

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

**CASE NO.: 1:24-cv-11896**

C.E. LTD,

Plaintiff,

v.

THE INDIVIDUALS, PARTNERSHIPS,  
AND UNINCORPORATED  
ASSOCIATIONS IDENTIFIED ON  
SCHEDULE "A",

Defendants.

**COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF**

Plaintiff C.E. LTD<sup>1</sup> ("C.E. LTD" or "Plaintiff") by and through its undersigned counsel, brings this Complaint against Defendants, the Individuals, Partnerships, and Unincorporated Associations identified on Schedule "A" hereto<sup>2</sup> (collectively "Defendants"), who are promoting, selling, offering for sale and distributing goods bearing or using infringements of Plaintiff's intellectual property within this district through various Internet based e-commerce stores using

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<sup>1</sup> Since it is unknown when Plaintiff's forthcoming Ex Parte Motion for Entry of Temporary Restraining Order, including a Temporary Injunction, an Order Restraining Transfer of Assets, a Temporary Asset Restraint, Expedited Discovery, and Service of Process by Email will be ruled on, Plaintiff's name has been removed to prevent Defendants from getting advanced notice. Copyright piracy and infringement lawsuits like this one are closely monitored by Chinese defendants on websites like [www.sellerdefense.cn](http://www.sellerdefense.cn), social media (QQ, WeChat, etc.), and elsewhere on the internet. The [www.sellerdefense.cn](http://www.sellerdefense.cn) website and others warn infringers specifically of product types, brands, law firms filing cases, and other information necessary for defendants, like those named in this case, to evade Plaintiff's anti-pirating and anti-counterfeiting efforts and hide their ill-gotten gains. Plaintiff will file under seal an Unredacted Complaint which identifies Plaintiff and provides additional information and allegations once the record is unsealed

<sup>2</sup> Schedule "A" to this Complaint will be filed under seal after this Honorable Court rules on Plaintiff's forthcoming Motion for Leave to File Certain Documents Under Seal and to Temporarily Proceed Under a Pseudonym.

the seller identities as set forth on Schedule “A” hereto (the “Seller IDs”), and in support of its claims, alleges as follows:

### **SUMMARY OF THE ACTION**

1. Plaintiff C.E. LTD brings this action pursuant to 15 U.S.C. §§ 1114(2), 1116, and 1125(a), The All Writs Act, 28 U.S.C. § 1651(a), and Illinois’ Uniform Deceptive Trade Practices Act (815 ILCS § 510, *et seq.*).

2. Plaintiff also C.E. LTD brings this action for willful copyright infringement and piracy committed for purposes of commercial advantage or private financial gain by the reproduction or distribution, including by electronic means, of one or more copies of copyrighted works in violation of 17 U.S.C. § 501, and for all the remedies available under the Copyright Act 17 U.S.C. § 101, *et seq.*, and The All Writs Act, 28 U.S.C. § 1651(a).

### **SUBJECT MATTER JURISDICTION**

3. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

4. This court also has subject matter jurisdiction over this action pursuant to 17 U.S.C. § 301.

5. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over the state law claims because those claims are so related to the federal claims that they form part of the same case or controversy.

### **PERSONAL JURISDICTION**

6. Defendants are subject to personal jurisdiction in this district because they purposefully direct their activities toward and conduct business with consumers throughout the United States, including within the state of Illinois and this district, through at least the internet-based e-commerce stores accessible in Illinois and operating under their Seller IDs.

7. Defendants are subject to personal jurisdiction in this district because their illegal activities directed towards the state of Illinois cause Plaintiff injury in Illinois, and Plaintiff's claims arise out of those activities.

8. Alternatively, Defendants are subject to personal jurisdiction in this district pursuant to Federal Rule of Civil Procedure 4(k)(2) because (i) Defendants are not subject to jurisdiction in any state's court of general jurisdiction; and (ii) exercising jurisdiction is consistent with the United States Constitution and laws.

### **VENUE**

9. Venue is proper in this court pursuant to 28 U.S.C. § 1391(b)(3) because Defendants are not residents in the United States and therefore there is no district in which an action may otherwise be brought. Defendants are thus subject to the Court's personal jurisdiction.

10. Venue is proper in this court pursuant to 28 U.S.C. § 1391 since Defendants are, upon information and belief, aliens who are engaged in infringing activities and causing harm within this district by advertising, offering to sell, selling and/or shipping infringing products to consumers into this district.

