

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GS HOLISTIC, LLC,

Plaintiff,

v.

THE PARTNERSHIPS and
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE "A,"

Defendants.

Case No. 19-cv-07099

COMPLAINT

Plaintiff GS Holistic, LLC ("Plaintiff" or "Grenco Science") hereby brings the present action against the Partnerships and Unincorporated Associations identified on Schedule A attached hereto (collectively, "Defendants") and alleges as follows:

I. JURISDICTION AND VENUE

1. This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Lanham Act, 15 U.S.C. § 1051, *et seq.*, 28 U.S.C. § 1338(a)-(b) and 28 U.S.C. § 1331. This Court has jurisdiction over the claims in this action that arise under the laws of the State of Illinois pursuant to 28 U.S.C. § 1367(a), because the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendants since each of the Defendants directly targets business activities toward consumers in the United States, including Illinois, through at least the fully interactive, commercial Internet stores operating under the Online Marketplace

Accounts identified in Schedule A attached hereto (collectively, the “Defendant Internet Stores”). Specifically, Defendants are reaching out to do business with Illinois residents by operating one or more commercial, interactive Defendant Internet Stores through which Illinois residents can purchase products using infringing and counterfeit versions of Grenco Science’s federally registered trademarks. Each of the Defendants has targeted sales from Illinois residents by operating online stores that offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, has sold products using infringing and counterfeit versions of Grenco Science’s federally registered trademarks to residents of Illinois. Each of the Defendants is committing tortious acts in Illinois, is engaging in interstate commerce, and has wrongfully caused Grenco Science substantial injury in the State of Illinois.

II. INTRODUCTION

3. This action has been filed by Grenco Science to combat Internet Store operators who trade upon Grenco Science’s reputation and goodwill by offering for sale and/or selling unauthorized and unlicensed products, including vaporizers, using infringing and counterfeit versions of Grenco Science’s federally registered trademarks (the “Counterfeit Grenco Science Products”). Defendants create the Defendant Internet Stores by the dozens and design them to appear to be selling genuine Grenco Science products, while actually selling Counterfeit Grenco Science Products to unknowing consumers. The Defendant Internet Stores share unique identifiers, such as design elements and similarities of the counterfeit products offered for sale, establishing a logical relationship between them and suggesting that Defendants’ counterfeiting operation arises out of the same transaction, occurrence, or series of transactions or occurrences. Defendants attempt to avoid liability by going to great lengths to conceal both their identities and the full scope and interworking of their counterfeiting operation. Grenco Science is forced to file

these actions to combat Defendants' counterfeiting of its registered trademarks, as well as to protect unknowing consumers from purchasing Counterfeit Grenco Science Products over the Internet. Grenco Science has been and continues to be irreparably damaged through consumer confusion, dilution, and tarnishment of its valuable trademarks as a result of Defendants' actions and seeks injunctive and monetary relief.

III. THE PARTIES


Plaintiff

4. Plaintiff is a limited liability company organized and existing under the laws of the State of Delaware with an office and principal place of business at 644 N. Fuller Avenue, Suite #301, Los Angeles, California 90036.

5. Since 2012, Grenco Science has been engaged in the design, distribution, and sale of user-friendly portable vaporizers and related accessories (collectively, the "Grenco Science Products"). Grenco Science engineers the most advanced, user-friendly portable vaporizers in the world.


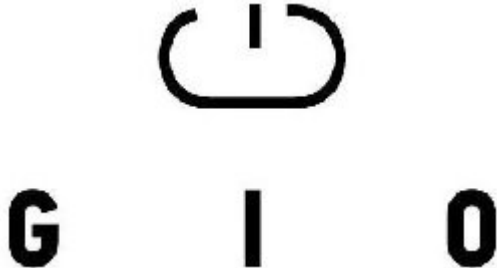
6. The Grenco Science brand is a multi-million dollar brand, and Grenco Science spends considerable resources marketing and protecting it.


7. Grenco Science has registered several of its trademarks with the United States Patent and Trademark Office. Grenco Science Products typically include at least one of Grenco Science's registered trademarks. Grenco Science uses its trademarks in connection with the marketing of its Grenco Science Products, including the following marks which are collectively referred to as the "GRENCO SCIENCE Trademarks."



