

trademarks for the twin purposes of (i) duping and confusing the consuming public and (ii) earning substantial profits. Accordingly, Brabus has gone to great lengths to protect its name and enforce its intellectual property rights.

19. Much of Brabus's success is owed to its longstanding and consistent use of its trademarks. Brabus is the owner of U.S. Trademark Registration No. 2,628,813 for "Brabus", registered on October 1, 2002, in connection with:

- International Class 018 - Leather and imitation leather goods, namely umbrellas, suitcases, travelling trunks and travelling bags, and wallets.
- International Class 025 - Clothing, namely t-shirts, sweatshirts, pants, jackets, coats, work clothes, work shoes; hats, footwear and scarves.
- International Class 009 - Measuring instruments for installation in motor vehicles, namely, speedometers, tachometers, ammeters, voltmeters, odometers, magnetic compasses, engine temperature thermometers.
- International class 014 - Sterling silver keyrings, clocks; watches.
- International class 012 - Motor vehicles parts, namely, shock absorbers, spring struts for motor vehicle chassis, gearshift levers and gearboxes, steering wheels, exhaust systems, namely, fan-type manifolds, center parts and tail-end silencers and mufflers; motor vehicles, namely automobiles, motor vehicle parts and accessories therefor, namely motor vehicle tires and rims, springs, motor vehicle engine, side covering and lateral paneling, and tail aprons seats and head restrains for vehicle, spoiler.
- International class 037 - Installation of motor vehicle stereo equipment, cruise controls, vehicle anti-theft alarms, vehicle cellular phones, vehicle computer accessories therefor; customizing, tuning and detailing of motor vehicles, namely carrying out modifications of the engine, body, wheels and/or interior trim of mass-produced motor vehicles; painting of motor vehicles or parts thereof; installation of interior trim for motor vehicles.

20. Registration No. 2,628,813 is valid, in full force and effect, and incontestable. A copy of the registration certificate is attached as Exhibit 1.

21. Brabus is also the owner of U.S. Trademark Registration No. 6,762,978 for "Brabus", registered on June 21, 2022, in connection with:

- International Class 012 - Apparatus for locomotion by land, air or water, namely, automobiles, airplanes, and boats; Structural parts and fittings therefore for vehicles; Land vehicles, in particular, automotive vehicles, lorries, motorcycles, and structural parts thereof; vehicles and apparatus for locomotion by water, namely, boats; motor yachts, sailing yachts, powerboats, sailboats, rowing boats, as well as structural parts thereof, in particular ship hulls, cabin extensions, propeller shafts; Water vehicles, namely, boats and structural parts thereof; airplanes and structural parts therefor; aircraft; Structural components, parts and fittings for and of aircraft; amphibious airplanes; Structural components of amphibious aircraft; seaplanes; Structural components of seaplanes; Air bags and security alarms for vehicles; Accessories for motor vehicles, in particular, tires and wheel rims for motor vehicles, suspension springs, shock absorbers and suspension struts for motor vehicle chassis, steering wheels, seats and head supports, spoilers, side panels, rear bumpers, brakes, seat belts, rearview mirrors, anti-dazzle devices and sun blinds for automobile windshields, tires, upholstery for vehicles, interior vehicle linings, seat covers, anti-theft devices, gear lever knobs and transmissions for motor vehicles; Drive trains for land vehicles, including motors and engines, propulsion mechanisms and gear boxes for land vehicles..
- International Class 011 - Lighting and lighting reflectors, namely lighting and lighting reflectors for vehicles; refrigerating and freezing equipment; Heating units for industrial purposes, Air conditioning and ventilation apparatus, ambient air purification units; vehicle headlights; air- conditioning apparatus and auxiliary heating for motor vehicles.
- International Class 014 - Gemstones, pearls and precious metals, and imitations thereof; jewelry; Jewelry boxes and presentation boxes for watches; Horological and chronometric instruments; Badges of precious metal, pins being jewelry; tie clips, tie pins; Key rings and key chains, and jewelry charms therefor; Key rings comprised of split rings with decorative fobs or trinkets; decorative objects and works of art of precious metals and their alloys, or coated therewith; Figurines and statuettes of previous metal and their alloys; badges of precious metals and their alloys or coated therewith; Jewelry accessories made of metal and alloys thereof, or coated therewith, namely, lapel pins, pins, tie pins, tie clips and cuff links; Fitted cases and containers for jewelry.
- International Class 020 - Hangers for clothes, namely, ties.
- International Class 021 - Scoops made of cardboard for the disposal of pet excrement.
- International Class 027 - Floor coverings and artificial floor coverings, namely carpets, rugs, and mats, in particular vehicle mats and carpets; Artificial floor coverings.

