

**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

MYA SARAY, LLC,

Plaintiff,

v.

AL-AMIR, INC.,

&

ALI HAMMOUD,

Defendants.

Civil Action No. 1:10-cv-789

**Declaration of George Ismair**

I, George Ismair, declare that if called to testify, I would testify to the best of my information and belief as follows:

1. I have personal knowledge of all facts set forth in this Declaration and, if called upon, could competently testify to those facts. I am over 18 years of age and am qualified to testify.

2. I am currently employed as an independent contractor by Tobacco Import USA, a regional hookah distribution company in Michigan that distributes multiple hookah brands, including hookahs from Mya Saray, LLC.

3. I have been employed by Tobacco Import USA since approximately December 2010.

4. Prior to my employment with Tobacco Import USA, beginning in 2007, I was employed by Al-Amir, Inc. (“Al-Amir”) as a sales manager. My duties included coordinating sales activity for Al-Amir throughout the Detroit, MI area, particularly Dearborn. In addition to working in the Al-Amir distribution facility on West Warren Avenue, I also traveled to the retail facilities that ordered hookahs in bulk from Al-Amir.

5. In my role as sales manager, I became, and am, intimately familiar with the distribution and sales practices of Al-Amir, including its general business operations.

6. It is and was an established and purposeful business practice of Al-Amir to review hookah products to determine the success of those products. It was Al-Amir’s practice to photograph and document the specifications of the successful hookah products and to import replicas of these successful hookah products. Al-Amir would acquire replicas either by locating pre-existing replicas of successful hookah products or by soliciting a third-party to seek their manufacture and import.

7. One of the successful hookah products that Al-Amir sought to replicate was the Mya Saray QT hookah, shown in Exhibit 1.

8. The Maganda hookah, shown as Exhibit 2, is a replica of the QT hookah and was purposefully sought by Al-Amir and supplied through a third-party provider, Kassir Co.

9. In an attempt to more closely resemble Mya Saray products, Al-Amir also sought to replicate Mya Saray packaging. The Mya Saray packaging is shown in Exhibit 3.

10. Al-Amir acquired the replica packaging shown in Exhibit 4 from a third party. It was meant to replicate the Mya Saray packaging of Exhibit 3.

9. Mya Saray sold hookah components in the packaging of Exhibit 5. In an attempt to more fully resemble Mya Saray hookah products, Al-Amir sought the replica packaging of Exhibit 6. It was meant to replicate the Mya Saray packaging of Exhibit 5.

10. The purposeful attempt to replicate Mya Saray products also applied to the acquisition of the Andile Light and Andile hookah products shown in Exhibit 7 and Exhibit 8, respectively. When Al-Amir was unable to acquire the Maganda hookah in quantity, it sought and acquired in quantity the Andile hookah product from TMS International in a purposeful attempt to replicate the Mya Saray QT hookah.

11. The attempts to imitate Mya Saray continue through the present day. The latest attempt by Al-Amir to imitate a Mya Saray product includes the Hookah hose markings as depicted in Exhibit 9. Although the marking of the hookah hose of Exhibit 9 reads “360” the script, font size, location, and dimensions of the lettering are meant to make consumers believe the hose is a Mya Saray hose, *See e.g. Exhibit 1*, which read “MYA.” Al-Amir purposefully sought hose lettering to accomplish consumer confusion.

12. As late as February of 2011, I witnessed Ali Hammoud in a retail outlet photographing a hookah product.

13. Although Al-Amir is generally willing to replicate any successful brand of hookah products, it principally copied products from Mya Saray and a hookah tobacco company called Starbuzz.

14. Al-Amir had two principal channels of hookah distribution. The first means of hookah distribution occurred through consistent small-scale distribution of hookahs throughout the Detroit-MI area to local retail outlets – generally 5-10 units. The second means of hookah distribution occurred through sporadic large-scale distribution of hookahs to out-of-state

companies seeking mass quantities of hookah for distribution within the purchaser's local area – generally hundreds of units. Al-Amir was known throughout much of the nation as a place in which to find inexpensive hookahs that imitate brand name hookahs.

15. Al-Amir would supply labels to further consumer confusion, including affixing “MYA” labels to products that did not originate from Mya Saray.

16. Al-Amir would intermingle non-Mya Saray products with Mya Saray products to further consumer confusion.

17. Al-Amir would construct hookahs partially from legitimate Mya Saray components and sell the hookah as a Mya Saray hookah.

18. Al-Amir sold the products of Exhibit 3 and Exhibit 5 after December 2008 - although Al-Amir did cease ordering the packaging of Exhibit 3 after December 2008.

19. After December 2008, I am not familiar with any attempt by Al-Amir to label the hookah of Exhibit 8 as Jamila or as originating from Kassir Co.

20. Al-Amir sold the products of Exhibits 7 and Exhibit 8 (hookah and hookah-in-cage), in mass quantity in 2010.

21. I declare under penalty of perjury that the foregoing is true and correct.

Executed this April 12, 2011

By:   
George Ismail

Exhibit 1



Exhibit 2



Exhibit 3



Exhibit 4.





Exhibit 5



Exhibit 6



Exhibit 7



**Andile 0001**

Exhibit 8



Exhibit 9

