

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

BENEFIT COSMETICS LLC,

Plaintiff,

v.

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

Defendants.

Case No. 21-cv-00516

**COMPLAINT**

Plaintiff Benefit Cosmetics LLC ("Benefit" or "Plaintiff") 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.

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, e-commerce stores<sup>1</sup> operating under the seller aliases identified in Schedule A attached hereto (the "Seller Aliases"). Specifically, Defendants have targeted sales to

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<sup>1</sup> The e-commerce store urls are listed on Schedule A hereto under the Online Marketplaces.

Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more Seller Aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, have sold products using infringing and counterfeit versions of Benefit'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 Benefit substantial injury in the State of Illinois.

## **II. INTRODUCTION**

3. This action has been filed by Benefit to combat e-commerce store operators who trade upon Benefit's reputation and goodwill by offering for sale and/or selling unauthorized and unlicensed products, including makeup, using infringing and counterfeit versions of Benefit's federally registered trademarks (the "Counterfeit Benefit Products"). Defendants create e-commerce stores operating under one or more Seller Aliases that are advertising, offering for sale and selling Counterfeit Benefit Products to unknowing consumers. E-commerce stores operating under the Seller Aliases share unique identifiers, establishing a logical relationship between them and that Defendants' counterfeiting operation arises out of the same transaction, occurrence, or series of transactions or occurrences. Defendants attempt to avoid and mitigate liability by operating under one or more Seller Aliases to conceal both their identities and the full scope and interworking of their counterfeiting operation. Benefit is forced to file this action to combat Defendants' counterfeiting of its registered trademarks, as well as to protect unknowing consumers from purchasing Counterfeit Benefit Products over the Internet. Benefit 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 Benefit Cosmetics LLC is a limited liability company organized and existing under the laws of the State of Delaware, having its principal place of business at 225 Bush Street, 20th Floor, San Francisco, CA, 94104.

5. Founded in 1976, Benefit has a long history in the prestige beauty industry. For more than 40 years, Benefit has been a leading beauty manufacturer, retailer, and service provider. As a world-renowned beauty company, Benefit sources the finest ingredients and closely monitors the manufacturing and packaging of its products.


6. Benefit is an internationally recognized manufacturer, distributor and retailer of a broad range of products, but its primary products are cosmetics, all of which prominently display its famous, internationally recognized and federally registered trademarks (defined below as the “BENEFIT Trademarks”). Benefit products have become enormously popular, driven by Benefit’s superior quality, luxury, and innovation. Among the purchasing public, genuine Benefit products are instantly recognizable as such. In the United States and around the world, the Benefit brand has come to symbolize creative genius and high quality in cosmetics, and Benefit products are among the most recognizable cosmetic products in the world.

7. Benefit products are distributed and sold in over 50 countries worldwide. To preserve the goodwill in its brand, Benefit employs distribution channels befitting of a prestige line, selling its products solely in popular, specialty retail brick and mortar and online stores. Its products are distributed and sold to consumers throughout the United States, including in Illinois, through Benefit Boutiques, retailers such as Sephora and Macy’s, and via the benefitcosmetics.com website.

8. Benefit incorporates a variety of distinctive marks in the design of its various Benefit products. As a result of its long-standing use, Benefit owns common law trademark rights in its trademarks. Benefit has also registered its trademarks with the United States Patent and Trademark Office. Benefit products typically include at least one of Benefit's registered trademarks. Often several Benefit marks are displayed on a single Benefit product. Benefit uses its trademarks in connection with the marketing of its Benefit products, including the following marks which are collectively referred to as the "BENEFIT Trademarks."

REGISTRATION NUMBER	REGISTERED TRADEMARK	INTERNATIONAL CLASSES
3,278,031		<p>For: Skin cleansers, cream, lotion, masks, moisturizer, concealers, scrubs, non-medicated lip balm; body cream, oil, and scrubs; makeup; lipstick; lip gloss; eye makeup; blush; mascara; cosmetic pencils; sun block; self-tanning skin preparations; facial cleansers, creams, masks and scrubs; perfume; cologne; scented body spray; makeup remover in Class 003.</p> <p>For: Cosmetic bags sold empty in Class 018.</p> <p>For: Cosmetic brushes; makeup brushes in Class 021.</p> <p>For: Retail store services, online retail store services, and distributorship services in the field of cosmetics in Class 035.</p> <p>For: Beauty services, namely, body and facial waxing services, brow grooming services, brow and lash tinting services, skin treatment services in Class 044.</p>
3,345,041		<p>For: Clothing, namely, T-shirts and aprons in Class 025.</p>

