

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

XIAOYAN JING

Plaintiff,

v.

The Partnerships and Unincorporated
Associations Identified on Schedule A
Defendants

CA:

**COMPLAINT FOR TRADEMARK INFRINGEMENT
AND UNFAIR COMPETITION**

Plaintiff Xiaoyan Jing (“Plaintiff”) hereby brings the present action against the Partnership and Unincorporated Association identified in Schedule A, filed under Seal (collectively, “Defendant”) and allege as follows

Introduction

1. This is a civil action for federal trademark infringement to combat e-commerce store operators who trade upon Plaintiff's reputation and goodwill by making, using, offering for sale, selling and/or importing into the United States for subsequent sale products that create confusion for official products that use the Aro de luz trademarks, which are covered by U.S. Trademark Registration No. 7,104,308 (“the Aro de luz Trademark”).

2. The Aro de luz Trademark registration is valid and in full force and effect. A true copy of the federal trademark registration certificates for the Aro de luz Trademark is attached at Exhibit A.
3. The Plaintiff has not granted a license or any other form of permission to Defendant with respect to the trademark.
4. The Defendant is an individual and/or business entity who, upon information and belief, reside in the People's Republic of China or other foreign and domestic jurisdictions. Defendant conducts business throughout the United States, including within the State of Illinois and this Judicial District, through the operation of fully interactive, commercial online marketplaces operating under the Defendant Internet Stores. Each Defendant targets the United States, including Illinois, and has offered to sell, and on information and belief, has sold and continues to sell the same Counterfeit Product to consumers within the United States, including the State of Illinois.
5. On information and belief, Defendant regularly create new online marketplace accounts on various platforms using the identities listed in Schedule A (SEALED) to the Complaint, as well as other unknown fictitious names and addresses. Such Defendant Internet Store registration patterns are one of many common tactics used by the Defendant to conceal their identities, the full scope and interworking of their operation, and to avoid being shut down.
6. Even though Defendant operates under multiple fictitious names, there are numerous similarities among the Defendant Internet Stores. In a specific instance, each Defendant applies the Aro de luz Trademark to annular light products. This in contrast to the Aro de luz Trademark as being registered for multiple different types of products. The Defendant Internet

Stores include other notable common features, including the same type of product images, in this case an annular light, accepted payment methods, checkout methods, meta data, illegitimate SEO tactics.

7. The Defendant sharing unique identifiers, for example application of the Aro de luz Trademark to annular light products, establishes a logical relationship between the Defendant and establishes *prima facie* that Defendant illicit and infringing operations arise out of the same series of occurrences. Exhibit B (SEALED) shows the include, online marketplaces for the Defendant listed on the Schedule A. As shown, the defendant uses the mark Aro de luz in conjunction with annular lights.
8. Plaintiff is forced to file this action to combat Defendant' counterfeiting of Plaintiff's federally registered Aro de luz Trademark, as well as to protect unknowing consumers from purchasing Counterfeit Products over the Internet.
9. This Court has personal jurisdiction over each Defendant, in that each Defendant conducts significant business in Illinois and in this Judicial District, and the acts and events giving rise to this lawsuit of which each Defendant stands were undertaken in Illinois and in this Judicial District.

Jurisdiction and Venue

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

11. This Court has jurisdiction over the deceptive trade practices claim in this action that arise under the laws of the State of Illinois pursuant to 28 U.S.C. § 1367(a) because the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.
12. This Court has personal jurisdiction over each Defendant, in that, upon information and belief, Defendant regularly conduct, transact and/or solicit business in Illinois and in this Judicial District, and/or derive substantial revenue from business transactions in Illinois and in this Judicial District and/or otherwise avail themselves of the privileges and protections of the laws of the State of Illinois such that this Court's assertion of jurisdiction over Defendant does not offend traditional notions of fair play and due process, and/or Defendant' illegal counterfeiting and infringing actions caused injury to Plaintiff in Illinois and in this Judicial District such that Defendant should reasonably expect such actions to have consequences in Illinois and this judicial District.
13. According to the online store owner's information, as showed on eBay and Amazon websites, parts of the Defendant can be identified via Chinese official company registration system. The defendant company may only have 1 or 2 employees, and these employees are also the actual owners of the Defendant company.
14. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2) and 1400, because Defendant have committed acts of trademark infringement in this Judicial District and do substantial business in this Judicial District.

THE ARO DE LUZ TRADEMARK

15. Xiaoyan Jing., Plaintiff and owner of the Aro de luz Trademark, is an individual residing in the People's Republic of China with an address at 2-2-1706, No. 7, South District, Beiliang New District, Donghe, Baotou, Inner Mongolia, China.
16. The Aro de luz Trademark federal registration is as follows:

U.S. TM Reg. No.	Trademark (Class)	Reg. Date
7,104,308	THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR (Class 9)	July 11, 2023

17. Defendant have been engaging in the illegal counterfeiting and infringing actions, as alleged herein, knowingly and intentionally, or with reckless disregard or willful blindness to Plaintiff's rights, or in bad faith, for the purpose of trading on the goodwill and reputation of Plaintiff and the Aro de luz Trademark.

