

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

FRONTLINE ADVANCE, LLC,

Plaintiff,

v.

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

Defendants.

Case No. 21-cv-03477

COMPLAINT

Plaintiff Frontline Advance, LLC (“Solo Stove” 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 Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Lanham Act, 15 U.S.C. § 1051, *et seq.*, 28 U.S.C. § 1338(a)-(b) and 28 U.S.C. § 1331.

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendants since each 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

¹ The e-commerce store urls are listed on Schedule A hereto under the Seller Aliases and Domain Names.

Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more Seller Aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, have sold products using infringing and counterfeit versions of Solo Stove's federally registered trademarks to residents of Illinois. Each of the Defendants is committing tortious acts in Illinois, is engaging in interstate commerce, and has wrongfully caused Solo Stove substantial injury in the State of Illinois.

II. INTRODUCTION

3. This action has been filed by Solo Stove to combat e-commerce store operators who trade upon Solo Stove's reputation and goodwill by offering for sale and/or selling unauthorized and unlicensed products, including fire pits, grills, camp stoves, and related accessories, using infringing and counterfeit versions of Solo Stove's federally registered trademarks (the "Counterfeit Solo Stove Products"). Defendants create e-commerce stores operating under one or more Seller Aliases that are advertising, offering for sale and selling Counterfeit Solo Stove Products to unknowing consumers. E-commerce stores operating under the Seller Aliases share unique identifiers, establishing a logical relationship between them and that Defendants' counterfeiting 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 counterfeiting operation. Solo Stove is forced to file this action to combat Defendants' counterfeiting of its registered trademarks, as well as to protect unknowing consumers from purchasing Counterfeit Solo Stove Products over the Internet. Solo Stove has been and continues to be irreparably damaged through consumer confusion, dilution, and tarnishment of its valuable trademarks as a result of Defendants' actions and seeks injunctive and monetary relief.

III. THE PARTIES

Plaintiff

4. Plaintiff Frontline Advance, LLC is a Texas limited liability company having its principal place of business at 1070 S. Kimball Avenue, Southlake, Texas 76092-1542, and is the owner of the trademark rights asserted in this action.

5. Founded in 2011, Solo Stove has become a world-famous manufacturer of smokeless fire pits, grills, portable camp stoves and accessories, as well as a variety of other products (collectively, the “Solo Stove Products”).

6. Since its founding, Solo Stove has used and promoted the SOLO STOVE name and trademark in connection with Solo Stove Products.

7. Solo Stove has continuously sold Solo Stove Products under the SOLO STOVE word mark and other trademarks (collectively, the “SOLO STOVE Trademarks”) for many years. As a result of this long-standing use, strong common law trademark rights have amassed in the SOLO STOVE Trademarks. Solo Stove’s use of the marks has also built substantial goodwill in and to the SOLO STOVE Trademarks. The SOLO STOVE Trademarks are famous marks and valuable assets of Solo Stove. Solo Stove Products typically include at least one of the registered SOLO STOVE Trademarks.

8. Several of the SOLO STOVE Trademarks are registered with the United States Patent and Trademark Office, a list of which is included below.

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
6,250,965	SOLO STOVE	January 19, 2021	For: Cooking stoves; portable fire pits; portable stoves; Charcoal grills; Barbecues and grills; fitted covers for cooking stoves; fitted covers for portable fire pits; fitted covers for portable stoves;

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			<p>cooking stove stands; portable fire pit stands; portable stove stands; cooking stove windscreens, namely, screens specially adapted for cooking stoves for shielding against wind; portable fire pit windscreens, namely, screens specially adapted for cooking stoves for shielding against wind; portable stove windscreens, namely, screens specially adapted for cooking stoves for shielding against wind; alcohol burners in class 11.</p> <p>For: Cookware, namely, portable non-disposable stainless steel pots and pans for outdoor use; portable non-disposable stainless steel cups for outdoor use; portable non-disposable stainless steel drinkware for outdoor use; portable non-disposable stainless steel plates for outdoor use; Portable non-disposable stainless steel pots and pans for camping; portable non-disposable stainless steel bowls for outdoor use; cooking stove burner covers in class 21.</p>
4,750,307	SOLO STOVE	June 9, 2015	<p>For: Portable stoves; Solid fuel burning stoves; Wood burning cooking stoves; Wood burning stoves in class 11.</p>
5,511,476		July 10, 2018	<p>For: Cooking stoves; Portable fire pits; Portable stoves in class 11.</p> <p>For: Cookware, namely, portable non-disposable stainless steel pots and pans for outdoor use; portable non-disposable stainless steel cups for outdoor use; portable</p>