<b>REGISTRATION NUMBER</b>	<b>REGISTERED TRADEMARK</b>	<b>INTERNATIONAL CLASSES</b>
2,906,665	BENEFIT	For: Beauty services, namely, body and facial waxing services, brow grooming services, brow and lash tinting services, skin treatment services in Class 044.
2,799,579	BENEFIT	For: Cosmetics; namely, skin cleansing creams; night creams; facial creams; skin fresheners; masques or facial packs; bath oils; perfumed bath oils; colognes; eye shadow; mascara; lipstick; lip gloss; rouge; liquid rouge; body lotions; sun tan lotion and sun tan ultraviolet block in Class 003.  For: Retail store and distributorship services in the field of cosmetics in Class 035.
1,772,618	BENEFIT	For: Retail store and distributorship services in the field of cosmetics in Class 042.
3,275,963	BENEFIT	For: Skin cleansers, cream, lotion, masks, moisturizer, concealers, scrubs; non-medicated lip balm; body cream, oil and scrubs; makeup; lipstick; lip gloss; eye makeup; blush; mascara; cosmetic pencils; sun block; self-tanning skin preparations; facial cleaners, creams, masks and scrubs; perfume; cologne; scented body spray; makeup remover in Class 003.  For: Cosmetic bags sold empty in Class 018.  For: Cosmetic brushes; makeup brushes in Class 021.
2,762,562	DANDELION	For: Makeup, namely brightening face powder in Class 003.
5,164,988	DANDELION	For: Makeup in Class 003.
5,155,736	HOOLA	For: Cosmetics in Class 003.
2,716,260	HOOLA	For: Cosmetic bronzer in Class 003.
5,241,989	GALIFORNIA	For: Cosmetics; make-up powder in Class 003.
4,437,019	ROCKATEUR	For: Cosmetics in Class 003.

REGISTRATION NUMBER	REGISTERED TRADEMARK	INTERNATIONAL CLASSES
2,263,073	BENETINT	For: Cosmetics, namely, lip and cheek stain in Class 003.
2,043,306	BOO BOO ZAP	For: Lotions-facial-medicated in Class 005.
5,156,103	BOI-ING	For: Cosmetics in Class 003.
2,012,121	BOI-ING!	For: Cosmetics, namely, eye area concealers in Class 003.
4,877,214	GIMME BROW	For: cosmetics; eyebrow colors; eyebrow cosmetics; eyebrow gel in Class 003.
5,028,067	KA-BROW!	For: Cosmetics; eyebrow color; eyebrow cosmetics; eyebrow gel in Class 003.
3,839,146	THE POREFESSIONAL	For: Cosmetics; skincare preparations, namely, facial lotions and makeup primer in Class 003.
4,071,771	THEY'RE REAL	For: Cosmetics; mascara in Class 003.
2,263,076	HIGH BEAM	For: Cosmetics, namely, facial highlighter in Class 003.
4,548,049		For: Cosmetics; facial highlighter in Class 003.
4,752,213	ROLLER LASH	For: Mascara, cosmetics in Class 003.
5,160,655	HIGH BROW	For: Cosmetics; Eyebrow colors; Eyebrow cosmetics; Eyebrow gel; Eyebrow pencils in Class 003.
5,487,500	BADGAL BANG	For: Cosmetics; mascara; eye make-up in Class 003.
5,082,382	3D BROWTONES	For: Cosmetics; Eyebrow colors; Eyebrow gel; Eyebrow cosmetics in Class 003.

REGISTRATION NUMBER	REGISTERED TRADEMARK	INTERNATIONAL CLASSES
5,341,472	GOGOTINT	For: Cheek colors; Cosmetics; Lip stains in Class 003.
4,301,419	CHACHATINT	For: cosmetics; lip stain; cheek stain in Class 003.

