

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

POLYBLANK DESIGNS LIMITED,

Plaintiff,

Case No. 1:22-cv-05736

v.

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

Defendants.

COMPLAINT

Plaintiff, Polyblank Designs Limited (“PDL” or “Plaintiff”), by its undersigned counsel, hereby complains of the Partnerships and Unincorporated Associations identified on Schedule A attached hereto (collectively, “Defendants”), and for its Complaint hereby alleges as follows:

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., the Federal Copyright Act, 17 U.S.C. § 101, 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 consumers in the United States, including Illinois, through at least the fully interactive commercial internet stores operating under the Defendant internet stores and/or the online marketplace accounts identified in Schedule A attached hereto (collectively, the “Defendant Internet Stores”). Specifically, Defendants are reaching out to do business with Illinois residents by operating one or more commercial, interactive internet Stores through which Illinois residents can purchase products bearing counterfeit and/or infringing versions of Plaintiff’s trademark and

works. Each of the Defendants has targeted sales from Illinois residents by operating online stores that offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, has sold products bearing counterfeit and/or infringing versions of Plaintiff's federally registered trademark and works 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.

3. This Court has personal jurisdiction over each Defendant, in that each Defendant conducts significant business in Illinois and in this Judicial District, and the acts and events giving rise to this lawsuit of which each Defendant stands accused were undertaken in Illinois and in this judicial district.

INTRODUCTION

4. This action has been filed by Plaintiff to combat online trademark and copyright infringers who trade upon Plaintiff's reputation and goodwill and valuable trademark and copyrights by selling and/or offering for sale products, hereinafter referred to as the "PETS ROCK Products" in connection with Plaintiff's federally registered PETS ROCK trademark. In addition, the defendants are selling unauthorized products that are based on and derived from the copyrighted subject matter created by PDL.

5. Plaintiff is the owner of the United States Trademark Registration No. 5,097,681 (hereinafter the "PETS ROCK Trademark") that covers the PETS ROCK Products. The Registration is valid, subsisting and in full force and effect. A true and correct copy of the Registration is attached hereto as **Exhibit 1**. Plaintiff is the owner of Copyright Registration Nos. VA0002104989; VA0002103969; VA0002102690; VA0002102692; VA0002102693; VA0002102694; VA0002102696; VA0002102213; VA0002102214; VA0002103929;

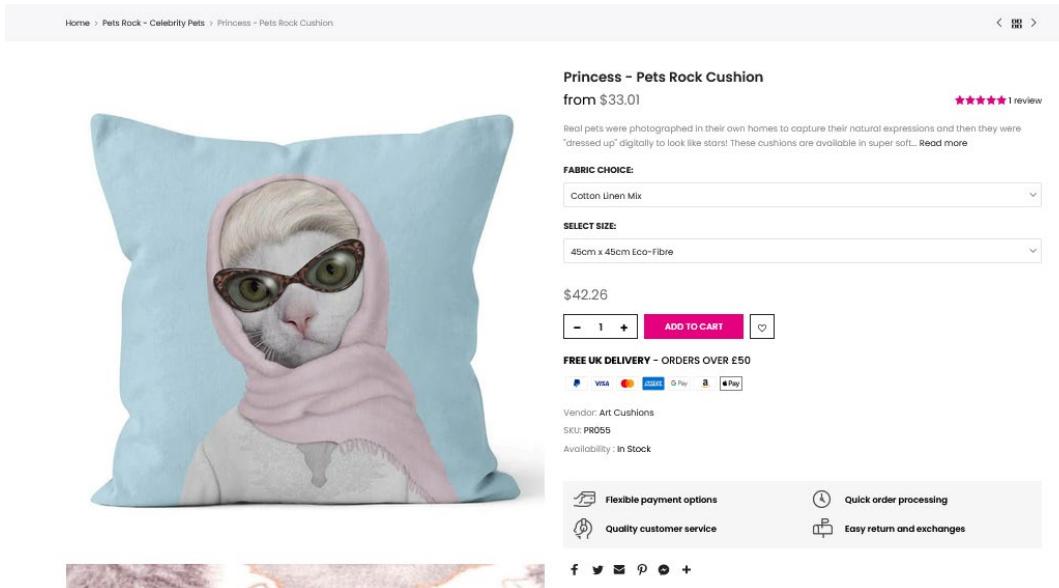
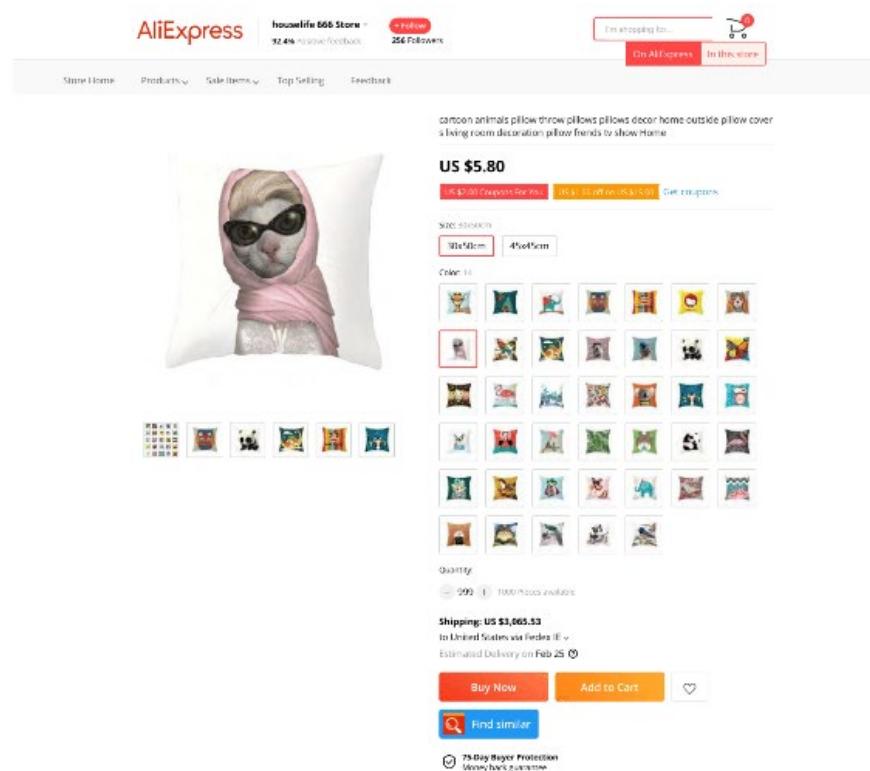
VA0002103970;	VA0002102215;	VA0002103971;	VA0002103972;	VA0002102216;
VA0002103973;	VA0002102217;	VA0002102218;	VA0002102219;	VA0002103974;
VA0002102220;	VA0002102221;	VA0002103975;	VA0002103976;	VA0002102223;
VA0002102222;	VA0002102211;	VA0002102210;	VA0002102209;	VA0002103977;
VA0002103978;	VA0002102208;	VA0002116325;	VA0002102206;	VA0002117815;
VA0002102204;	VA0002102212;	VA0002103968;	VA0002102697;	VA0002223713;
VA0002223846;	VA0002223716;	VA0002223658	VA0002223659;	VA0002223598;
VA0002223584;	VA0002223710;	VA0002223582;	VA0002223576;	VA0002223614;
VA0002223848;	VA0002223581;	VA0002223708;	VA0002223671;	VA0002223669;
VA0002223664;	VA0002223596;	VA0002223838;	VA0002223660;	VA0002223855;
VA0002223854;	VA0002223589;	VA0002223586;	VA0002223720;	VA0002223615;
VA0002223602;	VA0002223611;	VA0002223592;	VA0002223612;	VA0002223593;
VA0002223588;	VA0002223609;	VA0002223608;	VA0002223605;	VA0002223607;
VA0002223603;	VA0002223606;	VA0002223577;	VA0002223591;	VA0002223613;
VA0002223578;	VA0002223595;	VA0002223610;	VA0002223585;	VA0002223600;
VA0002126800;	VA0002126804;	VA0002126805;	VA0002126808;	VA0002126810;
VA0002126812;	VA0002126813;	VA0002126816;	VA0002126817;	VA0002126818;
VA0002126819;	VA0002126820;	VA0002126801;	VA0002126802;	VA0002126821;
VA0002126823;	VA0002126824;	VA0002129221;	VA0002126825;	VA0002126826;
VA0002126827;	VA0002126828;	VA0002126822;	VA0002126829;	VA0002126984;
VA0002126985;	VA0002126986;	VA0002126983;	VA0002126999;	VA0002126987;
VA0002126791;	VA0002126781;	VA0002126794;	VA0002126790;	VA0002126799;
VA000126772;	VA0002126788;	VA0002126796;	VA0002126797;	VA0002126785;

