

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

WEST VIRGINIA UNIVERSITY BOARD OF
GOVERNORS,

Case No. 22-cv-02808

Plaintiff,

v.

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

Defendants.

COMPLAINT

Plaintiff, West Virginia University Board of Governors (hereinafter the “WVU Board” or “Plaintiff”), hereby brings the present action against the Partnerships and Unincorporated Associations identified on Schedule A attached hereto (collectively, the “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 (collectively, the “Seller Aliases”). Specifically, Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more Seller Aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, have sold and continue to sell products using infringing and counterfeit versions of Plaintiff’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 Plaintiff substantial injury in the State of Illinois.

II. INTRODUCTION

3. This action has been filed by Plaintiff to combat e-commerce store operators who trade upon Plaintiff’s reputation and goodwill by offering for sale and/or selling unauthorized and unlicensed products using infringing and counterfeit versions of one or more of Plaintiff’s federally registered trademarks (the “Counterfeit WVU Products”).

4. Defendants create e-commerce stores operating under one or more Seller Aliases that are advertising, offering for sale and selling Counterfeit WVU Products to unknowing consumers. E-commerce stores operating under the Seller Aliases share unique identifiers, establishing a logical relationship between them and demonstrating 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 operations. Plaintiff is forced to file this action to combat Defendants’

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

counterfeiting of the trademarks owned by Plaintiff, as well as to protect unknowing consumers from purchasing Counterfeit WVU Products over the Internet. Plaintiff has been irreparably harmed 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

West Virginia University Board of Governors

5. Plaintiff the WVU Board is an agency of the State of West Virginia, having its principal place of business at Morgantown, West Virginia 26506. The WVU Board manages all aspects of West Virginia University's ("WVU") operations, including management of trademark affairs.

6. WVU, the flagship educational institution in the state of West Virginia, was founded in 1867 and is located in Morgantown, West Virginia. WVU offers a wide range of undergraduate, graduate and professional programs for its more than 29,000 students.

7. As a member of the Big 12 Conference, WVU competes in 18 Division I intercollegiate varsity sports. Through the 2020-2021 athletic year, WVU has won a total of 20 NCAA team National Championships. Football is one of the most popular sports at WVU and the Mountaineers football team has won a total of 15 conference championships, including eight Southern Conference titles and seven Big East Conference Titles. In a state that lacks professional sports franchises, the citizens of West Virginia passionately support WVU and its athletics teams.

8. The WVU Board is the owner of the famous and distinctive trademarks of WVU and is responsible for protecting those trademarks. The WVU Board commercially exploits,

protects and enforces rights in the famous and distinctive trademarks, names, logos, symbols, emblems, uniform designs, uniform trade dress colors, and other identifying indicia associated with WVU (collectively, the “WVU Trademarks”), including, but not limited to, those that are the subject of valid and subsisting trademark registrations on the Principal Register of the United States Patent and Trademark Office (“USPTO”) and those that the WVU Board has adopted and used in commerce throughout the United States, including in Illinois. The WVU Board owns more than ten United States federal trademark registrations in a variety of classes and for a variety of different goods and services, including, without limitation, many for apparel such as jerseys, shirts, caps, and other products in international class 25. Among the WVU Trademarks

are the word mark “MOUNTAINEERS” (reg. no. 2,613,676) and the WVU Logo:  (reg. no. 1,321,952).

9. A non-exclusive list of the famous and distinctive WVU Trademarks owned and/or licensed by the WVU Board, registered before the USPTO, and currently in use in commerce include the following:

Registration Number	Trademark	Goods and Services
1,321,767		For: key chains, statuettes made of common metal and encased in acrylic in class 006. For: wristwatches, bracelets, and necklaces in class 014. For: desk calendars, plastic paperweights, pen and pencil sets, decals, and stationery-namely, writing paper in class 016. For: pillows, statuettes made of wood or coal in class 020. For: bandanas, t-shirts, polo shirts, long sleeve t-shirts, chamois shirts, neck ties, and straw hats in

