

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

**CASE NO.:**

HONG KONG LEYUZHEN TECHNOLOGY  
CO. LIMITED,

Plaintiff,

v.

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

Defendants.

**COMPLAINT AND JURY DEMAND**

Plaintiff, Hong Kong Leyuzhen Technology Co. Limited, (“Plaintiff”), hereby files its Complaint for damages and injunction relief for copyright infringement against 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 as follows:

**NATURE OF THE ACTION**

1. Plaintiff is the owner of all rights, title and interest in and to the Copyright registrations issued by the United States Copyright Office for certain images related to its Rotita Brand product line (the “Rotita Brand”) used in connection with the promotion and sale of women’s apparel, which bear the federal registration number [REDACTED] (the “Copyright Protected Images”).

2. Plaintiff has filed this action against the Defendants who trade upon Plaintiff's reputation, goodwill, and valuable copyrights, including the Copyright Protected Images, and sell competing products of inferior quality and represent them to be authentic Rotita Brand products through the unauthorized display of the Copyright Protected Images on their online storefronts (the "Online Stores") maintained on the Amazon sales platform identified on Schedule "A" (the "Online Platform").

3. Plaintiff exclusively utilizes the Copyright Protected Images in connection with the advertising, display, and sale of its authentic Rotita Brand products on its wholly owned, operated, and controlled company website. Plaintiff does not advertise, market, display, or sell its authentic Rotita Brand products on the Online Platform.

4. The Defendants likewise advertise, market, and/or sell their competing products embodying the products displayed in Plaintiff's Copyright Protected Images by reference to the same photographs associated with genuine Rotita Brand products, which causes confusion and deception in the marketplace. Unique identifiers common to the Defendants' Online Stores, such as design elements and similarities in Defendant's unlawful use of the Copyright Protected Images, establish a logical relationship between them and suggest that the Defendants' illegal operations arise out of the same transaction, occurrence, or series of transactions or occurrences.

5. The infringed Images in Copyright No. [REDACTED] were all published within a two-month period in 2019 related to the fall and winter fashion collection by Plaintiff.

6. The Defendants unlawful use of the Protected Images related to the same clothing collection indicates that the Defendants all procured the images at the same time from the same sources for use with identical or nearly identical competing products. This conclusion is further supported by evidence and admissions made by similar online copyright infringers that have been

the subject of numerous other enforcement actions brought by Plaintiff. This evidence and admissions include, but is not limited to, similarly situated defendants stating that they obtained Plaintiff's copyright protected images from the same sources, that the sourcing of their competing products were secured from the same manufacturing source, and that identical supply chains were employed to fulfill consumer orders.

7. Plaintiff is forced to file this action to combat the Defendants' unauthorized use of its Copyright Protected Images to sell inferior competing products, as well as to protect unknowing consumers from purchasing competing products over the Internet, thinking they are Plaintiff's genuine products. Plaintiff has been and continues to be irreparably damaged through consumer confusion, dilution, and tarnishment of the Rotita Brand's reputation and goodwill because of the Defendants' actions, and therefore seeks injunctive and monetary relief.

#### **JURISDICTION AND VENUE**

8. This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Federal Copyright Act, 17 U.S.C. § 101, et seq., 28 U.S.C. § 1338(a)–(b) and 28 U.S.C. § 1331.

9. This Court has supplemental jurisdiction over the unfair deceptive trade practices claim in this action that arise under the laws of the State of Florida 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.

10. 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 their Online Stores on the Online Platform, Amazon, identified in Schedule "A" 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 copyright.

11. 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.

12. 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 infringing items through the Online Platform. This systematic offering of infringing 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.

13. Venue is proper in this district under 28 U.S.C. § 1391 because the Defendants are 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).

### **THE PARTIES**

#### **PLAINTIFF**

14. Plaintiff is a corporation organized under the laws of the People's Republic of China ("China") and is the owner of the Copyright Protected Images asserted to have been infringed in this action by the Defendants. Attached hereto as **Exhibit 2** is a true and correct copy

of the federal copyright registration issued for the Copyright Protected Images and Copyright Public Records Data.

