

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 15-_____**
v. : **DATE FILED: March 17, 2015**
YUNG CHUNG : **VIOLATIONS:**
: **18 U.S.C. § 371 (Conspiracy – 1 count)**
: **18 U.S.C. § 2320 (trafficking in**
: **counterfeit goods – 1 count)**
: **18 U.S.C. § 1343 (wire fraud – 1 count)**
: **Notice of forfeiture**

INFORMATION

COUNT ONE

(Conspiracy)

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this information:

1. Misikko was an online retailer offering high-end hair care equipment, such as flat irons, blow dryers and curling irons, for sale to the public on a website called Misikko.com. Misikko had a warehouse located at 3920 A North Providence Road, Newtown Square, PA 19073.
2. The V&C Group, Inc. (V&C Group) owned Misikko and the Misikko.com website. Defendant YUNG CHUNG was the Vice President of the V&C Group. The President of The V&C Group was an individual whose identity is known to the United States Attorney (“the President”).
3. Defendant YUNG CHUNG worked at Misikko, reporting to the President. Defendant CHUNG primarily handled marketing and search engine optimization for Misikko, Another employee of Misikko, whose identity is known to the United States Attorney (“the

Employee”), primarily handled customer service and ordering of product for Misikko, and reported to defendant CHUNG.

4. The President of Misikko also owned the rights to the Misikko “house brand” of hair care equipment known as HANA.

5. Misikko was the sole distributor of HANA products.

6. From in or about August 2009 until in or about June 2013, in Newtown Square, in the Eastern District of Pennsylvania and elsewhere, defendant

YUNG CHUNG

conspired and agreed together and with others known and unknown to the United States Attorney, to commit offenses against the United States, that is, to (a) intentionally traffic and attempt to traffic in goods, specifically CHI, T3 and BabyLiss brand hair care equipment including blow dryers, curling irons and flat irons, all of which were counterfeit, and knowingly use on and in connection with such goods counterfeit marks, that is spurious marks identical to and substantially indistinguishable from the marks that appear on and are registered for genuine trademarked CHI, T3 and BabyLiss hair care equipment, on the principal register of the United States Patent and Trademark Office, which were in use at the time, and the use of which were likely to cause confusion, to cause mistake and to deceive, in violation of Title 18, United States Code, Section 2320(a) (trafficking in counterfeit goods); and (b) knowingly execute by means of a wire or radio communication in interstate commerce a scheme and artifice to defraud customers of Misikko, and to obtain money and property through false and fraudulent pretenses, representations and promises, in violation of Title 18, United States Code, Section 1343 (wire fraud).

MANNER AND MEANS

It was a part of the conspiracy that:

7. Defendant YUNG CHUNG and others searched for manufacturers of counterfeit CHI, T3 and BabyLiss hair care equipment and purchased the counterfeit CHI, T3 and BabyLiss hair care equipment to sell it to the public.

8. To hide Misikko's purchase of counterfeit hair care equipment, at the direction of the President, the Employee often paid for the counterfeit CHI, T3 and BabyLiss hair care equipment using money orders or PayPal accounts not associated with Misikko.

9. Defendant YUNG CHUNG and others falsely advertised on the Misikko.com website that all of the counterfeit CHI, T3 and BabyLiss hair care equipment that Misikko offered for sale was genuine.

10. When customers of Misikko who had purchased the counterfeit CHI, T3 and BabyLiss hair care equipment from the Misikko.com website complained that the goods were fakes, defendant YUNG CHUNG and others, at the direction of the President, sent emails insisting that the goods were genuine.

11. Defendant YUNG CHUNG and others falsely advertised on the Misikko.com website that if customers of Misikko bought "pink" breast cancer awareness products, that a portion of the purchase price would be donated to a breast cancer charity, when, as defendant CHUNG and others well knew, no such donations would be, or were, made.

12. Defendant YUNG CHUNG and others sold "pink" breast cancer awareness products, having falsely advertised that if customers of Misikko bought those "pink" breast cancer

awareness products, a portion of the purchase price would be donated to a breast cancer charity, when, as defendant CHUNG and others well knew, no such donations would be, or were, made.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, defendant YUNG CHUNG and others known and unknown to the United States Attorney, committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

1. On or about February 18, 2010, V&C Group became the registrants for a domain name containing the name of the leading high-end hair care equipment brand whose products they were not authorized to sell, in an effort to drive internet traffic to the Misikko.com website.

2. On or about September 6, 2010, defendant YUNG CHUNG and others purchased counterfeit CHI hair straighteners from a Chinese distributor of counterfeit goods for sale to the public on the Misikko.com website.

