

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

GENERAL MOTORS LLC,

Plaintiff,

v.

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

Defendants.

Case No. 23-cv-00944

COMPLAINT

Plaintiff General Motors LLC (hereinafter, “GM” 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 operating under the seller aliases identified in Schedule A attached hereto (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/or funds from U.S. bank accounts, and, on information and belief, have sold products using infringing and counterfeit versions of GM'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 GM substantial injury in the State of Illinois.

II. INTRODUCTION

3. This action has been filed by GM to combat e-commerce store operators who trade upon GM's reputation and goodwill by offering for sale and/or selling unauthorized and unlicensed products, including automotive accessories, key chains, apparel, and home decor products using infringing and counterfeit versions of GM's federally registered trademarks (the "Counterfeit Chevrolet Products"). Defendants create e-commerce stores operating under one or more Seller Aliases that are advertising, offering for sale, and selling Counterfeit Chevrolet Products to unknowing consumers. E-commerce stores operating under the Seller Aliases share unique identifiers establishing a logical relationship between them and that Defendants' counterfeiting operation arises out of the same transaction, occurrence, or series of transactions or occurrences. Defendants attempt to avoid and mitigate liability by operating under one or more Seller Aliases to conceal both their identities and the full scope and interworking of their counterfeiting operation. GM is forced to file this action to combat Defendants' counterfeiting of its registered trademarks, as well as to protect unknowing consumers from purchasing Counterfeit Chevrolet Products over the Internet. GM has been and continues to be irreparably damaged through consumer confusion, dilution, and tarnishment of its valuable trademarks as a result of Defendants' actions and seeks injunctive and monetary relief.

III. THE PARTIES

Plaintiff

4. Plaintiff General Motors LLC is a limited liability company of the State of Delaware, having its principal place of business at 300 Renaissance Center, Detroit, Michigan 48265-3000.

5. GM, one of the most preeminent automotive brands in the world, was founded in 1908 as a separate and successor company to the already famous Durant-Dort Carriage Company, which had been the largest manufacturer of horse drawn vehicles prior to the explosion of automobiles. From its founding in 1908 to present day, GM has remained at the forefront of the automotive industry. For more than 75 years, GM has been one of the largest producers of automotive vehicles in the world, with more than 7 million vehicles sold to consumers yearly, resulting in more than 130 billion dollars in revenue.

6. Chevrolet was founded in 1911 with the backing of GM Co-Founder William C. Durant. Chevrolet is associated with some of the most famous and storied brands in the automotive industry, including Chevy, Corvette, Camaro, El Camino, Silverado, and Impala. In 2020, over 1.5 million automobiles were sold in the United States under the Chevrolet brand.

7. Propelled by its reputation and recognizable trademarks, which are carefully curated and monitored, consumers recognize GM and its Chevrolet brand as a source of reliable and quality vehicles, vehicle parts and accessories, miniature vehicles and toys, and various other lifestyle products (collectively, the “Chevrolet Products”). GM has registered many of its trademarks with the United States Patent and Trademark Office. Chevrolet Products typically include at least one of GM’s registered trademarks. GM uses its trademarks in connection with the

marketing of its Chevrolet Products, including the following marks which are collectively referred to as the “Chevrolet Trademarks.”

Registration No.	Trademark	Class	Goods and Services
647,235	CHEVROLET	037	Maintenance and repair service for automotive vehicles, parts, and accessories.
1,471,518	CHEVROLET	028	Toys and playthings, namely, toy vehicles, toy cars, toy model hobbycraft kits.
1,661,627	CHEVROLET	012	Motor land vehicles, namely, automobiles, passenger vans, cargo vans, sport utility vehicles, pick-up trucks, commercial land vehicles, namely, automobiles, trucks, vans, sport utility vehicles, chassis for the foregoing and any combination thereof and structural parts therefor, engines therefor, and structural parts thereof; cabs and chassis for trucks; chassis for vans
1,667,108	CHEVROLET	042	Automobile and truck dealership services
1,708,169	CHEVROLET	016	Printed materials, namely, manuals, brochures, and catalogs pertaining to the features and controls, operation, maintenance, service and repair, and technical facts and

