

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CASE NO.:

XYZ Corporation,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED IN
SCHEDULE "A" HERETO,

Defendants.

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

Plaintiff XYZ Corporation ("Plaintiff"), hereby files its Complaint for trademark infringement against Defendants, the Individuals, Corporations, Limited Liability Companies, Partnerships and Unincorporated Associations Identified on Schedule "A" Hereto, (collectively, the "Defendants") and in support of its claims states at follows:

I. JURISDICTION AND VENUE

1. This is an action for damages and injunctive relief for federal trademark infringement and false designation of origin under the Lanham Act pursuant to 15 U.S.C. §§ 1114, 1116, 1121, 1125(a), and 1125(d), and The All Writs Act, 28 U.S.C. § 1651(a); 15 U.S.C. § 1051, et seq., Florida common law unfair competition and Florida common law infringement.

2. This Court has original subject matter jurisdiction under 28 U.S.C. § 1331, 28 U.S.C. § 1338(a)-(b), and 15 U.S.C. § 1121. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1337(a) over Plaintiff's state law claims because those claims are so related to the federal claims that they form part of the same case or controversy.

3. This Court may exercise personal jurisdiction over each Defendant because each Defendant directly targets business activities towards consumers throughout the United States, including Florida, through at least the fully interactive e-commerce stores on third-party online marketplace platforms operating under the seller aliases identified in Schedule “A” (the “Seller Aliases”) attached hereto as **Exhibit 1**. Specifically, the Defendants have targeted sales to the United States by operating these e-commerce stores that target United States consumers, offering to ship to the United States, accepting payment in U.S. dollars, and have sold products using Plaintiff’s federally registered trademark.

4. Furthermore, the common law violations under Florida law provide a basis for long-arm jurisdiction over each Defendant under Florida Statutes §§ 48.193(1)(a) and 48.193(1)(b), as each Defendant has committed torts within Florida through unfair competition with Plaintiff.

5. Each Defendant is properly subject to jurisdiction in the United States because each is a foreign entity with sufficient contacts here, as they systematically offer counterfeit items through the Amazon platform. This systematic offering of counterfeit items for sale makes it reasonably foreseeable that they would be called to answer in a court within the United States, ensuring that the exercise of jurisdiction in this Court aligns with due process.

6. Venue is proper in this district under 28 U.S.C. § 1391 because each Defendant is subject to this Court’s personal jurisdiction and none of the Defendants, based on a pre-suit investigation, are residents of the United States. Each Defendant is engaged in infringing activities and causing harm within the Southern District of Florida by advertising, offering to sell, selling and/or shipping infringing products to consumers in this district. This Court is the proper jurisdiction and venue under Federal Rule of Civil Procedure 4(k).

II. PARTIES

Plaintiff

7. Plaintiff is a duly organized company under the laws of the People's Republic of China ("China") and is the owner of the trademark "████████" which has been registered on the Principal Register of the United States Patent and Trademark Office and given Registration No. ████████.

████████ A true and correct copy of the federal trademark registration issued for the ████████ mark ("Plaintiff's Mark") is attached hereto as **Exhibit 2**.

8. Plaintiff offers for sale through its online retail store women's fashion and apparel products branded with the "████████" trademark ("Plaintiff's Goods"). Plaintiff has continuously offered Plaintiff's Goods under Plaintiff's Mark since at least as early as 2017. As a result of its continuous use, Plaintiff has also acquired common law trademark rights in Plaintiff's Mark.

9. Plaintiff's extensive and continuous use of Plaintiff's Mark in connection with Plaintiff's Goods has indelibly impressed on the minds of the relevant consuming public that Plaintiff's Mark identifies Plaintiff as the source of Plaintiff's Goods.

10. Plaintiff has expended substantial time, money, and effort to advertise and promote Plaintiff's Goods under the Plaintiff's Mark. Plaintiff has built substantial goodwill in and to Plaintiff's Mark. Plaintiff's Mark is a valuable asset of Plaintiff.