11. Venue is proper in this court pursuant to 28 U.S.C. § 1400(a) because Defendants or their agents reside or may be found in this judicial district and therefore subject to the Court's personal jurisdiction.

### **THE PLAINTIFF**

12. C.E. LTD is a U.K. based one-stop marketing agency that [REDACTED].

13. One of C.E. LTD's most popular products is [REDACTED] enjoyed and played by families across United States, United Kingdom and Australia.

14. C.E. LTD's products are sold legitimately through paid marketing and organic social channels, [REDACTED] available worldwide including in the United States.

15. C.E. LTD owns, as part of its intellectual property portfolio, the trademarks and copyrights described below that are the subject of this action.

16. Plaintiff offers for sale and sells its products within the state of Illinois, including this district, and throughout the United States.

17. Like many other intellectual property rights owners, Plaintiff suffers ongoing daily and sustained violations of its intellectual property rights at the hands of counterfeiters and infringers, such as Defendants herein.

18. Plaintiff is harmed, the consuming public is duped and confused, and the Defendants earn substantial profits in connection with the infringing conduct.

19. In order to combat the harm caused by the combined actions of Defendants and others engaging in similar infringing conduct, Plaintiff, expends significant resources in connection with its intellectual property enforcement efforts, including legal fees and investigative fees.

20. The recent explosion of infringement over the Internet has created an environment that requires companies like Plaintiff's to expend significant time and money across a wide spectrum of efforts in order to protect both consumers and itself from the ill effects of infringement of Plaintiff's intellectual property rights, including consumer confusion and the erosion of Plaintiff's brand.

**PLAINTIFF'S INTELLECTUAL PROPERTY RIGHTS**

**A. PLAINTIFF'S TRADEMARK RIGHTS**

21. Plaintiff manufactures and sells its [REDACTED] under the trademarks: [REDACTED] (Standard Character) and [REDACTED] (Stylized/Design) (collectively the “[REDACTED]”).

22. Plaintiff is the owner of all rights in and to the [REDACTED] Marks [REDACTED] shown in the table below, including trademark common law rights and the exclusive right to pursue acts of infringement worldwide and retain and recover all proceeds thereof. True and correct copies of the trademark applications with the United States Patent and Trademark Office for the [REDACTED] Marks are attached hereto as **Composite Exhibit 1**.

**[REDACTED]**

23. The [REDACTED] (Standard Character) consists of standard characters without claim to any particular font style, size, or color.

24. The [REDACTED] (Stylized/Design) consists of the words [REDACTED] above the word [REDACTED]. Color is not claimed as a feature of the mark.

25. The [REDACTED] Marks were first used on July 18, 2022, and first used in commerce on July 20, 2022, in connection with Plaintiff's [REDACTED] on Plaintiff's website, at that time located [REDACTED], available worldwide including in the United States.

26. The [REDACTED] Marks are inherently distinctive and strong marks. The combination of literal and design elements makes them suggestive marks in relation to [REDACTED] products Plaintiff manufactures and sells under those marks. Their distinctiveness and actual prior uses in commerce establish ownership rights and support their entitlement to trademark protection, with all available legal actions and remedies, against

unlawful and unauthorized uses such as the ones by Defendants which are described in this action.

27. The [REDACTED] Marks are displayed on different sides [REDACTED]. In addition, Plaintiff's [REDACTED] (Stylized/Design) Mark is prominently displayed on Plaintiff's products. Shown below are [REDACTED] Marks as they are used on the packaging for Plaintiff's products and Plaintiff's products themselves.

[REDACTED]

28. The [REDACTED] Marks have been used in interstate commerce to identify and distinguish Plaintiff's [REDACTED] for an extended period of time.

29. The [REDACTED] Marks have been used by Plaintiff long prior in time to Defendants' use identical or confusingly similar marks to those trademarks.

30. The [REDACTED] Marks have never been assigned or licensed to the Defendants.

31. The [REDACTED] Marks are a symbol of Plaintiff's quality goods, reputation and goodwill and have never been abandoned.

32. Plaintiff has carefully monitored and policed the use of the [REDACTED] Marks.

33. Plaintiff has expended substantial time, money and other resources developing, advertising and otherwise promoting worldwide, including in the United States, the [REDACTED] Marks in connection with its high-quality [REDACTED].

34. Plaintiff has extensively used, advertised, and promoted the [REDACTED] Marks in the United States in association with the sale of high-quality [REDACTED].

35. In recent years, sales of Plaintiff's products bearing or using the [REDACTED] Marks have exceeded thousands of dollars within the United States.