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			nondisposable stainless steel drinkware for outdoor use; portable non-disposable stainless steel plates for outdoor use; Portable non disposable stainless steel pots and pans for camping; portable non-disposable stainless steel bowls for outdoor use in class 21.

9. The above U.S. registrations for the SOLO STOVE Trademarks are valid, subsisting, in full force and effect, and one is incontestable pursuant to 15 U.S.C. § 1065. The registrations for the SOLO STOVE Trademarks constitute *prima facie* evidence of their validity and of Solo Stove's exclusive right to use the SOLO STOVE Trademarks pursuant to 15 U.S.C. § 1057 (b). True and correct copies of the United States Registration Certificates for the above-listed SOLO STOVE Trademarks are attached hereto as **Exhibit 1**.

10. The SOLO STOVE Trademarks are distinctive when applied to the Solo Stove Products, signifying to the purchaser that the products come from Solo Stove and are manufactured to Solo Stove's quality standards. Whether Solo Stove manufactures the products itself or contracts with others to do so, Solo Stove has ensured that products bearing the SOLO STOVE Trademarks are manufactured to the highest quality standards.

11. The SOLO STOVE Trademarks are famous marks, as that term is used in 15 U.S.C. § 1125(c)(1), and have been continuously used and never abandoned. The innovative marketing and product designs of the Solo Stove Products have enabled the Solo Stove brand to achieve widespread recognition and fame and have made the SOLO STOVE Trademarks well-known marks. The widespread fame, outstanding reputation, and significant goodwill associated with the Solo Stove brand have made the SOLO STOVE Trademarks valuable assets of Solo Stove.

12. Solo Stove Products have become enormously popular, driven by the brand's arduous quality standards and innovative design. Among the purchasing public, genuine Solo Stove Products are instantly recognizable as such. In the United States and around the world, the Solo Stove brand has come to symbolize high quality.

13. Genuine Solo Stove Products are sold through authorized retail channels, including DICK'S Sporting Goods, REI, Academy Sports + Outdoors, and Ace Hardware, and are recognized by the public as being exclusively associated with the Solo Stove brand.

14. Genuine Solo Stove Products are also promoted and sold at the solostove.com website and through authorized dealers' websites. Sales of Solo Stove Products via the solostove.com website are significant. The solostove.com website features proprietary content, images and designs exclusive to the Solo Stove brand.

15. Solo Stove Products and the SOLO STOVE Trademarks have received significant unsolicited media coverage, including recently in national publications such as *USA Today*, *Men's Health*, and *Bon Appétit*, as well as in numerous online publications and websites such as *Yahoo! Finance*, *The Daily Beast*, and *myrecipes.com*. A May 2021 article on *myrecipes.com* listed a Solo Stove fire pit as the Best All-Around portable camping fire pit for backyard cooking.

16. Solo Stove has expended a significant amount of money and other resources advertising and promoting the SOLO STOVE Trademarks through virtually every media. For example, Solo Stove has promoted its products and marks through dealer promotions, customer events, social media, television, print and radio advertisements, and the Internet. As a result, products bearing the SOLO STOVE Trademarks are widely recognized and exclusively associated by consumers, the public, and the trade as being high-quality products sourced from Solo Stove. Solo Stove Products have become among the most popular of their kind in the U.S. The SOLO

STOVE Trademarks have achieved tremendous fame and recognition which has only added to the inherent distinctiveness of the marks.