Defendants

11. The Defendants are individuals and business entities of unknown corporate organization and/or structure who own and/or operate one or more of the e-commerce stores on the Amazon platform under the Seller Aliases identified on Schedule "A". Based on Plaintiff's pre-suit investigation of the addresses associated with the Seller Aliases on the Amazon platform,

the Defendants reside and/or operate outside the United States. On information and belief, the Defendants redistribute products from the same or similar sources in those locations, and/or ship their goods from the same or similar sources to consumers.

12. Plaintiff's pre-suit investigation has revealed that each Defendant has provided false or inaccurate business names and addresses when they registered for their e-commerce stores. Such tactics are used to conceal their true identities, the full scope of their infringing operations, and their relatedness to the other Defendants. This makes it virtually impossible for Plaintiff to discover the Defendants' true identities and the interworking of their infringement network scheme.

13. Most third-party online marketplace platforms usually do not subject new sellers to verification or confirm their identities, which allows infringers to use fake or inaccurate names, business information, and addresses when creating their e-commerce stores on these online marketplace platforms.¹ These third-party online marketplace platforms also generally do not require a seller to identify any underlying business entity, thus infringers are able to create multiple profiles and e-commerce stores that appear unrelated even though they are commonly owned and operated.²

III. BACKGROUND INFORMATION

14. Plaintiff has identified numerous e-commerce stores on the Amazon platform using without authorization Plaintiff's Mark. *See* the Seller Aliases on Schedule "A". The Defendants are each advertising, promoting, offering for sale and/or selling goods infringing products using

¹ U.S. Department of Homeland Security, Report on Combating Trafficking in Counterfeit and Pirated Goods, January 24, 2020, (available at: https://www.dhs.gov/sites/default/files/publications/20_0124_plcy_counterfeit-pirated-goods-report_01.pdf).

² *Id.* at 39.

Plaintiff's Mark in the description of goods ("Defendants' Goods") on their e-commerce stores on the Amazon platform. Screenshots of Defendants' product webpages are attached hereto as **Exhibit 3.**

15. The Defendants are using Plaintiff's Mark to initially attract online consumers and drive them to their e-commerce stores operating under the Seller Aliases on the Amazon platform. The Defendants' use of the wordmark "██████████" is identical in sight, spelling, sound, meaning and commercial impression to Plaintiff's Mark.

16. The Defendants are actively using, promoting and otherwise advertising, distributing, offering for sale and/or selling substantial quantities of their infringing goods with the knowledge and intent that such goods will be mistaken for the genuine, high-quality goods offered for sale by Plaintiff despite Defendants' knowledge that they are without authority to use Plaintiff's Mark. The Defendants' actions are likely to cause confusion of consumers at the time of initial interest, sale, and in the post-sale setting, who will believe the Defendants' Goods are genuine goods originating from, associated with, and/or approved by Plaintiff.

17. Similar infringing defendants facilitate sales by opening e-commerce stores on a highly reputable third-party marketplace platforms, such as Amazon, Walmart, eBay, etc., and operate under the Seller Aliases so that they appear to unsuspecting customers to be authorized online retailers. In the instant case, the e-commerce stores operating under the Seller Aliases appear legitimate because they are operating on the well-known and trusted third-party online marketplace platform, Amazon, and accept payment in U.S. dollars and/or funds from U.S. bank accounts via credit cards, Alipay, Amazon Pay, and/or PayPal.

18. As mentioned above, such seller alias registration patterns are one of many common tactics used by e-commerce store operators like the Defendants to conceal their identities and the

full scope and interworking of their infringement operation, and to avoid being shut down. Operating under various seller aliases also gives the impression that the Defendants are multiple, separate entities when listed on a Schedule “A” enforcement action. By giving the appearance that the seller aliases are all unrelated entities, infringers, like the Defendants, know they are creating a potential joinder issue for any multi-defendant enforcement effort, thereby further thwarting facing liability.

