

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

TEE TURTLE, LLC.,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS, AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE A TO THE
COMPLAINT,

Defendants.

Case No.: 24-cv-08669

COMPLAINT

Plaintiff Tee Turtle, LLC (“Tee Turtle” or “Plaintiff”), hereby alleges as follows against the individuals, corporations, limited liability companies, partnerships, and unincorporated associations and foreign entities identified on Schedule A attached hereto (collectively, “Defendants”):

Introduction

1. This action has been filed by Plaintiff to combat online counterfeiters who trade upon Plaintiff’s reputation and goodwill by selling and/or offering for sale products in connection with the TEE TURTLE copyrights, which are covered by the U.S. Copyright Office Registration Nos., including but not limited to U.S. Copyright Office Registration Nos. VA 2-103-871, VA 2-235-407, VAu 1-418-553, VAu 1-418-554, Vau 1-425-168, VAu 1-425-567, VAu 1-425-570, VAu 1-470-662, VAu 1-470-587, VAu 1-470-663, VAu 1-470-851, VAu 1-474-785, VAu 1-474-780, VAu 1-474-786, VA 2-121-364, VA 2-096-615, VA 2-103-868, VA 2-153-475, VA 2-153-476, VA 2-153-479, VAu 1-515-825, VA 2-234-587, Vau 1-515-820, and VA 2-123-814 (the “TEE TURTLE Copyrights”), and the TEE TURTLE trademarks, which are

covered by U.S. Trademark Registration Nos. 4,587,024, 5,736,944, and 6,202,046 (the “TEE TURTLE Trademarks”).

2. The TEE TURTLE Copyrights and TEE TURTLE Trademark registrations are valid, subsisting, and in full force and effect. True and correct copies of the federal copyright registration certificates for the TEE TURTLE Copyrights is attached hereto as **Exhibit 1**, as well as true and correct copies of the federal trademark registration certificates for the TEE TURTLE Trademarks is attached hereto as **Exhibit 2**.

3. Defendants are improperly advertising, marketing, and/or selling unauthorized and illegal products infringing upon Plaintiff’s TEE TURTLE Copyrights and TEE TURTLE Trademarks (the “Counterfeit Products”). By selling Counterfeit Products that purport to be genuine and authorized products using the TEE TURTLE Copyrights and TEE TURTLE Trademarks (the “TEE TURTLE Products”), Defendants cause confusion and deception in the marketplace.

4. The Defendants create numerous fully interactive commercial internet stores operating under the online marketplace accounts identified in Schedule A attached hereto (collectively, the “Defendant Internet Stores”), including on the platforms AliExpress.com (“AliExpress”), Amazon.com (“Amazon”), eBay.com (“eBay”), Redbubble.com (“Redbubble”), Shein.com (“Shein”), Temu.com (“Temu”), and other individual sites (collectively, the “Marketplace Platforms”).

5. The Defendants design the online marketplace accounts to appear to be selling genuine TEE TURTLE Products, while selling inferior imitations of such products.

6. The Defendant Internet Stores share unique identifiers, such as design elements and similarities of the counterfeit products offered for sale, establishing a logical relationship between them and suggesting that Defendants’ illegal operations arise out of the same transaction, occurrence, or series of transactions or occurrences.

7. Defendants attempt to avoid liability by going to great lengths to conceal both

their identities and the full scope and interworking of their illegal counterfeiting operation. Plaintiff is forced to file this action to combat Defendants' counterfeiting of the TEE TURTLE Copyrights and TEE TURTLE Trademarks, as well as to protect unknowing consumers from purchasing Counterfeit Products.

8. As a result of Defendants' actions, Plaintiff has been and continues to be irreparably damaged through consumer confusion, dilution, and tarnishing of its valuable copyright and goodwill and, therefore, seeks injunctive and monetary relief.

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

10. In addition, each Defendant has offered to sell and ship infringing products into this Judicial District.

Subject Matter Jurisdiction

11. This Court has original subject matter jurisdiction over the copyright claim pursuant to the Copyright Laws of the United States, 17 U.S.C. § 101 et seq., 28 U.S.C. § 1338(a)–(b), and 28 U.S.C. § 1331.

