

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

██████████, INC.

Plaintiff,

v.

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

Defendants.

Case No.

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff ██████████, Inc. (“██████████” 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 is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

2. This is also an action for trade dress infringement that arises under the trademark laws of the United States, namely the Lanham Act, 15 U.S.C. § 1051 *et seq.*

3. This Court has subject matter jurisdiction over ██████████’s claims pursuant to 28 U.S.C. §§ 1331 and 1338(a). This Court has jurisdiction over the claim in this action that arises under the laws of the State of Illinois pursuant to 28 U.S.C. § 1367(a) because the state law claim is 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.

4. 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 stores¹ operating under the seller aliases identified in Schedule A attached hereto (the “Seller Aliases”). Specifically, 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, offering shipping to the United States, including Illinois, accept payment in U.S. dollars and/or funds from U.S. bank accounts, and on information and belief, have sold products featuring [REDACTED]’s patented designs and trade dress to residents of Illinois. Each of the Defendants is committing tortious acts in Illinois, is engaging in interstate commerce, and has wrongfully caused [REDACTED] substantial injury in the State of Illinois.

5. Joinder of the Defendants is proper pursuant to 35 U.S.C. § 299 and Fed. R. Civ. P. 20(a) as the Defendants are all offering for sale at least one of the same infringing products and this case will involve common questions of fact to all Defendants and the Defendants’ infringing acts arise out of the same transaction, occurrence, or series of transactions or occurrences related to the making, using, importing into the United States, offering for sale, or selling of the same and similar accused products.

II. INTRODUCTION

6. This action has been filed by [REDACTED] to combat e-commerce store operators who make, use, offer for sale, sell and/or import into the United States for subsequent sale or use, of the same unauthorized and unlicensed products, namely the [REDACTED] products shown in **Exhibit 1**

¹ The e-commerce store URLs are listed on Schedule A hereto under the Online Marketplaces.

(the “Infringing Products”) (annotations added), that infringe [REDACTED]’s design patents and trade dress.

7. Defendants create e-commerce stores operating under one or more Seller Aliases that are making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use Infringing Products to unknowing customers. E-commerce stores operating under the Seller Aliases share unique identifiers, beyond selling the same infringing products, such as using similar product images, advertising, design elements, and other similarities, establishing a logical relationship between them, suggesting that Defendants’ 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 operation, including changing the names of their e-commerce stores and opening new stores. [REDACTED] has filed this action to combat Defendants’ infringement of its patented designs and trade dress, as well as to protect unknowing customers from purchasing Infringing Products over the Internet. [REDACTED] has suffered actual damages and irreparable injury to its business. [REDACTED] will continue to suffer substantial loss and irreparable injury unless and until Defendants are enjoined from their wrongful actions.

III. THE PARTIES

8. [REDACTED] is a corporation organized and existing under [REDACTED].

9. 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 [REDACTED]. [REDACTED] is informed and believes and thereon, alleges that Defendants reside in the People’s Republic of China or other

foreign jurisdictions with lax intellectual property enforcement systems, or redistribute products from the same or similar sources in those locations.

10. [REDACTED] is informed and believes and thereon, alleges that 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 [REDACTED] to discover Defendants' true identities and the exact interworking of their network. If Defendants provide additional credible information regarding their identities, [REDACTED] will take appropriate steps to amend the Complaint.

IV. GENERAL ALLEGATIONS

11. [REDACTED]
[REDACTED]. [REDACTED] protects its innovative designs with its intellectual property rights.

12. On [REDACTED], the USPTO duly and lawfully issued United States Design Patent No. [REDACTED] ("the [REDACTED] Patent"), titled "[REDACTED]." [REDACTED] is the owner by assignment of all right, title, and interest in the [REDACTED] Patent. A true and correct copy of the [REDACTED] Patent is attached hereto as **Exhibit 2**.

13. On [REDACTED], the USPTO duly and lawfully issued United States Design Patent No. [REDACTED] ("the [REDACTED] Patent"), titled "[REDACTED]." [REDACTED] is the owner by assignment of all right, title, and interest in the [REDACTED] Patent. A true and correct copy of the [REDACTED] Patent is attached hereto as **Exhibit 3**.

14. On [REDACTED], the USPTO duly and lawfully issued United States Design Patent No. [REDACTED] ("the [REDACTED] Patent"), titled "[REDACTED]." [REDACTED] is the owner by assignment of all right, title, and interest in the [REDACTED] Patent. A true and correct copy of the [REDACTED]