15. Plaintiff founded its Rotita Brand in 2009, which is dedicated to women's fashion apparel and serves consumers in the United States and throughout the world.

16. In 2019, Plaintiff designed, caused to subsist in material form, and first published the Copyright Protected Images on its website located at the company's designated website employing the Rotita Brand in its URL and over the years has worked hard to establish success and recognition for high quality women's apparel internationally and in the United States.

17. Plaintiff has expended substantial time, money, and other resources in developing, advertising, and otherwise promoting its Rotita Brand and, specifically, the Copyright Protected Images. As a result, the Rotita Brand is widely recognized and exclusively associated by consumers, the public, and the trade as being quality products.

18. Plaintiff owns all rights, including without limitation, the rights to reproduce the Copyright Protected Images in copies, to prepare derivative works based upon the copyrighted works, and to distribute copies of the copyrighted works to the public by sale or other transfer of ownership, or by rental, lease, or lending, the protected works.

19. Plaintiff has neither licensed nor authorized the Defendants to use the Copyright Protected Images and none of the Defendants are authorized retailers of Plaintiff's genuine Rotita Brand products.

### **DEFENDANTS**

20. Defendants are individuals and business entities of unknown corporate organization and/or structure, who own and/or operate one or more of the Online Stores on the Online Platform as identified on Schedule "A". Based on Plaintiff's pre-suit investigation of the addresses

associated with the Online Stores on the Online 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.

21. Defendants conduct business throughout the United States, including within the State of Florida and in this judicial district, through the operation of the Defendants' Online Stores identified in Schedule "A", and have offered to sell and, on information and belief, have sold and continues to sell knock-off Rotita Brand products, originally released by Rotita in its Fall-Winter 2019 product line, to consumers within this judicial district, by displaying, without authorization, the Copyright Protected Images on their Online Stores. **Exhibit 3** includes links to infringing uses of the Copyright Protected Images on each of the Defendants' Online Stores.

22. As discovered through Plaintiff's other copyright infringement enforcement actions, the Defendants infringing the Copyright Protected Images have access to these copyrighted works from the same or inter-connected source. Moreover, the Defendants sales operations utilize the same textile manufacturing sources, which provide identical fabrics and patterns employed in the authentic Rotita Brand products, 2019 Fall-Winter Fashion Collection, offered by Plaintiff and employ the same distribution networks to fulfill retail orders for their competing products.

23. Plaintiff's pre-suit investigation has revealed that each of the Defendants has provided false or inaccurate business names and addresses when they registered for their Online 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.

24. Most third-party online marketplace platforms, like the Online Platform, 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.<sup>1</sup> 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.<sup>2</sup>

25. Defendants are alleged to be acting in concert through a coordinated infringing product sales conspiracy or network that misappropriates Plaintiff's Copyright Protected Images depicting its authentic Rotita Brand products and use them in advertising inferior, unauthorized products for sale through their Online Stores to deceive consumers into believing their purchases are from an authentic and authorized source.

26. In furtherance of their acts in concert or conspiracy, the Defendants have accomplished their sale of infringing products through the unauthorized use of Plaintiff's Copyright Protected Images by relying upon one or more common supply chain sources and/or manufacturers that provide the Defendants with textile products matching those offered by Plaintiff and that could not otherwise be physically fabricated individually by the Defendants.

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<sup>1</sup> 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](https://www.dhs.gov/sites/default/files/publications/20_0124_plcy_counterfeit-pirated-goods-report_01.pdf)).

<sup>2</sup> *Id.* at 39.

27. In addition, based on admissions made in one or more other pending proceedings, the Defendants are believed to have also acquired unauthorized versions of Plaintiff's Copyright Protected Images from the same, similar, or related sources associated with the distribution and/or manufacture of the infringing products offered for sale to consumers as authentic, authorized versions of Plaintiff's Rotita Brand, and publishing those versions within the same frame, indicating they all were acquired from the same or similar sources.