12. This Court has original subject matter jurisdiction over the trademark infringement and false designation of origin 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.

13. This Court has jurisdiction over the unfair deceptive trade practices claims in this action that arise under the laws of the State of Illinois pursuant to 28 U.S.C. § 1367(a), because the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

Personal Jurisdiction and Venue

14. Personal jurisdiction exists over Defendants in this Judicial District pursuant

to C.P.L.R. § 302(a)(1), or in the alternative, Fed. R. Civ. P. 4(k) because, upon information and belief, Defendants regularly conduct, transact, and/or solicit business in Illinois and in this Judicial District; derive substantial revenue from business transactions in Illinois and in this Judicial District; and/or otherwise avail themselves of the privileges and protections of the laws of the State of Illinois such that this Court's assertion of jurisdiction over Defendants does not offend traditional notions of fair play and due process.

15. In addition, Defendants' illegal counterfeiting and infringing actions have caused injury to Plaintiff in Illinois and in this Judicial District such that Defendants should reasonably expect such actions to have consequences in Illinois and this Judicial District.

16. For example, Defendant Internet Stores accepts orders of Counterfeit Products from and offer shipping to Illinois addresses located in this Judicial District. Screen shots of the shopping carts from Defendant Internet Stores allowing Counterfeit Products to be shipped to Chicago are attached to the Declaration of Lisa Gajjar ("Gajjar Decl."), filed contemporaneously herewith, as **Exhibit 3**.

17. Moreover, upon information and belief, Defendants were and/or are systematically directing and/or targeting their business activities at consumers in the U.S., including those in Illinois, in this Judicial District, through accounts (the "User Account(s)") on e-commerce sites including the Marketplace Platforms, as well as any and all as yet undiscovered User Accounts with additional online marketplace platforms held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them. Through these User Accounts, consumers in the U.S., including Illinois (and more particularly, in this Judicial District), can view the marketplace accounts that each Defendant operates, uses to communicate with Defendants regarding their listings for Counterfeit Products, and to place orders for, receive invoices for and purchase Counterfeit Products for delivery in the U.S., including Illinois (and more particularly, in this Judicial District), as a means for establishing regular business with the U.S., including Illinois

(and more particularly, in this Judicial District).

18. Upon information and belief, Defendants have transacted business with consumers located in the U.S., including Illinois (and more particularly, in this Judicial District), for the sale and shipment of Counterfeit Products.

19. Venue is proper in this Court pursuant to at least 28 U.S.C. §§ 1391(b)(2) because Defendants have committed acts of infringement in this Judicial District and do substantial business in the Judicial District.

The Plaintiff

20. Plaintiff Tee Turtle, LLC is a Missouri limited liability company with its principal place of business in St. Louis, Missouri. Plaintiff creates original artwork, including plush toy stuffed animals and card games, which it offers for sale on its website at Teeturtle.com, other internet platforms such as Amazon, and retail stores.

21. Plaintiff is the registered owner of the TEE TURTLE Copyrights referenced above (attached as Exhibit 1) and the TEE TURTLE Trademarks referenced above (*see* Exhibit 2).

The Defendants

22. Defendants are individuals and business entities who, upon information and belief, reside mainly in the People's Republic of China or other foreign jurisdictions.

23. Defendants are merchants on online e-commerce platforms, including the Marketplace Platforms.

The TEE TURTLE Products

24. Artist and designer Ramy Badie founded Tee Turtle in 2012 to market products based on his original characters. Through Mr. Badie's imagination and creativity, Tee Turtle has grown exponentially: by 2021, Tee Turtle had hired 77 employees, generated hundreds of millions in sales, and acquired national and worldwide fame and recognition through its unique and novel products.