		<p>class 025.</p> <p>For: entertainment services-namely, sports exhibitions in class 041.</p>
1,321,952		<p>For: sunglasses and telephone receivers in class 009.</p> <p>For: toilet seats, electric lamps, and electric nightlights in class 011.</p> <p>For: wristwatches and electric clocks in class 014.</p> <p>For: note cards, plastic notepad holders, plastic three ring binders, playing cards, spiral bound notebooks, desk calendars, bumper and paper stickers, decals, stationery-namely, writing paper in class 016.</p> <p>For: plastic identification card holders, plastic credit card holders, general purpose gym bags, general purpose tote bags, backpacks, and umbrellas in class 018.</p> <p>For: stadium seats, pillows, foot stools, metal folding chairs, and ornamental novelty buttons in class 020.</p> <p>For: drinking glasses, glass mugs, ceramic mugs, ceramic jugs, plastic and cork serving trays, trash cans, and picnic sets comprised of saucers, plates, cups, knives, forks, spoons, and salt and pepper shaker in class 021.</p> <p>For: canvas laundry bags in class 022.</p> <p>For: blankets, flags, and pennants made of textile material in class 024.</p> <p>For: running pants, polo shirts, jerseys, hooded jackets, sweat pants, pullover sweaters, sweat shirts, warm-up jackets, dress shirts, belts, thermal shirts, visors, caps, t-shirts, sweat shorts, long sleeve hooded t-shirts, rugby shirts, hats, scarves, wind resistant jackets, neckties, bandanas, sweaters, baby's hooded sweaters, short & top sets, and bibs in class 025.</p>

		<p>For: cloth patches, stick pins made of nonprecious metal, belt buckles, buttons for clothing, and latch hook rug kits comprised of canvas, latch hook and yarn in class 026.</p> <p>For: toy footballs, toy ceramic coin banks in class 028.</p> <p>For: entertainment services-namely, sports exhibitions in class 041.</p>
2,599,930	WVU	<p>For: clothing, namely, t-shirts, sweatshirts, polo shirts, caps and jackets in class 025.</p> <p>For: educational services, namely, providing courses of instruction at the college and graduate levels; providing facilities for collegiate sporting events, namely, basketball, football and baseball games; entertainment in the nature of collegiate sports, namely, basketball, football and baseball in class 041.</p>
2,611,149	WEST VIRGINIA	<p>For: clothing, namely, t-shirts, sweatshirts, polo shirts, caps and jackets in class 025.</p> <p>For: educational services, namely, providing courses of instruction at the college and graduate levels; providing facilities for collegiate sporting events, namely, basketball, football and baseball games; entertainment in the nature of collegiate sports, namely, basketball, football and baseball in class 041.</p>
2,613,676	MOUNTAINEERS	<p>For: clothing, namely, t-shirts, sweatshirts, polo shirts, caps and jackets in class 025.</p> <p>For: educational services, namely, providing courses of instruction at the college and graduate levels; providing facilities for collegiate sporting events, namely, basketball, football and baseball games; entertainment in the nature of collegiate sports, namely, basketball, football and baseball in class 041.</p>

4,435,078		<p>For: greeting cards, note cards, decals, planners, padfolios, and gift bags in class 016.</p> <p>For: drinking glasses, mugs, coasters, cutting boards, shot glasses, trivets, plastic cups, and chip and dip trays in class 021.</p> <p>For: apparel, namely, tops, t-shirts, hooded sweatshirts, bottoms, shorts, headwear, one piece rompers, socks, and flip flops in class 025.</p> <p>For: playing cards, puzzles, footballs, and Christmas tree ornaments in class 028.</p>
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The above U.S. registrations for the WVU Trademarks are valid, subsisting, in full force and effect, and are incontestable pursuant to 15 U.S.C. § 1065. True and correct copies of the Federal Trademark Registrations for the above WVU Trademarks are attached hereto as **Exhibit 1.**

10. WVU's intercollegiate football, baseball, basketball, and other athletic teams (collectively, the "WVU Teams") and the WVU Trademarks are widely known to and enormously popular with both sports fans and the general public. The WVU Board has promoted and advertised WVU, the WVU Teams and the WVU Trademarks extensively for many years. The WVU Trademarks are among the most renowned and immediately recognizable marks in college sports today. As a result of substantial advertising, promotion and media attention, and the WVU Board's extensive licensing and sponsorship program for a wide variety of goods and services, WVU Trademarks have acquired secondary meaning and represent significant goodwill of great value to the WVU Board and WVU Teams.

11. Millions of fans have attended WVU sports games and related events, enjoyed television and radio broadcasts of WVU games and related events, and purchased merchandise bearing WVU Trademarks to identify with their favorite WVU Teams. Millions visit

<wvusports.com>, the official WVU athletics website, which prominently displays the WVU Trademarks.

12. A significant aspect of the WVU Board's business and resulting revenues has been for many years, and continues to be, the merchandising and licensing of WVU Trademarks. The WVU Board, in conjunction with its licensing agent, the Collegiate Licensing Company ("CLC"), has entered into numerous licensing agreements in the United States and around the world, authorizing use of the WVU Trademarks on a wide variety of products, including apparel, hats, jewelry, toys, pennants, and bags, among others (collectively, the "WVU Products").