9. The above U.S. registrations for the BENEFIT Trademarks are valid, subsisting, in full force and effect, and many are incontestable pursuant to 15 U.S.C. § 1065. The BENEFIT Trademarks have been used exclusively and continuously by Benefit, some since as early as 1976, and have never been abandoned. The registrations for the BENEFIT Trademarks constitute *prima facie* evidence of their validity and of Benefit's exclusive right to use the BENEFIT Trademarks pursuant to 15 U.S.C. § 1057(b). Attached hereto as **Exhibit 1** are true and correct copies of the United States Registration Certificates for the BENEFIT Trademarks included in the above table.

10. The BENEFIT Trademarks are exclusive to Benefit, and are displayed extensively on Benefit products and in Benefit's marketing and promotional materials. Benefit products have long been among the most popular and recognizable cosmetics products in the world, and have been extensively promoted and advertised at great expense. In fact, Benefit has expended millions of dollars annually in advertising, promoting and marketing featuring the BENEFIT Trademarks. Benefit products have also been the subject of extensive unsolicited publicity resulting from their high quality and innovative design. For instance, the Benefit Trademarks have been widely publicized and won awards through publications in many major international magazines, including, without limitation, Cosmopolitan, Allure, Teen Vogue, InStyle, Glamour, Nylon, Elle and SELF. Because of these and other factors, the Benefit name and the BENEFIT Trademarks are famous throughout the United States.

11. The BENEFIT Trademarks are distinctive when applied to cosmetics, signifying to the purchaser that the products come from Benefit and are manufactured to Benefit's quality standards. Benefit maintains safety and quality control standards for all of its Benefit products, and all Benefit products are subject to these strict guidelines by Benefit prior to distribution and sale. The innovative marketing and product design of the Benefit products have enabled the Benefit brand to achieve widespread recognition and fame, which has only added to the inherent distinctiveness of the marks. As such, the goodwill associated with the BENEFIT Trademarks is of incalculable and inestimable value to Benefit.

12. Benefit has operated an e-commerce website since 1997 where it promotes and sells genuine Benefit products at benefitcosmetics.com. Sales of Benefit products via the benefitcosmetics.com website represent a significant portion of Benefit's business. The benefitcosmetics.com website features proprietary content, images and designs exclusive to Benefit.

13. Benefit has expended substantial time, money, and other resources in developing, advertising and otherwise promoting the BENEFIT Trademarks. As a result, products bearing the BENEFIT Trademarks are widely recognized and exclusively associated by consumers, the public, and the trade as being high-quality products sourced from Benefit. Benefit is a billion-dollar operation, and Benefit products have become among the most popular of their kind in the world.

14. Benefit takes multiple measures to proactively protect the BENEFIT Trademarks against counterfeiting. One measure of protection used by Benefit is its recording of BENEFIT Trademarks with U.S. Customs authorities, which entitles Benefit to specifically prevent the importation of counterfeit Benefit products. Another measure Benefit undertakes to protect the BENEFIT Trademarks is execution of its worldwide anti-counterfeiting program.



## **The Defendants**

15. Defendants are individuals and business entities of unknown makeup who own and/or operate one or more of the e-commerce stores under at least the Seller Aliases identified on Schedule A and/or other seller aliases not yet known to Benefit. On information and belief, Defendants reside and/or operate in the People's Republic of China or other foreign jurisdictions with lax trademark enforcement systems, or redistribute products from the same or similar sources in those locations. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b).

16. On information and belief, Defendants, either individually or jointly, operate one or more e-commerce stores under the Seller Aliases listed in Schedule A attached hereto. Tactics used by Defendants to conceal their identities and the full scope of their operation make it virtually impossible for Benefit to learn Defendants' true identities and the exact interworking of their counterfeit network. If Defendants provide additional credible information regarding their identities, Benefit will take appropriate steps to amend the Complaint.

## **IV. DEFENDANTS' UNLAWFUL CONDUCT**

17. The success of the Benefit brand has resulted in its significant counterfeiting. Benefit's anti-counterfeiting program routinely and regularly investigates suspicious e-commerce stores identified in proactive Internet sweeps and reported by consumers. In recent years, Benefit has identified numerous fully interactive e-commerce stores, including those operating under the Seller Aliases, which were offering for sale and selling Counterfeit Benefit Products to consumers in this Judicial District and throughout the United States. E-commerce sales, including through e-commerce 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.