25. Among Tee Turtle's most popular and notable products are reversible plush stuffed animals that flip from one configuration to another ("TEE TURTLE Reversible Plushies"). For example, starting in 2017, Tee Turtle began marketing Reversible Octopus Plushies, including contrasting color schemes and alternating faces with dichotomous expressions:



26. Starting in 2015 and continuing until the present day, Plaintiff has obtained numerous copyright registrations for its TEE TURTLE Products, each in respect of the corresponding TEE TURTLE Products. For example, Plaintiff obtained a copyright for the above-depicted Reversible Octopus Plushie covered by U.S. Copyright Office Registration No. VA 2-103-871 ("Reversible Octopus Mini," effective date of registration September 21, 2017). Exemplary units of each of the TEE TURTLE Products for which a copyright registration has been registered have been deposited with the United States Copyright Office and remain available for inspection there.

27. For ease of reference, the pictures below reflect relevant exemplary TEE TURTLE Products for which registrations have been obtained and still remain available for sale today as part of the wider TEE TURTLE Product range:



28. From the date of the creation of the first TEE TURTLE Reversible Plushies to the present, Plaintiff is and has been the sole and official source of genuine TEE TURTLE Products in the United States.

29. Since at least 2012, the TEE TURTLE marks are and have been the subject of substantial and continuous marketing and promotion by Plaintiff. Plaintiff has and continues to widely market and promote the TEE TURTLE Trademarks in the industry and to consumers. For example, Plaintiff sells TEE TURTLE Products through its own website (www.teeturtle.com), other online marketplaces such as Amazon, brick-and-mortar stores, and at heavily-attended trade shows and conventions such as the New York Comic Convention. Further, Plaintiff extensively promotes TEE TURTLE Products on social media such as Facebook (over 983,000 followers and over 987,000 likes) and Instagram (over 280,000 followers).

30. The TEE TURTLE Trademarks are distinctive and identifies the merchandise as goods from Plaintiff. Plaintiff's typical practice is to tie its name to its marketing of TEE TURTLE Products. For example, TEE TURTLE Reversible Plushies bear tags indicating they are "Tee Turtle" products. Further, Plaintiff's advertising and promotional efforts on Amazon refer prominently to Tee Turtle and describe the TEE TURTLE Reversible Plushies as "Original."

31. The registration for the TEE TURTLE Trademarks constitutes prima facie evidence of its validity and of Plaintiff's exclusive right to use that trademark pursuant to 15 U.S.C. § 1057(b).

32. The TEE TURTLE Trademarks qualifies as a famous mark, as that term is used

in 15 U.S.C. §1125 (c)(1), and it has been continuously used and never abandoned.

33. Plaintiff has expended substantial time, money, and other resources in developing, advertising, and otherwise promoting the TEE TURTLE Products. As a result, products embodying either or both of the TEE TURTLE Copyrights and the TEE TURTLE Trademarks are widely recognized and exclusively associated by consumers, the public, and the trade as being products sourced from Plaintiff. For example:

34. In May 2022, Plaintiff's Reversible Octopus Plushie was the Number 1 bestselling product in the categories of Stuffed Animals & Plush Toys, Stuffed Animals & Teddy Bears, Amazon Launchpad Toys, and Preschool Stuffed Animals & Toys. As of the same date, the Reversible Octopus Plushie was the Number 4 bestselling product in the Toys & Games category overall.

35. TEE TURTLE Reversible Plushies have been featured in several "viral" TikTok videos and trends, which feature the hash tag "teeturtle" and have been viewed by millions of TikTok users.

36. TEE TURTLE Reversible Plushies have been recognized in print, television, and internet media such as *Newsweek* (December 17, 2020 article listing Plaintiff's Reversible Octopus Plushie as one of the "27 most wished for things on Amazon"), *The Today Show* (April 26, 2021 episode deeming Plaintiff's Reversible Octopus Plushie "the hottest toy of 2021), and *Buzzfeed* (May 18, 2021 article listing Plaintiff's Reversible Octopus Plushie as one of "29 Things From Amazon That Reviewers Truly Love").

37. TEE TURTLE owns all rights, including without limitation, the rights to reproduce the copyrighted works in copies, to prepare derivative works based upon the copyrighted works, and to distribute copies of the copyrighted works to the public by sale or other transfer of ownership, or by rental, lease, or lending, in the TEE TURTLE Copyrights as the owner of those copyrights.

