

14. This action has been filed to combat online trademark who trade upon Plaintiff's reputation and goodwill and valuable intellectual property by selling and/or offering for sale unauthorized and infringing versions of the MILWAUKEE Products in violation of Plaintiff's federally registered trademark.

15. Plaintiff Milwaukee Tool has long engaged in the business of manufacturing and marketing in interstate commerce tools sold under the MILWAUKEE Trademark. MILWAUKEE is a federally registered trademark of Milwaukee Tool; Trademark Registration No. 6,175,446 (the "MILWAUKEE Mark").

Trademark	Registration No.	Goods and Service
	6,175,446	Clothing, namely, jackets, shirts, sweatshirts and hats; all the foregoing not relating to baseball or softball or to a baseball or softball team, league, mascot or stadium in Classes 022, 039

16. The registrations constitute prima facie evidence of validity of the mark, the validity of the registrations, Plaintiff's ownership of the MILWAUKEE Mark, and Plaintiff's exclusive right to use the MILWAUKEE Mark in connection with the specified goods and services, pursuant to 15 U.S.C. § 1057(b).

17. The registration for the MILWAUKEE Mark is valid, subsisting, and unrevoked. The MILWAUKEE Mark has been used in commerce continuously for more than five years since being registered and it has never been cancelled or abandoned; therefore, Plaintiff's right to use the mark in connection with the designated goods and services is incontestable pursuant to 15 U.S.C. § 1065, Plaintiff having complied with the requirements of that provision.