN Marks.

95. Upon information and belief, Ms. Kardashian enjoys tremendous fame, which has led to great commercial success in any business venture she launches. Upon information and belief, her commercial businesses generate billions of dollars for Ms. Kardashian and her business partners, and she was listed last year on the Forbes billionaires list.

96. Although specific data is not yet available, upon information and belief, press reports indicate that the skincare products combination package sold out within less than 24 hours of the launch online and Ms. Kardashian is reputed to have stated at a celebratory dinner: “[W]e doubled our sales goal in the first 20-30 minutes.”

97. Upon information and belief, Ms. Kardashian’s other businesses have experienced instant success in the past in part by, similar to Beauty Concepts, targeting and appealing to consumers who are people of color, suggesting the same will be true for her new skincare product line under the Infringing SKKN Marks.

98. For example, Ms. Kardashian’s SKIMS “shapewear” business “resulted in a reported \$2 million USD in sales in just a few minutes, with nothing retailing for over \$100 USD.” *See Kim Kardashian’s SKIMS Launch Earns \$2 Million USD Within Minutes*, HYPEBEAST (Sept. 11, 2019), <https://hypebeast.com/2019/9/kim-kardashian-skims-launch-earnings-restock-info>.

99. Upon information and belief, the SKIMS business was so successful because of its deliberately inclusive sizing and fabric shades, which Ms. Kardashian personally emphasized in marketing messages. Thus, upon information and belief, at least in her SKIMS product line, Ms. Kardashian has targeted the same demographic market as Beauty Concepts, suggesting that

she will also similarly target that market with her skincare products sold under the Infringing SKKN Marks.

100. Upon information and belief, Ms. Kardashian's KKW Beauty make-up line launch in 2017 also led to millions of dollars of sales in the first few hours. "Kardashian launched her own make-up line Wednesday at noon. Less than three hours after the kits went on sale, Kardashian announced that all 300,00 kits had sold out, bringing in an estimated \$14.4 million." *See Kim Kardashian's New Makeup Line Sold Out in Under 3 Hours*, MONEY (June 17, 2017), <https://money.com/kim-kardashian-kkw-beauty-make-up-line>.

101. Upon information and belief, Ms. Kardashian's mobile software app, Kimoji, was also reported to make millions of dollars upon launching. "It took the virtual world by storm making \$1 million every minute and boasting 9000 downloads every second." *See Every Single One of Kim Kardashian West's Businesses – From Dash To Skims – Ranked*, Glamour (Jan. 28, 2022), <https://www.glamourmagazine.co.uk/gallery/kim-kardashian-businesses>.

102. Upon information and belief, Ms. Kardashian's fragrance line also reportedly sold \$10 million of product in one day. *See Perfume Line Grosses \$10 Mil In One Day!!!* TMZ (Nov. 16, 2017), <https://www.tMZ.com/2017/11/16/kim-kardashian-perfume-10-million-sales-first-day>.

103. Upon information and belief, each of Ms. Kardashian's businesses continue to thrive, garnering billions of dollars in revenue for her and her business partners.

104. In addition, Defendants Coty Inc., Coty US, and Coty DTC are "one of the world's largest beauty companies with an iconic portfolio of brands across fragrance, color cosmetics, and skin and body care." *See Defendants' Press Release*, attached as **Exhibit 32**. Defendant Coty, Inc. reported annual revenue of \$4.63 billion in 2021.

105. Upon information and belief, the Kardashian/Coty Defendants have been unjustly enriched by millions of dollars and will continue to be unjustly enriched by hundreds of millions of dollars for sales of products bearing the Infringing SKKN Marks, while Beauty Concepts' marketing, advertising, sales, and growth are and will continue to be irreparably harmed by these willful and infringing actions unless enjoined by this Court.

**FIRST CAUSE OF ACTION**

**(Trademark Infringement and Unfair Competition in Violation of 15 U.S.C. § 1125(a))**

106. Plaintiff repeats and realleges each and every allegation of fact above as if set forth here.

107. The Kardashian/Coty Defendants unauthorized use in commerce of the Infringing SKKN Marks as alleged here is likely to deceive consumers as to the origin, source, sponsorship, or affiliation of Defendants' goods and services, and is likely to cause consumers to believe, contrary to fact, that Defendants' goods and services are sold, authorized, endorsed, or sponsored by Plaintiff, or that Defendant are in some way affiliated with or sponsored by Plaintiff. Defendants' conduct therefore constitutes trademark infringement in violation of Section 43(a) of the Lanham Act, 15 U.S.C. §1125.