- International Class 022 - Goods of woven fabrics and fibers, namely, tarpaulins and sails, non-metal slings for loading and non-metal bands for wrapping or binding, bags and sacks for the transportation or storage of materials in bulk, awnings, tents, and unfitted vehicle covers, ropes and strings, commercial nets.
- International Class 024 - Textiles, namely, cotton fabric and acrylic fabric; Textile goods, namely, cotton fabrics and mesh-woven fabrics; Linens, namely, kitchen linens and table linens, not of paper, bed linen and bed blankets, towels of textile, bath towels, sauna towels, guest towels.
- International Class 025 - Clothing, namely, shirts, shorts, pants, jackets, socks; Footwear; Headwear, in particular, caps, cap peaks, visors; Articles of clothing, namely, shirts, shorts, pants, jackets, socks; headwear; neckties.
- International Class 028 - Sporting articles and equipment, namely, spring boards and weight lifting belts; Playground equipment, namely, climbing units and swing sets; Games, namely, video game apparatus; table top games and gambling machines; scale model vehicles; Games, namely, arcade games; toys, namely, plush toys; toy animals; Sporting articles, namely, camouflage screens and electronic golf ball dispensers; playing cards; card games; Toy model kit cars; Remote controlled toy vehicles; Toys, namely, scale model structures; electronically operated toy motor vehicles; electronic remote controlled toy vehicles; Sporting articles for gymnastics, namely, parallel bars and balance beams; balls for games, golf bags; dolls' clothing ; decorations for Christmas trees.
- International Class 033 - Alcoholic beverages, except beer, namely, spirits, wine, hard cider; pre-mixed alcoholic beverages, other than beer-based.
- International Class 001 - Chemical substances, Chemical materials, and Chemical preparations all used for general industrial manufacturing; natural fertilizers; additives, chemical, to motor fuel.
- International Class 003 - Toiletries, namely perfumery and fragrances; body cleaning and beauty care preparations, in particular, make-up, bath soaps and gels; bath preparations, not for medical purposes; deodorants and anti-perspirants; cleaning and fragrancing preparations, in particular household fragrances, vehicle cleaning preparations, leather and shoe cleaning and polishing preparations; cleaning and polishing preparations, lacquer removing preparations; detergents for automobiles; polishes for motor vehicles and vehicle tires; shampoos for vehicles; fragrances for automobiles.
- International Class 004 - Fuels and illuminants, in particular, mineral oils for use in the manufacture of other products, propellant in the nature of fuel gas, biofuels; Industrial lubricants and industrial greases; industrial waxes and cutting fluids.

- International Class 005 - Disposable paper pads for changing diapers.
- International Class 007 - Exhaust systems for motor vehicles comprising of high-performance headers, mid-parts and silencers; Kits for improving the performance of motor vehicles, namely, exhausts for motors and engines; Motor parts, namely, turbochargers, compressors, injection pumps, pistons being parts of machines and engines, crank shafts, cam shafts, thermostatic control valves for machines; Powertrains, namely, engines and motors, not for land vehicles, transmissions for water vehicles and aeroplanes.
- International Class 008 - Cutlery, namely, kitchen knives and hand-operated cutting implements for kitchen use; hand tools and implements, hand-operated, for the treatment of materials, and for building, repair and maintenance, in particular for the repair and servicing of vehicles; Hand-operated lifting jacks.
- International Class 009 - Fire alarms; euro signal emitters, namely, electrical signal attenuators, electronic signal transmitters; Computer mice in the nature of trackpads; recorded content, namely, software, in particular games software; information technology and audio-visual, multimedia and photographic devices, namely, electrical and mechanical data processing equipment, in particular for motor vehicles; Electronic apparatus and instruments in the nature of cables for electricity; Optical devices, namely, enhancers and correctors in the nature of optical lenses, glasses, sunglasses and contact lenses, corrective glasses, sunglasses, contact lenses; Global positioning system (GPS) apparatus; Measuring, detecting, monitoring and controlling devices, namely, measuring devices and apparatus used for automotive air and fuel levels; Time measuring instruments, excluding clocks and watches; measuring instruments for incorporation into vehicles, namely, odometers and speedometers; distance measuring instruments and apparatus, speed measuring indicators, temperature indicators, electricity meters.
- International Class 016 - Stationery; fountain pens; Drafting rulers; paper, cardboard and goods made from these materials, namely, works of art and figurines of paper or cardboard and architects' models; decorative objects, namely, party ornaments made of paper or cardboard; prints in the nature of photographs; posters; drawing materials for blackboards; modeling materials and materials for artists, namely, modeling clay and molds for modeling clay; paper in the nature of filtering materials in food industries; paper bags; pouches and articles for packaging, wrapping and storage of paper; stationery and printed educational supplies, namely, teaching tiles; printed matter, namely, paper signs and books; disposable paper products, namely, refuse bags of paper, tissues of paper for removing make-up, paper baby bibs; parchment paper; banners of paper; place mats of paper for beer glasses; paper cocktail parasols; shelf paper; food-wrapping paper; bunting of card paper; flags of paper; flags and pennants of paper; humidity control sheets of paper or plastic for foodstuff

