

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MONTRES BREGUET S.A., BLANCPAIN S.A.,
GLASHÜTTER UHRENBETRIEB GmbH,
MONTRES JAQUET DROZ S.A., OMEGA S.A.,
COMPAGNIE DES MONTRES LONGINES,
FRANCILLON S.A., TISSOT S.A., MIDO S.A.,
HAMILTON INTERNATIONAL S.A. and
SWATCH S.A.,

Plaintiffs,

vs.

SAMSUNG ELECTRONICS CO. LTD., and
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

Civil Action No. 1:19-cv-1708

**COMPLAINT FOR FEDERAL
AND STATE TRADEMARK
INFRINGEMENT, FEDERAL
AND STATE UNFAIR
COMPETITION, AND STATE
UNFAIR BUSINESS PRACTICES**

Demand for Jury Trial

Plaintiffs Montres Breguet S.A., Blancpain S.A., Glashütter Uhrenbetrieb GmbH,
Montres Jaquet Droz S.A., Omega S.A., Compagnie des Montres Longines, Francillon S.A.,
Tissot S.A., Mido S.A., Hamilton International S.A. and Swatch S.A. (collectively, the “Swatch
Group Companies”), by their undersigned attorneys, allege as follows:

NATURE OF THE ACTION

1. This action arises from Defendants’ continuing violation of the Swatch Group
Companies’ invaluable federally-registered trademarks relating to high-quality, Swiss-made
watches that the Swatch Group Companies sell to consumers in the United States and worldwide.

2. For decades, the Swatch Group Companies have invested many millions of
dollars to design, develop, manufacture and promote their unique and exclusive watches in the
United States and around the world. Those watches are sold under exclusive and famous brand

names, including Blancpain, Breguet, Glashütte, Hamilton, Jaquet Droz, Longines, Mido, Omega, Swatch, and Tissot. As a result of those extensive efforts, the Swatch Group Companies' products have become iconic symbols of quality and Swiss precision engineering.

3. The Swatch Group Companies own numerous federal trademark registrations related to their watches, including the trademarks asserted against Samsung in this action (the "Trademarks").

4. Defendants Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc. (collectively, "Defendants" or "Samsung") manufacture and sell smartwatches, including the Samsung GEAR SPORT, GEAR S3 FRONTIER, GEAR S3 CLASSIC, GALAXY WATCH (42mm), and GALAXY WATCH (46mm) (collectively, the "Samsung Smartwatches").

5. One of the decisive features of the Samsung Smartwatches is the fact that the end user can customize the appearance of the user's watch, by choosing from a catalog of downloadable watch faces offered by Defendants through the Samsung Galaxy Apps Store, an online app store dedicated for devices manufactured by Samsung and its affiliated companies.

6. Defendants offer numerous watch faces that bear identical (or virtually identical) marks to the Trademarks. This unabashed copying of the Trademarks can have only one purpose – to trade off the fame, reputation, and goodwill of the Swatch Group Companies' products and marks built painstakingly over decades. As a result of Defendants' actions, consumers and the general public are deceived into believing that the Samsung Smartwatches are actually products of the Swatch Group Companies or are endorsed by, sponsored by, or affiliated with the Swatch Group Companies.

7. Moreover, many of the watch faces that Defendants offer misappropriate not only the Trademarks, but also the Swatch Group Companies' exclusive designs.

8. The Swatch Group Companies seek injunctive relief, damages, and other relief arising out of Defendants' ongoing trademark infringement and unfair competition in violation of the Lanham Act, 15 U.S.C. §§ 1114, 1125(a), and 1125(c), the common law of trademarks and unfair competition, and New York law.

PARTIES

9. Plaintiff Montres Breguet S.A. is a Swiss corporation and maintains its principal office at Place de la Tour 23, CH-1344 L'Abbaye, Switzerland.

10. Plaintiff Blancpain S.A. is a Swiss corporation and maintains its principal office at Le Rocher 12, CH-1348 Le Brassus, Switzerland.

11. Plaintiff Glashütter Uhrenbetrieb GmbH is a German corporation and maintains its principal office at Altenberger Str. 1, D-01768 Glashütte, Germany.

12. Plaintiff Montres Jaquet Droz S.A. is a Swiss corporation and maintains its principal office at Allée du Tourbillon 2, CH-2300 La Chaux-de-Fonds, Switzerland.

13. Plaintiff Omega S.A. is a Swiss corporation and maintains its principal office at Jakob-Stämpfli-Strasse 96, CH-2502 Biel/Bienne, Switzerland.

14. Plaintiff Compagnie des Montres Longines, Francillon S.A. is a Swiss corporation and maintains its principal office at Rue des Noyettes 8, CH-2610 St-Imier, Switzerland.

15. Plaintiff Tissot S.A. is a Swiss corporation and maintains its principal office at Chemin des Tourelles 17 CH-2400 Le Locle, Switzerland.

16. Plaintiff Mido S.A. is a Swiss corporation and maintains its principal office at Chemin de Tourelles 17, CH-2400 Le Locle, Switzerland.

17. Plaintiff Hamilton International S.A. is a Swiss corporation and maintains its principal office at Mattenstrasse 149, CH-2503 Biel/Bienne, Switzerland.

18. Plaintiff Swatch S.A. is a Swiss corporation and maintains its principal office at Jakob-Stämpfli-Strasse 94, CH-2502 Biel/Bienne, Switzerland.

19. Upon information and belief, Samsung Electronics Co., Ltd. (“SEC”) is a corporation organized under the laws of the Republic of Korea, with a principal place of business at 129, Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, Korea. Upon information and belief, SEC is the parent company of a multinational group operating, among other things, in the development, manufacture, marketing and sale of smartwatches and software, apps, and other products directed toward those smartwatches. Upon information and belief, SEC is the parent company of Samsung Electronics America, Inc.

20. Upon information and belief, Samsung Electronics America, Inc. (“SEA”) is a wholly-owned subsidiary of SEC and a limited liability company organized under the laws of New York, with its principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. Upon information and belief, SEA develops, markets, and/or procures the importation of various personal and business communications products in or into the United States, including handheld wireless phones and smartwatches, including the Samsung Smartwatches for which Defendants offer downloadable watch faces that infringe numerous of the Trademarks. Upon information and belief, SEA operates the website www.samsung.com for the benefit of U.S. consumers.

JURISDICTION AND VENUE

21. Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1338(a) (trademark claims), 28 U.S.C. § 1338(b) (unfair competition claims joined with trademark claims), and 28 U.S.C. § 1367 (supplemental jurisdiction).

22. This Court has personal jurisdiction over Defendants. Defendants have

continuous and systematic business contacts with the State of New York. Defendants, directly or through subsidiaries or intermediaries (including distributors, retailers, and others), conduct business extensively throughout New York, by shipping, distributing, offering for sale, selling, and advertising their products and services in the State of New York. Defendants, directly and through subsidiaries or intermediaries (including distributors, retailers, and others), have purposefully and voluntarily placed the infringing watch faces that are the subject of this Complaint, along with the smartwatches to which the infringing watch faces may be downloaded, into this District and into the stream of commerce with the intention and expectation that they will be purchased and used by consumers in this District.