36. As a result of Plaintiff's efforts, members of the consuming public readily identify merchandise bearing or sold under the [REDACTED] Marks as being high-quality products sponsored and approved by Plaintiff.

37. Accordingly, the [REDACTED] Marks have achieved secondary meaning as identifiers of high-quality [REDACTED].

38. Genuine high-quality [REDACTED] and sold under the [REDACTED] Marks are widely legitimately advertised and promoted by Plaintiff, and unrelated third parties via the Internet.

39. Visibility on the Internet, particularly via social media and internet search engines such as Google, Yahoo!, and Bing has become increasingly important to Plaintiff's overall marketing and consumer education efforts.

40. Thus, Plaintiff expends significant monetary resources on Internet marketing and consumer education, including search engine optimization ("SEO") strategies.

41. Plaintiff's SEO strategies allow Plaintiff to fairly and legitimately educate consumers about the value associated with Plaintiff's products and the goods marked with the [REDACTED] Marks.

## **B. PLAINTIFF'S COPYRIGHT RIGHTS**

42. Plaintiff's [REDACTED] design is protected by copyright and registered as two-dimensional artwork with the U.S. Copyright Office (the "Copyrighted Design").

43. Plaintiff is the owner by assignment of all rights in and to the Copyrighted Design, including the exclusive right to pursue acts of infringement worldwide and retain and recover all proceeds thereof.

44. The Director of C.E. LTD, registered the [REDACTED] design with the United States Copyright Office on [REDACTED], and was assigned registration number [REDACTED]. True and correct copies of the Registration Certificate and Copyrighted Design it applies to are attached hereto as **Exhibit 2**.

**[REDACTED]**

45. C.E. LTD assigned the copyrights to Plaintiff on [REDACTED]. A true and correct copy of the copyright assignment is attached hereto as **Exhibit 3**.

46. The Copyrighted Design is valuable to Plaintiff's business and is part of its intellectual property assets. The [REDACTED] Marks are featured in the Copyrighted Design. The Copyrighted Design shows the high-quality [REDACTED] design features. The Copyrighted Design helps build brand reputation, confidence, and goodwill, which result in consumer loyalty.

47. Plaintiff has never granted authorization to anyone to advertise, market, or promote goods using the Copyrighted Design.

**DEFENDANTS**

48. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b).

49. Defendants are individuals and/or business entities of unknown makeup, each of whom, upon information and belief, either reside and/or operate in foreign jurisdictions, redistribute products from the same or similar sources in those locations, and/or ship their goods



from the same or similar sources in those locations to shipping and fulfillment centers within the United States to redistribute their products from those locations.

50. Defendants are engaged in business in Illinois but have not appointed an agent for service of process.

51. Upon information and belief, Defendants have registered, established or purchased, and maintained their Seller IDs.

52. Defendants target their business activities toward consumers throughout the United States, including within this district, through the simultaneous operation of commercial Internet based e-commerce stores via the Internet marketplace websites under the Seller IDs.

53. Defendants are the past and present controlling forces behind the sale of products bearing or using infringements and counterfeits of Plaintiff's intellectual property rights as described herein operating and using at least the Seller IDs.

54. Defendants directly engage in unfair competition with Plaintiff by advertising, offering for sale, and selling goods bearing or using infringements and counterfeits of Plaintiff's intellectual property rights to consumers within the United States and this district through Internet based e-commerce stores using, at least, the Seller IDs and additional names, websites, or seller identification aliases not yet known to Plaintiff.

55. Defendants have purposefully directed some portion of their illegal activities towards consumers in the state of Illinois through the advertisement, offer to sell, sale, and/or shipment of infringing goods into the State.

56. Upon information and belief, Defendants may have engaged in fraudulent conduct with respect to the registration of the Seller IDs by providing false and/or misleading information

to the Internet based e-commerce platforms or domain registrar where they offer to sell and/or sell during the registration or maintenance process related to their respective Seller IDs.

57. Upon information and belief, many Defendants registered and maintained their Seller IDs for the sole purpose of engaging in illegal infringing activities.

58. Upon information and belief, Defendants will likely continue to register or acquire new seller identification aliases for the purpose of selling and offering for sale infringements of Plaintiff's intellectual property rights unless preliminarily and permanently enjoined.

59. The appearance of Defendants' individual seller stores in search engine results undermines Plaintiff's efforts to educate consumers about the value of products sold under the [REDACTED] Marks and the Copyrighted Design.

