UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

[redacted] PLAINTIFF,	CASE NO.: 1:25-CV-11729
V.	
THE PARTNERSHIPS IDENTIFIED ON SCHEDULE A, DEFENDANTS.	**FILED UNDER SEAL**

COMPLAINT

Plaintiff, [redacted] ("[redacted] or "Plaintiff"), by its undersigned counsel, hereby complains of the partnerships identified on Schedule A, attached hereto (collectively, the "Defendants"), and using at least the identified online marketplace accounts listed therein (collectively, the "Defendant Internet Stores" or "Seller Aliases"), and for its Complaint hereby alleges as follows:

JURISDICTION AND VENUE

1. This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Lanham Act, 15 U.S.C. § 1114 *et seq.*, the Copyright Act, 17 U.S.C. § 501, *et seq.*, and 28 U.S.C. § 1338(a)-(b), 28 U.S.C. § 1331. This Court has jurisdiction over the claims in this action that arise under the laws of the State of Illinois pursuant to 28 U.S.C. § 1367(a), because the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts

2. This Court has personal jurisdiction over Defendants, in that Defendants conduct significant business in Illinois and in this Judicial District, and the acts and events giving rise to

this lawsuit, of which Defendants stand accused, were undertaken in Illinois and within this Judicial District.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, since Defendants directly target consumers in the United States, including Illinois, through the fully interactive, commercial Internet stores operating as the Defendant Internet Stores. Defendants commit tortious acts, engage in interstate commerce, and wrongfully cause substantial injury in the State of Illinois.

JOINDER

4. Joinder is proper pursuant to Federal Rules of Civil Procedure 19 and 20(a)(2). Plaintiff's right to relief stems from the same series of transactions or occurrences, and questions of law and/or fact common to all defendants will arise in the action.

5. Plaintiff has filed, as **Exhibit 3** attached hereto, its Schedule A list of Seller Aliases including the defendant store names and online marketplace accounts found to be selling infringing and/or counterfeit products. However, the true identities of the defendants — *i.e.*, the individuals and/or entities operating the Seller Aliases — are not yet known.

6. In Plaintiff's experience, a significant number of Seller Aliases included in Schedule A are operated by the same individual and/or entity. It is not until the third-party marketplaces produce the registration data for these stores that the Plaintiff is able to discover the identity or identities of the individuals and/or entities operating the Defendant Internet Stores.

7. Given the similarities between the Defendant Internet Stores discussed *infra* and the likelihood that many, if not all, are operated by the same individual and/or entity, and for purposes of judicial efficiency, Plaintiff asserts that joinder of all defendants is proper at this stage, as severing the case would mean that multiple stores with the same operator would be adjudicated piecemeal and/or would need to be re-joined at a later date.

INTRODUCTION

8. This action has been filed to combat the online trademark and copyright infringement and counterfeiting of Defendants, who trade upon Plaintiff's valuable trademarks and/or copyrights by selling and/or offering for sale unauthorized, inauthentic, infringing, and counterfeit products in connection with Plaintiff's federally registered trademarks, as well as to stop and prevent Defendants' selling of unauthorized products that use, are based on, and/or are derived from federally registered copyrighted subject matter created by [redacted]

9. Plaintiff, [redacted] is the owner of [redacted] federally registered [redacted] trademarks, listed in the table below, true and correct copies of which are attached hereto as **Exhibit 1** (collectively, the "[redacted] Trademarks" and "Trademark Registrations"). The Trademark Registrations constitute *prima facie* evidence of their validity and of [redacted] exclusive right to use the [redacted] Trademarks pursuant to 15 U.S.C. § 1057(b). The [redacted] Trademarks are inherently distinctive, valid, subsisting, and in full force and effect; have been used exclusively and continuously; and qualify as famous marks.

[redacted]

[redacted]

10. Plaintiff is also the owner of the federally registered copyrights [redacted] which are attached hereto as **Exhibit 2** (hereinafter referred to as the "[redacted] Copyrights").

11. In an effort to deceptively profit from the [redacted] Trademarks and [redacted] Copyrights, Defendants created the Defendant Internet Stores, designed in look, feeling, and suggestion, to give the impression to consumers that they are legitimate websites and merchants selling products manufactured or authorized by [redacted] through the use of the [redacted] Trademarks and/or [redacted] Copyrights, with Defendants' ultimate intention being to deceive unknowing consumers into purchasing inauthentic products (herein referred to as the "Counterfeit Products").

12. Plaintiff has been and continues to be irreparably damaged through consumer confusion, dilution, tarnishment, loss of control over the creative content, and loss of exclusivity of its valuable trademarks and copyrights as a result of Defendants' actions and is thus seeking injunctive and monetary relief.

