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

MARSHALL AMPLIFICATION PLC, Plaintiff, v. THE PARTNERSHIPS AND UNINCORPORATED ASSOCIATIONS IDENTIFIED ON SCHEDULE "A," Defendants.	Case No. 25-cv-13631

COMPLAINT

Plaintiff Marshall Amplification Plc ("Plaintiff" or "Marshall") 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 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.

2. 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 Illinois, through at least the fully interactive e-commerce stores[1] operating under the seller 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

[1] The e-commerce store URLs are listed on Schedule A hereto under the Online Marketplaces.

consumers using one or more Seller Aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars and/or funds from U.S. bank accounts, and, on information and belief, have sold products using infringing and counterfeit versions of Marshall's federally registered trademarks to residents of Illinois. Each of the Defendants is committing tortious acts in Illinois, is engaging in interstate commerce, and has wrongfully caused Marshall substantial injury in the State of Illinois.

II. INTRODUCTION

3. This action has been filed by Marshall to combat e-commerce store operators who trade upon Marshall's reputation and goodwill by offering for sale and/or selling unauthorized and unlicensed products, including personal headphones and earphones, apparel, and other products using infringing and counterfeit versions of Marshall's federally registered trademarks (the "Counterfeit Marshall Products"). Defendants create e-commerce stores operating under one or more Seller Aliases that are advertising, offering for sale and selling Counterfeit Marshall Products to unknowing consumers. Defendants' activities, occurring at the same time and in the same retail space and manner as one another, blend together to create a single negative impression on consumers such that they constitute the same occurrence or series of occurrences. Defendants attempt to avoid and mitigate liability by operating under one or more Seller Aliases to conceal both their identities and the full scope and interworking of their counterfeiting operation. Marshall is forced to file this action to combat Defendants' counterfeiting of the registered Marshall trademarks, as well as to protect unknowing consumers from purchasing Counterfeit Marshall Products over the Internet. Marshall has been and continues to be irreparably damaged through consumer confusion, dilution, and tarnishment of its valuable trademarks as a result of Defendants' actions and seeks injunctive and monetary relief.

III. THE PARTIES

Plaintiff

4. Plaintiff is a public limited company with a principal place of business located at Denbigh Road, Denbigh Industrial Estate, Bletchley, Milton Keynes, MK1 1DQ, United Kingdom.

5. For many years, Marshall has been engaged in the design, distribution, and sale of high-performance electronic audio products for consumers and professional musicians, including music amplifiers, speaker cabinets, personal headphones and earphones, and related components (collectively, the "Marshall Products").

6. Marshall manufactures one of the most recognized product lines in rock music. Since the early 1960s, Marshall amplifiers have produced what many musicians believe to be the sound that defines rock guitar. Succeeding generations of rock, blues, and heavy metal musicians have discovered and embraced Marshall equipment. Thousands of amplifiers and other Marshall Products are produced every week at Marshall's state-of-the-art factories in Milton Keynes, England, and in Vietnam for sale in more than 65 countries, including the United States.

7. The Marshall brand is a multi-million-dollar brand, and Marshall spends considerable resources marketing and protecting it. Marshall Products have become enormously popular and even iconic, driven by the brand's arduous quality standards and innovative design. Among the purchasing public, genuine Marshall Products are instantly recognizable as such. In the United States and around the world, the Marshall brand has come to symbolize high quality, and Marshall Products are renowned for their quality, performance, and reliability.

8. Marshall has registered several of its trademarks with the United States Patent and Trademark Office. Marshall Products typically include at least one of Marshall's registered trademarks. Marshall uses its trademarks in connection with the marketing of its Marshall

Products, including the following marks which are collectively referred to as the "Marshall Trademarks."

