

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LP A/S,

Plaintiff,

v.


THE PARTNERSHIPS AND  
UNINCORPORATED ASSOCIATIONS  
IDENTIFIED IN SCHEDULE “A”,

Defendants.

No. 24-cv- 04260

DEMAND FOR JURY TRIAL

**COMPLAINT**

 (“Plaintiff”), by and through its undersigned counsel, hereby files this Complaint for trademark and trade dress infringement under the Lanham Act, offering for sale and selling counterfeit goods in violation of Plaintiff’s exclusive rights, violations of the Illinois Uniform Deceptive Trade Practices Act, and civil conspiracy against the Partnerships and Unincorporated Associations Identified in Schedule “A” (together, “Defendants”). In support hereof, Plaintiff states 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 Trademark 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 Defendant directly targets business activities toward consumers in the United States, including Illinois, through their operation of or assistance in the operation of the fully interactive, commercial internet stores operating under the Defendant domain names and/or the Defendant Internet Stores identified in Schedule A. Specifically, each of the Defendants directly reaches out to do business with Illinois residents by operating or assisting in the operation of one or more commercial, interactive e-commerce stores that sell counterfeit products infringing Plaintiff's federally registered trademarks and trade dress, and common law trade dress directly to Illinois consumers. In short, each Defendant is committing tortious acts in Illinois, is engaging in interstate commerce, and has wrongfully caused Plaintiff substantial injury in the State of Illinois.

## II. INTRODUCTION

3. Plaintiff filed this action to combat online infringers and counterfeiters who trade upon Plaintiff's reputation and goodwill by 1) selling and/or offering for sale unauthorized and unlicensed counterfeit and infringing products using counterfeit versions of Plaintiff's federally registered trademarks [REDACTED] (U.S. Reg. No. [REDACTED]), [REDACTED] (U.S. Reg. No. [REDACTED]), [REDACTED]<sup>e</sup> (U.S. Reg. No. [REDACTED]), [REDACTED] (U.S. Reg. No. [REDACTED]), and trade dress (U.S. Reg. Nos. [REDACTED]); and/or (2) selling and/or offering for sale unauthorized and unlicensed counterfeit and infringing products using counterfeit versions of Plaintiff's common-law trade dress (the "[REDACTED] Designs") in connection with the sale and advertising of the infringing products. *See Exhibit 1*. The Defendants created internet stores (the "Defendant Internet Stores" or the "Stores") by the dozens and designed them to appear to be selling genuine copies of Plaintiff's products when in fact the Stores are selling counterfeit

versions to unknowing customers, and/or making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use infringing products to unknowing consumers.

4. The Defendant Internet Stores share unique identifiers, such as similar design elements of the infringing product offered for sale and, on information and belief, these similarities suggest that the Defendant Internet Stores share common manufacturing sources, thus establishing the Defendants' counterfeiting and infringing operations arise out of the same transaction, occurrence, or series of transactions or occurrences. Defendants have gone to great lengths to avoid liability by concealing both their identities and the full scope and interworking of their counterfeiting operation, including changing the names of their Stores multiple times, opening new Stores, helping their friends open Stores, and making subtle changes to their products. Plaintiff has been forced to file this action to combat Defendants' willful infringement of Plaintiff's registered trademarks and trade dress, common law trade dress, as well as to protect unknowing consumers from purchasing infringing products over the internet. Because of Defendants' actions, Plaintiff has been and continues to be irreparably damaged both through consumer confusion, dilution, and tarnishment of its valuable trademarks and trade dress as a result of Defendants' actions. Accordingly, Plaintiff seeks injunctive and monetary relief.

### III. THE PARTIES

#### A. Plaintiff [REDACTED]

5. Plaintiff is a [REDACTED] based in [REDACTED] and is the creator, manufacturer, and seller of a variety of high-quality [REDACTED] [REDACTED] (the "[REDACTED] Products"). Plaintiff has a global presence through its subsidiaries, distribution offices, and agents, with primary sales regions including the United States, Europe, Japan, and Scandinavia. The company's most prominent

designers have been [REDACTED]  
[REDACTED]  
[REDACTED].