			specifications of motor vehicles
2,309,369	CHEVROLET	024	Cloth banners, cloth flags and bed blankets
2,311,214	CHEVROLET	006	Metal license plates
2,348,249	CHEVROLET	025	Shirts, sweaters, jackets, hats, clothing ties, pants and shorts
2,522,861	CHEVROLET	028	Christmas tree ornaments, collectible toy cars, die cast vehicle models, golf bags, golf balls, peddle cars, plastic toy vehicle model hobbycraft kits, plastic toy model kit cars, radio controlled cars
2,563,091	CHEVROLET	006	Metal money clips, metal knobs, non-mechanical metal street signs, non-mechanical metal parking signs, non-mechanical tin signs, metal key rings, metal license plates
4,195,243	CHEVROLET MYLINK	012	Electronic interface modules sold as an integral part of a motor land vehicle for wired and wireless interface of handheld electronic devices
2,469,555	CHEVROLET RACING	016	Pressure sensitive graphics, namely, decals, stickers, bumper stickers
4,321,360	CHEVROLET SPARK	012	Motor land vehicles, namely, automobiles
2,313,769	CHEVROLET USA-1	006	Metal license plates
3,506,116	CHEVROLETOR	028	Toy vehicles

2,357,128	CHEVY	016	Pressure sensitive graphics for application to automobiles and automobile dealership windows, decals, stickers, bumperstickers, calendars
2,308,986	CHEVY	025	Shirts, sweaters, jackets, hats, shorts
1,494,385	CHEVY	028	Toys and playthings; namely, toy vehicles, toy cars, toy model battery-operated remote and radio-controlled toy vehicles, friction powered toy vehicles and hobbycraft kits
2,543,117	CHEVY TRUCKS	021	Can wraps, mugs
2,609,931	CHEVY TRUCKS	025	Clothing, namely, caps, coat, hats, jackets, and t-shirts
2,649,537	CHEVY TRUCKS	020	Chairs, non-metal license plates
2,313,756	CAMARO	006	Metal license plates
2,356,823	CAMARO	025	Shirts, sweaters, jackets, blazers, hats, clothing ties, sweat suits, pants and shorts
2,654,526	CAMARO	020	Non-metal license plates, pillows, plastic flags, seat stools
3,126,223	CAMARO	012	Automobile bumpers, automotive windshield shade screens fitted covers for vehicles, vehicle seat covers
3,628,953	CAMARO	012	Motor land vehicles, namely, automobiles,

			engines therefor and structural parts thereof
4,246,081	CAMARO	028	Toy vehicles
4,246,082	CAMARO	009	Video game software
1,470,779	CAMARO Z-28	028	Toys and playthings, namely, toy vehicles, toy cars, toy model hobbycraft kits
2,866,966	AVALANCHE	012	Motor land vehicles, namely automobiles, trucks, sport utility vehicles, vans, engines therefor and structural parts thereof excluding railcars or parts thereof.
5,751,576	BLAZER	023	Motor land vehicles, namely, automobiles, sport utility vehicles, trucks and vans.
1,711,664	BLAZER	016	Printed materials; namely, manuals, brochures, and catalogs pertaining to the features and controls, operation, maintenance, service and repair, and technical facts and specifications of motor vehicles.
2,656,665	BLAZER	020	Non-metal license plates.
2,561,229	BEL AIR	006	Non-luminous and non-mechanical metal street signs, non-luminous and non-mechanical parking signs, non-luminous and non-mechanical tin signs, metal key rings, and metal license plates.


4,394,946	BEL AIR	012	Exterior and interior badges for motor land vehicles.
2,059,324	BEL AIR	028	Scale models of automobiles
3,185,665	C6	006; 016; 021; 024; 025	Metal key chains. Pens. Mugs, beverage glassware, and thermal-insulated containers for food or beverages. Fleece blankets. Clothing, namely, jackets, shirts, sweatshirts, and t-shirts.
4,646,598	CANYON	012	Motor land vehicles, namely, trucks
5,046,433	CANYON NIGHTFALL EDITION	012	Motor vehicles parts and accessories, namely, option package for black motor vehicles comprised of a black grille, black 5-inch assist steps, 18-inch aluminum wheels, polished exhaust tips, spray-in bedliner, remote start and automatic climate control, sold as a unit
2,311,794	CHEVELLE	006	Metal license plates
4,431,312	CHEVELLE	012	Exterior badges for vehicles
4,431,313	CHEVELLE	025	Clothing, namely, t-shirts, hats, sweatshirts







