

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

MICROSOFT CORPORATION,

Plaintiff,

v.

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

Defendants.

Case No. 24-cv-12014

COMPLAINT

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

I. JURISDICTION AND VENUE

1. This Court has original subject matter jurisdiction over Microsoft’s claims pursuant to the provisions of the Lanham Act, 15 U.S.C. § 1051, *et seq.*, 28 U.S.C. § 1338(a)-(b) and 28 U.S.C. § 1331.

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendants because Defendants structure their business activities to target consumers in the United States, including in Illinois, through at least the fully interactive e-commerce stores operating under the aliases identified in Schedule A attached hereto (the “Seller Aliases”). Specifically, Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers, by offering shipping to the United States, including Illinois and by accepting payment in U.S. dollars.

Furthermore, on information and belief, Defendants have sold and shipped products using infringing and counterfeit versions of Microsoft's federally registered trademarks related to its Minecraft franchise (collectively, the "Unauthorized Products") to residents of Illinois. Each of the Defendants is therefore committing tortious acts in Illinois, is engaging in interstate commerce, and has wrongfully caused Microsoft substantial injury in the state of Illinois.

II. INTRODUCTION

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

III. THE PARTIES

4. Plaintiff, Microsoft Corporation, is an American multinational corporation and technology company having its principal place of business in Redmond, Washington and owns the trademarks asserted in this action. Founded by Bill Gates and Paul Allen in 1975, Microsoft has become one of the largest and most influential companies in the world. Initially known for its operating system, MS-DOS and later Windows, Microsoft has diversified its offerings to include a wide range of software, hardware, and services.

5. In 2001, Microsoft entered the video game industry with the launch of the original Xbox console. Through years of innovations, improvements, and expansions, Microsoft is now a major player in the video game industry. In addition to creating hardware, Microsoft expanded its gaming portfolio to include acquisitions of numerous game development studios. In 2014, Microsoft acquired Mojang, the celebrated Stockholm-based game developer, and its iconic *Minecraft* video game.

6. Available on every modern gaming platform, *Minecraft* is one of the most popular video games in history, with more than 300 million copies sold worldwide since its launch in 2009. In *Minecraft*, players explore a blocky, pixelated, procedurally generated, three-dimensional world with virtually infinite terrain. Throughout the game, players generate new worlds by using procedural generation algorithms to create diverse landscapes, biomes, and terrain features. There are a seemingly endless number of worlds that can be generated, ensuring that each players' world is unique. This randomness appeals to players' sense of exploration and discovery as they venture throughout the game. Within their randomized worlds, players can discover and extract raw materials, craft tools and items, build structures or earthworks, fight creatures, and cooperate or compete with other players, depending on the game mode. These game modes, which include

survival mode, creative mode, adventure mode, hardcore mode, and spectator mode, allow players to tailor their experiences to suit their preferences and objectives.

7. *Minecraft* is one of the top-selling games of all time, one of the most popular online games on Xbox, and the top paid app for iOS in the US. The *Minecraft* community is among the most active and passionate, with *Minecraft* regularly having over 100 million monthly active players worldwide. *Minecraft* has also won numerous awards since its release, including: (1) the 2020, 2022, and 2023 Kid's Choice Award for Favorite Videogame; (2) several BAFTA Children's Awards from 2014 to 2016; and (3) the 2011 Spike Video Game Award for Best Independent Game.

8. As a result, there is also an extremely high demand among *Minecraft* fans for Minecraft-themed or branded goods, and Microsoft and/or its licensees have, therefore, for years, used the MINECRAFT trademark, and other trademarks related to its Minecraft franchise (collectively, the "Minecraft Trademarks"), to sell assorted products. Microsoft and/or its authorized licensees market and sell a variety of Minecraft branded products, including apparel, such as hoodies, headwear, t-shirts, and shorts; games and playthings, including plush dolls, toy building blocks, role-playing toys, and toy figures; accessories like jewelry, stickers, phone cases, and bags; and a wide array of other merchandise bearing the Minecraft Trademarks (collectively, "Authentic Minecraft Products"). Authentic Minecraft Products typically include at least one of the Minecraft Trademarks.

9. Authentic Minecraft Products have become enormously popular and even iconic, driven by Microsoft's quality standards and innovative designs. Among the purchasing public, Authentic Minecraft Products are instantly recognizable as such. Authentic Minecraft Products are distributed and sold to consumers through retailers throughout the United States, including

through authorized retailers in Illinois, such as Walmart and Target, and through websites like shop.minecraft.net.

10. As a result of this long-standing use, strong common law trademark rights have amassed in the Minecraft Trademarks. Microsoft's use of the marks has also built substantial goodwill in the Minecraft Trademarks. The Minecraft Trademarks are famous marks and are extremely valuable assets for Microsoft.

11. Many of the Minecraft Trademarks are registered with the United States Patent and Trademark Office, some of which are included below.

Reg. No.	Trademark	Reg. Date	Goods and Services
4,853,070	MINECRAFT	Nov. 17, 2015	For: Computer software, namely, game software; computer and video games software, namely, computer and video game software; interactive entertainment software, namely, computer and video game software; computer software downloaded or downloadable, namely, computer and video game software; electronic publications in the nature of books and magazines in the field of computer and video game software; downloadable computer software publications in the nature of manuals and user guides; data recorded electronically from the internet, namely, downloadable audio files and downloadable video recordings featuring computer and video game play; data recorded in machine readable form from the internet, namely, audio, computer game discs, audio, video tapes, video game cartridges, CD-ROMs, DVDs and other magnetic, electronic or optical media in the nature of digitally downloadable files all bearing computer games and/or audio visual content in the nature of movies, children's stories, music, computer and video game software; multimedia software programs recorded on CD-ROM featuring video and

Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>computer games; software applications, namely, computer and video game software; website applications, namely, downloadable computer and video game software; electronic game programs; computer peripherals; optically recorded data for computers, namely, CD-ROMS, CDs, digitally downloadable audio files featuring information about computer and video games; software and apparatus for downloading, transmitting, receiving, providing, publishing, extracting, encoding, decoding, reading, storing and organizing audiovisual, video-graphic and written data, namely, software for managing computer and video games for use in social networking; information stored on electronic, magnetic and/or by optical means, namely, computer game programs; publications in electronic form supplied on-line from a database or from facilities provided on the internet or other networks including websites, namely, downloadable books, magazines in the field of computer and video game software; electronic notice boards; online database in the field of computer software, computer game programs; sunglasses, memory carriers, namely, blank flash memory cards and blank electronic memory boards; pre-recorded video, audio and data recording media, namely, CDs featuring music, DVDs featuring cartoons, computer and video game; computer game software for use on mobile telephones; mobile fitted plastic covers known as skins for protecting mobile telephones, mobile telephone cases, and covers; downloadable films and programs prepared for television about computer and video game; refrigerator magnets; pre-paid gift and debit cards that are magnetically encoded; parts and fittings for the aforesaid goods in class 009.</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>For: Jewelry; precious stones and precious metals; goods coated in precious metals, namely, metal knobs, metal trophies; costume jewelry; bracelets; bracelets made of metal; bracelets made of leather; cufflinks; clocks; earrings; key rings of precious metal; horological and chronometric instruments including watches and clocks; wrist bands parts in the nature of watch bands, wrist band watches, watch faces and fittings for the aforesaid goods in class 014.</p> <p>For: Printed matter, namely, paper, cardboard, and goods from these materials in the nature of art paper, paper flags, paper envelopes; printed pages downloaded from the internet, namely, books, leaflets, brochures in the field of computer and video games; printed publications, namely, books in the field of computer and video games; books in the field of computer and video games; annuals in the field of computer and video games; comics; magazines in the field of computer and video games; printed redeemable vouchers and pre-paid debit, credit, gift cards, not magnetically encoded, newsletters in the field of computer and video games; newspapers; photo, stamp albums; periodicals in the field of computer and video games; journals, namely, blank journals, blank writing journals; catalogues in the field of computer and video games; manuals in the field of computer and video games; pamphlets in the field of computer and video games; leaflets in the field of computer and video games, not for advertising purposes; posters; stationery; paper, mailing and shipping labels; address books; printed instructional and teaching materials in the field of computer and video games; drawings; paintings; photographs; prints; pictures; calendars; pens; pencils; pencil top ornaments;</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>gift wrap cards; wrapping paper; notepads; decorative paper centerpieces; paper party decorations; greetings cards; stickers and sticker albums; plastic materials for packaging, namely, plastic bags or plastic film for wrapping; beer mats in the nature of paper coasters; parts and fittings for all the aforesaid goods in class 016.</p> <p>For: Articles made of leather and imitation leather, namely, leather straps, leather key cases; belt, book and carry-on bags; handbags; mesh and reusable shopping bags; sports bags; tote bags; school bags; travelling bags; backpacks; rucksacks; umbrellas; briefcases; purses; wallets; key cases; vanity cases, not fitted; parts and fittings for the aforesaid good in class 018.</p> <p>For: Household or kitchen utensils and containers, namely, containers for household use, containers for food, grill cover, batter dispenser; chinaware, namely, plaques of china, ornaments of china, china plates; beverage glassware; porcelain mugs, cups, glasses, flower pots, pottery and earthenware, namely, earthenware mugs; combs; drinking glasses; mugs; money boxes in the nature of piggy banks; tooth brushes; articles for cleaning purposes, namely, cleaning cloth, rags, sponges; baskets for domestic use, namely, plant and steamer baskets; containers for beverages, namely, glasses, mugs, bottles sold empty; bottle openers; ironing boards; bottles sold empty; statuettes, figurines and models in the nature of figures, busts of porcelain, terracotta, glass, china or earthenware; dishes; soap boxes and holders; piggy banks; pots; powder compacts and puffs; drinking vessels and flasks; paper plates; tea pots; egg cups; ice cube molds; candy boxes; coasters, not of paper and not being table</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>linen; butter and wine coolers; crockery, namely, pots, dishes, plates, bowls; cups; tableware, namely, knives, forks, spoons in class 021.</p> <p>For: Articles of clothing, namely, hats, scarves; footwear and headgear, namely, hats, caps; t-shirts; shirts; trousers; sweatshirts; jackets; knitwear, namely, sweaters, sweater jackets, hats, scarves, and gloves; hats; caps; baseball caps; neckwear; belts; scarves; gloves; sweat bands for wrists; shoes; socks; garments for women, namely, shirts, pants, dresses; garments for men, namely, coats, ties, suits; garments for children, namely, T-Shirts, shirts, trousers, skirt, hoodies, cardigan, hats, caps, socks; apparel parts and fittings for all the aforesaid in class 025.</p> <p>For: Games and playthings, namely, dolls, toy building blocks and connecting links for the same sold as a unit, craft toys in the nature of hobby craft sets for creating toy crafts, apparel crafts, paper crafts, mobiles, ornaments, jewelry and fashion accessories, children's multiple activity toys, construction toys, paper cut out toys and figures, namely, paper figurines, dolls and accessories, toy jewelry, toy clocks, wooden blocks, toy figures and accessories therefor, action figures, vinyl toy figurines, dolls and accessories, role-playing toys, dolls and playsets and accessories therefor, and soft toys, namely, plush toys, foam toys, namely, foam toy figures, dolls and accessories; stuffed toys; electronic games apparatus, namely, electronic educational game machines for children; audiovisual games on computer hardware platforms not for use with television receivers, namely, arcade games, arcade video game machines; hand-held computer games equipment, namely, hand-held</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>game consoles, hand-held electronic games adapted for use with television receivers only; home video game machines and hand-held video game machines, namely, arcade type electronic video game, arcade video game machines; parts and fittings for all the aforesaid goods; electronic game machines, namely, handheld units for playing computer and video games; game equipment sold as a unit for playing card games; electronic hand-held game units adapted for use with an external display screen; game equipment sold as a unit for playing a board game and a card game; stand-alone video output games machines, and manipulative puzzles; playing cards; board games; card games; three dimensional puzzles; parts and fittings for all the aforesaid goods in class 028.</p> <p>For: Online retail store services via the internet featuring downloadable computer video games, motion pictures and music; online retail stores, wholesale and retail stores featuring software, computer and video games, motion pictures and music recordings; retail store services provided by computer communications networks and on-line retail store services on a local and/or global computer and/or telecommunications networks featuring a wide variety of products, namely, computer and video games, computer software, entertainment software, computer hardware, computer game and hardware accessories, books, pre-recorded media, computer peripherals, clothing, home wares, namely, mugs, crockery, table wear, cutlery, bedding, cushions, virtual goods in the nature of games, clothing for virtual characters and educational materials; online retail store services provided by communications networks connected with video content, featuring computer software,</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>audio visual material, cards, music, games, software, clothing, footwear, headgear, baby clothes, children's clothes T-shirts, jumpers, hoodies, lanyards, caps, toys, printed matter, paper goods, magazines, books, cushions, throws, pillows, bed linen, duvet covers, jewelry, key rings, mugs, bags, wallets and cases, games, toys, playthings, entertainment products, in the nature of games, playthings, educational products, in the nature of books, educational games; dissemination of advertising material; promotion of goods and services of others via an on-line service with links to the websites and online services of other retail store services provided via communications networks featuring computer, electronic and entertainment products; arranging, organizing and conducting exhibitions and events featuring a variety of activities for promotional purposes; services for the marketing, promotion, sale and retail services relating to computer software, applications, computer and video games and audio visual content, namely, retail stores featuring computer game software and video games; online retail services relating to computer software, computer software applications, computer and video games and audio visual content, namely, online retail stores featuring computer games and downloadable videos; consumer research services for research relating to customer behavior, satisfaction, attitude, effectiveness; computerized database management in class 035.</p> <p>For: Providing online access to computer networks, computer databases, the internet, on-line bulletin boards, and electronic sites featuring virtual worlds, servers, virtual worlds including user generated characters, and libraries</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>of text, graphics and audio-visual and multimedia information and entertainment; providing on-line electronic bulletin board services and chat rooms; providing of an on-line service enabling physically remote players of electronic games to communicate with selected players, namely, providing an online forum for discussing computer games, providing an online forum for trading goods for use in computer games; broadcasting via the internet, mobile phone networks and other telecommunications networks, namely, audio and video broadcasting, wireless broadcasting; telecommunication services for the collection and supply of information, namely, computer aided transmission of information and messages, information transmission via digital networks; electronic transmission of data and information via a global computer network; providing user access to Internet and computer networks for downloading computer software and information; transmission of information via local and/or global computer and/or telecommunication networks; providing access to remote data storage and data stored electronically on servers; providing access to advertising, news, information and audio, video, text and other multimedia content, via local and/or global computer and/or telecommunications networks; provision of electronic communication links, namely, providing online communications links which transfer the website user to other global web pages; provision of telecommunications connections and access to the internet and/or computer databases; providing on-line chat rooms for transmission of messages among computer users concerning topics; communication and broadcasting of information</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>and advertising by computer, computer terminals, the internet, television, mobile communications device, telephone, wireless communications device or other electronic means, namely, video on demand services, digital communications networks; internet communication services, namely, transmission of data via the Internet; audio visual communication services, namely, transmission of voice audio and visual images by telecommunications networks, transmission of data via the Internet; audio, television broadcasting via the internet, mobile phone networks and other telecommunications networks; providing user access to a worldwide computer and/or telecommunications networks for downloading computer software and information; transmission of information via local and/or global computer and/or telecommunication networks; providing access to advertising, news, information and audio, video, text and other multimedia content, via local and/or global computer and/or telecommunications networks; provision of electronic communication links, namely, providing online communications links which transfer the website user to other global web pages, telecommunications gateway services; provision of telecommunications connections and access to the internet and/or computer databases; provision of information relating to telecommunications; provision access to a website or interactive community for users to share personal news, data, information, content, photos, audio and video, interests, activities and opinions and/or to receive feedback others in class 038.</p> <p>For: Entertainment and education services,</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>namely, providing online electronic, computer and video games provided by means of the internet, online video, computer game services provided via a computer network; organizing of games in the nature of computer and video game competitions; providing non-downloadable games and/or educational entertainment services, namely, providing online computer games, providing temporary use of non-downloadable video games; education and entertainment services provided by computer networks, television, mobile telephone, cable and other electronic means, namely, providing online computer games; presentation, preparation of special effects, editing and production of cinematographic, televisual, digital and motion picture films, radio and television programs; Multimedia publishing of computer and video games and computer and video games software; entertainment information in the nature of customized web pages featuring game player information, including information regarding a player's identity and the player's preferences; multimedia publishing of entertainment and/or educational software; arranging, organizing and conducting conferences and seminars for educational purposes; entertainment services in the form of television programs, radio, cable, satellite and internet programs about computer and video games; production and presentation of television programs, shows, films, videos and DVDs about computer and video games; providing a website featuring online non-downloadable computer and video games online computer and video games, educational services relating to entertainment, namely, providing entertainment information about computer and video games; information about entertainment and education provided on-line from a computer</p>


Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>database or the internet or by communications satellite, microwave or other electronic, digital or analogue media; magazine and newspaper publishing; organization, production and presentation of events for educational, cultural or entertainment purposes, namely, organizing and conducting computer game competitions and educational conventions; organization, production and presentation of competitions, contests, games, game shows, quizzes, fun days, exhibitions, shows, roadshows, staged events, live performances and participation events, namely, organizing athletic events in the field of computer games for education purposes; internet based games, namely, providing online computer games, providing online video games; booking of tickets for entertainment events, namely, booking of tickets for athletic events; information and advisory services relating to any of the aforesaid services in class 041.</p> <p>For: Creation of computer graphics; troubleshooting of computer software problems including services for gathering, processing, monitoring, analyzing, managing and/or reporting information concerning usage and performance of software, applications, computer and video games, websites, virtual worlds and computer based audio visual content; troubleshooting of computer web applications including computer services for gathering, processing, analyzing, managing and reporting information concerning online, internet and web site activity; troubleshooting in the nature of collection, analysis and reporting of data concerning usage and performance of software, applications, computer and video games, websites, virtual worlds and audio visual content in class 042.</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
			For: On-line social networking services; personal and social services rendered by others to meet the needs of individuals, namely, online social networking services in class 045.
4,252,394	MINECRAFT	Dec. 04, 2012	<p>For: Computer game software; video game software; computer game software for use with personal computers, home video game consoles used with televisions and arcade-based video game consoles; computer game software downloadable from a global computer network; digital media, namely, pre-recorded CD-ROMs cartridges, digital video discs, digital versatile discs, DVDs, and high definition digital discs featuring computer games and video games in class 009.</p> <p>For: Articles of clothing, namely, t-shirts, shirts, dress shirts, trousers, pants, dresses, sweaters, sweatshirts, hooded sweat shirts, jackets; headwear; knitwear, namely, knit dress, knit shirts, knit tops, knit caps, knit gloves, knit jackets and polo knit tops; hats; caps; neckwear; garments for children, namely, shorts, shirts, pants, shorts, jumpers, sweat pants, sweat shirts, hooded sweat shirts; footwear; shoes; socks in class 025.</p> <p>For: Game controllers for computer games; electronic interactive board games for use with external monitor; Video game consoles for use with an external display screen or monitor; video game interactive remote control units; stand alone video output game machines; arcade-type electronic video games; board games; manipulative puzzles; playing cards and card games in class 028.</p> <p>For: Entertainment services, namely, providing</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
			on-line computer games and video games, mobile telephone and other remote communications device; providing temporary use of non-downloadable internet computer games; providing temporary use of non-downloadable on-line electronic games played via a global computer network; entertainment services in the form of electronic, non-downloadable computer and video games provided by means of the Internet, mobile telephone and other remote communications device in class 041.
6,834,169	MINECRAFT DUNGEONS	Aug. 30, 2022	<p>For: Computer game software; video game software; computer game software for use with personal computers, home video game consoles used with televisions and arcade-based video game consoles; computer game software downloadable from a global computer network; digital media, namely, pre-recorded CD-ROMs, cartridges, digital video discs, digital versatile discs, DVDs, and high definition digital discs featuring computer games and video games in class 009.</p> <p>For: Entertainment services, namely, providing on-line computer games and video games; providing temporary use of non-downloadable internet computer games; providing temporary use of non-downloadable on-line electronic games played via a global computer network; entertainment services in the form of electronic, non-downloadable computer and video games in class 041.</p>
5,814,098	MINECOIN	Jul. 23, 2019	For: Computer software for purchasing digital items; computer software for purchasing a virtual currency; computer software for using virtual currency to shop for virtual goods offered within a computer game; computer game software; computer programs for computer

Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>games in class 009.</p> <p>For: Computer software for purchasing digital items; computer software for purchasing a virtual currency; computer software for using virtual currency to shop for virtual goods offered within a computer game; computer game software; computer programs for computer games in class 036.</p> <p>For: Non-downloadable software, namely, software for purchasing digital items; non-downloadable software, namely, software for purchasing a virtual currency; non-downloadable computer game software, namely, computer software for using virtual currency to shop for virtual goods offered within a computer game in class 042.</p>
5,029,543	MOJANG	Aug. 30, 2016	<p>For: Computer software for gathering, processing, monitoring, analyzing, managing and / or reporting information concerning usage and performance of software, applications, computer and video games, websites, virtual worlds and audio visual content; computer and video games software; interactive entertainment software for playing computer games and video games; downloadable electronic publications in the nature of books, comics, and manuals in the field of computer games and video games; pre-recorded optical discs, computer game and video game cartridges, all bearing audio and video content from computer games and video games; electronic notice boards; sunglasses; refrigerator magnets in class 009.</p> <p>For: Jewellery; key chains as jewelry trinkets or fobs; horological and chronometric instruments including watches and clocks in class 016.</p>

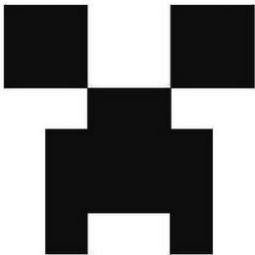
Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>For: Bath sponges; bottles sold empty; statuettes, plastic coasters in class 021.</p> <p>For: Undergarments, underwear in class 25.</p> <p>For: Games and playthings, namely, balloons, Electronic games apparatus, namely, arcade-type electronic video games, hand held units for playing electronic games; Board games; Electronic game machines, namely, electronic educational game machines for children; Equipment sold as a unit for playing card games; Electronic hand-held game units; game equipment sold as a unit for playing aboard game, a card game; Stand-alone video output games machines; Playing cards; Card games; Soft action figures, dolls and accessories thereof; Toys, namely, action figures in class 028.</p> <p>For: Internet games, namely, providing an on-line computer game, organising of games; education and entertainment services in the form of producing, editing and distributing cinematographic, televisual, digital and motion picture films, provision of information in the field of computer games and video games by computer networks, television, mobile telephone, cable and other electronic means; editing and production of cinematographic, televisual, digital and motion picture films, entertainment services in the form of providing temporary non-downloadable electronic, computer and video games provided by means of the Internet, mobile telephone and other remote communications device in class 041.</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
7,080,915		Jun. 13, 2023	<p>For: Downloadable computer software, namely, game software; computer and video games software, namely, computer and video game software; interactive entertainment software, namely, computer and video game software; electronic publications in the nature of books and magazines in the field of computer and video game software; downloadable computer software publications in the nature of manuals and user guides; data recorded electronically from the internet, namely, downloadable audio files; data recorded in machine readable form from the internet, namely, audio, computer game discs, video game cartridges, CD-ROMs, and other magnetic, electronic or optical media in the nature of digitally downloadable files all bearing computer games and audio visual content in the nature of children's stories, music, computer and video game software; multimedia software programs recorded on CD-ROM featuring video and computer games; software applications, namely, computer and video game software; website applications, namely, downloadable computer and video game software; electronic game programs; optically recorded data for computers, namely, CD-ROMS, CDs, digitally downloadable audio files featuring information about computer and video games; information stored on electronic, magnetic and by optical means, namely, computer game programs; publications in electronic form supplied on-line from a database or from facilities provided on the internet or other networks including websites, namely, downloadable books in the field of computer and video game software; electronic notice boards; online database in the field of computer software, computer game programs; sunglasses; pre-recorded video, audio and data recording media, namely, CDs</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>featuring music, DVDs featuring cartoons, computer and video games; computer game software for use on mobile telephones; mobile fitted plastic covers known as skins for protecting mobile telephones, mobile telephone cases, and covers; refrigerator magnets; pre-paid gift and debit cards that are magnetically encoded; Cell phone cases; Protective covers for mobile phones; headphones in class 009.</p> <p>For: Entertainment and education services, namely, providing online electronic, computer and video games provided by means of the internet, online video, computer game services provided via a computer network; organizing of games in the nature of computer and video game competitions; providing non-downloadable games and educational entertainment services, namely, providing online computer games, providing temporary use of non-downloadable video games; education and entertainment services provided by computer networks, mobile telephone, and other electronic means, namely, providing online computer games; presentation, preparation of special effects, editing and production of cinematographic, televisual, digital and motion picture films, and television programs; multimedia publishing of computer and video games and computer and video games software; multimedia publishing of entertainment and educational software; arranging, organizing and conducting conferences and seminars for educational purposes; entertainment services in the form of television programs, and internet programs about computer and video games; production and presentation of television programs, shows, films, videos and DVDs about computer and video games; educational services relating to</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>entertainment, namely, providing entertainment information about computer and video games; information about entertainment and education provided on-line from a computer database or the internet or by communications satellite, microwave or other electronic, digital or analogue media; organization, production and presentation of events for educational, cultural or entertainment purposes, namely, organizing and conducting computer game competitions and educational conventions; organization, production and presentation of competitions, contests, games, game shows, quizzes, fun days, staged events, live performances and participation events, namely, organizing athletic events in the field of computer games for education purposes; internet based games, namely, providing online computer games, providing online video games; information and advisory services relating to any of the aforesaid services in class 041.</p> <p>For: Software development, design, maintenance, programming, engineering, research and writing services; advisory and consultancy services relating to computer software design and computer software development, design, maintenance, consultancy, programming, engineering, research and writing; computer software development, design, maintenance, consultancy, programming, engineering, research and writing; computer and video games development; creation of computer graphics; computer game design; design and development services in relation to computer and video games and interactive entertainment products; design services relating to the production of computer and video games and interactive entertainment products; social</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>network software and virtual worlds software development, hosting and management for others; troubleshooting of computer software problems including services for gathering, processing, monitoring, analyzing, managing and reporting information concerning usage and performance of software, applications, computer and video games, websites, virtual worlds and computer based audio visual content; troubleshooting of computer web applications including computer services for gathering, processing, analyzing, managing and reporting information concerning online, internet and web site activity; software development including services for designing, developing, modifying and improving computer software, applications, computer and video games, websites and audio visual content; development of computer software that performs the above functions to others; software development, design, maintenance, software programming, engineering, research and writing in the field of computer and video games; advisory and consultancy services relating to computer and video games software; troubleshooting in the nature of collection, analysis and reporting of data concerning usage and performance of software, applications, computer and video games, websites, virtual worlds and audio visual content; computerized data management service, namely, software development; technical technological information, advisory and consultancy services relating to use of computer software applications, computer and video, consultancy services relating to the foregoing in class 042.</p>