23. Venue is proper in this Court under 28 U.S.C. § 1391(b) and (c) and § 1400(a) because: (1) Defendants are subject to personal jurisdiction in this District with respect to this action, as described above; and (2) upon information and belief, a substantial portion of the infringement alleged herein has occurred in this District. In addition, with respect to Defendant SEC, venue is proper in this District under 28 U.S.C. § 1391(c)(3).

FACTUAL ALLEGATIONS

A. Swatch Group Companies' Iconic Brands and Products

24. The Swatch Group Companies are subsidiaries of The Swatch Group Ltd., which is among the largest manufacturers of finished watches in the world.

25. The Swatch Group Ltd. takes its name from the famous Swatch watch models released in 1983, with the goal of offering consumers a low-cost, high-tech, artistic and emotional “second watch”, or “Swatch,” as a brand.

26. Today, The Swatch Group Ltd. includes 18 watch brands and is a US \$8 billion company. This success is the result of an enormous investment in the various brands. Some of these brands have been in existence since the 1700s, and all of them are well-known and have a

well-regarded reputation for quality, built over centuries of fine craftsmanship. The Swatch Group Ltd. brands, which span a wide range of price categories, include:

- Breguet, Harry Winston, Blancpain, Glashütte Original, Léon Hatot, Jaquet Droz, and Omega in the prestige and luxury ranges;
- Longines, Rado, and Union Glashütte in the high range;
- Tissot, Calvin Klein¹, Certina, Mido, Hamilton, and Balmain in the middle range; and
- Swatch and Flik Flak in the basic range.

27. Like the Swatch brand itself, these brands are some of the most famous, recognizable, and highest quality watch brands in the world, including the United States. For example:

- Founded in 1832, OMEGA has been worn and promoted by celebrities, including George Clooney, Nicole Kidman, Cindy Crawford, Daniel Craig, Rory McIlroy, Sergio Garcia, and Michael Phelps, among others. OMEGA has served as the Official Timekeeper of the Olympic Games since 1932. Since 1965, the OMEGA Speedmaster has been worn on each of NASA's piloted missions including all six moon landings. OMEGA Seamaster has been associated with the world-renowned James Bond character since 1995.
- Founded in 1832, the Compagnie des Montres Longines, Francillon S.A. is the oldest trademark still in use in its original form registered with the World International Property Organization. Longines has been designated the official partner and timekeeper of international federations and sporting events throughout

¹ Calvin Klein watches are produced under license.




the world, including as the Official Watch and Timekeeper of the Triple Crown, an annual series of three prominent U.S. equestrian racing events. Longines is also famous for its association with some of the historic events in aviation, including its role in timing the first non-stop solo flight across the Atlantic by Charles Lindbergh.







- Tissot has been in existence since 1853, and has been named the Official Timekeeper and Partner of many global events, such as NBA basketball and the Tour de France.
- Hamilton was founded in 1892, and has come to be known as the “Movie Brand,” owing to its close association with Hollywood. Hamilton watches first appeared on screen in the major Hollywood movie “The Frogmen” in 1951, and have since appeared in over 500 major feature films, including “Interstellar” and “The Martian.”


B. Swatch Group Companies’ Valuable Intellectual Property Rights

28. The reputation of the Swatch Group Companies’ iconic brand names and innovative designs are protected through a broad range of intellectual property rights, including trademarks, design patents, and copyrights.

29. The Swatch Group Companies own numerous United States trademark registrations relating to their iconic brands, including the Trademarks asserted in this action, which comprise the following:

OWNER	TRADEMARKS	REGISTRATIONS	
Montres Breguet S.A.	BREGUET (WORD)	US3042405	cl.14
Blancpain S.A.	BLANCPAIN (STYLIZED) BLANCPAIN	US1727428	cl.14
Glashütter Uhrenbetrieb GmbH	GLASHÜTTE ORIGINAL + logo (STYLIZED) 	US2519207	cl.14
Montres Jaquet Droz S.A.	JAQUET-DROZ (WORD)	US0725758	cl.14
	JAQUET DROZ (WORD)	US5511973	cl.14
	OMEGA (STYLIZED) OMEGA	US0566370	cl.14
	OMEGA + Ω logo (STYLIZED) 	US 5293695	cl.9
		US0578041	cl.14
		US5094915	cl.14
		US1290661	cl.14
	Ω logo (STYLIZED) 	US0734891	cl.14
	OMEGA + Ω logo + GLOBEMASTER (STYLIZED)	US5383161	cl.14

OWNER	TRADEMARKS	REGISTRATIONS	
			
	DE VILLE (WORD)	US1309929	cl.14
	SPEEDMASTER (WORD)	US0672487	cl.14
	SEAMASTER (WORD)	US3640080	cl.14
	MOONWATCH (WORD)	US5211480	cl.14
Compagnie des Montres Longines, Francillon S.A.	LONGINES + device (STYLIZED) 	US1377147	cl.14
	LONGINES (STYLIZED) 	US0065109	cl.14
Tissot S.A.	TISSOT (STYLIZED) 	US1639684	cl.14
	T TOUCH (STYLIZED) 	US3653565	cl.14
	NAVIGATOR (WORD)	US1385183	cl.14
Mido S.A.	MIDO (STYLIZED) 	US0225024	cl.14
	MULTIFORT (WORD)	US4431373	cl.14
	MIDO MULTIFORT (STYLIZED)	US0399480	cl.14

OWNER	TRADEMARKS	REGISTRATIONS	
			
Hamilton International S.A.	HAMILTON (WORD)	US0741279	cl.14
Swatch S.A.	SWATCH (WORD)	US5283243	cl.9
		US5532619	cl.9, 14
		US1671076	cl.14

30. Attached hereto as Exhibits 1-28 are true and correct copies of the registrations of these Trademarks.

31. The Swatch Group Companies have made extensive use of the Trademarks in the United States in relation to watches sold under those marks. As a consequence of such use, the Swatch Group Companies have acquired a substantial reputation and substantial goodwill in connection with watches under the Trademarks in the United States.

32. The Swatch Group Companies have invested many millions of dollars in advertising and promoting their watches under the Trademarks in the United States, including through marketing events, sponsorships, testimonials, corporate stores and advertisements in a wide variety of magazines and newspapers, on television, and on its websites and social-media accounts.

33. As a result of the Swatch Group Companies' substantial investment and many years of marketing and selling watches under the Trademarks in the United States, consumers in the United States have come to exclusively associate each of the Trademarks with the corresponding Swatch Group Companies' brand and products.

C. Samsung Smartwatches

34. Smartwatches are wearable computers in the form of wristwatch, comprising a wristband, a watchcase, and a screen (frequently a touchscreen). They are typically for daily use, and typically associated with a smartphone application (“app”), which permits management of the watch and enables other functionality such as emails, text messages, digital maps, schedulers and personal assistants and calculators. One primary function of a smartwatch is to tell time. In this function the smartwatch operates in substitution for a watch. The time may be displayed on a user-selectable choice of watch faces.