13. The WVU Board, directly and through authorized licensees, has established and maintained high standards of quality for WVU Products, and continues to maintain stringent quality control over licensees and other authorized users of WVU Trademarks.

14. In supervising licensees, the WVU Board provides licensees and licensed product manufacturers with specifications setting forth extensive details with respect to use of WVU Trademarks, including typeface and typography, color renderings, official uniform scripts, graphic designs, materials, workmanship, and quality. All WVU Products and designs appearing thereon are reviewed under these strict quality control procedures.

15. As a result of the extensive use of WVU Trademarks, not only in connection with the WVU's well-known sports games, exhibitions and services, but also in connection with a wide variety of licensed merchandise promoted, sold and/or rendered in the United States and abroad, as well as widespread use in connection with a broad array of sponsorship activities spanning diverse industries, such trademarks have for many decades, and long prior to any use made by Defendants, functioned as unique identifiers and synonyms in the public mind for WVU and the affiliated and related WVU Teams. As a result, WVU Trademarks are famous and

possess significant goodwill of great value to WVU, its affiliated and related WVU Teams, and the WVU Board.

The Defendants

16. 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 Plaintiff. On information and belief, Defendants reside and/or operate in the People’s Republic of China or other foreign jurisdictions, 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).

17. 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 operations make it virtually impossible for Plaintiff to learn Defendants’ true identities and the exact interworking of their counterfeit network. If Defendants provide additional credible information regarding their identities, Plaintiff will take appropriate steps to amend the Complaint.

IV. DEFENDANTS’ UNLAWFUL CONDUCT

18. The fame of WVU Trademarks and the success of Plaintiff’s athletic brand and affiliated variety of products, including apparel, hats, jewelry, toys, furniture, pennants, and bags, among others (collectively, the “Genuine WVU Products”), has resulted in significant counterfeiting of WVU Trademarks. Trademark Management LLC (“TML”) administers Coalition to Advance the Protection of Sports logos (“CAPS”) on behalf of its members, including CLC. CAPS has created an extensive anti-counterfeiting program, which includes regularly investigating suspicious e-commerce stores identified in proactive Internet sweeps and

reported by a variety of informants in response to the significant counterfeiting of WVU Trademarks. In recent years, CAPS, on behalf of its members, including CLC, has identified numerous fully interactive e-commerce stores on online marketplace platforms such as Amazon, eBay, AliExpress, Alibaba, Walmart, Inc., Wish.com, and DHgate, including the e-commerce stores operating under the Seller Aliases. The Seller Aliases target consumers in this Judicial District and throughout the United States. According to U.S. Customs and Border Protection (CBP), most counterfeit products now come through international mail and express courier services (as opposed to containers) due to increased sales from offshore online counterfeiters.

The Counterfeit Silk Road: Impact of Counterfeit Consumer Products Smuggled Into the United States prepared for The Buy Safe America Coalition by John Dunham & Associates (**Exhibit 2**).

The bulk of counterfeit products sent to the United States “come from China and its dependent territories,” accounting for over 90.6% of all cargo with intellectual property rights (IPR) violations. *Id.* Of the \$1.23 billion in total IPR violations intercepted, \$1.12 billion was from China. *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. *Id.*

19. Counterfeitors “routinely use false or inaccurate names and addresses when registering with these Internet platforms,” that do not require sellers to verify their identities. **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, counterfeitors 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.

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

21. Defendants concurrently employ and benefit from substantially similar advertising and marketing strategies. For example, Defendants facilitate sales of Counterfeit WVU Products by designing the e-commerce stores operating under the Seller Aliases so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers, including, in many instances, by copying the layouts, terms of service, legal notices and/or contact information found on the websites of Plaintiff’s authorized online retailers. E-commerce stores operating under the Seller Aliases appear 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 often include content and images that make it very difficult for consumers to distinguish such stores from an authorized retailer. On information and belief,

Plaintiff has not licensed or authorized Defendants to use any of the WVU Trademarks, and none of the Defendants are authorized retailers of Genuine WVU Products.

22. Many Defendants also deceive unknowing consumers by using one or more WVU 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 Genuine WVU Products. Other e-commerce stores operating under Seller Aliases omit using WVU 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 Genuine WVU Products. On information and belief, those Defendants that do not use WVU Trademarks in searchable text do so in an effort to avoid detection of their Counterfeit WVU Products.

23. 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 one from learning their true identities and the scope of their e-commerce operation.