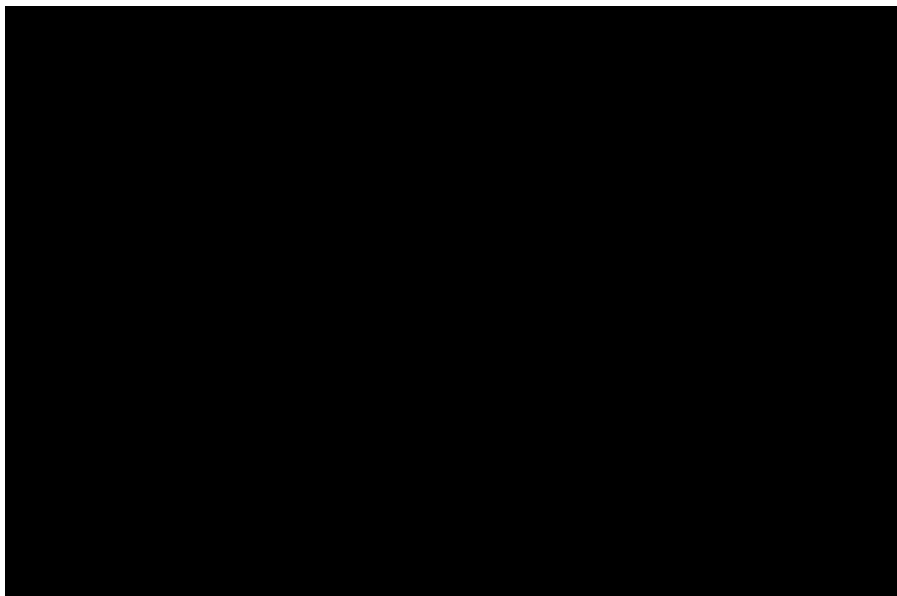
Patent is attached hereto as **Exhibit 4**.

15. On [REDACTED], the USPTO duly and lawfully issued United States Design Patent No. [REDACTED] (“the [REDACTED] Patent”), titled “[REDACTED].” [REDACTED] is the owner by assignment of all right, title, and interest in the [REDACTED] Patent. A true and correct copy of the [REDACTED] Patent is attached hereto as **Exhibit 5**.

16. The [REDACTED] [REDACTED] [REDACTED] and [REDACTED] Patents are referred to collectively herein as the “Asserted Patents.”

17. [REDACTED]’s products are known for their distinctive patented designs. These designs are broadly recognized by consumers. [REDACTED] styled after these designs are associated with the quality and innovation that the public has come to expect from [REDACTED]. [REDACTED]’s products, which embody the patented designs, are marked in compliance with 35 U.S.C. § 287(a).

18. [REDACTED] sells [REDACTED] that bear a unique and distinctive trade dress in the overall design (“[REDACTED] Trade Dress”). An example of the [REDACTED] Trade Dress is depicted in the image below:

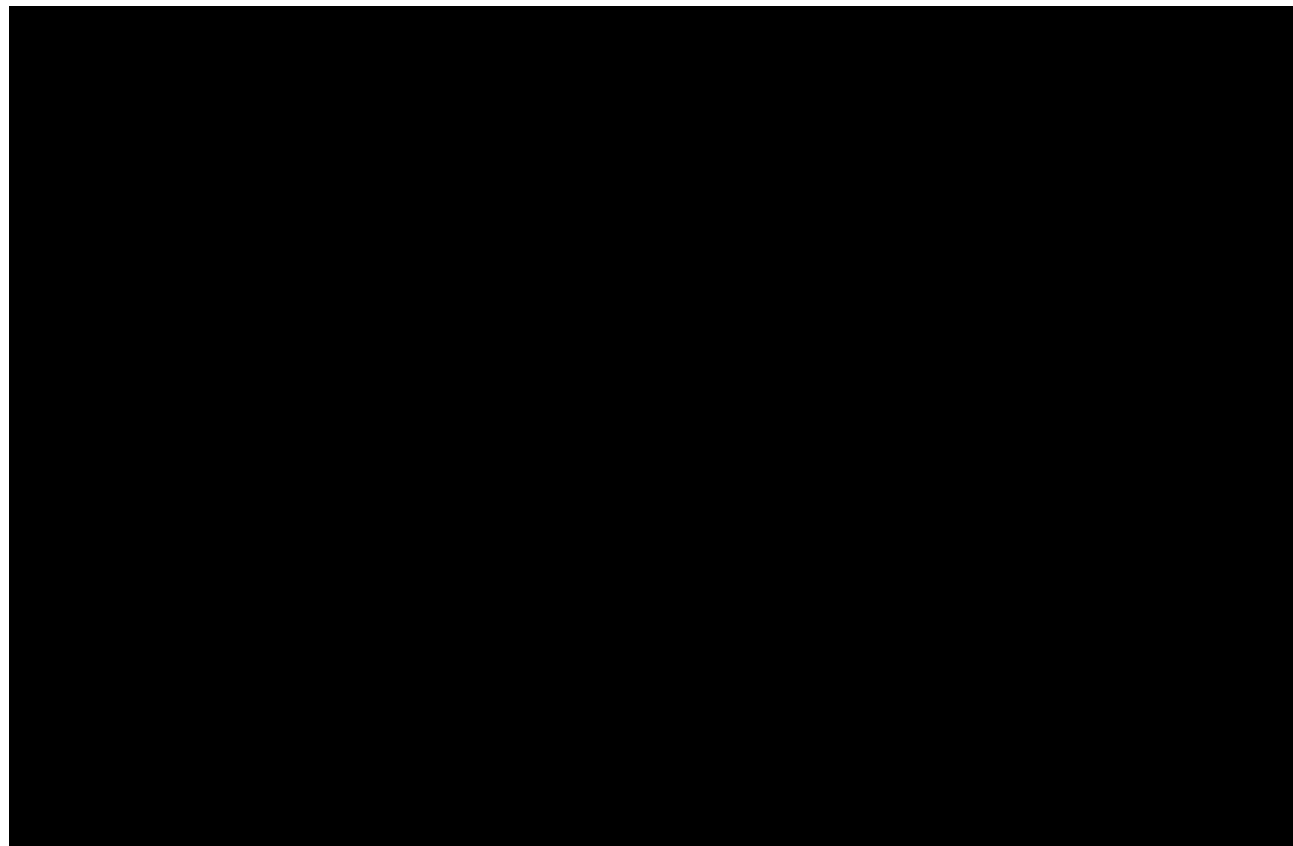


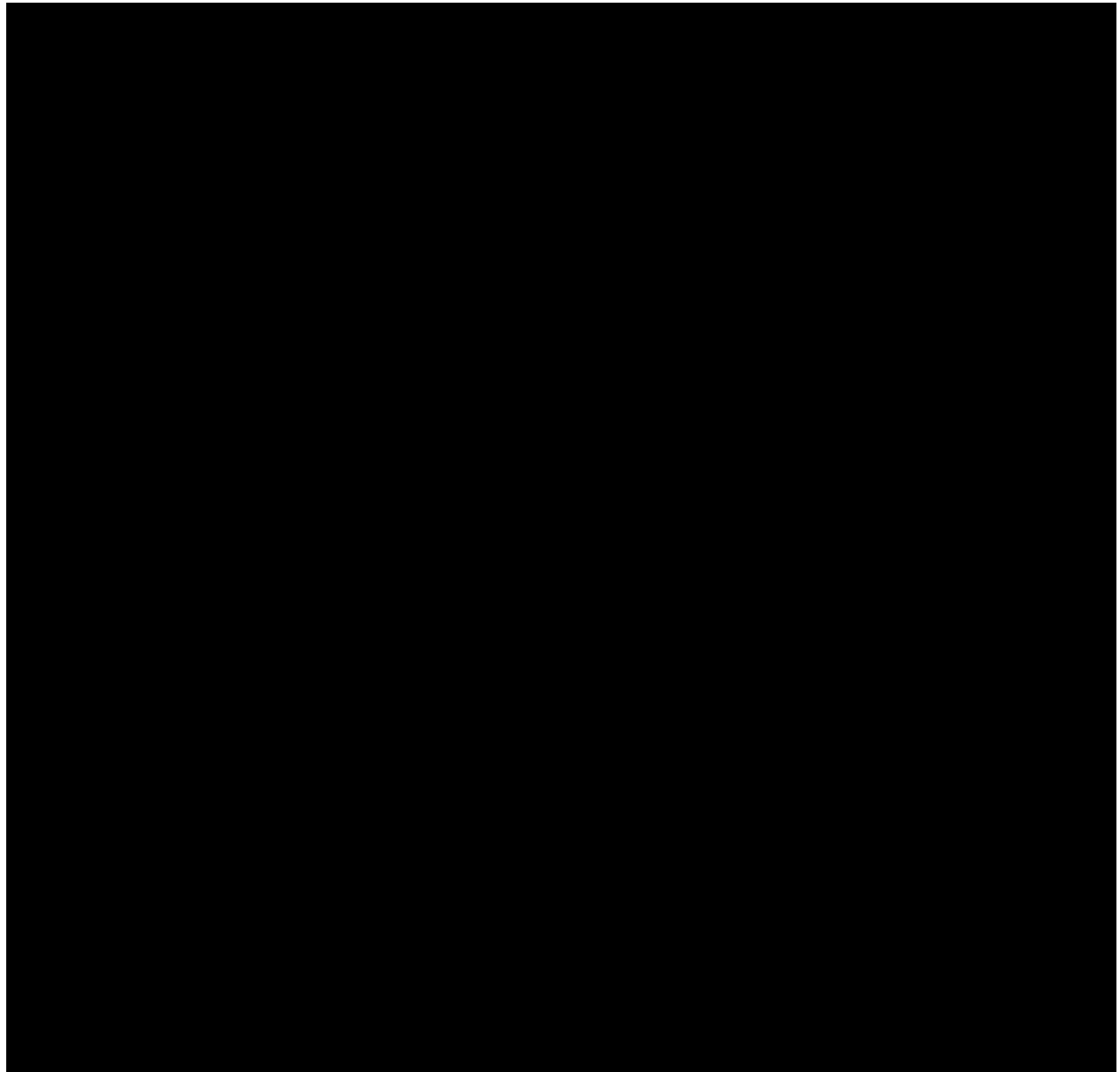
19. The [REDACTED] Trade Dress is [REDACTED]

[REDACTED]
[REDACTED].

20. Due to the overwhelming number of sales of [REDACTED] bearing the [REDACTED] Trade Dress, with millions of units sold to date, the consuming public has come to associate the [REDACTED] Trade Dress exclusively with [REDACTED].

21. The public's association of the [REDACTED] Trade Dress with [REDACTED] has been enhanced by [REDACTED]'s advertising. This advertising, including advertising on the [REDACTED] website, as shown in the examples below, prominently features pictures of the uniquely shaped [REDACTED], further cementing the public's association of this shape with [REDACTED].





22. As a result of [REDACTED]'s widespread use and display of the [REDACTED] [REDACTED] in association with its [REDACTED], (a) the public has come to recognize and identify the products bearing the [REDACTED] Trade Dress as emanating from [REDACTED], (b) the public recognizes that products bearing the [REDACTED] Trade Dress constitute high quality products that conform to the specifications created by [REDACTED], and (c) the [REDACTED] Trade Dress has established strong secondary meaning and extensive goodwill.

23. The [REDACTED] Trade Dress is not functional. The design features embodied by the [REDACTED] Trade Dress are not essential to the function of the [REDACTED], do not make the [REDACTED] cheaper or easier to manufacture, and do not affect the quality of the [REDACTED]. The design embodied by the [REDACTED] Trade Dress is not a competitive necessity.

