

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**FORD MOTOR COMPANY**, a Delaware  
corporation,

Plaintiff,

v.

**FERRARI S.P.A.**, an Italian corporation, and  
**FERRARI NORTH AMERICA, INC.**, a  
Delaware corporation,

Defendants.

Civil Action No.

Honorable

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**VERIFIED COMPLAINT**

Plaintiff Ford Motor Company (“Ford”) for its claims against defendant Ferrari S.p.A., also known as Ferrari Societa per Azioni Esercizio Fabbriche Automobili e Corse, and defendant Ferrari North America, Inc. (collectively “Ferrari”), alleges as follows:

**NATURE AND SUBSTANCE OF THE ACTION**

1. Ford files this action against Ferrari for trademark dilution, trademark infringement, false designation of origin, and cyberpiracy under the Lanham Act (15 U.S.C. § 1051 *et seq.*), including the amendment to the Lanham Act known as the Anticybersquatting Consumer Protection Act. Ferrari recently misappropriated the famous Ford F-150® trademark in announcing Ferrari’s 2011 Formula 1 racing car which Ferrari named the “F150,” and is beginning to promote the Ferrari “F150” and related products and merchandise. In addition, Ferrari recently registered the Internet domain name WWW.FERRARIF150.COM where Ferrari operates an interactive website that, among other things, links to the online Ferrari Store. Ford seeks a permanent injunction enjoining Ferrari’s unauthorized misappropriation of Ford’s F-150® trademark and colorable imitations thereof, damages under the Lanham Act including treble damages, statutory damages, and other damages, and Ford’s attorneys’ fees and costs incurred in bringing this action.

2. Since the 1975 model year, Ford has used the famous F-150® trademark in connection with its flagship, full-size pick-up truck. Indeed, on or about May 9, 1995, Ford first obtained a United States Trademark Registration for F-150®. The F-150® vehicle is the best seller in Ford’s F-SERIES line of trucks, the best selling trucks in the United States since 1978 and the best selling vehicles (car or truck) in the United States since 1983. Since 1997, gross revenues on sales of the F-150® have exceeded \$180 billion. The F-150® has won numerous awards throughout the years, including the prestigious *Motor Trend Magazine’s* 2009 Truck of

the Year, and *Consumer Digest's* 2011 and 2010 Best Buy awards. Ford and its regional dealer organizations have expended \$1.9 billion in advertising since 1999 developing the F-150® brand. Through its extensive sales and advertising campaigns, Ford has developed substantial goodwill in the F-150® trademark.

3. Ferrari has misappropriated the F-150® trademark in naming its new racing vehicle the “F150” in order to capitalize on and profit from the substantial goodwill that Ford has developed in the F-150® trademark, and in order to trade off of Ford’s famous and winning trademark. Indeed, on January 25, 2011, Ferrari’s website announced that “Ferrari’s new Formula 1 car [was] to be called F150.” On January 28, 2011, Ferrari broadcast the introduction of the “F150” on its WWW.FERRARI.COM website, reporting that “Two million people from 149 countries followed the event” including the United States. True and correct screenshots of Ferrari’s website at WWW.FERRARI.COM showing Ferrari’s unlawful misappropriation of Ford’s F-150® trademark are attached hereto as Exhibit A. In addition, Ferrari recently registered the Internet domain name WWW.FERRARIF150.COM where Ferrari operates an interactive website that, among other things, links to the online Ferrari Store.

4. Although Ferrari asserts that the naming of the “F150” is to honor the one hundred and fiftieth anniversary of the unification of Italy, the objective evidence demonstrates that Ferrari is seeking to misappropriate the substantial goodwill that Ford has developed in the famous F-150® trademark. For example, in creating the logo for the Ferrari “F150” and related products, Ferrari has copied the F-150® badge found on Ford vehicles as set forth below:



True and correct copies of images of the Ford F-150® Badge and screen shots from WWW.FERRARIF150.COM are attached hereto as Exhibits B and C respectively.