4,431,314	CHEVELLE	028	Toy vehicles
4,431,315	CHEVELLE	027	Floor mats for vehicles
4,646,599	COLORADO	012	Motor land vehicles, namely, trucks
5,350,973	COMMERCIAL LINK	009	Software application which allows subscribers to obtain vehicle information
5,138,021	COOL SHIELD	002	Corrosion-inhibiting coating sold as a component ingredient of brake rotors for land vehicles
3,970,828	COPO	012	Automobile engines and structural parts
4,151,421	COPO	012	Automobiles
5,726,814	COPO	025	Shirts and short-sleeved shirts, polo shirts, sweat shirts, jackets, baseball caps and hats, beanies
1,467,522	CORVETTE	028	Toys and playthings, namely, toy vehicles, toy cars, toy model hobbycraft kits
1,494,171	CORVETTE	014	Jewelry; namely, quartz watches
1,494,980	CORVETTE	009	Eyeglasses
1,495,033	CORVETTE	012	Motor vehicles; namely, automobiles, engines therefor, and structural parts thereof
1,792,602	CORVETTE	016	Printed materials; namely, manuals, brochures, and catalogs pertaining to the features and controls, operation, maintenance, service and repair, and






			technical facts and specifications of motor vehicles
2,311,215	CORVETTE	006	Metal license plates
2,314,485	CORVETTE	025	Shirts, sweaters, jackets, blazers, hats, clothing ties, sweat suits and shorts
2,463,898	CORVETTE	006	Metal money clips, metal gear shift knobs, non-mechanical metal street signs, non-mechanical metal parking signs, non-mechanical tin signs, metal key rings, metal license plates
3,147,782	CORVETTE C6	025	Clothing, namely, shirts, sweatshirts and t-shirts
5,643,759	CRUZE PREMIER	012	Motor land vehicles, namely, automobiles, sport utility vehicles, trucks, vans, engines therefor and structural parts thereof
4,382,628	EL CAMINO	012	Upholstery for motor land vehicles; exterior and interior badges for motor land vehicles
2,854,854	EQUINOX	012	Motor land vehicles, namely, automobiles, sport utility vehicles, trucks, vans, engines therefor and structural parts thereof
2,757,501	EXPRESS ACCESS	012	Motor land vehicles, namely, vans, engines therefor, and structural parts thereof
2,308,987	GENUINE CHEVROLET	006	Metal license plates



2,538,435	GENUINE CHEVROLET	021	Beverage glassware, coasters, cups
2,678,108	GENUINE CHEVROLET	009	Neon signs
4,444,192	HIGH COUNTRY	012	Motor land vehicles, namely, automobiles, sport utility vehicles, trucks and vans
661,322	IMPALA	012	Automobiles
2,311,798	IMPALA	006	Metal license plates
2,669,222	IMPALA	020	non-metal license plates, stools
4,275,949	L88	016	Decals
4,275,878	L88	012	Exterior and interior badges for motor land vehicles
4,382,776	LT-1	016	Decals
4,713,011	LT1	012	Engines for automobiles, sport utility vehicles, trucks and vans
2,092,090	MALIBU	012	Motor vehicles, namely, automobiles, engines therefor and structural parts thereof
2,663,321	MALIBU	020	Desk ornaments made of bone, ivory, plaster, plastic, wax, wood, china, crystal, glass and porcelain, non-metal key chains, non-metal key fobs, non-metal key holders, non-metal key rings, nonmetal key tags, non-metal license plates, mirrors, non-metal money clips, picture frames, seat cushions and stools
5,675,518	MALIBU PREMIER	012	Motor land vehicles, namely, automobiles, sport utility vehicles,