6. Among Plaintiff's most important assets is the intellectual property associated with its [REDACTED] brand. Specifically, Plaintiff owns numerous U.S. trademark and trade dress registrations for its [REDACTED] brand name, as well as other marks used to identify the [REDACTED] designs that it markets and sells. Plaintiff also owns multiple common law trade dress covering many of its unique and innovative [REDACTED] designs through its exclusive and continuous use. Furthermore, Plaintiff is the owner of U.S. design patents covering certain of its unique [REDACTED] designs.

7. Plaintiff's [REDACTED] trademark has been used in the United States for [REDACTED] apparatus since at least [REDACTED]. Plaintiff's trademarks and trade dress, including [REDACTED], have become synonymous with the company's high-quality, unique [REDACTED] products. The unique [REDACTED] designs [REDACTED]  
[REDACTED]  
[REDACTED]. Since its establishment, Plaintiff has introduced several variations of [REDACTED] designs through its various e-commerce marketplaces and authorized retailers and trade outlets worldwide, including in the United States and Illinois. Plaintiff's unique products have been advertised with its federally registered trademarks and trade dress for many years. Plaintiff continues to heavily advertise its unique products on all its e-commerce marketplaces, social media, advertisements, and product demonstration videos to educate consumers on both its products and trademarked name. Its

websites and social media feature original content, reviews, and testimonials for the [REDACTED] Products.

8. Plaintiff sells these designs through its brand [REDACTED], which allows consumers to purchase a variety of [REDACTED] apparatuses through the company’s e-commerce marketplaces.<sup>1</sup> [REDACTED] Products have become enormously popular and even iconic, driven by Plaintiff’s exacting quality standards and innovative design. Among the purchasing public, genuine [REDACTED] Products are instantly recognizable as such. In the United States and around the world, the [REDACTED] brand has come to symbolize high quality, and the [REDACTED] Products are among the most recognizable [REDACTED] in the United States.

9. Plaintiff incorporates a variety of distinctive marks in the design of its various [REDACTED] Products. [REDACTED] Products typically include at least one of Plaintiff’s trademarks and trade dress. Multiple marks are often displayed on a single product.

10. Plaintiff has registered its trademarks with the United States Patent and Trademark Office, including the following trademarks which are collectively referred to as the “[REDACTED] Trademarks”, and uses them in connection with the advertisement, design, distribution, offer for sale, and sale of its [REDACTED] Products.

Registration No.	Trademark	Goods and Services
[REDACTED]	[REDACTED]	[REDACTED]

<sup>1</sup> [REDACTED]

		[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

11. The Company has also obtained trademark registrations from the United States Patent and Trademark Office for its trade dress (the “Registered Trade Dress”) related to the [REDACTED] Products, as shown in the following:

Registration No.	Trade Dress	Goods and Services
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

<p>[REDACTED]</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>
<p>[REDACTED]</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>

12. The above U.S. registrations for the [REDACTED] Trademarks and Registered Trade Dress are valid, subsisting, in full force and effect and currently in use in connection with [REDACTED] Products. The Registered Trade Dress is proof that these product configuration trademarks have acquired secondary meaning and are strong marks. The [REDACTED] Trademarks and Registered Trade Dress have been used exclusively and continuously by the Company and have never been abandoned since their first use. True and correct copies of the United States Registration Certificates for the above-listed Trademarks and Trade Dress are attached hereto as **Exhibit 1**.

13. As a result of its long-standing use, the Company has common law trade dress rights (“Common Law Trade Dress”) to: (1) the aforesaid Registered Trade Dress marks; and (2) the following designs:

First Use Date	Trade Dress	Goods and Services
<p>[REDACTED]</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

14. The Company's Common Law Trade Dress is distinctive, non-functional and has acquired secondary meaning. The Company has continuously used the distinctive Common Law Trade Dress associated with its [REDACTED] brand since their first use. The Company has been the exclusive legally authorized provider of such distinctive trade dress since the creation of the [REDACTED] brand and its entry into the marketplace.

15. The Company has been substantially and continuously selling and advertising in the U.S. its Common Law Trade Dress for at least [REDACTED] years. Moreover, the Common Law Trade Dress was designed by the world-renowned award-winning designers [REDACTED] and [REDACTED]. The Company's Common Law Trade Dress is therefore distinctive and highly sought after, which has led to the deliberate copying of its Common Law Trade Dress and the capitalization by these copiers of its goodwill associated with it.

16. The distinctive Common Law Trade Dress is non-functional because it: a) is not essential to the use or purpose of the [REDACTED] Products; b) does not affect the cost or quality compared to other alternative designs that competitors could use for their own products; and c) would not put competitors at a significant disadvantage if they could not use the distinctive shape in connection with their own products. Because the Common Law Trade Dress related to its [REDACTED] Products is distinctive and non-functional, it is entitled to product



configuration trademark protection. Accordingly, Registered Trade Dress and Common Law Trade Dress collectively are referred to herein as “██████████ Trade Dress.”

17. Plaintiff’s brand, symbolized by the ██████████ Trademarks and Trade Dress, is a recognized brand of ██████████ products. The ██████████ Trademarks and Trade Dress are distinctive, signifying to the purchaser that ██████████ branded ██████████ comes from the Company, and is ██████████, to its exacting quality standards. The ██████████ Trademarks and Trade Dress have achieved tremendous fame and recognition, which has only added to the inherent distinctiveness of the marks. As such, the goodwill associated with the ██████████ Trademarks and Trade Dress is of incalculable and inestimable value to Plaintiff.

18. The registrations for the ██████████ Trademarks and Registered Trade Dress constitute prima facie evidence of their validity and of Plaintiff’s exclusive right to use the ██████████ Trademarks and Trade Dress pursuant to 15 U.S.C. § 1057(b). The distinctive Common Law Trade Dress is protectable under Section 43 of the Lanham Act. The ██████████ Trademarks and Trade Dress have been continuously used and never abandoned since their first use.

19. The ██████████ Trademarks and Trade Dress are exclusive to Plaintiff and are displayed extensively on ██████████ Products and in Plaintiff’s marketing and promotional materials. ██████████ Products have long been among the most popular ██████████ designs in the world and have been extensively promoted and advertised at great expense. In fact, Plaintiff has expended millions of dollars in advertising, promoting, and marketing featuring the ██████████ Trademarks and Trade Dress. Genuine and authentic ██████████

Products offered and sold by Plaintiff directly through Plaintiff's website<sup>2</sup> and authorized retail channels<sup>3</sup>. Products have also been recognized and awarded for their high-quality, innovative designs. For example,

[REDACTED]

Because of these and other factors, the Trademarks and Trade Dress are famous throughout the United States.

20. Plaintiff has expended substantial time, money, and other resources in developing, advertising and otherwise promoting and protecting the Trademarks and Trade Dress. As a result, products bearing the Trademarks and Trade Dress are widely recognized and exclusively associated by consumers, the public, and the trade as being high-quality products sourced from Plaintiff. Products have become among the most popular of their kind in the U.S. and the world. The widespread fame, outstanding reputation, and significant goodwill associated with the brand have made the Trademarks and Trade Dress invaluable assets of Plaintiff.

### **The Defendants**

21. Defendants are individuals and 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 in this Judicial District, through the operation of fully interactive commercial websites and online commercial marketplaces operating under the Defendant Internet Stores. Each Defendant targets the United

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<sup>2</sup> [REDACTED]  
<sup>3</sup> [REDACTED]

States, including Illinois, and has offered to sell and, on information and belief, has sold and continues to sell infringing products to consumers within the United States, including Illinois and in this Judicial District.

22. Defendants are an interrelated group of infringers and counterfeiters who create numerous Defendant Internet Stores and design these stores to appear to be selling genuine [REDACTED] Products, while they actually sell inferior imitations of Plaintiff's [REDACTED] Products, and/or to knowingly and willfully manufacture, import, distribute, offer for sale, and sell infringing products. The Defendant Internet Stores share unique identifiers, such as common design elements, the same or similar counterfeit products that they offer for sale, similar counterfeit product descriptions, the same or substantially similar shopping cart platforms, accepted payment methods, check-out methods, lack of contact information, and identically or similarly priced counterfeit products and volume sale discounts. As such, the Defendant Internet Stores establish a logical relationship between them and suggest that Defendants' illegal operations arise out of the same transaction or occurrence. The tactics used by Defendants to conceal their identities and the full scope of their counterfeiting operation make it virtually impossible for Plaintiff to learn the precise scope and the exact interworking of their counterfeit network. If Defendants provide additional credible information regarding their identities, Plaintiff will take appropriate steps to amend the Complaint.

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

23. The success of Plaintiff's brand has resulted in significant infringement and counterfeiting. Consequently, Plaintiff has identified numerous marketplace listings on eCommerce platforms such as, but not limited to, [REDACTED], [REDACTED], which include the Defendant Aliases and which have been offering for sale,

completing sales, and exporting illegal products to consumers in this Judicial District and throughout the United States. Defendants have persisted in creating the Defendant Aliases. E-commerce sales, including e-commerce internet stores like those of Defendants, have resulted in a sharp increase in the shipment of unauthorized products into the United States. *See Exhibit 2*, U.S. Customs and Border Protection, *Intellectual Property Rights Seizure Statistics, Fiscal Year 2021*. According to Customs and Border Patrol's ("CBP") report, over 90% of all CBP intellectual property seizures were smaller international mail and express shipments (as opposed to large shipping containers). *Id.* Approximately 60% of CBP seizures originated from mainland China and Hong Kong. *Id.* Counterfeit and pirated products account for billions of dollars in economic losses, resulting in tens of thousands of lost jobs for legitimate businesses and broader economic losses, including lost tax revenue.

24. Groups of counterfeiters, such as Defendants here, are typically in communication with each other. They regularly participate in QQ.com chat rooms and also communicate through websites such as sellerdefense.cn, kaidianyo.com, and kuajingvs.com, where they discuss tactics for operating multiple accounts, evading detection, pending litigation, and potential new lawsuits.

25. Counterfeiting rings take advantage of the anonymity provided by the internet, which allows them to evade enforcement efforts to combat counterfeiting. For example, counterfeiters take advantage of the fact that marketplace platforms 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 Internet platforms." *See Exhibit 3*, Daniel C.K. Chow, *Alibaba, Amazon, and Counterfeiting in the Age of the Internet*, 41 *Nw. J. Int'l. L. & Bus.* 24 (2020). Additionally, "Internet commerce platforms create bureaucratic or technical hurdles in helping brand owners to locate or identify sources of counterfeits and

counterfeiters.” *Id.* at 25. Therefore, with the absence of regulation, Defendants may and do garner sales from Illinois residents by setting up and operating e-commerce internet stores that target United States consumers using one or more aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars, and, on information and belief, have sold counterfeit products to residents of Illinois.

26. Upon information and belief, at all times relevant hereto, the Defendants in this action have had full knowledge of Plaintiff’s ownership of the [REDACTED] Trademarks and Trade Dress, including its exclusive right to use and license such intellectual property and their associated goodwill. Defendants’ Internet Stores also use the same pictures to advertise their infringing product that Plaintiff uses on its webpage and other online marketplaces to sell and advertise its genuine and original [REDACTED] Products, sowing further confusion among potential purchasers.

27. Defendants go to great lengths to conceal their identities by using multiple fictitious names and addresses to register and operate their massive network of Defendant Internet Stores. Other Defendant domain names often use privacy services that conceal the owners’ identity and contact information. Upon information and belief, Defendants regularly create new websites and online marketplace accounts on various platforms using the identities listed in Schedule A of this Complaint, as well as other unknown fictitious names and addresses. Such Defendant Internet Store registration patterns are one of the many common tactics used by the Defendants to conceal their identities, the full scope and interworking of their massive counterfeiting operation, and to avoid being shut down.

28. The infringing products for sale in the Defendant Internet Stores bear similarities and indicia of being related to one another, suggesting that the infringing products were

manufactured by and come from a common source and that, upon information and belief, Defendants are interrelated.

29. Upon information and belief, Defendants also deceive unknowing customers by using the [REDACTED] Trademarks without authorization within the content, text, and/or metatags of their websites and marketplace storefronts to attract various search engines on the Internet looking for websites relevant to consumer searches for Plaintiff's [REDACTED] branded products. Additionally, upon information and belief, Defendants use other unauthorized search engine optimization tactics and social media spamming so that the Defendant Internet Stores listings show up at or near the top of relevant search results after others are shut down. As such, Plaintiff also seeks to disable Defendant domain names owned by Defendants that are the means by which the Defendants could continue to sell counterfeit products.

30. Defendants' use of the [REDACTED] Trademarks and Trade Dress on or in connection with the advertising, marketing, distribution, offering for sale, and sale of the infringing products is likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming Plaintiff.