28. Based on the foregoing, Plaintiff asserts that each of the Defendants is jointly and severally liable for all claims for relief asserted herein based on information and belief that they are acting in concert or acting pursuant to a conspiracy. Moreover, given these allegations, Plaintiff asserts that all conduct set forth herein has been conducted as part of the same series of transactions involving the unauthorized acquisition of Plaintiff's Copyright Protected Images, the improper display of same on Defendants' Online Stores for the purpose of deceiving consumers about the authenticity of products being purchased, the use of common supply chains and/or manufacturers, and the procurement of Plaintiff's Copyright Protected Images, without authorization, from the same, similar, or related sources.

#### **DEFENDANTS' UNLAWFUL CONDUCT**

29. The success of Plaintiff's Rotita Brand has resulted in counterfeiting and intentional copying of the company's products, and the sale and offering for sale of said products through and in connection with the unauthorized use of the Copyright Protected Images.

30. In this case, through the unauthorized use of the Copyright Protected Images on their Online Stores, the Defendants published the Copyright Protected Images on their storefronts, are directly and personally contributing to, inducing and engaging in the infringement of the Copyright Protected Images as alleged, often times as partners, co-conspirators and/or suppliers.

Upon information and belief, Defendants are an interrelated group of infringers working in active concert to knowingly and willfully use without authorization the Copyright Protected Images, to manufacture, import, distribute, offer for sale, and sell competing inferior products.

31. Upon information and belief, Defendants have had full knowledge of Plaintiff's ownership of the Copyright Protected Images, including its exclusive right to use and license the Rotita Brand and the goodwill associated therewith.

32. Plaintiff has identified numerous stores on the Online Platform, including Defendants' Online Stores, which are offering for sale, selling, and importing infringing products to consumers in this judicial district and throughout the United States by using, without authorization, the Copyright Protected Images. Infringers on e-commerce marketplace platforms such as Defendants' Online Stores are estimated to receive tens of millions of visits per year and to generate over \$135 billion in annual online sales. According to an intellectual property rights seizures statistics report issued by the United States Department of Homeland Security, the manufacturer's suggested retail price ("MSRP") of goods seized by the U.S. government in fiscal year 2020 was over \$1.3 billion. Internet websites like Defendants' Online Stores are also estimated to contribute to tens of thousands of lost jobs for legitimate businesses and broader economic damages such as lost tax revenue every year.

33. Similar infringing defendants facilitate sales by opening Internet 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 Internet stores operating under the seller aliases appear legitimate and authorized retailers of genuine Rotita Brand products 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.

34. Defendants set up seller accounts on the Online Platform using, without authorization, the Copyright Protected Images so that they appear to unknowing consumers to be authorized online retailers of genuine Rotita Brand products. Defendants' Online Stores accept payment in United States currency via credit cards and PayPal.

35. Defendants deceive unknowing consumers by using Plaintiff's Copyright Protected Images on Defendants' Online Stores without authorization to attract customers, and to sell counterfeit products resembling authentic Rotita Brand products.

36. Defendants in similar type of infringement cases deceive unknowing consumers by using the infringed intellectual property as originally used in connection with the sale of genuine products, within the content, text, and/or meta tags of their websites to attract various search engines crawling the Internet looking for websites relevant to consumer product searches. Additionally, defendants in similar type cases, use other unauthorized search engine optimization ("SEO") tactics and social media spamming so that their = internet store listings show up at or near the top of relevant search results and misdirect consumers searching for genuine products. Further, such infringers utilize similar illegitimate SEO tactics to propel new domain names to the top of search results after others are shut down.

37. Here, a search for the Rotita Brand women's dresses on the Online Platform resulted in the unauthorized display of the Copyright Protected Images being used to promote competing, inferior products. As such, Plaintiff also seeks to disable the Defendants' Online Stores, which are the means by which the Defendants display, without authorization, the Copyright

Protected Images to continue to sell knockoff products to consumers in the State of Florida and in this judicial district.