packaging; face cloths made of paper; coarse paper tissues for toiletry use; hygienic hand towels of paper; paper coffee filters; coasters of paper; paper till rolls; toilet paper; bags for microwave cooking; kitchen paper rolls; kitchen rolls of paper; bibs of paper; bibs, sleeved, of paper; make-up pads of paper for removing make-up; refuse bags of paper; coin mats; paper for medical examination tables; paper wipes for cleaning; dental tray covers of paper; paper doilies; bunting of paper; face towels of paper; towels of paper; flower-pot covers of paper; paper pet crate mats, decorative paper centerpieces; paper napkins; paper handkerchiefs; facial tissues of paper; tablemats of paper; paper washcloths; paper pennants; decorations of cardboard for foodstuffs; drawer liners of paper, perfumed or not; placards of paper or cardboard; table place setting mats of cardboard; dinner place mats of cardboard; place mats of paper; place cards; absorbent sheets of paper or plastic for foodstuff packaging; absorbent pads of paper; table napkins of paper; paper tissues; tablecloths of paper; decorative table centerpieces of paper; table runners of paper; table runners of cellulose; table linen of paper; toilet rolls of paper; paper toilet seat covers; drying towels of paper; drip mats of paper; paper tissues for cosmetic use; drip mats of cardboard; drip mats of card; bags for packaging made of biodegradable paper; water filters of paper in the nature of paper coffee filters; disposable absorbent training pads for pets; disposable napkins; cellulose wipes.

- International Class 018 - Leather and imitation leather and goods made therefrom, namely umbrellas and parasols, walking sticks, luggage, travel bags, wallets and all-purpose carrying bags, saddlery, whips and apparel for animals; suitcases; Luggage, weekend bags, wallets and baby carrying bags; bags, in particular rucksacks and backpacks, satchels, purses; Trunks being luggage and suitcases; Umbrellas, sun umbrellas, beach parasols; Leather travelling bag sets.

22. Registration No. 6,762,978 is valid and in full force and effect. A copy of the registration certificate is attached as Exhibit 2.

23. Brabus is also the owner of U.S. Trademark Registration No. 2,610,469 for the “B” design mark (depicted below), registered on August 20, 2002, in connection with:



- International Class 007 - Motor vehicle parts, namely, exhaust systems, namely fan-type manifolds, center parts and tail-end silencers and mufflers.



- International Class 011 - Measuring instruments for installation in motor vehicles, namely speedometers, tachometers, ammeters, voltmeters, odometers, magnetic compasses, engine temperature thermometers.
- International Class 012 - Motor vehicles, namely automobiles, motor vehicle parts and accessories therefor, namely, motor vehicles tires and rims, springs, engines for land vehicles, side covering and lateral paneling, tail aprons, seats and head restraints for vehicles; spoiler, shock absorbers, spring struts for motor vehicle chassis, gearshift levers and gearboxes, steering wheels.
- International Class 014 - Sterling silver keyrings, clocks; watches.
- International Class 018 - Leather and imitation leather goods, namely umbrellas, suitcases, travelling trunks and travelling bags, and wallets.
- International Class 025 - Clothing, namely, T-shirts, sweatshirts, pants, jackets, coats, work clothes, namely, overalls and jumpsuits; work shoes; hats, footwear and scarves.
- International Class 037 - Installation of motor vehicle stereo equipment, cruise controls, vehicle anti-theft alarms, vehicle cellular phones, vehicle computers accessories therefore; customizing, tuning and detailing of motor vehicles, namely carrying out modifications of the engine, body, wheels and/or interior trim of mass-produced motor vehicles; painting of motor vehicles or parts thereof; installation of interior trim for motor vehicles.

24. Registration No. 2,610,469 is valid, in full force and effect, and incontestable. A copy of the registration certificate is attached as Exhibit 3.

25. U.S. Trademark Registration Nos. 2,628,813 (BRABUS), 6,762,978 (BRABUS) and 2,610,469 (B), shall be collectively referred to as the “Brabus Marks”.

26. Approximately 80 percent of the business of Brabus in the United States consists of its extensive line of SUV packages for the Mercedes Benz G-class, colloquially known as the G-Wagon. Brabus’s G-class offerings vary in style and performance, consisting of exterior body kits, wheels, numerous interior components, and significant powertrain and drivetrain upgrades, non-limiting examples of which are depicted below: