

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 Domain Names 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 versions of Plaintiff’s trademark. 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 versions of Plaintiffs’ federally registered trademark to residents of Illinois. Each of the Defendants is committing tortious acts in Illinois, is engaging in interstate commerce, and has wrongfully caused Plaintiffs substantial injury in the State of Illinois.

3. Alternatively, this Court has personal jurisdiction over the Defendants pursuant to Federal Rule of Civil Procedure 4(k)(2) if any given Defendant is not subject to the jurisdiction of any state’s court of general jurisdiction, because exercising jurisdiction over each Defendant is consistent with the United States Constitution and its laws.

INTRODUCTION

4. Plaintiff is a Colorado company that manages the trademarks and copyrights for the famous artist Tamara de Lempicka. This action has been filed by Plaintiff to combat online counterfeiters and infringers who trade upon Plaintiff’s reputation and goodwill by selling and/or offering for sale unauthorized and unlicensed counterfeit and infringing products, bearing

Plaintiff's trademark (the "Counterfeit Products"). On information and belief, Defendants create Internet Stores ("the Defendant Internet Stores") by the dozens and design them to appear to be selling genuine copies of Plaintiff's products ("Lempicka Products"), while actually selling Counterfeit Products to unknowing consumers.

5. The Defendant Internet Stores share unique identifiers establishing a logical relationship between them and reflecting that Defendants' counterfeiting operation arises 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 counterfeiting operation, including changing the names of their stores multiple times, opening new stores, helping their friends open stores, and making subtle changes to their products.

6. Plaintiff is forced to file this action to combat Defendants' infringement of its trademark, as well as to protect unknowing consumers from purchasing the Counterfeit Products over the Internet. Plaintiff has been and continues to be irreparably harmed by Defendants' infringement of Plaintiff's trademark and, therefore, Plaintiff seeks injunctive relief to halt such infringement and irreparable harm. Plaintiff also seeks monetary relief for the injury it is sustaining.

THE PARTIES

Plaintiff

7. Plaintiff is a Colorado company with an address in Snowmass Village, Colorado, which manages the estate of the famous Tamara de Lempicka.

8. Tamara de Lempicka ("Lempicka") was a Polish painter who spent her working life in France and the United States. She is best known for her polished Art Deco portraits of

aristocrats and the wealthy, and for her highly stylized paintings of nudes. Nicknamed “The Baroness with a Brush,” she became known for her self-portraits and paintings of women rendered in her chic, Art Deco style.¹ Her stylish artwork oozes feminine power and sensuality, and celebrates the independence and liberation of 1920s women.² Tamara de Lempicka is remembered for her distinctive and glamorous portraits, often depicting high society figures and celebrities of her time. Her work continues to be celebrated for its unique blend of modernism and classical influences.

9. Plaintiff owns the “Tamara de Lempicka” trademark (Registration Number 6,931,528) that covers a wide range of products. Attached hereto as **Exhibit 1** is the true and correct copy of certificate of registration reflecting Plaintiff’s federal trademark.

Reg. No.	Mark	Products
6,931,528	 <p data-bbox="391 1136 639 1314">Literal element (“Tamara de Lempicka”)</p>	<p data-bbox="662 1003 1416 1255">CLASS 14: Gold jewelry, namely, earrings, bracelets, necklaces, watches and rings; Silver jewelry, namely, earrings, bracelets, necklaces, watches and rings; Precious Stone jewelry, namely, earrings, bracelets, necklaces, watches and rings; Semi-precious stone jewelry, namely, earrings, bracelets, necklaces, watches and rings; Costume jewelry, earrings, bracelets, necklaces, watches and rings</p> <p data-bbox="662 1297 1416 1755">CLASS 16: Articles of paper and of cardboard, namely, posters, serigraphs, lithographs, and cardboard boxes; Ball pens; Pencil cases; Paper bags; Boxes of cardboard or paper; Calendars; Stationery, namely, document files; Writing or drawing books; Bags made of plastics and paper for packaging; Cardboard packaging; Wrapping paper; Adhesive labels; Labels of paper; Adhesive wall decorations of paper, namely, wall decals, and paper wall stickers for beautifying houses and businesses; Printed paper labels and Shipping labels; Marking agents, namely, dry erase markers, marking chalk; Agendas; Catalogs in the field of art history; Organizers, namely, desktop organizers, personal organizers of paper; Pens; Pencil</p>

¹ https://en.wikipedia.org/wiki/Tamara_de_Lempicka

² <https://mymodernmet.com/tamara-de-lempicka/>

	<p>holders; Document-holder cases in the nature of stationery folders; Writing cases, namely, pen and pencil cases; Leather covered diaries; Passport holders and organizers in the nature of passport cases, all of leather and imitations of leather; Posters; Mounted posters; Posters made of paper; Makeup products, namely, paper tissues for removing make up; Ornaments, namely, paper party ornaments; Pins, namely, map pins, push pins; Cheque book holders; Coin holders; Cases for ballpoint pens; Portfolios, namely, document portfolios; Coverings of leather and fur, namely, note book covers, note pads covers; Paper handkerchiefs</p> <p>CLASS 18: Leather and imitations of leather; goods made of leather and imitation leather, namely, purses, handbags, evening handbags, wallets, backpacks, luggage, makeup bags sold empty; Evening handbags; Suitcases with wheels; Wallets; Coin holders, namely, wallets; Carrying cases; Portfolios, namely, briefcase type portfolios; Leatherware, namely, card wallets; Vanity cases, namely, unfitted vanity cases, vanity cases sold empty; Toiletry bags sold empty; Organizer bags, namely, travel bag organizing inserts specially adapted to luggage, and cloth bags being book bags and carrying bags; Travelling Trunks and travelling bags; Umbrellas; Purses; Suitcases; Handbags; Coverings of leather and fur, namely, fitted protective covers for luggage, saddle covers; Wallets; Haversacks; Traveling trunks; leather leads; Backpacks; Beach bags; Makeup products, namely, make up bags sold empty; Ornaments, namely, hair ornaments for pets; Organizers, namely, purse organizer inserts specially adapted to purses</p> <p>CLASS 21: Porcelain ware, namely, mugs plates, teacups and plates, coffee cups and plates, flower pots, statutes; Porcelain eggs; Porcelain coasters; Porcelain mugs; Dinnerware of porcelain; Tableware of porcelain, namely, coffee servers, mugs, plates, teacups and plates, coffee cups and plates; Decorative porcelain ware, namely, decorative porcelain centerpieces, mugs, plates, teacups and plates, coffee cups and plates, flower pots; Statues of porcelain; Sculptures of porcelain; Statuettes of porcelain; Figurines of porcelain; Boxes of porcelain, namely, tissue box covers, bento boxes, soap boxes; Plaques of porcelain; Planters in the nature of planter boxes for domestic gardening of porcelain; Porcelain flower pots; Busts of</p>
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	<p>porcelain; Crockery made of porcelain, namely, pots, dishes, and drinking cups; Sculptures made from porcelain; Ornamental models made of porcelain, namely, porcelain sculptures; Drinking mugs made of porcelain; Baking dishes made of porcelain; Works of art made of porcelain; Porcelain, namely, porcelain flower pots; Heat insulated domestic vessels of porcelain; Model vehicles being ornaments made of porcelain; Industrial packaging containers of porcelain; Busts of porcelain, ceramic, earthenware and or glass; Statues of porcelain, ceramic, earthenware and or glass; Statuettes of porcelain, ceramic, earthenware and or glass; Figurines being statuettes of porcelain, ceramic, earthenware and or glass; Works of art of porcelain, ceramic, earthenware and or glass; Works of art, of porcelain, terracotta and or glass; Statues, figurines, plaques and works of art, made of materials such as porcelain, terracotta and or glass; Ceramic hollow-ware, namely, sugar bowls; Ceramic mugs; Ceramic tableware, namely, tea service, mugs, plates, teacups and plates, coffee cups and plates, coffee service, flower pots; Ceramic ornaments; Ceramic figurines; Ceramics for kitchen use, namely, kitchen utensil crocks; Coffee services of ceramic; Boxes of ceramics, namely, ceramic tissue box covers, ceramic decorative boxes; Ceramic coin boxes, namely, ceramic coin banks, Mugs made of ceramic materials; Ornaments made of ceramics; Ceramics for household purposes, namely, compost containers, fruit bowl, flower pots; Makeup products, namely, makeup brushes; Ornaments, namely, aquarium ornaments; Pins, namely, clothes pins; Articles of paper, namely, baking cups of paper, paper plates; Fitted vanity cases; Coverings of leather and fur, namely, covers for dishes</p> <p>CLASS 25: Clothing, namely, beachwear, swimming costumes, pajamas, shirts, tee-shirts, jackets, sweaters, trousers, skirts, gowns, underwear, waist belts, shawls, scarves; Footwear, namely, shoes and sneakers; Headwear, namely, caps and hats; Coverings of leather and fur, namely, leather shoulder wraps, fur muffs</p> <p>CLASS 41: Art exhibitions; Museum exhibitions; Plant exhibitions; Animal exhibitions; Male dance entertainment exhibitions; Live dance entertainment exhibitions; Organizing of educational exhibitions; Organizing of education exhibitions; Conferences, exhibitions and seminars, namely, conducting educational conferences,</p>
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		exhibitions and seminars in the field of art, providing online art exhibitions, arranging of educational seminars, providing digital media exhibitions, namely, educational or cultural exhibitions about art and featured at cultural halls, warehouses, and other locations where the visitor will be present physically, arranging and conducting exhibitions for cultural purpose; Arranging of animal exhibitions; Organizing of diving exhibitions for entertainment and educational purposes; Conducting of animal exhibitions; Arranging exhibitions for cultural purposes; Conducting exhibitions for cultural purposes; Organization of exhibitions for cultural and or educational purposes
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10. Plaintiff's registration of the Mark is valid and enforceable.

11. Plaintiff's Mark is distinctive when applied to Plaintiff's Products, demonstrating to the purchaser that the products come from Plaintiff and is manufactured to Plaintiff's quality standards.

12. Plaintiff's Mark is a famous mark, as that term is used in 15 U.S.C. § 1125(c)(1), and has been continuously used and never abandoned.

13. Plaintiff has expended substantial time, money, and other resources in advertising and promoting its Mark and Products. Through Plaintiff's effort, Plaintiff has entered into license agreements with, among others, famous luxury brands such as Van Cleef & Arpels and with famous publications such as "Flappers", "Art Deco" in the World's Greatest Art series, "50 Art Deco Works of Art You Should Know." Therefore, the goodwill associated with Plaintiff's Mark is of incalculable and inestimable to Plaintiff.

The Defendants

14. Defendants are individuals and business entities who reside in the People's Republic of China and other foreign jurisdictions. Defendants conduct business or assist in business conducted throughout the United States (including within the State of Illinois and this

Judicial District) through the manufacturing, online advertising and offering for sale, and importation and distribution of products that incorporate counterfeit and infringing products that bear Plaintiff's Mark. Defendants conduct business, or assist in business conducted, throughout the United States (including within the State of Illinois and this Judicial District) through the public display, online advertising and selling, and importation and distribution, of items that incorporate counterfeit and otherwise infringing products that bear Plaintiff's Mark. Each Defendant has targeted Illinois by selling or offering to sell, or knowingly assisting in selling or offering to sell, the Counterfeit Products to Illinois consumers through various online retail platforms. Each Defendant has targeted Illinois by selling or offering to sell or knowingly assisting in the selling or offering to sell, Counterfeit Products to Illinois consumers via various online stores.