60. Defendants use their Internet-based businesses to infringe the intellectual property rights of Plaintiff and others.

**JOINDER OF DEFENDANTS IN THIS ACTION IS PROPER**

61. Defendants are the individuals, partnerships, and unincorporated associations set forth on Schedule "A" hereto.

62. Defendants are promoting, selling, offering for sale and distributing goods bearing or using confusingly similar imitations and infringements of Plaintiff's intellectual property within this district.

63. Joinder of all Defendants is permissible based on the permissive party joinder rule of Fed. R. Civ. P. 20(a)(2) that permits the joinder of persons in an action as Defendants where any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and any question of law or fact common to all Defendants will arise in the action.

64. Joinder of the multiple Defendants listed in Schedule “A” attached hereto is permitted because Plaintiff asserts rights to relief against these Defendants jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and common questions of law or fact will arise in the action.

65. Joinder of the multiple Defendants listed in Schedule “A” attached hereto serves the interests of convenience and judicial economy, which will lead to a just, speedy, and inexpensive resolution for Plaintiff, Defendants, and this Court.

66. Joinder of the multiple Defendants listed in Schedule “A” attached hereto will not create any unnecessary delay nor will it prejudice any party. On the other hand, severance is likely to cause delays and prejudice Plaintiff and Defendants alike.

67. Joinder of the multiple Defendants listed in Schedule “A” is procedural only and does not affect the substantive rights of any Defendant listed on Schedule “A” hereto.

68. This Court has jurisdiction over the multiple Defendants listed in Schedule “A” hereto. Venue is proper in this Court for this dispute involving the multiple Defendants listed in Schedule “A” hereto.

69. Plaintiff’s claims against the multiple Defendants listed in Schedule “A” are all transactionally related.

70. Plaintiff is claiming infringement and piracy against Defendants of Plaintiff’s intellectual property rights.

71. The actions of all Defendants cause indivisible harm to Plaintiff by Defendants’ combined actions engaging in similar infringing conduct when each is compared to the others.

72. All Defendants’ actions are logically related. All Defendants are all engaging in the same systematic approach of establishing online storefronts to redistribute illegal products

from the same or similar sources while maintaining financial accounts that the Defendants can easily conceal to avoid any real liability for their actions.

73. All Defendants are located in foreign jurisdictions, mostly China.

74. All Defendants undertake efforts to conceal their true identities from Plaintiff in order to avoid detection for their illegal infringing activities.

75. All Defendants have the same or closely related sources for their infringing products with some sourcing from the same upstream source and others sourcing from downstream sources who obtain infringing products from the same upstream sources.

76. All Defendants take advantage of a set of circumstances the anonymity and mass reach the internet affords to sell infringing goods across international borders and violate Plaintiff's intellectual property rights with impunity.

77. All Defendants have registered their Seller IDs with a small number of online platforms for the purpose of engaging in infringement.

78. All Defendants use payment and financial accounts associated with their online storefronts or the online platforms where their online storefronts reside.

79. All Defendants use their payment and financial accounts to accept, receive, and deposit profits from their illegal infringing activities.

80. All Defendants can easily and quickly transfer or conceal their funds in their use payment and financial accounts to avoid detection and liability in the event that the Plaintiff's anti-counterfeiting and anti-pirating efforts are discovered, or Plaintiff obtains a monetary award.

81. All Defendants violated one or more of the Plaintiff's intellectual property rights in the United States by the use of common or identical methods.

82. All Defendants understand that their ability to profit through anonymous internet stores is enhanced as their numbers increase, even though they may not all engage in direct communication or coordination.

83. Many of the Defendants are operating multiple internet storefronts and online marketplace seller accounts using different Seller IDs listed on Schedule “A”. As a result, there are more Seller IDs than there are Defendants, a fact that will emerge in discovery.

84. Defendants’ business names, i.e., the Seller IDs, associated payment accounts, and any other alias seller identification names or e-commerce stores used in connection with the sale of infringements of Plaintiff’s intellectual property rights are essential components of Defendants’ online activities and are one of the means by which Defendants further their infringement scheme and cause harm to Plaintiff.

85. Defendants are using infringements of Plaintiff’s intellectual property rights to drive Internet consumer traffic to their e-commerce stores operating under the Seller IDs, thereby increasing the value of the Seller IDs and decreasing the size and value of Plaintiff’s legitimate marketplace and intellectual property rights at Plaintiff’s expense.