19. The Defendants’ intentional technique of hiding behind multiple Seller Aliases to make enforcement more difficult is used to perpetuate illegal counterfeiting activities. Absent joinder of each Defendant, the Defendants’ strategy to avoid liability will be effective because individual lawsuits are costly to file and burden the courts. Hence, each Defendant is joined in this action because it is highly likely that they are working with the other Defendants or are not separate entities, and that they are only listed as separate entities to avoid enforcement of U.S. and trademark law.

20. Each of the Defendants unfairly benefits from operating in the midst of a swarm of other infringers, each individually, and all collectively, violating Plaintiff’s Mark and/or through misuse of e-commerce. This is a strategy that counterfeiters use to evade enforcement efforts, thus keeping their operations moving, because the swarm is too large to go after individually, and because as one gets shut down, the counterfeiter can open five more, and transfer money in between them if noticed of a suit like this one.

21. The e-commerce stores operating under the Seller Aliases include other notable common features such as use of the same registration patterns, keywords, advertising tactics, similarities in price and quantities, the same incorrect grammar and misspellings, and/or the use of the same text and images. Additionally, the counterfeit products offered for sale by the Seller

Aliases bear similar irregularities, suggesting that the Defendants' Products were manufactured by and come from a common source and that the Defendants are interrelated.

22. Plaintiff has not licensed or authorized the Defendants to use Plaintiff's Mark and none of the Defendants are authorized retailers of Plaintiff's Goods.

23. By their actions, the Defendants are causing harm to Plaintiff and the consuming public by (i) depriving Plaintiff of its right to fairly compete for space online and within search engine results and reducing the visibility of Plaintiff's genuine goods on the Internet, (ii) causing an overall degradation of the value of the goodwill associated with Plaintiff's Mark, and (iii) increasing Plaintiff's overall cost to market its goods and educate consumers about its brand via the Internet.

24. The Defendants' use the payment and financial accounts linked to the Amazon online marketplace platform to accept, receive, and deposit profits from their infringing, and unfairly competitive activities connected to their Seller Aliases. Furthermore, each Defendant is likely to transfer or conceal their assets to avoid payment of any monetary judgment awarded to Plaintiff. Therefore, Plaintiff has no adequate remedy at law because there will be no money within the Court's jurisdiction to award to Plaintiff when it prevails on its claims, unless there is injunctive relief over the funds already held by the online marketplace platforms.

25. Plaintiff is suffering irreparable injury and has suffered substantial damages because of the Defendants' unauthorized and wrongful use of Plaintiff's Mark. If the Defendants' infringing and unfairly competitive activities are not preliminarily and permanently enjoined by this Court, Plaintiff and the consuming public will continue to be harmed while the Defendants wrongfully earn a substantial profit.

IV. CLAIMS

**COUNT I –
TRADEMARK INFRINGEMENT PURSUANT TO 15 U.S.C. § 1114**

26. Plaintiff realleges and incorporates by reference the allegations set forth above in paragraphs 1-25.

27. This is an action for trademark infringement against the Defendants based on their unauthorized use of Plaintiff's Mark in commerce in connection with the promotion, advertisement, distribution, offering for sale and/or sale of Defendants' Products.

28. Plaintiff is the exclusive owner of Plaintiff's Mark. The United States Registration for Plaintiff's Mark is in full force and effect.

29. The marks used by each Defendant in their promotion, advertising, marketing, offers for sale, and sale of the infringing products are identical with, or substantially indistinguishable from, the registered Plaintiff's Mark.

30. On information and belief, the Defendants have knowledge of Plaintiff's rights in Plaintiff's Mark and are willfully and intentionally infringing on Plaintiff's trademark rights by using Plaintiff's Mark in connection with Defendants' description, advertising, promotion, and sale of Defendants' Goods.

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

32. The Defendants' willful, intentional, and unauthorized use of Plaintiff's Mark for goods identical, nearly identical, directly competing, and/or overlapping to Plaintiff's Goods is likely to cause and is causing confusion, mistake, confusion, and deception as to the quality, origin, sponsorship, or approval of Defendants' Products among the general public.