24. The shape of the [REDACTED] Trade Dress serves to identify [REDACTED] as the source of the [REDACTED].

25. In addition, Defendants' [REDACTED] are nearly identical in appearance to [REDACTED]'s [REDACTED]. This falsely represents to consumers that Defendants' products are manufactured or endorsed by [REDACTED].

26. [REDACTED] has identified numerous marketplace listings on e-commerce platforms, such as Alibaba and made-in-china.com, including those operating under the Seller Aliases. The Seller Aliases target consumers in this Judicial District and throughout the United States. 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 6*, U.S. Customs and Border Protection, *Intellectual Property Rights Seizure Statistics, Fiscal Year 2021*. According to Customs and Border Protection'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.*

27. Marketplace platforms, like those used by Defendants, do not adequately subject new sellers to verification and confirmation of their identities, allowing infringers to "routinely use false or inaccurate names and addresses when registering with these Internet platforms." *See Exhibit 7*, Daniel C.K. Chow, *Alibaba, Amazon, and Counterfeiting in the Age of the Internet*, 40 NW. J. INT'L L. & BUS. 157, 186 (2020). Additionally, "Internet commerce platforms create

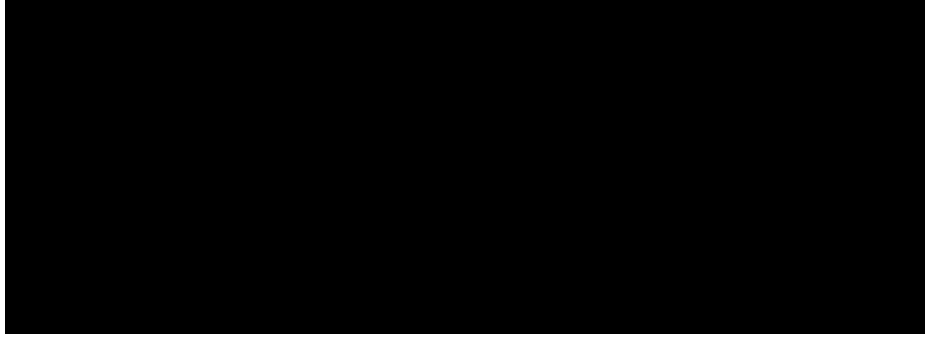
bureaucratic or technical hurdles in helping brand owners to locate or identify sources of counterfeits and counterfeiters.” *Id.* at 25. Therefore, with the absence of regulation, Defendants may and do garner sales from Illinois residents by setting up and operating e-commerce Internet stores that target United States consumers using one or more aliases, offering shipping to the United States, including Illinois, accept payment in U.S. dollars and/or funds from U.S. bank accounts, and on information and belief, have sold Infringing Products to residents of Illinois.

28. [REDACTED] is informed and believes and thereon, alleges that Defendants go to great lengths to conceal their identities by using multiple fictitious names and addresses to register and operate their network of e-commerce stores. [REDACTED] is informed and believes and thereon, alleges that Defendants regularly create new websites and online marketplace accounts on various platforms using the Seller Aliases identified on Schedule A of this Complaint, as well as other unknown fictitious names and addresses. Such e-commerce store registration patterns are one of the many common tactics used by the Defendants to conceal their true identities, the full scope of their e-commerce operation, and to avoid being shut down.

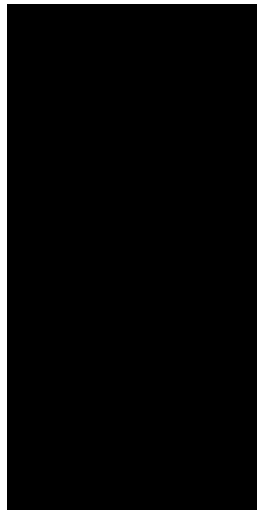
29. All the E-commerce stores operating under the Seller Aliases and infringing products for sale by the Seller Aliases bear similarities and indicia of being related to one another, suggesting that the Infringing Products were manufactured by and come from a common source in China and that the Defendants are interrelated. For example, Defendants all sell and/or offer for sale products that appear to have been made using the [REDACTED]

[REDACTED]

[REDACTED] as shown in the examples below and as shown in Exhibit 9:



30. Further, 6 Seller Aliases operating stores show a [REDACTED]. As another example, at least 16 out of the 20 Seller Aliases operating stores sell multiple identical products as shown in Exhibit 1 and Exhibits 8–11. Further, 8 out of the 20 Seller Aliases operating stores utilize the identical or nearly identical design shown below to show [REDACTED]:



31. [REDACTED] is informed and believes and thereon, alleges that Defendants are an interrelated group of infringers working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Infringing Products in the same transaction, occurrence, or series of transactions or occurrences. Defendants, without any authorization or license from [REDACTED], have jointly and severally, knowingly and willfully offered for sale, sold, and/or imported into the United States for subsequent resale or use the same products that directly and/or indirectly infringe the Asserted Patents and [REDACTED] Trade Dress. Each e-commerce store operating

under the Seller Aliases offers shipping to the United States, including Illinois, and, on information and belief, each Defendant has sold infringing products in the United States and Illinois over the Internet.

32. [REDACTED] is informed and believes and thereon, alleges that Defendants' acts complained of here are willful and deliberate.