			trucks, vans, engines therefor and structural parts thereof
2,430,738	MONTE CARLO	006	Metal license plates
2,681,174	MONTE CARLO	020	Non-metal license plates
2,637,279	ROADRESPONSE	012	Struts and shock absorbers for land motor vehicle suspensions
1,039,220	SILVERADO	012	Motor vehicles; namely, trucks
1,519,946	STINGRAY	028	Toys and playthings; namely, toy vehicles, toy cars, battery-operated remote and radio-controlled toy vehicles, and toy model hobbycraft kits
1,750,042	STINGRAY	012	Nameplates for motor land vehicles
4,436,811	STINGRAY	012	Motor land vehicles, namely, automobiles
1,490,090	SUBURBAN	012	Motor vehicles, namely, trucks, engines thereof and structural parts therefor
2,652,035	SUBURBAN	020	Non-metal license plates
1,880,529	TAHOE	012	Motor vehicles, namely trucks, engines therefor, and structural parts thereof
2,652,036	TAHOE	020	Non-metal license plates
3,537,570	TRAVERSE	012	Motor land vehicles, namely, automobiles, sport utility vehicles, trucks, vans, engines therefor and structural parts thereof





4,704,309	TRAX	012	Motor land vehicles, namely, automobiles, sport utility vehicles, trucks, vans, engines therefor and structural parts thereof
4,275,899	TURBO-FIRE	016	Decals
4,275,896	TURBO-JET	012	Exterior and interior badges for motor land vehicles
4,275,897	TURBO-JET	016	Decals
2,316,536	Z/28	025	Shirts, Jackets, Hats
2,008,406	Z71	012	Modified off road chassis sold as components of trucks
2,308,988	Z71	025	Shirts, jackets, hats
2,654,527	Z71	020	Non-metal license plates
5,027,847	Z71 TRAIL BOSS	012	Passenger vehicles, namely, light duty pickup trucks
4,279,992	ZR2	016	Decals
5,566,056	ZR2	012	Motor land vehicles, namely, automobiles, sport utility vehicles, trucks, vans, engines therefor and structural parts thereof
4,172,493	ZL1	012	Motor land vehicles, namely, automobiles
4,117,179	ZL1	007	Automotive engine blocks
216,070	CHEVROLET	012	Automobiles
1,540,658		028	Toys and playthings; namely, toy vehicles, toy cars, battery-operated remote and radio-controlled toy vehicles, friction-powered toy







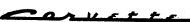

			vehicles, and toy model hobbycraft kits
647,236		037	Maintenance and repair service for automotive vehicles, parts, and accessories
2,311,397		025	Shirts, jackets, hats, clothing ties and shorts
2,563,092		006	Non-mechanical metal street signs, non-mechanical metal parking signs, non-mechanical tin signs,
2,678,153		020	Non-metal license plates, stools
1,540,884		037	Maintenance and repair services for motor vehicles, parts and accessories
2,311,791		006	Metal license plates

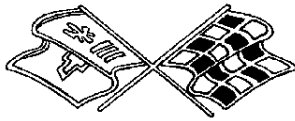
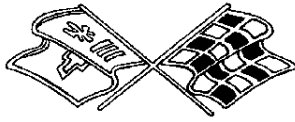



2,311,792		025	Shirts, sweaters, jackets, blazers, hats, clothing ties, sweat suits, pants and shorts
2,311,918		024	Cloth banners, cloth flags, and bed blankets
2,538,436		021	Beverage glassware, bottle openers, can wraps, coasters, coolers, cups, mugs, ornament replicas of vehicles made of glass, crystal and ceramic
2,550,170		028	Christmas tree ornaments, collectible toy cars, diecast vehicle models, peddle cars, plastic vehicle kits, plastic vehicle models, radio controlled cars
2,562,025		014	Charms, clocks, cuff-links, earrings, lapel pins, money clips, pendants, rings, watches