3. On or about September 7, 2010, defendant YUNG CHUNG and others purchased counterfeit CHI hair straighteners from a Chinese distributor of counterfeit goods for sale to the public on the Misikko.com website.

4. On or about September 17, 2010, defendant YUNG CHUNG and others purchased counterfeit CHI and T-3 hair straighteners from a Chinese distributor of counterfeit goods for sale to the public on the Misikko.com website.

5. On or about January 25, 2011, defendant YUNG CHUNG and others purchased counterfeit CHI hair dryers from a Chinese distributor of counterfeit goods for sale to the public on the Misikko.com website.

6. On or about July 15, 2011, HSI agents, acting in an undercover capacity, purchased products from the Misikko.com website. On or about July 18, 2011, HSI agents received these products from Misikko.com. Two of the items purchased and received included a counterfeit a 2" Farouk CHI Turbo Flat Iron and a counterfeit 1" CHI Flat Iron (Blue Camouflage).

7. On various dates from August 2009 until June 2013, through the Misikko.com website, defendant YUNG CHUNG and others sold approximately 200 "pink" breast cancer awareness products, for a total of approximately \$25,471.78, having falsely advertised that if customers of Misikko bought "pink" breast cancer awareness products, that a portion of the purchase price would be donated to a breast cancer charity, when, as defendant CHUNG and others well knew, no such donations would be, or were, made, each sale constituting a separate overt act.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

(Trafficking in Counterfeit Goods)

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Paragraphs 1 through 5 of Count One are incorporated here.
2. From in or about August 2009 through June 2013, in Newtown Square, in

the Eastern District of Pennsylvania, and elsewhere, defendant

YUNG CHUNG

intentionally trafficked and attempted to traffic and aided and abetted the trafficking in approximately \$150,346 worth of goods, specifically flat irons, blow dryers, and other hair care equipment which were counterfeit, and knowingly used on and in connection with such goods counterfeit marks, that is spurious marks identical to and substantially indistinguishable from the shape and imprints found on genuine flat irons, blow dryers, and other hair care equipment, which marks were in use and were registered for those products by those companies on the principal register of the United States Patent and Trademark Office, the use of which counterfeit marks was likely to cause confusion, to cause mistake and to deceive.

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

COUNT THREE

(Wire Fraud)

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Paragraphs 1 through 5 of Count One are incorporated here.

THE SCHEME

2. From on or about August 2009 through June 2013, defendant

YUNG CHUNG

devised and intended to devise a scheme to defraud Misikko.com customers and to obtain money and property by means of false and fraudulent pretenses, representations and promises.

MANNER AND MEANS

It was part of the scheme that:

3. The defendant engaged in the manner and means alleged in paragraphs 7 through 12 of Count One, which are incorporated here.

4. On or about July 21, 2010, in Newtown Square, in the Eastern District of Pennsylvania, and elsewhere, defendant

YUNG CHUNG,

and others known and unknown to the United States Attorney, for the purpose of executing the above-described scheme to defraud, transmitted and caused to be transmitted by means of wire communication in interstate commerce, certain signs, signals and communications, that is, they caused a credit card payment of \$434.97 to be wired from California to Misikko's bank account, a Citizens Bank account no. XXXXXX 2795, for three HANA breast cancer awareness professional flat irons.

In violation of Title 18, United States Code, Section 1343.

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Section 2320 as set forth in Count Two of this information, defendant

YUNG CHUNG

shall forfeit to the United States all property, real or personal, used, or intended to be used, in any manner or part to commit or facilitate the commission of the offense and all property constituting or derived from any proceeds obtained directly or indirectly as a result of the commission of the offense.

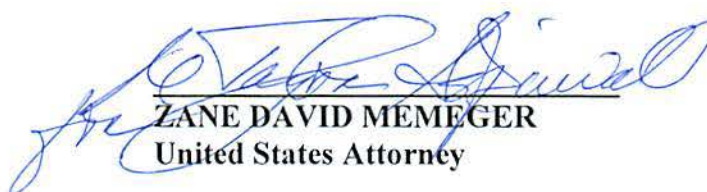
2. The property to be forfeited includes, but is not limited to, a forfeiture money judgment in the amount of \$150,346, that is, the proceeds of the violations alleged in Count Two of this information.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of the due diligence;
- b. has been transferred to or sold to, or deposited with, a third party;
- 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), as incorporated by Title 28, United States Code, 2461(c), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

Pursuant to Title 18, United States Code, Section 2323(b)(1) and Title 28, United States Code, Section 2461(c).



ZANE DAVID MEMEGER
United States Attorney