38. On information and belief, Defendants conceal their identities by using multiple fictitious names and addresses to register and operate a massive network of Internet stores. It is common practice for infringers to register accounts with incomplete information, randomly typed letters, or omitted cities or states; use privacy services that conceal the owners' identity and contact information; and regularly create new websites and online marketplace accounts on various platforms. . Such seller alias registration patterns are one of many common tactics used by Internet 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.

39. 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.

40. The Defendants' intentional technique of hiding behind multiple seller aliases to make enforcement more difficult is used to perpetuate illegal infringement 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 copyright law.

41. 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 Copyrighted Protected Images and/or through misuse of e-commerce. This is a strategy that infringers 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 infringer can open five more, and transfer money in between them if noticed of a suit like this one.

42. Upon receiving notice of a lawsuit, infringers in similar cases will often register new domain names or online marketplace accounts under new aliases.<sup>3</sup> Infringers also typically ship products in small quantities via international mail to minimize detection by U.S. Customs and Border Protection. A 2021 U.S. Customs and Border Protection ("CBP") report on seizure statistics indicated that e-commerce sales accounted for 13.3% of total retail sales with second quarter of 2021 retail e-commerce sales estimated at \$222.5 billion.<sup>4</sup> In FY 2021, there were 213 million express mail shipments and 94 million international mail shipments. *Id.* Nearly 90 percent of all intellectual property seizures occur in the international mail and express environments. *Id.* at 27. The "overwhelming volume of small packages also makes CBP's ability to identify and interdict high risk packages difficult." *Id.* at 23.

43. Further, infringers often operate multiple credit card merchant accounts and third-party accounts behind layers of payment gateways so that they can continue operating despite enforcement efforts. Upon information and belief, Defendants maintain offshore bank accounts

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<sup>3</sup> <https://www.ice.dhs.gov/news/releases/buyers-beware-ice-hsi-and-cbp-boston-warn-consumers-about-counterfeit-goods-during> (counterfeitors are "very adept at setting up online stores to lure the public into thinking they are purchasing legitimate good on legitimate websites") (last visited Apr. 6, 2022).

<sup>4</sup> U.S. Customs and Border Protection, Intellectual Property Right Seizure Statistics, FY 2021 (<https://www.cbp.dhs.gov/sites/default/files/assets/documents/2022-Sep/202994%20-20FY%202021%20IPR%20Seizure%20Statistics%20BOOK.5%20-20FINAL%20%28508%29.pdf>) at 23.

and regularly move funds from their Online Platform accounts to offshore bank accounts outside the jurisdiction of this Court, particularly since it is believed that Defendants reside in China.

44. Each Defendant has provided a Chinese business address on its Online Store.

45. The Defendants' Online Store, bear similarities and indicia of interrelatedness. . Notable features common to Defendants' Online Stores include lack of contact information, the same or similar products for sale, identically or similarly priced items and sales discounts, shared hosting service, similar name servers, and their common infringement of Plaintiff's Copyright Protected Images.

46. The Defendants' use of Plaintiff's Copyright Protected Images in connection with the advertising, marketing, distribution, offering for sale and the sale of competing products of inferior quality is likely to cause and has caused confusion, mistake and deception by and among consumers and is irreparably harming the goodwill and intrinsic value of the Rotita Brand.

47. Unless restrained temporarily, preliminarily, and permanently by this Court, the Defendants infringing conduct will continue to cause irreparable harm to Plaintiff.

48. Defendants, without authorization or license from Plaintiff, knowingly and willfully used and continue to use the company's Copyright Protected Images in connection with the advertisement, offer for sale and the sale of counterfeit and/or knockoff Rotita Brand products through, *inter alia*, their Online Stores identified in Schedule "A".

49. Upon information and belief, Defendants will continue to infringe Plaintiff's Copyright Protected Images for the purpose of selling inferior knockoff products unless preliminarily and permanently enjoined.

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**COUNT I**  
**COPYRIGHT INFRINGEMENT (17 U.S.C. § 101, et seq.)**

50. Plaintiff repeats, realleges and incorporates by reference herein its allegations contained in paragraphs 1 through 50, above.