Registration No.	Trademark
936,514 4,948,438	MARSHALL
4,934,493	MARSHALL CODE
5,075,584	MARSHALL GATEWAY
6,203,020	MARSHALL ORIGIN
4,072,861	THE FATHER OF LOUD
4,985,796	ACTON
4,853,095	JCM
4,733,714	JTM
5,153,156	MINOR
6,465,916	NATAL
5,854,021	N-TEC
6,121,187	SHREDMASTER
6,126,947	SICKSENSE
3,609,062	STOMPWARE
6,092,954	TUFTON
3,247,712 5,056,633 5,455,553	Marshall
3,940,239	Marshall AMPLIFICATION
4,303,941 4,929,992	M

Registration No.	Trademark
4,545,745 4,934,490	
4,034,202	

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

10. The Marshall Trademarks are distinctive when applied to the Marshall Products, signifying to the purchaser that the products come from Marshall and are manufactured to Marshall's quality standards. Whether Marshall manufactures the products itself or contracts with others to do so, Marshall has ensured that products bearing the Marshall Trademarks are manufactured to the highest quality standards.

11. The Marshall Trademarks are famous marks, as that term is used in 15 U.S.C. § 1125(c)(1), and have been used by Marshall for many years. The innovative marketing and product designs of the Marshall Products have enabled the Marshall brand to achieve widespread recognition and fame and have made the Marshall Trademarks some of the most well-known

marks in the industry. The widespread fame, outstanding reputation, and significant goodwill associated with the Marshall brand have made the Marshall Trademarks valuable assets of Marshall.

12. Marshall has expended substantial time, money, and other resources in advertising and promoting the Marshall Trademarks. In fact, Marshall has expended millions of dollars annually in advertising, promoting and marketing featuring the Marshall Trademarks. Marshall Products have also been the subject of extensive unsolicited publicity resulting from their high-quality, innovative designs. As a result, products bearing the Marshall Trademarks are widely recognized and exclusively associated by consumers, the public, and the trade as being high-quality products sourced from Marshall. Marshall Products have become among the most popular of their kind in the U.S. and the world. The Marshall Trademarks have achieved tremendous fame and recognition which has only added to the distinctiveness of the marks. As such, the goodwill associated with the Marshall Trademarks is of incalculable and inestimable value to Marshall.

13. Marshall Products are sold online via the marshall.com website and through an authorized distributor and licensees, including through Guitar Center stores and other independently operated music stores in Illinois, and are recognized by the public as being exclusively associated with the Marshall brand.

14. For many years, Marshall Products have been promoted and sold via the marshall.com website. Sales of Marshall Products via the marshall.com website are significant. The marshall.com website features proprietary content, images and designs exclusive to the Marshall brand.

15. Marshall has expended substantial time, money, and other resources in developing, advertising and otherwise promoting and protecting the Marshall Trademarks. As a result,

products bearing the Marshall Trademarks are widely recognized and exclusively associated by consumers, the public, and the trade as being high-quality products sourced from Marshall. Marshall Products have become among the most popular of their kind in the world. The widespread fame, outstanding reputation, and significant goodwill associated with the Marshall brand have made the Marshall Trademarks invaluable assets of Marshall.

The Defendants

16. Defendants are individuals and business entities of unknown makeup who own and/or operate one or more of the e-commerce stores under at least the Seller Aliases identified on Schedule A and/or other seller aliases not yet known to Marshall. On information and belief, Defendants reside and/or operate in the People's Republic of China or other foreign jurisdictions with lax trademark enforcement systems, or redistribute products from the same or similar sources in those locations. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b).

17. On information and belief, Defendants, either individually or jointly, operate one or more e-commerce stores under the Seller Aliases listed in Schedule A attached hereto. Tactics used by Defendants to conceal their identities and the full scope of their operation make it virtually impossible for Marshall to learn Defendants' true identities and the exact interworking of their counterfeit network. If Defendants provide additional credible information regarding their identities, Marshall will take appropriate steps to amend the Complaint.