Reg. No.	Trademark	Reg. Date	Goods and Services
5,093,304		Dec. 06, 2016	<p>For: Computer and video games software; interactive entertainment software for playing computer games and video games; downloadable electronic publications, in the nature of instructional and teaching materials in the field of computer games and video games; discs, cartridges, CD-ROMs, and other magnetic, electronic or optical media, all bearing audio visual content from computer and video games; digital games software; downloadable publications in electronic form supplied on-line from a database or from facilities provided on the Internet or other networks including websites, namely, downloadable books, magazines in the field of computer and video game software; game software for mobile telephones; mobile telephone faceplates and covers; electronic publications, downloadable, namely, books and magazines in the field of computer and video game software; refrigerator magnets; redeemable vouchers and pre-paid cards, magnetically encoded, namely, gift cards in class 009.</p> <p>For: Jewellery; badges of precious metals; bracelets; key rings of precious metals; horological and chronometric instruments including watches and clocks; wrist watch bands; clocks in class 014.</p> <p>For: Cardboard, and goods from paper and cardboard, namely, paper flags books in the field of computer games and video games; annuals, namely, calendars; comics; printed redeemable vouchers and pre-paid gift cards, not magnetically encoded, journals in the field of computer games and video games; posters; stationery; prints; calendars; pens; pencils; pencil toppers in the nature of decorative pencil-</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>top ornaments; wrapping paper; note pads; decorative paper items, namely, paper cake decorations; paper party decorations; greetings cards; stickers and sticker albums; plastic materials for packaging in the nature of plastic bags or plastic film in class 016.</p> <p>For: Bags, namely, athletic bags, belt bags, handbags; purses; wallets; shopping bags, namely, mesh shopping bags, textile shopping bags; sports bags; tote bags; school bags; travelling bags; backpacks; rucksacks; umbrellas; briefcases in class 018.</p> <p>For: Containers mugs; beverage glassware; porcelain, pottery and earthenware, namely, mugs; drinking glasses; mugs; money boxes; bottles sold empty; piggy banks; drinking vessels paper plates; coasters, not of paper and other than table linen; crockery, namely, dishes, drinking cups and saucers, bowls, serving bowls and trays; cups in class 021.</p> <p>For: Articles of clothing, namely, pullovers, coats, dresses, shorts, undergarments, underwear, pajamas, swimsuits; footwear and headwear; t-shirts; shirts; sweatshirts; neckwear; belts; scarves; gloves; sweat bands for wrists; camisoles; pullovers; knitwear, namely, sweaters, sweater jackets, hats, scarves, and gloves; dresses; shorts; coats; jackets; pyjamas; undergarments; underwear; belts; scarves; gloves; socks; swimsuits; caps; hats; baseball caps in class 025.</p> <p>For: Electronic games apparatus; board games; electronic game machines; game equipment sold as a unit for playing card games; electronic hand-held game units; game equipment sold as a</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>unit for playing a board game, a card game; stand-alone video output games machines; playing cards; card games; three dimensional puzzles; balloons; plush toys; soft action figures and dolls and accessories therefor; dolls; action figures; decorations for Christmas trees in class 028.</p> <p>For: Online retail store services via the internet featuring downloadable computer video games, retail store services featuring software, computer and video games, retail store services provided by communications networks and on-line retail store services on a local and/or global computer and/or telecommunications networks featuring a wide variety of products, namely, computer and video games, computer software, books, retail store services provided by communications networks and on-line retail store services on a local and/or global computer and/or telecommunications networks featuring a wide variety of products, namely, clothing; retail store services provided by communications networks and on-line retail store services on a local and/or global computer and/or telecommunications networks featuring a wide variety of products, namely, homewares, namely, mugs, tableware, bedding; retail store services provided by communications networks and on-line retail store services on a local and/or global computer and/or telecommunications networks featuring a wide variety of products, namely, virtual goods being games, clothing for virtual characters and educational materials; online retail store services provided by communications networks featuring video content in the nature of computer software, audio visual material, cards, games, software, clothing, headgear, children's clothes T-shirts, jumpers, hoodies, caps, toys, printed</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>matter, paper goods, books, cushions, throws, pillows, bed linen, duvet covers, jewelry, key rings, mugs, bags, wallets and cases, games, toys, playthings, entertainment products, in the nature of games, playthings, educational products, in the nature of books, educational games; online retail store services provided by communications networks featuring cards, music, games, software; online retail store services provided by communications networks featuring clothing, footwear, headgear; online retail store services provided by communications networks featuring toys, printed matter, paper goods, magazines, books; online retail store services provided by communications networks featuring mugs, bags, games, toys, playthings; online retail store services provided by communications networks featuring entertainment products, namely, games, playthings; online retail store services provided by communications networks featuring educational products, namely, books in class 035.</p> <p>For: Providing online access to computer networks, computer databases, the Internet, on-line bulletin boards, virtual worlds, servers, virtual worlds including user generated characters, and libraries of text, graphics and audio-visual and multimedia information and entertainment; providing on-line electronic bulletin board services and chat rooms; providing an on-line forum for discussing computer games; transmission of information via local and/or global computer and/or telecommunication networks; providing internet access to allow access to remote data storage and servers; providing internet access to allow access to advertising, news, information, video, text and</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>other multimedia content, via local and/or global computer and/or telecommunications networks; receipt and delivery of messages, documents and other data by electronic transmission; providing on-line chat room for transmission of messages among computer users concerning topics; provision of information about telecommunication; electronic transmission of data and documents over computer terminals and instant messaging services; providing internet access to allow access to a website or interactive community for users to share personal news, data, information, content, photos, audio and video, interests, activities and opinions and / or to receive feedback others in class 038.</p> <p>For: Entertainment and education services, in the form of electronic, computer and video games provided by means of the Internet; organising of games; providing entertainment information in the nature of customised web pages featuring game player information, including players' gamertags and game preferences; arranging entertainment services in the form of television, Internet programmes about computer and video games; information about entertainment or education, provided on-line from a computer database or the Internet or by communications satellite, other electronic, digital publishing of computer and video games and computer and video games software, entertainment and/or educational software ; organisation, production and presentation of events for educational, cultural or entertainment purposes, namely, organising and conducting computer game competitions, exhibitions in the field of computer games, shows featuring computer game competitions, live performances by computer game players, and educational</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
			convention in the field of computer games in class 041.
5,041,405		Sep. 13, 2016	<p>For: Computer and video games software; downloadable computer game software; electronic publications, namely, downloadable books and brochures in the field of video games; downloadable computer game manuals; interactive entertainment software, namely, game software; discs, cartridges, CD-ROMs and other magnetic, electronic or optical media, all bearing computer games software or video games; electronic notice boards; Computer software for computer games and video games; Discs, cartridges, CDs and other magnetic, electronic or optical media, all with games software or video games; magnetically encoded gift cards in class 009.</p> <p>For: Pin badges of precious metal; pendants; horological and chronometric instruments including watches and clocks; lapel pins; bracelets; chains, namely, jewelry chains; necklaces in class 014.</p> <p>For: Printed publications, namely, books, fiction books, children's books, picture storybooks, instructions manuals, user guides, and strategy guides, all in the field of video games; books in the field of video games; redeemable vouchers and pre-paid cards, namely, non-magnetically encoded gift cards; manuals, namely, computer game instruction manuals; posters; prints; calendars; paper party decorations; stickers in class 016.</p> <p>For: Clothing, namely, tops, bottoms, and jackets; footwear; headgear, namely, headwear; shirts; t-shirts; pullovers; sweatshirts; knitwear,</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>namely, top and bottoms; dresses; jackets; pyjamas; undergarments; underwear; belts; scarves; gloves; socks; swimsuits; caps; hats; baseball caps; shoes; wrist bands, sleepwear; plush novelty hats; hooded sweatshirts; robes; scarves; tank tops; shawls in class 025.</p> <p>For: Games and playthings, namely, dolls, toy building blocks, toy masks; decorations for Christmas trees; electronic games apparatus, namely, hand held units for playing electronic games; hand-held computer games equipment, namely, hand held units for playing electronic games; Home video game machines and hand-held video game machines; board games; Electronic game machine, namely, home video game machines; Electronic hand-held game units; Stand-alone video output games machines; Playing cards; Card games; Three dimensional puzzles; toys, namely, action figure toys; plush toys; dolls; playing cards; action figures; Electronic amusement apparatus, namely, amusement game machines; modeled plastic toy figurines in class 028.</p> <p>For: Entertainment services, namely, providing online video games by means of the Internet and other remote communications devices; electronic games services provided by means of the internet; organising of games, namely, organizing video game tournaments; online non-downloadable games played via a global computer network; providing interactive entertainment services in the nature of an online computer game; education and entertainment services, namely, the provision of video game information by computer networks, television, mobile telephone, cable and other electronic means; production of cinematographic,</p>