15. Defendants appear to be an interrelated group of counterfeiters and infringers, who create numerous Defendant Internet Stores and design these stores to appear to be selling genuine versions of Plaintiff's licensed products, while they actually selling inferior imitations of Plaintiff licensed products. The Defendant Internet Stores share unique identifiers, such as common design elements, such as the same or similar Counterfeit Products they offer for sale, similar Counterfeit Product descriptions, the same or substantially similar shopping cart platforms, accepted payment methods, check-out methods, lack of contact information, identically or similarly priced Counterfeit Products and volume sales discounts, establishing a logical relationship between them and suggesting that Defendants' illegal operations arise out of the same transaction or occurrence. Tactics used by Defendants to conceal their identities and the full scope of their counterfeiting operation make it virtually impossible for Plaintiff to learn the precise scope and the exact interworking of their counterfeit network. In the event that Defendants provide additional credible information regarding their identities, Plaintiff will take appropriate steps to amend the Complaint.

DEFENDANTS' UNLAWFUL CONDUCT

16. Plaintiff's business success has resulted in significant counterfeiting and other infringement of Plaintiff's federally protected trademark. Consequently, Plaintiff maintains an anti-counterfeiting program and investigates suspicious e-commerce stores identified in proactive Internet sweeps and reported by consumers. Plaintiff has identified fully interactive e-commerce stores, including the Defendant Internet Stores, offering for sale and/or selling Counterfeit Products to consumers in this Judicial District and throughout the United States.

17. According to an intellectual property rights seizures statistics report issued by the United States Department of Homeland Security, the manufacturer's suggested retail price ("MSRP") of goods seized by the U.S. government in fiscal year 2020 was over \$1.3 billion. (*See* Ex. 2 at 2). Internet websites like the Defendant Internet Stores are also estimated to contribute to tens of thousands of lost jobs for legitimate businesses and broader economic damages such as lost tax revenue every year. (*See* Ex. 3 at 8).

18. E-commerce retail platforms such as those used by Defendants do not adequately subject new sellers to verification and confirmation of their identities, allowing infringers to regularly use false names and addresses when registering with these e-commerce retail platforms.

19. Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more Defendant Internet Stores aliases identified Schedule A attached hereto, offering shipping to the United States, including Illinois, accepting payment in U.S. dollars and, on information and belief, having sold Counterfeit Products to residents of Illinois.

20. Defendants employ and benefit from substantially similar advertising and marketing strategies. For example, Defendants facilitate sales by designing Defendant Internet

Stores so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers. Defendant Internet Stores appear sophisticated and accept payment in U.S. dollars via credit cards, Amazon Pay, Western Union, and/or PayPal. Defendant Internet Stores often include content and images that make it very difficult for consumers to distinguish such stores from an authorized retailer. Plaintiff has not licensed or authorized Defendants to use Plaintiff's Mark, and none of the Defendants are authorized retailers of genuine versions of Plaintiff's Products.

21. Upon information and belief, Defendants have engaged in fraudulent conduct when registering the Defendant Internet Stores by providing false, misleading, and/or incomplete information to e-commerce platforms. Upon information and belief, certain Defendants have anonymously registered and maintained aliases to prevent discovery of their true identities and the scope of their e-commerce operation.

22. Upon information and belief, Defendants regularly register or acquire new seller aliases for the purpose of offering for sale and selling Counterfeit Products on e-commerce platforms such as Amazon. Such seller alias registration patterns are one of many common tactics used by Defendants to conceal their identities and the full scope and interworking of their counterfeiting operation, and to avoid being shut down.

23. Even though operating under multiple fictitious aliases, unauthorized on-line retailers such as the Defendant Internet Stores often share unique identifiers, such as templates with common design elements that intentionally omit any contact information or other identifying information and likewise omit other seller aliases that they use. Further, such unauthorized retailers include other notable common features on their internet stores such as use of the same registration patterns, accepted payment methods, check-out methods, keywords, similarities in price and

quantities, and/or the use of the same text and images. Further, counterfeit products offered for sale by unauthorized retailers such as the Defendant Internet Stores often bear irregularities and indicia of being counterfeit that are similar to one another, suggesting that the Counterfeit Products were manufactured by and come from a common source and that these unauthorized retailers are interrelated.