17. As a result of Solo Stove's significant promotional efforts, commercial success, and popularity, Solo Stove is the leader in the portable fire pit market. The goodwill associated with the SOLO STOVE brand and the SOLO STOVE Trademarks is of incalculable and inestimable value to Solo Stove.

The Defendants

18. 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 Solo Stove. On information and belief, Defendants reside and/or operate in the People's Republic of China or other foreign jurisdictions with lax trademark enforcement systems, or redistribute products from the same or similar sources in those locations. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b).

19. On information and belief, 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 Solo Stove to learn Defendants' true identities and the exact interworking of their counterfeit network. If Defendants provide additional credible information regarding their identities, Solo Stove will take appropriate steps to amend the Complaint.

IV. DEFENDANTS' UNLAWFUL CONDUCT

20. The success of the Solo Stove brand has resulted in its significant counterfeiting. Consequently, Solo Stove has a worldwide anti-counterfeiting program and regularly investigates

suspicious e-commerce stores identified in proactive Internet sweeps and reported by consumers. In recent years, Solo Stove has identified numerous fully interactive e-commerce stores, including those operating under the Seller Aliases, which were offering for sale and/or selling Counterfeit Solo Stove Products to consumers in this Judicial District and throughout the United States. E-commerce sales, including through e-commerce stores like those of Defendants, have resulted in a sharp increase in the shipment of unauthorized products into the United States. **Exhibit 2**, Excerpts from Fiscal Year 2018 U.S. Customs and Border Protection (“CBP”) Intellectual Property Seizure Statistics Report. Over 90% of all CBP intellectual property seizures were smaller international mail and express shipments (as opposed to large shipping containers). *Id.* Over 85% of CBP seizures originated from mainland China and Hong Kong. *Id.* Counterfeit and pirated products account for billions in economic losses, resulting in tens of thousands of lost jobs for legitimate businesses and broader economic losses, including lost tax revenue.

21. Third party service providers like those used by Defendants do not adequately subject new sellers to verification and confirmation of their identities, allowing counterfeiters to “routinely use false or inaccurate names and addresses when registering with these e-commerce platforms.” **Exhibit 3**, Daniel C.K. Chow, *Alibaba, Amazon, and Counterfeiting in the Age of the Internet*, 40 NW. J. INT’L L. & BUS. 157, 186 (2020); see also, report on “Combating Trafficking in Counterfeit and Pirated Goods” prepared by the U.S. Department of Homeland Security’s Office of Strategy, Policy, and Plans (Jan. 24, 2020) attached as **Exhibit 4** and finding that on “at least some e-commerce platforms, little identifying information is necessary for a counterfeiter to begin selling” and recommending that “[s]ignificantly enhanced vetting of third-party sellers” is necessary. Counterfeitors hedge against the risk of being caught and having their websites taken down from an e-commerce platform by preemptively establishing multiple virtual store-fronts.

Exhibit 4 at p. 22. Since platforms generally do not require a seller on a third-party marketplace to identify the underlying business entity, counterfeiters can have many different profiles that can appear unrelated even though they are commonly owned and operated. **Exhibit 4** at p. 39. Further, “E-commerce platforms create bureaucratic or technical hurdles in helping brand owners to locate or identify sources of counterfeits and counterfeiters.” **Exhibit 3** at 186-187.

22. Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target U.S. consumers using one or more Seller Aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, have sold Counterfeit Solo Stove Products to residents of Illinois.

23. Defendants concurrently employ and benefit from substantially similar advertising and marketing strategies. For example, Defendants facilitate sales by the designing e-commerce stores operating under the Seller Aliases so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers. E-commerce stores operating under the Seller Aliases look sophisticated and accept payment in U.S. dollars via credit cards, Alipay, Amazon Pay, and/or PayPal. E-commerce stores operating under the Seller Aliases include content and images that make it very difficult for consumers to distinguish such stores from an authorized retailer. Solo Stove has not licensed or authorized Defendants to use any of the SOLO STOVE Trademarks, and none of the Defendants are authorized retailers of genuine Solo Stove Products.

