

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

**CASE NO.: 1:24-cv-20839**

CLAIMANT STUDIOS, LLC,

Plaintiff,

v.

THE INDIVIDUALS, PARTNERSHIPS,  
AND UNINCORPORATED  
ASSOCIATIONS IDENTIFIED ON  
SCHEDULE "A",

Defendant,

**COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF**

Plaintiff, CLAIMANT STUDIOS, LLC<sup>1</sup>, by and through its undersigned counsel, brings this complaint against Defendants, The Individuals, Partnerships, and Unincorporated Associations set forth on Schedule "A" hereto (collectively "Defendants"), who are promoting, selling, offering for sale and distributing goods using confusingly similar imitations of Plaintiff's intellectual property within this district through various Internet based e-commerce stores using the seller identities as set forth on Schedule "A" hereto (the "Seller ID's"), and in support of its claims, alleges as follows:

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<sup>1</sup> Since it is unknown when Plaintiff's forthcoming *Ex Parte* Motion for Entry of Temporary Restraining Order, Preliminary Injunction, and Order Restraining Transfer of Assets will be ruled on, Plaintiff's name has been removed to prevent Defendants from getting advance notice. Counterfeiting and infringement lawsuits like this one are closely monitored by Chinese defendants on websites like [www.sellerdefense.cn](http://www.sellerdefense.cn), social media (QQ, WeChat, etc.), and elsewhere on the internet. The [www.sellerdefense.cn](http://www.sellerdefense.cn) website and others warn infringers specifically of product types, brands, law firms filing cases, and other information necessary for defendants, like those named in this case, to evade Plaintiff's anti-pirating and anti-counterfeiting efforts and hide their ill-gotten gains. Plaintiff will file an Amended Complaint which identifies Plaintiff and provides additional information and allegations once the record is unsealed.

**SUMMARY OF THE ACTION**

1. Plaintiff, CLAIMANT STUDIOS, LLC brings this action for willful copyright infringement and piracy committed for purposes of commercial advantage or private financial gain by the reproduction or distribution, including by electronic means, of one or more copies of copyrighted works in violation of 17 U.S.C. §501, and for all the remedies available under the Copyright Act 17 U.S.C. § 101, *et seq.*

**SUBJECT MATTER JURISDICTION**

2. This is an action arising under the Copyright Act, 17 U.S.C. § 501.
3. This court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

**PERSONAL JURISDICTION**

4. Defendants are subject to personal jurisdiction in this district because they purposefully direct their activities toward and conduct business with consumers throughout the United States, including within the state of Florida and this district, through at least the internet-based e-commerce stores accessible in Florida and operating under their Seller IDs.

5. Defendants are subject to personal jurisdiction in this district because their illegal activities directed towards the state of Florida cause Plaintiff injury in Florida, and Plaintiff's claims arise out of those activities.

6. Alternatively, Defendants are subject to personal jurisdiction in this district pursuant to Federal Rule of Civil Procedure 4(k)(2) because (i) Defendants are not subject to jurisdiction in any state's court of general jurisdiction; and (ii) exercising jurisdiction is consistent with the United States Constitution and laws.

**VENUE**

7. Venue is proper in this court pursuant to 28 U.S.C. § 1391(b)(3) because Defendants are subject to the court’s personal jurisdiction and not resident in the United States and therefore there is no district in which an action may otherwise be brought.

8. Venue is proper in this court pursuant to 28 U.S.C. §1400(a) because Defendants or their agents are subject to the court’s personal jurisdiction and therefore reside in this judicial district or may be found here.

**THE PLAINTIFF**

9. Claimant Studios, LLC (“Claimant”) is a South Carolina limited liability company with its principal place of business in Simpsonville, South Carolina.

10. Claimant is an indie jewelry studio.

11. Claimant’s products are sold legitimately through its website and other authorized retailers.

12. Claimant is the exclusive owner with all rights in and to the copyrights described below that are subject of this action.

13. Plaintiff offers for sale and sells its products within the state of Florida, including this district, and throughout the United States.

14. Like many other intellectual property rights owners, Plaintiff suffers ongoing daily and sustained violations of its intellectual property rights at the hands of infringers, such as Defendants herein.

15. Plaintiff is harmed, the consuming public is duped and confused, and the Defendants earn substantial profits in connection with the infringing conduct.