108. Upon information and belief, Defendants have committed the foregoing acts of infringement with full knowledge of Plaintiff's prior rights in the SKKN+ Marks and with the willful intent to cause confusion and trade on Plaintiff's goodwill.

109. Defendants' conduct is causing immediate and irreparable harm and injury to Plaintiff, and to its goodwill and reputation, and will continue to both damage Plaintiff and confuse the public unless enjoined by this court. Plaintiff has no adequate remedy at law.

110. Plaintiff is entitled to, among other relief, injunctive relief and an award of actual damages, Defendant's profits, enhanced damages and profits, reasonable attorneys' fees, and costs

of the action under Sections 34 and 35 of the Lanham Act, 15 U.S.C. §§ 1116, 1117, together with prejudgment and post-judgment interest.

**SECOND CAUSE OF ACTION**

**(Reverse Confusion In violation of 15 U.S.C. § 1125(a))**

111. Plaintiff repeats and realleges each and every allegation of fact above as if set forth here.

112. Plaintiff alleges reverse confusion under Section 43(a) of the Lanham Act, 15 U.S.C.A. §§ 1125(a).

113. Plaintiff is the senior user of the SKKN+ Trademark.

114. The Defendants are the junior users of the Infringing SKKN Marks, which they have used without the consent of Plaintiff, in a manner that is likely to cause confusion among ordinary purchasers as to the source of the goods. Upon information and belief, Defendants have advertised the Infringing SKKN Marks, and appropriated for themselves goodwill that rightfully should belong to Plaintiff.

115. Defendants' actions have led and are likely to continue to lead the public to conclude, incorrectly, that Plaintiff's goods originate from Defendants, which has and will continue to irreparably damage both Plaintiff and the public.

116. Defendants' unauthorized use of the Infringing SKKN Marks in interstate commerce constitutes reverse confusion and has caused and is likely to cause consumer confusion, mistake, or deception.

117. As a direct and proximate result of Defendants' reverse confusion, Plaintiff has suffered and will continue to suffer loss of income, profits and goodwill and Defendants have and will continue to unfairly acquire income, profits, and goodwill.

118. Defendants' acts resulting in reverse confusion have caused and will continue to cause further irreparable injury to Plaintiff if Defendants are not restrained by this Court from further violation of Plaintiff's rights. Plaintiff has no adequate remedy at law.

**THIRD CAUSE OF ACTION**

**(Trademark Infringement in Violation of New York Gen. Bus. L. §§ 360-k-m, *et seq.*)**

119. Plaintiff repeats and realleges each and every allegation of fact above as if set forth herein.

120. Plaintiff owns and continues to use in connection with its goods and services, the "SKKN+" trademark pursuant to its New York State Trademark Registration No. S25348 with the New York Department of State.

121. Plaintiff derives substantial economic value and goodwill in the marketplace from its use of the "SKKN+" trademark in New York State.

122. Plaintiff use of the "SKKN+" mark predates Defendant's use in New York State.

123. Plaintiff has not authorized Defendants to use the "SKKN+" trademark in connection with any sale or distribution of goods or services.

124. Plaintiff has not endorsed nor consented to any reproduction of its "SKKN+" trademark by Defendants in any commercial or promotional manner or context, including the "Defendants Launch Party" on or about May 2022.

125. Despite Defendants' pending applications for the "SKKN BY KIM" mark, Defendants are presently using, and on information and belief, intend to continue to use, the mark "SKKN" in connection with its goods, services, advertising, and verified social media accounts. The SKKN mark is almost identical in sight, sound, meaning, and commercial impression to Plaintiff's New York state registration for its "SKKN+" mark, and therefore confusion between the Defendants' use of the SKKN mark and Plaintiff's SKKN+ mark is more

than likely to cause confusion, mistake, or to deceive as to the source of origin of such goods or services in violation of NY Gen. Bus. L. § 360-k.