86. Defendants, through the sale and offer to sell infringing products, are directly, and unfairly, competing with Plaintiff’s economic interests in the state of Illinois and causing Plaintiff harm and damage within this jurisdiction.

87. The natural and intended by product of Defendants’ logically related actions is the erosion and destruction of the goodwill associated with Plaintiff’s intellectual property rights and the destruction of the legitimate market sector in which it operates.

88. Upon information and belief, at all times relevant hereto, Defendants had actual or constructive knowledge of Plaintiff's intellectual property rights, including Plaintiff's exclusive right to use and license such intellectual property rights.

### **DEFENDANTS' INFRINGING ACTIVITIES**

89. Defendants are promoting, advertising, distributing, selling, and/or offering for sale knock offs of Plaintiff's high-quality [REDACTED] in interstate commerce that are infringements of Plaintiff's intellectual property rights (the "Infringing Goods") through at least the Internet based e-commerce stores operating under the Seller IDs.

90. Specifically, Defendants are using [REDACTED] Marks and unauthorized reproductions and derivatives of the Copyrighted Design to initially attract online customers and drive them to Defendants' e-commerce stores operating under the Seller IDs.

91. Defendants are using identical or confusingly similar marks to the [REDACTED] Marks, and unauthorized reproductions and derivatives of the Copyrighted Design for different quality goods.

92. Plaintiff has used the [REDACTED] Marks and the Copyrighted Design extensively and continuously before Defendants began offering infringing products using Plaintiff's intellectual property.

93. Defendants' Infringing Goods are of a quality substantially different than that of Plaintiff's genuine goods.

94. Defendants are actively using, promoting and otherwise advertising, distributing, selling and/or offering for sale substantial quantities of their Infringing Goods with the knowledge and intent that such goods will be mistaken for the genuine high-quality goods offered for sale by Plaintiff, despite Defendants' knowledge that they are without authority to use the [REDACTED] Marks and the Copyrighted Design.

95. The net effect of Defendants' actions is likely to cause confusion of consumers, at the time of initial interest, sale, and in the post-sale setting, who will believe all of Defendants' goods offered for sale on Defendants' e-commerce stores are genuine goods originating from, associated with, and approved by Plaintiff.

96. Defendants advertise its e-commerce stores, including their Infringing Goods offered for sale, to the consuming public via e-commerce stores on, at least, one Internet marketplace website operating under, at least, the Seller IDs.

97. In so advertising their stores and products, Defendants improperly and unlawfully use the [REDACTED] Marks and the Copyrighted Design without Plaintiff's permission.

98. As part of their overall infringement scheme, most Defendants are, upon information and belief, concurrently employing and benefitting from substantially similar, advertising and marketing strategies based, in large measure, upon an illegal use of infringements of the [REDACTED] Marks.

99. Specifically, Defendants are using infringements of the [REDACTED] Marks in order to make their e-commerce stores selling illegal goods appear more relevant and attractive to consumers searching for both Plaintiff's goods and goods sold by Plaintiff's competitors online.

100. By their actions, Defendants are contributing to the creation and maintenance of an illegal marketplace operating in parallel to the legitimate marketplace for Plaintiff's genuine goods.

101. Defendants are causing individual, concurrent and indivisible harm to Plaintiff and the consuming public by (i) depriving Plaintiff and other third parties of their right to fairly compete for space within search engine results and reducing the visibility of Plaintiff's genuine

goods on the World Wide Web, (ii) causing an overall degradation of the value of the goodwill associated with Plaintiff's business and its intellectual property, and (iii) increasing Plaintiff's overall cost to market its goods and educate consumers via the Internet.

102. Defendants are concurrently conducting and targeting their infringing activities toward consumers and likely causing unified harm within this district and elsewhere throughout the United States.

103. As a result, Defendants are defrauding Plaintiff and the consuming public for Defendants' own benefit.

104. Upon information and belief, at all times relevant hereto, Defendants in this action had full knowledge of Plaintiff's ownership of the [REDACTED] Marks and the Copyrighted Design, including its exclusive right to use and license such intellectual property and the goodwill associated therewith.

105. Defendants' use of the [REDACTED] Marks and the Copyrighted Design, including the promotion and advertisement, reproduction, distribution, sale and offering for sale of their Infringing Goods, is without Plaintiff's consent or authorization.

106. Defendants are engaging in the above-described illegal infringing activities knowingly and intentionally or with reckless disregard or willful blindness to Plaintiff's rights for the purpose of trading on Plaintiff's goodwill and reputation.