The Defendants' Unlawful Conduct

38. The success of the TEE TURTLE Products has resulted in significant counterfeiting. Plaintiff has identified numerous Defendant Internet Stores linked to fully interactive websites on e-commerce sites including the Marketplace Platforms. These Defendant Internet Stores offer for sale, sell, and import Counterfeit Products to consumers in this Judicial District and throughout the United States.

39. Defendants have persisted in creating such online marketplaces and internet stores, like the Defendant Internet Stores. In fact, such online marketplaces and stores are estimated to receive tens of millions of visits per year and to generate over \$135 billion in annual online sales. According to an intellectual property rights seizures statistics report issued by the United States Department of Homeland Security, the manufacturer's suggested retail price of goods seized by the U.S. government in fiscal year 2021 was over \$3.3 billion. 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.

40. On personal knowledge and belief, Defendants facilitate sales by designing the Defendant Internet Stores so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers selling genuine TEE TURTLE Products. Many of the Defendant Internet Stores look sophisticated and accept payment in U.S. dollars via credit cards, Western Union, and PayPal. Defendant Internet Stores often include images and design elements that make it very difficult for consumers to distinguish such counterfeit sites from an authorized website.

41. Defendants further perpetuate the illusion of legitimacy by offering "live 24/7" customer service and using indicia of authenticity and security that consumers have come to associate with authorized retailers, including the McAfee® Security, VeriSign®, Visa®, MasterCard®, and PayPal® logos.

42. Plaintiff has not licensed or authorized Defendants to use the TEE TURTLE

Copyrights or the TEE TURTLE Trademarks. None of the Defendants are authorized retailers of genuine TEE TURTLE Products.

43. On personal knowledge and belief, Defendants also deceive unknowing consumers by using without authorization the TEE TURTLE Copyrights and the TEE TURTLE Trademarks within the product descriptions, content, text, and/or meta tags of their websites to attract various search engines crawling the Internet looking for websites relevant to consumer searches for TEE TURTLE Products. Additionally, upon information and belief, Defendants use other unauthorized search engine optimization (“SEO”) tactics and social media spamming so that the Defendant Internet Stores listings show up at or near the top of relevant search results and misdirect consumers searching for genuine TEE TURTLE Products. Further, Defendants utilize similar illegitimate SEO tactics to propel new domain names to the top of search results after others are shut down. As such, Plaintiff also seeks to disable the Defendant Internet Stores owned and/or operated by Defendants that are the means by which the Defendants could continue to sell Counterfeit Products into this Judicial District.

44. On information and belief, Defendants go to great lengths to conceal their identities and often use multiple fictitious names and addresses to register and operate their massive network of Defendant Internet Stores. For example, it is common practice for counterfeiters to register their domain names and/or User Accounts with incomplete information, randomly typed letters, or omitted cities or states.

45. On personal knowledge and belief, Defendants regularly create new websites and online marketplace accounts on various platforms using the identities listed in Schedule A to the Complaint, as well as other unknown fictitious names and addresses. Such Defendant Internet Store registration patterns are one of many common tactics used by the Defendants to conceal their identities, the full scope and interworking of their massive counterfeiting operation, and to avoid being shut down.

46. On personal knowledge and belief, even though Defendants operate under

multiple fictitious names, there are numerous similarities among the Defendant Internet Stores. For example, some of the Defendant marketplace websites have virtually identical layouts, even though different aliases were used to register the respective domain names.

47. In addition, the Counterfeit Products for sale in the Defendant Internet Stores bear similarities and indicia of being related to one another, suggesting that the Counterfeit Products were manufactured by and come from a common source and that, upon information and belief, Defendants are interrelated.

48. The Defendant Internet Stores also include other notable common features, including accepted payment methods, check-out methods, metadata, illegitimate SEO tactics, HTML user-defined variables, domain redirection, lack of contact information, identically or similarly priced items and volume sales discounts, similar hosting services, similar name servers, and the use of the same text and images.

