

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HONG KONG LEYUZHEN TECHNOLOGY
CO. LIMITED,

Plaintiff,

v.

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

Defendants.

Civil Action No. 2:25-cv-568

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

Plaintiff, Hong Kong Leyuzhen Technology Co. Limited, (“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 on Schedule “A” hereto (collectively “Defendants”) and hereby alleges as follows:

NATURE OF THE ACTION

1. Plaintiff is the owner of all rights, title and interest in and to the copyright registration issued by the United States Copyright Office for certain images related to its Rotita Brand product line (the “Rotita Brand”) used in connection with the promotion and sale of women’s apparel, which bear the following federal registration number [REDACTED] (the “Copyright Protected Images”). Attached hereto as **Exhibit 1** are true and correct copies of the federal copyright registrations issued for the Copyright Protected Images and Copyright Public Records Data.

2. Plaintiff has filed this action to combat online copyright infringers who trade upon Plaintiff's reputation, goodwill and valuable copyrights, including the Copyright Protected Images, to sell competing products of inferior quality by representing them to be authentic Rotita Brand products through the unauthorized display of the Copyright Protected Images on their online storefronts (the "Online Stores") maintained on the Amazon sales platform identified on Schedule "A" (the "Online Platform"). Defendants additionally offer their competing products at substantially reduced prices from the authentic Rotita Brand products offered by Plaintiff.

3. Plaintiff exclusively utilizes the Copyright Protected Images in connection with the advertising, display, and sale of its authentic Rotita Brand products on its wholly owned, operated, and controlled company website. Plaintiff does not advertise, market, display, or sell its authentic Rotita Brand products on the Online Platform.

4. Defendants likewise advertise, market, and/or sell their competing products of inferior quality embodying Plaintiff's Copyright Protected Images by reference to the same photographs and 3-D artwork as associated with genuine Rotita Brand products, which causes further confusion and deception in the marketplace. Unique identifiers common to Defendants' internet stores, such as design elements and similarities in Defendant's unlawful use of the Copyright Protected Images, establish a logical relationship between them and suggest that Defendants' illegal operations arise out of the same transaction, occurrence, or series of transactions or occurrences. Defendants unlawful use of the Protected Images also all took place within the same period between 2022 and 2025, indicating they all procured the images at the same time from the same sources. This conclusion is further supported by evidence and admissions made by similar online copyright infringers that have been the subject of numerous other enforcement actions brought by Plaintiff in other districts. This evidence and admissions include, but are not

limited to, similarly situated defendants stating that they obtained Plaintiff's copyright-protected images from the same sources, that the sourcing of their counterfeit and/or knock-off products were secured from the same manufacturing source, and that identical supply chains were employed to fulfill consumer orders.

5. Plaintiff is forced to file this action to combat Defendants' unauthorized use of its Copyright Protected Images to sell inferior, counterfeit and/or knock-off products, as well as to protect unknowing consumers from purchasing knockoff products over the Internet. Plaintiff has been and continues to be irreparably damaged through consumer confusion, dilution, and tarnishment of the Rotita Brand's reputation and goodwill because of Defendants' actions, and therefore the company seeks injunctive and monetary relief.

JURISDICTION AND VENUE

6. This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Federal Copyright Act, 17 U.S.C. § 101, et seq., 28 U.S.C. § 1338(a)–(b) and 28 U.S.C. § 1331.

7. This Court has supplemental jurisdiction over the Common Law Unfair Competition Count below, which arises under the common law of the State of Pennsylvania pursuant to 28 U.S.C. § 1367(a). 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.

8. 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 consumers in the State of Pennsylvania through their fully interactive internet stores as identified in Schedule "A," which is attached hereto as **Exhibit 2**.

9. This Court may exercise personal jurisdiction over a non-resident of the State in which the Court sits to the extent authorized by the state's laws. Fed. R. Civ. P. 4(e). Pennsylvania authorizes personal jurisdiction over each Defendant pursuant to 42 Pa. Cons. Stat. § 5322 (a) which provides in pertinent part: "A tribunal of this Commonwealth may exercise personal jurisdiction over a person ... as to a cause of action or other matter arising from such person: (1) Transacting any business in this Commonwealth. Without excluding other acts which may constitute transacting business for the purpose of this paragraph: (ii) The doing of a single act in this Commonwealth to thereby realize pecuniary benefit ... (3) Causing harm or tortious injury by an act or omission in this Commonwealth. (4) Causing harm or tortious injury by an act or omission outside this Commonwealth ... (10) Committing any violation within the jurisdiction of the Commonwealth of any statute, home rule charter, local ordinance or resolution, or rule or regulation promulgated thereunder by any government unit or of any order of court or other government unit." In the alternative, Federal Rule of Civil Procedure 4(k) confers personal jurisdiction over the Defendants because, upon information and belief, Defendants regularly conduct, transact and/or solicit business in Pennsylvania and in this judicial district, and/or derive substantial revenue from their business transactions in Pennsylvania and in this judicial district and/or otherwise avail themselves of the privileges and protections of the laws of the Commonwealth of Pennsylvania such that this Court's assertion of jurisdiction over Defendants does not offend traditional notions of fair play and due process, and/or Defendants' illegal counterfeiting and infringing actions caused injury to Plaintiffs in Pennsylvania and in this judicial district such that Defendants should reasonably expect such actions to have consequences in Pennsylvania and in this judicial district, for example:

a. Upon information and belief, at all times relevant hereto, Defendants were and/or are systematically directing and/or targeting their business activities at consumers in the United States, including Pennsylvania, through on-line platforms with Merchant Storefronts (as defined infra), via on-line marketplace websites, such as Amazon.com, under the Seller IDs, as well as any and all as yet undiscovered accounts with Merchant Storefronts held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them (“User Accounts”), through which consumers in the United States, including Pennsylvania, can view the one or more of Defendants’ Merchant Storefronts that each Defendant operates, uses to communicate with Defendants regarding their listings for Counterfeit Products and to place orders for, receive invoices for and purchase Counterfeit Products for delivery in the U.S., including Pennsylvania, as a means for establishing regular business with the U.S., including Pennsylvania.

b. Upon information and belief, certain Defendants are sophisticated sellers, each operating one or more commercial businesses using their respective User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert of participation with any of them, operate storefronts to manufacture, import, export, advertise, market, promote, distribute, offer for sale and/or otherwise deal in products, including the Counterfeit Products, which are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them (“Merchant Storefront(s)”) in wholesale quantities at significantly below-market prices to consumers worldwide, including to those in the U.S., and specifically Pennsylvania.

- c. Upon information and belief, Defendants' Merchant Storefronts reflect multiple sales to consumers all over the world, including repeat sales to consumers in the U.S. and into this judicial district.
- d. Upon information and belief, all Defendants accept payment in U.S. Dollars and offer shipping to the U.S., including to Pennsylvania.
- e. Upon information and belief, at all relevant times, Defendants have transacted business with consumers in the U.S., including Pennsylvania, for the sale and shipment of Counterfeit Products.
- f. Upon information and belief, Defendants have cooperated, communicated their plans with one another, shared information, and coordinated their efforts, all to create an illegal marketplace operating in parallel to the legitimate market of Plaintiffs' and the legally authorized resellers of Plaintiffs' genuine goods.
- g. Upon information and belief, Defendants are concurrently targeting their counterfeiting and infringing activities toward consumers and causing harm in Allegheny County, Pennsylvania.
- h. Upon information and belief, Defendants likely reside and/or operate in foreign jurisdictions with lax copyright enforcement systems and are cooperating by creating an illegal stream of infringing and counterfeit goods.
- i. Upon information and belief, Defendants are aware of Plaintiffs, genuine Rotita products, and are aware that their illegal infringing actions alleged herein are likely to cause injury to Plaintiffs in the United States, in Pennsylvania and in this judicial district specifically, as Plaintiffs conducts substantial business in Pennsylvania.

j. Defendants maintain interactive storefronts on which consumers in Pennsylvania may view items and options and add items to their electronic carts for delivery to Pennsylvania.

k. Plaintiff is suffering irreparable and indivisible injury and suffered substantial damages as a result of Defendants' unauthorized and wrongful sale of counterfeit and infringing goods.

10. Each of the Defendants is committing tortious acts in the State of Pennsylvania, is engaging in interstate commerce, and has wrongfully caused Plaintiff substantial injury in the State of Pennsylvania. Venue is proper in this Court under 28 U.S.C. §§ 1391(b)(2) and 1400(a) because Defendants have committed acts of copyright infringement in this judicial district and do substantial business in the judicial district.

THE PARTIES

11. Plaintiff is a corporation organized under the laws of the People's Republic of China ("China") and is the owner of the Copyright Protected Images asserted to have been infringed in this action by the Defendants.

12. Plaintiff founded its Rotita Brand in 2009. This brand is dedicated to women's fashion apparel and serves consumers in the United States and throughout the world.