24. Many Defendants also deceive unknowing consumers by using the SOLO STOVE Trademarks without authorization within the content, text, and/or meta tags of their e-commerce stores to attract various search engines crawling the Internet looking for websites relevant to consumer searches for Solo Stove Products. Other e-commerce stores operating under the Seller

Aliases omit using SOLO STOVE Trademarks in the item title to evade enforcement efforts while using strategic item titles and descriptions that will trigger their listings when consumers are searching for Solo Stove Products.

25. E-commerce store operators like Defendants commonly engage in fraudulent conduct when registering the Seller Aliases by providing false, misleading and/or incomplete information to e-commerce platforms to prevent discovery of their true identities and the scope of their e-commerce operation.

26. E-commerce store operators like Defendants regularly register or acquire new seller aliases for the purpose of offering for sale and selling Counterfeit Solo Stove Products. Such seller alias registration patterns are one of many common tactics used by e-commerce store operators like Defendants to conceal their identities and the full scope and interworking of their counterfeiting operation, and to avoid being shut down.

27. Even though Defendants operate under multiple fictitious aliases, the e-commerce stores operating under the Seller Aliases often share unique identifiers, such as templates with common design elements that intentionally omit any contact information or other information for identifying Defendants or other Seller Aliases they operate or use. E-commerce stores operating under the Seller Aliases include other notable common features, such as use of the same registration patterns, accepted payment methods, check-out methods, 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, Counterfeit Solo Stove Products for sale by the Seller Aliases bear similar irregularities and indicia of being counterfeit to one another, suggesting that the Counterfeit Solo Stove Products may be manufactured by and come from a common source and that Defendants are interrelated.

28. E-commerce store operators like Defendants are in constant communication with each other and regularly participate in QQ.com chat rooms and through websites such as sellerdefense.cn, kaidianyo.com and kuajingvs.com regarding tactics for operating multiple accounts, evading detection, pending litigation, and potential new lawsuits.

29. Counterfeitors such as Defendants typically operate under multiple seller aliases and payment accounts so that they can continue operation in spite of Solo Stove's enforcement. E-commerce store operators like Defendants maintain off-shore bank accounts and regularly move funds from their financial accounts to off-shore accounts outside the jurisdiction of this Court to avoid payment of any monetary judgment awarded to Solo Stove. Indeed, analysis of financial account transaction logs from previous similar cases indicates that off-shore counterfeiters regularly move funds from U.S.-based financial accounts to off-shore accounts outside the jurisdiction of this Court.

30. Defendants are working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Counterfeit Solo Stove Products in the same transaction, occurrence, or series of transactions or occurrences. Defendants, without any authorization or license from Solo Stove, have jointly and severally, knowingly and willfully used and continue to use the SOLO STOVE Trademarks in connection with the advertisement, distribution, offering for sale, and sale of Counterfeit Solo Stove Products into the United States and Illinois over the Internet.

31. Defendants' unauthorized use of the SOLO STOVE Trademarks in connection with the advertising, distribution, offering for sale, and sale of Counterfeit Solo Stove Products, including the sale of Counterfeit Solo Stove Products into the United States, including Illinois, is

likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming Solo Stove.

COUNT I
TRADEMARK INFRINGEMENT AND COUNTERFEITING (15 U.S.C. § 1114)

32. Solo Stove hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

33. This is a trademark infringement action against Defendants based on their unauthorized use in commerce of counterfeit imitations of the federally registered SOLO STOVE Trademarks in connection with the sale, offering for sale, distribution, and/or advertising of infringing goods. The SOLO STOVE Trademarks are highly distinctive marks. Consumers have come to expect the highest quality from Solo Stove Products offered, sold or marketed under the SOLO STOVE Trademarks.

34. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products using counterfeit reproductions of the SOLO STOVE Trademarks without Solo Stove's permission.

35. Solo Stove is the exclusive owner of the SOLO STOVE Trademarks. Solo Stove's United States Registrations for the SOLO STOVE Trademarks (Exhibit 1) are in full force and effect. On information and belief, Defendants have knowledge of Solo Stove's rights in the SOLO STOVE Trademarks, and are willfully infringing and intentionally using counterfeits of the SOLO STOVE Trademarks. Defendants' willful, intentional and unauthorized use of the SOLO STOVE Trademarks is likely to cause and is causing confusion, mistake, and deception as to the origin and quality of the Counterfeit Solo Stove Products among the general public.

