

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

INDICTMENT

- v. - :

13 Cr.

RICHARD DININNI, :

Defendant. :

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COUNT ONE

(Conspiracy to Traffic in Counterfeit Goods)

The Grand Jury charges:

The Defendant

1. At all times relevant to this Indictment, RICHARD DININNI, the defendant, resided in Easton, Pennsylvania and operated Professional Parts USA, a company specializing in the supply of automotive parts.

Background On The Automotive Parts Market

2. New automobiles sold to consumers are equipped with automotive parts that are manufactured or provided by the automobile's manufacturer (the "Original Equipment Manufacturer" or "OEM"). OEMs in the United States include automobile manufacturers such as the Ford Motor Company and General Motors, as well as companies, such as Federal Mogul, which contract with automobile manufacturers to produce specific parts. When a consumer needs to replace a part in an automobile, the consumer

can generally purchase one of two types of replacement parts: (i) parts made by the OEMs and which are sold under the OEMs' brand names and trademarks ("OEM Parts") or (ii) generic parts made by other manufacturers that are commonly referred to as "aftermarket" parts. Many types of aftermarket parts, including specifically those sold and falsely packaged as OEM Parts by RICHARD DININNI, the defendant, do not have to meet independent federal safety standards, and all types of aftermarket parts are regularly bought and sold lawfully as aftermarket parts, typically for lower prices than OEM Parts.

#### Overview of the Counterfeit Goods Conspiracy

3. From at least in or about November 2011, through at least in or about June 2012, RICHARD DININNI, the defendant, and others deceptively packaged and caused to be packaged certain aftermarket automotive parts - including brake pads and water pumps - in packaging bearing counterfeit marks purporting to be authentic marks registered with the United States Patent and Trademark Office by OEMs such as the Ford Motor Company, General Motors, and Federal Mogul (the "Manufacturers") to make it appear that those parts were manufactured by these OEMs when in truth and in fact they were not. DININNI and others sold these parts to individuals and entities that they understood would resell them to the general public and to certain automotive repair shops, including those that service New York City's taxis and

limousines (which are subject to separate and regularly scheduled safety testing by the New York City Taxi and Limousine Commission). At various times during this time period, DININNI and others traveled through New York, New York from Pennsylvania to Queens, New York to deliver the aftermarket parts he and others had packaged with materials bearing counterfeit marks.

#### Statutory Allegations

4. From at least in or about November 2011, through at least in or about June 2012, in the Southern District of New York and elsewhere, RICHARD DININNI, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 2320(a).

5. It was a part and an object of the conspiracy that RICHARD DININNI, the defendant, and others known and unknown, intentionally and knowingly would and did traffic in goods and services, and would and did knowingly use a counterfeit mark on and in connection with such goods and services, and would and did intentionally and knowingly traffic in labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation and packaging of a type and nature, knowing that a counterfeit mark had been applied thereto, the use of which was likely to cause confusion,

to cause mistake, and to deceive, in violation of Title 18, United States Code, Section 2320(a).

Overt Acts

6. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about May 8, 2012, RICHARD DININNI, the defendant, delivered a quantity of brake pads packaged in materials bearing counterfeit Ford Motorcraft marks through Manhattan, New York to an individual located in Long Island City, New York.

b. In or about April 2012, a co-conspirator not named as a defendant herein working with DININNI packaged a quantity of brake pads in materials bearing counterfeit Ford Motorcraft marks, knowing that those parts would be sold to another individual.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Trafficking in Counterfeit Goods)

The Grand Jury further charges:

7. The allegations contained in paragraphs 1 through 3 and 6 of this Indictment are repeated, re-alleged, and incorporated by reference as though fully set forth herein.

8. From at least in or about November 2011, through at least in or about June 2012, in the Southern District of New York and elsewhere, RICHARD DININNI, the defendant, intentionally and knowingly did traffic in goods and services, and did knowingly use a counterfeit mark on and in connection with such goods and services, and did intentionally and knowingly traffic in labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation and packaging of a type and nature, knowing that a counterfeit mark had been applied thereto, the use of which was likely to cause confusion, to cause mistake, and to deceive, to wit, DININNI packaged and thereafter sold certain aftermarket automotive parts, including brake pads and water pumps, in packaging bearing counterfeit marks purporting to be authentic marks that had been registered with the United States Patent and Trademark Office by the Ford Motor Company.

(Title 18, United States Code, Sections 2320(a) and 2.)

FORFEITURE ALLEGATION

9. As a result of committing the offenses alleged in Counts One and Two of this Indictment, RICHARD DININNI, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461, any property, real and

personal, that constitutes or is derived from proceeds traceable to the commission of the offense, and pursuant to Title 18, United States Code, Sections 2320(c) and 2323(b), any article, the making or trafficking of which is prohibited by Title 18, United States Code, Section 2320(a), and any property used, or intended to be used, in any manner or part to commit or facilitate the commission of the offense.

Substitute Asset Provision

10. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of RICHARD DININNI, the defendant, up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)



FOREPERSON

Preet Bharara  
PREET BHARARA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(18 U.S.C. §§ 371, 2320(a) and 2.)

PREET BHARARA

United States Attorney.

A TRUE BILL

  
Foreperson.

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