107. If Defendants' intentional infringing activities are not preliminarily and permanently enjoined by this Court, Plaintiff and the consuming public will continue to be harmed.

108. Defendants' infringing activities are likely to cause confusion, deception, and mistake in the minds of consumers before, during and after the time of purchase.



109. Defendants' wrongful conduct is likely to create a false impression and deceive customers, the public, and the trade into believing there is a connection or association between Plaintiff's genuine goods and Defendant's Infringing Goods, which there is not.

110. Defendants' payment and financial accounts, including but not limited to those specifically set forth on Schedule "A", are being used by Defendant to accept, receive, and deposit profits from Defendants' infringing, and their unfairly competitive activities connected to their Seller IDs and any other alias, e-commerce stores, or seller identification names being used and/or controlled by them.

111. Defendants are likely to transfer or secret their assets to avoid payment of any monetary judgment awarded to Plaintiff.

112. Plaintiff is suffering irreparable injury and has suffered substantial damages as a result of Defendants' unauthorized and infringing activities and its wrongful use of Plaintiff's intellectual property rights.

113. If Defendants' infringing, and unfairly competitive activities are not preliminarily and permanently enjoined by this Court, Plaintiff and the consuming public will continue to be harmed.

114. The harm and damages sustained by Plaintiff have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offers to sell, and sale of their Infringing Goods.

115. Defendants have sold their infringing products in competition directly with Plaintiff's genuine products.

116. Plaintiff should not have any competition from Defendants because Plaintiff never authorized Defendant to use Plaintiff's trademarks and copyright.

117. Plaintiff has no adequate remedy at law.

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

118. Plaintiff incorporates the allegations of paragraphs 1 through 117 of this Complaint as if fully set forth herein.

119. Upon information and belief, Defendants' Infringing Goods bearing, offered for sale, and sold using one or more of the [REDACTED] Marks have been widely advertised and offered for sale throughout the United States via at least one Internet marketplace website.

120. Defendants' Infringing Goods bearing, offered for sale, and sold using one or more of the [REDACTED] Marks are virtually identical in appearance to Plaintiff's genuine goods.

121. Defendants' Infringing Goods are different in quality from Plaintiff's goods and are of much lower quality.

122. Defendants' activities are likely to cause confusion in the trade and among the general public as to at least the origin or sponsorship of their Infringing Goods.

123. Defendants, upon information and belief, have used in connection with their advertisement, offer for sale, and sale of their Infringing Goods, false designations of origin and false descriptions and representations, including words or other symbols and trade dress, which tend to falsely describe or represent such goods and have caused such goods to enter into commerce with full knowledge of the falsity of such designations of origin and such descriptions and representations, all to Plaintiff's detriment.

124. Defendants have authorized infringing uses of the [REDACTED] Marks in Defendants' advertisement and promotion of their Infringing Goods.

125. Defendants have misrepresented to members of the consuming public that the Infringing Goods being advertised and sold by them are genuine, non-infringing goods.

126. Defendants are using infringements of one or more of the [REDACTED] Marks in order to unfairly compete with Plaintiff and others for space within organic search engine results and social media results, thereby jointly depriving Plaintiff of a valuable marketing and educational tool which would otherwise be available to Plaintiff and reducing the visibility of Plaintiff's genuine goods on the internet and across social media platforms.

127. Defendants' above-described actions are in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

128. Plaintiff has no adequate remedy at law, and has sustained indivisible injury and damage caused by Defendant's concurrent conduct.

129. Absent an entry of an injunction by this Court, Defendant will continue to wrongfully reap profits and Plaintiff will continue to suffer irreparable injury to its goodwill and business reputation, as well as monetary damages.

**COUNT II**  
**VIOLATION OF ILLINOIS UNIFORM DECEPTIVE TRADE PRACTICES ACT**  
**(815CS § 510, et seq.)**

130. Plaintiff incorporates the allegations of paragraphs 1 through !Syntax Error, !17 of this Complaint as if fully set forth herein.

131. Defendants have engaged in acts violating Illinois law including, but not limited to, passing off their Infringing Products as those of Plaintiff, causing a likelihood of confusion as to the source of their goods, causing a likelihood of confusion as to an affiliation, connection, or association with genuine Plaintiff's products, representing that their products have Plaintiff's

approval when they do not, and engaging in other conduct which creates a likelihood of confusion among the public.