2,578,898		025	Gloves, headbands, rainwear, scarves, sleepwear, socks, sweaters, and vests
2,734,714		009	Binoculars; calculators; photographic cameras; directional compasses; computer mouse pads; computer mice; computer game software for use in arcade games, hand held electronic games and video games; computer screen saver software; electric signs; eyeglass cases; eyeglasses; computer and video game cartridges; video game interactive hand held remote controls for playing electronics games; hand held joy stick units for playing video games; graduated rulers; interactive video games of virtual reality comprised of computer software and hardware; decorative magnets; magnifying glasses; neon signs; prerecorded videotapes featuring information on









			automobiles; radio antennas; radios; sunglasses; tape measures; telephones; thermometers not for medical use; tire pressure gauges; video rewinders; yard sticks
2,736,654		020	Badge holders made of plastic, chairs, desk ornaments made of bone, ivory, plaster, plastic, wax and wood, non-metal jewelry boxes, non-metal key chains, non-metal key fobs, non-metal key holders, non-metal key rings, non-metal key tags, non-metal license plates, mirrors, non-metal money clips, name badges made of plastic, name plates made of plastic, picture frames, pillows, plaques, plastic flags, seat cushions, stools
2,779,456		006	Metal banks, metal decorative boxes, ingots of common metal, metal key chains, metal key fobs, metal key rings, metal keys, license plates made of metal, non-luminous and non-mechanical metal signs, money clips made of metal, ornamental replicas









			of vehicles made of metal, non-luminous and non-mechanical parking signs made of metal, non-luminous and non-mechanical street signs made of metal, metal tool boxes
95,398		012	Automobiles, motor-vehicles, and parts thereof
1,519,942		028	Toys and play-things; namely, toy vehicles, toy cars, battery-operated remote and radio-controlled toy vehicles, friction-powered toy vehicles, and toy model hobbycraft kits
1,530,792		014	Clocks
1,661,628		012	Motor land vehicles, namely, automobiles, passenger vans, cargo vans, sport utility vehicles, pick-up trucks, commercial land vehicles;\, namely, automobiles, trucks, vans, sport utility vehicles, chassis for the foregoing and any combination thereof and structural parts therefor, engines therefor, and structural parts thereof; cabs and







			chassis for trucks; chassis for vans
1,668,924		042	Automobile and truck dealership services
2,555,071		006	Metal license plates
2,463,897		006	Non-mechanical metal street signs, non-mechanical metal parking signs, non-mechanical tin signs, metal license plates.
2,311,398		025	Jackets, hats.
2,314,496		006	Metal license plates.
2,349,821		016	Pressure sensitive graphics for application to automobiles, decals, stickers, bumper stickers and calendars.
579,485		012	Automobiles
2,311,399		025	Shirts, jackets, hats, clothing ties, sweat suits










2,631,880		016	Automotive books, bank checks, calendars, decals, pictures, posters,
2,654,528		020	Chairs, non-metal license plates, plastic flags, stools
2,750,257		020	Desk ornaments made of plastic, and wood, jewelry boxes not of metal, non-metal key chains, non-metal key fobs, non-metal key holders, non-metal key rings, non-metal key tags, non-metal novelty license plates, non-metal money clips, picture frames, plaques
2,232,346		016	Printed materials; namely, manuals, brochures, and catalogs pertaining to the features and controls, operation, maintenance, service and repair, and technical facts and specifications of motor vehicles
2,242,877		009, 014, 016, 018, 021, 025	Sunglasses, eyeglass cases and computer peripheral mouse pads Jewelry, namely, tie tacks, lapel pins, watches and charms Note pads, playing cards, posters Umbrellas, luggage, gym bags, leather









			<p>key fobs, briefcase-type portfolios, attache cases and wallets</p> <p>Mugs, portable coolers, coasters not of paper and not being table linen and beverage glassware</p> <p>Shirts, sweaters, jackets, hats, clothing ties, sweat suits and shorts</p>
2,683,719		020	<p>Chairs, desk ornaments, namely, ornaments of plastic or wood, non-metal key chains, non-metal key fobs, non-metal key holders, non-metal key rings, non-metal key tags, non-metal license plates, picture frames, pillows, plaques, plastic flags, seat cushions, stools</p>
3,739,089		009	<p>Sunglasses, sunglass cases, computer mouse, laptop carrying cases, CD cases, neon signs</p>
3,739,090		012	<p>Fitted dashboard covers for vehicles, vehicle tire valve stem caps, fitted covers for vehicles, license plate frames</p>