18. Third party service providers like those used by Defendants do not adequately subject new sellers to verification and confirmation of their identities, allowing counterfeiters to “routinely use false or inaccurate names and addresses when registering with these e-commerce platforms.” **Exhibit 3**, Daniel C.K. Chow, *Alibaba, Amazon, and Counterfeiting in the Age of the Internet*, 40 NW. J. INT’L L. & BUS. 157, 186 (2020); *see also* report on “Combating Trafficking in Counterfeit and Pirated Goods” prepared by the U.S. Department of Homeland Security’s Office of Strategy, Policy, and Plans (Jan. 24, 2020), attached as **Exhibit 4** and finding that on “at least some e-commerce platforms, little identifying information is necessary for a counterfeiter to begin selling” and recommending that “[s]ignificantly enhanced vetting of third-party sellers” is necessary. Counterfeiters hedge against the risk of being caught and having their websites taken down from an e-commerce platform by preemptively establishing multiple virtual store-fronts. **Exhibit 4** at p. 22. Since platforms generally do not require a seller on a third-party marketplace to identify the underlying business entity, counterfeiters can have many different profiles that can appear unrelated even though they are commonly owned and operated. **Exhibit 4** at p. 39. Further, “E-commerce platforms create bureaucratic or technical hurdles in helping brand owners to locate or identify sources of counterfeits and counterfeiters.” **Exhibit 3** at 186-187.

19. Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more Seller Aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, have sold Counterfeit Benefit Products to residents of Illinois.

20. Defendants concurrently employ and benefit from substantially similar advertising and marketing strategies. For example, Defendants facilitate sales by designing the e-commerce stores operating under the Seller Aliases so that they appear to unknowing consumers to be authorized online retailers, outlet stores or wholesalers. E-commerce stores operating under the Seller Aliases look sophisticated and accept payment in U.S. dollars via credit cards, Alipay, Amazon Pay, Western Union and/or PayPal. E-commerce stores operating under the Seller Aliases often include content and images that make it very difficult for consumers to distinguish such stores from an authorized retailer. Benefit has not licensed or authorized Defendants to use any of the BENEFIT Trademarks, and none of the Defendants are authorized retailers of genuine Benefit products.

21. Many Defendants also deceive unknowing consumers by using the BENEFIT Trademarks without authorization within the content, text, and/or meta tags of their e-commerce stores in order to attract various search engines crawling the Internet looking for websites relevant to consumer searches for Benefit products. Other e-commerce stores operating under the Seller Aliases omit using BENEFIT Trademarks in the item title to evade enforcement efforts while using strategic item titles and descriptions that will trigger their listings when consumers are searching for Benefit products.

22. On information and belief, Defendants have engaged in fraudulent conduct when registering the Seller Aliases by providing false, misleading and/or incomplete information to e-

commerce platforms. On information and belief, certain Defendants have anonymously registered and maintained Seller Aliases to prevent discovery of their true identities and the scope of their e-commerce operation.

23. On information and belief, Defendants regularly register or acquire new seller aliases for the purpose of offering for sale and selling Counterfeit Benefit Products. Such seller alias registration patterns are one of many common tactics used by the Defendants to conceal their identities and the full scope and interworking of their counterfeiting operation, and to avoid being shut down.

24. Even though Defendants operate under multiple fictitious aliases, the e-commerce stores operating under the Seller Aliases often share unique identifiers, such as templates with common design elements that intentionally omit any contact information or other information for identifying Defendants or other Seller Aliases they operate or use. E-commerce stores operating under the Seller Aliases include other notable common features, such as use of the same registration patterns, accepted payment methods, check-out methods, keywords, illegitimate search engine optimization (SEO), advertising tactics, similarities in price and quantities, the same incorrect grammar and misspellings, and/or the use of the same text and images. Additionally, Counterfeit Benefit Products for sale by the Seller Aliases bear similar irregularities and indicia of being counterfeit to one another, suggesting that the Counterfeit Benefit Products were manufactured by and come from a common source and that Defendants are interrelated.

25. On information and belief, Defendants are in constant communication with each other and regularly participate in QQ.com chat rooms and through websites such as sellerdefense.cn, kaidianyo.com and kuajingvs.com regarding tactics for operating multiple accounts, evading detection, pending litigation, and potential new lawsuits.

