

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

BOARD OF SUPERVISORS OF LOUISIANA  
STATE UNIVERSITY AND  
AGRICULTURAL AND MECHANICAL  
COLLEGE,

Plaintiff,

v.

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

Defendants.

Case No. 22-cv-07099

**COMPLAINT**

Plaintiff Board of Supervisors of Louisiana State University and Agricultural and Mechanical College (hereinafter, “LSU” 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 stores<sup>1</sup> 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 (collectively, the “Counterfeit LSU Products”).

4. Defendants create e-commerce stores operating under one or more Seller Aliases that are advertising, offering for sale and selling Counterfeit LSU 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’

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<sup>1</sup> 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 LSU 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**

#### **Plaintiff LSU**


5. Plaintiff is a public constitutional corporation having its principal place of business at 3810 W. lakeshore Dr., Baton Rouge, Louisiana 70803. LSU manages all aspects of the University's operations, including management of trademark affairs


6. LSU, the flagship educational institution in the state of Louisiana, was founded in 1860 and is located in Baton Rouge, Louisiana. LSU offers a wide range of undergraduate, graduate and professional programs for its more than 45,000 students.


7. LSU is home to one of the most storied intercollegiate athletics programs in the nation. Through the 2020-21 athletic year, LSU has won a total of 49 team National Championships, including 44 NCAA-sponsored national titles. LSU's football program has won the NCAA National Championship four times, most recently in 2019. LSU's baseball team has won the NCAA National Championship six times, most recently in 2009.

8. LSU is the owner of the famous and distinctive trademarks of LSU and is responsible for protecting those trademarks. LSU 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 LSU (collectively, the "LSU 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 and those that LSU has adopted and used in commerce throughout the United States, including in Illinois. LSU 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 LSU Trademarks are the word mark “LSU Tigers” (reg. no.

4,089,445) and the LSU Logo:  (reg. no. 4,089,446). A non-exclusive list of the famous and distinctive LSU Trademarks owned and/or licensed by LSU, registered before the United States Patent and Trademark Office, and currently in use in commerce include the following:

| Registration Number | Trademark   | Goods and Services  |
|---------------------|---|---|
| 3,260,053           |  | <p>For: Printed greeting cards, announcement cards, stationery, blank note pads, writing tablets, calendars, paper napkins, wrapping paper, gift bags, namely, paper gift bags in class 016.</p> <p>For: Household utensils namely, spatulas, forks, spoons, tongs and plates, beverage glassware, ceramic figures in class 021.</p> <p>For: Visors, hats, t-shirts, ponchos, jerseys, polo shirts, jeans, flip flops in class 025.</p> <p>For: Stuffed toy animals, puzzles, Christmas tree ornaments, toy mini-helmets, playing cards in class 028.</p> <p>For: Educational services, namely, providing courses of instruction at the college level, entertainment services, namely, providing theatrical productions, and athletic events, namely, sports camps, arranging and conducting athletic competitions, namely,</p> |


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|           |   | football games, basketball games, baseball games, soccer games, softball games, swimming meets, track meets, golf matches, tennis matches, volleyball matches and gymnastics competitions in class 041.   |
| 3,161,850 | LOUISIANA STATE UNIVERSITY  | <p>For: Printed greeting cards, stationery, note pads, writing tablets, calendars, paper napkins, wrapping paper, gift bags, namely, paper gift bags in class 016.</p> <p>For: Household utensils namely, spatulas, serving forks, forks for use as utensils for barbecues, basting spoons, mixing spoons, serving spoons, slotted spoons, serving tongs, tongs for use as utensils for barbecues, and plates, beverage glassware, ceramic figures in class 021.</p> <p>For: visors, hats, t-shirts, ponchos, jerseys, polo shirts, jeans, socks, flip flops, tennis shoes in class 025.</p> <p>For: Stuffed toy animals, puzzles, Christmas tree ornaments, toy mini-helmets, playing cards in class 028.</p> <p>For: Educational services, namely, providing instruction at the college level and entertainment services, namely, providing theatrical productions and athletic events, namely, football games, basketball games, baseball games, soccer games, softball games, swimming meets, track meets, golf matches, tennis matches, volleyball matches and gymnastics competitions in class 041.</p> |
| 4,089,446 |  | <p>For: hats, t-shirts, all the foregoing relating to a university and/or to collegiate sports in class 025.</p> <p>For: Stuffed toy animals, all the foregoing relating to a university and/or to collegiate sports in class 028.</p>  |
| 4,089,445 | LSU TIGERS  | For: printing cards in the nature of greeting cards, announcement cards, note pads, stationery, writing tablets, calendars, paper napkins, gift wrapping paper and paper gift   |