24. Groups of counterfeiters such as Defendants here are typically in communication with each other. They regularly participate in QQ.com chat rooms, and also communicate through websites such as sellerdefense.cn, kaidianyo.com and kuajingvs.com, where they discuss tactics for operating multiple accounts, evading detection, pending litigation, and potential new lawsuits.

25. Counterfeiters such as Defendants commonly operate under multiple seller aliases and payment accounts so that they can continue operation in spite of enforcement efforts. 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. Here, on information and belief, Defendants maintain off-shore bank accounts and regularly move funds from their financial accounts that are associated with the activity complained of herein to such off-shore accounts based outside of the jurisdiction of this Court. On information and belief, Defendants undertake such activity in an attempt to avoid payment of any monetary judgment awarded based on their counterfeiting and other infringement of intellectual property rights.

26. On 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 Products in the same transaction, occurrence, or series of transactions or occurrences. Defendants, without any authorization or license from Plaintiff, have knowingly and

willfully used and continue to use illicit copies of products bearing Plaintiff's Mark in connection with the reproduction, public display, advertisement, distribution, offering for sale, and sale of Counterfeit Products into the United States, including Illinois, over the Internet.

27. Defendants operate at least the online marketplace accounts identified in Schedule A and engage in the unauthorized reproduction, public display, and distribution of products that bear Plaintiff's Mark.

28. Defendants' unauthorized reproduction, distribution, and public display of infringing products bearing Plaintiff's Mark is irreparably harming Plaintiff.

COUNT I
INFRINGEMENT OF A REGISTERED TRADEMARK
IN VIOLATION OF 15 U.S.C. § 1114

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

30. Defendants are using marks or symbols in commerce that are likely to cause confusion, or to cause mistake, or to deceive, and likely to cause purchasers and potential purchasers to falsely believe that Defendants' goods are sponsored by, approved by, or affiliated with Plaintiff, or that Plaintiff's goods are sponsored by, approved by, or affiliated with Defendants.

31. Defendants are using in commerce marks or symbols that are identical to, substantially indistinguishable from, colorable imitations of, or confusingly similar to Plaintiff's Mark, and the unauthorized use of Plaintiff's Mark by Defendants in commerce is likely to cause damage and other irreparable injury to Plaintiff unless such use is enjoined by this Court, Plaintiff having no adequate remedy at law.

32. Defendants' use of marks in commerce that are identical to, substantially indistinguishable from, colorable imitations of, or confusingly similar to Plaintiff's Mark constitutes an infringement of Plaintiff's rights in and to its federally registered Mark in violation of 15 U.S.C. § 1114.

33. After a reasonable opportunity for further investigation and discovery, it is likely the evidence will show that Defendants' aforesaid acts have been and are being committed with knowledge of Plaintiff's Mark, and that such acts are likely to cause confusion, or to cause mistake, or to deceive. Defendants' acts are therefore intentional, willful, and are maliciously calculated to cause confusion, to cause mistake, or to deceive. As such, this is an exceptional case.

34. In accordance with 15 U.S.C. § 1117, Plaintiff is entitled to recover from Defendants: (1) their profits, (2) any damages sustained by Plaintiff, and (3) the costs of the instant action. Further, based upon the nature of Defendants' violation of Plaintiff's trademark rights, Plaintiff is entitled to reasonable attorney's fees, treble damages, and/or enhanced profits.

35. Plaintiff is further entitled to an award of three times its damages or Defendants' profits for those Defendants found to be intentionally using a counterfeit mark, pursuant to 15 U.S.C. § 1117(b).

36. Alternatively, Plaintiff may elect at any time before judgment to recover, instead of actual damages or profits, an award of statutory damages of not less than \$1,000 or more than \$2,000,000 per counterfeit mark per type of good sold or offered for sale.