26. Counterfeiters such as Defendants typically operate under multiple seller aliases and payment accounts so that they can continue operation in spite of Benefit's enforcement efforts. On information and belief, Defendants maintain off-shore bank accounts and regularly move funds from their financial accounts to off-shore accounts outside the jurisdiction of this Court to avoid payment of any monetary judgment awarded to Benefit. Indeed, analysis of financial account transaction logs from previous similar cases indicates that off-shore counterfeiters regularly move funds from U.S.-based financial accounts to off-shore accounts outside the jurisdiction of this Court.

27. 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 Counterfeit Benefit Products in the same transaction, occurrence, or series of transactions or occurrences. Defendants, without any authorization or license from Benefit, have jointly and severally, knowingly and willfully used and continue to use the BENEFIT Trademarks in connection with the advertisement, distribution, offering for sale, and sale of Counterfeit Benefit Products into the United States and Illinois over the Internet.

28. Defendants' unauthorized use of the BENEFIT Trademarks in connection with the advertising, distribution, offering for sale, and sale of Counterfeit Benefit Products, including the sale of Counterfeit Benefit 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 Benefit.

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

29. Benefit hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

30. This is a trademark infringement action against Defendants based on their unauthorized use in commerce of counterfeit imitations of the federally registered BENEFIT Trademarks in connection with the sale, offering for sale, distribution, and/or advertising of infringing goods. The BENEFIT Trademarks are highly distinctive marks. Consumers have come to expect the highest quality from Benefit products offered, sold or marketed under the BENEFIT 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 BENEFIT Trademarks without Benefit's permission.

32. Benefit is the exclusive owner of the BENEFIT Trademarks. Benefit's United States Registrations for the BENEFIT Trademarks (Exhibit 1) are in full force and effect. On information and belief, Defendants have knowledge of Benefit's rights in the BENEFIT Trademarks, and are willfully infringing and intentionally using counterfeits of the BENEFIT Trademarks. Defendants' willful, intentional and unauthorized use of the BENEFIT Trademarks is likely to cause and is causing confusion, mistake, and deception as to the origin and quality of the Counterfeit Benefit 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. Benefit has no adequate remedy at law, and if Defendants' actions are not enjoined, Benefit will continue to suffer irreparable harm to its reputation and the goodwill of its well-known BENEFIT Trademarks.

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

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

36. Benefit hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

37. Defendants' promotion, marketing, offering for sale, and sale of Counterfeit Benefit 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 Benefit or the origin, sponsorship, or approval of Defendants' Counterfeit Benefit Products by Benefit.

38. By using the BENEFIT Trademarks in connection with the sale of Counterfeit Benefit Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Counterfeit Benefit Products.

39. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the Counterfeit Benefit 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. Benefit has no adequate remedy at law and, if Defendants' actions are not enjoined, Benefit will continue to suffer irreparable harm to its reputation and the goodwill of its Benefit brand.

**PRAYER FOR RELIEF**

WHEREFORE, Benefit 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 BENEFIT 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 Benefit product or is not authorized by Benefit to be sold in connection with the BENEFIT Trademarks;
  - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Benefit product or any other product produced by Benefit, that is not Benefit's or not produced under the authorization, control, or supervision of Benefit and approved by Benefit for sale under the BENEFIT Trademarks;
  - c. committing any acts calculated to cause consumers to believe that Defendants' Counterfeit Benefit Products are those sold under the authorization, control or supervision of Benefit, or are sponsored by, approved by, or otherwise connected with Benefit;
  - d. further infringing the BENEFIT Trademarks and damaging Benefit'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 Benefit, nor authorized by Benefit to be sold or offered for sale, and which bear any of Benefit's trademarks, including the BENEFIT Trademarks, or any reproductions, counterfeit copies or colorable imitations thereof;
- 2) Entry of an Order that, upon Benefit's request, those with notice of the injunction, including, without limitation, any online marketplace platforms such as eBay, AliExpress, Alibaba,



Amazon, Wish.com, and Dhgate (collectively, the “Third Party Providers”) shall disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the BENEFIT Trademarks;

- 3) That Defendants account for and pay to Benefit all profits realized by Defendants by reason of Defendants’ unlawful acts herein alleged, and that the amount of damages for infringement of the BENEFIT 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 Benefit 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 BENEFIT Trademarks;
- 5) That Benefit 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 January 2021.

Respectfully submitted,

/s/ Justin R. Gaudio

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