

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

TRIUMPH INTERNATIONAL, LLC,

Plaintiff,
v.

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

Defendants.

Case No. 24-cv-04632

COMPLAINT

Plaintiff Triumph International, LLC (“Plaintiff” or “Triumph”) hereby brings the present action against the Partnerships and Unincorporated Associations Identified on Schedule A attached hereto (collectively, “Defendants”) and alleges as follows:

I. JURISDICTION AND VENUE

1. This Court has original subject matter jurisdiction over Triumph’s claims 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 because Defendants structure their business activities to target consumers in the United States, including Illinois, through at least the fully interactive e-commerce stores operating under the aliases identified on 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, offer shipping to

the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, sell products using infringing and counterfeit versions of Triumph's federally registered trademarks (collectively, the "Unauthorized Products") to residents of Illinois. Each of the Defendants is committing tortious acts in Illinois, is engaging in interstate commerce, and has wrongfully caused Triumph substantial injury in the state of Illinois.

II. INTRODUCTION

3. Triumph filed this case to prevent e-commerce store operators who trade upon Triumph's reputation and goodwill from further selling and/or offering for sale Unauthorized Products. Defendants create e-commerce stores under one or more Seller Aliases and then advertise, offer for sale, and/or sell Unauthorized Products to unknowing consumers. E-commerce stores operating under the Seller Aliases share identifiers, such as design elements and similarities of the Unauthorized Products offered for sale, establishing that a logical relationship exists between them, and that Defendants' counterfeiting operation arises out of the same transaction, occurrence, or series of transactions or occurrences. Defendants take advantage of a set of circumstances, including the anonymity and mass reach afforded by the Internet and the cover afforded by international borders, to violate Triumph's intellectual property rights with impunity. Defendants attempt to avoid liability by operating under one or more Seller Aliases to conceal their identities, locations, and the full scope and interworking of their counterfeiting operation. Triumph is forced to file this action to combat Defendants' counterfeiting of its registered trademarks, as well as to protect consumers from purchasing Unauthorized Products over the Internet. Triumph has been, and continues to be, irreparably damaged through consumer confusion and dilution of its valuable trademarks because of Defendants' actions and therefore seeks injunctive and monetary relief.

III. THE PARTIES

4. Triumph is a California limited liability company having its principal place of business in California. Triumph owns the trademarks asserted herein, which relate to the late Michael Jackson, who has been called “the greatest entertainer that ever lived”.

5. Michael Jackson got his start in music as a member of the Jackson 5, a pop band formed with four of his brothers. The group had massive success and was eventually inducted into the Rock & Roll Hall of Fame in 1997. The group’s success, however, was dwarfed by Michael Jackson’s success as a solo artist. Jackson had a unique vocal style and intricate dance moves, like the moonwalk, that have since become iconic trademarks of his influence on music. Michael Jackson’s first breakout solo hit came in 1972 with his single *Got to Be There*, but he cemented his legacy with the 1982 album *Thriller*; an album that spawned seven hit singles. *Thriller* went on to become (and remains) the bestselling album of all time.

6. Michael Jackson’s contributions to pop music are so numerous that he became known as the “King of Pop.” Jackson was even named the White House’s Artist of the Decade in 1990. His 1993 performance at the Super Bowl XXVII halftime show drew more viewers than the Big Game itself that year. Before his untimely passing in 2009, Michael Jackson was nominated for over thirty GRAMMY Awards, winning over ten times. At the 26th GRAMMY Awards in 1984, Jackson became the first artist to win eight GRAMMYS in one night. In 2010, Jackson was posthumously honored with the Recording Academy’s Lifetime Achievement Award. Michael Jackson’s impact on the culture of music is immeasurable. Thankfully, Michael Jackson’s music has continued to enthrall the world.

7. Michael Jackson also revolutionized fashion with his iconic looks, including his ensemble of “Billie Jean” that featured his signature white socks and single glove embellished

with Swarovski crystals. His love for military-style jackets and fedoras became synonymous with his image, influencing generations of performers and fashionistas alike. In 2013, a book written about The King of Pop's style, titled "The King of Style: Dressing Michael Jackson," won a gold medal from the Independent Publisher Book Awards in the Culture/Lifestyle category. Jackson's unique blend of glamour, flair, and boundary-pushing style continues to inspire designers and artists, ensuring his legacy in fashion persists long into the future, thanks to the efforts of Triumph.