3,739,092		018	Wallets, duffle bags, backpacks, umbrellas, trunks
3,739,093		020	Stools
3,739,094		021	Beverage glassware, mugs, travel insulated beverage containers
3,739,096		025	Clothing, namely, t-shirts, hats, jackets, shirts, sweatshirts, coats, bandanas
3,739,097		027	Floor mats for vehicles
3,739,098		028	Toy vehicles
4,482,475		012	Motor land vehicles, namely, automobiles, engines therefor and structural parts thereof
4,597,263		028	Toy vehicles, ride-on toy vehicles, remote controlled toy vehicles






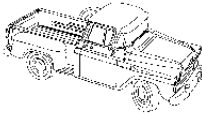

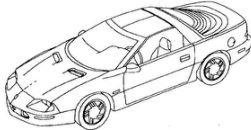
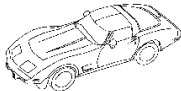
4,601,524		014	Lapel pins, watches
4,601,525		016	Posters, pens, calendars, blank journal books
4,601,526		021	Mugs, travel mugs, drinking glasses, water bottles sold empty, portable beverage coolers
4,601,527		025	Shirts, hats, jackets, coats, pullovers
4,719,036		006	Non-luminous and non-mechanical metal signs
4,719,043		018	Duffel bags, leather credit card cases
1,491,293		028	Toys and plaything; namely, toy vehicles, toy cars, toy model hobbycraft kits, battery-operated remote and radio-controlled toy vehicles; and friction powered toy vehicles
1,494,172		014	Jewelry; namely quartz watches and gold rings

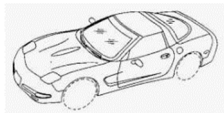
2,311,917		025	Shirts, sweaters, jackets, blazers, hats, clothing ties, sweat suits, pants and shorts
2,545,133		016	Decals
2,578,899		025	Sleepwear
2,666,595		020	Chairs, non-metal license plates, plastic flags, stools
6,190,715		012	Motor land vehicles, namely, automobiles, engines therefor and structural parts thereof
6,639,689		006, 014, 016, 018, 021, 025, 028	Non-luminous and non-mechanical metal signs Posters, pens, calendars, blank journal books Duffel bags, leather credit card cases. Mugs, travel mugs, drinking glasses, water bottles sold empty, non-electric portable beverage coolers Shirts, hats, jackets, coats, pullovers Toy vehicles, remote controlled toy vehicles

6,433,801		012	Vehicle windshields; vehicle windows
3,650,649		006	Metal holiday ornaments; sculptures made of metal
3,650,651		016	Posters, decals, pressure sensitive graphics for application to automobiles, desktop business card holders
3,650,654		021	Beverage glassware
3,650,657		022	Lanyards for holding badges and passes
4,514,976		012	Motor land vehicles, namely, automobiles
4,597,272		021	Mugs, travel mugs
4,597,273		025	Shirts, hats
4,597,275		028	Toy vehicles, ride-on toy vehicles, remote controlled toy vehicles

4,597,292		006	Non-luminous and non-mechanical metal signs
4,601,531		014	Lapel pins
4,601,532		016	Pens, posters, blank journal books
2,700,379		020	Chairs, non-metal key chains, non-metal key fobs, non-metal key holders, non-metal key rings, non-metal key tags, non-metal license plates, stools
4,863,379		025	Clothing, namely, hats and shirts
4,863,380		014	Lapel pins
4,863,381		006	Non-luminous and non-mechanical metal signs
4,863,382		016	Posters, calendars

4,863,383		020	Decorative mirror
4,863,384		021	Stone coasters
5,004,543		012	Motor land vehicles, namely, automobiles
1,506,101		028	Toys and playthings; namely, toy vehicles, toy cars, battery-operated remote and radio-controlled toy vehicles, friction-powered toy vehicles, and toy model hobbycraft kits
2,346,738		025	Shirts, jackets, and hats
1,898,835		012	Motor vehicles, namely automobiles, engines therefor, and structural parts thereof
2,346,737		025	Shirts, jackets, hats, pants
2,346,904		016	Stickers and calendars

2,349,761		006	Metal license plates
2,756,065		020	Non-metal key chains, non-metal key fobs, non-metal key holders, non-metal key rings, non-metal key tags, non-metal novelty license plates
2,721,375		020	Key fobs, key tags, key chains and key rings not made of metal; non-metal license plates
6,364,458		012	Vehicle windshields; vehicle windows.
2,705,700		028	Toy vehicles
2,705,698		028	Toy vehicles
2,705,697		028	Toy vehicles
2,705,702		028	Toy vehicles
2,708,261		028	Toy vehicles