Registration Number	Trademark	Goods and Services
4466586		For: Medical apparatus, namely, electronic vaporizer for personal use that emits vapor for treatment of a variety of medical conditions in class 010.
4616071	GRENCO	For: Medical apparatus, namely, electronic vaporizer for personal use that emits vapor for treatment of cancers, pain disorders, skin disease, diseases of the ear, nose and throat, psychiatric disorders, nutritional deficiencies, and diseases of the cardiovascular, respiratory, metabolic, immune, central nervous, endocrine, glandular, musculoskeletal, digestive, excretory, and reproductive systems in class 010.
4470963	GRENCO SCIENCE	For: Medical apparatus, namely, electronic vaporizer for personal use that emits vapor for treatment of cancers, pain disorders, skin disease, diseases of the ear, nose and throat, psychiatric disorders, nutritional deficiencies, and diseases of the cardiovascular, respiratory, metabolic, immune, central nervous, endocrine, glandular, musculoskeletal, digestive, excretory, and reproductive systems in class 010.
4462090	MICROG	For: Vaporizers for medical purposes in class 010.
4390645	G PEN	For: Medical apparatus, namely, electronic vaporizer for personal use that emits vapor for treatment of a variety of medical conditions in class 010.


Registration Number	Trademark	Goods and Services
5264986	G PEN ELITE	For: Electric oral vaporizers for smoking purposes; Structural parts for oral electronic vaporizers for smoking purposes, namely, atomizers, electronic vaporizer caps, vaporizer refill cartridges sold empty, clearomizers, coils, cones, drip tips, tanks; refilling tools for electronic vaporizers for smoking purposes, namely, eye droppers for liquid that is vaporizable for smoking purposes, syringes for liquid that is vaporizable for smoking purposes; Cartomizers, namely, combination electronic vaporizer refill cartridges sold empty and atomizers, sold as a component of electronic vaporizers; Cases for electronic oral vaporizers for smoking purposes; Kits for electronic oral vaporizers for smoking purposes comprising electronic oral vaporizers for smoking purposes and refill cartridges for electronic oral vaporizers for smoking purposes sold empty in class 034.
5368591	G SLIM	For: Electric vaporizers for aromatherapy purposes; Structural parts for electronic vaporizers for aromatherapy purposes, namely, atomizers, electronic vaporizer caps, vaporizer refill cartridges sold empty, clearomizers, coils, cones, drip tips, tanks; Refilling tools for electronic vaporizers for aromatherapy purposes, namely, eye droppers for liquid that is vaporizable for aromatherapy purposes, syringes for liquid that is vaporizable for aromatherapy purposes; Cartomizers, namely, combination electronic vaporizer refill cartridges sold empty and

Registration Number	Trademark	Goods and Services
		atomizers, sold as a component of electronic vaporizers; Cases for electronic vaporizers for aromatherapy purposes; Kits for electronic vaporizers for aromatherapy purposes comprising electronic vaporizers for aromatherapy purposes and refill cartridges for electronic vaporizers for aromatherapy purposes sold empty in class 010.
5363581	GIO	For: Electric vaporizers for aromatherapy purposes; Structural parts for electronic vaporizers for aromatherapy purposes, namely, atomizers, electronic vaporizer caps, vaporizer refill cartridges sold empty, clearomizers, coils, cones, drip tips, tanks; Refilling tools for electronic vaporizers for aromatherapy purposes, namely, eye droppers for liquid that is vaporizable for aromatherapy purposes, syringes for liquid that is vaporizable for aromatherapy purposes; Cartomizers, namely, combination electronic vaporizer refill cartridges sold empty and atomizers, sold as a component of electronic vaporizers; Cases for electronic vaporizers for aromatherapy purposes; Kits for electronic vaporizers for aromatherapy purposes comprising electronic vaporizers for aromatherapy purposes and refill cartridges for electronic vaporizers for aromatherapy purposes sold empty in class 010.