8. Triumph markets and sells a variety of Michael Jackson branded products, including clothing, wall art, tote bags, pins, drinkware, facemasks, and umbrellas (collectively, "MJ Products"). MJ Products have become enormously popular, driven by Triumph's quality standards. Among the purchasing public, MJ Products are instantly recognizable as such. MJ Products are distributed and sold to consumers through various distribution channels including the official Michael Jackson online shops, www.shopmichaeljackson.com and www.mhmerchofficial.com.

9. Triumph has used the MICHAEL JACKSON trademark, and other trademarks, for many years and has continuously sold products under its trademarks ("MJ Trademarks"). As a result of this long-standing use, strong common law trademark rights have amassed in the MJ Trademarks. Triumph's use of the marks has also built substantial goodwill in the MJ Trademarks. The MJ Trademarks are famous marks and valuable assets of Triumph. MJ Products also typically include at least one of the MJ Trademarks.

10. The MJ Trademarks are registered with the United States Patent and Trademark Office and are included below.

Registration Number	Trademark	Registration Date	Goods and Services
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1,908,209	MICHAEL JACKSON	Aug. 01, 1995	For: Sound recordings; namely, pre-recorded phonograph records, audio tapes, compact discs, videotapes, and motion picture films featuring music and entertainment in class 009.
4,529,781	MICHAEL JACKSON	May 13, 2014	For: Musical sound recordings; audiovisual recordings featuring music and musical entertainment; motion picture films featuring music and musical entertainment; downloadable electronic publications in the nature of books and newsletters in the field of music and entertainment; video game software; cell phone cases and covers; eyewear; magnets in class 009.
4,529,782	MICHAEL JACKSON	May 13, 2014	For: Clothing, namely, shirts; jackets; belts; socks; sweatshirts; sweat pants; headwear; costumes for use in children's dress up play; costumes for use in role-playing games; masquerade costumes and masks sold in connection therewith; novelty headwear with attached wigs; infant wear in class 025.
4,688,886	MICHAEL JACKSON	Feb. 17, 2015	For: Calendars in class 016.
4,688,887	MICHAEL JACKSON	Feb. 17, 2015	For: Dance costumes; gloves in class 025.

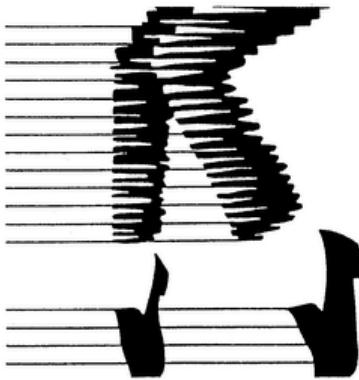
4,883,398	MJ	Jan. 12, 2016	For: Audio and video recordings featuring music; Digital materials, namely, cds, dvds, video, featuring music; Digital media, namely, digital video discs, digital versatile discs, downloadable audio recordings, DVDs, and high definition digital disks featuring music; Downloadable music, via the internet and wireless devices in class 009.
5,891,444	MJ	Oct. 22, 2019	For: Magnets in class 009.
5,963,757	MJ	Jan. 21, 2020	For: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Bathing costumes; Beachwear; Belts; Costumes for use in children's dress up play; Costumes for use in role-playing games; Halloween costumes; Headgear, namely, caps, visors; Ties; Under garments; Wearable garments and clothing, namely, shirts in class 025.
7,127,449	MJ	Aug. 01, 2023	For: Clothing, namely, shirts, jackets, socks, sweatshirts, headwear in class 025.

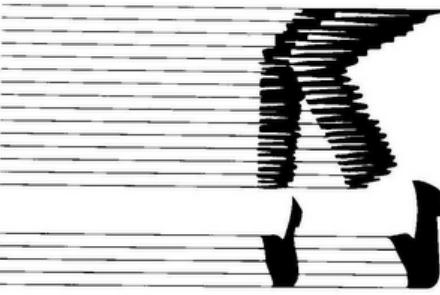
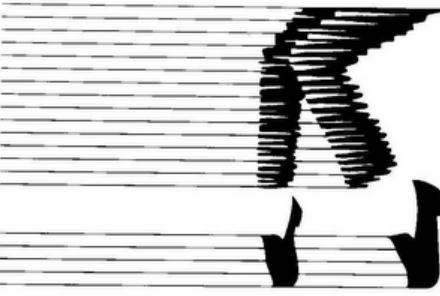
7,145,795	MJ	Aug. 22, 2023	For: Musical sound recordings; audiovisual recordings featuring music and musical entertainment; downloadable electronic publications in the nature of newsletters in the field of music and entertainment; cell phone cases and covers in class 009.
4,368,813	THRILLER	Jul. 16, 2013	For: Musical sound recordings in class 009.
4,368,814	THRILLER	Jul. 16, 2013	For: Paper goods and printed matter, namely, posters; song books in class 016
4,688,890	THRILLER	Feb. 17, 2015	For: Shirts in class 025.
4,529,778	KING OF POP	May 13, 2014	For: Paper goods and printed matter, namely, posters; stickers; song books; sheet music books in class 016.
4,688,888	KING OF POP	Feb. 17, 2015	For: Shirts in class 025.
6,531,007	KING OF POP	Oct. 19, 2021	For: Musical sound recordings in class 009.
6,719,050	NEVERLAND VALLEY RANCH	May 03, 2022	For: Paper goods and printed matter, namely, notebooks in class 016.
6,719,051	NEVERLAND VALLEY RANCH	May 03, 2022	For: Clothing, namely, shirts, jackets, sweatshirts, headwear in class 025.