5. Ferrari has frequently admitted in press reports and otherwise that the United States is Ferrari's primary and largest market. Thus, for example, in a recent press release posted on WWW.FERRARI.COM, Ferrari admitted: "The USA, which has always been Ferrari's primary market, and Canada together have posted an increase in sales of nearly 20 per cent compared to the previous year, with over 1750 cars sold." A true and correct copy of this press release is attached hereto as Exhibit D.

6. In this Complaint, Ford alleges claims for federal trademark dilution, federal trademark infringement, false designation of origin or sponsorship, and cyberpiracy under Sections 43(c), 32(1), 43(a), and 43(d) of the United States Trademark Act of 1946, as amended (the "Lanham Act"), 15 U.S.C. §§ 1125(c), 1114(1), 1125(a), and 1125(d), and trademark infringement under common law.

#### **JURISDICTION AND VENUE**

7. This Court has subject matter jurisdiction over this action pursuant to:
- (a) The Judicial Code, 28 U.S.C. § 1331, relating to "federal question" jurisdiction;
  - (b) Section 39 of the Lanham Act, 15 U.S.C. § 1121, giving this Court jurisdiction over all actions arising under the Lanham Act without regard to the amount in controversy;
  - (c) Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1), relating to the counterfeit, reproduction, or colorable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of goods;

(d) Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), relating to the use of false designations of origin and/or sponsorship tending falsely to describe or designate the source, and/or sponsorship of goods affecting commerce, and relating to false advertising and trade dress infringement and dilution;

(e) Section 43(c) of the Lanham Act, 15 U.S.C., § 1125(c), relating to dilution;

(f) The Judicial Code, 28 U.S.C. § 1338(a), conferring on this Court jurisdiction over actions arising under federal trademark laws;

(g) The Judicial Code, 28 U.S.C. § 1338(b), relating to claims of unfair competition “joined with a substantial and related claim under the ... trademark laws”; and

(h) The Judicial Code, 28 U.S.C. § 1367, providing for supplemental jurisdiction over the state law claims in this action.

8. The state law claim pleaded herein arises under the laws of the State of Michigan. Subject matter jurisdiction for the state law claim of trademark infringement is conferred upon the Court by 28 U.S.C. § 1367 (supplemental jurisdiction).

9. This action arises out of wrongful acts committed by Ferrari that are intentionally targeted at Ford in this District that subject Ferrari to personal jurisdiction here on several, independent bases. First, the violation of a trademark holder’s trademark rights occurs where the trademark holder resides, which is in this District. Second, Ferrari operates at least one Ferrari dealership in this District. Third, Ferrari products are promoted and sold in this district through Ferrari’s dealership, its distributors, and through its interactive websites such as WWW.FERRARI.COM and WWW.FERRARIF150.COM that solicit and allow Michigan residents to order and purchase goods and services on the Internet. The operation of such

interactive websites subjects Ferrari to personal jurisdiction in the State of Michigan. *See e.g., Volkswagen AG v. Izumi*, 204 F. Supp.2d 1014 (E.D. Mich. 2002) (interactive website subjects defendant to personal jurisdiction in Michigan); *Audi AG v. D'Amato*, 341 F. Supp.2d 734 (E.D. Mich. 2004) (same).

10. Venue is proper in this judicial district under 28 U.S.C. § 1391.

### **THE PARTIES**

11. Ford is a Delaware corporation with its principal place of business in Dearborn, Michigan.

12. Defendant Ferrari S.p.A., also known as Ferrari Societa per Azioni Esercizio Fabbriche Automobili e Corse, is an Italian corporation with its principal place of business in Modena, Italy.

13. Defendant Ferrari North America, Inc. is a Delaware corporation with its principal place of business in Englewood, New Jersey. Defendant Ferrari North America, Inc. is a wholly owned subsidiary of Ferrari S.p.A.

### **FACTS COMMON TO ALL CLAIMS**

#### *Ford's Trademark Rights in F-150®*

14. Since 1975, Ford has used the famous F-150® trademark in connection with its flagship, full-size pick-up truck. Indeed, on or about May 9, 1995, Ford first obtained a United States Trademark Registration for F-150® for “clothing; namely, shirts, caps.” (United States Registration No. 1,893,178). On or about October 20, 1998, Ford obtained a United States Trademark Registration for F-150® for “motor vehicles, namely trucks, engines therefore and structural parts thereof.” (United States Registration No. 2,198,520). Ford has also obtained additional trademark registrations for F-150® for various other goods and services, including:

“metal key rings, metal key fobs, metal money clips, non luminous non-mechanical metal signs, metal banks, metal decorative boxes, metal license plates” (United States Registration No. 2,044,023); “miniature models of vehicles, toy vehicles, and hobby kits for the construction of miniature vehicles” (United States Registration No. 2,003,682); “decals” (United States Registration No. 1,958,166); “automobiles and exterior insignia badges and windshields therefore” (United States Registration No. 3,422,651); and “hand tools, namely, folding knives, pocket knives” (United States Registration No. 3,729,666). True and correct copies of these United States Trademark Registrations are attached hereto as Exhibit E.

15. The foregoing Trademark Registrations for F-150® are valid, unrevoked, subsisting, and, in certain cases, incontestible, and constitute *prima facie* evidence of Ford’s exclusive ownership of F-150® and evidence that F-150® is distinctive, and has strong secondary meaning. The United States Trademark Registrations Ford holds for F-150® are the only United States trademark registrations for “F-150” or “F150” held by any owner for any products or services of any kind.

16. Ford’s trademark rights in F-150® extend outside the United States. For example, Ford also obtained a European Community Trademark Registration for “F-150” on or about April 17, 2000, covering “Motor land vehicles and parts and fittings therefor;” “Floor coverings, vehicle carpets and mats, door mats;” and “Motor vehicle maintenance and repair services.” A true and correct copy of this European Community Trademark Registration is attached hereto as Exhibit F. Thus, Ferrari has been on notice of Ford’s trademark registrations and rights in both the United States and the European Union.

17. Ford has continuously used the F-150® trademark since 1975 in connection with the promotion, advertising, and sale of vehicles and other products and services, since well before the acts of Ferrari complained of herein.

18. In addition to advertising, promoting, and selling F-150® vehicles, Ford sells accessories, clothing, hats, and related products bearing the F-150® trademark at various Ford websites such as WWW.FORDCOLLECTION.COM, through Ford dealerships, and through authorized licensees via various retail channels.

19. Ford has spent hundreds of millions of dollars and has expended significant effort in advertising, promoting, and developing the F-150® trademark throughout the United States and beyond. As a result of such advertising and expenditures, Ford has established considerable goodwill in the F-150® trademark. The F-150® trademark has become widely known and recognized throughout the United States and beyond as a symbol of high quality automotive goods and services. The F-150® trademark is famous and distinctive, and has become associated by the consuming public exclusively with Ford. The goodwill associated with the F-150® trademark is an invaluable asset of enormous worth to Ford.

20. Ford also manufactures, promotes, and sells vehicles in the sports car market, and actively sponsors car and truck racing activities, including sponsoring vehicles and racing teams in various racing events.

*Ferrari's Violations of the F-150® Trademark*

21. Ferrari is in the automobile business in competition with Ford. In marketing its products and services, Ferrari has attempted to capitalize on and profit from the substantial goodwill that Ford has developed in the F-150® trademark by using the confusingly similar vehicle name "F150," by copying the F-150® badge found on Ford vehicles as set forth above in



the side-by-side comparison, by registering the Internet domain name WWW.FERRARIF150.COM, and by promoting the “F150” vehicle in the United States.

22. On January 25, 2011, Ferrari’s website announced that “Ferrari’s new Formula 1 car [was] to be called F150.” On January 28, 2011, Ferrari broadcast its adoption of the name “F150” on its WWW.FERRARI.COM website and reported that “Two million people from 149 countries followed the event” including from the United States. *See* Exhibit A (attaching screenshots).

23. Ferrari has frequently acknowledged that Ferrari’s promotion of Ferrari vehicles in Formula 1 racing is Ferrari’s primary advertising and marketing strategy. For example, Ferrari and its current Chairman and former CEO, Luca di Montezemolo, have acknowledged that “Ferrari’s uniqueness stems from its inseparability from Formula One. Ever since the days of F1 driver-founder Enzo Ferrari there has been the link, and although there have been hiccups in its history, F1 is inextricably bound up in Ferrari’s business. It represents nearly a third of the business in cost terms and a quarter in turnover. Di Montezemolo says it is also an essential element of the Ferrari road car’s development. In his own words, he sums it up: ‘Ferrari is a mixture of passion, high technology, and sport. We have been for 50 years the only one to develop and build a Formula One car.’” Catherine Monk, *No More Red*, [http://www.italia-online.co.uk/article.php/Luca\\_di\\_Montezemolo](http://www.italia-online.co.uk/article.php/Luca_di_Montezemolo) (last visited February 4, 2011). A true and correct copy of the online article incorporating Di Montezemolo’s statement is attached hereto as Exhibit G. As further evidence of the importance of Formula 1 racing to Ferrari’s advertising and promotion, the VERTYGO TEAM, Ferrari’s outside marketing consultant, has stated “Ferrari is the best brand in the world. . . . Where would Ferrari be today without racing in Formula 1 since the early days?” “Probably the Ferrari brand is worth more than the Google

brand, the Apple brand, Nike, GE, IBM, BMW, Mercedes, Exxon, Shell, or any other brand. . . . Yet Ferrari never spent a penny in advertisement.” The VERTYGO TEAM further acknowledged that “Car Racing and constructing extraordinary sports cars . . . has been the marketing strategy of Ferrari,” and that “[w]inning races, losing races, fiercely fighting in car racing has built the brand.” Vertygoteam.com, Analysis – Ferrari Marketing Strategy, [http://www.ertygoteam.com/ferrari\\_marketing\\_strategy.php](http://www.ertygoteam.com/ferrari_marketing_strategy.php). True and correct copies of these statements taken from WWW.VERTYGOTEAM.COM are attached hereto as Exhibit H.

24. Indeed, the Internet websites for numerous United States Ferrari dealers have web pages devoted to Ferrari’s prowess in Formula 1 racing. True and correct depictions of screen shots of such websites are attached hereto as Exhibit I.

25. Ford and Ferrari have a legendary history as rivals in auto racing, including at the “24 Hours of Le Mans” races. The “great rivalry” between Henry Ford II and Enzo Ferrari is recounted in an article in AUTOMOBILEMAG.COM; a true and correct copy of the article is attached hereto as Exhibit J.

26. Ferrari is not in any way affiliated with, authorized by, or sponsored by Ford and has no authority to use the mark “F150.” Despite its lack of affiliation, authorization, or sponsorship, Ferrari unlawfully continues to use Ford’s registered, incontestable, and famous trademark.

27. In addition to advertising, promoting, and selling Ferrari vehicles, Ferrari sells accessories, clothing, hats, model toy race cars, and related products bearing Ferrari trademarks at the online “Ferrari Store” found at WWW.FERRARIF150.COM and WWW.FERRARI.COM, through Ferrari dealerships, and through other marketing channels. Many of these products bear the names of Ferrari Formula 1 vehicles. Ferrari’s former CEO and current Chairman has

acknowledged the importance of appealing to this market for accessories: “Di Montezemolo has thought out a careful marketing plan for the merchandise recognizing the blue collar and white collar appeal of Ferrari that few would even comprehend: ‘We do merchandising for two different targets,’ he says. ‘One is the popular target; the other the high-level target.’ And that is his genius. For all the aristocratic aura he commands, di Montezemolo is not above strolling around the spectator enclosures and observing some of his Ferrari (merchandise) customers first hand. He is a brave man, as some of the sights are not pretty. But he understands that he has to have a marketing strategy for them as well.” See Exhibit G hereto.

