

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

XYZ Corporation,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED IN SCHEDULE “A” HERETO,

Defendants.

Case No. 1:24-cv-12483

**COMPLAINT FOR TRADEMARK
INFRINGEMENT**

JURY TRIAL DEMANDED

XYZ Corporation, (“Plaintiff”), by and through its counsel, the Bayramoglu Law Offices, LLC, submits the following Complaint against the individuals, corporations, limited liability companies, partnerships and unincorporated associations identified in Schedule “A” hereto (collectively “Defendants”), which is attached hereto as Exhibit 2 and hereby alleges as follows:

INTRODUCTION

1. Plaintiff founded its brand (the “Brand”) in 2017, which is dedicated to women’s fashion apparel and serves consumers in the United States and throughout the world. Since founding the Brand, Plaintiff has expended significant time, financial and corporate resources to promote, market, develop, and establish the Brand as a high quality and reputable source for women’s fashion apparel, accessories, and related merchandise.

2. As part of its Brand promotion, development, and marketing efforts, Plaintiff secured federal registration from the United States Patent and Trademark Office (the “USPTO”)

for multiple trademarks related to its Brand (the “Brand Trademarks”).¹ Attached hereto as Exhibit 1 is a true and correct copy of the United States Registration Certificate issued by the USPTO for the Brand Trademark.

3. The Brand Trademark is valid, subsisting, in full force and effect. Moreover, the Brand Trademark has been used exclusively and continuously by Plaintiff, some for many years, and has never been abandoned. The registration of the Brand Trademark constitutes *prima facie* evidence of its validity and of Plaintiff’s exclusive right to use the Brand Trademark pursuant to 15 U.S.C. § 1057(b).

4. Plaintiff has filed this action to combat e-commerce store operators who trade upon Plaintiff’s reputation and goodwill by offering for sale and/or selling products, including clothing, accessories, and other merchandise, through the unauthorized use of the Brand Trademark (the “Counterfeit Products”). In essence, Defendants create e-commerce stores operating under one or more Seller Aliases that are advertising, offering for sale, and selling Counterfeit Products to unknowing consumers through the unauthorized use, employment, digital incorporation, or other online display of the Brand Trademark. Defendant’s infringing conduct in this action are alleged to be taking place on the same online sale platform (the “Platform”).

5. Defendants are additionally alleged to fulfill orders from consumers deceived into believing the purchased products were genuine goods produced by Plaintiff through their unauthorized use of the Brand Trademark by supplying them with Counterfeit Products provided by one or more common manufacturing sources based in the People’s Republic of China. Moreover, Defendants are alleged to operate online commerce stores employing Seller Aliases that

¹ The Brand Trademark was issued to, an individual and Director of Plaintiff, who subsequently assigned all rights, title, and interest in and to the Brand Trademark to Plaintiff. (Exhibit 3, which is a true and correct copy of Notice of Recordation of Assignment Document issued by the USPTO for the applicable Brand Trademark.)

share unique, related, identifiers, thereby establishing a logical relationship between each of them further supporting a conclusion that Defendants' sale of the Counterfeit Products using, without authorization, the Brand Trademark, arise out of the same transaction, occurrence, or series of transactions or occurrences.

6. In addition, Defendants have attempted to avoid and mitigate their liability by operating under one or more Seller Aliases to conceal their identities and the full scope and interworking of their counterfeiting operation. Moreover, Defendants are alleged to monitor and post updates on any attempts by a company to enforce its intellectual property rights on the website www.SellerDefense.CN, which has been acknowledged by numerous other courts in this judicial district as a platform used by alleged infringers to report on, disclose information related to, and to advise infringers of the need to liquidate online platform accounts facing enforcement actions.

7. Simply put, this is likely Plaintiff's first action commenced in this judicial district to enforce the Brand Trademark. Plaintiff has done so to combat Defendants' unauthorized use of the Brand Trademark to promote its sales of Counterfeit Products. Plaintiff has also commenced this action to protect the consumer and business goodwill associated with its Brand. In addition, Plaintiff has commenced this action to protect unknowing and/or unsophisticated consumers, including those in the State of Illinois and in this judicial district, against the purchase of Counterfeit Products that are secured using the Brand Trademark without authorization.