VA0002126774; VA0002126792; VA0002126777 and VA0002126783 (collectively the “PETS ROCK Works”) and the registrations are attached hereto as Exhibit 2. All of the copyrights have effective dates that predate defendants acts of copyright infringement.

6. In an effort to illegally profit from the PETS ROCK Trademark and Works, Defendants have created numerous Defendant Internet Stores and design them to appear to be selling authorized PETS ROCK Products.

7. The Defendant Internet Stores share unique identifiers, such as design elements and similarities of the unauthorized products offered for sale, establishing a logical relationship between them and suggesting that Defendants’ illegal operations arise out of the same transaction, occurrence, or series of transactions or occurrences. Defendants attempt to avoid liability by going to great lengths to conceal both their identities and the full scope and interworking of their illegal operation. Plaintiff is forced to file this action to combat Defendants’ infringement. Plaintiff has been and continues to be irreparably damaged through consumer confusion, dilution, loss of control over the creative content and tarnishment of the valuable trademark and copyrights as a result of Defendants’ actions and seek injunctive and monetary relief.

8. Online sales and licensing are the lifeblood of PDL. The rise of online retailing, coupled with the ability of e-commerce sites to hide their identities, has made it nearly impossible for policing actions to be undertaken since availing itself of takedown procedures to remove infringing products would be an ineffective and endless game of whack-a-mole against the mass counterfeiting that is occurring over the Internet. The aggregated effect of the mass counterfeiting that is taking place has overwhelmed Plaintiff and its ability to police its rights against the hundreds of anonymous defendants which are selling illegal counterfeits at prices below an original:

ORIGINAL EXAMPLE:COUNTERFEIT EXAMPLE:

9. The above example evidences a cooperative counterfeiting network using fake eCommerce storefronts designed to appear to be selling authorized products. To be able to offer the

counterfeit products at a price substantially below the cost of original, while still being able to turn a profit after absorbing the cost of manufacturing, advertising and shipping requires an economy of scale only achievable through a cooperative effort throughout the supply chain. As Homeland Security's recent report confirms, counterfeiters act in concert through coordinated supply chains and distribution networks to unfairly compete with legitimate brand owners while generating huge profits for the illegal counterfeiting network:

Historically, many counterfeits were distributed through swap meets and individual sellers located on street corners. **Today, counterfeiters are being trafficked through vast e-commerce supply chains in concert with marketing, sales, and distribution networks.** The ability of e-commerce platforms to aggregate information and reduce transportation and search costs for consumers provides a big advantage over brick-and-mortar retailers. Because of this, sellers on digital platforms have consumer visibility well beyond the seller's natural geographical sales area.

...
The impact of counterfeit and pirated goods is broader than just unfair competition. Law enforcement officials have uncovered intricate links between the sale of counterfeit goods and transnational organized crime. **A study by the Better Business Bureau notes that the financial operations supporting counterfeit goods typically require central coordination**, making these activities attractive for organized crime, with groups such as the Mafia and the Japanese Yakuza heavily involved. Criminal organizations use coerced and child labor to manufacture and sell counterfeit goods. In some cases, the proceeds from counterfeit sales may be supporting terrorism and dictatorships throughout the world.

...
Selling counterfeit and pirated goods through e-commerce is a highly profitable activity: production costs are low, millions of potential customers are available online, transactions are convenient, and listing on well-branded e-commerce platforms provides an air of legitimacy.

See Department of Homeland Security, *Combating Trafficking in Counterfeit and Pirated Goods*, Jan. 24, 2020, (<https://www.dhs.gov/publication/combating-trafficking-counterfeit-and-pirated-goods>), at 10, 19 (emphasis added) attached hereto as Exhibit 3.

10. The Defendant Internet Stores share unique identifiers, such as design elements and similarities of the unauthorized products offered for sale, establishing a logical relationship between

them and suggesting that Defendants' illegal operations arise out of the same transaction, occurrence, or series of transactions or occurrences. Defendants use aliases to avoid liability by going to great lengths to conceal both their identities as well as the full scope and interworking of their illegal network. Despite deterrents such as takedowns and other measures, the use of aliases enables counterfeiters to stymie authorities:

The scale of counterfeit activity online is evidenced as well by the significant efforts e-commerce platforms themselves have had to undertake. A major e-commerce platform reports that its proactive efforts prevented over 1 million suspected bad actors from publishing a single product for sale through its platform and blocked over 3 billion suspected counterfeit listings from being published to their marketplace. Despite efforts such as these, private sector actions have not been sufficient to prevent the importation and sale of a wide variety and large volume of counterfeit and pirated goods to the American public.

A counterfeiter seeking to distribute fake products will typically set up one or more accounts on online third-party marketplaces. The ability to rapidly proliferate third-party online marketplaces greatly complicates enforcement efforts, especially for intellectual property rights holders. Rapid proliferation also allows counterfeiters to hop from one profile to the next even if the original site is taken down or blocked. On these sites, online counterfeiters can misrepresent products by posting pictures of authentic goods while simultaneously selling and shipping counterfeit versions.

Not only can counterfeiters set up their virtual storefronts quickly and easily, but they can also set up new virtual storefronts when their existing storefronts are shut down by either law enforcement or through voluntary initiatives set up by other stakeholders such as market platforms, advertisers, or payment processors.

Id. at 5, 11, 12.