33. Defendants' acts complained of herein have caused [REDACTED] to suffer actual damages and irreparable injury to its business. [REDACTED] will continue to suffer substantial loss and irreparable injury unless and until Defendants are enjoined from their wrongful actions complained of here.

COUNT I
INFRINGEMENT OF UNITED STATES DESIGN PATENT NO. [REDACTED]
(35 U.S.C. § 271)

34. [REDACTED] hereby repeats, realleges, and incorporates by reference Paragraphs 1–33 of this Complaint as if fully set forth herein.

35. This is a claim for patent infringement under 35 U.S.C. § 271.

36. Defendants, through their agents, employees, and/or servants have, and continue to, knowingly, intentionally, and willfully infringe the [REDACTED] Patent by making, using, selling, offering for sale, and/or importing into the United States for subsequent sale or use the same products (see, e.g., Exhibit 1, blue annotations) having a design that infringes the [REDACTED] Patent. For example, the side-by-side visual comparisons, shown in **Exhibit 8**, of [REDACTED]'s patented design and exemplary infringing products not only show that the products are the same, it establishes that in the eye of the ordinary observer, giving such attention as a purchaser usually gives, the design of the infringing products is substantially the same as the claimed design of the [REDACTED] Patent, because the resemblance is such to deceive such an observer inducing him to purchase one supposing it to be the other and, as a result, Defendants infringe the [REDACTED] Patent.

37. Defendants acts of infringement of the [REDACTED] Patent were undertaken without permission or license from [REDACTED]. [REDACTED] is informed and believes, and based thereon, alleges, that Defendants had actual knowledge of [REDACTED]'s rights in the [REDACTED] Patent. The design of [REDACTED]'s products is well-known throughout the industry, and the infringing products are a nearly identical copy of [REDACTED]'s patented design. Accordingly, Defendants' actions constitute willful and intentional infringement of the [REDACTED] Patent. Defendants infringed the [REDACTED] Patent with reckless disregard of [REDACTED]'s patent rights. Defendants knew, or it was so obvious that Defendants should have known, that their actions constitute infringement of the [REDACTED] Patent. Defendants' acts of infringement of the [REDACTED] Patent were not consistent with the standards of commerce for their industry.

38. As a direct and proximate result of Defendants' acts of infringement, Defendants have derived and received gains, profits, and advantages in an amount that is not presently known to [REDACTED].

39. Pursuant to 35 U.S.C. § 284, [REDACTED] is entitled to damages for Defendants' infringing acts and treble damages together with interest and costs as fixed by this Court.

40. Pursuant to 35 U.S.C. § 285, [REDACTED] is entitled to reasonable attorneys' fees for the necessity of bringing this claim.

41. Pursuant to 35 U.S.C. § 289, [REDACTED] is entitled to Defendants' total profits from Defendants' infringement of the [REDACTED] Patent.

42. Due to the aforesaid infringing acts, [REDACTED] has suffered great and irreparable injury, for which [REDACTED] has no adequate remedy at law.

43. Defendants will continue to infringe [REDACTED]'s patent rights to the great and irreparable injury of [REDACTED], unless enjoined by this Court pursuant to 35 U.S.C. § 283.

COUNT II
INFRINGEMENT OF UNITED STATES DESIGN PATENT NO. [REDACTED]
(35 U.S.C. § 271)

44. [REDACTED] hereby repeats, realleges, and incorporates by reference Paragraphs 1–43 of this Complaint as if fully set forth herein.

45. This is a claim for patent infringement under 35 U.S.C. § 271.

46. Defendants, through their agents, employees, and/or servants have, and continue to, knowingly, intentionally, and willfully infringe the [REDACTED] Patent by making, using, selling, offering for sale, and/or importing into the United States for subsequent sale or use the same products (see, e.g., Exhibit 1, blue annotations) having a design that infringes the [REDACTED] Patent. For example, the side-by-side visual comparisons, shown in **Exhibit 9**, of [REDACTED]'s patented design and exemplary infringing products not only show that the products are the same, it establishes that in the eye of the ordinary observer, giving such attention as a purchaser usually gives, the design of the infringing products is substantially the same as the claimed design of the [REDACTED] Patent, because the resemblance is such to deceive such an observer inducing him to purchase one supposing it to be the other and, as a result, Defendants infringe the [REDACTED] Patent.

47. Defendants acts of infringement of the [REDACTED] Patent were undertaken without permission or license from [REDACTED]. [REDACTED] is informed and believes, and based thereon, alleges, that Defendants had actual knowledge of [REDACTED]'s rights in the [REDACTED] Patent. The design of [REDACTED]'s products is well-known throughout the industry, and the infringing products are a nearly identical copy of [REDACTED]'s patented design. Accordingly, Defendants' actions constitute willful and intentional infringement of the [REDACTED] Patent. Defendants infringed the [REDACTED] Patent with reckless disregard of [REDACTED]'s patent rights. Defendants knew, or it was so obvious that Defendants should have known, that their actions constitute

infringement of the [REDACTED] Patent. Defendants' acts of infringement of the [REDACTED] Patent were not consistent with the standards of commerce for their industry.

48. As a direct and proximate result of Defendants' acts of infringement, Defendants have derived and received gains, profits, and advantages in an amount that is not presently known to [REDACTED].

49. Pursuant to 35 U.S.C. § 284, [REDACTED] is entitled to damages for Defendants' infringing acts and treble damages together with interest and costs as fixed by this Court.