31. Defendants, without authorization or license from Plaintiff, knowingly and willfully used and continue to use the [REDACTED] Trademarks and Trade Dress in connection with the advertisement, offer for sale, and sale of the counterfeit products, through, inter alia, the internet. The infringing products are not [REDACTED] Products of the Plaintiff. Plaintiff did not manufacture, inspect, or package the infringing products and did not approve the counterfeit products for sale or distribution. Each of the Defendants' Internet Stores offers shipping to the United States, including Illinois, and, on information and belief, each Defendant has sold counterfeit products into the United States, including Illinois.

32. Defendants' use of the [REDACTED] Trademarks and Trade Dress in connection with the advertising, distribution, offer for sale, and sale of infringing products, including the sale of infringing products into Illinois, is likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming Plaintiff.

33. Upon information and belief, Defendants will continue to register or acquire listings for the purpose of selling infringing products that infringe upon the [REDACTED] Trademarks and Trade Dress unless preliminarily and permanently enjoined.

### COUNT I

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

34. Plaintiff hereby realleges and incorporates by reference the allegations set forth in paragraphs 1 through 33.

35. This is a trademark infringement and counterfeit action against Defendants based on their unauthorized use in commerce of counterfeit imitations of the federally registered [REDACTED] Trademarks and Trade Dress in connection with the sale, offering for sale, distribution, and/or advertising of infringing goods. The [REDACTED] Trademarks and Trade Dress are distinctive marks. Consumers have come to expect the highest quality from Plaintiff's products provided under [REDACTED] Trademarks and Trade Dress.

36. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products in connection with Plaintiff's Trademarks without Plaintiff's permission.

37. Plaintiff is the exclusive owner of Plaintiff's registered trademarks and trade dress. Plaintiff's United States Registrations for Plaintiff's trademarks and trade dress (**Exhibit 1**) are in full force and effect. Upon information and belief, Defendants have knowledge of Plaintiff's rights

in Plaintiff's trademarks and trade dress and are willfully infringing and intentionally using Plaintiff's trademarks and trade dress in connection with counterfeit items. Defendants' willful, intentional, and unauthorized use of Plaintiff's trademarks and trade dress is likely to cause confusion, mistake, and deception as to the origin and quality of the counterfeit goods among the general consuming public.

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

39. Plaintiff has no adequate remedy at law, and if Defendants' actions are not enjoined, Plaintiff will continue to suffer irreparable harm to its reputation and the goodwill of its well-known trademarks and trade dress.

40. The injuries sustained by Plaintiff have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offer to sell, and sale of counterfeit versions of Plaintiff's [REDACTED] Products.

## COUNT II

### **INFRINGEMENT OF COMMON LAW TRADE DRESS** **(15 U.S.C. § 1125)**

41. Plaintiff hereby realleges and incorporates by reference the allegations set forth in paragraphs 1 through 40.

42. Defendant's promoting, marketing, offering for sale, and selling of infringing and counterfeit 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 Plaintiff or the origin, sponsorship, or approval of Defendants' counterfeit version of Plaintiff's unique [REDACTED] [REDACTED] Products.



43. Plaintiff's Common Law Trade Dress is non-functional and has acquired secondary meaning through continuous, long-term, worldwide marketing and communications that tie the distinctive trade dress to Plaintiff. Plaintiff is the owner of all right, title and interest in and to Plaintiff's Common Law Trade Dress used by Plaintiff, by virtue of Plaintiff's extensive manufacture and sale of products bearing the Trade Dress, as set forth in the preceding paragraphs of this Complaint.

44. The infringing products advertised, distributed, offered for sale and sold by Defendants use Plaintiff's Common Law Trade Dress that replicates and imitates Plaintiff's Common Law Trade Dress. Such unauthorized use by Defendants of imitations of Plaintiff's Common Law Trade Dress constitutes the infringement of trade dress under Section 43(a) of the Lanham Act, and is likely to cause confusion and mistake in the minds of the purchasing public as to the source of the products and to cause purchasers to believe such products are products authorized by Plaintiff when, in fact, they are not.

45. Upon information and belief, each Defendant has willfully and intentionally misappropriated Plaintiff's Common Law Trade Dress with the intent of causing confusion, mistake, and deception as to the source of its goods and with the intent to palm off its goods as those of Plaintiff and to place others in the position to palm off their goods as those of Plaintiff, and as such, Defendants have committed trade dress infringement under Section 43(a) of the Lanham Act.