35. Both watches and smartwatches are worn on the wrist and tell the time as the, or a, primary function. Both watches and smartwatches have similar visible structural features including the watch face, case and watch strap. Users consider the appearance of both products to be important, and smartwatches are designed so that they closely resemble watches. The name “smartwatch” in part suggests that one of their main purposes and functions is to emulate a watch. Smartwatches are frequently sold through distribution channels also used for watch distribution. Consequently, smartwatches and watches are similar goods sold or offered for sale through similar channels.

36. SEC, itself and through its affiliated companies (including SEA), manufactures and sells smartwatches worldwide, including for the United States market, commencing in 2013 with the Samsung GALAXY GEAR smartwatch and continuing since then. Samsung currently offers for sale, in the United States, each of the Samsung Smartwatches.

37. The Samsung Smartwatches are supplied with some basic watch faces and with the facility to choose from a catalogue of further watch faces downloadable by the end user via the Samsung Galaxy Apps Store, which is owned and controlled by Samsung.

38. Samsung promotes and markets the Samsung Smartwatches among other things

by reference to, and in reliance on, the fact that many watch faces are available for download. For example, Samsung tells users: “**Two sizes. Unlimited style.** Available in two sizes and three colors, the Galaxy Watch offers stylish watch faces so realistic they hardly look digital.” (www.samsung.com/us/mobile/wearables/smartwatches/galaxy-watch--46mm--silver--bluetooth-sm-r800nzsaxar). Samsung also advertises: “**Tailored to you.** Make the Gear S3 your own. Customize your watch face, choosing from thousands of striking colors and designs.” (www.samsung.com/us/mobile/wearables/smartwatches/sm-r770nzsaxar-sm-r770nzsaxar).

39. The watch faces compatible with Samsung Smartwatches are available via the Samsung Galaxy Apps Store. To access the Samsung Galaxy Apps Store and download watch faces, an end user must have a smartphone (but not necessarily a Samsung smartphone), a Samsung Smartwatch connected to the smartphone, and an account with Samsung. To connect the smartphone with a Samsung Smartwatch, an end user must download the Samsung Wear app.

40. Watch face apps distributed by Samsung via the Samsung Galaxy Apps Store may be created and uploaded by third party developers (*i.e.*, developers other than Samsung or its affiliated companies). Before a third-party developer can develop an app for a watch face for a Samsung Smartwatch, and upload the app to the Samsung Galaxy Apps Store for Samsung to distribute, the developer must download a Software Development Kit (“SDK”) provided by Samsung, which requires the developer to accept an end-user licence agreement with Samsung. A copy of this agreement is available at <https://developer.samsung.com/end-user-license>. The Samsung SDK allows developers to create watch faces compatible with the Samsung Smartwatches. In addition, for the developer to upload its app for Samsung to distribute on the Samsung Galaxy Apps Store, the developer must accept the “Samsung GALAXY Apps seller office” Terms and Conditions, which are available at

<https://seller.samsungapps.com/help/termsAndConditions.as> (“Samsung Developer Agreement” or “SDA”).

41. Clause 5.3 of the SDA states in pertinent part:

Certification and Classification. Within a reasonable period of time after you submit an Application to Samsung, and provided that you have (i) paid any applicable certification or other fees and (ii) accepted any additional terms of service from Samsung's designated certification vendors, ***Samsung (or Samsung's designated certification vendor) will evaluate the Application to determine whether the Application complies with the certification requirements*** (including any requirements in the Documentation). (Emphasis added.)

42. Clause 5.4 of the SDA further states:

Distribution. Samsung has no obligation to distribute any Application you submit, and Samsung will not distribute any Application unless and until the Application has been certified to Samsung's satisfaction. In addition, Samsung has sole discretion to determine the device or devices on which any Application is made available for distribution. If Samsung chooses to distribute your certified Application through the STORE, we will do so in accordance with these Terms.

43. Finally, Clause 5.6 provides:

Removal. ***Samsung reserves the right to remove any Application from the STORE for any reason. Such reasons may include, without limitation,*** (i) your breach of these Terms or the Documentation; (ii) your express termination of this Agreement or of the license grants associated with an Application; (iii) ***an assertion or claim that your Application infringes the intellectual property rights of a third party or otherwise contains illegal content;*** (iv) an assertion by a mobile network operator that your Application causes harm to the operator's network; (v) your Application is already distributed under an agreement between you and a mobile operator or (vi) customer complaint(s) about the content or quality of your Application. Unless your Application is removed for breach of this Agreement or in response to an infringement or illegality allegation, Samsung will pay to you the amounts owed, if any, in connection with the distribution of your Application before removal. (Emphasis added.)

44. Samsung's policy on validating an app for distribution on the Samsung Galaxy

Apps Store is set out in “Validation Policy – App Validation for Samsung Galaxy Apps

Distribution” (<https://developer.samsung.com/galaxy/distribute/validation-policy>), which

provides as follows:

Validation Policy

EN KR CN

App Validation for Samsung Galaxy Apps Distribution

Samsung at its sole discretion and without the consent of any other parties reserves the right to distribute in, withhold distribution from, and remove from distribution in the Galaxy Apps those applications (*apps*) submitted for distribution validation and those apps being distributed.

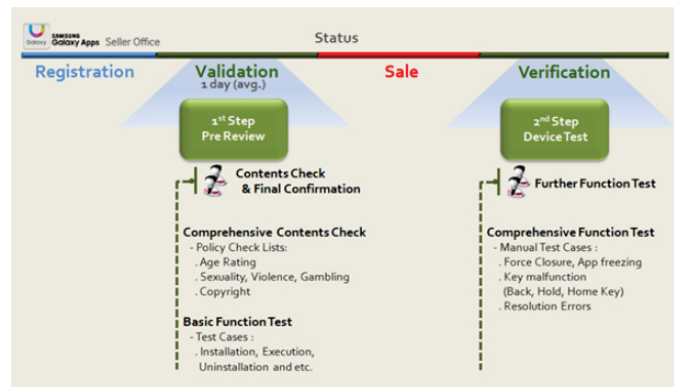
To be validated for distribution, apps must:

- Meet all Samsung App Validation Policy (*policy*) statements.
- Comply with all local laws of the countries that apps are to be distributed to.

Note If an app meets all policy requirements but does not comply with the local laws or customs of 1 or more countries specified for distribution in the app's registration, those countries will be removed from the app's distribution.

During app distribution, if app content or functions are found to be objectionable to users, to no longer comply with local laws of distribution countries, or to no longer comply with Samsung policy, Samsung can stop app distribution and remove the app from the Galaxy Apps.

Samsung App Validation Process



45. The “Samsung App Validation Policy” (<https://developer.samsung.com/galaxy/distribute/validation-policy>) further sets out requirements that apply to third party developer apps that run on Samsung devices and are to be distributed via the Samsung Galaxy Apps Store, including at section 3.2.6 that:

Apps must not include, present, or use any material whose use is protected by the laws of any country the app is being distributed (including but not limited to copyrighted, trademarked, and patented material) without first getting the permission of the rightful owner.