33. The Defendants' unlawful actions have caused and are continuing to cause unquantifiable damages and irreparable harm to Plaintiff and are unjustly enriching Defendants with profits at Plaintiff's expense.

34. Plaintiff has no adequate remedy at law. Plaintiff has suffered and will continue to suffer irreparable injury and damages because of the Defendants' above-described activities if the Defendants are not preliminarily and permanently enjoined. Additionally, the Defendants will continue to wrongfully profit from their unlawful activities.

35. Plaintiff is entitled to injunctive relief in accordance with 15 U.S.C. § 1116(a).

36. Plaintiff is entitled to recover damages as set forth in 15 U.S.C. § 1117(a).

37. Plaintiff is entitled to recover its attorneys' fees pursuant to 15 U.S.C. § 1117(a).

COUNT II –
FALSE DESIGNATION OF ORIGIN PURSUANT TO 15 U.S.C. § 1125

38. Plaintiff realleges and incorporates by reference the allegations set forth above in paragraphs 1-25.

39. Plaintiff has used Plaintiff's Mark continuously and consistently for an extended period of time to identify, advertise, promote, and sell Plaintiff's Goods, which has indelibly impressed on the minds of the consuming public the impression that Plaintiff's Mark identifies Plaintiff as the source of its women's fashion and apparel products.

40. The Defendants have each caused or authorized the infringing use of Plaintiff's Mark in Defendants' advertisement and promotion of their infringing goods throughout the United States via the Internet.

41. Defendants' Products that are being offered for sale and sold using Plaintiff's Mark are virtually identical in appearance to Plaintiff's genuine goods. However, when actually received by purchasing consumers, Defendants' Products are different in quality. Accordingly, by using

Plaintiff's Mark on Defendants' Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of Defendants' Products.

42. The Defendants have each caused such goods to enter commerce in the United States with full knowledge of the falsity of such designations of origin and such descriptions and representations, all to Plaintiff's detriment.

43. The Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of Defendants' Products to the general public involves the unauthorized use of Plaintiff's Mark and is a willful violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125.

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

COUNT III –
COMMON LAW TRADEMARK INFRINGEMENT

45. Plaintiff realleges and incorporates by reference the allegations set forth above in paragraphs 1-25.

46. Since at least as early as 2017, Plaintiff has continuously offered Plaintiff's Goods under Plaintiff's Mark. As such, Plaintiff has acquired common law trademark rights in and to the “[REDACTED]” mark.

47. The Defendants adopted and began using Plaintiff's Mark after Plaintiff's first use of Plaintiff's Mark in the United States. Plaintiff's rights in Plaintiff's Mark are therefore senior to the Defendants' rights, if any, in the wordmark “[REDACTED]”, when used in connection with women's fashion and apparel products.

48. The Defendants conduct of promoting, advertising, offering for sale and/or selling Defendants' Goods using Plaintiff's Mark constitutes common law trademark infringement.

49. The Defendants' infringing activities are likely to cause and are causing confusion, mistake, and deception among consumers as to the origin and quality of Defendants' Products bearing Plaintiff's Mark.

50. The Defendants' conduct is causing and, unless enjoyed and restrained by this Court, will continue to cause Plaintiff great and irreparable harm that cannot be fully compensated or measured in a dollar amount. Plaintiff has no adequate remedy at law. As such, Plaintiff is entitled to a preliminary and permanent injunction prohibiting further infringement of Plaintiff's Mark.

**COUNT IV –
COMMON LAW UNFAIR COMPETITION**

51. Plaintiff realleges and incorporates by reference the allegations set forth above in paragraphs 1-25.

52. The Defendants are each promoting and otherwise advertising, selling, offering for sale, and distributing products using Plaintiff's Mark without authorization or the right to do so. The Defendants are each also infringing on Plaintiff's Mark to unfairly compete with Plaintiff for (a) space in search engine results across an array of search terms and/or (b) visibility on the Internet.