3,161,525		028	Miniature models of vehicles, toy vehicles, toy model hobby kits for the construction of toy vehicles, collectable toy cars
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8. The above U.S. registrations for the Chevrolet Trademarks are valid, subsisting, in full force and effect, and many are incontestable pursuant to 15 U.S.C. § 1065. The registrations for the Chevrolet Trademarks constitute *prima facie* evidence of their validity and of GM's exclusive right to use the Chevrolet Trademarks pursuant to 15 U.S.C. § 1057(b). True and correct copies of the United States Registration Certificates for the above-listed Chevrolet Trademarks are attached hereto as **Exhibit 1**.

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

10. The Chevrolet Trademarks are famous marks, as that term is used in 15 U.S.C. § 1125(c)(1), and have been used by GM for many years. The innovative marketing and product designs of the Chevrolet Products have enabled the Chevrolet brand to achieve widespread recognition and fame and have made the Chevrolet Trademarks some of the most well-known marks in the industry. The widespread fame, outstanding reputation, and significant goodwill associated with the Chevrolet brand have made the Chevrolet Trademarks valuable assets of GM.

11. GM has expended substantial time, money, and other resources in developing, advertising and otherwise promoting the Chevrolet Trademarks. In fact, GM has expended

millions of dollars annually in advertising, promoting, and marketing featuring the Chevrolet Trademarks. Chevrolet Products have also been the subject of extensive unsolicited publicity resulting from their high quality, performance, and innovative design. As a result, products bearing the Chevrolet Trademarks are widely recognized and exclusively associated by consumers, the public, and the trade as being high-quality products sourced from GM. Chevrolet Products have become among the most popular of their kind in the U.S. and the world. The Chevrolet Trademarks have achieved tremendous fame and recognition which has only added to the distinctiveness of the marks. As such, the goodwill associated with the Chevrolet Trademarks is of incalculable and inestimable value to GM.

12. Chevrolet Products are sold online via the chevrolet.com website and through authorized dealers and licensees, including several in the Chicago area. Sales of Chevrolet Products via the chevrolet.com website are significant. The chevrolet.com website features proprietary content, images, and designs exclusive to the Chevrolet brand.

The Defendants

13. 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).

14. 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

15. The success of the Chevrolet brand has resulted in significant counterfeiting of the Chevrolet Trademarks. Consequently, GM has a worldwide anti-counterfeiting program and regularly investigates suspicious e-commerce stores identified in proactive Internet sweeps and reported by consumers. In recent years, GM has identified many fully interactive, e-commerce stores offering Counterfeit Chevrolet Products on online marketplace platforms such as Amazon, eBay, AliExpress, Alibaba, Walmart, Wish.com, Etsy, 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) report, in 2021, CBP made over 27,000 seizures of goods with intellectual property rights (IPR) violations totaling over \$3.3 billion, an increase of \$2.0 billion from 2020. *Intellectual Property Rights Seizure Statistics, Fiscal Year 2021*, U.S. Customs and Border Protection (**Exhibit 2**). Of the 27,000 in total IPR seizures, over 24,000 came through international mail and express courier services (as opposed to containers), 51 percent of which originated from China and Hong Kong. *Id.*

16. Third party service providers like those used by Defendants do not adequately subject new sellers to verification and confirmation of their identities, allowing counterfeiters to "routinely use false or inaccurate names and addresses when registering with these e-commerce platforms." **Exhibit 3**, Daniel C.K. Chow, *Alibaba, Amazon, and Counterfeiting in the Age of the Internet*, 40 NW. J. INT'L L. & BUS. 157, 186 (2020); *see also*, report on "Combating Trafficking

in Counterfeit and Pirated Goods” prepared by the U.S. Department of Homeland Security’s Office of Strategy, Policy, and Plans (Jan. 24, 2020) attached as **Exhibit 4** and finding that on “at least some e-commerce platforms, little identifying information is necessary for a counterfeiter to begin selling” and recommending that “[s]ignificantly enhanced vetting of third-party sellers” is necessary. 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. **Exhibit 4** 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 186-187.

