

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL NO. 21-100

v. * SECTION: "G"

ODAI WIRELESS, LLC *
d/b/a "ELITE WIRELESS" *

* * *

FACTUAL BASIS

Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimonial, physical, and demonstrative evidence, the following facts, beyond a reasonable doubt, to support the charge pending against defendant **ODAI WIRELESS, LLC d/b/a "ELITE WIRELESS" (ODAI)**.

On or about 2013, in the Eastern District of Louisiana, Jihad "Jay" Abuein ("Abuein") incorporated **ODAI** as a limited liability company and listed himself with the Louisiana Secretary of State as the sole registered agent and officer/member. Thereafter **ODAI** opened a retail establishment at [REDACTED] South Claiborne Avenue, Suite C, in New Orleans, Louisiana, doing business as Elite Wireless.

In December of 2019, China announced the discovery of a novel infectious coronavirus, which was named COVID-19. In approximately February of 2020, the United States government declared that the COVID-19 virus was a public health emergency. In March of 2020, the World Health Organization officially deemed COVID-19 as a worldwide pandemic. In April of 2020, the Centers for Disease Control and Prevention recommended the wearing of non-medical face masks

AUSA [Signature]
Defendant JA
Defense Counsel [Signature]

to lessen the transmission of COVID-19. By June of 2020, the city of New Orleans implemented a mask requirement for certain gatherings/venues.

On June 10, 2020, United States Customs and Border Protection (CBP) Officers examined and subsequently seized the contents of a parcel destined for delivery to Abuein at his residence at [REDACTED] Gretna, Louisiana, 70056. The parcel, which was manifested as containing 31kg of "hardware hooks" valued at \$234.00, consisted of two (2) boxes of counterfeit designer face masks. A total of 1,208 face masks, portraying "Burberry", "Gucci", and "Supreme" logos were seized pursuant to a violation of 19 U.S.C. § 1526(e), relative to bearing counterfeit trademarks recorded with CBP.

Documents and evidence obtained by the United States Department of Homeland Security ("HSI") from the clothing manufacturers for "Supreme,"¹ "Burberry,"² and "Gucci"³ would affirm that the creative logos for "Supreme," "Burberry," and "Gucci" are distinct and recognizable as being affiliated with each respective brand. In addition, the manufacturers for "Supreme," "Burberry," and "Gucci" had registered the trademarks displayed on the seized cloth masks and the copyrighted images displayed on the products being shipped to Abuein for resale at the ODAI storefront were in fact counterfeit and infringed upon. Upon further investigation, HSI agents determined that only several "Supreme" counterfeit masks were for sale at the ODAI storefront.

This proffer of evidence is not intended to constitute a complete statement of all facts known by the government or ODAI, but rather is a minimum statement of facts intended to prove


¹ Chapter 4 Corp is the owner Supreme products and the owner of its trademark.

² Burberry Limited is the owner Burberry products and the owner of its trademark.

³ Guccio Gucci S.p.A. is the owner Gucci products and the owner of its trademark.

the necessary factual predicate for the guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal and factual basis for **ODAI's** plea of guilty.

READ AND APPROVED:



JEHAD "JAY" ABUEIN
Representative for Defendant Odai Wireless, LLC
d/b/a "Elite Wireless"

5-26-22

Date



MICHAEL CIACCIO
Attorney for Defendant

5/26/22

Date



EDWARD J. RIVERA
Assistant United States Attorney

5/26/22

Date