THE PLAINTIFF

13. [redacted]

14. [redacted]

15. [redacted]

16. [redacted]

17. [redacted]

18. [redacted]

19. [redacted]

[redacted]

20. [redacted]

THE DEFENDANTS

21. Defendants are individuals and/or business entities whose true identities are unknown and often concealed with unverified, incomplete, or false business names, addresses, and contact information. Upon information and belief, all Defendants reside in foreign jurisdictions.

22. Defendants operate fully interactive commercial websites and online marketplace accounts utilizing, at least, the following marketplaces: [redacted] (collectively referred to herein as the "Online Marketplaces").

23. Each Defendant Internet Store is using and/or has used [redacted] Intellectual Property, without authorization to do so, in connection with offering for sale, selling, marketing, and distributing Counterfeit Products in direct competition with the Plaintiff, between at least the months of [redacted].

24. Defendants target the United States, including Illinois, and have offered to sell and, on information and belief, have sold and continue to sell Counterfeit Products to consumers within the United States and this Judicial District.

THE DEFENDANTS' UNLAWFUL CONDUCT

25. Upon information and belief, Defendants are using [redacted] Intellectual Property without authorization in their product listing titles, product descriptions, as keywords in the metadata of the Defendant Internet Stores, on product packaging, and on the physical products themselves, in connection with Counterfeit Products. For example:

26. Defendants' Counterfeit Products are intentionally designed to look identical or similar to genuine [redacted] Products. Both Plaintiff and Defendants advertise and sell their products using the [redacted] Trademarks and/or feature protected elements of the [redacted] Copyrights, in the same area and in the same manner, via the Internet, and during the same timeframe.

27. Defendants' unlawful use of [redacted] Intellectual Property, and unfair competition, draw would-be consumers of Plaintiff's authentic [redacted] Products away from Plaintiff and to the Defendant Internet Stores.

28. Defendants use [redacted] Intellectual Property as keywords for their Counterfeit Products, so that would-be consumers will be directed to their stores when searching for authentic

[redacted] Products. For example, Defendants utilize various SEO tactics to enable their Defendant Internet Stores and Counterfeit Product listings to be at the top of search results.

29. Potential consumers purchasing [redacted] Products are diverse, with varying degrees of sophistication, likely to have difficulty distinguishing genuine [redacted] Products from Counterfeit Products.

30. Consumers who intend to purchase authentic [redacted] Products are purchasing the Counterfeit Products and are receiving inauthentic, low-quality items which consumers associate with the Plaintiff.

31. On information and belief, counterfeiters, such as Defendants, operate numerous additional online marketplace accounts and/or e-commerce stores. As such, it is likely that Defendants may be infringing upon [redacted] Intellectual Property in ways not yet determined.

32. Internet websites like the Defendant Internet Stores are estimated to receive tens of millions of visits per year and to generate over $350 billion in annual online sales.[1] According to an intellectual property rights seizures statistics report issued by Homeland Security and the U.S. Customs and Border Protection, the manufacturer's suggested retail price (MSRP) of goods seized by the U.S. government in the fiscal year 2020 was over $1.3 billion.[2] Internet websites and e-commerce stores like the Defendant Internet Stores are also estimated to contribute to tens of thousands of lost jobs for legitimate businesses and broader economic damages such as lost tax revenue every year. *Id.*

33. As addressed in the *New York Times* and by the U.S. Dept. of Homeland Security, and as reflected in the increase of federal lawsuits filed against sellers offering for sale and selling

[1] *See* "2020 Review of Notorious Markets for Counterfeiting and Piracy," OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, Executive Office of the President. 85 FR 62006 (October 1, 2020).
[2] *See* "Intellectual Property Rights Fiscal Year 2020 Seizure Statistics," U.S. CUSTOMS AND BORDER PROTECTION. CBP Publication No. 1542-092 (September 21, 2021).

infringing and/or counterfeit products on the above mentioned digital marketplaces, an astronomical number of counterfeit and infringing products are offered for sale and sold on these digital marketplaces at a rampant rate.[3]

34. Upon information and belief, Defendants operate in an organized manner, often monitor trademark infringement litigation alert websites, utilize online chat platforms and groups, and use collective efforts in an attempt to avoid liability and intellectual property enforcement efforts.[4] Furthermore, there is a substantial evidentiary overlap in Defendants' behavior, conduct, and individual acts of infringement, thus constituting a collective enterprise.