46. Many watch face apps from the Samsung Galaxy Apps Store are available only on payment of a fee. Where the watch face app has been developed by a third-party developer, clause 6.1 of the SDA provides that:

Any revenue generated and recovered by us (including through our designee, being a Samsung affiliate or a third party) arising from distribution of your Application using our Services ("Sales Proceeds") shall be shared by Samsung and you at the rate of 30 per cent for Samsung and 70 per cent for you, and at the rate of 20 percent for Samsung and 80 percent for you if you are a Galaxy Apps Partner ("Revenue Share Ratio").

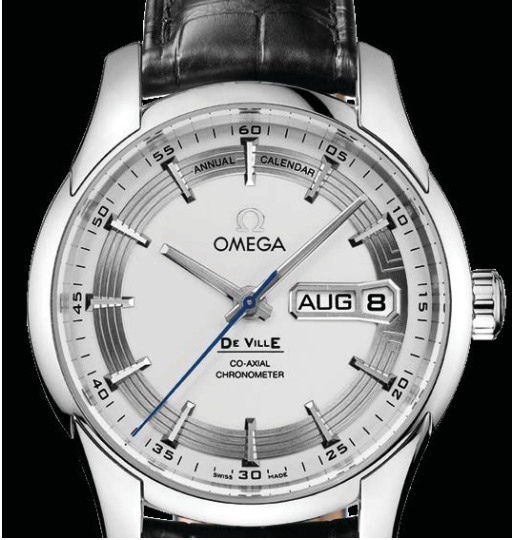

47. Thus, the apps available on the Samsung Galaxy Apps Store are validated and determined by Samsung, and Samsung distributes those apps and directly earns profits from the distribution thereof.





D. Samsung's Willful Infringement of Swatch Group Companies' Intellectual Property

48. On information and belief, since at least December 2016, Defendants have offered for download to Samsung Smartwatches in the United States from the Samsung Galaxy Apps Store more than 30 watch faces bearing the Trademarks. Examples of just a few of these infringing watch faces are shown below:

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store
	
	

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store
 <p>A black and silver Tissot chronograph watch with a black dial. The dial features a checkered pattern, the Tissot logo and '1853' at the top, and a digital display at the bottom showing '4478'. The bezel has markers for 'TIMER', 'ALARM', 'METEO', 'ALTITUDE', 'CHRONO', and 'COMPASS'.</p>	 <p>A digital watch face mimicking the Tissot design. It has a black dial with a checkered pattern, the 'TISSOT 1853' logo, and a digital display showing '0 STEPS', '100 %', '0.0 KM', and '0 CALORIES'. The bezel has markers for 'TIMER', 'ALARM', 'METEO', 'ALTITUDE', 'CHRONO', and 'COMPASS'.</p>
 <p>A Jaquet Droz watch with a black dial and a black leather strap. The dial features a detailed mechanical scene with a lion and a figure. The Jaquet Droz logo is visible at the top.</p>	 <p>A digital watch face mimicking the Jaquet Droz design. It has a black dial with a detailed mechanical scene, the 'J.D. JAQUET DROZ' logo, and a back arrow icon in the top left corner.</p>

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store
 An authentic Omega De Ville watch with a white dial, black leather strap, and a date window at 3 o'clock showing 'AUG 8'. The dial features the Omega logo and 'DE VILLE CO-AXIAL CHRONOMETER' text.	 An infringing watch face available on the Samsung Galaxy Apps Store. It features a black dial with a white date window at 3 o'clock showing 'Wed 05'. The dial includes a red hand and the 'DE VILLE' text, mimicking the authentic Omega De Ville design.
 An authentic Swatch watch with a black dial, black strap, and orange hour markers. The dial features the 'swatch SWISS' logo and a date window at 3 o'clock showing 'SUN 29'.	 An infringing watch face available on the Samsung Galaxy Apps Store. It features a black dial with orange hour markers and a date window at 3 o'clock showing 'WED 14'. The dial includes the 'swatch' logo, mimicking the authentic Swatch design.

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store
	
	

49. Samsung has offered a large number and range of infringing watch faces,

including some of the Swatch Group Companies' most exclusive designs. For example, the JAQUET DROZ Tropical Bird Repeater watch is the only one of its kind in the world, designed for discerning collectors that combines watchmaking and decorative expertise and costs about \$650,000.

50. A complete list of Samsung's infringing watch faces, as of December 2018, is set out in Appendix A.

51. In addition to the unlawful use of the Trademarks on the infringing watch faces, the Trademarks have also been used to promote the infringing watch faces on the Samsung Galaxy Apps Store. For example, the Trademarks have been used in titles and in descriptions of specific infringing watch faces offered for sale on the Samsung Galaxy Apps Store.

52. SEC is the head of a large and well-known international group of companies. It publishes its business principles (including at <https://www.samsung.com/us/aboutsamsung/vision/philosophy/business-principles/>), the first of which is "We comply with laws and ethical standards". The second of four points expanding on that is "*We compete fairly in accordance to law and business ethics. We comply with all rules of other countries and regional communities, respect market competition order and compete in a fair way. We do not make unfair profits by unlawful means from bad trade ethics. ...*" In light of such public pronouncements, consumers would expect a company in Samsung's position to respect the intellectual property rights of third parties.

53. Consumers would reasonably infer and believe that the Defendants have taken care to ensure that the watch faces that they distribute via the Samsung Galaxy Apps Store do not infringe the intellectual property rights of third parties. That inference would be reinforced by the fact that many of the watch faces (including many of those in Appendix A) are downloadable

for payment from which Samsung receives a share. Consumers would therefore conclude that the Defendants had the permission of rights owners for any intellectual property used therein. In particular, consumers would conclude that Samsung had obtained all necessary licences or consents from the Swatch Group Companies to use the watch faces listed in Appendix A.

54. In fact, the Swatch Group Companies have given no such licence or consent.

55. Samsung's unauthorized use of the Trademarks therefore is likely to cause confusion among the consumers, who are likely to believe that watch faces for the Samsung Smartwatches bearing the Trademarks are put out, sponsored, endorsed, authorized, or approved by the Swatch Group Companies. Indeed, given the large number of infringing watch faces offered by Defendants, consumers are even more likely to be misled into believing that Defendants are operating with the consent or license of the Swatch Group Companies.

56. Samsung's unlawful use of the Trademarks takes unfair advantage of, and diminishes the distinctive character and reputation of the Trademarks. The Swatch Group Companies put tremendous care into the design and marketing of their watches and have invested many millions of dollars to ensure the excellent reputation of their brands. Samsung's misappropriation of the Trademarks deprives the Swatch Group Companies of the ability to control the products onto which their marks are affixed.

57. Given the nature, scale and extent of Defendants' infringement, it can be inferred that Defendants' infringement is a deliberate course of conduct undertaken with wholesale disregard for the Swatch Group Companies' intellectual property.

58. By reason of the Defendants' acts of infringement and/or passing-off, the Swatch Group Companies have suffered and continue to suffer loss and damage.

