

S'well Bottle secures \$19 million in damages against imitators

New York, February 2, 2017 -- In a judgment handed down late Wednesday from the Southern District of New York, S'well Bottle secured \$19 million in damages against defendants accused of trademark infringement. The Court entered an order of default judgment awarding \$1 million in damages against each of the defendants and the importer selling counterfeit versions of S'well's well-known and popular bottle on the digital marketplace DHGate.

On December 12, S'well filed a Complaint and Motion for Temporary Restraining Order in the United States District Court for the Southern District of New York for trademark infringement and counterfeiting against the Chinese website operator DHgate.com and 19 sellers of counterfeit products that dupe consumers into believing the products are authentic S'well Bottles. The following day, the court granted S'well a temporary restraining order and an order freezing the assets of the Defendants, enjoining and restraining them from manufacturing, shipping, importing, exporting, advertising, marketing, selling, or otherwise offering for sale counterfeit products or any other products confusingly similar to S'well Bottles; and ordering them to show cause why a preliminary injunction should not be entered pending trial of this matter. On December 22, U.S. District Judge Lewis A. Kaplan in New York granted a preliminary injunction against 19 defendant sellers enjoining them from making, selling, or distributing the counterfeit bottles.

"With this judgment we hope that infringers of S'well's registered trademarks receive the message that our company will prosecute infringers against any influx into the U.S. of any products that mislead the public into believing they are authentic S'well bottles," said Darci J. Bailey, General Counsel at S'well. "We are appreciative that Judge Kaplan granted us an asset freeze to assist us in recovering any illegally obtained funds from the sale of infringing goods."

S'well was launched in 2010 with a mission of reducing the number of plastic bottles that end up in landfills. The stylish, high-quality bottles come in a variety of sizes and colors, and are sold at well-known retailers and department stores across the United States as well as 65 countries worldwide.

"We are extremely pleased with the outcome as we are committed to protecting our intellectual property rights in the S'well bottle and S'well's well-known brand and commitment to health, wellness, conservation, and the environment," said Sarah Kauss, founder and CEO of S'well.

S'well Bottle was represented by Lora Brzezynski, Claire M. Maddox and Brendon E. Zahner of Dentons and Darci J. Bailey and Miriam Kavalerchik of S'well Bottle.

Case #16 CV 9520, Can't Live Without It, Inc. d/b/a S'well Bottle v. Shanghai2008 (HK) Trading Limited, et. al.