28. Ferrari’s wrongful use of the mark “F150” dilutes, blurs, tarnishes, and whittles away the distinctiveness of the F-150® trademark. For example, if Ferrari continues with its unauthorized misappropriation of “F150,” Ford’s continued and previously exclusive use of F-150® in the marketplace will be blurred. In addition, the elitist Ferrari “F150” tarnishes the BUILT FORD TOUGH® F-150® brand.

29. Ferrari’s use of the mark “F150” constitutes a misappropriation of the F-150® trademark and associated good will, and is likely to cause potential purchasers of Ferrari’s products and services, as well as the public at large, to believe that Ferrari’s services and products are affiliated with, authorized by, sponsored by, or endorsed by Ford.

30. Indeed, several Internet blogs have questioned whether now “Ferrari makes a pick-up truck?” Another blog observed, “After the wonderful response that Ferrari received from their new ‘FF’ four seater, four wheel drive car, they have decided to come out with a pickup truck!!” True and correct copies of these blogs are attached hereto as Exhibits K and L, respectively. These Internet blogs demonstrate actual dilution by blurring because consumers are associating the Ferrari “F150” with the Ford F-150® trademark. At a minimum, these

postings provide strong evidence of actual dilution. They also demonstrate potential confusion in the marketplace between the Ford F-150® and the Ferrari F150.

31. As Ferrari has done in the past, Ferrari will seek to leverage the “F150” name from its Formula 1 vehicle into other Ferrari vehicles and other products and accessories that compete directly with Ford.

32. If Ford does not seek to nip Ferrari’s misappropriation of the F-150® trademark in the bud at this point in time, Ferrari will argue that Ford was guilty of laches.

33. Ferrari’s conduct is intentionally fraudulent, malicious, willful, and wanton. Accordingly, this is an exceptional case within the meaning of 15 U.S.C. § 1117(a).

**FIRST CLAIM FOR RELIEF**  
(Trademark Dilution)

34. The allegations set forth above are incorporated herein by this reference.

35. The F-150® trademark is famous within the meaning of 15 U.S.C. § 1125(c). The F-150® trademark is inherently distinctive and has acquired distinctiveness.

36. Ford has extensively and exclusively used the F-150® trademark in commerce throughout the United States and beyond in connection with vehicles and other products and services.

37. Ferrari is unlawfully using the mark “F150” in commerce.

38. Ferrari’s misappropriation of the F-150® trademark began after the F-150® trademark became famous.

39. Ferrari’s use of the mark “F150” has caused and continues to cause irreparable injury to and dilution of the F-150® trademark’s distinctive quality in violation of Ford’s rights

under 15 U.S.C. § 1125(c). Ferrari's wrongful use of the mark "F150" dilutes, blurs, tarnishes, and whittles away the distinctiveness of the F-150® trademark.

40. As a direct and proximate result of Ferrari's conduct, Ford has suffered irreparable harm to the valuable F-150® trademark.

41. Unless Ferrari is enjoined, the valuable F-150® trademark will continue to be diluted and Ford will continue to be irreparably harmed. Ford has no adequate remedy at law that will compensate for the continued and irreparable harm it will suffer if Ferrari's actions are allowed to continue, and is thus entitled to both a preliminary and permanent injunction.

42. Ferrari has used and continues to use the mark "F150" willfully and with the intent to dilute the F-150® trademark, and with the intent to trade on the reputation and goodwill of Ford and of the F-150® trademark. Accordingly, this is an exceptional case within the meaning of 15 U.S.C. § 1117(a).

43. As a direct and proximate result of Ferrari's conduct, Ford is entitled to damages, statutory damages, the equitable remedy of an accounting, and a disgorgement of, all revenues and/or profits wrongfully derived by Ferrari from its diluting use of the mark "F150" pursuant to 15 U.S.C. § 1117.