Reg. No.	Trademark	Reg. Date	Goods and Services
			<p>televisual, digital and motion picture films, and television programs; entertainment services in the form of electronic, computer and video games all provided online by means of the Internet, mobile telephone and other remote communications device; publishing of computer and video games and computer and video games software; publishing of entertainment and educational software; Providing audiovisual games, namely, online computer games for use in connection with computer hardware platforms; providing publications in electronic form supplied on-line from a database or from facilities provided on the Internet or other networks, namely, online non-downloadable computer game manuals in class 041.</p> <p>For: Computer services, namely, providing customized web pages featuring user-defined game player information, including information regarding a player's identity and the player's preferences in class 042.</p>

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

13. The Minecraft Trademarks are exclusive to Microsoft and are displayed extensively on Authentic Minecraft Products and in marketing and promotional materials. The Minecraft Trademarks are also distinctive when applied to Authentic Minecraft Products, signifying to the

purchaser that the products come from Microsoft and/or its authorized licensees and that they are manufactured pursuant to Microsoft's quality standards. Whether Microsoft manufactures the products itself or contracts with others to do so, Microsoft has ensured that products bearing the Minecraft Trademarks are manufactured to the highest quality and safety standards.

14. The Minecraft Trademarks are famous marks, as that term is used in 15 U.S.C. § 1125(c)(1), and have been continuously used and never abandoned. The success of *Minecraft*, in addition to the marketing of Authentic Minecraft Products, has enabled the Minecraft brand to achieve widespread recognition and fame and has made the Minecraft Trademarks some of the most well-known marks in the video game, entertainment, and merchandising industries. The widespread fame, outstanding reputation, and significant goodwill associated with the Minecraft brand have made the Minecraft Trademarks extremely valuable assets for Microsoft.

15. Products bearing the Minecraft Trademarks have been the subject of substantial and continuous advertising and publicity. Microsoft and/or its authorized licensees have marketed and promoted, and continue to market and promote, the Minecraft Trademarks in the industry and to consumers through traditional print media, authorized retailers, social media sites, point of sale materials, and websites like shop.minecraft.net.

16. Authentic Minecraft Products are manufactured and sold by Microsoft or its authorized licensees, partners, and retailers and are recognized by the public as being exclusively associated with the Minecraft brand. Microsoft and/or its authorized licensees have expended substantial time, money, and other resources advertising, promoting, and marketing Authentic Minecraft Products. Authentic Minecraft Products have also been the subject of extensive, unsolicited, positive publicity due to the longstanding success of the Minecraft brand. As a result, products bearing the Minecraft Trademarks are widely recognized and exclusively associated by

consumers as being high-quality products sourced from, or approved by, Microsoft. The Minecraft Trademarks have achieved tremendous fame and recognition, adding to the inherent distinctiveness of the marks. As such, the goodwill associated with the Minecraft Trademarks is of immeasurable value to Microsoft.