49. In addition, Defendants in this case and defendants in other similar cases against online counterfeiters use a variety of other common tactics to evade enforcement efforts. For example, counterfeiters like Defendants will often register new online marketplace accounts under User Accounts once they receive notice of a lawsuit.¹ Consumers of toys are at especially high risks and warned to be particularly vigilant.²

50. Counterfeiters also often move website hosting to rogue servers located outside the United States once notice of a lawsuit is received. Rogue servers are notorious for ignoring take down demands sent by brand owners.³

¹ <https://www.ice.gov/news/releases/buyers-beware-ice-hsi-and-cbp-boston-warn-consumers-about-counterfeit-goods-during> (noting counterfeiters are “very adept at setting up online stores to lure the public into thinking they are purchasing legitimate good on legitimate websites”) (last visited Sep. 18, 2024)

² <https://www.ice.gov/news/releases/new-toolkit-helps-consumers-avoid-scams-while-holiday-shopping> (issuing warnings in the context of counterfeit and knockoff toys, and quoting industry leaders that “[w]hen it comes to fake toys, there are significant safety concerns.”) (last visited Sep. 18, 2024).

³ While discussed in the context of false pharma supply chains, rogue internet servers and sellers are a well-known tactic that have even been covered in congressional committee hearings. <https://www.govinfo.gov/content/pkg/CHRG-113hhrg88828/html/CHRG-113hhrg88828.htm> (last visited Sep. 18, 2024).

51. Counterfeiters also typically ship products in small quantities via international mail to minimize detection by U.S. Customs and Border Protection. A 2012 U.S. Customs and Border Protection report on seizure statistics indicated that the Internet has fueled “explosive growth” in the number of small packages of counterfeit goods shipped through the mail and express carriers.

52. Further, counterfeiters such as Defendants typically operate multiple credit card merchant accounts and PayPal accounts behind layers of payment gateways so that they can continue operation in spite of Plaintiff’s enforcement efforts.

53. On personal knowledge and belief, Defendants maintain off-shore bank accounts and regularly move funds from their PayPal accounts to off-shore bank accounts outside the jurisdiction of this Court. Indeed, analysis of PayPal transaction logs from previous similar cases indicates that offshore counterfeiters regularly move funds from U.S.-based PayPal accounts to foreign-based bank accounts outside the jurisdiction of this Court.

54. Defendants, without any authorization or license from Plaintiff, have knowingly and willfully used and continue to use the TEE TURTLE Copyrights and TEE TURTLE Trademarks in connection with the advertisement, distribution, offering for sale, and sale of Counterfeit Products into the United States and Illinois over the Internet.

55. Each Defendant Internet Store offers shipping to the United States, including Illinois (in this Judicial District) and, on information and belief, each Defendant has offered to sell counterfeit TEE TURTLE Products into the United States, including Illinois (in this Judicial District).

56. Defendants’ use of the TEE TURTLE Copyrights and TEE TURTLE Trademarks in connection with the advertising, distribution, offering for sale, and sale of Counterfeit Products is likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming Plaintiff.

57. Prior to and contemporaneous with their counterfeiting and infringing actions

alleged herein, Defendants had knowledge of Plaintiff's ownership of the TEE TURTLE Copyrights and TEE TURTLE Trademarks, of the fame and incalculable goodwill associated therewith and of the popularity and success of the TEE TURTLE Products, and in bad faith proceeded to manufacture, market, develop, offer to be sold, and/or sell the Counterfeit Products.

58. Defendants have been engaging in the illegal counterfeiting and infringing actions, as alleged herein, knowingly and intentionally, or with reckless disregard or willful blindness to Plaintiff's rights, or in bad faith, for the purpose of trading on the goodwill and reputation of Plaintiff and the TEE TURTLE Products.

FIRST CAUSE OF ACTION
COPYRIGHT INFRINGEMENT (17 U.S.C. § 101, et seq.)
[Against Defendants Designated in Schedule A to the Complaint]

59. Plaintiff repeats and incorporates by reference herein its allegations contained in paragraphs 1-58 of this Complaint.

60. Plaintiff owns all exclusive rights, including without limitation the rights to reproduce the copyrighted works in copies, to prepare derivative works based upon the copyrighted works, and to distribute copies of the copyrighted works to the public by sale or other transfer of ownership, or by rental, lease, or lending, in the TEE TURTLE Copyrights.

61. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products in connection with the TEE TURTLE Copyrights without Plaintiff's permission.

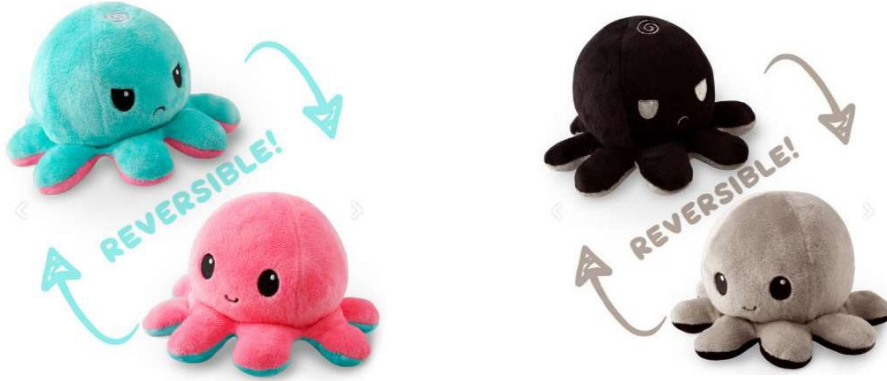
62. Defendants had access to the TEE TURTLE Products incorporating Plaintiff's registered copyright before Defendants created the Defendant Internet Stores.

63. Upon information and belief, Defendants have directly copied the TEE TURTLE Copyrights. Alternatively, Defendants' representations of Plaintiff's copyrights for the TEE TURTLE Products in the online marketplace accounts are strikingly similar, or at the very least substantially similar to the TEE TURTLE Copyrights, and constitute unauthorized copying, reproduction, distribution, creation of a derivative work, and/or public display of Plaintiff's

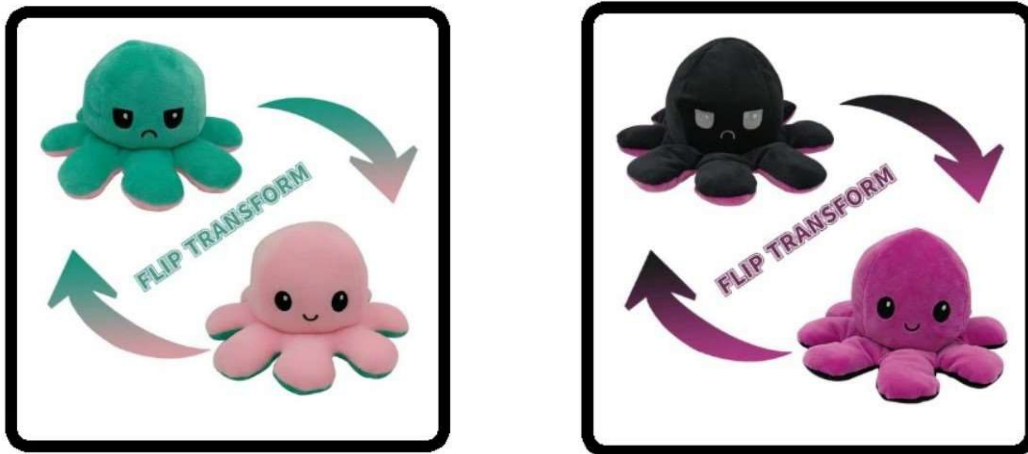
copyrights for the TEE TURTLE Products.

64. As just one example, Defendants deceive unknowing consumers by using the TEE TURTLE Copyrights without authorization within the product descriptions of their online marketplace accounts to attract customers as follows:

Exemplary Images of Plaintiff's Registered TEE TURTLE Copyright Works



Compared to Exemplary Counterfeit Products Offered by Defendants



65. Defendants' exploitation of Plaintiff's copyrights for the TEE TURTLE Products in the Defendant Internet Stores constitutes infringement of the TEE TURTLE Copyrights.