3,564,618	HEAL THE WORLD	Jan. 20, 2009	For: Shirts in class 025.
3,865,559	GONE TOO SOON	Oct. 19, 2010	For: Shirts in class 025.
4,382,858	BILLIE JEAN	Aug. 13, 2013	For: Shirts in class 025.
4,739,387		May 19, 2015	For: Stickers in class 016.
5,570,806		Sep. 25, 2018	For: Clothing, namely, shirts in class 025.
4,688,889		Feb. 17, 2015	For: Clothing, namely, shirts, jackets in class 025.

6,846,862		Sep. 13, 2022	For: Cell phone cases and covers in class 009.
5,607,371		Nov. 13, 2018	For: Shirts, sweatshirts; headwear in class 025.
6,846,886		Sep. 13, 2022	For: Paper goods and printed matter, namely, posters; children's books; books in the field of music and entertainment, series of fiction books; comic books, bumper stickers, stickers, calendars, pencil sharpeners, pencil cases, activity books, both printed and blank; binders, notebooks, stationery, note pads, writing tablets, paper table cloths, paper napkins, pencils, markers, erasers, coloring books, writing pens, non-calibrated rulers, paper

		<p>weights, paper coasters, bookmarks, book covers and holders, paper place mats; photo albums; address books; fan club newsletters, post cards, holiday cards, greeting cards, art prints, printed art reproductions, merchandise bags; children's activity books and picture books; photographs, gift wrap paper; souvenir collection books for movies and other audiovisual productions; souvenir collection books commemorating the life of a famous pop star; entertainment tour memorabilia collection books; event programs; song books; sheet music books; picture books; decals; magazines, newsletters, booklets, pamphlets and brochures in the field of music and entertainment; lithographs; precious metal money clips; letter openers of precious metal and book markers of precious metal in class 016.</p>
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6,521,961		Oct. 12, 2021	For: Paper goods and printed matter, namely, notebooks in class 016.
6,521,962		Oct. 12, 2021	For: Clothing, namely, shirts, jackets, sweatshirts in class 025.
1,717,652		Sep. 22, 1992	For: Phonograph records featuring music and entertainment, pre-recorded compact discs featuring music and entertainment in Class 009.

4,392,499		Aug. 27, 2013	For: Clothing, namely, shirts, jackets, sweatshirts; headwear in class 025.
4,396,413		Sep. 03, 2013	For: Paper goods and printed matter, namely, calendars in class 016.

11. The U.S. registrations for the MJ Trademarks are valid, subsisting, and in full force and effect, and some are incontestable pursuant to 15 U.S.C. § 1065. The registrations for the MJ Trademarks constitute *prima facie* evidence of their validity and of Triumph's exclusive right to use the MJ Trademarks pursuant to 15 U.S.C. § 1057(b). True and correct copies of the United States Registration Certificates for the MJ Trademarks are attached hereto as **Exhibit 1**.

12. The MJ Trademarks are exclusive to Triumph and are displayed extensively on MJ Products and in marketing and promotional materials. The MJ Trademarks are also distinctive when applied to MJ Products, signifying to the purchaser that the products come from Triumph and are manufactured to Triumph's quality standards. Whether Triumph manufactures the

products itself or contracts with others to do so, Triumph has ensured that products bearing the MJ Trademarks are manufactured to the highest quality standards.

