

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

| | | |
|----------------------------------------|---|----------------------|
| CASIO COMPUTER CO., LTD., |) | |
| |) | Case No. 24-cv-11007 |
| Plaintiff, |) | |
| |) | Judge |
| v. |) | |
| |) | |
| THE INDIVIDUALS, CORPORATIONS, LIMITED |) | |
| LIABILITY COMPANIES, PARTNERSHIPS AND |) | |
| UNINCORPORATED ASSOCIATIONS IDENTIFIED |) | |
| ON SCHEDULE "A", |) | |
| |) | |
| Defendants. |) | |

COMPLAINT

Plaintiff CASIO COMPUTER CO., LTD ("CASIO," "CASIO COMPUTER CO." or "Plaintiff"), through undersigned counsel, hereby complains of the Partnerships, Unincorporated Associations and others identified in Schedule A attached hereto (collectively, "Defendants"), and for its Complaint hereby alleges as follows:

JURISDICTION AND VENUE

1. This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of 15 U.S.C. § 1114; Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS § 510; 28 U.S.C. § 1338(a) - (b), and 28 U.S.C. § 1331. This Court has jurisdiction over the 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.

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 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 Plaintiff’s 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 Plaintiff substantial injury in the State of Illinois.

INTRODUCTION

3. This action has been filed by Plaintiff to combat e-commerce store operators who trade upon Plaintiff’s reputation and goodwill by making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use the same unauthorized and unlicensed products, namely electronic calculators that infringe the Casio Trademark identified in Exhibit 1 (the “CASIO Trademark”), the overall look of the Electronic Calculator which leads consumers to associate CASIO as its source (the “CASIO Trade Dress”) (collectively, the “Infringing Products”).

4. CASIO has conceived, developed and adopted a unique overall appearance for its Electronic Calculator. CASIO Electronic Calculators are known for their stylistic appearance which includes two asymmetrical oval buttons on either side of a large circular center button. The large circular center button and the row of two oval buttons on either side of the large circular

button form a single row on a horizontal plane located adjacent to and directly below the calculator screen on the top half of the Electronic Calculator. The larger circular center button functions to allow users to toggle between various prompts on the Electronic Calculator screen. The two oval buttons straddling the large circular center button function to turn on and offer the Electronic Calculator, select the mode for arithmetic functions, among others.

5. The CASIO Electronic Calculators include four rows of large horizontal buttons extending upward from the lower base of the Electronic Calculator that are associated with the numerical, addition, subtraction, multiplication, division, answer and clear functions, among others.

6. The CASIO Electronic Calculators include four rows of horizontal smaller buttons located above the larger numerical buttons along the lower base of the Electronic Calculator and the single row of buttons immediately below the calculator screen, which include buttons for calculus functions (sine, cosine, tangent), trigonometric functions such as hypotenuse, as well as square root, logarithmic and square root function buttons, among others.

7. The CASIO Electronic Calculators include a beveled edge along the bottom half of the Electronic Calculator that allow the calculator case to be securely stored while the Electronic Calculator is in use.

8. On some CASIO Electronic Calculators, the digital screen is recessed below the horizontal plane of the calculator body and includes a beveled edge along the digital screen.

9. These innovative stylistic features are implemented by and featured in products across the CASIO Electronic Calculator brand product lines and are disclosed, for example, in U.S. Design Patent Nos. D580,478 S, which issued November 11, 2008 (since expired).

10. The above-referenced design features of the CASIO Electronic Calculator lead consumers to believe that the Electronic Calculator has been made by, or endorsed by, CASIO and assembled to the highest standards. CASIO has created a novel, multi-function Electronic Calculator that has become a rapid success in the marketplace, making CASIO a dominant player for electronic calculators. Since developing its Electronic Calculator product line, CASIO has maintained a reputation as a leading innovator for electronic calculators. Throughout its product lines, CASIO incorporates creativity, careful engineering and cutting-edge design. CASIO's industry-leading efforts to develop and implement new technologies have been recognized throughout the industry.

11. The Defendants create numerous Defendant Internet Stores and design them to appear to be selling genuine Plaintiff's products, while selling inferior imitations of Plaintiff's products. 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. 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 Plaintiff's Trade Dress and Trademark, as well as to protect unknowing consumers from purchasing unauthorized CASIO Products over the Internet. Plaintiff has been and continues to be irreparably damaged through consumer confusion, dilution, and tarnishment of its valuable Trade Dress and Trademark as a result of Defendants' actions and seeks injunctive and monetary relief.