46. By using Plaintiff's Trademarks and Trade dress in connection with the sale of counterfeit products, Defendants create a false designation of origin and a misleading representation of the fact as to the origin and sponsorship of the counterfeit product. By their use of Plaintiff's original photographs and texts in association with the offer and sale of the counterfeit

product, Defendants seek to further confuse the relevant public as to the source or sponsorship of their goods by Plaintiff.

47. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the counterfeit product to the general public, as well as the infringement of trade dress is a willful violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125.

48. Plaintiff has no adequate remedy at law and, if Defendants' actions are not enjoined, Plaintiff will continue to suffer irreparable harm to Plaintiff's rights in and to its Common Law Trade Dress, and to Plaintiff's reputation and the goodwill of its brand.

### COUNT III

#### **FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125)**

49. Plaintiff hereby realleges and incorporates by reference the allegations set forth in paragraphs 1 through 48.

50. Defendant's advertising, marketing, promotion, distribution, display, offering for sale, sale, and/or otherwise dealing in counterfeit versions of Plaintiff's products has created and is creating a likelihood of confusion, mistake, and deception among the public as to the affiliation, connection, or association with Plaintiff or the origin, sponsorship, or approval of such products.

51. By manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling, and/or otherwise dealing in the counterfeit products, Defendants have offered and shipped goods in interstate commerce.

52. Likewise, by manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling, and/or otherwise dealing in the counterfeit products, Defendants have and continue to trade on the extensive goodwill of Plaintiff to induce customers to purchase a counterfeit version of Plaintiff's products, thereby directly

competing with Plaintiff. Such conduct has permitted and will continue to permit Defendants to make substantial sales and profits based on the goodwill and reputation of Plaintiff, which Plaintiff has amassed through its lengthy nationwide marketing, advertising, sales, and cumulative consumer recognition.

53. Defendants knew or, by the exercise of reasonable care, should have known that their past, current, and continuing advertising, marketing, promotion, distribution, display, offering for sale, sale and/or otherwise dealing in the counterfeit goods has and will continue to cause confusion and mistake or to deceive purchasers, users, and the public.

54. In addition, by using Plaintiff's trademarks and trade dress in connection with the sale of counterfeit products, Defendants create a false designation of origin and a misleading representation of the fact as to the origin and sponsorship of the counterfeit product. By their use of Plaintiff's original photographs in association with the offer and sale of the counterfeit products, Defendants seek to further confuse the relevant public as to the source or sponsorship of their goods by Plaintiff.

55. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the counterfeit product to the public is a willful violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125.

56. As a direct and proximate result of Defendants' wrongful actions, Plaintiff has been and will continue to be deprived of substantial sales of its genuine products.

57. Plaintiff has no adequate remedy at law and, if Defendants' actions are not enjoined, Plaintiff will continue to suffer irreparable harm to its reputation and the goodwill of its brand.

#### COUNT IV

**VIOLATION OF ILLINOIS UNIFORM DECEPTIVE  
TRADE PRACTICES ACT (815 ILCS § 510/1, et seq.)**

58. Plaintiff hereby realleges and incorporates by reference the allegations set forth in paragraphs 1 through 57.

59. Defendants have engaged in acts violating Illinois law including, but not limited to, passing off their counterfeit product as those of Plaintiff, 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 Plaintiff's genuine and authentic [REDACTED] Products, representing that their products have Plaintiff's approval when they do not, and engaging in other conduct which creates a likelihood of confusion or misunderstanding among the public.

60. The foregoing Defendants' acts constitute a willful violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS § 510/1, *et seq.*

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

#### COUNT IV

#### **COMMON LAW TRADEMARK INFRINGEMENT**

62. Plaintiff hereby realleges and incorporates by reference the allegations set forth in paragraphs 1 through 61.

63. Plaintiff's Common Law Trade Dress is distinctive of [REDACTED] apparatus in the mind of the relevant public as denoting Plaintiff as the single source, origin and sponsor of such [REDACTED] apparatus.

64. Plaintiff is the owner of all right, title and interest in and to Plaintiff's Common Law Trade Dress used by Plaintiff, by virtue of Plaintiff's extensive manufacture and sale of products bearing the Trade Dress, as set forth in the preceding paragraphs of this Complaint.