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|           |     | <p>bags, all the foregoing relating to a university and/or to collegiate sports in class 016.</p> <p>For: household utensils, namely, spatulas, serving forks, serving spoons, serving tongs and plates, beverage glassware; and ceramic figures, all the foregoing relating to a university and/or to collegiate sports in class 021.</p> <p>For: visors, hats, t-shirts, ponchos, jerseys, polo shirts, jeans, socks, flip flops, tennis shoes, all the foregoing relating to a university and/or to collegiate sports in class 025.</p> <p>For: stuffed animals, puzzles, Christmas tree ornaments, sports balls, miniature toy helmets, playing cards, all the foregoing relating to a university and/or to collegiate sports in class 028.</p> <p>For: athletic events, namely, sports camps, arranging and conducting athletic competitions, namely, football games, basketball games, baseball games, soccer games, softball games, swimming meets, track meets, golf matches, tennis matches, volleyball matches and gymnastics competitions; all the foregoing in a university context or collegiate sports context in class 041</p> |
| 1,331,940 | LSU | <p>For: License Plates in class 012.</p> <p>For: Wall Clock Shaped to Resemble the State of Louisiana in class 014.</p> <p>For: Music Box in class 015.</p> <p>For: Writing Tablets and Playing Cards in class 016.</p> <p>For: Umbrella in class 018.</p> <p>For: Stadium Cushion, Stadium Chair Seat in class 020.</p>  |

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|           |   | <p>For: Cloth Pennants in class 024.</p> <p>For: ponchos, visors, coaching caps, sweatshirts, football jerseys, and sport shirts in class 025.</p> <p>For: Belt Buckles in class 026.</p> <p>For: Christmas Tree Ornaments, Football Helmets and Spirit Hands, namely, a novelty item consisting of a styrofoam enlarged hand, in class 028.</p> <p>For: Educational Services-Namely, Providing Instruction at the College Level in class 041.</p>  |
| 4,089,447 | GEAUX TIGERS  | <p>For: Printed greeting cards, stationery, note pads, bumper stickers, calendars, paper napkins, wrapping paper, gift bags, namely, paper gift bags, all the foregoing relating to a university or to collegiate sports in class 016.</p> <p>For: Household utensils namely, spatulas, serving forks, serving spoons, tongs and plates, beverage glassware, ceramic figures, all the foregoing relating to a university or to collegiate sports in class 021.</p> <p>For: visors, hats, t-shirts, ponchos, jerseys, polo shirts, socks, flip flops, tennis shoes, all the foregoing relating to a university or to collegiate sports in class 025.</p> <p>For: Stuffed toy animals, puzzles, Christmas tree ornaments, playing cards, sports equipment, namely, eye black to reduce sun glare for outdoors and sports activities, all the foregoing relating to a university or to collegiate sports in class 028.</p> |
| 4,076,023 |  | <p>For: Decals, greeting cards, announcement cards, stationery, blank note pads, writing tablets, calendars, paper napkins, wrapping paper, gift bags, pens, pencils and glass paperweights in class 016.</p> <p>For: Shot glasses, beverage glassware,</p>   |