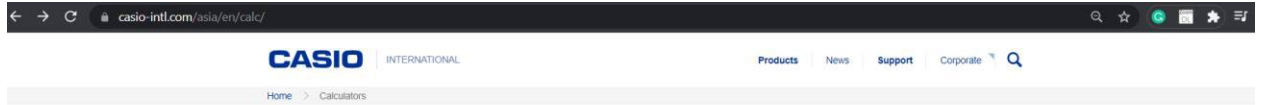
12. This Court has personal jurisdiction over each Defendant, in that each Defendant conducts significant business in Illinois and in this Judicial District, and the acts and events giving rise to this lawsuit of which each Defendant stands accused were undertaken in Illinois and in this Judicial District. In addition, each Defendant has offered to sell and ship infringing products into this Judicial District.

THE PLAINTIFF

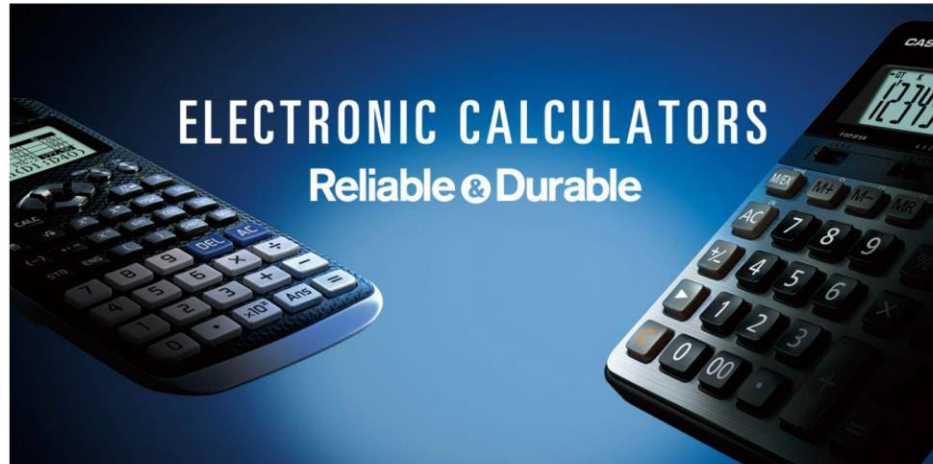
13. Plaintiff CASIO COMPUTER CO., LTD. is a Japanese corporation with a place of business at 6-2, Hon-machi 1-chome, Shibuya-ku, Tokyo 151-8543, Japan.

14. CASIO COMPUTER CO. is in the business of developing, marketing, selling and distributing CASIO Products. CASIO is a Japanese multinational electronics manufacturing corporation. It was founded in 1946, and in 1957 introduced the world's first entirely compact calculator. CASIO is best known for its electronic (including scientific) calculators, electronic musical instruments, and affordable electronic calculators incorporating innovative technology. Today, CASIO is most known for making durable and reliable electronic products. CASIO COMPUTER CO. is the official source of CASIO Products:

<https://www.casio.com/intl/>



Calculators



<https://www.casio.com/us/scientific-calculators/product.FX-55PLUS/>



15. The CASIO Trade Dress and Trademark 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 CASIO Trade Dress and Trademark in the industry and to consumers. Plaintiff's promotional efforts include — by way of example, but not limitation — website and social media sites, and point of sale materials.

16. Among the purchasing public, genuine CASIO Products are instantly recognizable as such. In the United States and around the world, the CASIO brand has come to symbolize high quality, and CASIO Products are among the most recognizable in the world.

17. Plaintiff is the owner of the U.S. Registration No. 3,614,858 for word mark "CASIO". True and correct copies of the federal registration is attached hereto in Exhibit 1.

18. Plaintiff's registration (the "CASIO Trademark") is valid, subsisting, and in full force and effect.

19. The CASIO Trademark is distinctive and identifies merchandise as goods from CASIO COMPUTER CO., LTD or its duly authorized licensees.

20. The registered CASIO Trademark has been continuously used and never abandoned.

21. CASIO Products are known for their distinctive design and is broadly recognized by consumers. Electronic Calculators embodying this design are associated with the quality and innovation that the public has come to expect from CASIO Products. Plaintiff uses the design in connection with its CASIO Products.