Registration Number	Trademark	Goods and Services
5405361	 <p>The logo consists of the word "GRENCO" in a large, bold, sans-serif font, with the word "SCIENCE" in a smaller, bold, sans-serif font centered below it.</p>	<p>For: Electric vaporizers for aromatherapy purposes; Structural parts for electronic vaporizers for aromatherapy purposes, namely, atomizers, electronic vaporizer caps, vaporizer refill cartridges sold empty, clearomizers, coils, cones, drip tips, tanks; Refilling tools for electronic vaporizers for aromatherapy purposes, namely, eye droppers for liquid that is vaporizable for aromatherapy purposes, syringes for liquid that is vaporizable for aromatherapy purposes; Cases specially adapted for electronic vaporizers for aromatherapy purposes; Kits for electronic vaporizers for aromatherapy purposes comprising electronic vaporizers for aromatherapy purposes and refill cartridges for electronic vaporizers for aromatherapy purposes sold empty in class 010.</p>
5363580	 <p>The logo features a stylized "G" symbol above the letters "G", "I", and "O" which are spaced out horizontally in a bold, sans-serif font.</p>	<p>For: Electric vaporizers for aromatherapy purposes; Structural parts for electronic vaporizers for aromatherapy purposes, namely, atomizers, electronic vaporizer caps, vaporizer refill cartridges sold empty, clearomizers, coils, cones, drip tips, tanks; Refilling tools for electronic vaporizers for aromatherapy purposes, namely, eye droppers for liquid that is vaporizable for aromatherapy purposes, syringes for liquid that is vaporizable for aromatherapy purposes; Cartomizers, namely, combination electronic vaporizer refill cartridges sold empty and atomizers, sold as a component of electronic vaporizers; Cases for electronic vaporizers for</p>

Registration Number	Trademark	Goods and Services
		<p>aromatherapy purposes; Kits for electronic vaporizers for aromatherapy purposes comprising electronic vaporizers for aromatherapy purposes and refill cartridges for electronic vaporizers for aromatherapy purposes sold empty in class 010.</p>
5405360	 <p>The logo features a large, bold, black letter 'G' on the left. To its right, the word 'GRENCO' is written in a bold, black, sans-serif font. Below 'GRENCO', the word 'SCIENCE' is written in a smaller, bold, black, sans-serif font.</p>	<p>For: Electric vaporizers for aromatherapy purposes; Structural parts for electronic vaporizers for aromatherapy purposes, namely, atomizers, electronic vaporizer caps, vaporizer refill cartridges sold empty, clearomizers, coils, cones, drip tips, tanks; Refilling tools for electronic vaporizers for aromatherapy purposes, namely, eye droppers for liquid that is vaporizable for aromatherapy purposes, syringes for liquid that is vaporizable for aromatherapy purposes; Cases specially adapted for electronic vaporizers for aromatherapy purposes; Kits for electronic vaporizers for aromatherapy purposes comprising electronic vaporizers for aromatherapy purposes and refill cartridges for electronic vaporizers for aromatherapy purposes sold empty in class 010.</p>

Registration Number	Trademark	Goods and Services
5264988		<p>For: Electric oral vaporizers for smoking purposes; Structural parts for oral electronic vaporizers for smoking purposes, namely, atomizers, electronic vaporizer caps, vaporizer refill cartridges sold empty, clearomizers, coils, cones, drip tips, tanks; refilling tools for electronic vaporizers for smoking purposes, namely, eye droppers for liquid that is vaporizable for smoking purposes, syringes for liquid that is vaporizable for smoking purposes; Cartomizers, namely, combination electronic vaporizer refill cartridges sold empty and atomizers, sold as a component of electronic vaporizers; Cases for electronic oral vaporizers for smoking purposes; Kits for electronic oral vaporizers for smoking purposes comprising electronic oral vaporizers for smoking purposes and refill cartridges for electronic oral vaporizers for smoking purposes sold empty in class 034.</p>
5,368,593		<p>For: Electric vaporizers for aromatherapy purposes; Structural parts for electronic vaporizers for aromatherapy purposes, namely, atomizers, electronic vaporizer caps, vaporizer refill cartridges sold empty, clearomizers, coils, cones, drip tips, tanks; Refilling tools for electronic vaporizers for aromatherapy purposes, namely, eye droppers for liquid that is vaporizable for aromatherapy purposes, syringes for liquid that is vaporizable for aromatherapy purposes; Cartomizers, namely, combination electronic vaporizer</p>