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

25. 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 WVU Products for sale by the Seller Aliases bear similar irregularities and indicia of being counterfeit to one another, suggesting that the Counterfeit WVU Products were manufactured by and come from a common source and that Defendants are interrelated.

26. 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.

27. Counterfeitors such as Defendants typically operate under multiple seller aliases and payment accounts so that they can continue operation in spite of Plaintiff'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 Plaintiff. Indeed, analysis of financial account transaction logs from previous similar cases indicates that off-shore counterfeitors regularly move funds from U.S.-based financial accounts to off-shore accounts outside the jurisdiction of this Court.

28. Defendants are working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Counterfeit WVU Products in the same transaction, occurrence, or series of transactions or occurrences. Defendants, without any authorization or

license from Plaintiff, have jointly and severally, knowingly and willfully used and continue to use one or more WVU Trademarks in connection with the advertisement, distribution, offering for sale, and/or sale of the Counterfeit WVU Products into the United States and Illinois over the Internet.

29. Defendants' unauthorized use of one or more WVU Trademarks in connection with the advertising, distribution, offering for sale, and sale of Counterfeit WVU Products, including 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 Plaintiff.

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

30. Plaintiff hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

31. This is a trademark infringement action against Defendants based on their unauthorized use in commerce of counterfeit or infringing imitations of one or more WVU Trademarks in connection with the sale, offering for sale, distribution, and/or advertising of infringing goods. The WVU Trademarks are highly distinctive marks. Consumers have come to expect the highest quality from Genuine WVU Products sold or marketed under WVU Trademarks.

32. Defendants have sold, offered to sell, marketed, distributed and advertised, and are still selling, offering to sell, marketing, distributing and advertising products using counterfeit or infringing reproductions of one or more WVU Trademarks without Plaintiff's permission or consent.

33. Plaintiff is the owner of the WVU Trademarks. The U.S. Registrations for WVU Trademarks (Exhibit 1) are in full force and effect. On information and belief, Defendants have

knowledge of Plaintiff's rights in the WVU Trademarks and are willfully infringing and intentionally using counterfeits or infringements of one or more WVU Trademarks. Defendants' willful, intentional and unauthorized use of one or more WVU Trademarks is likely to cause and is causing confusion, mistake, and deception as to the origin and quality of the counterfeit or infringing goods among the general public.

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

35. Plaintiff has no adequate remedy at law, and if Defendants' actions are not enjoined, Plaintiff will continue to suffer irreparable harm to its reputation and the goodwill of its well-known WVU Trademarks.

36. The injuries and damages sustained by Plaintiff have been directly and/or proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offering to sell, and/or sale of the Counterfeit WVU Products.

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

37. Plaintiff hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

38. Defendants' promotion, marketing, offering for sale, and/or sale of the Counterfeit WVU 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 Plaintiff, or as to the origin, sponsorship, or approval of Defendants' Counterfeit WVU Products by Plaintiff.

39. By using one or more WVU Trademarks on the Counterfeit WVU Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Counterfeit WVU Products.

40. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the Counterfeit WVU 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.

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff 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 any WVU Trademarks or any reproductions, counterfeit copies, or colorable imitations thereof in any manner in connection with the distribution, promotion, marketing, advertising, offering for sale, or sale of any product that is not a Genuine WVU Product or is not authorized by Plaintiff to be sold in connection with the WVU Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any products as Genuine WVU Products or any other products produced by Plaintiff that are not Plaintiff's, or

not produced under the authorization, control, or supervision of Plaintiff and approved by Plaintiff for sale under the WVU Trademarks;

- c. committing any acts calculated to cause consumers to believe that Defendants' Counterfeit WVU Products are those sold under the authorization, control, or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
- d. further infringing the WVU Trademarks and damaging Plaintiff'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 Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear any of Plaintiff's trademarks, including the WVU Trademarks, or any reproductions, counterfeit copies, or colorable imitations thereof;

2) Entry of an Order that, at Plaintiff's choosing, the registrant of the Domain Names shall be changed from the current registrant to Plaintiff, 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 Plaintiff'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 Plaintiff'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 Plaintiff's request, those with notice of the injunction, including, without limitation, any online marketplace platforms such as eBay, AliExpress, Alibaba, Amazon, Walmart, Inc., 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 WVU Trademarks;
- 4) That Defendants account for and pay to Plaintiff all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged and that the amount of damages for infringement of WVU 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 Plaintiff 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 WVU Trademarks;
- 6) That Plaintiff 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 27th day of May 2022.

Respectfully submitted,

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