22. Plaintiff has not granted a license or any other form of permission to Defendants with respect to the CASIO Trade Dress or Trademark.

23. Plaintiff's Trade Dress and Trademark are distinctive when applied to Plaintiff's Products, signifying to the purchaser that the products come from Plaintiff and are manufactured to Plaintiff's quality standards. Whether Plaintiff manufactures the products itself or licenses

others to do so, Plaintiff has ensured that products bearing its Trade Dress and Trademark are manufactured to the highest quality standards. Plaintiff's Trade Dress and Trademark have achieved fame and recognition, which has only added to the inherent distinctiveness of the mark. As such, the goodwill associated with Plaintiff's Trade Dress and Trademark is incalculable and of inestimable value to Plaintiff.

24. Plaintiff's Trademark qualifies as famous marks, as used in 15 U.S.C. §1125 (c)(1), and have been continuously used and never abandoned.

25. Plaintiff has expended substantial time, money and other resources in developing, advertising, and otherwise promoting its Trade Dress and Trademark. As a result, products bearing the Trade Dress and Trademark are widely recognized and exclusively associated by consumers, the public and the trade as being products sourced from Plaintiff. Plaintiff's Products have become famous worldwide.

THE DEFENDANTS

26. Defendants are individuals and business entities who, upon information and belief, reside primarily in the People's Republic of China or other foreign jurisdictions. Defendants conduct business throughout the United States, including within Illinois and in this Judicial District, through the operation of fully interactive commercial websites and online marketplaces operating under the Defendant Internet Stores. Each Defendant targets the United States, including Illinois, and has offered to sell and, on information and belief, has sold and continues to sell counterfeit CASIO Products to consumers within the United States, including Illinois and in this Judicial District.

THE DEFENDANTS' UNLAWFUL CONDUCT

27. The success of the CASIO brand has resulted in its counterfeiting. Plaintiff has identified numerous online marketplace accounts linked to fully interactive websites and marketplace listings on platforms such as iOffer, Aliexpress, Walmart and Amazon, including the Defendant Internet Stores, which were offering for sale, selling, and importing counterfeit CASIO Products to consumers in this Judicial District and throughout the United States. Defendants have persisted in creating the Defendant Internet Stores. Internet websites like the Defendant Internet Stores are estimated to receive tens of millions of visits per year and generate over \$135 billion in annual online sales. According to an intellectual property rights seizures statistics report issued by Homeland Security, the manufacturer's suggested retail price (MSRP) of goods seized by the U.S. government in 2021 was over \$3.3 billion, up from \$1.26 billion in 2012. Internet websites like the Defendants' 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.

28. Upon information 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 CASIO Products. Many of the Defendant Internet Stores look sophisticated and accept payment in U.S. dollars via credit cards, Aliexpress, Walmart and Amazon. 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. 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.

29. On information and belief, Defendants intentionally and willfully set out to benefit from Plaintiff's investment and labor in the CASIO brand product lines by intentionally copying the CASIO Electronic Calculators in nearly every aspect, including at least the CASIO Trade Dress and protected features.

30. Plaintiff has not licensed or authorized Defendants to use the CASIO Trade Dress or Trademark, and none of the Defendants are authorized retailers of genuine CASIO Products.

31. Defendants' continued sale of electronic calculators, using the CASIO Trade Dress and Trademark, are likely to cause consumers to mistakenly believe that Defendants' electronic calculators are manufactured by, authorized by, or otherwise affiliated in some way with Plaintiff's designs.

32. Defendants' use of the CASIO Trade Dress and Trademark is likely to confuse consumers, especially as the infringing CASIO products are currently being sold, not only through the same trade channels, but also alongside Plaintiff's products on various e-commerce platforms including Aliexpress, Walmart and Amazon.

33. Upon information and belief, Defendants also deceive unknowing consumers by using the CASIO Trade Dress and Trademark without authorization within the 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 CASIO Products. Additionally, upon information and belief, Defendants use other unauthorized search engine optimization (SEO) tactics and social media spamming so that the Defendant Internet Store listings show up at or near the top of relevant search results and misdirect consumers searching for genuine CASIO Products. Further,

Defendants utilize similar illegitimate SEO tactics to propel new online marketplace accounts to the top of search results after others are shut down. As such, Plaintiff also seeks to disable Defendant Online marketplace accounts owned by Defendants that are the means by which the Defendants could continue to sell counterfeit CASIO Products.