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

37. Solo Stove has no adequate remedy at law, and if Defendants' actions are not enjoined, Solo Stove will continue to suffer irreparable harm to its reputation and the goodwill of the SOLO STOVE Trademarks.

38. The injuries and damages sustained by Solo Stove have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offering to sell, and sale of Counterfeit Solo Stove Products.

COUNT II
FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))

39. Solo Stove hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

40. Defendants' promotion, marketing, offering for sale, and sale of Counterfeit Solo Stove Products has created and is creating a likelihood of confusion, mistake, and deception among the general public as to the affiliation, connection, or association with Solo Stove or the origin, sponsorship, or approval of Defendants' Counterfeit Solo Stove Products by Solo Stove.

41. By using the SOLO STOVE Trademarks on the Counterfeit Solo Stove Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Counterfeit Solo Stove Products.

42. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the Counterfeit Solo Stove Products to the general public involves the use of counterfeit marks and is a willful violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125.

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

PRAYER FOR RELIEF

WHEREFORE, Solo Stove prays for judgment against Defendants as follows:

- 1) That Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert with them be temporarily, preliminarily, and permanently enjoined and restrained from:
 - a. using the SOLO STOVE Trademarks 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 Solo Stove Product or is not authorized by Solo Stove to be sold in connection with the SOLO STOVE Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Solo Stove Product or any other product produced by Solo Stove, that is not Solo Stove's or not produced under the authorization, control, or supervision of Solo Stove and approved by Solo Stove for sale under the SOLO STOVE Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' Counterfeit Solo Stove Products are those sold under the authorization, control or supervision of Solo Stove, or are sponsored by, approved by, or otherwise connected with Solo Stove;
 - d. further infringing the SOLO STOVE Trademarks and damaging Solo Stove's goodwill; and
 - e. manufacturing, shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Solo Stove, nor authorized by Solo Stove to be sold or offered for sale, and which bear any of Solo Stove's trademarks, including the

SOLO STOVE Trademarks, or any reproductions, counterfeit copies or colorable imitations thereof;

- 2) Entry of an Order that, at Solo Stove's choosing, the registrant of the Domain Names shall be changed from the current registrant to Solo Stove, and that the domain name registries for the Domain Names, including, but not limited to, VeriSign, Inc., Neustar, Inc., Afilias Limited, CentralNic, Nominet, and the Public Interest Registry, shall unlock and change the registrar of record for the Domain Names to a registrar of Solo Stove's selection, and that the domain name registrars, including, but not limited to, GoDaddy Operating Company, LLC ("GoDaddy"), Name.com, PDR LTD. d/b/a PublicDomainRegistry.com ("PDR"), and Namecheap Inc. ("Namecheap"), shall take any steps necessary to transfer the Domain Names to a registrar account of Solo Stove's selection; or that the same domain name registries shall disable the Domain Names and make them inactive and untransferable;
- 3) Entry of an Order that, upon Solo Stove's request, those with notice of the injunction, including, without limitation, any online marketplace platforms such as eBay, AliExpress, Alibaba, Amazon, Wish.com, and Dhgate (collectively, the "Third Party Providers") shall disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the SOLO STOVE Trademarks;
- 4) That Defendants account for and pay to Solo Stove all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged, and that the amount of damages for infringement of the SOLO STOVE Trademarks be increased by a sum not exceeding three times the amount thereof as provided by 15 U.S.C. § 1117;

- 5) In the alternative, that Solo Stove be awarded statutory damages for willful trademark counterfeiting pursuant to 15 U.S.C. § 1117(c)(2) of \$2,000,000 for each and every use of the SOLO STOVE Trademarks;
- 6) That Solo Stove be awarded its reasonable attorneys' fees and costs; and
- 7) Award any and all other relief that this Court deems just and proper.

Dated this 29th day of June 2021.

Respectfully submitted,

/s/ Justin R. Gaudio

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