11. eCommerce giant Alibaba has also made public its efforts to control counterfeiting on its platform. It formed a special task force that worked in conjunction with Chinese authorities for a boots-on the ground effort in China to stamp out counterfeiters. In describing the counterfeiting networks it uncovered, Alibaba expressed its frustration in dealing with "vendors, affiliated dealers and factories" that rely upon fictitious identities that enable counterfeiting rings to play whack-a-mole with authorities:

Fighting China's counterfeits in the online era

Xinhua | Updated: 2017-09-19 14:20

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BEIJING - A secret team in Chinese e-commerce giant Alibaba has the task of pretending to be online consumers who test-buy purchases from the billion-plus products on its platforms.

Alibaba's Anti-Counterfeiting Special Task Force, formed last year, actively works with local law enforcement agencies, said Qin Seng.

"After we clean up online shops selling counterfeits, the counterfeiters usually change their identities and places of dispatch, using more covert means to continue selling online," Qin said.

The team uses big data to identify counterfeits and the vendors, affiliated dealers and factories suspected of producing or selling counterfeit items. They pass evidence to the public security, administration of commerce and industry, quality inspection, food and drug supervision and other law enforcement agencies. At the same time, they investigate the evidence in the field.

The team faces many risks in their offline probes.

"Most counterfeiting dens are hidden and well-organized. For example, we encountered a village producing counterfeits. The villagers installed cameras everywhere and when they saw outsiders entering, they became vigilant and even threatened us," Qin said.

See Xinhua, *Fighting China's Counterfeits in the Online Era*, China Daily (Sept. 19, 2017), available at www.chinadaily.com.cn/business/2017-09/19/content_32200290.htm (**Exhibit 4**).

12. Plaintiff has been and continues to be irreparably damaged through consumer confusion, dilution, loss of control over its reputation and good-will as well as the quality of goods bearing the PETS ROCK Trademark and PETS ROCK Works. The rise of eCommerce as a method of supplying goods to the public exposes brand holders and creators that make significant investments in their products to significant harm from counterfeiters:

Counterfeiting is no longer confined to street-corners and flea markets. The problem has intensified to staggering levels, as shown by a recent Organisation for Economic Cooperation and Development (OECD) report, which details a 154

percent increase in counterfeits traded internationally — from \$200 billion in 2005 to \$509 billion in 2016. Similar information collected by the U.S. Department of Homeland Security (DHS) between 2000 and 2018 shows that seizures of infringing goods at U.S. borders have increased 10-fold, from 3,244 seizures per year to 33,810.

...

The rise in consumer use of third-party marketplaces significantly increases the risks and uncertainty for U.S. producers when creating new products. It is no longer enough for a small business to develop a product with significant local consumer demand and then use that revenue to grow the business regionally, nationally, and internationally with the brand protection efforts expanding in step. Instead, with the international scope of e-commerce platforms, once a small business exposes itself to the benefits of placing products online — which creates a geographic scope far greater than its more limited brand protection efforts can handle — it begins to face increased foreign infringement threat.

...

Moreover, as costs to enter the online market have come down, such market entry is happening earlier and earlier in the product cycle, further enhancing risk. If a new product is a success, counterfeiters will attempt, often immediately, to outcompete the original seller with lower-cost counterfeit and pirated versions while avoiding the initial investment into research and design.

...

Counterfeiters have taken full advantage of the aura of authenticity and trust that online platforms provide. While e-commerce has supported the launch of thousands of legitimate businesses, their models have also enabled counterfeiters to easily establish attractive “store-fronts” to compete with legitimate businesses.

See Combating Trafficking in Counterfeit and Pirated Goods, Jan. 24, 2020, (**Exhibit 3**) at 4, 8, 11.

13. Not only are the creators and brand holders harmed, the public is harmed as well:

The rapid growth of e-commerce has revolutionized the way goods are bought and sold, allowing for counterfeit and pirated goods to flood our borders and penetrate our communities and homes. Illicit goods trafficked to American consumers by e-commerce platforms and online third-party marketplaces threaten public health and safety, as well as national security. This illicit activity impacts American innovation and erodes the competitiveness of U.S. manufacturers and workers.

The President’s historic memorandum provides a much warranted and long overdue call to action in the U.S. Government’s fight against a massive form of illicit trade that is inflicting significant harm on American consumers and businesses. This illicit trade must be stopped in its tracks.

Id. at 3, 4. (Underlining in original).

14. Plaintiff's investigation shows that the telltale signs of an illegal counterfeiting ring are present in the instant action. For example, Schedule A shows the use of store names by the Defendant Internet Stores that employ no normal business nomenclature and, instead, have the appearance of being made up, or if a company that appears to be legitimate is used, online research shows that there is no known address for the company. Thus, the Defendant Internet Stores are using fake online storefronts designed to appear to be selling genuine Plaintiff products, while selling inferior imitations of Plaintiff's products. The Defendant Internet Stores also share unique identifiers, such as design elements and similarities of the counterfeit products offered for sale, establishing a logical relationship between them and suggesting that Defendants' illegal operations arise out of the same transaction, occurrence, or series of transactions or occurrences. Defendants attempt to avoid liability by going to great lengths to conceal both their identities and the full scope and interworking of their illegal counterfeiting operation. Plaintiff is forced to file this action to combat Defendants' counterfeiting of Plaintiff's registered trademark, as well as to protect unknowing consumers from purchasing unauthorized PETS ROCK Products over the internet.

15. This Court has personal jurisdiction over each Defendant, in that each Defendant conducts significant business in Illinois and in this judicial district, and the acts and events giving rise to this lawsuit of which each Defendant stands accused were undertaken in Illinois and in this judicial district. In addition, each defendant has offered to sell and ship infringing products into this judicial district.

THE PLAINTIFF

16. Plaintiff, Polyblank Designs Limited, is a Limited company having its principal place of business in the United Kingdom. It is associated with PETS ROCK, a federally registered trademark that covers seventeen international classes of goods and services. Plaintiff is the official source of PETS ROCK Products:

Registration No.	Mark	Date of Registration	International Class and Goods/services
5,097,681	PETS ROCK	Dec. 13, 2016	Bleaching preparations and other substances for laundry use, namely laundry detergent, laundry fabric softener and laundry bleach; general purpose cleaning, polishing, scouring and abrasive preparations; non-medicated toiletries; soaps; bath salts; pre-moistened cosmetic facial wipes; tissues impregnated with cosmetics and cosmetic lotions; tissues impregnated with non-medicated preparations for cleaning; perfumery; essential oils; cosmetics; cosmetic kits comprising concealer, compacts, lipstick, lip gloss, mascara, eye liner, eye shadows, nail polish and nail varnish, and blusher; make-up and make-up preparations; lip balms, lip glosses and cosmetic lip coatings; hair lotions, shampoos and conditioners; nail varnish and nail polish; emery paper; face, hand and body moisturisers; dentifrices; deodorants and anti-perspirants for personal use; toothpaste; air fragrancing preparations in class 003
5,097,681	PETS ROCK	Dec. 13, 2016	Photographic cameras; photographic camera cases; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling

			electricity, namely circuit breakers electrical surge protectors, electric conduits and battery packs; battery chargers; apparatus for recording, transmission or reproduction of sound or images; audio speakers; headphones; blank magnetic data carriers, blank recording discs; mechanisms for coin operated apparatus; cash registers; calculating machines, computers and data processing equipment for use in streaming music and computers; fire-extinguishing apparatus; pre-recorded media and firmware, namely CDs and DVDs featuring music and video content; computer software and software downloadable from the Internet, namely computer game software for use on mobile and cellular phones, computer graphics software, computer software for processing digital images, computer screen saver software; downloadable electronic publications, namely magazines in the field of popular culture; compact discs featuring music; downloadable digital music; telecommunications apparatus, namely mobile phones and tablets; mouse mats; mobile phone accessories, namely covers, straps, straps with charms and keyboards; mobile phone cases; laptop and tablet screen covers, laptop and tablet cases and bags; USB flash drives; stylus for use on mobile phone, laptop, tablet and computer touchscreens; camera cases; contact lenses, spectacles and sunglasses; sunglasses cases; chains for glasses and sunglasses; decorative magnets; clothing for protection against injury, accident, irradiation and fire;
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			furniture adapted for laboratory use in class 009
5,097,681	PETS ROCK	Dec. 13, 2016	Apparatus for cooking, namely cooktops and microwave ovens; electric pocket torches for lighting in class 011
5,097,681	PETS ROCK	Dec. 13, 2016	Precious metals and their alloys; jewellery; costume jewellery; necklaces, bracelets, earrings and brooches; dog tags jewellery; jewellery cases; horological and chronometric instruments, key rings trinkets or fobs, made of precious metal; clocks and watches in class 014
5,097,681	PETS ROCK	Dec. 13, 2016	Paper, cardboard; printed matter, namely post cards; book binding material; photographs and photographic prints; paintings; art and graphic prints; craft paper (arts and crafts); modelling materials, namely moulds for modeling clay; stationery; calendars; diaries; notebooks and notepads; adhesives for stationery or household purposes; artists' materials, namely paint brushes, pallets, easels; paint brushes; typewriters; packaging materials made of paper; greeting and gift cards; passport holders and covers; printers' type; printing blocks; paper tissues; coasters made of paper; printed publications, namely magazines in the field of popular culture; paint boxes for children; cheque book holders in class 016
5,097,681	PETS ROCK	Dec. 13, 2016	Leather and imitations of leather; animal skins, hides; bags, namely beach bags, carry-all bags; trunks and travelling bags; handbags, briefcases; rucksacks, tote bags; purses; wallets; umbrellas; suitcases, luggage and luggage tags; parasols and walking sticks; whips,

			harness and saddlery; collars for pets and animals; clothing for animals; wash bags for carrying toiletries; unfitted vanity cases in class 018
5,097,681	PETS ROCK	Dec. 13, 2016	Furniture; mirrors; hand-held mirrors; picture frames; statues, figurines, works of art, ornaments and decorations made of materials such as wood, cork, cane, horn, bone, ivory, shell, amber, mother of pearl, meerschaum or plastic; baskets and containers made of wood, reed, cane and wicker; plastic figurines; garden furniture; pillows and cushions; air pillows and cushions being furniture; sleeping bags; pets' cushions and beds; chests for toys; non-metal and non-paper storage containers, namely collecting bins; non-electric fans in class 020
5,097,681	PETS ROCK	Dec. 13, 2016	Household or kitchen utensils, namely spatulas, strainers, tongs; household or kitchen containers; tableware, namely tea services, porcelain, cork and ceramic coasters; mugs; plastic coasters; plates; paper plates; serving trays; napkin rings; crockery, ornaments, figurines, candlesticks, and piggy banks made of ceramic, glass, porcelain or earthenware; tea pots; tea cosies; salt and pepper mills; water bottles sold empty; vases; flower pots; gardening gloves; watering cans; ironing boards and ironing board covers; combs and sponges; hair brushes, pet grooming brushes, toothbrushes; brush-making materials; bottle openers; steel wool; cloths for polishing; powder compacts, sold empty; containers for cosmetics; containers for lip glosses; soap boxes; candy boxes; electric and non-electric toothbrushes; mobile phone,

			laptop and tablet screen polishing cloths in class 021
5,097,681	PETS ROCK	Dec. 13, 2016	Textiles and textile goods, namely tea towels, cloth bed and table covers; bed covers; vinyl and plastic table covers; cloth coasters; travellers' rugs, textiles for making articles of clothing; duvets; covers for pillows, cushions or duvets; curtains; bath linen; wash cloths of textile and toweling; towels; flannels; shower curtains; tissues of textile for removing make-up and cosmetics in class 024
5,097,681	PETS ROCK	Dec. 13, 2016	Clothing, namely, t-shirts, shirts, blouses, vests, sweaters, trousers, skirts, dresses, scarves, underpants, socks, nightwear, one piece garments for adults, infants and toddlers, baby clothing, namely, baby pants, baby shirts, baby underwear, swimwear, jackets, coats, dungarees, kilts, sportswear, namely, sports shirts, sports caps and hats, sports jerseys, sports pants and sports shoes; footwear; headgear, namely, caps, hoods and hats; belts; aprons; pajamas in class 025
5,097,681	PETS ROCK	Dec. 13, 2016	Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles, all for sewing; artificial flowers; badges for wear; hair ornaments; hair bands and hair pins; lanyards for wearing; patches for clothing; ornamental cloth patches in class 026
5,097,681	PETS ROCK	Dec. 13, 2016	Carpets, rugs, mats and matting, linoleum for covering existing floors; non-textile wall hangings; wallpaper in class 027
5,097,681	PETS ROCK	Dec. 13, 2016	Games and playthings, namely board games and dolls; playing cards; jigsaw puzzles; puppets and marionettes; plush toys; stuffed plush toys; gymnastic and

			sporting articles, namely balls, baseball mitts, footballs, skateboards, snowboards, skis, surfboards, beach balls, rugby balls, basket balls, American footballs; decorations for Christmas trees; childrens' toy bicycles; computer games equipment adapted for use with an external display screen or monitor in class 028
5,097,681	PETS ROCK	Dec. 13, 2016	Meat, fish, poultry and game, not live; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams and compotes; milk and milk products, with the exception of ice cream, ice milk and frozen yoghurt; eggs; edible oils and fats in class 029
5,097,681	PETS ROCK	Dec. 13, 2016	Coffee; tea; cocoa; drinking chocolate; chocolate spread; sugar; rice; tapioca; sago; artificial coffee; flour and preparations made from cereals, namely cereal bars, high protein cereal bars and tarts; baked goods, namely breads and muffins; bread; pastry; confectionery, namely candy; chocolate; bakery desserts; ices; ice cream; frozen yogurt; honey; treacle; yeast; baking powder; salt; mustard; vinegar; sauces for use as condiments; spices; ice in class 030
5,097,681	PETS ROCK	Dec. 13, 2016	Tobacco; smokers' articles, namely cigar storage tubes, cigar glue, filter tubes; matches; lighters for smokers in class 034
5,097,681	PETS ROCK	Dec. 13, 2016	Advertising services; business management; business administration and management; providing office functions; organisation, operation and supervision of loyalty and incentive schemes to promote the sale of goods and services of others; advertising services provided via the Internet; production of

