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Department of Justice

U.S. Attorney's Office

District of Rhode Island

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Monday, April 12, 2021

Manufacturer Sentenced for Conspiring to Manufacture and Sell Counterfeit Goods

PROVIDENCE – A Brooklyn, NY, businessman who admitted to arranging the manufacture of counterfeit clothing, apparel, and gear, in China and Pakistan, that was shipped to wholesalers for distribution in the United States, including to the United States military, has been sentenced to 18 months in federal prison and ordered to pay a \$15,000 fine.

Bernard Klein, 40, conspired with New York wholesaler Ramin Kohanbash, 51, to arrange the mass production of goods in China and Pakistan that carried counterfeit markings and labels identical to genuine trademarks registered with the U.S. Patent and Trademark Office.

According to court documents, Klein was provided samples of genuine clothing, apparel, and gear by Kohanbash, for reverse engineering in China. Prior to the approval of mass production of the counterfeit goods, Klein provided a preproduction sample of the counterfeit and falsely labeled goods to Kohanbash, and Klein emailed photographs of the counterfeit goods, as well as false hangtags and labels, to Kohanbash for approval. After making changes ordered by Kohanbash, Klein facilitated the manufacturing of goods that contained counterfeit markings identical to genuine marks registered with the U.S. Patent and Trademark Office. During the course of the conspiracy, Kohanbash paid Klein \$10.9 million dollars for the counterfeit and falsely labeled goods.

Among the counterfeit items produced in China and Pakistan, and shipped to Kohanbash in the United States for distribution, were counterfeit FREE® hoods, counterfeit Polartec® fleece shirts, counterfeit United Joint Forces® Multicam® APEC parkas, and Gen III Level 7 parkas bearing counterfeit Primaloft® and ADS® hangtags. The FREE® hoods were falsely labeled as meeting flame resistance standards, when in fact they lacked such safety features. Likewise, the Multicam® APEC parkas lacked the important near-infrared signature management technology designed to make the wearer more difficult to detect with equipment such as night-vision goggles. Klein and Kohanbash instructed the Chinese factories on how to package the

counterfeit goods and to affix removable “Made in China” stickers to avoid detection by U.S. Customs.

Klein pleaded guilty on August 26, 2020, to conspiracy to commit mail fraud. He was sentenced on April 9, 2021, by U.S. District Court Judge William E. Smith to 18 months in federal prison to be followed by three years of federal supervised release, and ordered to pay a fine of \$15,000, together with restitution to be determined at a later date.

In tandem with the criminal case, Klein also entered into a civil settlement agreement under which he has paid \$348,000 to resolve liability to the United States under the federal False Claims Act for goods sold to certain government purchasers.

Klein’s sentence is announced by Acting United States Attorney Richard B. Myrus; Patrick Hegarty, Special Agent-in-Charge of Defense Criminal Investigative Service, Northeast Field Office; Special Agent in Charge Joseph P. Dattoria, General Services Administration Office of Inspector General, New England Regional Investigations Office; Resident Agent in Charge Michael D. Conner, Major Fraud Unit, US Army Criminal Investigation Command; William W. Richards, Special Agent in Charge, Office of Special Investigations, Office of Procurement Fraud Detachment 6, Joint Base Andrews, MD; Homeland Security Investigations Newark, NJ, Special Agent in Charge Jason J. Molina; and Marty C. Raybon, Acting Director of Field Operations, Customs and Border Protection, New York Field Office.

On June 13, 2019, Ramin Kohanbash pleaded guilty to conspiracy to commit wire fraud and trafficking in counterfeit goods. At the time of his guilty plea, Kohanbash admitted that among the items he and others arranged to counterfeit were 200 military parkas of a type used by U.S. Air Force personnel stationed in Afghanistan. These parkas were falsely represented to be genuine Multicam. He is scheduled to be sentenced on May 7, 2021. Kohanbash has separately paid a \$694,398 civil False Claims Act settlement arising out of his admitted role in ordering, producing, procuring and selling foreign made products that were intended for sale to government purchasers.

Terry Roe, 48, of Burlington, ND, a manager of a Minot, ND, company that sold uniform items and gear to the United States military and its Base Supply centers, the National Guard, police, and other government agencies, was indicted on September 30, 2020, for his alleged role in the conspiracy. Roe is awaiting trial on charges of conspiracy to commit wire fraud and trafficking in counterfeit goods; mail fraud and aiding and abetting; and trafficking in counterfeit goods and aiding and abetting.

The cases are being prosecuted by Assistant U.S. Attorneys Sandra R. Hebert, Zachary A. Cunha, and Lee H. Vilker.

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