126. By nature of Defendants' vast social media network, television operations, general fame, and notoriety, their continued use of the Plaintiff's "SKKN+" trademark presents a distinct likelihood of reverse confusion, and false designation of origin.

127. Defendants, by their knowing and willful use of the name and mark SKKN in connection with the promotion, advertisement and launch of their skincare products in New York State have infringed, are infringing, will continue to infringe Plaintiff's New York State registered trademark and are therefore violating Plaintiff's service mark and trademark rights in violation of the New York State Gen. Bus. L. §§ 360-k-m *et seq.*, all to the irreparable injury of Plaintiff.

128. There exists no adequate remedy at law, and Plaintiff will continue to be irreparably harmed by Defendants' violations of New York State law unless this Court enjoins their use of the Infringing SKKN Marks.

#### **FOURTH CAUSE OF ACTION**

##### **(Unlawful Deceptive Acts and Business Practices in Violation of NY Gen. Bus. L. § 349-50)**

129. Plaintiff repeats and realleges each and every allegation of fact above as if set forth here.

130. The Defendants' deceptive acts or practices, as described herein, are materially misleading and deceptive. Such acts or practices have deceived or have a tendency to deceive a material segment of the public to whom the Defendants have directed their marketing activities, and Plaintiff has been injured thereby.

131. By the acts described above, the Defendants have willfully engaged in deceptive acts or practices in the conduct of business and furnishing of services in violation of Section 349 and 350 of the New York General Business Law.

132. The Defendants' acts have caused, and will continue to cause, irreparable injury to Plaintiff.

**FIFTH CAUSE OF ACTION**

**(Civil Conspiracy under New York Common Law)**

133. Plaintiff repeats and realleges each and every allegation of fact above as if set forth herein.

134. The actions described above of the Defendants constitute an agreement between all of the Defendants;

135. The Defendants have committed an overt act in furtherance of the agreement;

136. The Defendants intentionally participated in the furtherance of a plan or purpose to commit and have committed one or more tortious acts alleged herein; and

137. The Defendants actions have resulted, and will continue to result, in damage to Plaintiff.

**SIXTH CAUSE OF ACTION**

**(Common Law Unjust Enrichment)**

138. Plaintiff repeats and realleges each and every allegation of fact above as if set forth herein.

139. The actions described above of Defendants constitute common law trademark infringement, unfair competition, and misappropriation of Plaintiff's goodwill and rights in the SKKN+ Mark under the laws of New York and other states.

140. Upon information and belief, Defendant's actions described above have at all times relevant to this action been willful.

141. As a direct and proximate result of the actions of Defendants alleged above, Plaintiff has been damaged and will continue to be damaged.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

A. WHEREFORE, Plaintiff request that judgment be entered against Kardashian/Coty Defendants as follows: In favor of Plaintiff and against Defendants on all Counts and awarding damages, including, but not limited to, compensatory damages, statutory damages, restitution, disgorgement of profits, enhanced damages, punitive damages, and prejudgment and post-judgment interest;

B. Directing Defendants to pay for and implement a campaign of corrective advertising and to disgorge its ill-gotten gains;

C. Enjoining Defendants' use of the Infringing SKKN Marks and continued infringement of Beauty Concepts' SKKN+ Marks by the Defendants and all persons operating in concert with the Defendants;

D. Enjoining Defendants from continuing conduct that constitutes unfair competition with Beauty Concepts, engaging in unlawful, unfair, or fraudulent business acts or practices, including, without limitation, the actions described herein, and otherwise injuring Beauty Concepts' business reputation in any manner;

E. Ordering Defendants withdraw all USPTO trademark applications featuring SKKN or SKKN BY KIM, or ordering the USPTO to cancel said applications;



F. Ordering Defendants to take all steps necessary to cancel any federal, state or local business registrations, including corporate name registrations and DBA filings, that include the term SKKN or any variation of SKKN;

G. Awarding to Beauty Concepts exemplary and punitive damages for violations of federal and New York law where available, and to deter any further willful and bad faith acts as the Court finds appropriate;

H. Awarding Beauty Concepts' costs, expenses, and attorney fees in this action; and,

I. Granting such other and further relief as the Court deems appropriate.

Dated: June 28, 2022  
New York, New York

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