		television and radio advertisements; accountancy; auctioneering; organization of trade fairs; public opinion polling; data processing services; provision of business advice and information; retail store services, featuring bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, toiletries, soaps, bath salts, facial wipes, tissues impregnated with cosmetics and cosmetic lotions, tissues impregnated with preparations for cleaning, perfumery, essential oils, cosmetics, cosmetic kits, make-up and make-up preparations, lip balms, lip glosses and cosmetic lip coatings; hair lotions, shampoos and conditioners, nail varnish and nail polish, emery boards and emery files, face, hand and body moisturisers, dentifrices, deodorants and anti-perspirants for personal use, toothpaste, air fragrancing preparations, scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, supervision, life-saving and teaching apparatus and instruments, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, apparatus for recording, transmission or reproduction of sound or images, magnetic data carriers, recording discs, automatic vending machines and mechanisms for coin operated apparatus, cash registers, calculating machines, data processing equipment and computers, fire-extinguishing apparatus, recorded media, computer hardware and firmware,
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		computer software, software downloadable from the Internet, downloadable electronic publications, compact discs, digital music, telecommunications apparatus, computer games equipment adapted for use with an external display screen or monitor, mouse mats, battery chargers, mobile phone accessories, mobile phone cases, mobile phone, laptop and tablet screen polishing cloths, laptop and tablet screen covers, laptop and tablet cases and bags, USB flash drives, apparatus for use on mobile phone, laptop, tablet and computer touchscreens, decorative magnets, camera cases, sunglasses cases, chains for glasses and sunglasses, contact lenses, spectacles and sunglasses, sunglasses cases, chains for glasses and sunglasses, clothing for protection against injury, accident, irradiation or fire, furniture adapted for laboratory use, apparatus for lighting, heating and cooking, torches and pocket torches, precious metals and their alloys, jewellery, costume jewellery, precious stones, horological and chronometric instruments, key rings trinkets or fobs, clocks and watches, paper, cardboard, printed matter, book binding material, photographs, and photographic prints, paintings, art and graphic prints, arts, crafts and modelling equipment, stationery, adhesives for stationery or household purposes, artists' materials, paint brushes, typewriters, packaging materials, printers' type, printing blocks, disposable nappies of paper for babies, printed publications, calendars, greeting and gift cards, passport holders and
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			<p>covers, paint boxes for children, tissues, coasters made of paper, cheque book holders, rubber, gutta-percha, gum, asbestos and mica, plastics in extruded form for use in manufacture, semi-finished plastics materials for use in further manufacture, stopping and insulating materials, flexible non-metallic pipes, leather and imitations of leather, animal skins, hides, bags, trunks and travelling bags, handbags, rucksacks, purses, umbrellas, suitcases, luggage and luggage tags, briefcases, tote bags, wallets, parasols and walking sticks, whips, harness and saddlery, clothing for animals, collars for pets and animals, furniture, mirrors, hand-held mirrors, picture frames, statues, figurines, works of art, ornaments and decorations made of materials such as wood, cork, cane, horn, bone, ivory, shell, amber, mother of pearl, meerschaum or plastic; baskets and containers made of wood, reed, cane and wicker, plastic figurines, garden furniture, pillows and cushions, air pillows and cushions, pets' cushions and beds, chests for toys, storage containers, fans non-electric, household or kitchen utensils and containers, tableware, mugs, coasters, teapots, salt and pepper mills, water bottles, plates, paper plates, serving trays, napkin rings, vases, flower pots, gardening gloves, watering cans, ironing boards and ironing board covers, bottle openers, wash bags, vanity cases, powder compacts, containers for cosmetics, containers for lip glosses, soap boxes, candy boxes, combs and sponges, brushes, brush-making materials, articles for cleaning purposes,</p>
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		steel wool, crockery, ornaments, figurines, candlesticks, and piggy banks made of ceramic, glass, porcelain or earthenware, electric and non-electric toothbrushes, textiles and textile goods, bed and table covers, travellers' rugs, textiles for making articles of clothing, duvets, sleeping bags, curtains, bath linen, wash cloths of textile and toweling, towels, flannels, shower curtains, tissues of textile for removing make-up and cosmetics, polishing cloths, covers for pillows, cushions or duvets, clothing, footwear, headgear, aprons, belts, pajamas, lace and embroidery, ribbons and braid, buttons, hooks and eyes, pins and needles, artificial flowers, badges for wear, tea cosies, hair ornaments, hair bands and hair pins, lanyards for wearing, patches for clothing, ornamental cloth patches, carpets, rugs, mats and matting, linoleum and other materials for covering existing floors, wall hangings non-textile, wallpaper, meat, fish, poultry and game, meat extracts, preserved, dried and cooked fruits and vegetables, jellies, jams and compotes, milk and milk products, eggs, edible oils and fats, games and playthings, playing cards, jigsaw puzzles, puppets and marionettes, gymnastic and sporting articles, decorations for Christmas trees, childrens' toy bicycles, coffee, tea, cocoa, drinking chocolate, chocolate spread, sugar, rice, tapioca, sago, artificial coffee, flour and preparations made from cereals, baked goods, bread, pastry, confectionery, chocolate, desserts, ices, ice cream, frozen yoghurt, honey, treacle,
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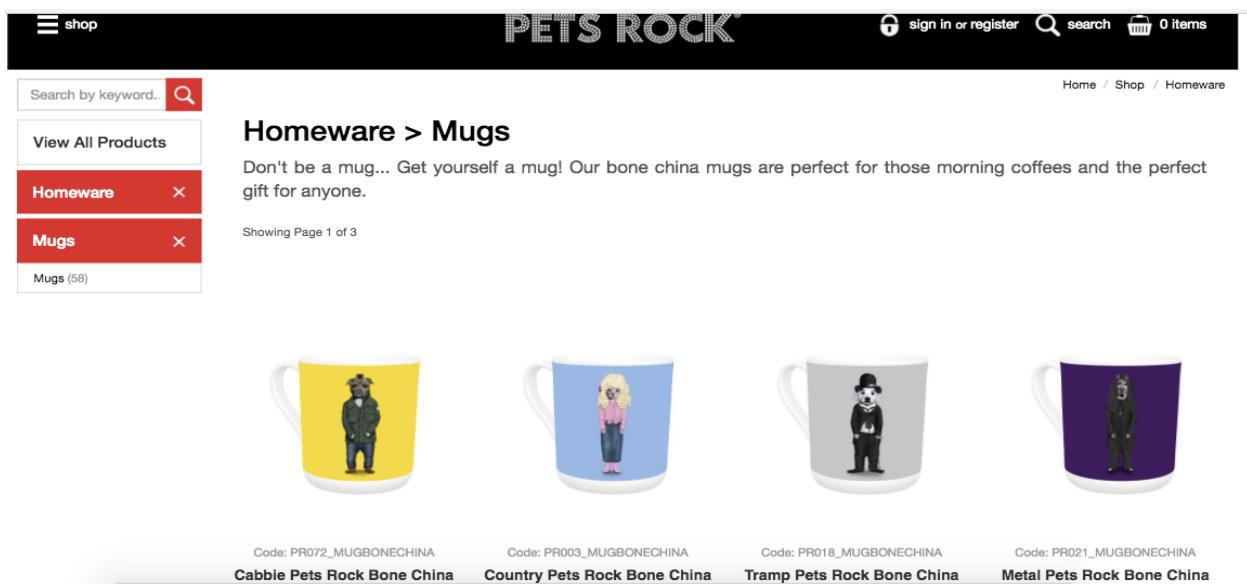
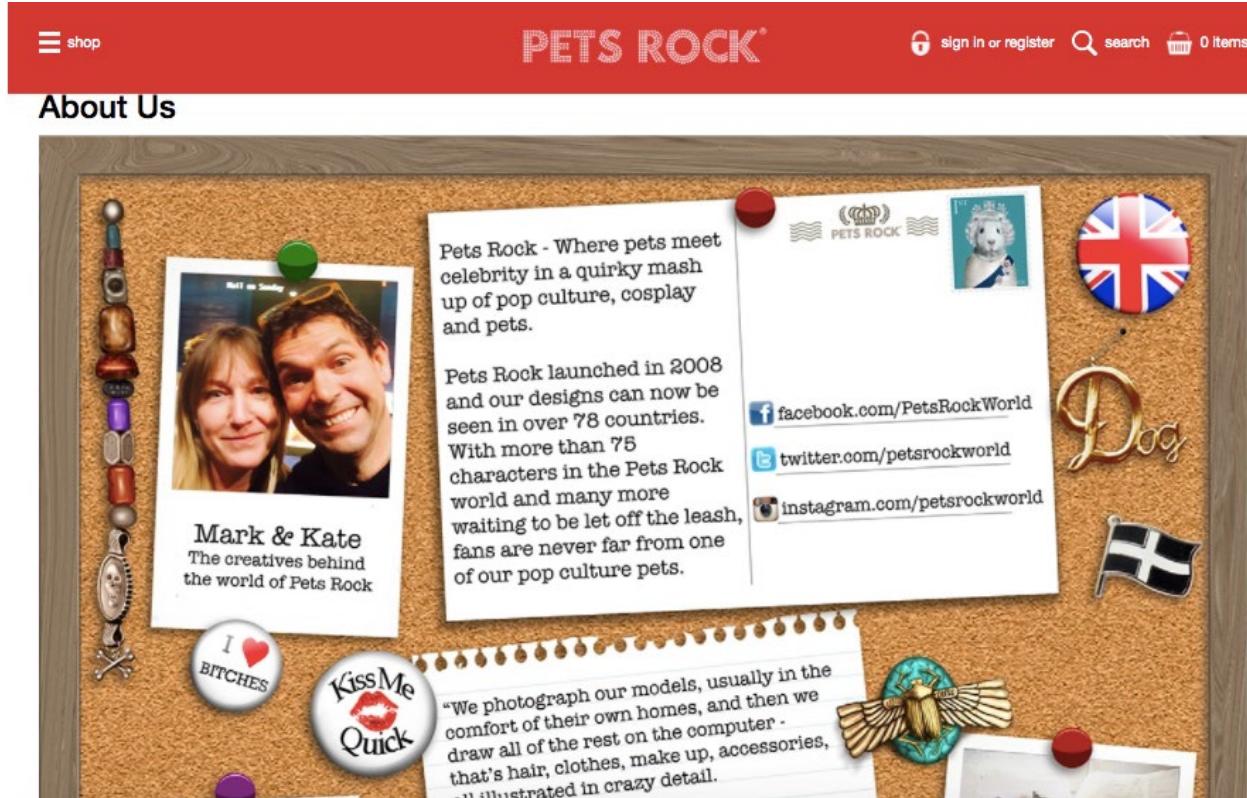
			yeast, baking powder, salt, mustard, vinegar, sauces condiments, spices, ice, tobacco, smokers' articles, matches, lighters for smokers in class 035
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17. The PETS ROCK Trademark has been used exclusively by PDL and has never been abandoned. The PETS ROCK Trademark registration is valid, subsisting, in full force and effect. The registration of the PETS ROCK Trademark constitutes *prima facie* evidence of its validity and of PDL's exclusive right to use the PETS ROCK Trademark pursuant to 15 U.S.C. § 1057(b).