8. Permitting Defendants to continue to operate their sales operations by using the Brand Trademark without authorization to promote and sell the Counterfeit Products, bas, and will continue to, irreparably harm Plaintiff through consumer confusion, dilution, loss of goodwill, and tarnishing the value and viability of the Brand Trademark, thereby entitling Plaintiff to issuance of injunctive and monetary relief.

JURISDICTION AND VENUE

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

10. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendants since each of the Defendants directly targets business activities toward consumers in the United States, including to the State of Illinois, through at least the fully interactive e-commerce stores (the "Online Marketplaces")² operating under the seller aliases identified in Schedule "A" attached hereto (the "Seller Aliases"). Specifically, Defendants have targeted sales to consumers in the State of Illinois by setting up and operating the Online Marketplaces using one or more Seller Aliases displaying the Brand Trademark without authorization in order to incite purchases of the Counterfeit Products, offering shipment of Counterfeit Products to the United States, including to the State of Illinois, accepting payment for said purchases in United States currency and/or funds from United States bank accounts, and, on information and belief, having sold Counterfeit Products through the unauthorized use of the Brand Trademark to residents in the State of Illinois.

11. Based on the foregoing, each of the Defendants have, and are continuing to, commit tortious acts in the State of Illinois, and specifically within this judicial district, and is/are engaging in interstate commerce causing significant harm within the State of Illinois.

THE PARTIES

12. Plaintiff XYZ Corporation is organized under the laws of the People's Republic of China.

² The e-commerce store URLs are listed on Schedule "A" attached hereto under the Online Marketplaces.

13. Defendants are individuals and business entities of unknown corporate organization and/or structure who own and/or operate one or more of the Online Marketplaces under at least the Seller Aliases identified on Schedule “A” and/or other Seller Aliases not yet known to Plaintiff. On information and belief, Defendants reside and/or operate in the People’s Republic of China or other related foreign jurisdictions and derive their Counterfeit Products, which are offered for sale to the consuming public through the unauthorized use of Plaintiff’s Brand Trademark, through the same or similar manufacturing sources necessary to fulfill orders for the Counterfeit Products that cannot be individually manufactured by pattern and size given that they are women’s textile products.

14. On information and belief, Defendants, either individually or jointly, operate one or more Online Marketplaces under the Seller Aliases listed in Schedule “A” attached hereto as Exhibit 2. The tactics used by Defendants to conceal their identities, and the full scope of their operations make it virtually impossible for Plaintiff to learn Defendants’ true identities and the exact interworking of their counterfeit network used to sell and offer to sell the Counterfeit Products by displaying Plaintiff’s Brand Trademark without authorization. If Defendants provide additional credible information regarding their identities, Plaintiff will take appropriate steps to amend the Complaint and proceed accordingly.

THE VALUE OF PLAINTIFF’S BRAND TRADEMARKS

15. The Brand Trademark is exclusive to Plaintiff and is displayed extensively in Plaintiff’s marketing and promotional materials for the Brand. The Brand has long been amongst some of the most popular brands in the world and has been extensively promoted and advertised by Plaintiff at great expense. Specifically, Plaintiff has expended millions of dollars annually in advertising, promoting, and marketing the Brand and the Brand Trademark. Moreover, Brand products have also been the subject of extensive, unsolicited publicity resulting from their high

quality and innovative designs. Because of these and other facts, the Brand and the Brand Trademark have become famous throughout the United States, including within the State of Illinois, and around the world.

16. Plaintiff operates an e-commerce website where it promotes and sells genuine Brand products at the Brand name.com. Sales of authentic Brand products via Plaintiff's website represent a significant portion of the company's business. Moreover, Plaintiff's Brand website features proprietary content, images, and designs exclusive to the Brand and the Brand Trademark.

17. The Brand Trademark is distinctive when applied to the company's Brand identified products, which signifies to the purchaser that such products come from Plaintiff, are genuine merchandise offered for sale by the company, and are manufactured to the company's quality standards. The Brand Trademark has achieved tremendous fame and recognition, which has only added to the inherent distinctiveness of the mark. As such, the goodwill associated with the Brand Trademark is of incalculable and inestimable value to Plaintiff.