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

18. Tactics used by Defendants to conceal their identities and the full scope of their operation make it virtually impossible for Microsoft to learn Defendants' true identities and the exact inner workings of their counterfeit network. If Defendants provide additional credible information regarding their identities, Microsoft will take appropriate steps to amend the Complaint.

IV. DEFENDANTS' UNLAWFUL CONDUCT

19. The success of *Minecraft* and Minecraft branded products has resulted in significant counterfeiting of the Minecraft Trademarks. As a result, Microsoft has implemented an enforcement program that involves investigating suspicious websites and online marketplace listings identified in proactive Internet sweeps. Recently, Microsoft has identified many fully interactive e-commerce stores offering Unauthorized Products on online marketplace platforms such as AliExpress ("AliExpress"), Amazon.com, Inc. ("Amazon"), eBay, Inc. ("eBay"), Etsy,

Inc. (“Etsy”), Fruugo.com Limited (“Fruugo”), Qoo10 Pte. Ltd. (“Qoo10”), TP Apparel LLC (“Teepublic”), WhaleCo, Inc. (“Temu”), Walmart, Inc. (“Walmart”), and Context Logic, Inc. d/b/a Wish.com (“Wish”), including the e-commerce stores operating under the Seller Aliases. The Seller Aliases target consumers in this Judicial District and throughout the United States. According to a report prepared for The Buy Safe America Coalition, most counterfeit products now come through international mail and express courier services (as opposed to containers) due to increased sales from offshore online counterfeiters. *The Counterfeit Silk Road: Impact of Counterfeit Consumer Products Smuggled Into the United States*, prepared by John Dunham & Associates (**Exhibit 2**).

20. Because counterfeit products sold by offshore online counterfeiters do not enter normal retail distribution channels, the U.S. economy lost an estimated 300,000 or more full-time jobs in the wholesale and retail sectors alone in 2020. *Id.* When accounting for lost jobs from suppliers that would serve these retail and wholesale establishments, and the lost jobs that would have been induced by employees re-spending their wages in the economy, the total economic impact resulting from the sale of counterfeit products was estimated to cost the United States economy over 650,000 full-time jobs that would have paid over \$33.6 billion in wages and benefits. *Id.* Additionally, it is estimated that the importation of counterfeit goods costs the United States government nearly \$7.2 billion in personal and business tax revenues in the same period. *Id.* The report separately estimated that the smuggling of counterfeit goods has cost federal, state, and local governments \$13.5 billion in tax collections from property taxes, sales taxes, and excise taxes that workers would have generated in the economy, as well as lost profits and license fees from businesses. *Id.*

21. Defendants and other counterfeiters “routinely use false or inaccurate names and addresses when registering with [] e-commerce platforms,” such as those shown in Schedule A. **Exhibit 3**, Daniel C.K. Chow, *Alibaba, Amazon, and Counterfeiting in the Age of the Internet*, 40 NW. J. INT’L L. & BUS. 157, 186 (2020); *see also* report on “Combating Trafficking in Counterfeit and Pirated Goods” prepared by the U.S. Department of Homeland Security’s Office of Strategy, Policy, and Plans (Jan. 24, 2020), attached as **Exhibit 4**, and finding that on “at least some e-commerce platforms, little identifying information is necessary for a counterfeiter to begin selling” and that “[t]he ability to rapidly proliferate third-party online marketplaces greatly complicates enforcement efforts, especially for intellectual property rights holders.” Counterfeiters hedge against the risk of being caught and having their websites or storefronts taken down from an e-commerce platform by establishing multiple virtual storefronts using different names. **Exhibit 4** at p. 22. Counterfeiters also often create many different seller profiles that can appear unrelated even though they are actually commonly owned and operated. **Exhibit 4** at p. 39. Furthermore, even if brand owners go through an e-commerce platform’s notice and takedown procedures and succeed in having a particular storefront shut down, the counterfeiter will usually “reappear under a new false name and address in short order.” **Exhibit 3** at p. 161. Furthermore, such takedown procedures rarely, if ever, provide brand owners with the ability to locate or identify the counterfeiter or the sources of their goods. *Id.* at pp. 186-187.

22. Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more Seller Aliases, offering shipping to the United States, including Illinois, accepting payment in U.S. dollars and, on information and belief, selling and shipping Unauthorized Products to residents of Illinois.

23. Defendants concurrently employ and benefit from similar advertising and marketing strategies. For example, Defendants facilitate sales by designing the e-commerce stores operating under the Seller Aliases so that they appear to unknowing consumers to be authorized online retailers, outlet stores, wholesalers, or simply resellers of authorized goods. E-commerce stores operating under the Seller Aliases appear sophisticated and accept payment in U.S. dollars in multiple ways, including via credit cards, Alipay, Amazon Pay, PayPal, and/or Stripe. E-commerce stores operating under the Seller Aliases often include content and images that make it very difficult for consumers to distinguish their stores from an authorized retailer. Microsoft has not licensed or authorized Defendants to use the Minecraft Trademarks, and none of the Defendants are authorized retailers of Authentic Minecraft Products.

24. Many Defendants also deceive unknowing consumers, who are using search engines to find websites relevant to Authentic Minecraft Products, by using the Minecraft Trademarks within the content, text, and/or meta tags of their e-commerce stores, thereby attracting consumers to their sites, rather than legitimate ones. Other e-commerce stores operating under the Seller Aliases omit using the Minecraft Trademarks in the item title to evade enforcement efforts while using strategic item titles and descriptions that will nevertheless trigger their listings when consumers are searching for Authentic Minecraft Products.

25. E-commerce store operators like Defendants commonly engage in fraudulent conduct when registering the Seller Aliases by providing false, misleading and/or incomplete information to e-commerce platforms to prevent discovery of their true identities and the scope of their e-commerce operation.

26. E-commerce store operators like Defendants regularly register or acquire new seller aliases for the purpose of offering for sale and selling Unauthorized Products. Such seller alias

registration patterns are one of many common tactics used by e-commerce store operators like Defendants to conceal their identities and the full scope and inner workings of their counterfeiting operation, and to avoid being shut down.