34. 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, many of Defendants' names and physical addresses used to register the Defendant Online marketplace accounts are incomplete, contain randomly typed letters, or fail to include cities or states. Other Defendant Online marketplace accounts use privacy services that conceal the owners' identity and contact information. Upon information 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.

35. Even though Defendants operate under multiple fictitious names, there are numerous similarities among the Defendant Internet Stores. For example, some of the Defendant websites have virtually identical layouts, even though different aliases were used to register the respective online marketplace accounts. In addition, the counterfeit CASIO Products for sale in the Defendant Internet Stores bear similarities and indicia of being related to one another, suggesting that the counterfeit CASIO Products were manufactured by and come from a common source and that, upon information and belief, Defendants are interrelated. The Defendant Internet Stores also include other notable common features, including use of the same online marketplace account registration

patterns, unique shopping cart platforms, accepted payment methods, check-out methods, meta data, 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.

36. In addition to operating under multiple fictitious names, 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 new aliases once they receive notice of a lawsuit. 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. 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.

37. Further, counterfeiters such as Defendants typically operate multiple credit card merchant accounts and Aliexpress, Walmart and Amazon accounts behind layers of payment gateways so that they can continue operation in spite of Plaintiff’s enforcement efforts. Upon information and belief, Defendants maintain off-shore bank accounts and regularly move funds from their Aliexpress, Walmart and Amazon accounts to off-shore bank accounts outside the jurisdiction of this Court. Indeed, analysis of Aliexpress, Walmart and Amazon transaction logs from previous similar cases indicates that offshore counterfeiters regularly move funds from U.S.-

based Aliexpress, Walmart and Amazon accounts to China-based bank accounts outside the jurisdiction of this Court.

38. Defendants, without any authorization or license from Plaintiff, have knowingly and willfully used and continue to use the CASIO Trade Dress and Trademark in connection with the advertisement, distribution, offering for sale, and sale of counterfeit CASIO Products into the United States and Illinois over the Internet. Each Defendant Internet Store offers shipping to the United States, including Illinois and, on information and belief, each Defendant has offered to sell counterfeit CASIO Products into the United States, including Illinois.

39. Defendants' use of the CASIO Trade Dress and Trademark in connection with the advertising, distribution, offering for sale, and sale of counterfeit CASIO Products, including the sale of counterfeit CASIO Products into Illinois, is likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming Plaintiff.

COUNT I

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

40. Plaintiff repeats and incorporates by reference herein the allegations contained in paragraphs 1-39 of this Complaint.

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

42. 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 Plaintiff's Trademark without Plaintiff's permission.

43. Plaintiff is the registered owner of the CASIO Trademark (Exhibit 1). The United States Registrations for Plaintiff's Trademark is in full force and effect. Upon information and belief, Defendants have knowledge of Plaintiff's rights in its Trademark and are willfully infringing and intentionally using Plaintiff's Trademark on counterfeit products. Defendants' willful, intentional, and unauthorized use of Plaintiff's Trademark is likely to cause and are causing confusion, mistake, and deception as to the origin and quality of the counterfeit products among the general public.

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

45. 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 Plaintiff's products.

46. 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 Trademark.

COUNT II
CASIO TRADE DRESS (15 U.S.C. § 1125(a))

47. Plaintiff repeats and incorporates by reference herein the allegations contained in paragraphs 1-46 of this Complaint.

48. Plaintiff alleges trade dress infringement pursuant to 15 U.S.C. § 1125(a), based upon Defendants' unauthorized adoption and use in commerce of the CASIO Trade Dress in the design of CASIO Electronic Calculators.

49. On information and belief, Defendants' products directly compete with and have replaced sales of CASIO brand Electronic Calculators.

50. The design and development of CASIO Electronic Calculators has created an overall appearance of the CASIO brand with its distinct unique aesthetic and non-functional design, and consumers have come to associate these design features with the CASIO brand. These features serve as trade dress, by serving as an indicator of the source of the CASIO brand products.