E. Samsung's Refusal to Discontinue Its Infringement

59. On December 21, 2018, the Swatch Group Companies, via their parent company

The Swatch Group Ltd., wrote to Samsung's Swiss subsidiary Samsung Electronics Switzerland GmbH ("Samsung CH"), copying SEC, to notify both parties of the infringing activities and providing examples of infringing watch faces.

60. Samsung CH responded on January 7, 2019 and again on January 18, 2019. In its January 18th letter, Samsung CH represented that the particular watch faces identified in the Swatch Group Companies' December 21st correspondence had been removed from the Samsung Galaxy Apps Store. However, it failed to acknowledge that there was any infringement, failed to confirm that it would review the remainder of its catalog to identify and remove any other infringing watch faces, and failed to provide any assurances that it would discontinue validating and distributing infringing watch faces in the future.

61. To the contrary, the January 18th letter referred to "alleged infringement," suggesting that Defendants do not accept that their conduct is infringing, and asserted that they have no control over third-party development and uploading of infringing watch faces, even though the terms of Samsung's own agreements with developers make clear that Samsung reviews and validates all apps prior to allowing them to be uploaded to the Samsung Galaxy App Store and has complete discretion to remove apps if they are deemed to infringe another party's intellectual property rights. In fact, new infringing watch faces appeared for sale on the Samsung Galaxy Apps Store after Samsung's January 7th response.

62. On January 23, 2019, the Swatch Group Companies, via The Swatch Group Ltd., again wrote to Samsung CH regarding the matter. Samsung CH responded on February 6, 2019, on behalf of SEC, to say that a response would not be forthcoming until the following week.

63. In a letter dated February 15, 2019, Samsung confirmed that it had "deleted some of the watch faces from the store," but not all.

64. In view of Samsung's inadequate response, it is reasonable to conclude that Defendants will continue to infringe the Trademarks, and thereby cause further loss and damage to the Swatch Group Companies, unless enjoined from doing so.

FIRST CAUSE OF ACTION
Direct Trademark Infringement: 15 U.S.C. § 1114(a)

65. The Swatch Group Companies incorporate the allegations contained in paragraphs 1-64 as if fully set forth herein.

66. The Trademarks are federally-registered marks.

67. Without the Swatch Group Companies' authorization or consent, Samsung has distributed, promoted, provided, offered for sale and sold in commerce the infringing watch faces set forth in Appendix A.

68. Samsung's actions likely have caused and will continue to cause confusion and mistake and to deceive potential customers and the general purchasing public as to the source, origin, or sponsorship of the infringing watch faces, and are likely to deceive the public into believing that the infringing watch faces originate with, are associated with, are sponsored by, are endorsed by, or are authorized or licensed by the Swatch Group Companies, all to the damage and detriment of the Swatch Group Companies.

69. Samsung was, and continues to be, a knowing and willful participant in the development, marketing, and sale of the infringing watch faces set forth in Appendix A.

70. Samsung's use, offering for sale and sale of the infringing watch faces constitutes trademark infringement in violation of the Lanham Act, 15 U.S.C. § 1114(a).

71. On information and belief, Samsung's infringement as described herein has been and continues to be intentional, willful, and without regard to the Swatch Group Companies' exclusive rights in the Trademarks.

72. As a result of Samsung's conduct, the Swatch Group Companies have suffered—and, unless Samsung's conduct is preliminarily and permanently enjoined, will continue to suffer—actual damages and irreparable harm as to which they have no adequate remedy at law.

73. Because Samsung's actions have been willful, the Swatch Group Companies are entitled to an award of costs and, this being an exceptional case, enhanced damages and reasonable attorneys' fees.

SECOND CAUSE OF ACTION
Contributory Trademark Infringement: 15 U.S.C. § 1114(a)

74. The Swatch Group Companies incorporate the allegations contained in paragraphs 1-73 as if fully set forth herein.

75. Without the Swatch Group Companies' permission, authorization, or consent, third-party developers have used Samsung software to create and upload the infringing watch faces, offered for sale by Samsung, for use exclusively with Samsung Smartwatches that bear marks which are either identical or confusingly similar to the Trademarks. These third-party developers have done so for the purpose of collecting revenue from the sale and distribution of their infringing watch faces. As a result, these third-party developers are liable for direct infringement of the Trademarks in violation of the Lanham Act, 15 U.S.C. § 1114(a).

76. The actions of both Samsung and these third-party developers likely have caused and will continue to cause confusion and mistake and to deceive potential customers and the general purchasing public as to the source, origin, or sponsorship of the infringing watch faces, and are likely to deceive the public into believing that the infringing watch faces originate with, are associated with, are sponsored by, are endorsed by, or are authorized or licensed by the Swatch Group Companies, all to the damage and detriment of the Swatch Group Companies.

77. Samsung has full knowledge of the Swatch Group Companies' rights in the

Trademarks, including, but not limited to, constructive knowledge by virtue of the Swatch Group Companies' federal registrations of the Trademarks and by common public knowledge; and actual knowledge by virtue of the Swatch Group Companies' repeated complaints to Samsung as described above.

78. Samsung has both actual and constructive knowledge of the infringing activities of the third-party developers based on, without limitation: the review process that Samsung conducts for watch faces submitted for distribution through the Samsung Galaxy Apps Store; Samsung's own development and administration of the Samsung Galaxy Apps Store; and the Swatch Group Companies' repeated complaints to Samsung as described above.

79. Notwithstanding its actual and constructive knowledge of (i) the Swatch Group Companies' rights in the Trademarks and (ii) the activities of the third-party developers that illegally infringe the Trademarks, Samsung has ignored the third-party's developer's infringement of the Trademarks. Instead, Samsung has continued to make available its Samsung Galaxy Apps Store to third-party developers whom it knows or has reason to know are engaging in trademark infringement. Samsung has also collected a portion of the revenue raised through these sales. In this way, Samsung has supplied and controlled the instrumentality of the third-party developers' infringing activities.

80. Samsung is therefore contributorily liable for the infringement of the Trademarks by the third-party developers.

81. On information and belief, Samsung's infringement as described herein has been and continues to be intentional, willful, and without regard to the Swatch Group Companies' exclusive rights in the Trademarks.

82. In addition, the Swatch Group Companies have suffered—and, unless Samsung's

conduct is permanently enjoined, will continue to suffer—actual damages and irreparable harm as to which they have no adequate remedy at law.

83. Because Samsung's actions have been willful, the Swatch Group Companies are entitled to an award of costs and, this being an exceptional case, enhanced damages and reasonable attorneys' fees.

THIRD CAUSE OF ACTION
Federal Unfair Competition: 15 U.S.C. § 1125(a)

84. The Swatch Group Companies incorporate the allegations contained in paragraphs 1-83 as if fully set forth herein.

85. The Trademarks are inherently distinctive and/or have acquired secondary meaning within the relevant market.

86. As a result of Defendants' conduct, consumers are likely to be confused, mistaken, or deceived as to the affiliation, connection, and/or association of the infringing watch faces with the Swatch Group Companies, or as to the origin, sponsorship, or approval of the infringing watch faces by the Swatch Group Companies, and/or as to the nature, characteristics, or qualities of the infringing watch faces.