37. Plaintiff has been or is likely to be irreparably damaged by Defendants' use of counterfeit and/or infringing marks in the United States and will continue to be irreparably damaged unless such use is immediately and permanently enjoined by this Court.

COUNT II
FALSE DESIGNATION OF ORIGIN

IN VIOLATION OF 15 U.S.C. § 1125(a)

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

39. Defendants' promotion, marketing, offering for sale, and sale of Counterfeit 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 the origin, sponsorship, or approval of Defendants' Counterfeit Products by Plaintiff.

40. By using the Plaintiff's Mark in connection with the Counterfeit Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Counterfeit Products.

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

42. 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 Mark.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants and entry of an Order directing as follows:

(1) Defendants, their officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under, or in active concert or participation with them be permanently enjoined and restrained from:

(a) using Plaintiff's Trademark or any reproductions, counterfeit copies, or colorable imitations thereof in any manner in connection with the

distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine Lempicka Product or is not authorized by Plaintiff to be sold in connection with the Plaintiff's Trademark;

- (b) passing off, inducing, or enabling others to sell or pass off any product as a genuine Lempicka Product or any other product produced by Plaintiff, that is not Plaintiff's or not produced under the authorization, control, or supervision of Plaintiff and approved by Plaintiff for sale under the "Tamara de Lempicka" Trademark;
- (c) committing any acts calculated to cause consumers to believe that Defendants' Counterfeit Products are those sold under the authorization, control, or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff; and
- (d) 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 the "Tamara de Lempicka" Trademark, including the "Tamara de Lempicka" Trademark, or any reproductions, counterfeit copies, or colorable imitations thereof.

(2) Directing that Defendants deliver for destruction all products not authorized by Plaintiff that include any reproduction, copy, or colorable imitation of any of Plaintiff's Trademark.

(3) Entering an Order that all banks, savings and loan associations, other financial institutions, payment processors, on-line marketplaces, and other third-parties who are in active concert or participation with Defendants, shall, within two (2) business days of receipt of an Order entered by this Court:

- (a) Locate all accounts connected to Defendants;
- (b) Restrain and enjoin such accounts from transferring or disposing of any money or other of Defendants' assets; and
- (c) Transfer to Plaintiff all funds restrained in such accounts up to the amount of any monetary relief awarded to Plaintiff by this Court within ten (10) business days of receipt of such Order.

(4) Entering an Order that, until Plaintiff has recovered full payment of monies owed to it by Defendants, in the event that any new financial accounts controlled or operated by Defendants are identified, Plaintiff shall have the ongoing authority to direct any banks, savings and loan associations, other financial institutions, payment processors, and on-line marketplaces, with whom such newly identified accounts are maintained, to carry out the following activity:

- (a) Locate all accounts connected to Defendants;
- (b) Restrain and enjoin such accounts from transferring or disposing of any money or other of Defendants' assets; and
- (c) Transfer any funds restrained in such accounts to Plaintiff within ten (10) business days of receipt of this Order.

(5) Awarding Plaintiff statutory damages based on Defendants' willful trademark infringement, pursuant to 15 U.S.C. § 1117(c)(2), in an amount of not less than \$1,000 or more than \$2,000,000 per counterfeit mark per type of good sold or offered for sale, per Defendant;

(6) Alternatively, should the Court not award Plaintiff statutory damages, that Defendants be ordered to pay to Plaintiff all actual damages sustained by Plaintiff as a result of Defendants' infringement, said amount to be determined at trial; and that Defendants account for and pay to Plaintiff all profits realized by Defendants by reason of Defendants' infringement of Plaintiff's Trademark as complained of herein, to the extent not already accounted for in the above-referenced assessment of actual damages;

(7) Awarding Plaintiff his reasonable attorneys' fees and costs; and

(8) Awarding Plaintiff any and all other relief that this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all issues triable as of right to a jury. Fed. R. Civ.

P. 38(b).

Date: September 25, 2023

Respectfully submitted,

/s/ Shengmao Mu
SHENGMAO MU

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