Registration Number	Trademark	Goods and Services
		<p>refill cartridges sold empty and atomizers, sold as a component of electronic vaporizers; Cases for electronic vaporizers for aromatherapy purposes; Kits for electronic vaporizers for aromatherapy purposes comprising electronic vaporizers for aromatherapy purposes and refill cartridges for electronic vaporizers for aromatherapy purposes sold empty in class 010.</p>
<p>5,368,594</p>		<p>For: Electric vaporizers for aromatherapy purposes; Structural parts for electronic vaporizers for aromatherapy purposes, namely, atomizers, electronic vaporizer caps, vaporizer refill cartridges sold empty, clearomizers, coils, cones, drip tips, tanks; Refilling tools for electronic vaporizers for aromatherapy purposes, namely, eye droppers for liquid that is vaporizable for aromatherapy purposes, syringes for liquid that is vaporizable for aromatherapy purposes; Cartomizers, namely, combination electronic vaporizer refill cartridges sold empty and atomizers, sold as a component of electronic vaporizers; Cases for electronic vaporizers for aromatherapy purposes; Kits for electronic vaporizers for aromatherapy purposes comprising electronic vaporizers for aromatherapy purposes and refill cartridges for electronic vaporizers for aromatherapy purposes sold empty in class 010.</p>

8. The above U.S. registrations for the GRENCO SCIENCE Trademarks are valid, subsisting, and in full force and effect. The registrations for the GRENCO SCIENCE Trademarks constitute *prima facie* evidence of their validity and of Grenco Science's exclusive right to use the GRENCO SCIENCE Trademarks pursuant to 15 U.S.C. § 1057 (b). True and correct copies of the United States Registration Certificates for the above-listed GRENCO SCIENCE Trademarks are attached hereto as **Exhibit 1**.

9. Grenco Science has built substantial goodwill in and to the GRENCO SCIENCE Trademarks. The GRENCO SCIENCE Trademarks are well-known trademarks and valuable assets of Grenco Science.

10. Grenco Science has continuously used the GRENCO SCIENCE Trademarks in interstate commerce in connection with the sale, distribution, promotion, and advertising of genuine Grenco Science Products since their respective dates of first use as noted on the federal trademark registration certificates.

11. Genuine Grenco Science Products have become enormously popular, driven by the brand's arduous quality standards and innovative designs. Among the purchasing public, genuine Grenco Science Products are instantly recognizable as such. The GRENCO SCIENCE Trademarks identify, in the United States and throughout the world, high quality vaporizers designed and manufactured by Grenco Science.

12. Genuine Grenco Science Products have been promoted and sold at Grenco Science's gpen.com website. Sales of Grenco Science Products via the gpen.com website are significant. The gpen.com website features proprietary content, images and designs exclusive to the Grenco Science brand.

13. Grenco Science Products have been praised and recognized by numerous online publications, as well as publications directed to the general public, including articles in *NewsWeek*, *Complex*, *TechCrunch*, *NY Times*, *USA Today*, *LA Weekly*, *Fortune Magazine*, and *SFGate*.

14. Grenco Science has collaborated with numerous celebrities and companies to create Grenco Science Products including *FADER*, Snoop-Dogg, Blvck Scvle, Burton Snowboards, Taylor Gang, Primitive Apparel, DGK, The Game, HUF Worldwide, Badwood and Phil Frost.

15. Due to Grenco Science's longstanding use of its marks, extensive sales, and significant advertising and promotional activities, the GRENCO SCIENCE Trademarks have achieved widespread acceptance and recognition among the consuming public and trade throughout the United States.

16. The GRENCO SCIENCE Trademarks are exclusive to Grenco Science and appear clearly on Grenco Science Products, as well as on the packaging and advertisements related to such products. Grenco Science has expended substantial time, money, and other resources in developing, advertising, and otherwise promoting and protecting the GRENCO SCIENCE Trademarks. As a result, products bearing the GRENCO SCIENCE Trademarks are widely recognized and exclusively associated by consumers, the public, and the trade as being high-quality products sourced from Grenco Science. Grenco Science Products have become some of the most popular of their kind in the world, and have also been the subject of extensive unsolicited publicity resulting from their high-quality and innovative designs. Because of these and other factors, the Grenco Science name and the GRENCO SCIENCE Trademarks are famous throughout the United States.

17. The GRENCO SCIENCE Trademarks are distinctive when applied to the Grenco Science Products, signifying to the purchaser that the products come from Grenco Science and are

manufactured to Grenco Science's exacting quality standards. Whether Grenco Science manufactures the products itself or licenses others to do so, Grenco Science has ensured that products bearing its trademarks are manufactured to the highest quality standards. Grenco Science Products branded under the GRENCO SCIENCE Trademarks have been widely accepted by the public and are enormously popular. The widespread fame, outstanding reputation, and significant goodwill associated with the Grenco Science brand have made the GRENCO SCIENCE Trademarks invaluable assets of Grenco Science.