35. The Defendant Internet Stores also include notable common features, including selling the same and/or similar infringing products such as pins, plush dolls, costumes, and blankets, , identically or similarly priced products and discounts, and the use of the same text and images.

36. Defendants often conceal their identities using fictitious names and addresses to register and operate their network. For example, many Defendants' names and physical addresses used to register the Defendant Internet Stores are incomplete, contain randomly typed letters, or fail to include cities and other relevant information. Other Defendants use privacy services that conceal the owners' identity and contact information. Upon information and belief, Defendants regularly create new websites and online marketplace accounts on various platforms using the Seller Aliases, as well as other unknown fictitious names and addresses. These are some of the common tactics used by Defendants to conceal their identities, the full scope and interworking of their infringing operation, and to avoid being shut down.

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[3] *See* Ganda Suthivarakom, *Welcome to the Era of Fake Products*, N.Y. TIMES (Feb. 11, 2020), https://www.nytimes.com/wirecutter/blog/amazon-counterfeit-fake-products/. *See also Combating Trafficking in Counterfeit and Pirated Goods*, U.S. DEPT. OF HOMELAND SECURITY (Jan. 24, 2020), available at https://www.dhs.gov/sites/default/ files/publications/20_0124_plcy_counterfeit-pirated-goods-report_01.pdf.

[4] For this reason, Plaintiff previously filed its Motion For Leave to File Certain Documents Under Seal and Temporarily Proceed Under A Pseudonym.

37. Further, counterfeiters, like Defendants, typically operate multiple payment processor and merchant accounts (collectively referred to herein as the "Payment Processors"), and hide behind layers of payment gateways so they can continue operation in spite of any enforcement efforts. Additionally, as financial transaction logs in previous similar cases have shown, Defendants often maintain offshore bank accounts and regularly move funds from their Payment Processor accounts to said offshore bank accounts, outside the jurisdiction of this Court.

38. Defendants, without any authorization or license, have knowingly and willfully infringed Plaintiff's rights in the [redacted] Trademarks and [redacted] Copyrights in connection with the manufacturing, advertisement, distribution, offering for sale, and sale of illegal, infringing, and counterfeit products into the United States and Illinois.

39. In committing these acts, Defendants have willfully and in bad faith, committed the following, all of which have and will continue to cause irreparable harm to Plaintiff: infringed upon and used counterfeit versions of the [redacted] Trademarks; infringed upon and used the [redacted] Copyrights; created, manufactured, sold, and/or offered to sell Counterfeit Products which infringe upon [redacted] Intellectual Property; used [redacted] Intellectual Property in an unauthorized manner in order to sell, advertise, describe, mislead, and deceive consumers; engaged in unfair competition; and unfairly and unjustly profited from such activities at the expense of [redacted]

40. Unless enjoined, Defendants will continue to cause irreparable harm to Plaintiff.

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

41. Plaintiff repleads and incorporates by reference each and every allegation set forth in paragraphs 1-40 as if fully set forth herein.

42. Plaintiff is the owner of the [redacted] Trademarks, which have significant value to Plaintiff.

43. Defendants have used the [redacted] Trademarks without authorization in commerce and/or offered Counterfeit Products featuring the federally registered [redacted] Trademarks in connection with the sale, offering for sale, distribution, and/or advertising of the Counterfeit Products.

44. Without the authorization or consent of [redacted] and with knowledge of [redacted] well-known ownership rights in its [redacted] Trademarks, and with knowledge that the Counterfeit Products bear counterfeit marks, Defendants intentionally reproduced, copied, and/or colorably imitated the [redacted] Trademarks and/or used spurious designations that are identical with, or substantially indistinguishable from, the [redacted] Trademarks on or in connection with the manufacturing, import, export, advertising, marketing, promotion, distribution, display, offering for sale, and/or sale of the Counterfeit Products.

45. Defendants have manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale, and/or sold their Counterfeit Products to the purchasing public in direct competition with [redacted] and the [redacted] Products, in or affecting interstate commerce, and/or have acted with reckless disregard of Plaintiff's rights in and to the [redacted] Trademarks through their participation in such activities.

46. Defendants have applied their reproductions, counterfeits, copies, and colorable imitations of the [redacted] Trademarks to packaging, point-of-purchase materials, promotions, and/or advertisements intended to be used in commerce upon, or in connection with, the manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, and/or selling of Defendants' Counterfeit Products, which is likely to cause confusion, mistake,

and deception among the general purchasing public as to the origin of the Counterfeit Products, and is likely to deceive consumers, the public, and the trade into believing that the Counterfeit Products sold by Defendants originate from, are associated with, or are otherwise authorized by Plaintiff, through which Defendants make substantial profits and gains to which they are not entitled in law or equity.