18. The PETS ROCK Trademark appears on PDL Products, as well as the packaging and advertisements related to such products. PDL Products have long been desirable and popular.

19. PDL has invested substantial time, money and effort in building up and developing consumer recognition, awareness, and goodwill in the PETS ROCK Products.

20. The success of the PETS ROCK Products is due in large part to PDL's marketing, promotional, and distribution efforts. These efforts include advertising and promotion through PDL's website, (the "website"), retailer websites, and other internet-based advertising, print, and other efforts both in the United States and internationally:



21. PDL's success is also due to the use of high-quality materials and processes in making the PETS ROCK Products.

22. Additionally, PDL owes a substantial amount of the success of the PETS ROCK Products to its licensees, consumers and interest that its consumers have generated.

23. As a result of PDL's efforts, the quality of its PETS ROCK Products, the promotional efforts for its products and designs, press and media coverage, and members of the public have become familiar with PETS ROCK Products, PETS ROCK Works, and PETS ROCK Trademark and associate them exclusively with PDL. PDL has acquired a valuable reputation and goodwill among the public as a result of such association.

24. PDL has made efforts to protect its interests in and to the PETS ROCK Works and PETS ROCK Trademark. No one other than PDL and its licensees are authorized to manufacture, import, export, advertise, offer for sale, or sell any goods utilizing the PETS ROCK Works or PETS ROCK Trademark without the express written permission of PDL.

THE DEFENDANTS

25. Defendants are individuals and business entities who, upon information and belief, reside in the People's Republic of China or other foreign jurisdictions. Defendants conduct business throughout the United States, including within Illinois and in this judicial district, through the operation of the fully interactive commercial websites and online marketplaces operating under the Defendant Internet Stores. Each Defendant targets the United States, including Illinois, and has offered to sell and, on information and belief, has sold and continues to sell illegal PETS ROCK Products to consumers within the United States, including Illinois and in this judicial district.

THE DEFENDANTS' UNLAWFUL CONDUCT

26. The success of the PETS ROCK brand has resulted in its counterfeiting and intentional copying. Defendants conduct their illegal operations through fully interactive commercial websites hosted on various e-commerce sites and online marketplaces, etc. ("Infringing Websites" or "Infringing Webstores"). Each Defendant targets consumers in the United States, including the State of Illinois, and has offered to sell and, on information and belief,

has sold and continues to sell counterfeit and/or infringing products that violate Plaintiff's intellectual property rights ("Counterfeit and/or Infringing Products") to consumers within the United States, including the State of Illinois.

27. The Defendant Internet Stores intentionally conceal their identities and the full scope of their counterfeiting operations in an effort to deter Plaintiff from learning Defendants' true identities and the exact interworking of Defendants' illegal counterfeiting operations. Through their operation of the Infringing Internet Stores, Defendants are directly and personally contributing to, inducing and engaging in the sale of Counterfeit and/or Infringing Products as alleged, often times as partners, co-conspirators and/or suppliers. Upon information and belief, Defendants are an interrelated group of counterfeiters working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Counterfeit and/or Infringing Products.