IV. DEFENDANTS' UNLAWFUL CONDUCT

18. The success of the Marshall brand has resulted in significant counterfeiting of the Marshall Trademarks. In recent years, Marshall has identified many fully interactive, e-commerce stores offering Counterfeit Marshall Products on online marketplace platforms, including the e-

commerce stores operating under the Seller Aliases. The Seller Aliases target consumers in this Judicial District and throughout the United States. At last count, global trade in counterfeit and pirated goods was worth an estimated $467 billion per year — accounting for a staggering 2.3% of all imports, according to the Organization for Economic Cooperation and Development (the "OECD").[2] The primary source of all those counterfeits, the OECD and others say, is China.[3]

19. 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."[4] Counterfeiters hedge against the risk of being caught and having their websites taken down from an e-commerce platform by preemptively establishing multiple virtual store-fronts.[5] 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.[6] Further, "E-commerce platforms create bureaucratic or technical hurdles in helping brand owners to locate or identify sources of counterfeits and counterfeiters."[7]

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[2] *See* Press Release, Organization for Economic Cooperation and Development, *Global trade in fake goods reached USD 467 billion, posing risks to consumer safety and compromising intellectual property* (May 7, 2025), https://www.oecd.org/en/about/news/press-releases/2025/05/global-trade-in-fake-goods-reached-USD-467-billion-posing-risks-to-consumer-safety-and-compromising-intellectual-property.html.

[3] *Id.; See also, Intellectual Property Rights Seizure Statistics, Fiscal Year 2024*, U.S. Customs and Border Protection.

[4] *See* 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), 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.

[5] *Id.* at p. 22.

[6] *Id.* at p. 39.

[7] Chow, *supra* note 4, at p. 186-87.

20. 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, offer shipping to the United States, including Illinois, accept payment in U.S. dollars and/or funds from U.S. bank accounts and, on information and belief, have sold Counterfeit Marshall Products to residents of Illinois. Screenshots evidencing Defendant's infringing activities are attached as **Exhibit 2**.

21. 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. E-commerce stores operating under the Seller Aliases appear sophisticated and accept payment in U.S. dollars and/or funds from U.S. bank accounts via credit cards, Amazon Pay, and/or PayPal. E-commerce stores operating under the Seller Aliases often include content and images that make it very difficult for consumers to distinguish such stores from an authorized retailer. Marshall has not licensed or authorized Defendants to use any of the Marshall Trademarks, and none of the Defendants are authorized retailers of genuine Marshall Products.

22. Many Defendants also deceive unknowing consumers by using the Marshall Trademarks without authorization within the content, text, and/or meta tags of their e-commerce stores to attract various search engines crawling the Internet looking for websites relevant to consumer searches for Marshall Products. Other e-commerce stores operating under the Seller Aliases omit using Marshall Trademarks in the item title to evade enforcement efforts while using strategic item titles and descriptions that will trigger their listings when consumers are searching for Marshall Products.

23. 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.

24. E-commerce store operators like Defendants regularly register or acquire new seller aliases for the purpose of offering for sale and selling Counterfeit Marshall 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 interworking of their counterfeiting operation, and to avoid being shut down.

25. Defendants are collectively causing harm to Plaintiff's goodwill and reputation because the effect of their unlawful actions taken together amplifies each harm and creates a single negative consumer impression. Defendants' activities, occurring at the same time and in the same retail space and manner as one another, blend together to create a single negative impression on consumers such that they constitute the same occurrence or series of occurrences. The combination of all Defendants engaging in the same illegal activity in the same time span causes a collective harm to Plaintiff in a way that individual actions, occurring alone, might not.

26. 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 sellerdefense.cn and kuajingvs.com regarding tactics for operating multiple accounts, evading detection, pending litigation, and potential new lawsuits.