16. In order to combat the harm caused by the combined actions of Defendants and others engaging in similar infringing conduct, Plaintiff expends significant resources in

connection with its intellectual property enforcement efforts, including legal fees and investigative fees.

17. The recent explosion of infringement over the Internet has created an environment that requires companies like Plaintiff's to expend significant time and money across a wide spectrum of efforts in order to protect both consumers and itself from the ill effects of infringement of Plaintiff's intellectual property rights, including consumer confusion and the erosion of Plaintiff's brand.

### PLAINTIFF'S COPYRIGHT

18. Claimant's popular jewelry design is protected by copyrights and registered with the Copyright Office (the "Copyrighted Design"). Plaintiff advertises, markets, promotes, and sells its copyrighted jewelry designs using photographs that are protected by copyright and registered with the Copyright Office (the "Copyrighted Photographs").

19. Plaintiff's Copyrighted Design and Copyrighted Photographs are duly registered with the Register of Copyrights are shown in the table below (collectively, the "Works"). True and correct copies of Copyright Certificates of Registration and the photographs they apply to are attached hereto as **Composite Exhibit 1<sup>2</sup>**.

Copyright Title	Reg. No.	Reg. Date	Exhibit
REDACTED (jewelry design)	VA X-XXX-XXX	5/28/2014	1A
REDACTED (jewelry photographs)	VA X-XXX-XXX	12/28/2020	1B

<sup>2</sup> Omitted in initial filing. Plaintiff will file a Motion for Leave to file certain documents, including Exhibit 1, under seal.

20. Plaintiff is the owner of all rights in and to the copyrighted Works, some of them by written assignment. A true and correct copy of the Copyright Assignment is attached hereto as **Exhibit 2**<sup>3</sup>.

21. Plaintiff's genuine rings are widely legitimately advertised and promoted by Plaintiff using the Copyrighted Photographs.

22. The Copyright Photographs show Plaintiff's high-quality ring from multiple angles to display the design and craftsmanship of the ring.

23. Plaintiff has never granted authorization to anyone to advertise, market, or promote unauthorized goods using Plaintiff's copyrighted Works.

### **DEFENDANTS**

24. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b).

25. Defendants are individuals and/or business entities of unknown makeup, each of whom, upon information and belief, either reside and/or operate in foreign jurisdictions, redistribute products from the same or similar sources in those locations, and/or ship their goods from the same or similar sources in those locations to shipping and fulfillment centers within the United States to redistribute their products from those locations.

26. Defendants are engaged in business in Florida but have not appointed an agent for service of process.

27. Upon information and belief, Defendants have registered, established or purchased, and maintained their Seller ID's.

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<sup>3</sup> Omitted in initial filing. Plaintiff will file a Motion for Leave to file certain documents, including Exhibit 2, under seal.

28. Defendants target their business activities toward consumers throughout the United States, including within this district, through the simultaneous operation of commercial Internet based e-commerce stores via the Internet marketplace websites under the Seller IDs.

29. Defendants have purposefully directed some portion of their illegal activities towards consumers in the state of Florida through the advertisement, offer to sell, sale, and/or shipment of counterfeit and infringing goods into the State.

30. Upon information and belief, Defendants may have engaged in fraudulent conduct with respect to the registration of the Seller IDs by providing false and/or misleading information to the Internet based e-commerce platforms or domain registrar where they offer to sell and/or sell during the registration or maintenance process related to their respective Seller IDs.

31. Upon information and belief, many Defendants registered and maintained their Seller IDs for the sole purpose of engaging in illegal activities.

32. Upon information and belief, Defendants will likely continue to register or acquire new seller identification aliases for the purpose of selling and offering for sale infringements of Plaintiff's intellectual property rights unless preliminarily and permanently enjoined.

33. Defendants use their Internet-based businesses to infringe the intellectual property rights of Plaintiff and others.

34. Defendant's business names, i.e., the Seller IDs, associated payment accounts, and any other alias seller identification names or e-commerce stores used in connection with the sale of goods using Plaintiff's copyrighted works, are essential components of Defendants' online activities and are one of the means by which Defendants further their infringement scheme and cause harm to Plaintiff.

35. Defendants, through the sale and offer to sell infringing products, are directly, and unfairly, competing with Plaintiff's economic interests in the state of Florida and causing Plaintiff harm and damage within this jurisdiction.

36. The natural and intended by product of Defendants' actions is the erosion and destruction of the goodwill associated with Plaintiff's intellectual property rights and the destruction of the legitimate market sector in which it operates.