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|           |            | <p>ceramic figures, mugs, travel mugs, spatulas, serving forks, serving spoons, and plates in class 021.</p> <p>For: sweatshirts, caps, t-shirts, knit hats, pullover and zip up jackets, infant creeper sets, ear warmers, and headbands in class 025.</p> <p>For: Stuffed toy animals, puzzles, Christmas tree ornaments, playing cards, board games, footballs, baseballs, basketballs, rubber balls, and softballs in class 028.</p> <p>For: Education services, namely, providing courses of instruction at the university level and educational research; entertainment services, namely, arranging and conducting athletic events, athletic tournaments, athletic exhibitions, educational conferences, live performances, and festivals in class 041.</p> |
| 4,938,989 | TIGER BAIT | For: Clothing, namely, shirts in class 025.   |
| 4,542,518 | LSU        | <p>For: Metal combination locks; metal cabinet knobs; metal drawer pulls; metal key chains in class 006.</p> <p>For: DVDs featuring educational and athletic events; phone cases, namely, cell phone cases; headphones; earphone covers, namely, covers specially adapted for use with earphones; blank USB flash drives; protective covers as tablet cases in class 009.</p> <p>For: Metal money clips in class 016.</p> <p>For: Beverage ware, namely, cups and glasses, coffee mugs, travel mugs, glass and metal drinking steins; ceramic serving platters; ceramic cookie jars; salt and pepper shakers; ceramic relish trays; chip and dip platters; drink pitchers; bottle openers in class 021.</p>   |



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| 4,984,211 |  | <p>For: Paper, cardboard and goods made from these materials, not included in other classes, namely, notebooks, posters, postcards, greeting cards, planners, calendars, folders, bumper stickers, and stickers; printed matter, namely, books, magazines, newspapers, newsletters, pamphlets, flyers, booklets, and brochures concerning college life, campus activities, academics, educational, and athletic programs, and alumni; photographs; stationery; printed instructional and teaching material in the areas of University level courses of study in class 016.</p> <p>For: Containers for household or kitchen use and kitchen utensils, namely, dishes, crocks, serving platters, serving trays, kitchen tongs, spatulas, cooking forks, cooking spoons; combs and cleaning sponges; brushes, namely, cake brushes, cleaning brushes for household use; articles for cleaning purposes, namely, cleaning cloths and cleaning pads; unworked or semi-worked glass, not for building; glassware, porcelain and earthenware not included in other classes, namely, beverage glassware, mugs, travel mugs, porcelain mugs, drink pitchers; salt and pepper shakers; bottle openers; bottle stoppers specially adapted for use with wine bottles; coasters, not of paper and other than table linen in class 021.</p> <p>For: Clothing, namely, T-shirts, ponchos, athletic uniforms, pants, dresses, shorts, and tops, footwear, and headwear in class 025.</p> <p>For: Games and playthings, namely, board games, action figure toys, stuffed toy animals, puzzles, playing cards, bath toys, construction toys, disc toss toys; bobble head dolls; gymnastic and sporting articles not included in other classes, namely, exercise machines, rowing machines, basketballs, footballs, baseballs, toy mini-helmets, football goals; decorations for Christmas trees in class 028.</p> |
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|  |  | For: Entertainment and educational services, namely, providing courses of instruction at the university level; arranging and conducting athletic competitions, athletic events, athletic tournaments, and athletic exhibitions in class 041. |
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9. The above U.S. registrations for the LSU Trademarks are valid, subsisting, in full force and effect, and many are incontestable pursuant to 15 U.S.C. § 1065. True and correct copies of the Federal Trademark Registrations for the above LSU Trademarks are attached hereto as **Exhibit 1**.

10. LSU's intercollegiate sports teams (collectively, the "LSU Teams") and the LSU Trademarks are widely known to and enormously popular with both sports fans and the general public. LSU has promoted and advertised LSU, the LSU Teams, and the LSU Trademarks and the LSU brand extensively for many years. The LSU 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 LSU's extensive licensing and sponsorship program for a wide variety of goods and services, the LSU Trademarks have acquired secondary meaning and represent significant goodwill of great value to LSU and the LSU Teams.

11. Millions of fans have attended LSU sports games and related events, enjoyed television and radio broadcasts of LSU games and related events, and purchased merchandise bearing LSU Trademarks to identify with their favorite LSU Teams. Thousands more visit <lsusports.net>, the official LSU athletics website, which prominently displays the LSU Trademarks.