**SECOND CLAIM FOR RELIEF**

(Federal Trademark Infringement Under 15 U.S.C. § 1114)

44. The allegations set forth above are incorporated herein by this reference.

45. The F-150® trademark is inherently distinctive, is arbitrary and fanciful, and has acquired secondary meaning. The public associates the F-150® trademark exclusively with Ford and Ford's vehicles, products, and services. This is a result of the inherent distinctiveness of F-150®, and of distinctiveness acquired through extensive advertising, sales, and use in commerce

throughout the United States and beyond in connection with products and services bearing or using the F-150® trademark.

46. Despite Ford's well-known prior rights in the F-150® trademark, Ferrari has used and continues to use, without Ford's authorization, the F-150® trademark, or copies, reproductions, or colorable imitations thereof, in connection with the advertisement, promotion, and sale of Ferrari's vehicles, products, and/or services.

47. Ferrari's actions constitute willful infringement of Ford's exclusive rights in the F-150® trademark in violation of 15 U.S.C. § 1114.

48. Ferrari's misappropriation of the F-150® trademark, or counterfeits, copies, reproductions, or colorable imitations thereof, has been, and continues to be done, with the intent to cause confusion, mistake, and to deceive consumers concerning the source and/or sponsorship of Ferrari's products and services. Accordingly, this is an exceptional case within the meaning of 15 U.S.C. § 1117(a).

49. As a direct and proximate result of Ferrari's conduct, Ford has suffered irreparable harm to the valuable F-150® trademark. Unless Ferrari is restrained from further infringement of the F-150® trademark, Ford will continue to be irreparably harmed.

50. Ford has no adequate remedy at law that will compensate for the continued and irreparable harm it will suffer if Ferrari's acts are allowed to continue, and is thus entitled to both a preliminary and permanent injunction.

51. As a direct and proximate result of Ferrari's conduct, Ford is entitled to damages, treble damages, statutory damages, the equitable remedy of an accounting for, and a disgorgement, of all revenues and/or profits wrongfully derived by Ferrari from its infringement of the F-150® trademark pursuant to 15 U.S.C. § 1117.

**THIRD CLAIM FOR RELIEF**

(False Designation of Origin Under 15 U.S.C. § 1125(a))

52. The allegations set forth above are incorporated herein by this reference.

53. Ferrari has knowingly used the mark “F150” in connection with the products and services that Ferrari advertises, promotes, and sells. Ferrari has used counterfeits of the F-150® trademark knowing that the marks used are counterfeits and with the intent to use counterfeits of the mark. Ferrari’s actions render this case exceptional within the meaning of 15 U.S.C. § 1117(a).

54. Ferrari’s misappropriation of the F-150® trademark alleged above is likely to confuse, mislead, or deceive customers, purchasers, and members of the general public as to the origin, source, sponsorship, or affiliation of Ferrari’s products and services, and is likely to cause such people to believe in error that Ferrari’s products and services have been authorized, sponsored, approved, endorsed, or licensed by Ford or that Ferrari is in some way affiliated with Ford.

55. Ferrari’s acts constitute false or misleading descriptions, false advertising, and false designations of the origin and/or sponsorship of Ferrari’s products and services in violation of Section 43(a) of the Lanham Act, as amended, 15 U.S.C. § 1125(a).

56. By reason of Ferrari’s actions, Ford has suffered irreparable harm to the valuable F-150® trademark. Unless Ferrari is restrained from its actions, Ford will continue to be irreparably harmed.

57. Ford has no remedy at law that will compensate for the continued and irreparable harm that will be caused if Ferrari’s acts are allowed to continue, and is thus entitled to both a preliminary and permanent injunction.

58. As a direct and proximate result of Ferrari's conduct, Ford is entitled to damages, treble damages, statutory damages, the equitable remedy of an accounting for, and a disgorgement of all revenues and/or profits wrongfully derived by Ferrari from its infringement of the F-150® trademark pursuant to 15 U.S.C. § 1117.