51. Plaintiff's Copyright Protected Images have significant value and have been produced and created at considerable expense.

52. Plaintiff owns all exclusive rights, including without limitation the rights to reproduce the Copyright Protected Images in copies, to prepare derivative works based upon the copyrighted work, and to distribute copies of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending, the copyright protected works.

53. The Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products using the Copyright Protected Images without Plaintiff's permission, authorization, consent, or license.

54. The Defendants have directly copied the Copyright Protected Images and used them, without authorization, to advertise, promote, offer for sale, and sell competing products of low quality and at a fraction of the price.

55. As examples, the Defendants deceive unknowing consumers by using, without authorization, the Copyright Protected Images on Defendants' Online Stores to attract customers as follows:

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56. The Defendants' unauthorized exploitation of Copyright Protected Images to advertise, offer for sale and sell inferior products on Defendants' Online Stores constitutes copyright infringement.

57. On information and belief, the Defendants' infringing acts are willful, deliberate, and committed with prior notice and knowledge of the Copyright Protected Images.

58. Each Defendant either knew, or should have reasonably known, that the Copyright Protected Images are subject to federal copyright protection. Further, each Defendant continues to infringe upon Plaintiff's rights in and to the Copyright Protected Images.

59. As a direct and proximate result of their unauthorized and infringing conduct, Defendants have obtained and continue to realize direct and indirect profits and other benefits rightfully belonging to Plaintiff, and that Defendants would not otherwise have realized but for their infringement of Plaintiff's Copyright Protected Images.

60. The foregoing acts of infringement constitute a collective enterprise of shared, conspiratorial, overlapping acts done in concert, and facts that have been willful, intentional, and in disregard of and with indifference to the rights of the Plaintiff. Accordingly, Defendants, and each of them, should be found jointly and severally liable.

61. Accordingly, Plaintiff seek an award of damages pursuant to 17 U.S.C. § 504.

62. In addition to actual damages, Plaintiff is entitled to receive the profits made by the Defendants from their wrongful acts, pursuant to 17 U.S.C. § 504(b). Each Defendant should be required to account for all gains, profits, and advantages derived by each Defendant from their acts of infringement.

63. In the alternative, Plaintiff is entitled to, and may elect to choose statutory damages pursuant to 17 U.S.C. § 504(c), which should be enhanced by 17 U.S.C. § 504(c)(2) because of Defendants' willful copyright infringement.

64. Plaintiff is entitled to, and may elect to choose injunctive relief under 17 U.S.C. § 502, enjoining any use or exploitation by the Defendants of their infringing work and for an order under 17 U.S.C. § 503 that any of the Defendants' infringing products be impounded and destroyed.

65. Plaintiff seeks and is also entitled to recover reasonable attorneys' fees and costs of suit pursuant to 17 U.S.C. § 505.

66. Plaintiff has no adequate remedy at law, and, if the Defendants' actions are not enjoined, Plaintiff will continue to suffer irreparable harm to the reputation and goodwill of their well-known Rotita Brand.

67. The conduct of each Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiff great and irreparable injury that cannot fully be

compensated or measured monetarily. As such, Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. §§502 and 503, Plaintiff is entitled to injunctive relief prohibiting each Defendant from further infringing the Copyright Protected Images and ordering that each Defendant destroy all unauthorized copies. Defendants' copies, plates, and other embodiments of the copyrighted works from which copies can be reproduced, if any, should be impounded and forfeited to Plaintiff as instruments of infringement, and all infringing copies created by Defendants should be impounded and forfeited to Plaintiff, under 17 U.S.C §503.

**COUNT II**  
**VIOLATION OF FLORIDA DECEPTIVE AND UNFAIR TRADE PRACTICES ACT**  
**(Fla. Stat. § 501.201)**

68. Plaintiff repeats, realleges and incorporates by reference herein its allegations contained in paragraphs 1 through 50, above.

69. Defendants have engaged in acts violating Florida law including, but not limited to, passing off their infringing products as those of Plaintiff's Rotita Brand products through the unauthorized use of the Copyright Protected Images, thereby 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 genuine Rotita Brand products, falsely 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.