17. 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/or funds from U.S. bank accounts, and, on information and belief, have sold Counterfeit Chevrolet Products to residents of Illinois.

18. Defendants concurrently employ and benefit from substantially similar advertising and marketing strategies. For example, Defendants facilitate sales of Counterfeit Chevrolet 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. E-commerce stores operating under the Seller Aliases appear sophisticated and accept payment in U.S. dollars and/or funds from U.S. bank accounts 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 Chevrolet Trademarks, and none of the Defendants are authorized retailers of genuine Chevrolet Products.

19. Many Defendants also deceive unknowing consumers by using one or more Chevrolet 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 Chevrolet Products. Other e-commerce stores operating under Seller Aliases omit using Chevrolet 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 Chevrolet Products.

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

21. E-commerce store operators like Defendants regularly register or acquire new seller aliases for the purpose of offering for sale and selling Counterfeit Chevrolet 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.

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

23. 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.

24. Counterfeiters such as Defendants typically operate under multiple seller aliases and payment accounts so that they can continue operation in spite of GM'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 GM. 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.

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

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

26. Defendants' unauthorized use of the Chevrolet Trademarks in connection with the advertising, distribution, offering for sale, and sale of Counterfeit Chevrolet Products, including the sale of Counterfeit Chevrolet Products into the United States, including Illinois, is likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming GM.

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

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

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

29. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products using counterfeit reproductions of the Chevrolet Trademarks without GM's permission.

30. GM is the exclusive owner of the Chevrolet Trademarks. GM's United States Registrations for the Chevrolet Trademarks (**Exhibit 1**) are in full force and effect. On information and belief, Defendants have knowledge of GM's rights in the Chevrolet Trademarks and are

willfully infringing and intentionally using counterfeits of the Chevrolet Trademarks. Defendants' willful, intentional, and unauthorized use of the Chevrolet Trademarks is likely to cause and is causing confusion, mistake, and deception as to the origin and quality of the Counterfeit Chevrolet Products among the general public.

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

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

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

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

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

35. Defendants' promotion, marketing, offering for sale, and sale of Counterfeit Chevrolet 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 GM or the origin, sponsorship, or approval of Defendants' Counterfeit Chevrolet Products by GM.

36. By using the Chevrolet Trademarks in connection with the sale of Counterfeit Chevrolet Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Counterfeit Chevrolet Products.

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

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

PRAYER FOR RELIEF

WHEREFORE, GM 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 Chevrolet Trademarks or any reproductions, counterfeit copies, or colorable imitations thereof in any manner in connection with the distribution, promotion, marketing, advertising, offering for sale, or sale of any product that is not a genuine Chevrolet Product or is not authorized by GM to be sold in connection with the Chevrolet Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any products as genuine Chevrolet Products or any other products produced by GM that are not GM's, or not produced under the authorization, control, or supervision of GM and approved by GM for sale under the Chevrolet Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' Counterfeit Chevrolet Products are those sold under the authorization, control, or

supervision of GM, or are sponsored by, approved by, or otherwise connected with GM;

- d. further infringing the Chevrolet Trademarks and damaging GM'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 GM, nor authorized by GM to be sold or offered for sale, and which bear any of GM's trademarks, including the Chevrolet Trademarks, or any reproductions, counterfeit copies, or colorable imitations thereof;
- 2) Entry of an Order that, upon GM's request, those with notice of the injunction, including, without limitation, any online marketplace platforms such as eBay, AliExpress, Alibaba, Amazon, Walmart, Wish.com, 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 Chevrolet Trademarks;
- 3) That Defendants account for and pay to GM all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged, and that the amount of damages for infringement of the Chevrolet Trademarks be increased by a sum not exceeding three times the amount thereof as provided by 15 U.S.C. § 1117;
- 4) In the alternative, that GM 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 Chevrolet Trademarks;
- 5) That GM be awarded its reasonable attorneys' fees and costs; and
- 6) Award any and all other relief that this Court deems just and proper.

Dated this 15th day of February 2023.

Respectfully submitted,

/s/ Justin R. Gaudio

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