18. Plaintiff has not licensed or otherwise authorized Defendants to display or otherwise use the Brand Trademark in connection with the sale of any products, including the Counterfeit Products. As such, no Defendant is authorized or licensed to use the Brand Trademark in connection with offering for sale or the sale of any products, including the Counterfeit Products.

19. Plaintiff has expended substantial time, money, and other resources in developing, advertising, and otherwise promoting the Brand Trademark. As a result, products bearing the Brand Trademark is widely recognized and exclusively associated by consumers, the public, and the trade as being high-quality products sourced from Plaintiff. Plaintiff is a multi-million-dollar operation, and the Brand products have become among the most popular of their kind in the world.

DEFENDANTS' UNLAWFUL CONDUCT

20. The success of the Brand has resulted in significant counterfeiting of the Brand Trademark. In recent years, Plaintiff has identified many fully interactive, e-commerce stores offering Counterfeit Products on online marketplace platforms such as Amazon, eBay, AliExpress, Alibaba, Wish.com, Walmart, Etsy, DHgate, and Temu, including the Online Marketplaces being operated by Defendants under the Seller Aliases. The Seller Aliases target consumers in the State of Illinois, this judicial district, and throughout the United States. According to a U.S. Customs and Border Protection (CBP) report, in 2021, CBP made over 27,000 seizures of goods with intellectual property rights (IPR) violations totaling over \$3.3 billion, an increase of \$2.0 billion from 2020. *Intellectual Property Rights Seizure Statistics, Fiscal Year 2021*, U.S. Customs and Border Protection, a true and correct copy of which is attached hereto as Exhibit 4.) Of the 27,000 in total IPR seizures, over 24,000 came through international mail and express courier services (as opposed to containers), most of which originated from China and Hong Kong. (*Id.*)

21. Third party service providers like those used by Defendants do not adequately subject new sellers to verification and confirmation of their identities, allowing counterfeiters to “routinely use false or inaccurate names and addresses when registering with these e-commerce platforms. (Daniel C.K. Chow, *Alibaba, Amazon, and Counterfeiting in the Age of the Internet*, 40 NW. J. INT'L L. & BUS. 157, 186 (2020) (attached hereto as Exhibit 5); *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 hereto as Exhibit 6), and finding that on “at least some e-commerce platforms, little identifying information is necessary for a counterfeiter to begin selling” and recommending that “[s]ignificantly enhanced

vetting of third- party sellers” is necessary.) Counterfeitors hedge against the risk of being caught and having their websites taken down from an e-commerce platform by preemptively establishing multiple virtual storefronts. (Ex. 6 at 22.) Since platforms generally do not require a seller on a third-party marketplace to identify the underlying business entity, counterfeiters can have many different profiles that can appear unrelated even though they are commonly owned and operated. (*Id.* at 39.) Further, “E-commerce platforms create bureaucratic or technical hurdles in helping brand owners to locate or identify sources of counterfeits and counterfeiters.” (Ex. 6 at 186-187.)

22. Defendants concurrently employ and benefit from substantially similar advertising and marketing strategies. For example, Defendants facilitate sales by designing the e-commerce stores operating under the Seller Aliases so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers, which is enhanced by their unauthorized use of the Brand Trademarks. E-commerce stores operating under the Seller Aliases appear sophisticated and accept payment in United States currency and/or funds from United States bank accounts via credit cards, Alipay, Amazon Pay, and/or PayPal. E-commerce stores operating under the Seller Aliases, including the Online Marketplaces, often include content and images that make it very difficult for consumers to distinguish such stores from an authorized retailer. Plaintiff has not licensed or authorized Defendants to use the Brand Trademark, and none of the Defendants are authorized retailers or resellers of genuine Brand products.

23. Defendants also deceive unknowing consumers by using the Brand Trademark, without authorization, within the content, text, Search Engine Optimization (“SEO”) terms, and/or meta tags for their Online Marketplaces to attract various search engines crawling the Internet looking for websites relevant to consumer searches for Plaintiff’s Brand products and/or Plaintiff’s Brand Trademark products. Other Online Marketplaces operating under the Seller Aliases omit

using the Brand Trademark in the item title to evade enforcement efforts, while using strategic item titles and descriptions employing the Brand Trademark that will trigger their listings when consumers are searching for Brand products.

24. E-commerce store operators like Defendants commonly engage in fraudulent conduct when registering the identities such as 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 operations.

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

26. In fact, given the nature of the Counterfeit Products involved in Defendants' scheme, it is virtually impossible for them to commercially operate on the scale employed through the Online Marketplaces without having the same, or substantially similar, supply chain using common manufacturing sources. Simply put, the Counterfeit Products are not of the kind and nature that

enables a single Defendant to manufacture and supply same on a meaningful scale without using the resources of a commercial manufacturing source.

27. E-commerce store operators like Defendants are in constant communication with each other and regularly participate in qq.com chat rooms and through websites such as www.SellerDefense.cn and kuajingvs.com regarding tactics for operating multiple accounts, evading detection, the status of pending intellectual property actions, and potential new enforcement lawsuits.

28. Counterfeitors such as Defendants typically operate under multiple Seller Aliases and payment accounts so that they can continue operations despite Plaintiff's enforcement efforts. E-commerce store operators like Defendants maintain offshore 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 Plaintiff. Indeed, analysis of financial account transaction logs from previous similar cases indicates that offshore counterfeiters regularly move funds from United States-based financial accounts to offshore accounts outside the jurisdiction of this Court.

29. Upon information and belief, Defendants are working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Counterfeit Products in the same transaction, occurrence, or series of transactions or occurrences that use, without authorization, the Brand Trademarks. Defendants, without any authorization or license from Plaintiff, have jointly and severally, knowingly and willfully used and continue to use the Brand Trademark in connection with the advertisement, distribution, offering for sale, and sale of Counterfeit Products into the United States and the State of Illinois over the Internet.

30. Defendants' unauthorized use of the Brand Trademark in connection with the advertising, distribution, offering for sale, and sale of Counterfeit Products, including the sale of Counterfeit Products into the United States, including to citizens of the State of Illinois, has caused and is likely to cause confusion, mistake, and deception by and among consumers and is irreparably harming Plaintiff through the harm to the company's goodwill, reputation, and value of its Brand Trademark.

COUNT I

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

31. Plaintiff hereby re-alleges and incorporates by reference the allegations set forth in the Paragraphs 1 through 30, above.

32. This is a trademark infringement action brought against Defendants for their based unauthorized use in commerce of Plaintiff's Brand Trademark in connection with offering for sale, sale, distribution, and/or advertising the Counterfeit Products. Plaintiff's Brand Trademark is a highly distinctive mark. Consumers have come to expect the highest quality from products offered, sold, or marketed bearing Plaintiff's Brand and/or the Brand Trademark.

33. Plaintiff is the exclusive owner of the Brand Trademark. Plaintiff's Registration issued by the USPTO is valid, current, and in full force and effect. Attached hereto as Exhibit 1 is a true and correct copy of the United States Registration Certificate issued by the USPTO for the Brand Trademark. Attached hereto as Exhibit 3 is a true and correct copy of the Notice of Recordation of Assignment Document issued by the USPTO for the Brand Trademark.

34. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising the Counterfeit Products using the Brand Trademark without Plaintiff's authorization, license, or permission to do so.

35. On information and belief, Defendants have knowledge of Plaintiff's rights in the Brand Trademark and are willfully infringing and intentionally using the Brand Trademark to sell, advertise, distribute, and offer for sale the Counterfeit Products. Moreover, Defendants' willful, intentional, and unauthorized use of the Brand Trademark can be inferred from their sale of the Counterfeit Products, which essentially replicate authentic Brand products offered by Plaintiff, but at a lower cost and of an inferior quality. Defendants' willful, intentional, and unauthorized use of the Brand Trademark to sell, advertise, distribute, and offer for sale the Counterfeit Products is likely to cause and is causing confusion, mistake, and deception as to the origin and quality of the Counterfeit Products among the public and amongst consumers interested in purchasing authentic Brand products from Plaintiff.

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

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

38. The injuries and damages sustained by Plaintiff have been directly and proximately caused by Defendants' unauthorized use, advertisement, promotion, offering to sell, and sale of the Brand Trademarks in connection with the Counterfeit Products.

39. Based on the foregoing, Plaintiff is entitled to an award of actual damages, a disgorgement of Defendants' profits, and costs of suit.

40. Plaintiff is also entitled to entry of temporary, preliminary, and permanent injunctive relief against Defendants.

41. To the extent authorized under the Lanham Act, an award of statutory damages for Defendants' sale of the Counterfeit Products using the Brand Trademark intentionally and willfully without Plaintiff's authorization.

42. In addition, Plaintiff is entitled to the recovery of attorneys' fees and costs as an exceptional case based on Defendants' intentional, willful infringement of the Brand Trademark.

COUNT II

UNFAIR COMPETITION (15 U.S.C. § 1125(a))

43. Plaintiff hereby re-alleges and incorporates by reference the allegations set forth in the Paragraphs 1 through 30, above.

44. Plaintiff is the exclusive owner of the Brand Trademark. Plaintiff's Registration Certificate issued by the USPTO for the Brand Trademark is valid, current, and in full force and effect. Attached hereto as Exhibit 1 is a true and correct copy of the United States Registration Certificate issued by the USPTO for the Brand Trademark.

45. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising the Counterfeit Products using the Brand Trademark without Plaintiff's authorization, license, or permission to do so.

46. On information and belief, Defendants have knowledge of Plaintiff's rights in the Brand Trademark and are willfully infringing and intentionally using the Brand Trademark to sell, advertise, distribute, and offer for sale the Counterfeit Products. Moreover, Defendants' willful, intentional, and unauthorized use of the Brand Trademark can be inferred from their sale of the Counterfeit Products, which essentially replicate authentic Brand products offered by Plaintiff, but at a lower cost and of an inferior quality. Defendants' willful, intentional, and unauthorized use of the Brand Trademarks to sell, advertise, distribute, and offer for sale the

Counterfeit Products is likely to cause and is causing confusion, mistake, and deception as to the origin and quality of the Counterfeit Products among the public and amongst consumers interested in purchasing authentic Brand products from Plaintiff.

47. Defendants' conduct constitutes unfair competition in violation of 15 U.S.C. § 1125(a)(1)(B).

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

49. The injuries and damages sustained by Plaintiff have been directly and proximately caused by Defendants' unauthorized use, advertisement, promotion, offering to sell, and sale of the Brand Trademark in connection with the Counterfeit Products.

50. Based on the foregoing, Plaintiff is entitled to an award of actual damages, a disgorgement of Defendants' profits, and costs of suit.

51. Plaintiff is also entitled to entry of temporary, preliminary, and permanent injunctive relief against Defendants.

52. In addition, Plaintiff is entitled to the recovery of attorneys' fees and costs as an exceptional case based on Defendants' intentional, willful violation of the rights granted in and to the Brand Trademarks.

COUNT III

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

53. Plaintiff hereby re-alleges and incorporates by reference the allegations set forth in the Paragraphs 1 through 30, above.

54. Defendants' promotion, marketing, offering for sale, and sale of Counterfeit Products using the Brand Trademark without authorization to do so has created and is creating a likelihood of confusion, mistake, and deception among the public as to the affiliation, connection, or association with Plaintiff, or the origin, sponsorship, or approval of Defendants' Counterfeit Products by Plaintiff. By using the Brand Trademark in connection with the sale of Counterfeit Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Counterfeit Products

55. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the Counterfeit Products to the public is a willful violation of 15 U.S.C. § 1125(a)(1)(B).

56. The injuries and damages sustained by Plaintiff have been directly and proximately caused by Defendants' unauthorized use, advertisement, promotion, offering to sell, and sale of the Brand Trademark in connection with the Counterfeit Products.

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

58. Based on the foregoing, Plaintiff is entitled to an award of actual damages, a disgorgement of Defendants' profits, and costs of suit.

59. Plaintiff is also entitled to entry of temporary, preliminary, and permanent injunctive relief against Defendants.

60. In addition, Plaintiff is entitled to the recovery of attorneys' fees and costs as an exceptional case based on Defendants' intentional, willful violation of the rights granted in and to the Brand Trademarks.

COUNT IV

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

61. Plaintiff hereby re-alleges and incorporates by reference the allegations set forth in the Paragraphs 1 through 30, above.

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

63. Defendants' actions were done intentionally, willfully, and with knowledge of Plaintiff's rights in and to the Brand Trademark.

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

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

66. Based on the foregoing, Plaintiff is entitled to entry of temporary, preliminary, and permanent injunctive relief against Defendants.

67. In addition, Plaintiff is entitled to an award of attorneys' fees and costs based on the Defendants' intentional and willful conduct in violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS § 510/1, et seq.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants and each of them as follows:

1. That Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, though, under, or in active concert with them be temporarily, preliminarily, and permanently enjoined and restrained from:
 - a. using Plaintiff's Brand Trademark or any reproductions, counterfeit copies, or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product, including within the content, text, SEO terms, and/or meta tags for their Online Marketplaces, that is not a genuine Brand product or is not authorized by Plaintiff to be sold in connection with its registered Brand Trademark;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Brand product or any other product produced by Plaintiff by using the Brand Trademark to sell and offer for sale such products that are not Plaintiff's or not produced under the authorization, control, or supervision of Plaintiff and approved by Plaintiff;
 - c. committing any acts calculated to cause consumers to believe that Defendants' inferior products are those sold under the authorization, control, or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff or its Brand;
 - d. further infringing the Brand Trademarks and damaging Plaintiff's Brand's reputation and goodwill;

- e. otherwise competing unfairly with Plaintiff through the unauthorized use of the Brand Trademark in any manner;
- f. shipping, delivering, holding for sale, transferring, or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory sold or offered for sale through the unauthorized use of the Brand Trademark;
- g. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendants' stores on Defendants' Online Marketplaces or the Platform, or any other domain name or online marketplace account that is being used to sell or is the means by which Defendants could continue to sell knockoff Brand products through the unauthorized use of the Brand Trademark; and
- h. operating and/or hosting websites at the Defendants' Online Marketplaces and any other domain names registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product through the unauthorized use of the Brand Trademark.

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

3. Entry of an Order that, upon Plaintiff's request, those in privity with Defendants and those with notice of the injunction, including AliExpress, Walmart, Amazon, DHgate, eBay, Temu, and Wish, social media platforms such as Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, web hosts for the Defendants' Online Stores, and domain name registrars, shall:

- a. disable and cease providing services for any accounts through which Defendants engage in the sale of knockoff Brand products by using, without authorization, the Brand Trademark, including any accounts associated with the Defendants listed on Schedule “A”;
- b. disable and cease displaying any advertisements used by or associated with Defendants that display the Brand Trademark; and
- c. take all necessary steps to prevent links to Defendants’ Online Marketplaces identified on Schedule “A” from displaying in search results, including, but not limited to, removing links to Defendants’ domain names from any search index.

4. That Defendants account for and pay to Plaintiff all profits realized by them through the unauthorized use of the Brand Trademark.
5. An award of Plaintiff’s actual damages.
6. An award of statutory damages against Defendants for their intentional and willful violation of the Lanham Act through their sale of the Counterfeit Products using Plaintiff’s Brand Trademark to do so without authorization.
7. An award of enhanced statutory damages for Defendants’ intentional and willful violation of the Lanham Act.
8. That Plaintiff be awarded its reasonable attorneys’ fees based on this being an exceptional case under the Lanham Act and/or for the intentional and willful violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS § 510/1, et seq.
9. An award of Plaintiff’s costs associated with commencing this action.
10. An award of pre-judgment and post-judgment interest as permitted by rule, statute, law, or otherwise.
11. Award such other relief that this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues so triable pursuant to Federal Rule of Civil Procedure 38.

Dated: December 4, 2024

Respectfully Submitted,

By: /s/ Shawn A. Mangano

Shawn A. Mangano (Bar No. 6299408)

Nihat Deniz Bayramoglu (NV Bar No. 14030)

Gokalp Bayramoglu (NV Bar No. 15500)

Joseph W. Droter (Bar No. 6329630)

BAYRAMOGLU LAW OFFICES LLC

1540 West Warm Springs Road Ste. 100

Henderson, NV 89014

Tel: (702) 462-5973

Fax: (702) 553-3404

shawnmangano@bayramoglu-legal.com

deniz@bayramoglu-legal.com

gokalp@bayramoglu-legal.com

Joseph@bayramoglu-legal.com

Attorneys for Plaintiff