87. On information and belief, Samsung's direct and contributory infringement of the Trademarks as described herein has been and continues to be intentional, willful, and without regard to the Swatch Group Companies' rights.

88. Samsung's unauthorized use of the Trademarks in interstate commerce constitutes false designation of origin and unfair competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

89. As a result of Samsung's wrongful conduct, the Swatch Group Companies have suffered—and unless Samsung's conduct is permanently enjoined, will continue to suffer—

actual damages and irreparable harm, as to which they have no adequate remedy at law.

90. Because Samsung's actions have been willful, the Swatch Group Companies are entitled to treble damages, and, this being an exceptional case, reasonable attorneys' fees.

FOURTH CAUSE OF ACTION

Dilution: 15 U.S.C. § 1125(c)

91. The Swatch Group Companies incorporate the allegations contained in paragraphs 1-90 as if fully set forth herein.

92. The Trademarks are distinctive and famous, and have been used by the Swatch Group Companies in connection with watches for more than thirty years (and in some cases for more than a century).

93. Samsung began using, offering for sale, and selling the Trademarks subsequent to their becoming famous, thereby causing dilution of the Trademarks in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

94. Samsung's actions have been intentional, willful and committed in bad faith.

95. As a result of Samsung's wrongful conduct, the Swatch Group Companies have suffered—and unless Samsung's conduct is permanently enjoined, will continue to suffer—actual damages and irreparable harm, as to which they no adequate remedy at law.

96. Because Samsung's actions have been willful, the Swatch Group Companies are entitled to an award of costs and, this being an exceptional case, enhanced damages and reasonable attorneys' fees.

FIFTH CAUSE OF ACTION

Common Law Trademark Infringement Under New York Law

97. The Swatch Group Companies incorporate the allegations contained in paragraphs 1-96 as if fully set forth herein.

98. The Trademarks are inherently distinctive and/or have acquired secondary meaning within the relevant market.

99. The Trademarks have achieved market penetration throughout the United States generally, and New York specifically.

100. The Swatch Group Companies have prior common law trademark rights in the Trademarks based on their adoption and continuous commercial use of the marks in New York before all others, including both Samsung and the third-party developers. Consumers in New York recognize the Trademarks as designating the corresponding Swatch Group Companies' brand and products.

101. The commercial use of infringing watch faces by both Samsung and the third-party developers in New York, as set forth above, is likely to, and does in fact, deceive consumers or cause confusion or mistake as to the affiliation, connection, or association of the infringing watch faces with the Swatch Group Companies, or as to the origin, sponsorship, or approval by the Swatch Group Companies of the infringing watch faces.

102. On information and belief, Samsung's direct and contributory infringement of the Trademarks as described herein has been and continues to be intentional, willful, and without regard to the Swatch Group Companies' rights.

103. Samsung's unauthorized use of the Trademarks in commerce in New York constitutes trademark infringement in violation of New York common law.

104. As a result of Samsung's wrongful conduct, the Swatch Group Companies have suffered—and unless Samsung's conduct is permanently enjoined, will continue to suffer—actual damages and irreparable harm, as to which they have no adequate remedy at law.

105. The Swatch Group Companies are entitled to recover Samsung's profits, the

Swatch Group Companies' ascertainable damages, and the Swatch Group Companies' cost of suit. Because Samsung's conduct is willful, the Swatch Group Companies are also entitled to recover reasonable attorneys' fees.

SIXTH CAUSE OF ACTION
Common Law Unfair Competition Under New York Law

106. The Swatch Group Companies incorporate the allegations contained in paragraphs 1-105 as if fully set forth herein.

107. The Trademarks are inherently distinctive and/or have acquired secondary meaning within the relevant market.

108. The Trademarks have achieved market penetration throughout the United States generally, and New York and this District specifically.

109. The Swatch Group Companies have prior common law trademark rights in the Trademarks based on their adoption and continuous commercial use of the marks in New York before all others, including both Samsung and the third-party developers. Consumers in New York recognize the Trademarks as designating the corresponding Swatch Group Companies' brand and products.

110. The commercial use of infringing watch faces by both Samsung and the third-party developers in New York, as set forth above, is likely to, and does in fact, deceive consumers or cause confusion or mistake as to the affiliation, connection, or association of the infringing watch faces with the Swatch Group Companies, or as to the origin, sponsorship, or approval by the Swatch Group Companies of the infringing watch faces.

111. On information and belief, Samsung's direct and contributory infringement of the Trademarks as described herein has been and continues to be intentional, willful, and without regard to the Swatch Group Companies' rights. Samsung's acts constitute fraud, oppression, and

malice.

112. Samsung's unauthorized use of the Trademarks in commerce in New York constitutes unfair competition in violation of New York common law.

113. As a result of Samsung's wrongful conduct, the Swatch Group Companies have suffered—and unless Samsung's conduct is permanently enjoined, will continue to suffer—actual damages and irreparable harm, as to which they have no adequate remedy at law.

SEVENTH CAUSE OF ACTION

Violation of Deceptive Acts and Practices: N.Y. Gen. Bus. Law § 349

114. The Swatch Group Companies incorporate the allegations contained in paragraphs 1-113 as if fully set forth herein.

115. Through the unlawful use of the Trademarks by Samsung and the third-party developers as described above, Samsung has engaged in consumer-oriented conduct that has adversely affected the public interest and has resulted in injury to consumers in New York.

116. Samsung's conduct, as described above, was and remains a willful and deliberate attempt to mislead consumers. As such, Samsung's conduct constitutes the use of deceptive acts or practices in the conduct of business, trade, or commerce. Samsung's conduct has deceived or materially misled, or has a tendency to deceive and materially mislead, the consuming public, and has both injured and will continue to injure the Swatch Group Companies' business, all in violation of N.Y. Gen. Bus. Law § 349.

117. As a result of Samsung's wrongful conduct, the Swatch Group Companies have suffered—and unless Samsung's conduct is permanently enjoined, will continue to suffer—actual damages and irreparable harm, as to which they have no adequate remedy at law.

118. Pursuant to N.Y. Gen. Bus. Law § 349(h), the Swatch Group Companies are entitled to enjoin Samsung's unlawful conduct as well as to obtain damages in an amount to be

determined at trial, costs, disbursements, and reasonable attorney's fees.

EIGHTH CAUSE OF ACTION
Trademark Dilution under New York Law: N.Y. Gen. Bus. Law § 360-l

119. The Swatch Group Companies incorporate the allegations contained in paragraphs 1-119 as if fully set forth herein.

120. The Trademarks have acquired distinctiveness and are widely recognized by the general consuming public of the State of New York as a designation of source of the Swatch Group Companies' products.

121. Without the Swatch Group Companies' authorization or consent, Samsung has distributed, promoted, provided, offered for sale and sold in commerce the infringing watch faces set forth in Appendix A.