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

29. Defendants often go to great lengths to conceal their identities by often using multiple fictitious names and addresses to register and operate their massive network of Defendant Internet Stores. Upon information and belief, Defendants regularly create new websites and online marketplace accounts on various platforms using the identities listed in Schedule A to the Complaint, as well as other unknown fictitious names and addresses. Such Defendant Internet Store registration patterns are one of many common tactics used by the Defendants to conceal their identities, the full scope and interworking of their massive counterfeiting operation, and to avoid being shut down.

30. The counterfeit and/or infringing PETS ROCK Products for sale in the Defendant Internet Stores bear similarities and indicia of being related to one another, suggesting that the counterfeit and/or infringing PETS ROCK Products were manufactured by and come from a common source and that, upon information and belief, Defendants are interrelated. The Defendant Internet Stores also include other notable common features, including use of the same Internet Store registration patterns, unique shopping cart platforms, accepted payment methods, check-out methods, meta data, illegitimate SEO tactics, HTML user-defined variables, domain redirection, lack of contact information, identically or similarly priced items and volume sales discounts, similar hosting services, similar name servers, and the use of the same text and images.

31. In addition to operating under multiple fictitious names, Defendants in this case and defendants in other similar cases against online counterfeiters use a variety of other common tactics to evade enforcement efforts. For example, counterfeiters like Defendants will often register new online marketplace accounts under new aliases once they receive notice of a lawsuit. Counterfeiters also often move website hosting to rogue servers located outside the United States once notice of a lawsuit is received. Rogue servers are notorious for ignoring takedown demands sent by brand owners. Counterfeiters also typically ship products in small quantities via international mail to minimize detection by U.S. Customs and Border Protection. A 2020 U.S. Customs and Border Protection report on seizure statistics indicated that e-commerce sales have contributed to large volumes of low-value packages imported into the United States. U.S. Customs and Border Protection, *Intellectual Property Right Seizure Statistics, FY 2020* (https://www.cbp.gov/sites/default/files/assets/documents/2021-Sep/101808%20FY%202020%20IPR%20Seizure%20Statistic%20Book%2017%20Final%20spreads%20ALT%20TEXT_FINAL%20%28508%29%20REVISED.pdf), at 15 attached hereto as

Exhibit 5. In FY 2020, there were 184 million express mail shipments and 356 million international mail shipments. Over 90 percent of all intellectual property seizures occur in the international mail and express environments. *Id.* The ongoing e-commerce revolution drove a 28 percent increase in low-value shipments and 219 percent increase in air cargo in FY 2020. *Id.*

32. Further, counterfeiters such as Defendants, typically operate multiple credit card merchant accounts and third-party accounts, such as PayPal, Inc. ("PayPal") accounts, behind layers of payment gateways so that they can continue operation in spite of Plaintiff's enforcement efforts. Upon information and belief, Defendants maintain off-shore bank accounts and regularly move funds from their PayPal accounts to off-shore bank accounts outside the jurisdiction of this Court. Indeed, analysis of PayPal transaction logs from previous similar cases indicates that offshore counterfeiters regularly move funds from U.S.-based PayPal accounts to China-based bank accounts outside the jurisdiction of this Court.

33. Upon information and belief, Defendants also deceive unknowing consumers by using the PETS ROCK Trademark without authorization 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 searches for PETS ROCK Products. Additionally, upon information and belief, Defendants use other unauthorized search engine optimization (SEO) tactics and social media spamming so that the Defendant Internet Stores listings show up at or near the top of relevant search results and misdirect consumers searching for genuine PETS ROCK Products. Further, Defendants utilize similar illegitimate SEO tactics to propel new domain names to the top of search results after others are shut down. As a result, Plaintiff also seeks to disable the Defendant Internet Stores owned by Defendants that are the means by which Defendants could continue to sell counterfeit and/or infringing PETS ROCK Products.

34. Defendants' use of the PETS ROCK Trademark and Works on or in connection with the advertising, marketing, distribution, offering for sale and sale of the Counterfeit and/or Infringing Products is likely to cause and has caused confusion, mistake and deception by and among consumers and is irreparably harming Plaintiff. Defendants have manufactured, imported, distributed, offered for sale and sold Counterfeit and/or Infringing Products using the PETS ROCK Trademark and Works and continue to do so.

35. Defendants, without authorization or license from Plaintiff, knowingly and willfully used and continue to use the PETS ROCK Trademark and Works in connection with the advertisement, offer for sale and sale of the Counterfeit and/or Infringing Products, through, inter alia, the internet. The Counterfeit and/or Infringing Products are not genuine PETS ROCK Products. The Plaintiff did not manufacture, inspect or package the Counterfeit and/or Infringing Products and did not approve the Counterfeit and/or Infringing Products for sale or distribution. The Defendant Internet Stores offer shipping to the United States, including Illinois, and, on information and belief, each Defendant has sold Counterfeit and/or Infringing Products into the United States, including Illinois.

36. Upon information and belief, Defendants will continue to register or acquire listings for the purpose of selling Counterfeit and/or Infringing Goods that infringe upon the PETS ROCK Trademark and Works unless preliminarily and permanently enjoined.

37. Defendants' use of the PETS ROCK Trademark and Works in connection with the advertising, distribution, offering for sale, and sale of counterfeit and/or infringing PETS ROCK products, including the sale of counterfeit and/or infringing PETS ROCK products into 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)

38. Plaintiff repleads and incorporates by reference each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

39. This is a trademark infringement action against Defendants based on their unauthorized use in commerce of counterfeit imitations of the federally registered Plaintiff's Trademark in connection with the sale, offering for sale, distribution, and/or advertising of infringing goods. Plaintiff's PETS ROCK Trademark is a distinctive mark. Consumers have come to expect the highest quality from PDL and PETS ROCK Products offered, sold, or marketed under Plaintiff's Trademark.

40. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products in connection with the PETS ROCK Trademark without Plaintiff's permission.

41. Plaintiff is the exclusive owner of the PETS ROCK Trademark. Plaintiff's United States Registration for the PETS ROCK Trademark (Exhibit 1) is in full force and effect. Upon information and belief, Defendants have knowledge of Plaintiff's rights in the PETS ROCK Trademark, and are willfully infringing and intentionally using counterfeits of the PETS ROCK Trademark. Defendants' willful, intentional and unauthorized use of the PETS ROCK Trademark are likely to cause and is causing confusion, mistake, and deception as to the origin and quality of the counterfeit goods among the general public.

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

43. 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 PETS ROCK Trademark.

44. The injuries and damages sustained by Plaintiff have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offering to sell, and sale of counterfeit PETS ROCK products.

COUNT II
FALSE DESIGNATION OF ORIGIN, PASSING OFF & UNFAIR COMPETITION
(15 U.S.C. § 1125(a)/LANHAM ACT § 43(a))

45. Plaintiff repleads and incorporates by reference each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

46. Plaintiff, as the owner of all right, title, and interest in and to the PETS ROCK Trademark, has standing to maintain an action for false designation of origin and unfair competition under the Federal Trademark Statute, Lanham Act § 43(a) (15 U.S.C. § 1125).

