

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

DAISY NAIL PRODUCTS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:24-cv-2298 (LMB/WBP)
	)	
CNC NAIL PRODUCTS LLC,	)	
	)	
Defendant.	)	

ORDER

On December 20, 2024, plaintiff Daisy Nail Products, Inc. (“plaintiff” or “Daisy Nail”) filed a four-count Complaint against CNC Nail Products LLC (“defendant”) alleging that defendant violated the Lanham Act, 15 U.S.C. §§ 1114(1), 1125(a), the Virginia trademark infringement and unfair competition statute, Va. Code §§ 59.1-92.12–13, and Virginia common law related to the same, for its use of the DN SUMMER GEL trademark, which is identical in part and confusingly similar to plaintiff’s distinctive trademarks to sell goods related to and competitive with defendant’s goods. Since service of process was returned executed, defendant has not filed any responsive pleading in this civil action. On April 8, 2025, the Clerk’s office entered a default against defendant, [Dkt. No. 7], and on May 20, 2025, plaintiff filed a Motion for Default Judgment, [Dkt. No. 8].

The Complaint’s allegations, which are deemed admitted when a defendant has defaulted, see Ryan v. Homecomings Fin. Network, 253 F.3d 778, 780 (4th Cir. 2001), describe in detail how defendant’s DN SUMMER GEL trademark that it uses for its nail products is confusingly similar to plaintiff’s DN—for “Daisy Nail”—trademarks, which were registered and used in

commerce for many years before defendant applied for its trademark on May 24, 2023.¹ The allegations in the Complaint adequately support the federal and state causes of action for trademark infringement and unfair competition.

Having reviewed the Motion for Default Judgment and the supporting documentation and determined that: (i) this Court has jurisdiction and service upon the defendant was proper; (ii) venue is proper in this district; (iii) defendant has failed to respond to the Complaint and is in default; (iv) the Complaint alleges facts establishing all the necessary elements of a claim pursuant to 15 U.S.C. §§ 1114(1), 1125(a), Va. Code §§ 59.1-92.12-13, and Virginia common law governing trademarks; and (v) the relief requested is reasonable, plaintiff's Motion for Default Judgment, [Dkt. No. 8], is GRANTED; and it is hereby

ORDERED, ADJUDGED, and DECREED that defendant, its officers, agents, representatives, servants, employees, attorneys, successors and assigns, and all others in active concert or participation with defendant be and are permanently ENJOINED from: (i) imitating, copying, or making any other infringing use of the Daisy Marks, as defined and referenced in the Complaint, (the "Daisy Marks") and the confusingly similar DN SUMMER GEL trademark, and any other mark now or hereafter confusingly similar to the Daisy Marks; (ii) manufacturing, assembling, producing, distributing, offering for distribution, circulating, selling, offering for sale, advertising, importing, promoting, or displaying any simulation, reproduction, counterfeit, copy, or colorable imitation of the Daisy Marks, the confusingly similar DN SUMMER GEL trademark, or any mark confusingly similar thereto; (iii) using any false designation of origin or false description or statement which can or is likely to lead the trade or public or individuals

¹ Plaintiff opposed defendant's trademark application, and defendant appears to have abandoned the application by failing to respond timely to an office action by the Patent and Trademark Office. See Compl. ¶ 25.

erroneously to believe that any goods have been provided, produced, distributed, offered for distribution, circulation, sold, offered for sale, imported, advertised, promoted, displayed, licensed, sponsored, approved, or authorized by or for Daisy Nail, when such is not true in fact; (iv) using the names, logos, or other variations thereof of the Daisy Marks or the confusingly similar DN SUMMER GEL trademark in any of defendant's trade or corporate names; (v) engaging in any other activity constituting an infringement of the Daisy Marks, or of the rights of Daisy Nail in, or right to use or to exploit the Daisy Marks; and (vi) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs (i) through (v) above; and it is further

ORDERED that defendant publish notice to all customers and members of the trade who may have seen or heard of defendant's use of the confusingly similar DN SUMMER GEL trademark, which notice shall disclaim any connection with Daisy Nail and shall advise them of the Court's injunction order and of defendant's discontinuance from all use of the confusingly similar DN SUMMER GEL trademark; and it is further

ORDERED that defendant shall hold in trust, as constructive trustee for the benefit of Daisy Nail, its profits obtained from its use of the confusingly similar DN SUMMER GEL trademark; and it is further

ORDERED that defendant shall provide Daisy Nail a full and complete accounting of all amounts due and owing to Daisy Nail as a result of defendant's illegal activities; and it is further

ORDERED that any and all infringing products from any medium containing the confusingly similar DN SUMMER GEL trademark that is within defendant's possession, custody, or control be destroyed pursuant to 15 U.S.C. § 1118; and it is further

ORDERED that defendant file with this Court, and serve upon Daisy Nail, within thirty (30) days after issuance of this Order, a written report by defendant, under oath, setting forth in detail the manner in which defendant has complied with the injunction pursuant to 15 U.S.C. § 1116(a); and it is further

ORDERED that, if plaintiff seeks to recover reasonable attorneys' fees, plaintiff file an affidavit pursuant to 15 U.S.C. § 1117 within fourteen (14) days of the date of this Order.

The Clerk is directed to forward copies of this Order to counsel of record and defendant at 911 S. Pickett St., Unit A, Alexandria, VA 22304; and 4933 Trail Vista Lane, Chantilly, VA 20154 by certified mail, return receipt requested.

Entered this ¹²12 day of June, 2025.

Alexandria, Virginia



Leonie M. Brinkema
United States District Judge