66. On information and belief, Defendants' infringing acts were willful, deliberate, and committed with prior notice and knowledge of Plaintiff's copyrights. Each Defendant willfully, wantonly, and in conscious disregard and intentional indifference to the rights of

Plaintiff made and distributed in the United States, including this District, caused to be made and distributed in the United States, including this District, and aided, abetted, contributed to, and participated in the unauthorized making and distribution of Counterfeit Products.

67. Each Defendant either knew, or should have reasonably known, that Plaintiff's TEE TURTLE Products were protected by copyright and that their representations infringed on Plaintiff's copyrights. Each Defendant continues to infringe upon Plaintiff's rights in and to the various copyrighted works.

68. As a direct and proximate result of their wrongful conduct, Defendants have realized and continue to realize profits and other benefits rightfully belonging to Plaintiff. Accordingly, Plaintiff seeks an award of damages pursuant to 17 U.S.C. § 504.

69. In addition to Plaintiff's actual damages, Plaintiff is entitled to receive the profits made by the Defendants from their wrongful acts, pursuant to 17 U.S.C. § 504(b). Each Defendant should be required to account for all gains, profits, and advantages derived by each Defendant from their acts of infringement.

70. In the alternative, Plaintiff is entitled to, and may elect to choose statutory damages pursuant to 17 U.S.C. § 504(c), which should be enhanced by 17 U.S.C. § 504(c)(2) because of Defendants' willful copyright infringement.

71. Plaintiff is entitled to, and may elect to choose injunctive relief under 17 U.S.C. § 502, enjoining any use or exploitation by Defendants of their infringing work and for an order under 17 U.S.C. § 503 that any of Defendants' infringing products be impounded and destroyed.

72. Plaintiff seeks and is also entitled to recover reasonable attorneys' fees and costs of suit pursuant to 17 U.S.C. § 505.

73. Plaintiff has no adequate remedy at law, and, if Defendants' actions are not enjoined, Plaintiff will continue to suffer irreparable harm to its reputation and the goodwill of its well-known TEE TURTLE Copyrights.

SECOND CAUSE OF ACTION
TRADEMARK INFRINGEMENT AND COUNTERFEITING (15 U.S.C. § 1114)
[Against Defendants Designated in Schedule A]

74. Plaintiff repeats and incorporates by reference herein its allegations contained in paragraphs 1-58 of this Complaint.

75. This is a trademark infringement action against Defendants based on their unauthorized use in commerce of counterfeit imitations of the registered TEE TURTLE Trademarks in connection with the sale, offering for sale, distribution, and/or advertising of infringing goods. The TEE TURTLE Trademarks are highly distinctive marks. Consumers have come to expect the highest quality from Plaintiff's products provided under the TEE TURTLE Trademarks.

76. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products in connection with the TEE TURTLE Trademarks without Plaintiff's permission.

77. Plaintiff is the registered owner of the TEE TURTLE Trademarks. The United States Registration for the TEE TURTLE Trademarks (Exhibit 2) is in full force and effect. Upon information and belief, Defendants have knowledge of Plaintiff's rights in the TEE TURTLE Trademarks and are willfully infringing and intentionally using counterfeits of the TEE TURTLE Trademarks. Defendants' willful, intentional, and unauthorized use of the TEE TURTLE Trademarks is likely to cause and is causing confusion, mistake, and deception as to the origin and quality of the counterfeit goods among the general public.

78. Defendants' activities constitute willful trademark infringement and counterfeiting under 15 U.S.C. §§ 1114, 1117.

79. The injuries and damages sustained by Plaintiff have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offering to sell, and sale of counterfeit TEE TURTLE Products.

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

well-known TEE TURTLE Trademarks.

THIRD CAUSE OF ACTION
FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))
[Against Defendants Designated in Schedule A]

81. Plaintiff repeats and incorporates by reference herein its allegations contained in paragraphs 1-58 of this Complaint.

82. 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.

83. By using the TEE TURTLE Trademarks in connection with the sale of 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.

84. Defendants' conduct constitutes willful false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the Counterfeit Products to the general public under 15 U.S.C. §§ 1114, 1125.