65. The infringing products advertised, distributed, offered for sale and sold by Defendant bear Plaintiff's Common Law Trade Dress that replicates and imitates Plaintiff's Common Law Trade Dress. Such unauthorized use by Defendants of an imitation of Plaintiff's common law trade dress constitutes trademark infringement under Illinois common law, and is likely to cause confusion and mistake in the minds of the purchasing public as to the source of the products and to cause purchasers to believe such products are products authorized by Plaintiff when, in fact, they are not.

66. Upon information and belief, Defendants have willfully and intentionally misappropriated Plaintiff's Common Law Trade Dress with the intent of causing confusion, mistake, and deception as to the source of its goods and with the intent to palm off its goods as those of Plaintiff's and to place others in the position to palm off its goods as those of Plaintiff's, and as such, Defendants have committed trademark infringement under Illinois common law.

67. By such actions in infringing Plaintiff's Common Law Trade Dress, Defendants are improperly trading upon the enviable reputation and goodwill of Plaintiff and impairing Plaintiff's valuable rights in and to such Plaintiff's Common Law Trade Dress.

68. Upon information and belief, Defendants committed the above-alleged acts in conscious disregard of Plaintiff's rights, and Plaintiff is therefore entitled to exemplary and punitive damages pursuant to the common law of the State of Illinois.

69. Plaintiff has no adequate remedy at law. The conduct of Defendants has caused and, if not enjoined, will continue to cause, irreparable damage to Plaintiff's rights in and to its Common Law Trade Dress, and to Plaintiff's business, reputation, and goodwill.

## COUNT VI

### CIVIL CONSPIRACY

70. Plaintiff hereby realleges and incorporates by reference the allegations set forth in paragraphs 1 through 69.

71. Plaintiff is informed and believes and thereon alleges that Defendants knowingly and voluntarily entered into a scheme and agreement to engage in a combination of unlawful acts and misconduct including, without limitation, a concerted and collaborated effort to maintain the distribution, marketing, advertising, shipping, offer for sale, or sale of counterfeit products in violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS § 510, et seq.

72. The intent, purpose, and objective of the conspiracy and the underlying combination of unlawful acts and misconduct committed by the Defendants was to undermine Plaintiff and its business by unfairly competing against it as described above.

73. The Defendants each understood and accepted the foregoing scheme and agreed to do their respective part, to further accomplish the foregoing intent, purpose, and objective. Thus, by entering the conspiracy, each Defendant has deliberately, willfully, and maliciously permitted, encouraged, and/or induced all the foregoing unlawful acts and misconduct.

74. As a direct and proximate cause of the unlawful acts and misconduct undertaken by each Defendant in furtherance of the conspiracy, Plaintiff has sustained, and unless each Defendant is restrained and enjoined, will continue to sustain severe, immediate, and irreparable harm, damage, and injury for which Plaintiff has no adequate remedy at law.

### PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

A. That Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all other persons acting for, with, by, through, under, or in active concert with them be temporarily preliminary, and permanently enjoined and restrained from:

i. Using Plaintiff's trademarks and trade dress in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine product of Plaintiff, or is not authorized by Plaintiff to be sold in connection with Plaintiff's trademarks and trade dress;

ii. Passing off, inducing, or enabling others to sell or pass off any product as a genuine Plaintiff's product or any other product produced by Plaintiff that is not Plaintiff's or not produced under the authority, control, or supervision of Plaintiff and approved by Plaintiff for sale under Plaintiff's trademarks and trade dress and associated with or derived from Plaintiff's trademarks and trade dress;

iii. Making, using, selling, and/or importing to the United States for retail sale or resale any products that infringe Plaintiff's trademarks and trade dress;

iv. Committing any acts calculated to cause consumers to believe that Defendants' counterfeit product is those sold under the authority, control, or supervision of Plaintiff, or are sponsored by, approved of, or otherwise connected with Plaintiff, including without limitation through use of Plaintiff's original photographs texts in connection with the offer or sale of counterfeit products;

v. Further infringing Plaintiff's trademarks and trade dress and damaging Plaintiff's goodwill;

vi. Otherwise competing unfairly with Plaintiff in any manner;