12. A significant aspect of the LSU's business and resulting revenues has been for many years, and continues to be, the merchandising and licensing of the LSU Trademarks. LSU,

in conjunction with its licensing agent, Collegiate Licensing Company, LLC (“CLC”), has entered into numerous licensing agreements in the United States and around the world, authorizing use of the LSU Trademarks on a wide variety of products, including apparel, caps, jewelry, toys, furniture, pennants, and bags, among others (collectively, the “LSU Products”).

13. LSU, directly and through authorized licensees, has established and maintains high standards of quality for LSU Products, and continues to maintain stringent quality control over licensees and other authorized users of the LSU Trademarks.

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

15. As a result of the extensive use of the LSU Trademarks, not only in connection with the LSU’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 LSU and the affiliated and related LSU Teams. As a result, LSU Trademarks are famous and possess significant goodwill of great value to LSU and its affiliated and related LSU Teams.

### **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 LSU 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 LSU Products"), has resulted in significant counterfeiting of LSU 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 LSU 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, Etsy, 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. Counterfeiters “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. Counterfeiters 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 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. *Id.* at 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 186-87.

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 LSU 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 LSU 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 LSU Trademarks, and none of the Defendants are authorized retailers of Genuine LSU Products.

22. Many Defendants also deceive unknowing consumers by using one or more LSU 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 LSU Products. Other e-commerce stores operating under Seller

Aliases omit using LSU 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 LSU Products. On information and belief, those Defendants that do not use LSU Trademarks in searchable text do so in an effort to avoid detection of their Counterfeit LSU 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 LSU 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 LSU Products for sale by the Seller Aliases bear similar irregularities and indicia of being counterfeit to one another,

suggesting that the Counterfeit LSU 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. Counterfeiters 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 counterfeiters 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 LSU 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 LSU Trademarks in connection with the advertisement, distribution, offering for sale, and/or sale of the Counterfeit LSU Products into the United States and Illinois over the Internet.

29. Defendants' unauthorized use of one or more LSU Trademarks in connection with the advertising, distribution, offering for sale, and sale of Counterfeit LSU 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 LSU Trademarks in connection with the sale, offering for sale, distribution, and/or advertising of infringing goods. LSU Trademarks are highly distinctive marks. Consumers have come to expect the highest quality from Genuine LSU Products sold or marketed under the LSU 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 LSU Trademarks without Plaintiff's permission or consent.

33. Plaintiff is the owner of the LSU Trademarks. The U.S. Registrations for the LSU Trademarks (**Exhibit 1**) are in full force and effect. On information and belief, Defendants have knowledge of Plaintiff's rights in the LSU Trademarks and are willfully infringing and intentionally using counterfeits or infringements of one or more LSU Trademarks. Defendants' willful, intentional and unauthorized use of one or more LSU 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 LSU 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 LSU 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 LSU 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 LSU Products by Plaintiff.

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

40. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the Counterfeit LSU 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 LSU 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 LSU Trademark 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 LSU Product or is not authorized by Plaintiff to be sold in connection with LSU;
  - b. passing off, inducing, or enabling others to sell or pass off any products as Genuine LSU 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 LSU Trademarks;
  - c. committing any acts calculated to cause consumers to believe that Defendants' Counterfeit LSU 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 LSU 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 LSU 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, Wish.com, Walmart, Etsy, 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 LSU 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 LSU 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 LSU 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 16th day of December 2022.

Respectfully submitted,

/s/ Justin R. Gaudio

Amy C. Ziegler  
Justin R. Gaudio  
Jake M. Christensen  
Rachel S. Miller  
Greer, Burns & Crain, Ltd.  
300 South Wacker Drive, Suite 2500  
Chicago, Illinois 60606  
312.360.0080  
312.360.9315 (facsimile)  
aziegler@gbc.law  
jgaudio@gbc.law  
jchristensen@gbc.law  
rmiller@gbc.law

*Attorneys for Plaintiff Board of Supervisors of  
Louisiana State University and Agricultural and  
Mechanical College*