37. Upon information and belief, at all times relevant hereto, Defendant had actual or constructive knowledge of Plaintiff's intellectual property rights, including Plaintiff's exclusive right to use and license such intellectual property rights.

**JOINDER OF DEFENDANT IN THIS ACTION IS PROPER**

38. Defendants are the individuals, partnerships, and unincorporated associations set forth on Schedule "A" hereto.

39. Defendants are promoting, selling, offering for sale, and distributing goods using confusingly similar imitations of Plaintiff's intellectual property within this district.

40. Joinder of all Defendants is permissible based on the permissive party joinder rule of Fed. R. Civ. P. 20(a)(2) that permits the joinder of persons in an action as Defendants where any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and any question of law or fact common to all Defendants will arise in the action.

41. Joinder of the multiple Defendants listed in Schedule "A" attached hereto is permitted because Plaintiff asserts rights to relief against these Defendant jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and common questions of law or fact will arise in the action.

42. Joinder of the multiple Defendants listed in Schedule “A” attached hereto serves the interests of convenience and judicial economy, which will lead to a just, speedy, and inexpensive resolution for Plaintiff, Defendants, and this Court.

43. Joinder of the multiple Defendant listed in Schedule “A” attached hereto will not create any unnecessary delay nor will it prejudice any party. On the other hand, severance is likely to cause delays and prejudice Plaintiff and Defendants alike.

44. Joinder of the multiple Defendants listed in Schedule “A” is procedural only and does not affect the substantive rights of any Defendant listed on Schedule “A” hereto.

45. This court has jurisdiction over the multiple Defendants listed in Schedule “A” hereto. Venue is proper in this court for this dispute involving the multiple Defendants listed in Schedule “A” hereto.

46. Plaintiff’s claims against the multiple Defendant listed in Schedule “A” are all transactionally related.

47. Plaintiff is claiming copyright infringement against Defendants of Plaintiff’s intellectual property rights.

48. All Defendants’ actions are logically related. All Defendants are all engaging in the same systematic approach of establishing online storefronts to redistribute illegal products from the same or similar sources while maintaining financial accounts that the Defendants can easily conceal to avoid any real liability for their actions.

49. All Defendants undertake efforts to conceal their true identities from Plaintiff in order to avoid detection for their illegal activities.

50. All Defendants use payment and financial accounts associated with their online storefronts or the online platforms where their online storefronts reside.

51. All Defendant use their payment and financial accounts to accept, receive, and deposit profits from their illegal activities.

52. All Defendants can easily and quickly transfer or conceal their funds in their use payment and financial accounts to avoid detection and liability in the event their efforts are discovered or Plaintiff obtains a monetary award.

53. All Defendants understand that their ability to profit through anonymous internet stores is enhanced as their numbers increase, even though they may not all engage in direct communication or coordination.

54. Many of the Defendants are operating multiple internet storefronts and online marketplace seller accounts using different Seller IDs listed on Schedule "A". As a result, there are more Seller IDs than there are Defendants, a fact that will emerge in discovery.

55. Defendants' business names, i.e., the Seller IDs, associated payment accounts, and any other alias seller identification names or e-commerce stores used in connection with the sale of infringements of Plaintiff's intellectual property rights are essential components of Defendants' online activities and are one of the means by which Defendants further their infringement scheme and cause harm to Plaintiff.

56. Defendants are using infringements of Plaintiff's intellectual property rights to drive Internet consumer traffic to their e-commerce stores operating under the Seller IDs, thereby increasing the value of the Seller IDs and decreasing the size and value of Plaintiff's legitimate marketplace and intellectual property rights at Plaintiff's expense.

57. Defendants, through the sale and offer to sell infringing products, are directly, and unfairly, competing with Plaintiff's economic interests in the state of Florida and causing Plaintiff harm and damage within this jurisdiction.

58. Upon information and belief, at all times relevant hereto, Defendants had actual or constructive knowledge of Plaintiff's intellectual property rights, including Plaintiff's exclusive right to use and license such intellectual property rights.

**DEFENDANTS' INFRINGING ACTIVITIES**

59. Defendants are promoting, advertising, distributing, selling, and/or offering for sale goods using unauthorized copies of Plaintiff's Works in interstate commerce that are infringements of Plaintiff's intellectual property rights through at least the Internet based e-commerce stores operating under the Seller IDs.