vii. Shipping (including drop-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 Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear any Plaintiff's trademarks and trade dress, or any reproductions, counterfeit copies, or colorable imitations thereof;

viii. Using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendant Internet Stores, or any other domain name or online marketplace account that is being used to sell or is how Defendants could continue to sell counterfeit product;

ix. Operating and/or hosting websites at the Defendant Internet Stores of any other domain names registered or operated by Defendants that are involved in the distribution, marketing, advertising, offering for sale, or sale of any product bearing the Plaintiff's trademarks, trade dress or reproduction, counterfeit copy, or colorable imitation thereof that is not a genuine product or not authorized by Plaintiff to be sold in connection with the Plaintiff's trademarks and trade dress; and,

x. Registering any additional domain names that use or incorporate any portion of the Plaintiff's trademarks and trade dress; and,

B. 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:



i. Displaying images protected by the Plaintiff's trademarks and trade dress in connection with the distribution, advertising, offer for sale and/or sale of any product that is not a genuine product of Plaintiff's or is not authorized by Plaintiff to be sold in connection with the Plaintiff's trademarks and trade dress; and

ii. Shipping, delivering, holding for same, distributing, returning, transferring, or otherwise moving, storing, or disposing of in any manner products or inventory not manufactured by or for Plaintiff, not authorized by Plaintiff to be sold or offered for sale, and protected by the Plaintiff's trademarks, trade dress or any reproductions, counterfeit copies, or colorable imitation thereof; and,

C. That Defendants, within fourteen (14) days after service of judgment with notice of entry thereof upon them, be required to file with the Court and serve upon Plaintiff a written report under oath setting forth in detail the manner and form in which Defendants have complied with any and all injunctive relief ordered by this Court;

D. Entry of an Order that, upon Plaintiff's request, those in privity with Defendants and those with notice of the injunction, including any online marketplaces such as: [REDACTED]; payment processors such as PayPal, Stripe, Payoneer, and LianLian; social media platforms such as: Facebook, YouTube, LinkedIn, Twitter; Internet search engines such as Google, Bing, and Yahoo; webhosts for the Defendants Domain Names, and domain name registrars, that are provided with notice of the injunction, cease facilitating access to any or all webstores through which Defendants engage in the sale of counterfeit products using the Plaintiff's trademarks and trade dress; shall:

i. Disable and cease providing services for any accounts through which Defendants engage in the sale of counterfeit [REDACTED] Products using Plaintiff's

trademarks and trade dress, including any accounts associated with the Defendants listed on Schedule A;

ii. Disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeiting and infringing counterfeit product using Plaintiff's trademarks and trade dress; and,

iii. Take all steps necessary to prevent links to the Defendant Online Stores identified in Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Online stores from any search index; and,

E. That each Defendant account for and pay to Plaintiff all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged, and that the amount of damages for infringement of Plaintiff's trademarks and trade dress be increased by a sum not exceeding three times the amount thereof as provided by 15 U.S.C. § 1117;

F. For Judgment in favor of Plaintiff against Defendants that they have: (a) willfully infringed Plaintiff's trademarks and trade dress in its federally registered trademarks pursuant to 15 U.S.C. § 1114; and (b) otherwise injured the business reputation and business of Plaintiff by Defendants' acts and conduct set forth in this Complaint;

G. For Judgment in favor of Plaintiff against Defendants for actual damages or statutory damages pursuant to 15 U.S.C. § 1117, at the election of Plaintiffs, in an amount to be determined at trial;

H. In the alternative, that Plaintiff be awarded statutory damages pursuant to 15 U.S.C. § 1117(c)(2) of \$2,000,000 for each and every use of Plaintiff's trademarks and trade dress;

I. That Plaintiff be awarded its reasonable attorneys' fees and costs; and,

J. That Plaintiff be awarded any and all other relief that this Court deems equitable and just.

Plaintiff demands trial by jury as to all causes of action so triable.

Dated: May 23, 2024

Respectfully submitted,

/s/ James E. Judge  
Zareefa B. Flener (IL Bar No. 6281397)  
James E. Judge (IL Bar No. 6243206)  
Ying Chen (IL Bar No. 6346961)  
Flener IP Law, LLC  
77 W. Washington St., Ste. 800  
Chicago, IL 60602  
(312) 724-8874  
jjudge@fleneriplaw.com