13. The MJ Trademarks are famous marks, as that term is used in 15 U.S.C. § 1125(c)(1), and have been continuously used and never abandoned. Michael Jackson's success, in addition to the marketing of MJ Products, has enabled the Michael Jackson brand to achieve widespread recognition and fame and has made the MJ Trademarks some of the most well-known marks in the music and entertainment industries as well as throughout all other sectors of the global culture. The widespread fame, outstanding reputation, and significant goodwill associated with the Michael Jackson brand have made the MJ Trademarks valuable assets of Triumph.

14. Products bearing the MJ Trademarks have been the subject of substantial and continuous marketing and promotion. Triumph has marketed and promoted, and continues to market and promote, the MJ Trademarks in the industry and to consumers through traditional print media, the official Michael Jackson online shops, www.shopmichaeljackson.com and www.mjmerchofficial.com, and other officially licensed retailers.

15. Triumph has expended substantial time, money, and other resources advertising, promoting, and marketing MJ Products. MJ Products have also been the subject of extensive unsolicited publicity due to the longstanding success of the Michael Jackson brand. As a result, products bearing the MJ Trademarks are widely recognized and exclusively associated by consumers as being high-quality products sourced from Triumph. The MJ Trademarks have achieved tremendous fame and recognition, adding to the inherent distinctiveness of the marks. As such, the goodwill associated with the MJ Trademarks is of immeasurable value to Triumph.

16. MJ Products are sold only by Triumph or through authorized retail channels and are recognized by the public as being exclusively associated with Triumph and the Michael Jackson brand.

17. Defendants are unknown individuals and business entities who own and/or operate one or more of the e-commerce stores under the Seller Aliases identified on Schedule A and/or other seller aliases not yet known to Triumph. On information and belief, Defendants reside and/or operate in foreign jurisdictions and redistribute products from the same or similar sources in those locations. Defendants have the capacity to be sued pursuant to Federal Rules of Civil Procedure 17(b).

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

IV. DEFENDANTS' UNLAWFUL CONDUCT

19. The success of the Michael Jackson brand has resulted in significant counterfeiting of the MJ Trademarks. Because of this, Triumph has implemented a brand protection program that involves investigating suspicious websites and online marketplace listings identified in proactive Internet sweeps. Recently, Triumph has identified many fully interactive e-commerce stores offering Unauthorized Products on online marketplace platforms like AliExpress.com (“AliExpress”), Amazon.com, Inc. (“Amazon”), Bonanza.com (“Bonanza”), DHGate.com (“DHGate”), eBay, Inc. (“eBay”), Etsy, Inc. (“Etsy”), Fruugo.com Limited (“Fruugo”),

Printerval.com (“Printerval”), Redbubble Limited (“Redbubble”), WhaleCo, Inc. (“Temu”), Walmart, Inc. (“Walmart”), and Context Logic, Inc. d/b/a Wish.com (“Wish”), 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 a report prepared for The Buy Safe America Coalition, 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 by John Dunham & Associates ([Exhibit 2](#)).

20. Because counterfeit products sold by offshore online counterfeiters do not enter normal retail distribution channels, the US economy lost an estimated 300,000 or more full-time jobs in the wholesale and retail sectors alone in 2020. *Id.* When accounting for lost jobs from suppliers that would serve these retail and wholesale establishments, and the lost jobs that would have been induced by employees re-spending their wages in the economy, the total economic impact resulting from the sale of counterfeit products was estimated to cost the United States economy over 650,000 full-time jobs that would have paid over \$33.6 billion in wages and benefits. *Id.* Additionally, it is estimated that the importation of counterfeit goods costs the United States government nearly \$7.2 billion in personal and business tax revenues in the same period. *Id.*

21. Online marketplace platforms 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 that “[t]he ability to rapidly proliferate third-party online marketplaces greatly complicates enforcement efforts, especially for intellectual property rights holders.” Counterfeitors hedge against the risk of being caught and having their websites taken down from an e-commerce platform by establishing multiple virtual storefronts. Exhibit 4 at p. 22. Since platforms generally do not require a seller on a third-party marketplace to identify the underlying business entity, counterfeitors can have many different profiles that can appear unrelated even though they are commonly owned and operated. Exhibit 4 at p. 39. Further, “[e]-commerce platforms create bureaucratic or technical hurdles in helping brand owners to locate or identify sources of counterfeits and counterfeiters.” Exhibit 3 at 186-187. Specifically, brand owners are forced to “suffer through a long and convoluted notice and takedown procedure only [for the counterfeit seller] to reappear under a new false name and address in short order.” *Id.* at p. 161.

22. 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, sell Unauthorized Products to residents of Illinois.