60. At least one defendant is also using the listing and associated image identified by the Amazon Standard Identification Number ("ASIN") on Schedule "A" annexed hereto.

61. Defendants are using identical copies of Plaintiff's Works for cheap quality goods.

62. Defendants advertise their e-commerce stores to the consuming public via e-commerce stores on, at least, one Internet marketplace website operating under, at least, the Seller IDs.

63. In so advertising their stores and products, Defendants improperly and unlawfully use the Works without Plaintiff's permission.

64. By their actions, Defendants are contributing to the creation and maintenance of an illegal marketplace operating in parallel to the legitimate marketplace for Plaintiff's genuine goods.

65. Defendants are causing individual, concurrent and indivisible harm to Plaintiff and the consuming public by (i) depriving Plaintiff and other third parties of their right to fairly compete for space within search engine results and reducing the visibility of Plaintiff's genuine goods on the World Wide Web, (ii) causing an overall degradation of the value associated with

the image, and (iii) increasing Plaintiff's overall cost to market its goods and educate consumers via the Internet.

66. As a result, Defendants are defrauding Plaintiff and the consuming public for Defendants' own benefit.

67. Upon information and belief, at all times relevant hereto, Defendants in this action had full knowledge of Plaintiff's ownership of the Works, including its exclusive right to use and license such intellectual property and the goodwill associated therewith.

68. Defendant's use of the Works, including the promotion and advertisement, reproduction, distribution, sale and offering for sale of their infringing goods, is without Plaintiff's consent or authorization.

69. Defendants are engaging in the above-described infringing activities knowingly and intentionally or with reckless disregard or willful blindness to Plaintiff's rights for the purpose of trading on Plaintiff's intellectual property and reputation.

70. If Defendants intentional infringing activities are not preliminarily and permanently enjoined by this Court, Plaintiff and the consuming public will continue to be harmed.

71. Defendants' infringing activities are likely to cause confusion, deception, and mistake in the minds of consumers before, during and after the time of purchase.

72. Defendants are likely to transfer or secret their assets to avoid payment of any monetary judgment awarded to Plaintiff.

73. Plaintiff is suffering irreparable injury and has suffered substantial damages as a result of Defendants' unauthorized and infringing activities and its wrongful use of Plaintiff's intellectual property rights.

74. Plaintiff should not have any competition from Defendants because Plaintiff never authorized Defendants to use Plaintiff's copyrights.

75. Plaintiff has no adequate remedy at law.

**COUNT I – COPYRIGHT INFRINGEMENT**

76. Plaintiff incorporates the allegations of paragraphs 1 through 75 of this Complaint as if fully set forth herein.

77. Plaintiff has complied in all respects with the Copyright Act of the United States and all other laws governing copyright and secured the exclusive rights and privileges in and to the copyrights at issue in this action.

78. Pursuant to 17 U.S.C. § 411 (a), Plaintiff has valid copyright ownership of the Works at issue in this action.

79. Pursuant to 17 U.S.C. §106, Plaintiff has the exclusive rights and privileges to reproduce, prepare derivative works, distribute copies, and import copies into the United States of Plaintiff's copyrighted Works.

80. Defendants directly infringed Plaintiff's exclusive rights in its copyright.

81. Defendants copied, displayed, and distributed Plaintiff's copyrighted works and/or prepared derivative works based upon Plaintiff's copyrighted works in violation of Plaintiff's exclusive rights under 17 U.S.C. §106.

82. Defendants' conduct constitutes willful and direct copyright infringement of Plaintiff's copyrighted works.

83. Defendants profited from the direct copyright infringement of the exclusive rights of Plaintiff in the works at issue in this case under the Copyright Act.

84. On information and belief, Defendants routinely and intentionally infringe the intellectual property rights of others, including but not limited to, acting with willful blindness and/or reckless disregard.

85. Plaintiff has been damaged by the infringement.

86. The harm to Plaintiff is irreparable.

87. Plaintiff is entitled to temporary and permanent injunctive relief from Defendants' willful infringement.

88. As a direct and proximate result of Defendants' infringement of Plaintiff's exclusive rights, Plaintiff is entitled to actual damages and statutory damages, as well as Defendants' profits pursuant to 17 U.S.C. §504(b) and (c).