50. Pursuant to 35 U.S.C. § 285, [REDACTED] is entitled to reasonable attorneys' fees for the necessity of bringing this claim.

51. Pursuant to 35 U.S.C. § 289, [REDACTED] is entitled to Defendants' total profits from Defendants' infringement of the [REDACTED] Patent.

52. Due to the aforesaid infringing acts, [REDACTED] has suffered great and irreparable injury, for which [REDACTED] has no adequate remedy at law.

53. Defendants will continue to infringe [REDACTED]'s patent rights to the great and irreparable injury of [REDACTED], unless enjoined by this Court pursuant to 35 U.S.C. § 283.

COUNT III
INFRINGEMENT OF UNITED STATES DESIGN PATENT NO. [REDACTED]
(35 U.S.C. § 271)

54. [REDACTED] hereby repeats, realleges, and incorporates by reference Paragraphs 1–53 of this Complaint as if fully set forth herein.

55. This is a claim for patent infringement under 35 U.S.C. § 271.

56. Defendants operating under the seller aliases 1, 5, 8–10, 12, 13, and 16 identified in Schedule A, through their agents, employees, and/or servants have, and continue to, knowingly, intentionally, and willfully infringe the [REDACTED] Patent by making, using, selling, offering for sale, and/or importing into the United States for subsequent sale or use the same infringing products (see,

e.g., Exhibit 1, green annotations) having a design that infringes the [REDACTED] Patent. For example, the side-by-side visual comparisons, shown in **Exhibit 10**, of [REDACTED]'s patented design and exemplary infringing products not only show that the products are the same, it establishes that in the eye of the ordinary observer, giving such attention as a purchaser usually gives, the design of the infringing products is substantially the same as the claimed design of the [REDACTED] Patent, because the resemblance is such to deceive such an observer inducing him to purchase one supposing it to be the other and, as a result, Defendants infringe the [REDACTED] Patent.

57. Defendants acts of infringement of the [REDACTED] Patent were undertaken without permission or license from [REDACTED]. [REDACTED] is informed and believes, and based thereon, alleges, that Defendants had actual knowledge of [REDACTED]'s rights in the [REDACTED] Patent. The design of [REDACTED]'s products is well-known throughout the industry, and the infringing products are a nearly identical copy of [REDACTED]'s patented design. Accordingly, Defendants' actions constitute willful and intentional infringement of the [REDACTED] Patent. Defendants infringed the [REDACTED] Patent with reckless disregard of [REDACTED]'s patent rights. Defendants knew, or it was so obvious that Defendants should have known, that their actions constitute infringement of the [REDACTED] Patent. Defendants' acts of infringement of the [REDACTED] Patent were not consistent with the standards of commerce for their industry.

58. As a direct and proximate result of Defendants' acts of infringement, Defendants have derived and received gains, profits, and advantages in an amount that is not presently known to [REDACTED].

59. Pursuant to 35 U.S.C. § 284, [REDACTED] is entitled to damages for Defendants' infringing acts and treble damages together with interest and costs as fixed by this Court.

60. Pursuant to 35 U.S.C. § 285, [REDACTED] is entitled to reasonable attorneys' fees for the necessity of bringing this claim.

61. Pursuant to 35 U.S.C. § 289, [REDACTED] is entitled to Defendants' total profits from Defendants' infringement of the [REDACTED] Patent.

62. Due to the aforesaid infringing acts, [REDACTED] has suffered great and irreparable injury, for which [REDACTED] has no adequate remedy at law.

63. Defendants will continue to infringe [REDACTED]'s patent rights to the great and irreparable injury of [REDACTED], unless enjoined by this Court pursuant to 35 U.S.C. § 283.

COUNT IV
INFRINGEMENT OF UNITED STATES DESIGN PATENT NO. [REDACTED]
(35 U.S.C. § 271)

64. [REDACTED] hereby repeats, realleges, and incorporates by reference Paragraphs 1–63 of this Complaint as if fully set forth herein.

65. This is a claim for patent infringement under 35 U.S.C. § 271.

66. Defendants operating under the seller aliases 1, 4–13, 15, and 20 identified in Schedule A, through their agents, employees, and/or servants have, and continue to, knowingly, intentionally, and willfully infringe the [REDACTED] Patent by making, using, selling, offering for sale, and/or importing into the United States for subsequent sale or use the same infringing products (see, e.g., Exhibit 1, purple annotations) having a design that infringes the [REDACTED] Patent. For example, the side-by-side visual comparisons, shown in **Exhibit 11**, of [REDACTED]'s patented design and exemplary infringing products not only show that the products are the same, it establishes that in the eye of the ordinary observer, giving such attention as a purchaser usually gives, the design of the infringing products is substantially the same as the claimed design of the [REDACTED] Patent, because the resemblance is such to deceive such an observer inducing him to purchase one supposing it to be the other and, as a result, Defendants infringe the [REDACTED] Patent.

67. Defendants' acts of infringement of the [REDACTED] Patent were undertaken without permission or license from [REDACTED]. [REDACTED] is informed and believes, and based

thereon, alleges, that Defendants had actual knowledge of [REDACTED]'s rights in the [REDACTED] Patent. The design of [REDACTED]'s products is well-known throughout the industry, and the infringing products are a nearly identical copy of [REDACTED]'s patented design. Accordingly, Defendants' actions constitute willful and intentional infringement of the [REDACTED] Patent. Defendants infringed the [REDACTED] Patent with reckless disregard of [REDACTED]'s patent rights. Defendants knew, or it was so obvious that Defendants should have known, that their actions constitute infringement of the [REDACTED] Patent. Defendants' acts of infringement of the [REDACTED] Patent were not consistent with the standards of commerce for their industry.