122. As a result of Samsung's conduct, the public is likely to assume, incorrectly, that there is an association between the infringing watch faces and the Swatch Group Companies.

123. Samsung's use, offering for sale, and sale of the infringing watch faces is likely to dilute and blur the distinctive quality of the Trademarks.

124. Samsung's dilution of the Trademarks as described herein has been and continues to be intentional, willful, and injurious to the Swatch Group Companies' business and reputation.

125. Absent injunctive relief, Samsung will continue to dilute and whittle away the reputation and value enjoyed by the Swatch Group Companies in the Trademarks. The Swatch Group Companies are therefore entitled to injunctive relief.

126. Samsung's conduct as described above constitutes trademark dilution under New York law, resulting in damage to the Swatch Group Companies and the substantial business and goodwill symbolized by the Trademarks, in violation of New York Anti-Dilution Statute, N.Y. Gen. Bus. Law § 360-l.

NINTH CAUSE OF ACTION
Unjust Enrichment

127. The Swatch Group Companies incorporate the allegations contained in paragraphs 1-126 as if fully set forth herein.

128. Upon information and belief, as a result of Samsung's unauthorized use of the Trademarks, Samsung has profited from its offering for sale and sale of infringing watch faces.

129. Upon information and belief, Samsung has been unjustly enriched by unfairly profiting from its misappropriation of the Trademarks.

130. The Swatch Group Companies have been damaged by Samsung's unjust enrichment.

PRAYER FOR RELIEF

WHEREFORE, the Swatch Group Companies respectfully seek the following relief:

1. Entry of judgment for the Swatch Group Companies on each of their claims;
2. An order and judgment preliminarily and permanently enjoining Defendants and their officers, directors, agents, servants, employees, affiliates, attorneys, and all others acting in privity or in concert with them, and their parents, subsidiaries, divisions, successors and assigns, from further acts of infringement or dilution of the Trademarks;
3. An order requiring Samsung to disclose the number of infringing watches faces (as well as all any other watch faces offered on the Samsung Galaxy App Store that use a trademark belonging to any one of The Swatch Group Ltd.'s affiliated companies) uploaded to the Samsung Galaxy App Store, the number of downloads of all such watch faces, and the name and contact information of each third-party developer of such watch faces.

4. An award of actual damages sustained by the Swatch Group Companies as a result of Defendants' infringement of the Trademarks and/or an accounting of Defendants' profits in an amount to be proven at trial;
5. A judgment trebling any damages award, in light of Defendants' willful trademark infringement;
6. Pre- and post-judgment interest on any past damages;
7. Costs of suit and reasonable attorneys' fees; and
8. Any and all other legal and equitable relief as may be available under law and which the Court may deem proper.

DEMAND FOR JURY TRIAL

The Swatch Group Companies hereby demand a jury trial on all issues so triable.

Dated: February 22, 2019



Respectfully submitted,

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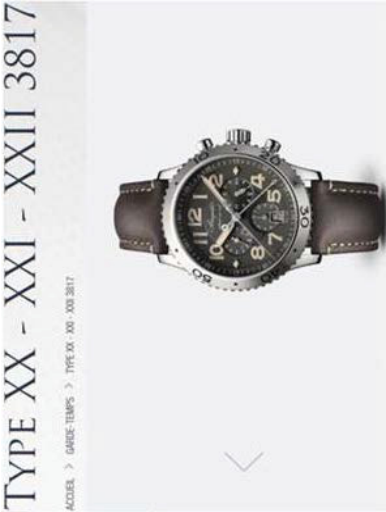

APPENDIX A
SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <i>App Name: "Glashaus-Panoma"</i>	US2519207 [GLASHÜTTE ORIGINAL + logo (stylized)]

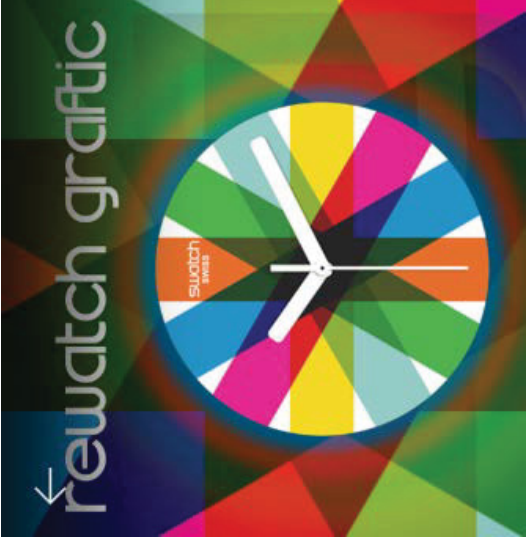
APPENDIX A
SAMSUNG’S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
		US5511973 [JAQUET DROZ] US0725758 [JAQUET-DROZ]

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SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p><i>App Name: "Breguet Face"</i></p>	US3042405 [BREGUET]



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SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p><i>App Name: "Graftic (rEwatch) / spiderock"</i></p>	US5532619 [SWATCH] US1671076 [SWATCH] US5283243 [SWATCH]

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SAMSUNG’S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <i>App Name: “Miodo Time / by Andi”</i>	US0225024 [MIDO (stylized)] US4431373 [MULTIFORT] US0399480 [MIDO MULTIFORT (stylized)]

APPENDIX A
SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p><i>App Name: "Hamilton by BFX / Butterfly FX"</i></p>	US0741279 [HAMILTON]

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SAMSUNG’S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	<div><p><i>App Name: “DXB Watch Alpha Moonwatch/DXB Watches Dubai”</i></p></div>	US 0734891 [Ω logo] US 5211480 [MOONWATCH]



APPENDIX A
SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <i>App Name: "Swatch Orange Black WF"</i>	US5283243 [SWATCH] US5532619 [SWATCH] US1671076 [SWATCH]

APPENDIX A
SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <i>App Name: "Classic 2WF"</i>	US0734891 [Ω logo] US1309929 [DE VILLE]

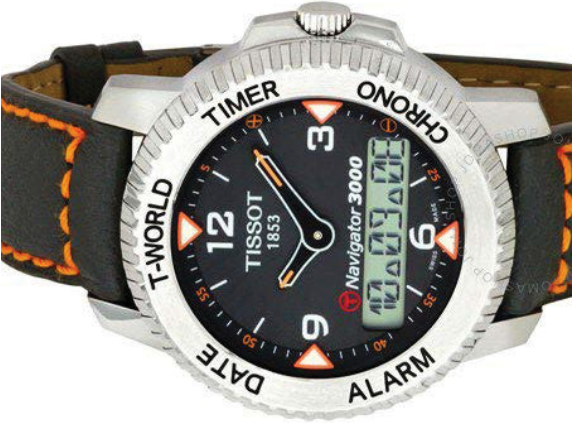

APPENDIX A
SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p><i>App Name: "RM_Omega Classic_Mens/SWFD"</i></p>	US0566370 [OMEGA (stylized)]

APPENDIX A
SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p><i>App name: "Thomasse clock Jaquet Droz"</i></p>	US5511973 [JAQUET DROZ] US0725758 [JAQUET-DROZ]