47. Defendants' unauthorized use of the [redacted] Trademarks on or in connection with the Counterfeit Products was done with notice and full knowledge that such use was not authorized or licensed by Plaintiff, and with deliberate intent to unfairly benefit from the incalculable goodwill inherent in the [redacted] Trademarks.

48. Defendants' actions constitute willful counterfeiting of the [redacted] Trademarks in violation of 15 U.S.C. §§ 1114(1)(a)-(b), 1116(d), and 1117(b)-(c).

49. As a direct and proximate result of Defendants' illegal actions alleged herein, Defendants have caused substantial monetary loss, irreparable injury, and damage to Plaintiff, its business, its reputation, and its valuable rights in and to the [redacted] Trademarks and the goodwill associated therewith, in an amount as yet unknown. [redacted] has no adequate remedy at law for this injury, and unless immediately enjoined, Defendants will continue to cause such substantial and irreparable injury, loss, and damage to Plaintiff and its valuable [redacted] Trademarks.

50. Based on Defendants' actions as alleged herein, Plaintiff is entitled to injunctive relief, damages for the irreparable harm that it has sustained, and will sustain, as a result of Defendants' unlawful and infringing actions, as well as all gains, profits, and advantages obtained by Defendants as a result thereof, enhanced discretionary damages, treble damages, and/or statutory damages of up to $2,000,000 per-counterfeit mark per-type of goods sold, offered for sale, or distributed, and reasonable attorneys' fees and costs.

COUNT II
FALSE DESIGNATION OF ORIGIN, PASSING OFF, & UNFAIR COMPETITION
(15 U.S.C. § 1125(a))

51. Plaintiff repleads and incorporates by reference each and every allegation set forth in paragraphs 1-40 as if fully set forth herein.

52. Plaintiff, as the owner of all right, title, and interest in and to the [redacted] Trademarks has standing to maintain an action for false designation of origin and unfair competition under the Lanham Act, 15 U.S.C. § 1125(a), *et seq.*

53. Defendants' promotion, marketing, offering for sale, and sale of Counterfeit Products has created, and continues to create, a likelihood of confusion, mistake, and deception among the public as to the affiliation, connection, or association with Plaintiff.

54. By using the [redacted] Trademarks in connection with the 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.

55. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the unauthorized products to the general public is a willful violation of 15 U.S.C. § 1125.

56. Upon information and belief, Defendants' aforementioned wrongful actions have been knowing, deliberate, willful, and intended to cause confusion, to cause mistake, and to deceive the purchasing public, with the intent to trade on the goodwill and reputation of [redacted] its [redacted] Products, and [redacted] Trademarks.

57. As a direct and proximate result of Defendants' aforementioned actions, Defendants have caused irreparable injury to Plaintiff by depriving Plaintiff of sales of its [redacted] Products and by depriving [redacted] of the value of its [redacted] Trademarks as commercial assets in an amount as yet unknown.

58. 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 brand.

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

59. Plaintiff repleads and incorporates by reference each and every allegation set forth in paragraphs 1-40 as if fully set forth herein.

60. Defendants have engaged in acts violating Illinois law, including, but not limited to, passing off their Counterfeit Products as those of Plaintiff and causing a likelihood of confusion and/or misunderstanding as to the source of Defendants' goods, thus causing a likelihood of confusion and/or misunderstanding as to an affiliation, connection, or association with genuine [redacted] Products, through Defendants' representation that Defendants' Counterfeit Products have Plaintiff's approval, when they do not.

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

62. The conduct of each Defendant is causing Plaintiff great and irreparable injury and, unless enjoined and restrained by this Court, Defendants will continue to cause Plaintiff great and irreparable injury that cannot fully be compensated or measured monetarily. Plaintiff has no adequate remedy at law, and Defendants' conduct has caused Plaintiff to suffer damage to its reputation and goodwill. Unless enjoined by the Court, Plaintiff will suffer future irreparable harm as a direct result of Defendants' unlawful activities.

63. Further, as a direct result of the Defendants' acts of trademark infringement, Defendants have obtained profits they would not have otherwise realized but for their infringement of Plaintiff's Trademarks.

COUNT IV
COPYRIGHT INFRINGEMENT
(17 U.S.C. § 501(a))

64. Plaintiff repleads and incorporates by reference each and every allegation set forth in paragraphs 1-40 as if fully set forth herein.

65. The [redacted] Copyrights are the subject of multiple valid copyright registrations.

66. Plaintiff, at all relevant times, has been the holder of the copyright registrations and the exclusive rights of and belonging to [redacted] including but not limited to the [redacted] Copyrights.