COUNT I
Trademark Infringement and Counterfeiting (15 U.S.C. § 1114)

18. Plaintiff realleges paragraphs 1 through 17 above.
19. Plaintiff is engaged in the business of manufacturing, selling, distributing, and importing high quality, annular lamp devices bearing the Aro de luz Trademark. Consumers have come to expect the highest quality from Plaintiff's annular lamp devices provided under the Aro de luz Trademark.
20. Defendant has sold, offered to sell, marketed, distributed and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products in connection with the Aro de luz Trademark without Plaintiff's permission. Upon information and belief, Defendant's acts has been willful, intentional, or in reckless disregard of, Plaintiff's rights in the Aro de luz Trademark.
21. The United States Registration for the Aro de luz Trademark (EX. 1) is in full force and effect. Defendant' activities constitute willful trademark infringement and counterfeiting under 15 U.S.C. §§ 1114, 1117.
22. The injuries and damages sustained by Plaintiff have been directly and proximately caused by Defendant' wrongful reproduction, use, advertisement, promotion, offering to sell, and sale of Counterfeit Products.
23. Plaintiff has no adequate remedy at law, and if Defendant' actions are not enjoined Plaintiff will continue to suffer irreparable harm to their reputation and the goodwill of its well-known products.

Count II
Unfair Competition

24. Plaintiff realleges paragraphs 18 through 23 of Count I.
25. Defendant's acts tend falsely to represent themselves, individually and collectively, and their products as being affiliated, connected or associated with, or sponsored or approved by, Plaintiff as owner of the Aro de luz Trademark, in violation of Section 43(a) of the United States Trademark Act (15 U.S.C. § 1125(a)).
26. Defendant's acts constitute unfair competition with Plaintiff and Plaintiff's use of the Aro de luz Trademark, which has resulted in unjust enrichment on the part of Defendant under the common law of the State of Illinois and elsewhere.
27. Defendant's aforesaid activities constitute unfair business practices in violation of the Unfair Trade Practices Act of the State of Illinois.
28. Plaintiff has no adequate remedy at law, and Defendant's conduct has caused Plaintiff to suffer damage to their reputation and goodwill. Unless enjoined by the Court, Plaintiff will suffer future irreparable harm as a direct result of Defendant's unlawful activities.

PRAYER FOR RELIEF

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

1. That Defendant, 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, preliminary, and permanently enjoined and restrained from:

- a. making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use any products not authorized by Plaintiff and that include any reproduction, copy or imitation of the Aro de luz Trademark;
- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Aro de luz Product that is not Plaintiff's Product or not produced under the authorization, control, or supervision of Plaintiff and approved by Plaintiff for sale under the Aro de luz Trademark;
- c. committing any acts calculated to cause consumers to believe that Defendant's Counterfeit Products are those sold under the authorization, control, or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
- d. further infringing the Aro de luz Trademark and damaging Plaintiff's goodwill;
- e. aiding, abetting, contributing to, or otherwise assisting anyone in infringing upon the Aro de luz Trademark;
- f. otherwise competing unfairly with Plaintiff in any manner;
- g. shipping, delivering, holding for sale, transferring, marketing, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which copy the Aro de luz Trademark or any reproductions, counterfeit copies, or imitations thereof;

- h. using, linking to, transferring, selling, exercising control over, or otherwise owning any online marketplace accounts, the Defendant Domain Names, or any other domain name or online marketplace account that is being used to sell or is the means by which Defendant could continue to sell Counterfeit Products; and
 - i. operating and/or hosting online marketplace accounts at the Defendant Internet Stores that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product embodying the Aro de luz Trademark, or any reproduction, counterfeit copy or colorable imitation thereof that is not a genuine Aro de luz Product or not authorized by Plaintiff to be sold in connection with the Aro de luz Trademark.
- 2. Entry of an Order that any online marketplace account provider:
 - a. disable and cease providing services for any accounts through which Defendant engage in the sale of Counterfeit Products, including any accounts associated with the Defendant listed on Schedule A;
 - b. disable and cease displaying any advertisements used by or associated with Defendant in connection with the sale of Counterfeit Products; and
 - c. take all steps necessary to prevent links to the Defendant Internet Stores identified on Schedule A from displaying in search results, including but not limited to, removing links to the Defendant Internet Stores from any search index.
- 3. That Defendant account for and pay to Plaintiff all profits realized by Defendant by reason of Defendant' unlawful acts herein alleged.

4. In the alternative, that Plaintiff be award statutory damages pursuant to 15 U.S.C. § 1117(c) of not less than \$1000 and not more than \$1,000,000 for each and every use of the Aro de luz Trademark;
5. That Plaintiff be awarded its reasonable attorneys' fees and costs; and
6. Award any and all other relief that this Court deems just and proper.

DATED: May 23, 2025

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'R. DeWitty', is written over a horizontal line.

Robert M. DeWitty
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