27. Even though Defendants operate under multiple fictitious aliases, the e-commerce stores operating under the Seller Aliases often share unique identifiers, such as templates with common design elements that intentionally omit contact information or other information for identifying Defendants or the other Seller Aliases they operate or use. E-commerce stores operating under the Seller Aliases include other common features, such as registration patterns, accepted payment methods, check-out methods, keywords, advertising tactics, similarities in price and quantities, the same incorrect grammar and misspellings, and/or use of the same text and images. Additionally, Unauthorized Products for sale by the Seller Aliases bear similar irregularities and indicia of being counterfeit to one another, suggesting that the Unauthorized Products are manufactured by and come from a common source and that Defendants are interrelated.

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

29. Counterfeiters such as Defendants typically operate under multiple seller aliases and payment accounts so that they can continue operation in spite of Microsoft's enforcement

efforts. E-commerce store operators like Defendants maintain off-shore bank accounts and regularly move funds from their financial accounts to offshore accounts outside the jurisdiction of this Court to avoid payment of any monetary judgment awarded to Microsoft.

30. Defendants are working to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Unauthorized Products in the same transaction, occurrence, or series of transactions or occurrences. Defendants, without any authorization or license from Microsoft, have, knowingly and willfully used, and continue to use, infringing and/or counterfeit imitations of the Minecraft Trademarks in connection with the advertisement, distribution, offering for sale, and sale and shipment of Unauthorized Products into the United States and Illinois over the Internet.

31. Defendants' unauthorized use of infringing and/or counterfeit imitations of the Minecraft Trademarks in connection with the advertising, distribution, offering for sale, sale, and shipment of Unauthorized Products, including the sale and shipment of Unauthorized Products into the United States, including into Illinois, is likely to cause, and has caused, confusion, mistake, and deception by and among consumers and is irreparably harming Microsoft.

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

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

33. This is a trademark infringement action against Defendants based on their unauthorized use in interstate commerce of infringing and/or counterfeit imitations of the Minecraft Trademarks in connection with the sale, offering for sale, distribution, and/or advertising of infringing goods. The Minecraft Trademarks are highly distinctive marks. Consumers have

come to expect the highest quality from Authentic Minecraft Products offered, sold, or marketed under the Minecraft Trademarks.

34. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products using infringing and/or counterfeit reproductions of the Minecraft Trademarks in interstate commerce without Microsoft's permission, with the intent to deceive consumers into believing that their products are Authentic Minecraft Products, in direct competition with Microsoft's and/or its authorized licensees' sales of the Authentic Minecraft Products.

35. Counterfeit products, unlike Authentic Minecraft Products, are typically made with poor quality and/or hazardous materials, are poorly constructed and break easily, and can be dangerous to consumers, especially children, who make up a large portion of the demographic who seek to purchase and/or use Minecraft branded products. *See e.g.*, the report titled "Trouble in Toyland" prepared by the U.S. PIRG Education Fund (November 2021), attached as **Exhibit 5**, outlining numerous instances of law enforcement seizing counterfeit toys containing safety hazards for children, including toxic substances like lead and phthalates; fire hazard concerns, especially with untested products containing lithium iron batteries; and toys with small parts that present choking hazards, often without appropriate warning labels. In addition, the items received by consumers often do not match what was represented on the counterfeiter's website or e-commerce store or the consumer never receives any product at all and simply loses their money. *See **Exhibit 3*** at pp. 176-177, summarizing counterfeit product listings on e-commerce website that were deceptively advertised as being associated with well-known brands. Consumers who unwittingly purchase the Unauthorized Products are highly likely to attribute these issues to

Microsoft, thus resulting in reputational harm and loss of goodwill in the Minecraft Trademarks, on top of the injury to the consuming public.

36. Microsoft owns the Minecraft Trademarks. Microsoft's United States registrations for the Minecraft Trademarks are in full force and effect. On information and belief, Defendants have knowledge of Microsoft's rights in the Minecraft Trademarks and are willfully infringing and intentionally using infringing and counterfeit versions of the Minecraft Trademarks. Defendants' willful, intentional, and unauthorized use of the Minecraft Trademarks is likely to cause, and is causing, confusion, mistake, and deception as to the origin and quality of the Unauthorized Products among the general public.

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

38. Microsoft has no adequate remedy at law, and if Defendants' actions are not enjoined, Microsoft will continue to suffer irreparable harm to its reputation and the goodwill of its Minecraft Trademarks. In addition, Microsoft and its licensees will suffer lost revenue due to decreased sales of Authentic Minecraft Products. There will also be ongoing injury to the public.

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

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

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

41. Defendants' promotion, marketing, offering for sale, and sale of Unauthorized Products has created, and is creating, a likelihood of confusion, mistake, and deception among the

general public as to the affiliation, connection, or association with Microsoft or the origin, sponsorship, or approval of Defendants' Unauthorized Products by Microsoft.

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

43. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the Unauthorized Products to the general public involves the use of counterfeit marks and is a willful violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125.

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Microsoft Corporation, prays for judgment against Defendants as follows:

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

- a. using the Minecraft 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 an Authentic Minecraft Product;

- b. passing off, inducing, or enabling others to sell or pass off any product as an Authentic Minecraft Product or any other product produced by Microsoft, that is not Microsoft's or not produced under the authorization, control, or supervision of Microsoft and approved by Microsoft for sale under the Minecraft Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' Unauthorized Products are those sold under the authorization, control, or supervision of Microsoft, or are sponsored by, approved by, or otherwise connected to Microsoft;
 - d. further infringing the Minecraft Trademarks and damaging Microsoft's goodwill; and
 - e. manufacturing, shipping, delivering, holding for sale, transferring, or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Microsoft, nor authorized by Microsoft to be sold or offered for sale, and which bear infringing and/or counterfeit imitations of the Minecraft Trademarks;
- 2) Entry of an Order that, upon Microsoft's request, those with notice of the injunction, including without limitation, any websites and/or online marketplace platforms, such as AliExpress, Amazon, eBay, Etsy, Fruugo, Qoo10, Teepublic, Temu, Walmart, and Wish, shall disable and cease displaying any advertisements, e-commerce storefronts, or webpages used by or associated with Defendants in connection with the sale of goods using infringing and/or counterfeit imitations of the Minecraft Trademarks;
- 3) That Defendants account for and pay to Microsoft all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged, and that the amount of damages for

infringement of the Minecraft 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 Microsoft be awarded statutory damages for willful trademark counterfeiting pursuant to 15 U.S.C. § 1117(c)(2) of \$2,000,000 for each and every use of a counterfeit imitation of the Minecraft Trademarks;

5) That Microsoft be awarded its attorneys' fees and full costs; and

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

Dated this 21st day of November 2024.

Respectfully submitted,

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