67. The [redacted] Copyrights have significant value and have been produced and created at considerable expense.

68. Upon information and belief, Defendants had access to the [redacted] Copyrights through Plaintiff's normal business activities. After accessing Plaintiff's work, Defendants wrongfully created copies of the copyrighted work without Plaintiff's consent, and engaged in, and continue to engage in, acts of widespread infringement.

69. Defendants further infringed the [redacted] Copyrights by making, or causing to be made, the Counterfeit Products as they sold and offered for sale in connection with unauthorized reproductions of the creative works protected by [redacted] Copyrights that are massively distributed via the Defendant Internet Stores.

70. Defendants offered for sale, sold, and continue to sell, the Counterfeit Products which is a violation of Plaintiff's exclusive rights of reproduction and distribution protected under 17 U.S.C. §501 *et seq.*

71. Defendants' continued and intentional use of the [redacted] Copyrights without the consent or authorization of [redacted] constitutes intentional infringement of Plaintiff's federally registered [redacted] Copyrights. As a result, Plaintiff is entitled to relief pursuant to 17 U.S.C. § 504.

72. As a direct result of the Defendants' acts of willful copyright infringement, Defendants have obtained profits they would not have otherwise realized but for their infringement of the [redacted] Copyrights. Plaintiff is entitled to disgorgement of Defendants' profits, directly and indirectly, attributable to said infringement.

73. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiff is entitled to injunctive relief prohibiting each Defendant from further infringing the [redacted] Copyrights, and ordering that each Defendant destroy all unauthorized and/or infringing copies and reproductions of the [redacted] Copyrights.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests 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 [redacted] Trademarks and/or Copyrights, or any reproductions, 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 authorized [redacted] Product, or is not authorized by Plaintiff to be sold in connection with [redacted] Intellectual Property;

b. passing off, inducing, or enabling others to sell or pass off any product not produced under the authorization, control, or supervision of Plaintiff and approved by Plaintiff for sale using [redacted] Intellectual Property;

c. shipping, delivering, holding for sale, transferring, or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not authorized by Plaintiff to be sold or offered for sale, and which bear the [redacted] Trademarks, or which are derived from the [redacted] Copyrights;

d. further infringing [redacted] Intellectual Property and damaging Plaintiff's goodwill;

e. using, linking to, transferring, selling, exercising control over the Defendant Internet Stores, Defendant product listings, or any online marketplace account that is being used to sell products or inventory not authorized by Plaintiff which use [redacted] Intellectual Property;

f. operating and/or hosting websites at the Defendant Internet Stores, and any other online marketplace accounts operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of products or inventory not authorized by Plaintiff which use [redacted] Intellectual Property;

2) Entry of an Order that, upon Plaintiff's request, those in privity with Defendants and those with notice of the injunction, including any Online Marketplaces and Payment Processors, and any related entities; social media platforms such as Facebook, YouTube, LinkedIn, and Twitter; Internet search engines such as Google, Bing, and Yahoo; and web hosts for the Defendant Internet Stores; shall:

a. disable and cease providing services for any accounts through which Defendants engage in the sale of unauthorized products, which use [redacted] Intellectual Property, including any accounts associated with Defendants;

b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of products not authorized by Plaintiff which use [redacted] Intellectual Property; and,

c. take all steps necessary to prevent links to the Defendant Internet Stores from displaying in search results, including, but not limited to, removing links to the Defendant Internet Stores from any search index.

3) That Defendants account for, and pay to, Plaintiff all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged;

4) For Judgment in favor of Plaintiff against Defendants that they have willfully infringed Plaintiff's rights in its federally registered [redacted] Trademarks, pursuant to 15 U.S.C. § 1114;

5) That Plaintiff be awarded actual damages, statutory damages, and/or other available damages, at the election of Plaintiff; and that the amount of damages for infringement are increased by a sum not to exceed three times the amount thereof as provided by 15 U.S.C. § 1117;

6) For Judgment in favor of Plaintiff against Defendants that they have willfully infringed Plaintiff's rights in its federally registered [redacted] Copyrights pursuant to 17 U.S.C. § 504;

7) That Plaintiff be awarded actual damages, statutory damages, and/or other available damages, at the election of Plaintiff, pursuant to 17 U.S.C. § 504;

8) That Plaintiff be awarded its reasonable attorneys' fees and costs; and,

9) Any and all other relief that this Court deems just and proper.

Dated: September 26, 2025

Respectfully submitted,

/s/ John Mariane

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