The Defendants

18. Defendants are individuals and business entities who, upon information and belief, reside in the People's Republic of China or other foreign jurisdictions. Defendants conduct business throughout the United States, including within the State of Illinois and this Judicial District, through the operation of the fully interactive, commercial online marketplaces operating under the Defendant Internet Stores. Each Defendant targets the United States, including Illinois, and has offered to sell and, on information and belief, has sold and continues to sell Counterfeit Grenco Science Products to consumers within the United States, including the State of Illinois.

19. On information and belief, Defendants are an interrelated group of counterfeiters working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell products using infringing and counterfeit versions of the GRENCO SCIENCE Trademarks in the same transaction, occurrence, or series of transactions or occurrences. Tactics used by Defendants to conceal their identities and the full scope of their counterfeiting operation make it virtually impossible for Grenco Science to learn Defendants' true identities and the exact interworking of their counterfeit network. In the event that Defendants provide additional credible

information regarding their identities, Grenco Science will take appropriate steps to amend the Complaint.

IV. DEFENDANTS' UNLAWFUL CONDUCT

20. The success of the Grenco Science brand has resulted in its significant counterfeiting. Consequently, Grenco Science has a worldwide anti-counterfeiting program and regularly investigates suspicious online marketplace listings identified in proactive Internet sweeps and reported by consumers. In recent years, Grenco Science has identified many online marketplace listings on platforms such as iOffer, eBay, AliExpress, Alibaba, Amazon, Wish.com, and Dhgate, including the Defendant Internet Stores, which were offering for sale and/or selling Counterfeit Grenco Science Products to consumers in this Judicial District and throughout the United States. Despite Grenco Science's enforcement efforts, Defendants have persisted in creating the Defendant Internet Stores. E-commerce sales, including through Internet stores like those of Defendants, have resulted in a sharp increase in the shipment of unauthorized products into the United States. **Exhibit 2**, Excerpts from Fiscal Year 2018 U.S. Customs and Border Protection ("CBP") Intellectual Property Seizure Statistics Report. Over 90% of all CBP intellectual property seizures were smaller international mail and express shipments (as opposed to large shipping containers). *Id.* Over 85% of CBP seizures originated from mainland China and Hong Kong. *Id.* Counterfeit and pirated products account for billions in economic losses, resulting in tens of thousands of lost jobs for legitimate businesses and broader economic losses, including lost tax revenue.

21. Defendants facilitate sales by designing the Defendant Internet Stores so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers. Many of the Defendant Internet Stores appear sophisticated and accept payment in U.S. dollars via

credit cards, Alipay, Amazon Pay, Western Union and/or PayPal. The Defendant Internet Stores often include content and images that make it very difficult for consumers to distinguish such stores from an authorized retailer. Many Defendants further perpetuate the illusion of legitimacy by offering customer service and using indicia of authenticity and security that consumers have come to associate with authorized retailers, including the Visa®, MasterCard®, and/or PayPal® logos. Grenco Science has not licensed or authorized Defendants to use its GRENCO SCIENCE Trademarks, and none of the Defendants are authorized retailers of genuine Grenco Science Products.

22. Many Defendants also deceive unknowing consumers by using the GRENCO SCIENCE Trademarks without authorization within the content, text, and/or meta tags of their online marketplace listings in order to attract consumers searching for Grenco Science Products. Additionally, upon information and belief, Defendants use other unauthorized search engine optimization (SEO) tactics and social media spamming so that the Defendant Internet Stores listings show up at or near the top of relevant search results and misdirect consumers searching for genuine Grenco Science Products. Other Defendants only show the GRENCO SCIENCE Trademarks in product images while using strategic item titles and descriptions that will trigger their listings when consumers are searching for Grenco Science Products.

23. Defendants go to great lengths to conceal their identities and often use multiple fictitious names and addresses to register and operate their network of Defendant Internet Stores. On information and belief, Defendants regularly create new online marketplace accounts on various platforms using the identities listed in Schedule A to the Complaint, as well as other unknown fictitious names and addresses. Such Defendant Internet Store registration patterns are

one of many common tactics used by the Defendants to conceal their identities, the full scope and interworking of their counterfeiting operation, and to avoid being shut down.