**FOURTH CLAIM FOR RELIEF**  
(Cyberpiracy)

59. The allegations set forth above are incorporated herein by this reference.

60. Ferrari's actions, as described above, evidence a bad faith intent to profit from the registration and/or use of the F-150® trademark in the Internet domain name WWW.FERRARIF150.COM.

61. Ferrari has registered, trafficked in, and/or used a domain name with a trademark that was famous at the time of registration of the domain name, and was identical to, confusingly similar to, or dilutive of the F-150® trademark.

62. Ford is entitled to an injunction preventing Ferrari from using or holding the Internet domain name WWW.FERRARIF150.COM and from transferring that domain name to anyone but Ford.

63. As a direct and proximate result of Ferrari's conduct, Ford has suffered irreparable harm to the valuable F-150® trademark. Unless Ferrari is restrained from further infringement of the F-150® trademark, Ford will continue to be irreparably harmed.

64. Ford has no remedy at law that will compensate for the continued and irreparable harm that will be caused if Ferrari's acts are allowed to continue, and is thus entitled to both a preliminary and permanent injunction.



65. As a direct and proximate result of Ferrari's conduct, Ford is entitled to damages, including statutory damages in the amount of \$100,000.00, as well as Ford's attorneys fees and costs.

**FIFTH CLAIM FOR RELIEF**  
(Common Law Trademark Infringement)

66. The allegations set forth above are incorporated herein by this reference.

67. Ford was the first to use the F-150® trademark or any marks similar thereto in association with the sale of any product and service. As a result of the continued sale by Ford of products and services under the F-150® trademark, the F-150® trademark has become widely known in Michigan and throughout the United States and beyond, and Ford has become identified in the public mind as the source, manufacturer, and/or licensor of the products and services to which the F-150® trademark is applied.

68. As a result of the experience, care, and service of Ford producing F-150® products and services, Ford's products and services have become widely known in Michigan and throughout the United States and beyond, and have acquired a reputation for quality, durability, and performance. Moreover, the F-150® trademark has become associated with Ford products and services, and has come to symbolize the reputation for quality and excellence of Ford products and services. As such, the F-150® trademark has become distinctive.

69. Ferrari, with knowledge and intentional disregard of Ford's rights, continues to advertise, promote, and sell services and products using the F-150® trademark, or confusing imitations thereof. Such acts by Ferrari have caused and continue to cause confusion in Michigan as to the source and/or sponsorship of Ferrari's products and services.

70. Ferrari's acts constitute willful infringement of Ford's exclusive rights in the trademark F-150® in violation of the common law.

71. By reason of Ferrari's actions, Ford has suffered irreparable harm to the valuable F-150® trademark. Unless Ferrari is restrained from further infringement of the F-150® trademark, Ford will continue to suffer irreparable harm.

72. Ford has no remedy at law that will adequately compensate it for the irreparable harm it will suffer if Ferrari's conduct is allowed to continue, and is thus entitled to both a preliminary and permanent injunction.

73. Ford is also entitled to damages in an amount to be proven at trial.

WHEREFORE, Ford prays for judgment against Ferrari as follows:

1. Under all claims for relief, that a preliminary and permanent injunction be issued enjoining Ferrari, its employees, agents, successors and assigns, and all those in active concert and participation with them, and each of them who receives notice directly or otherwise of such injunctions, from:

(a) imitating, copying, or making unauthorized use of the F-150® trademark, including but not limited to using the name or mark "F150" in any manner in the United States;

(b) importing, manufacturing, producing, distributing, circulating, selling, offering for sale, advertising, promoting, or displaying in the United States any service or product using any simulation, reproduction, counterfeit, copy, or colorable imitation of any or all of the F-150® trademark;

(c) using in the United States any simulation, reproduction, counterfeit, copy, or colorable imitation of the F-150® trademark, including but not limited to "F150," in connection

with the promotion, advertisement, display, sale, offering for sale, manufacture, production, circulation or distribution of any product or service;