132. The foregoing acts constitute a willful violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS § 510, *et seq.*

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

**COUNT III**  
**COMMON LAW TRADEMARK INFRINGEMENT**

134. Plaintiff incorporates the allegations of paragraphs 1 through 117 of this Complaint as if fully set forth herein.

135. This is an action for common law trademark infringement against Defendants based on their promotion, advertisement, offering for sale, and sale of their Infringing Goods bearing or using one or more of the [REDACTED] Marks.

136. Plaintiff is the owners of all common law rights in and to the [REDACTED] Marks.

137. Defendants, upon information and belief, are promoting, and otherwise advertising, distributing, offering for sale, and selling goods bearing or using infringements of one or more of the [REDACTED] Marks.

138. Defendants' infringing activities are likely to cause and, are actually causing, confusion, mistake and deception among members of the trade and the general consuming public as to the origin and quality of Defendants' Infringing Goods bearing or using one or more of the [REDACTED] Marks.

139. Plaintiff has no adequate remedy at law and is suffering damages and irreparable injury as a result of Defendants' actions.

**COUNT IV**  
**COPYRIGHT INFRINGEMENT**

140. Plaintiff incorporates the allegations of paragraphs 1 through 117 of this Complaint as if fully set forth herein.

141. Pursuant to 17 U.S.C. § 411 (a), Plaintiff's Copyrighted Design is protected by copyright and registered.

142. Defendants directly infringed Plaintiff's exclusive rights in its Copyrighted Design under 17 U.S.C. § 106.

143. Defendants copied, displayed, and distributed Plaintiff's Copyrighted Design and/or prepared derivative works based upon Plaintiff's Copyrighted Design in violation of Plaintiff's exclusive rights under 17 U.S.C. § 106(1), (2) and/or (5).

144. Defendants' conduct constitutes willful and direct copyright infringement of Plaintiff's Copyrighted Design.

145. Defendants profited from the direct infringement of the exclusive rights of Plaintiff in the works at issue in this case under the Copyright Act.

146. Defendants' infringements are not limited to the copyright infringement listed above. Plaintiff will identify such additional infringement after discovery.

147. Upon information and belief, there is a business practice of infringement by Defendants.

148. Upon information and belief, Defendants routinely and intentionally infringe the intellectual property rights of others, including but not limited to, acting with willful blindness and/or reckless disregard.

149. Plaintiff has been damaged by the infringement.

150. The harm to Plaintiff is irreparable.

151. Plaintiff is entitled to temporary and permanent injunctive relief from Defendants' willful infringement.

152. Plaintiff is entitled to recover its actual damages and/or statutory damages, at its election.

153. Plaintiff is entitled to recover its reasonable costs and attorneys' fees incurred in this action.

WHEREFORE, Plaintiff demands judgment on all Counts of this Complaint and an award of equitable relief and monetary relief against Defendants as follows:

A. Entry of temporary, preliminary, and permanent injunctions pursuant to 15 U.S.C. § 1116, 17 U.S.C § 502 and 503, and Federal Rule of Civil Procedure 65 enjoining Defendants, their agents, representatives, servants, employees, and all those acting in concert or participation therewith, from manufacturing or causing to be manufactured, importing, advertising or promoting, distributing, selling or offering to sell their Infringing Goods; from infringing, or diluting the [REDACTED] Marks; from using the [REDACTED] Marks, or any mark or design similar thereto, in connection with the sale of any unauthorized goods; from using any logo, trade name or trademark or design that may be calculated to falsely advertise the services or goods of Defendants as being sponsored by, authorized by, endorsed by, or in any way associated with Plaintiff; from falsely representing themselves as being connected with Plaintiff, through sponsorship or association, or engaging in any act that is likely to falsely cause members of the trade and/or of the purchasing public to believe any goods or services of

Defendants, are in any way endorsed by, approved by, and/or associated with Plaintiff; from using any reproduction, counterfeit, infringement, copy, or colorable imitation of the [REDACTED] Marks in connection with the publicity, promotion, sale, or advertising of any goods sold by Defendants; from affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent Defendants' goods as being those of Plaintiff, or in any way endorsed by Plaintiff and from offering such goods in commerce; from engaging in search engine optimization strategies using colorable imitations of Plaintiff's name or trademark and from otherwise unfairly competing with Plaintiff; from copying, displaying, distributing or creating derivative works of Plaintiff's Copyrighted Design.

B. Entry of a Temporary Restraining Order, as well as preliminary and permanent injunctions pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority, enjoining Defendants and all third parties with actual notice of the injunction issued by this Court from participating in, including providing financial services, technical services or other support to, Defendants in connection with the sale and distribution of non-genuine goods bearing and/or using infringements of the [REDACTED] Marks, that copy, display, distribute or use derivative works of Plaintiff's Copyrighted Design.

C. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority that, upon Plaintiff's request, the applicable governing Internet marketplace website operators and/or administrators for the Seller IDs who are provided with notice of an injunction issued by this Court disable and/or cease facilitating

access to the Seller IDs and any other alias seller identification names being used and/or controlled by Defendants to engage in the business of marketing, offering to sell, and/or selling goods bearing or using infringements of the [REDACTED] Marks.

D. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and this Court's inherent authority that, upon Plaintiff's request, any messaging service and Internet marketplace website operators, administrators, registrar and/or top level domain (TLD) registry for the Seller IDs who are provided with notice of an injunction issued by this Court identify any e-mail address known to be associated with Defendants' respective Seller IDs.

E. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and this Court's inherent authority that upon Plaintiff's request, any Internet marketplace website operators and/or administrators who are provided with notice of an injunction issued by this Court permanently remove from the multiple platforms, which include, *inter alia*, a direct platform, group platform, seller product management platform, vendor product management platform, and brand registry platform, any and all listings and associated images of goods bearing or using infringements of the [REDACTED] Marks and the Copyrighted Design via the e-commerce stores operating under the Seller IDs, including but not limited to the listings and associated images identified by the "parent" and/or "child" Amazon Standard Identification Numbers ("ASIN") on Schedule "A" annexed hereto, and upon Plaintiff's request, any other listings and images of goods bearing or using infringements of the [REDACTED] Marks and the Copyrighted Design associated with any ASIN linked to the same sellers or linked to any other alias seller identification names being used and/or controlled by Defendants to promote, offer for



sale and/or sell goods bearing and/or using infringements of the **[REDACTED]** Marks and the Copyrighted Design.

F. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act and this Court's inherent authority that, upon Plaintiff's request, Defendants and any Internet marketplace website operators and/or administrators who are provided with notice of an injunction issued by this Court immediately cease fulfillment of and sequester all goods of each Defendant bearing or using infringements the **[REDACTED]** Marks and the Copyrighted Design in its inventory, possession, custody, or control, and surrender those goods to Plaintiff.

G. Entry of an Order requiring Defendants to correct any erroneous impression the consuming public may have derived concerning the nature, characteristics, or qualities of their products, including without limitation, the placement of corrective advertising and providing written notice to the public.

H. Entry of an Order requiring all Defendants to account to and pay Plaintiff for all profits and damages resulting from Defendants' violations under 15 U.S.C. § 1125 (a), comprising false designation of origin, common law unfair competition, and common law trademark infringement activities.

I. Entry of an award pursuant to 15 U.S.C. § 1117 (a) and (b) of Plaintiff's costs and reasonable attorneys' fees and investigative fees, associated with bringing this action, including the cost of corrective advertising.

J. Entry of an Order requiring Defendants to account to and pay Plaintiff for all profits and damages resulting from Defendants' copyright infringement, or statutory damages (at Plaintiff's election), for all infringements involved in the action, with respect

to any one work, for which any one Defendant is liable individually, or for which Defendants are liable jointly and severally with another, in a sum of not less than \$750 or more than \$30,000 as the Court considers just pursuant to 17 U.S.C. § 504(c)(1), or to the extent the Court finds that infringement was committed willfully, an award of statutory damages to a sum of not more than \$150,000 per violation, pursuant to 17 U.S.C. § 504(c)(2).

K. Entry of an award pursuant to 15 U.S.C. § 1117 (a) and (b), and 17 U.S.C. § 505 of Plaintiff's costs and reasonable attorneys' fees and investigative fees, associated with bringing this action, including the cost of corrective advertising.

L. Entry of an Order that, upon Plaintiff's request, Defendants and any financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, and their related companies and affiliates, identify and restrain all funds, up to and including the total amount of judgment, in all financial accounts and/or sub-accounts used in connection with the Seller IDs, or other alias seller identification or e-commerce store names used by Defendants presently or in the future, as well as any other related accounts of the same customer(s) and any other accounts which transfer funds into the same financial institution account(s) and remain restrained until such funds are surrendered to Plaintiff in partial satisfaction of the monetary judgment entered herein.

M. Entry of an award of pre-judgment interest on the judgment amount.

N. Entry of an Order for any further relief as the Court may deem just and proper.

Dated: November 19, 2024

Respectfully submitted,

*/s/ Joel B. Rothman*

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