89. Plaintiff is entitled to recover its reasonable costs and attorneys' fees incurred in this action.

WHEREFORE, Plaintiff demands judgment on all Counts of this Complaint and an award of equitable relief and monetary relief against Defendants as follows:

- a. Entry of temporary, preliminary, and permanent injunctions pursuant to 17 U.S.C. § 502(a) and Federal Rule of Civil Procedure 65 enjoining Defendants, their agents, representatives, servants, employees, and all those acting in concert or participation therewith, from manufacturing or causing to be manufactured, importing, advertising or promoting, distributing, selling or offering to sell infringing goods; from infringing the Works; from using the Works, or any design similar thereto, in connection with the sale of any unauthorized goods; from using any reproduction, infringement, copy, or colorable imitation of the Works

in connection with the publicity, promotion, sale, or advertising of any goods sold by Defendants; and from otherwise unfairly competing with Plaintiff.

- b. Entry of a temporary restraining order, as well as preliminary and permanent injunctions pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority, enjoining Defendants and all third parties with actual notice of the injunction issued by this Court from participating in, including providing financial services, technical services or other support to, Defendants in connection with the sale and distribution of non- genuine goods bearing and/or using the Works.
- c. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority that, upon Plaintiff's request, the applicable governing Internet marketplace website operators and/or administrators for the Seller IDs who are provided with notice of an injunction issued by this Court disable and/or cease facilitating access to the Seller IDs and any other alias seller identification names being used and/or controlled by Defendants to engage in the business of marketing, offering to sell, and/or selling goods using infringements of the Works.
- d. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and this Court's inherent authority that, upon Plaintiff's request, any messaging service and Internet marketplace website operators, administrators, registrar and/or top level domain (TLD) registry for the

Seller IDs who are provided with notice of an injunction issued by this Court identify any e-mail address known to be associated with Defendants' respective Seller ID's.

- e. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and this Court's inherent authority that upon Plaintiff's request, any Internet marketplace website operators and/or administrators who are provided with notice of an injunction issued by this Court permanently remove from the multiple platforms, which include, *inter alia*, a direct platform, group platform, seller product management platform, vendor product management platform, and brand registry platform, any and all listings and associated images of goods using infringements of the Works via the e-commerce stores operating under the Seller IDs, including but not limited to the listings and associated images identified by the "parent" and/or "child" Amazon Standard Identification Numbers ("ASIN") on Schedule "A" annexed hereto, and upon Plaintiff's request, any other listings and images of goods using infringements of the Works associated with any ASIN linked to the same sellers or linked to any other alias seller identification names being used and/or controlled by Defendants to promote, offer for sale and/or sell goods using infringements of the Works.
- f. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act and this Court's inherent authority that, upon Plaintiff's request, Defendants and any Internet marketplace website operators and/or

administrators who are provided with notice of an injunction issued by this Court immediately cease fulfillment of and sequester all goods of each Defendant bearing and/or using the Works in its inventory, possession, custody, or control, and surrender those goods to Plaintiff.

- g. Entry of an Order requiring Defendants to correct any erroneous impression the consuming public may have derived concerning the nature, characteristics, or qualities of their products, including without limitation, the placement of corrective advertising and providing written notice to the public.
- h. Entry of an Order requiring Defendants to account to and pay Plaintiff his actual damages and Defendants' profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. §504.
- i. Entry of an award, pursuant to 17 U.S.C. §505, of Plaintiff's costs, disbursements, and reasonable attorneys' fees, associated with bringing this lawsuit.
- j. Entry of an Order that, upon Plaintiff's request, Defendants and any financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, and their related companies and affiliates, identify and restrain all funds, up to and including the total amount of judgment, in all financial accounts and/or sub-accounts used in connection with the Seller IDs, or other alias seller identification or e-commerce store names used by Defendants

presently or in the future, as well as any other related accounts of the same customer(s) and any other accounts which transfer funds into the same financial institution account(s) and remain restrained until such funds are surrendered to Plaintiff in partial satisfaction of the monetary judgment amount.

- k. Entry of award or pre-judgment interest on the judgement amount.
- l. Entry of an Order for any further relief as the Court may deem just and proper.

DATED: March 4, 2024

Respectfully submitted,

/s/ Joel B. Rothman  
JOEL B. ROTHMAN  
Florida Bar Number: 98220  
[joel@sriplaw.com](mailto:joel@sriplaw.com)

**SRIPLAW, P.A.**  
21301 Powerline Road  
Suite 100  
Boca Raton, FL 33433  
561.404.4350 – Telephone  
561.404.4353 – Facsimile

*Counsel for Plaintiff Claimant Studios, LLC*