24. Even though Defendants operate under multiple fictitious names, there are numerous similarities among the Defendant Internet Stores. For example, Counterfeit Grenco Science Products for sale in the Defendant Internet Stores bear similar irregularities and indicia of being counterfeit to one another, suggesting that the Counterfeit Grenco Science Products were manufactured by and come from a common source and that Defendants are interrelated. The Defendant Internet Stores also include other notable common features, including use of the same accepted payment methods, check-out methods, meta data, illegitimate SEO tactics, lack of contact information, identically or similarly priced items and volume sales discounts, the same incorrect grammar and misspellings, and the use of the same text and images.

25. In addition to operating under multiple fictitious names, Defendants in this case and defendants in other similar cases against online counterfeiters use a variety of other common tactics to evade enforcement efforts. For example, counterfeiters like Defendants will often register new online marketplace accounts under new aliases once they receive notice of a lawsuit. Counterfeiters also typically ship products in small quantities via international mail to minimize detection by U.S. Customs and Border Protection.

26. Further, counterfeiters such as Defendants typically operate multiple credit card merchant accounts and PayPal accounts behind layers of payment gateways so that they can continue operation in spite of Grenco Science's enforcement efforts. On information and belief, Defendants maintain off-shore bank accounts and regularly move funds from their PayPal accounts or other financial accounts to off-shore bank accounts outside the jurisdiction of this Court. Indeed, analysis of PayPal transaction logs from previous similar cases indicates that off-shore

counterfeiters regularly move funds from U.S.-based PayPal accounts to China-based bank accounts outside the jurisdiction of this Court.

27. Defendants, without any authorization or license from Grenco Science, have knowingly and willfully used and continue to use the GRENCO SCIENCE Trademarks in connection with the advertisement, distribution, offering for sale, and sale of Counterfeit Grenco Science Products into the United States and Illinois over the Internet. Each Defendant Internet Store offers shipping to the United States, including Illinois, and, on information and belief, each Defendant has sold Counterfeit Grenco Science Products into the United States, including Illinois.

28. Defendants' unauthorized use of the GRENCO SCIENCE Trademarks in connection with the advertising, distribution, offering for sale, and sale of Counterfeit Grenco Science Products, including the sale of Counterfeit Grenco Science Products into the United States, including Illinois, is likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming Grenco Science.

COUNT I
TRADEMARK INFRINGEMENT AND COUNTERFEITING (15 U.S.C. § 1114)

29. Grenco Science hereby re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 28.

30. This is a trademark infringement action against Defendants based on their unauthorized use in commerce of counterfeit imitations of the federally registered GRENCO SCIENCE Trademarks in connection with the sale, offering for sale, distribution, and/or advertising of infringing goods. The GRENCO SCIENCE Trademarks are distinctive marks. Consumers have come to expect the highest quality from Grenco Science Products offered, sold or marketed under the GRENCO SCIENCE Trademarks.

31. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products using counterfeit reproductions of the GRENCO SCIENCE Trademarks without Grenco Science's permission.

32. Grenco Science is the exclusive owner of the GRENCO SCIENCE Trademarks. Grenco Science's United States Registrations for the GRENCO SCIENCE Trademarks (Exhibit 1) are in full force and effect. Upon information and belief, Defendants have knowledge of Grenco Science's rights in the GRENCO SCIENCE Trademarks, and are willfully infringing and intentionally using counterfeits of the GRENCO SCIENCE Trademarks. Defendants' willful, intentional and unauthorized use of the GRENCO SCIENCE Trademarks is likely to cause and is causing confusion, mistake, and deception as to the origin and quality of the Counterfeit Grenco Science Products among the general public.

33. Defendants' activities constitute willful trademark infringement and counterfeiting under Section 32 of the Lanham Act, 15 U.S.C. § 1114.

34. Grenco Science has no adequate remedy at law, and if Defendants' actions are not enjoined, Grenco Science will continue to suffer irreparable harm to its reputation and the goodwill of the GRENCO SCIENCE Trademarks.

35. The injuries and damages sustained by Grenco Science have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offering to sell, and sale of Counterfeit Grenco Science Products.

COUNT II
FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))

36. Grenco Science hereby re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 35.

37. Defendants' promotion, marketing, offering for sale, and sale of Counterfeit Grenco Science Products has created and is creating a likelihood of confusion, mistake, and deception among the general public as to the affiliation, connection, or association with Grenco Science or the origin, sponsorship, or approval of Defendants' Counterfeit Grenco Science Products by Grenco Science.