23. Defendants concurrently employ and benefit from similar advertising and marketing strategies. For example, Defendants facilitate sales 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 in multiple ways, including 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 their stores from an authorized retailer. Triumph has not licensed or authorized Defendants to use the MJ Trademarks, and none of the Defendants are authorized retailers of MJ Products.

24. Many Defendants also deceive unknowing consumers by using the MJ Trademarks within the content, text, and/or meta tags of their e-commerce stores to attract consumers using search engines to find websites relevant to MJ Products. Other e-commerce stores operating under the Seller Aliases omit using the MJ 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 MJ Products.

25. 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.

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

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

28. E-commerce store operators like Defendants communicate with each other through QQ.com chat rooms and utilize websites, like sellerdefense.cn, that provide tactics for operating multiple online marketplace accounts and evading detection by brand owners. Websites like sellerdefense.cn also tip off e-commerce store operators, like Defendants, of new intellectual property infringement lawsuits filed by brand owners, such as Triumph, and recommend that e-commerce operators cease their infringing activity, liquidate their associated financial accounts, and change the payment processors that they currently use to accept payments in their online stores.

29. Counterfeitors such as Defendants typically operate under multiple seller aliases and payment accounts so that they can continue operation despite Triumph's enforcement. E-commerce store operators like Defendants maintain off-shore bank accounts and regularly move funds from their financial accounts to offshore accounts outside the jurisdiction of this Court to avoid payment of any monetary judgment awarded to Triumph.

30. Defendants are working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Unauthorized Products in the same transaction, occurrence, or series of transactions or occurrences. Defendants, without any authorization or license from Triumph have, jointly and severally, knowingly and willfully used and continue to

use the MJ Trademarks in connection with the advertisement, distribution, offering for sale, and sale of Unauthorized Products into the United States and Illinois over the Internet.

31. Defendants' unauthorized use of the MJ Trademarks in connection with the advertising, distribution, offering for sale, and sale of Unauthorized Products, including the sale of Unauthorized 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 Triumph.

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

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

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

34. 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 MJ Trademarks without Triumph's permission.

35. Triumph owns the MJ Trademarks. Triumph's United States registrations for the MJ Trademarks are in full force and effect. On information and belief, Defendants have knowledge of Triumph's rights in the MJ Trademarks and are willfully infringing and intentionally using infringing and counterfeit versions of the MJ Trademarks. Defendants' willful, intentional, and

Unauthorized use of the MJ Trademarks is likely to cause, and is causing, confusion, mistake, and deception as to the origin and quality of the Unauthorized Products among the general public.

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

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

38. The injuries and damages sustained by Triumph have been directly and proximately caused by Defendants' wrongful reproduction, use of advertisement, promotion, offering to sell, and/or sale of Unauthorized Products.

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

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

40. Defendants' promotion, marketing, offering for sale, and sale of Unauthorized 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 Triumph or the origin, sponsorship, or approval of Defendants' Unauthorized Products by Triumph.

41. By using the MJ Trademarks in connection with the offering for sale and/or sale of Unauthorized Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Unauthorized Products.

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

43. Triumph has no adequate remedy at law and will continue to suffer irreparable harm to its reputation and the associated goodwill of the Michael Jackson brand if Defendants' actions are not enjoined.

PRAYER FOR RELIEF

WHEREFORE, Triumph 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 MJ Trademarks 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 MJ Product or is not authorized by Triumph to be sold in connection with the MJ Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a MJ Product or any other product produced by Triumph, that is not Triumph's or not produced under the authorization, control, or supervision of Triumph and approved by Triumph for sale under the MJ Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' Unauthorized Products are those sold under the authorization, control, or supervision of Triumph, or are sponsored by, approved by, or otherwise connected with Triumph;
 - d. further infringing the MJ Trademarks and damaging Triumph'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 Triumph, nor authorized by Triumph to be sold or offered for sale, and which bear any of the MJ Trademarks;

- 2) Entry of an Order that, upon Triumph's request, those with notice of the injunction, including without limitation, any websites and/or online marketplace platforms, including AliExpress, Amazon, Bonanza, DHGate, eBay, Etsy, Fruugo, Printerval, Redbubble, Temu, Walmart, and Wish, 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 MJ Trademarks;
- 3) That Defendants account for and pay to Triumph all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged, and that the amount of damages for infringement of the MJ 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 Triumph 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 MJ Trademarks;
- 5) That Triumph 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 4th day of June 2024.

Respectfully submitted,

/s/ Martin F. Trainor
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