70. Moreover, the Defendants have used, without authorization, Plaintiff's Copyright Protected Images in promoting Defendants' Online Stores by displaying them in connection with offering for sale the infringing inferior products by deceiving consumers into believing said products are authentic Rotita Brand products.

71. The foregoing acts of the Defendants constitute a willful violation of the Florida Deceptive and Unfair Trade Practices Act, Fla. Stat. § 501.201, et seq.

72. Plaintiff is entitled to the recovery of damages, attorneys' fees, and costs as authorized by statute.

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

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against the Defendants and each of them as follows:

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

a. using Plaintiff's Copyright Protected Images or any reproductions, counterfeit copies, or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine Rotita Brand product or is not authorized by Plaintiff to be sold in connection with its registered copyrights;

b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Rotita Brand product or any other product produced by Plaintiff by using the Copyright Protected Images to sell and offer for sale such products that are not Plaintiff's or not produced under the authorization, control, or supervision of Plaintiff and approved by Plaintiff;

c. committing any acts calculated to cause consumers to believe that Defendants'

inferior products are those sold under the authorization, control, or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff or its Rotita Brand;

d. further infringing the Copyright Protected Images and damaging Plaintiff's Rotita Brand's reputation and goodwill;

e. otherwise competing unfairly with Plaintiff through the unauthorized use of the Copyright Protected Images in any manner;

f. shipping, delivering, holding for sale, transferring, or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory sold or offered for sale through the unauthorized use of the Copyright Protected Images;

g. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendants' stores on the Defendants' Online Stores or the Online Platform, or any other domain name or online marketplace account that is being used to sell or is the means by which the Defendants could continue to sell infringing Rotita Brand products through the unauthorized use of the Copyright Protected Images; and

h. operating and/or hosting websites at the Defendants' Internet stores and any other domain names registered or operated by the Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product through the unauthorized use of the Copyright Protected Images.

2. That the 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 the Defendants have complied with paragraph 1 above.

3. Entry of an Order that, upon Plaintiff's request, those in privity with the Defendants and those with notice of the injunction, including AliExpress, Walmart, Amazon, DHgate, eBay, Temu, and Wish, social media platforms such as Facebook, YouTube, Instagram, TikTok, LinkedIn, X, Internet search engines such as Google, Bing and Yahoo, web hosts for the Defendants' Online Stores, and domain name registrars ("Third Party Providers"), shall:

- a. disable and cease providing services for any accounts through which the Defendants engage in the sale of knockoff Rotita Brand products by using, without authorization, the Copyright Protected Images, including any accounts associated with the Defendants listed on Schedule "A";
- b. disable and cease displaying any advertisements used by or associated with Defendants that display the Copyright Protected Images; and
- c. take all necessary steps to prevent links to the Defendants' Online Stores identified on Schedule "A" from displaying in search results, including, but not limited to, removing links to Defendants' domain names from any search index.

4. That the Defendants account for and pay to Plaintiff all profits realized by them through the unauthorized use of the Copyright Protected Images.

5. In the alternative, that Plaintiff be awarded statutory damages of not less than \$750 and not more than \$30,000 for each and every infringement of the Copyright Protected Images pursuant to 17 U.S.C. § 504(c), which should be enhanced to a sum of not more than \$150,000 by 17 U.S.C. § 504(c)(2) because of the Defendants' willful copyright infringement.

6. That the Defendants, to the extent not enjoined for violation of the Copyright Act, be temporarily, preliminarily, and permanently enjoined under Fla. Stat. § 501.201, et seq.

7. That Plaintiff be awarded attorneys' fees and costs damages as authorized by statute under Fla. Stat. § 501.201, et seq.
8. That Plaintiff be awarded its reasonable attorneys' fees and costs.
9. Award any and all other relief that this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff also demands a trial by jury of all issues so triable pursuant to Federal Rule of Civil Procedure 38.

Dated: July 2, 2025

Respectfully Submitted

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