

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 10-317
v.	*	SECTION: "I"
BAKIR RAJKOTWALA a/k/a "Bakir"	*	VIOLATION: 18 U.S.C. § 2320
	* * *	

FACTUAL BASIS

Should this matter have proceeded to trial, the government would have proven, through the introduction of competent testimony and admissible tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **BAKIR RAJ KOTWALA**, has agreed to plead guilty as charged to the one-count indictment for trafficking in counterfeit goods in violation of Title 18, United States Code, Section 2320.

A Special Agent with the Department of Homeland Security (DHS) would testify that on October 22, 2010, she personally observed counterfeit "NFL" football jerseys being sold at a store called Big Easy Gifts located at 710 Saint Peters Street, New Orleans, Louisiana within the Eastern District of Louisiana.

This DHS agent would testify that she observed numerous counterfeit NFL jerseys being sold in the store. She would also testify that the jerseys contained the trademarked Saints “Fleur de Lis” logo, “Rebook” logo and the “NFL” logo. Furthermore, she would testify that the jerseys were for sale for \$69.99 each as evidenced by the price tag /hologram label attached to the counterfeit jersey. Finally, she would testify that the label attached to the jersey also contained a false hologram purportedly issued by the NFL.

A witness from the Louisiana Secretary of State would testify that the defendant is the registered agent for Big Easy Gifts located at 710 Saint Peters Street, New Orleans, Louisiana.

On October 27, 2010 DHS and FBI agents executed a search warrant upon Big Easy Gifts and confiscated 58 counterfeit “NFL” football jerseys with false NFL holograms. DHS agents seized these jerseys which are valued at approximately \$3,480.00

Representatives of the NFL would be called to testify that the purpose of the legitimate NFL hologram is to discourage the counterfeiting of NFL apparel and to prevent counterfeiters from using the NFL trademarks. Furthermore, NFL representatives would testify that the 58 jerseys seized from Big Easy Gifts are indeed counterfeit and produced without authorization from the trademark holders.

A U.S. Customs and Border Patrol Form 6051S Custody Receipt for Seized Property and Evidence was prepared on November 22, 2010 for the counterfeit jerseys. The items were seized because they bear counterfeit trademarks that are registered with the U. S. Patent and Trademark Office and recorded with Customs and Border Protection.

The defendant admits he intentionally trafficked in these counterfeit goods in that he purchased these items to sell to the public with full knowledge they were counterfeit. Defendant also

admits that he knowingly used or caused to be used, counterfeit marks on and in connection with such goods and services, which were in use and were registered on the principal register of the United States Patent and Trademark Office.

Defendant also admits the use of the counterfeit marks on the seized items was likely to cause confusion, to cause mistake, and to deceive the public into believing the items were genuine NFL and Reebok merchandise which the defendant knew they were not actual NFL authorized apparel.

W. SCOTT LARAGY
Assistant United States Attorney

Date

BAKIR RAJKOTWALA
Defendant

Date

STEVE LONDON, Esquire
Counsel for Defendant

Date