53. The Defendants' conduct constitutes unfair competition under the common law of Florida by a deliberate course of conduct, all without authorization, license, privilege, or justification.

54. The Defendants' infringing activities are likely to cause and are causing confusion, mistake, and deception among customers as to the origin and quality of Defendants' Products and the Defendants' e-commerce stores as a whole due to their use of Plaintiff's Mark.

55. As a result of the Defendants' acts, Plaintiff has been damaged and will continue to be damaged in an amount not yet determined or ascertainable. At a minimum, however, Plaintiff is entitled to injunctive relief, an accounting of the Defendants' profits, actual damages, punitive damages, attorney's fees and costs, and any and all other relief authorized by law.

V. PRAYER FOR RELIEF

WHEREFORE, based on the foregoing, Plaintiff prays for judgment on all Claims of this Complaint against the Defendants as follows:

- 1) Finding that the Defendants have directly infringed Plaintiff's Mark under 15 U.S.C. § 1125(a);
- 2) Entry of temporary, preliminary, and permanent injunctions pursuant to 15 U.S.C. § 1116, 28 U.S.C. § 1651(a), The All Writs Act, and Federal Rule of Civil Procedure 65 enjoining Defendants, their agents, representatives, employees, and all those acting in concert or participation therewith from:
 - a. using Plaintiff's Mark in connection with the distribution, marketing, advertising, offer for sale or sale of any product that is not a genuine Plaintiff product or is not authorized by Plaintiff to be sold in connection with Plaintiff's Mark;
 - b. manufacturing or causing to be manufactured, importing, advertising or promoting, distributing, selling or offering of Defendant's Products;

c. using any logo, trade name or trademark or design that may be calculated to falsely advertise the goods of the Defendants as being sponsored by, authorized by, approved by endorsed by, or in any way associated with Plaintiff;

d. from using Plaintiff's Mark, or any mark that imitates or is confusingly similar to or in any way similar to Plaintiff's Mark, or that is likely to cause confusion, mistake, deception, or public misunderstanding as to the origin of the parties' respective products or services or connectedness of the parties;

e. further infringing Plaintiff's Mark and further damaging Plaintiff's goodwill;

f. engaging in search engine optimization strategies by using Plaintiff's Mark; and

g. otherwise unfairly competing with Plaintiff.

3) Entry of temporary, preliminary, and permanent injunctions pursuant to 15 U.S.C. § 1116, 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority that:

a. enjoins Defendants and those with notice of the injunction, including, without limitation any online marketplace platforms (the "Third Party Providers") from participating in, including providing financial, technical, and advertising services or other support to Defendants in connection with the sale of Defendant's Products;

b. that, upon Plaintiff's request, the Third Party Providers who have notice of the injunction, cease hosting, facilitating access to, or providing any supporting service to any and all e-commerce stores for the Seller Aliases; and

c. that, upon Plaintiff's request, the Third Party Providers for the Seller Aliases who are provided with notice of an injunction issued by this Court, disclose the true identities and any contact information known to be associated with Defendants' Seller Aliases.

- 4) Directing the Defendants to file with this Court and serve on Plaintiff's counsel within thirty (30) days after the service of the injunction on the Defendants, a report in writing under oath setting forth in detail the manner and form in which the Defendants have complied with the injunction;
- 5) Entry of an order requiring the Defendants to account for and pay Plaintiff for all profits and damages resulting from Defendants' trademark infringing and unfairly competitive activities and that the award to Plaintiff be trebled, as provided for under 15 U.S.C. §1117;
- 6) Entry of an award pursuant to 15 U.S.C. § 1117 (a) and (b) of Plaintiff's costs and reasonable attorneys' fees and investigative fees associated with bringing this action as well pre and post-judgment interest; and
- 7) Granting to Plaintiff such further relief as may be equitable and proper.

JURY TRIAL DEMANDED

Plaintiff demands a trial by jury on all issues so triable.

Dated: June 23, 2025

Respectfully submitted,

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