27. Counterfeiters such as Defendants typically operate under multiple seller aliases and payment accounts so that they can continue operation in spite of Marshall's enforcement. E-commerce store operators like Defendants maintain off-shore bank accounts and regularly move

funds from their financial accounts to off-shore accounts outside the jurisdiction of this Court to avoid payment of any monetary judgment awarded to Marshall. Indeed, analysis of financial account transaction logs from previous similar cases indicates that off-shore counterfeiters regularly move funds from U.S.-based financial accounts to off-shore accounts outside the jurisdiction of this Court.

28. Defendants are working to knowingly and willfully import, distribute, offer for sale, and sell Counterfeit Marshall Products in the same transaction, occurrence, or series of transactions or occurrences. Defendants, without any authorization or license from Marshall, have knowingly and willfully used and continue to use Marshall Trademarks in connection with the advertisement, distribution, offering for sale, and sale of Counterfeit Marshall Products into the United States and Illinois over the Internet.

29. Defendants' unauthorized use of the Marshall Trademarks in connection with the advertising, distribution, offering for sale, and sale of Counterfeit Marshall Products, including the sale of Counterfeit Marshall Products into the United States, including Illinois, is likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming Marshall.

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

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

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

expect the highest quality from Marshall Products offered, sold or marketed under the Marshall Trademarks.

32. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products using counterfeit reproductions of the Marshall Trademarks without Marshall's permission.

33. Marshall is the exclusive owner of the Marshall Trademarks. Marshall's United States Registrations for the Marshall Trademarks (Exhibit 1) are in full force and effect. On information and belief, Defendants have knowledge of Marshall's rights in the Marshall Trademarks, and are willfully infringing and intentionally using counterfeits of the Marshall Trademarks. Defendants' willful, intentional and unauthorized use of the Marshall Trademarks is likely to cause and is causing confusion, mistake, and deception as to the origin and quality of the Counterfeit Marshall Products among the general public.

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

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

36. The injuries and damages sustained by Marshall have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offering to sell, and sale of Counterfeit Marshall Products.

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

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

38. Defendants' promotion, marketing, offering for sale, and sale of Counterfeit Marshall 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 Marshall or the origin, sponsorship, or approval of Defendants' Counterfeit Marshall Products by Marshall. By using the Marshall Trademarks in connection with the sale of Counterfeit Marshall Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Counterfeit Marshall Products.

39. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the Counterfeit Marshall 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.

40. Marshall has no adequate remedy at law and, if Defendants' actions are not enjoined, Marshall will continue to suffer irreparable harm to its reputation and the goodwill of the Marshall Trademarks.

PRAYER FOR RELIEF

WHEREFORE, Marshall 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 Marshall 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 a genuine Marshall Product or is not authorized by Marshall to be sold in connection with the Marshall Trademarks;

b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Marshall Product or any other product produced by Marshall that is not Marshall's or not produced under the authorization, control, or supervision of Marshall and approved by Marshall for sale under the Marshall Trademarks;

c. committing any acts calculated to cause consumers to believe that Defendants' Counterfeit Marshall Products are those sold under the authorization, control, or supervision of Marshall, or are sponsored by, approved by, or otherwise connected with Marshall;

d. further infringing the Marshall Trademarks and damaging Marshall'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 Marshall, nor authorized by Marshall to be sold or offered for sale, and which bear any of Marshall's trademarks, including the Marshall Trademarks, or any reproductions, counterfeit copies, or colorable imitations thereof;

2) Entry of an Order that, upon Marshall's request, those with notice of the injunction, including, without limitation, any online marketplace platforms such as Amazon, PayPal, and Temu (collectively, the "Third Party Providers") shall disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the Marshall Trademarks;

3) That Defendants account for and pay to Marshall all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged, and that the amount of damages for infringement

of the Marshall 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 Marshall 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 the Marshall Trademarks;

5) That Marshall be awarded its reasonable attorneys' fees and costs; and

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

Dated this 6th day of November 2025.

Respectfully submitted,

/ s/ Justin R. Gaudio

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