68. As a direct and proximate result of Defendants' acts of infringement, Defendants have derived and received gains, profits, and advantages in an amount that is not presently known to [REDACTED].

69. Pursuant to 35 U.S.C. § 284, [REDACTED] is entitled to damages for Defendants' infringing acts and treble damages together with interest and costs as fixed by this Court.

70. Pursuant to 35 U.S.C. § 285, [REDACTED] is entitled to reasonable attorneys' fees for the necessity of bringing this claim.

71. Pursuant to 35 U.S.C. § 289, [REDACTED] is entitled to Defendants' total profits from Defendants' infringement of the [REDACTED] Patent.

72. Due to the aforesaid infringing acts, [REDACTED] has suffered great and irreparable injury, for which [REDACTED] has no adequate remedy at law.

73. Defendants will continue to infringe [REDACTED]'s patent rights to the great and irreparable injury of [REDACTED], unless enjoined by this Court pursuant to 35 U.S.C. § 283.

COUNT V
TRADE DRESS INFRINGEMENT (15 U.S.C. § 1125)

74. [REDACTED] hereby repeats, realleges, and incorporates by reference Paragraphs 1–73 of this Complaint as if fully set forth herein.

75. This is a claim for trade dress infringement arising under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

76. [REDACTED] has valid trade dress rights in the [REDACTED] Trade Dress, which are protected by Section 43(a) of the Lanham Act.

77. Defendants’ use and sale of an essentially identical [REDACTED] (see, e.g., Exhibit 1, red annotations) is likely to cause consumer confusion as to the source of Defendants’ [REDACTED].

78. Accordingly, Defendants’ sale of an essentially identical [REDACTED] infringes [REDACTED]’s trade dress rights.

79. [REDACTED] is informed and believes and thereon, alleges that Defendants’ acts of trade dress infringement were willfully undertaken with the express purpose of causing consumer confusion as to the source of Defendants’ [REDACTED] so that Defendants could take unfair advantage of [REDACTED]’s reputation and goodwill by causing confusion and mistake among customers and the public to deceive the public into believing that Defendants’ products are associated with, sponsored by, originated from, or are approved by [REDACTED], when they are not, resulting in a loss of reputation in, and mischaracterization of, [REDACTED]’s products and its brand, damaging its marketability and saleability.

80. Defendants’ activities constitute willful and intentional infringement of the [REDACTED] Trade Dress rights in total disregard of [REDACTED]’s proprietary rights and were done despite Defendants’ explicit knowledge that the use and sale of the [REDACTED] Trade Dress was and is in direct contravention of [REDACTED]’s rights.

81. [REDACTED] is informed and believes and thereon, alleges that Defendants have derived and received gains, profits, and advantages from their trade dress infringement in an amount that is not currently known to [REDACTED]. Moreover, Defendants' actions have damaged [REDACTED] in an amount to be determined at trial.

82. Further, Defendants' trade dress infringement has caused [REDACTED] to suffer, and continue to suffer, great and irreparable injury for which [REDACTED] has no adequate remedy at law.

**COUNT VI
FALSE DESIGNATION OF ORIGIN AND FEDERAL UNFAIR
COMPETITION (15 U.S.C. § 1125)**

83. [REDACTED] hereby repeats, realleges, and incorporates by reference Paragraphs 1–82 of this Complaint as if fully set forth herein.

84. This is a claim for unfair competition and false designation of origin under 15 U.S.C. § 1125(a).

85. Defendants' use of the [REDACTED] Trade Dress without [REDACTED]'s consent constitutes a false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which (1) is likely to cause confusion or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendants with [REDACTED], or as to the origin, sponsorship, or approval of Defendants' goods or commercial activities by [REDACTED], and (2) in commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or geographic origin of Defendants' goods or commercial activities, in violation of 15 U.S.C. § 1125(a).

86. Such conduct by Defendants is likely to confuse, mislead, and deceive Defendants' customers, purchasers, and members of the public as to the origin of Defendants' product, the origin of the [REDACTED] Trade Dress, and cause said persons to mistakenly believe that Defendants and/or

their products have been sponsored, approved, authorized, or licensed by [REDACTED] or are in some way affiliated or connected with [REDACTED], all in violation of 15 U.S.C. § 1125, and constitutes false designation of origin and unfair competition with [REDACTED].

87. [REDACTED] is informed and believes and thereon, alleges that Defendants' actions were undertaken willfully with full knowledge of the falsity of such designation or origin and false descriptions or representations.

88. [REDACTED] is informed and believes and thereon, alleges that Defendants have derived and received, and will continue to derive and receive, gains, profits, and advantages from Defendants' false designation of origin, false or misleading statements, descriptions of fact, false or misleading representations of fact, and unfair competition in an amount that is not presently known to [REDACTED]. By reason of Defendants' actions constituting false designation of origin, false or misleading statements, false or misleading descriptions of fact, false or misleading representations of fact, and unfair competition, [REDACTED] has been damaged and is entitled to monetary relief in an amount to be determined at trial.