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

FOURTH CAUSE OF ACTION
VIOLATION OF ILLINOIS UNIFORM DECEPTIVE TRADE PRACTICES ACT
(815 ILCS § 510/1, et seq.)
[Against Defendants Designated in Schedule A]

86. Plaintiff repeats and incorporates by reference herein its allegations contained in paragraphs 1-58 of this Complaint.

87. Defendants have engaged in acts violating Illinois law including, but not limited to, passing off their Counterfeit products as those of Plaintiff's, causing a likelihood of confusion and/or misunderstanding as to the source of their goods, causing a likelihood of confusion and/or

misunderstanding as to an affiliation, connection, or association with genuine TEE TURTLE Products, representing that their products have Plaintiff's approval when they do not, and engaging in other conduct which creates a likelihood of confusion or misunderstanding among consumers.

88. The foregoing acts of Defendants constitute a willful violation of the Illinois Uniform Deceptive Trade Practices Act, 81 ILCS § 510/1, et. seq.

89. Plaintiff has no adequate remedy at law, and Defendants' conduct has caused Plaintiff to suffer damage to their reputation and goodwill. Unless enjoined by the Court, Plaintiff will suffer future irreparable harm as a direct result of Defendants' unlawful activities.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants and each of them 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 TEE TURTLE Copyrights or TEE TURTLE 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 genuine TEE TURTLE Product or is not authorized by Plaintiff to be sold in connection with the TEE TURTLE Copyrights or TEE TURTLE Trademarks;
- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine TEE TURTLE 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 TEE TURTLE Copyrights or TEE TURTLE Trademarks;
- 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;
- d. further infringing the TEE TURTLE Copyrights or TEE TURTLE Trademarks and damaging Plaintiff's goodwill;
- e. otherwise competing unfairly with Plaintiff in any manner;
- f. shipping, delivering, holding for sale, transferring, or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which copy the TEE TURTLE Copyrights or TEE TURTLE Trademarks or any reproductions, counterfeit copies, or colorable imitations thereof;
- g. using, linking to, transferring, selling, exercising control over, or otherwise owning any online marketplace accounts, the Defendant Internet Stores, or any other domain name or online marketplace account that is being used to sell or is the means by which Defendants could continue to sell Counterfeit Products; and
- h. operating and/or hosting online marketplace accounts at the Defendant Internet Stores that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product embodying the TEE TURTLE Copyrights or TEE TURTLE Trademarks or any reproduction, counterfeit copy or colorable imitation thereof that is not a genuine TEE TURTLE Product or not authorized by Plaintiff to be sold in connection with the TEE TURTLE Copyrights or TEE TURTLE Trademarks.

2. Entry of an Order that the Marketplace Platforms, including without limitation AliExpress, Amazon, eBay, Redbubble, Shein, Temu, and any other online marketplace account through which Defendants are selling Counterfeit Products:

- a. disable and cease providing services for any accounts through which Defendants sell Counterfeit Products, including any accounts associated with the Defendants listed on Schedule A;
- b. disable and cease displaying any advertisements used by or associated with Defendants in connection with their sale of Counterfeit Products; and
- c. take all steps necessary to prevent links to the Defendant Internet Stores identified on Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Internet Stores from any search index.

3. That Defendants account for and pay to Plaintiff all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged, and that the amount of damages for infringement of the TEE TURTLE 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 Plaintiff be awarded statutory damages of not more than \$30,000 for each and every infringement of the TEE TURTLE Copyrights pursuant to 17 U.S.C. § 504(c), which should be enhanced to a sum of not more than \$150,000 by 17 U.S.C. § 504(c)(2) because of Defendants' willful copyright infringement and not less than \$1,000 and not more than \$2,000,000 for each and every use of the TEE TURTLE Trademarks pursuant to 15 U.S.C. § 1117(c);

5. That Plaintiff be awarded its reasonable attorneys' fees and costs; and

6. Award any and all other relief that this Court deems just and proper.

Dated: September 19, 2024

Respectfully submitted,

BOIES SCHILLER FLEXNER LLP

/s/ Samantha Parrish

Samantha Parrish (NDIL No. 318681)

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