51. The CASIO Trade Dress includes, individually and in combination, the following protected features: (1) two asymmetrical oval buttons on either side of a large circular center button which form a single row along a horizontal plane located adjacent to and directly below the calculator screen on the top half of the Electronic Calculator; (2) four rows of large horizontal buttons extending upward from the lower base of the Electronic Calculator; (3) four rows of horizontal smaller buttons located above the larger numerical buttons along the lower base of the Electronic Calculator and the single row of buttons immediately below the calculator screen; (4) a beveled edge along the bottom half of the Electronic Calculator that allow the calculator case to be securely stored while the Electronic Calculator is in use; and (5) the digital screen is recessed below the horizontal plane of the calculator body and includes a beveled edge along the digital screen. Reproduced below is an image of a CASIO Electronic Calculator bearing the CASIO Trade Dress:



52. On information and belief, Defendants have adopted at least one of the above-referenced protected features in order to directly compete with and replace genuine CASIO-branded products in the marketplace.

53. CASIO-branded products sold by Plaintiff use the distinctive CASIO Trade Dress in commerce to visually identify CASIO-branded products and distinguish CASIO-branded products from other products in the marketplace.

54. In turn, these protected elements and the resulting CASIO Trade Dress allow consumers to associate CASIO Products with the quality, reputation and goodwill of the CASIO brand.

55. Plaintiff has made significant contributions to the development of the unique overall image of CASIO branded products and has expended significant resources in marketing, promoting and advertising CASIO-branded products. As a result, the CASIO Trade Dress has acquired secondary meaning, serving to visually identify authentic CASIO branded products instantly and to distinguish CASIO branded products in the marketplace for consumers.

56. The design of each of these features, individually and in combination, is non-functional, and contributes to and creates the unique and distinguishable CASIO Trade Dress.

57. On information and belief, by using the CASIO Trade Dress without authorization to create a product so aesthetically and visually similar to Plaintiff's CASIO branded products, Defendants intend to confuse consumers into mistakenly believing that Defendants' products are related to, affiliated with, or otherwise authorized by Plaintiff.

58. In doing so, on information and belief, Defendants intend to confuse consumers to mistakenly purchase Defendants' products in order to benefit through higher sales, to the detriment of Plaintiff's own sales.

59. Defendants infringe the CASIO Trade Dress and unfairly compete with Plaintiff in the marketplace.

60. Defendants' actions irreparably harm the value of CASIO Trade Dress and further cause irreparable injury to Plaintiff's invaluable reputation and goodwill as a market leader in Electronic Calculators.

61. As demonstrated through the wholesale mimicry of Plaintiff's CASIO brand, Defendants created, adopted, and used in commerce the design of the CASIO brand products with full knowledge of Plaintiff's rights in the CASIO Trade Dress.

62. Consequently, Defendants' efforts to sell and its sales of the infringing CASIO products have been and continue to be in bad faith and with a willful and deliberate intent to pass off these products as those of Plaintiff, in order to trade on the goodwill carefully cultivated and developed by Plaintiff.

63. Defendants' unauthorized actions are likely to weaken, and on information and belief, have weakened, the ability of CASIO Trade Dress to clearly distinguish the source of the CASIO brand products in the marketplace.

64. Unless the Court intervenes and restrains further misconduct, Defendants will continue their efforts to confuse and mislead consumers in the marketplace, and to improperly draw upon Plaintiff's good reputation and customer goodwill.

65. Unchecked, Defendants' infringing activities have injured Plaintiff, and unjustly enriched Defendants, which activities will continue to cause substantial and irreparable injuries and damage to the public and to Plaintiff. Plaintiff has no remedy at law adequate to fully compensate the injury and damages caused by Defendants' ongoing trade dress infringement.

COUNT III
VIOLATION OF ILLINOIS UNIFORM DECEPTIVE TRADE PRACTICES ACT
(815 ILCS § 510/1, et seq.)

66. Plaintiff repeats and incorporates by reference herein the allegations contained in paragraphs 1-65 of this Complaint.

67. Defendants have engaged in acts violating Illinois law including, but not limited to, passing off their counterfeit products as those of Plaintiff, causing likelihood of confusion and/or misunderstanding as to the source of its goods, causing likelihood of confusion and/or misunderstanding as to an affiliation, connection, or association with genuine products, representing that their products have Plaintiff's approval when they do not, and engaging in other conduct which creates likelihood of confusion or misunderstanding among the public.

68. The foregoing Defendants' acts constitute a willful violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS § 510/1 et seq.