89. Due to Defendants' actions constituting false designation or origin, false or misleading statements, false or misleading descriptions of fact, false or misleading representations of fact, and unfair competition, [REDACTED] has suffered and continues to suffer great and irreparable injury for which [REDACTED] has no adequate remedy at law.

COUNT VII
VIOLATION OF ILLINOIS UNIFORM DECEPTIVE TRADE PRACTICES
ACT (815 ILCS § 510/2, *et seq.*)

90. [REDACTED] hereby repeats, realleges, and incorporates by reference Paragraphs 1–89 of this Complaint as if fully set forth herein.

91. Defendants have engaged in acts violating Illinois law including, but not limited to, causing 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 [REDACTED] representing that their products have [REDACTED]'s approval when they do not, and engaging in other conduct which creates a likelihood of confusion or misunderstanding among the public.

92. 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 goods using the [REDACTED] Trade Dress has and will continue to cause confusion and mistake, or deceive purchasers, users, and the public.

93. [REDACTED] has no adequate remedy at law, and Defendants' conduct has caused [REDACTED] 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.

PRAYER FOR RELIEF

WHEREFORE, [REDACTED] prays for judgment against Defendants as follows:

A. That the Court renders a final judgment in favor of [REDACTED] and against Defendants on all claims for relief alleged herein;

B. An Order adjudging Defendants to have infringed one or more of the [REDACTED] [REDACTED] [REDACTED] and [REDACTED] Patents under 35 U.S.C. § 271;

C. An Order adjudging Defendants' patent infringement to be willful;

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

1. infringing one or more of the [REDACTED] [REDACTED] [REDACTED] and [REDACTED] Patents in violation of 35 U.S.C. § 271, including, for example, through the sale,

- selling, and/or importing into the United States of any of the Infringing Products or any products that are not colorably different from such products;
2. aiding, abetting, contributing to, or otherwise assisting anyone in infringing one or more of the [REDACTED] [REDACTED] [REDACTED] and [REDACTED] Patents, including, for example, offering for sale, selling, and/or importing into the United States for subsequent sale or use any of the Infringing Products or other products that are not colorably different from such products; and
 3. effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in Subparagraphs (a) and (b);

E. That Defendants account for all gains, profits, and advantages derived through Defendants' infringement of one or more of the [REDACTED] [REDACTED] [REDACTED] and [REDACTED] Patents in violation of 35 U.S.C. § 271, and that Defendants pay [REDACTED] all damages suffered by [REDACTED] [REDACTED] and/or Defendants' total profit from such infringement pursuant to 35 U.S.C. §§ 284 and 289;

F. That the Court find for [REDACTED] and against Defendants on [REDACTED]'s claim of trade dress infringement under 15 U.S.C. § 1125(a), and adjudge that Defendants have infringed the [REDACTED] Trade Dress;

G. That the Court finds for [REDACTED] and against Defendants on [REDACTED]'s claim of false designation of origin and unfair competition under 15 U.S.C. § 1125;

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

1. using the [REDACTED] Trade Dress or any trade dress that is confusingly similar thereto;
2. falsely designating the origin of Defendants' goods;
3. unfairly competing with [REDACTED] in any manner whatsoever;
4. causing a likelihood of confusion or injuries to [REDACTED]'s business reputation;

I. That an accounting be ordered to determine Defendants' profits resulting from their trade dress infringement, false designation of origin, and unfair competition;

J. That [REDACTED] be awarded monetary relief in an amount to be fixed by the Court in its discretion as it finds just as an equitable remedy and as a remedy under 15 U.S.C. § 1117, including:

1. All profits received by Defendants from sales and revenues of any kind made as a result of their infringing actions, said amount to be trebled;
2. All damages sustained by [REDACTED] as a result of Defendants' acts of trade dress infringement, false designation of origin, and unfair competition, and that such damages be trebled; and,
3. The costs of this action;

K. That such damages and profits be trebled and awarded to [REDACTED] pursuant to 15 U.S.C. § 1117;

L. Entry of an Order that, upon [REDACTED]'s request, any third party with actual notice of the Order who is providing services for any of the Defendants, or in connection with any of the Defendants' Online Marketplaces, including without limitation, any online marketplace platforms such as Alibaba and made-in-china.com (collectively, the "Third Party Providers") shall:

1. disable and cease providing services for any accounts through which Defendants engage in the sale of the Infringing Products or other products that are not colorably different from such products, including any accounts associated with Defendants listed on Schedule A;
 2. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of the Infringing Products or other products that are not colorably different from such products;
 3. Take all steps necessary to prevent links to the online marketplace accounts identified in Schedule A from displaying in search results, including, but not limited to, removing links to the URLs from any search index;
- M. An Order adjudging that this is an exceptional case;
- N. An Order for trebling of damages and/or exemplary damages because of Defendants' willful conduct pursuant to 35 U.S.C. § 284 and/or 15 U.S.C. § 1117;
- O. An award to [REDACTED] of the attorneys' fees, expenses, and costs incurred by [REDACTED] in connection with this action pursuant to 35 U.S.C. § 285 and/or 15 U.S.C. § 1117;
- P. An award of pre-judgment and post-judgment interest and costs of this action against Defendants; and
- Q. Such other and further relief as this Court may deem just and proper.

[REDACTED] demands trial by jury as to all causes of action so triable.

August 15, 2024

Respectfully submitted,

Of Counsel:

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/s/ Jame E. Judge
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