47. Plaintiff's PETS ROCK Trademark is a distinctive mark.

48. Defendants' promotion, marketing, offering for sale, and sale of infringing PETS ROCK Products has created and is creating a likelihood of confusion, mistake, and deception among the public as to the affiliation, connection, or association with Plaintiff or the origin, sponsorship, or approval of Defendants' infringing products by Plaintiff.

49. By using the PETS ROCK Trademark in connection with the sale of unauthorized products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the unauthorized products.

50. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the unauthorized products to the general public is a willful violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125.

51. Upon information and belief, Defendants' aforementioned wrongful actions have been knowing, deliberate, willful, intended to cause confusion, to cause mistake, and to deceive the purchasing public and with the intent to trade on the goodwill and reputation of PDL, its PETS ROCK Products, and PETS ROCK Trademark.

52. As a direct and proximate result of Defendants' aforementioned actions, Defendants have caused irreparable injury to PDL by depriving PDL of sales of its PETS ROCK Products and by depriving PDL of the value of their PETS ROCK Trademark as commercial assets in an amount as yet unknown, but to be determined at trial, for which it has no adequate remedy at law, and unless immediately restrained, Defendants will continue to cause substantial and irreparable injury to PDL and the goodwill and reputation associated with the value of PETS ROCK Trademark.

53. 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 brand.

COUNT III
COPYRIGHT INFRINGEMENT 17 U.S.C. § 501(a)

54. Plaintiff repleads and incorporates by reference each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

55. The PETS ROCK Works have significant value and have been produced and created at considerable expense. Plaintiff is the owner of each original works contained in Exhibit 2. Each of the works contained in Exhibit 2 is copyrightable subject matter under the laws of the United States.

56. Plaintiff, at all relevant times, has been the holder of the pertinent exclusive rights infringed by Defendants, as alleged hereunder, including but not limited to the copyrighted PETS ROCK Works, including derivative works. The PETS ROCK Works are the subject of valid Copyright Registrations. (**Exhibit 2**).

57. Upon information and belief, Defendants had access to the works in **Exhibit 2** through Plaintiff's normal business activities. After accessing Plaintiff's work, Defendants wrongfully created copies of the copyrighted PETS ROCK Works without Plaintiff's consent and engaged in acts of widespread infringement.

58. PDL is informed and believes and thereon alleges that Defendants further infringed PDL's copyright by making or causing to be made derivative works from the PETS ROCK Works by producing and distributing reproductions without PDL's permission.

59. The copyrighted products include a copyright notice advising the general public that the PETS ROCK Products are protected by the Copyright Laws.

60. Each Defendant, without the permission or consent of the Plaintiff, has, and continues to sell online infringing derivative works of the copyrighted PETS ROCK Products. Each Defendant has violated Plaintiff's exclusive rights of reproduction and distribution. Each Defendant's actions constitute infringement of Plaintiff's exclusive rights protected under the Copyright Act (17 U.S.C. §101 et seq.).

61. Further, as a direct result of the acts of copyright infringement, Defendants have obtained direct and indirect profits they would not otherwise have realized but for their infringement of the copyrighted PETS ROCK Works. PDL is entitled to disgorgement of Defendants' profits directly and indirectly attributable to their infringement of the PETS ROCK Works.

62. The foregoing acts of infringement constitute a collective enterprise of shared, overlapping facts and have been willful, intentional, and in disregard of and with indifference to the rights of the Plaintiff.

63. As a result of each Defendant's infringement of Plaintiff's exclusive rights under copyrights, Plaintiff are entitled to relief pursuant to 17 U.S.C. §504.

64. 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 in money. 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 Plaintiff's copyright and ordering that each Defendant destroy all unauthorized copies. Defendants' copies, plates, and other embodiment of PETS ROCK Works from which copies can be reproduced should be impounded and forfeited to PDL as instruments of infringement, and all infringing copies created by Defendants should be impounded and forfeited to PDL, under 17 U.S.C §503.

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 the PETS ROCK Trademark and Works or any reproductions, 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 an authorized

PETS ROCK Product or is not authorized by Plaintiff to be sold in connection with the PETS ROCK Trademark and Works;

- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine PETS ROCK Product or any other product produced by PDL that is not PDL's or not produced under the authorization, control, or supervision of PDL and approved by PDL for sale under the PETS ROCK Trademark and Works;
- c. committing any acts calculated to cause consumers to believe that Defendants' Counterfeit and/or Infringing PETS ROCK Products are those sold under the authorization, control, or supervision of PDL, or are sponsored by, approved by, or otherwise connected with PDL;
- d. further infringing the PETS ROCK Trademark and Works and damaging Plaintiff's goodwill;
- e. otherwise competing unfairly with Plaintiff 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 not manufactured by or for PDL, nor authorized by Plaintiff to be sold or offered for sale, and which bear the PETS ROCK Trademark or which are derived from Plaintiff's PETS ROCK Works;
- g. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendant Internet Stores, or any other online marketplace account that is being used to sell products or inventory not authorized by Plaintiff which bear the PETS ROCK Trademark or which are derived from Plaintiff's PETS ROCK Works;

- h. operating and/or hosting websites at the Defendant Internet Stores or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale products or inventory not authorized by Plaintiff which bear the PETS ROCK Trademark or which are derived from Plaintiff's copyright in the PETS ROCK Works;
- 2) That 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 Defendants have complied with paragraph 1, a through h, above;
- 3) Entry of an Order that, upon Plaintiff's request, those in privity with Defendants and those with notice of the injunction, including any online marketplaces, social media platforms, Facebook, YouTube, LinkedIn, Twitter, internet search engines such as Google, Bing and Yahoo, and web hosts for the Defendant Internet Stores, shall:
 - a. disable and cease providing services for any accounts through which Defendants engage in the sale of products not authorized by Plaintiff which bear the PETS ROCK Trademark or which are derived from the Plaintiff's PETS ROCK Works, including any accounts associated with the Defendants listed on Schedule A;
 - b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of products not authorized by Plaintiff which bear the PETS ROCK Trademark or which are derived from Plaintiff's copyright in the PETS ROCK Works; and
 - c. take all steps necessary to prevent links to the Defendant Internet Stores identified on Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Internet Stores from any search index; and

- 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 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 pursuant to 15 U.S.C. § 1117(c)(2) of \$2,000,000 for each and every use of the PETS ROCK Trademark;
- 6) For Judgment in favor of Plaintiff against Defendants that they have: a) willfully infringed Plaintiff's rights in its federally registered copyrights pursuant to 17 U.S.C. §501; and b) otherwise injured the business reputation and business of Plaintiff by Defendants' acts and conduct set forth in this Complaint;
- 7) For Judgment in favor of Plaintiff against Defendants for actual damages or statutory damages pursuant to 17 U.S.C. §504, at the election of Plaintiffs, in an amount to be determined at trial;
- 8) That Plaintiff be awarded reasonable attorneys' fees and costs; and
- 9) Award any and all other relief that this Court deems just and proper.

DATED: October 18, 2022

Respectfully submitted,

/s/ Keith A. Vogt
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