69. Plaintiff has no adequate remedy at law, and Defendants' conduct has caused Plaintiff to suffer damage to his 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, 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 CASIO Trade Dress or 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 products that are not genuine CASIO Products or is not authorized by Plaintiff to be sold in connection with the CASIO Trade Dress or Trademark;
- b. passing off, inducing, or enabling others to sell or pass off any products as genuine CASIO Products or any other products 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 CASIO Trade Dress or Trademark;
- c. committing any acts calculated to cause consumers to believe that Defendants' counterfeit CASIO 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 CASIO Trade Dress or Trademark and damaging Plaintiff's goodwill;

- e. shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear any trademarks of Plaintiff, including the CASIO Trade Dress or Trademark or any reproductions, counterfeit copies, or colorable imitations thereof; and
- f. using, linking to, transferring, selling, exercising control over, or otherwise owning the Online Marketplace Accounts or any other online marketplace account that is being used to sell or is the means by which Defendants could continue to sell counterfeit CASIO Products;
- g. Diluting or infringing Plaintiff's CASIO Trade Dress rights, eroding the distinctiveness of the CASIO Trade Dress, and damaging Plaintiff's goodwill, reputation and business;
- h. Engaging in deceptive trade practices relating to Plaintiff's CASIO Trade Dress;

2) That Defendants, within fourteen (14) days after service of judgment with notice of entry thereof upon them, be required to file with the Court and serve upon Plaintiff a written report under oath setting forth in detail the manner and form in which Defendants have complied with paragraph 1, a through h above;

3) That Defendants be ordered to prepare and distribute to its customers and the general public corrective statements disclaiming any association between Plaintiff's products and Defendants' products;

4) That Defendants be required to destroy or surrender for destruction any remaining inventory of CASIO-branded products, along with any similar products or materials in its position or control that violates Plaintiff's rights in the CASIO Trade Dress, and to recall and make reasonable efforts to obtain the return of any infringing and/or confusingly similar products from its customers;

5) Entry of an Order that, upon Plaintiff's request, those in privity with Defendants and those with notice of the injunction, including any online marketplaces such as iOffer, Aliexpress, Walmart and Amazon social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, web hosts for the Defendant Online marketplace accounts, and domain name registrars, shall:

- a. disable and cease providing services for any accounts through which Defendants engage in the sale of counterfeit CASIO Products using the CASIO Trade Dress or Trademark, including any accounts associated with the Defendants listed in Schedule A;
- b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit CASIO Products using the CASIO Trade Dress or Trademark; and

5) That the amount of damages awarded to Plaintiff to compensate Plaintiff for the costs of corrective advertising to counteract consumer confusion due to the infringement of the CASIO Trade Dress and Trademark;

6) In the alternative, that Plaintiff be awarded all profits realized by Defendants from Defendants' infringement of the CASIO Trade Dress and Trademark;

7) That Plaintiffs be awarded damages in an amount to be fixed by the Court for Defendants' acts of Trade Dress and Trademark infringement and unfair competition, including:

- a. Actual damages in an amount sufficient to compensate Plaintiff for its injuries, including for any lost profits for lost sales of CASIO brand products, and an amount sufficient to compensate Plaintiff for any and all damage caused by Defendants' unlawful acts, including Plaintiff's loss of goodwill and injury to reputation, such damages to be trebled;
- b. A reasonable royalty for Defendants' acts of trade dress infringement, such amount to be trebled;
- c. An accounting and disgorgement of all profits, gains and advantages received by Defendants from sales and revenues made as a results of its acts, such amount to be trebled;
- d. Punitive damages for Defendants' willful and malicious acts of unfair competition and violation of Illinois Deceptive Trade Practices Act.

8) 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 Plaintiff's Trade Dress and Trademark are increased by a sum not exceeding three times the amount thereof as provided by 15 U.S.C. § 1117;

9) In the alternative, Plaintiff is awarded statutory damages pursuant to 15 U.S.C. § 1117(c) of not less than \$1,000 and not more than \$2,000,000 for each and every use of its Trademark;

10) That this case be found exceptional based on Defendants' deliberate infringing actions and disregard for Plaintiff's rights in the CASIO Trade Dress and Trademark

infringement and this Court award Plaintiff its reasonable attorneys' fees and costs incurred as a result of this Action; and

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

Respectfully submitted,

Dated: October 25, 2024

By: s/Michael A. Hierl
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CASIO COMPUTER CO., LTD.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the foregoing Complaint was filed electronically with the Clerk of the Court and served on all counsel of record and interested parties via the CM/ECF system on October 25, 2024.

s/Michael A. Hierl