38. By using the GRENCO SCIENCE Trademarks on the Counterfeit Grenco Science Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Counterfeit Grenco Science Products.

39. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the Counterfeit Grenco Science Products to the general public involves the use of counterfeit marks and is a willful violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125.

40. Grenco Science has no adequate remedy at law and, if Defendants' actions are not enjoined, Grenco Science will continue to suffer irreparable harm to its reputation and the associated goodwill of the GRENCO SCIENCE Trademarks.

COUNT III
VIOLATION OF ILLINOIS UNIFORM DECEPTIVE TRADE PRACTICES ACT
(815 ILCS § 510, *et seq.*)

41. Grenco Science hereby re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 40.

42. Defendants have engaged in acts violating Illinois law including, but not limited to, passing off their Counterfeit Grenco Science Products as those of Grenco Science, causing a likelihood of confusion and/or misunderstanding as to the source of their goods, causing a likelihood of confusion and/or misunderstanding as to an affiliation, connection, or association

with genuine Grenco Science Products, representing that their products have Grenco Science's approval when they do not, and engaging in other conduct which creates a likelihood of confusion or misunderstanding among the public.

43. The foregoing Defendants' acts constitute a willful violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS § 510, *et seq.*

44. Grenco Science has no adequate remedy at law, and Defendants' conduct has caused Grenco Science to suffer damage to its reputation and goodwill. Unless enjoined by the Court, Grenco Science will suffer future irreparable harm as a direct result of Defendants' unlawful activities.

PRAYER FOR RELIEF

WHEREFORE, Grenco Science prays for judgment against Defendants as follows:

- 1) That Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under, or in active concert with them be temporarily, preliminarily, and permanently enjoined and restrained from:
 - a. using the GRENCO SCIENCE Trademarks or any reproductions, counterfeit copies, or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine Grenco Science Product or is not authorized by Grenco Science to be sold in connection with the GRENCO SCIENCE Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Grenco Science Product or any other product produced by Grenco Science that is not Grenco Science's or not produced under the authorization, control, or supervision of

Grenco Science and approved by Grenco Science for sale under the GRENCO SCIENCE Trademarks;

- c. committing any acts calculated to cause consumers to believe that Defendants' Counterfeit Grenco Science Products are those sold under the authorization, control, or supervision of Grenco Science, or are sponsored by, approved by, or otherwise connected with Grenco Science;
 - d. further infringing the GRENCO SCIENCE Trademarks and damaging Grenco Science's goodwill; and
 - e. manufacturing, shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Grenco Science, nor authorized by Grenco Science to be sold or offered for sale, and which bear any of Grenco Science's trademarks, including the GRENCO SCIENCE Trademarks, or any reproductions, counterfeit copies, or colorable imitations thereof;
- 2) Entry of an Order that, upon Grenco Science's request, those in privity with Defendants and those with notice of the injunction, including, without limitation, any online marketplace platforms such as iOffer, eBay, AliExpress, Alibaba, Amazon, Wish.com, and Dhgate, sponsored search engine or ad-word providers, credit cards, banks, merchant account providers, third party processors and other payment processing service providers, and Internet search engines such as Google, Bing and Yahoo (collectively, the "Third Party Providers") shall:
- a. disable and cease providing services being used by Defendants, currently or in the future, to engage in the sale of goods using the GRENCO SCIENCE Trademarks;

- b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the GRENCO SCIENCE Trademarks; and
 - c. take all steps necessary to prevent links to the Defendant Internet Stores identified on Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Internet Stores from any search index;
- 3) That Defendants account for and pay to Grenco Science all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged, and that the amount of damages for infringement of the GRENCO SCIENCE Trademarks be increased by a sum not exceeding three times the amount thereof as provided by 15 U.S.C. § 1117;
- 4) In the alternative, that Grenco Science be awarded statutory damages for willful trademark counterfeiting pursuant to 15 U.S.C. § 1117(c)(2) of \$2,000,000 for each and every use of the GRENCO SCIENCE Trademarks;
- 5) That Grenco Science be awarded its reasonable attorneys' fees and costs; and
- 6) Award any and all other relief that this Court deems just and proper.

Dated this 29th day of October 2019.

Respectfully submitted,

/s/ Justin R. Gaudio

Amy Ziegler

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