(d) using in the United States any false designation of origin or false description (including, without limitation, any letters or symbols constituting the F-150® trademark), or performing any act, which can, or is likely to, lead members of the trade or public to believe that any service or product manufactured, distributed, or sold by Ferrari is in any manner associated or connected with Ford, or is sold, manufactured, licensed, sponsored, approved, or authorized by Ford;

(e) transferring, consigning, selling, shipping, or otherwise moving in the United States any goods, packaging, or other materials in Ferrari's possession, custody, or control bearing a design or mark substantially identical to any or all of the F-150® trademark, including but not limited to "F150";

(f) engaging in any other activity in the United States constituting unfair competition with Ford with respect to the F-150® trademark, or constituting an infringement of the F-150® trademark, or of Ford's rights in, or to use or exploit, the F-150® trademark;

(g) transferring to anyone other than to Ford the domain name FERRARIF150.COM or any other domain names that use names, words, designations or other symbols confusingly similar to the F-150® trademark; and

(h) instructing, assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs (a) through (g) above.

2. For an order directing that Ferrari recall from the United States all products, labels, tags, signs, prints, packages, videos, advertisements, and other materials in its possession

or under its control, bearing or using the F-150® trademark or any simulation, reproduction, counterfeit, copy or colorable imitation thereof, including but not limited to “F150,” and all plates, molds, matrices and other means of making the same, pursuant to 15 U.S.C. § 1118.

3. For an order directing such other relief as the Court may deem appropriate to prevent the trade and public from deriving the erroneous impression that any service or product manufactured, sold, or otherwise circulated or promoted by Ferrari is authorized by Ford or related in any way to Ford’s products or services.

4. For an order directing that Ferrari file with the Court and serve upon Ford’s counsel within thirty (30) days after entry of such judgment, a report in writing under oath, setting forth in detail the manner and form in which Ferrari has complied with the above.

5. For an order requiring Ferrari to file with the Court and provide to Ford an equitable accounting and disgorgement of all revenues and/or profits wrongfully realized by Ferrari in the United States through use of the F-150® trademark and any counterfeits thereof, including but not limited to “F150.”

6. For an order permitting Ford, and/or auditors for Ford, to audit and inspect the books and records of Ferrari for a period of six months after entry of final relief in this matter to determine the scope of Ferrari’s past use of the “F150” trademark, including all revenues and sales related to Ferrari’s use of the “F150” trademark in the United States, as well as Ferrari’s compliance with orders of this Court.

7. For an award of Ford’s costs and disbursements incurred in this action, including Ford’s reasonable attorneys fees.

8. For an award of Ford's damages trebled or, alternatively, an award of Ferrari's wrongful profits from the United States trebled, whichever is greater, plus Ford's costs and attorneys fees, pursuant to 15 U.S.C. § 1117.

9. For an award of Ford's damages, statutory damages, including statutory damages of \$100,000.00 pursuant to the Anticybersquatting Consumer Protection Act, and other damages arising out of Ferrari's acts.

10. For an order requiring Ferrari to file with the Court and provide to Ford an accounting of all sales and profits realized by Ferrari in the United States through use of the F-150® trademark and any counterfeits thereof.

11. For an award of interest, including pre-judgment interest, on the foregoing sums.

12. For such other and further relief as the Court may deem just and proper.

Dated: February 9, 2011

Respectfully submitted,

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**VERIFICATION**

William J. Coughlin, under penalty of perjury of the laws of the United States, states:

That he is Assistant General Counsel of Ford Motor Company and is responsible for Ford's intellectual property law matters; that he has read, is familiar with, and has personal knowledge of the contents and factual statements of the foregoing Verified Complaint and that the allegations thereof are true and correct to the best of his knowledge. To the extent that matters are not within his personal knowledge, the facts stated therein have been assembled by authorized personnel, including counsel, and he is informed that the facts stated therein are true and correct.

Executed this 9 day of February 2011 in Dearborn, Michigan

  
\_\_\_\_\_  
William J. Coughlin