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SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p><i>App name: "Tissot Navigator 3000"</i></p>	US1639684 [TISSOT (stylized)] US1385183 [NAVIGATOR]



APPENDIX A
SAMSUNG’S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p><i>App name: “Tissot Watch Face”</i></p>	US1639684 [TISSOT (stylized)]

APPENDIX A
SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <i>App name: "Gear Digital Tissot Replica Classic Chronometer Black AOD / AURORA"</i>	US1639684 [TISSOT (stylized)] US3653565 [T TOUCH (stylized)]

APPENDIX A
SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p><i>App Name:</i> “Aurora Longines 1973 Chronometer Classic Black AOD / AURORA</p>	US0065109 [LONGINES (stylized)]


APPENDIX A
SAMSUNG’S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p><i>App name: “Boogaloo-Mega Studiometer I / Boogaloo”</i></p>	US0566370 [OMEGA (stylized)] US0578041 [OMEGA with Ω logo (stylized)] US5293695 [OMEGA with Ω logo (stylized)] US5094915 [OMEGA with Ω logo (stylized)] US1290661 [OMEGA with Ω logo (stylized)] US0734891 [Ω logo] US0672487 [SPEEDMASTER]

APPENDIX A
SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <i>App name: "Boogaloo-Mega Racer I / Boogaloo"</i>	US0566370 [OMEGA (stylized)] US0578041 [OMEGA with Ω logo (stylized)] US5293695 [OMEGA with Ω logo (stylized)] US5094915 [OMEGA with Ω logo (stylized)] US1290661 [OMEGA with Ω logo (stylized)] US0734891 [Ω logo] US0672487 [SPEEDMASTER]

APPENDIX A
SAMSUNG’S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <i>App name: “Boogaloo-Mega Racer II / Boogaloo”</i>	US0566370 [OMEGA (stylized)] US0578041 [OMEGA with Ω logo (stylized)] US5293695 [OMEGA with Ω logo (stylized)] US5094915 [OMEGA with Ω logo (stylized)] US1290661 [OMEGA with Ω logo (stylized)] US0734891 [Ω logo] US0672487 [SPEEDMASTER]

APPENDIX A
SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p>Akemo Globemaster <i>App name:</i> “KT Akemo Globemaster - Analog Swiss Inspired Chronometer / Kamensek Timepieces”</p>	US5383161 [OMEGA GLOBEMASTER with Ω logo (stylized)]

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SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p><i>App name: "Swatch Gold / Kirillch's Watchface"</i></p>	US5283243 [SWATCH] US5532619 [SWATCH] US1671076 [SWATCH]



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SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p><i>App name: "Nimo Watch Faces W16G /NIMO Watches"</i></p>	US0566370 [OMEGA (stylized)] US0578041 [OMEGA with Ω logo (stylized)] US5293695 [OMEGA with Ω logo (stylized)] US5094915 [OMEGA with Ω logo (stylized)] US1290661 [OMEGA with Ω logo (stylized)] US0734891 [Ω logo] US0672487 [SPEEDMASTER]



APPENDIX A
SAMSUNG’S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p><i>App Name: “RTWatch6”</i></p>	US 3653563 [T TOUCH (stylized)]

APPENDIX A
SAMSUNG’S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p><i>App Name: “RTWatch4”</i></p>	US 3653563 [T TOUCH (stylized)]



APPENDIX A
SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p><i>App Name: "RTWatch5"</i></p>	US 3653563 [T TOUCH (stylized)]



APPENDIX A
SAMSUNG’S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p><i>App Name: “SoftFlow OMGStyle/SoftFlow”</i></p>	US0566370 [OMEGA (stylized)]


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SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p><i>App Name:</i> “BFF: Blancpain Villeret Black analog watchface for gear S2, S3/BFF-STORM”</p>	US1727428 [BLANCPAIN (stylized)]


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SAMSUNG’S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <i>App name: “Omega SKT”</i>	US0566370 [OMEGA (stylized)] US0672487 [SPEEDMASTER]

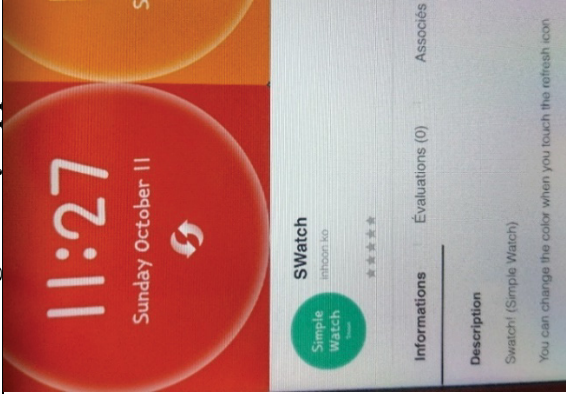
APPENDIX A
SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p>App name: "Swatch - Red Sunday"</p>	US5283243 [SWATCH] US5532619 [SWATCH] US1671076 [SWATCH]



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SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p>Lumin Platinum Seamaster Contrast Partridge > Kevin Lind App Name: "Lumin Platinum Seamaster/Partridge"</p>	US3640080 (SEAMASTER)

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SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p><i>App name: "Swatch"</i></p>	US5283243 [SWATCH] US5532619 [SWATCH] US1671076 [SWATCH]

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SAMSUNG’S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <i>App name: “Boogaloo-Mega RacerII / Boogaloo”</i>	US0566370 [OMEGA (stylized)] US0578041 [OMEGA with Ω logo (stylized)] US5293695 [OMEGA with Ω logo (stylized)] US5094915 [OMEGA with Ω logo (stylized)] US1290661 [OMEGA with Ω logo (stylized)] US0734891 [Ω logo] US0672487 [SPEEDMASTER]



APPENDIX A
SAMSUNG'S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <p><i>App name: "Moon Watch"</i></p>	US2519207 [GLASHÜTTE ORIGINAL with logo (stylized)]

APPENDIX A
SAMSUNG’S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <i>App name: “Boogaloo-Mega Studiometer I / Boogaloo”</i>	US0566370 [OMEGA (stylized)] US0578041 [OMEGA with Ω logo (stylized)] US5293695 [OMEGA with Ω logo (stylized)] US5094915 [OMEGA with Ω logo (stylized)] US1290661 [OMEGA with Ω logo (stylized)] US0734891 [Ω logo] US0672487 [SPEEDMASTER]

APPENDIX A
SAMSUNG’S INFRINGING WATCH FACES

Authentic Swatch Group Companies Watch Face	Infringing Watch Face Available on Samsung Galaxy Apps Store	Swatch Group Companies Trademark Registration
	 <i>App name: “Boogaloo-Mega RacerII / Boogaloo”</i>	US0566370 [OMEGA (stylized)] US0578041 [OMEGA with Ω logo (stylized)] US5293695 [OMEGA with Ω logo (stylized)] US5094915 [OMEGA with Ω logo (stylized)] US1290661 [OMEGA with Ω logo (stylized)] US0734891 [Ω logo] US0672487 [SPEEDMASTER]