13. Between 2016 and 2018, Plaintiff designed, caused to subsist in material form, and first published the Copyright Protected Images on its website located at the company's designated website employing the Rotita Brand in its URL and over the years, has worked hard to establish success and recognition for high-quality women's apparel internationally and in the United States.

14. Plaintiff has expended substantial time, money, and other resources to develop, advertise, and promote its Rotita Brand and, specifically, the Copyright-Protected Images. As a

result, the Rotita Brand is widely recognized and exclusively associated by consumers, the public, and the trade as quality products.

15. Plaintiff owns all rights, including without limitation, the rights to reproduce the Copyright Protected Images in copies, to prepare derivative works based upon the copyrighted works, and to distribute copies of the copyrighted works to the public by sale or other transfer of ownership, or by rental, lease, or lending, the protected works.

16. Plaintiff has neither licensed nor authorized Defendants to use the Copyright-Protected Images, and none of the Defendants are authorized retailers of the Plaintiff's genuine Rotita Brand products.

THE DEFENDANTS

17. Defendants are individuals and business entities who reside mainly in China or Hong Kong. Defendants conduct business throughout the United States, including within the State of Pennsylvania and in this judicial district, through the operation of Defendants' Online Amazon Stores identified on Schedule "A," and has offered to sell and, on information and belief, has sold and continues to sell inferior lesser quality Rotita Brand products, originally released by Rotita in its 2018 product line, to consumers within the United States, including in the State of Pennsylvania and in this judicial district, by displaying, without authorization, the Copyright Protected Images on their Online Amazon Stores.

18. Upon information and belief, the Defendants use aliases in conjunction with the operation of their businesses as set forth in Schedule "A" hereto.

19. Defendants are the past and present controlling forces behind the sale of products bearing Plaintiff's federally registered copyrights as described herein, using at least the Seller IDs.

20. Upon information and belief, Defendants directly engage in unfair competition with Plaintiffs and their authorized resellers by advertising, offering for sale and selling goods bearing and/or using infringements of Plaintiffs' trade dress, common law trademark, and federally registered copyright to consumers within the United States and this district through several fully interactive, commercial Internet websites and Internet based e-commerce stores operating under, at least, the storefronts, the Seller IDs, and any additional domain names, websites and corresponding website URLs or seller identifications and store URL aliases not yet known to Plaintiffs. Defendants have purposefully directed some portion of their illegal activities towards consumers in the Commonwealth of Pennsylvania through the advertisement, offer to sell, sale, and/or shipment of Counterfeit Products into the Commonwealth.

21. Upon information and belief, Defendants will continue to register or acquire new seller identification aliases to sell and offer for sale goods using Plaintiff's federally registered copyrights unless preliminarily and permanently enjoined.

22. In addition, Defendants go to great lengths to conceal their identities and the full scope of their operations making it virtually impossible for Plaintiff to learn Defendants' true identities and the exact interworking of their network.

23. Defendants' Internet-based businesses amount to nothing more than illegal operations established and operated in order to infringe the intellectual property rights of Plaintiffs.

24. Defendants are alleged to be acting in concert through a coordinated counterfeit product sales conspiracy or network that misappropriates Plaintiff's Copyright Protected Images depicting its authentic Rotita Brand products and use them in advertising inferior, unauthorized products for sale through their Online Stores to deceive consumers into believing their purchases are from an authentic and authorized source.

25. In furtherance of their acts in concert or conspiracy, Defendants have accomplished their sale of counterfeit and/or knockoff products through the unauthorized use of Plaintiff's Copyright Protected Images by relying upon one or more common supply chain sources and/or manufacturers that provide the Defendants with textile products matching those offered by Plaintiff and that could not otherwise be physically fabricated individually by the Defendants.

26. In addition, Defendants are believed to have also acquired unauthorized versions of Plaintiff's Copyright Protected Images from the same, similar, or related sources associated with the distribution and/or manufacture of the counterfeit/knockoff products offered for sale to consumers as authentic, authorized versions of Plaintiff's Rotita Brand, and publishing those versions within the same frame, indicating they all were acquired from the same or similar sources.

27. Based on the foregoing, Plaintiff asserts that Defendants, and each of them, is jointly and severally liable for all claims for relief asserted herein based on information and belief that they are acting in concert or acting pursuant to a conspiracy. Moreover, given these allegations, Plaintiff asserts that all conduct set forth herein has been conducted as part of the same series of transactions involving the unauthorized acquisition of Plaintiff's Copyright Protected Images, the improper display of same on Defendants' Online Stores for the purpose of deceiving consumers about the authenticity of products being purchased, the use of common supply chains and/or manufacturers, and the procurement of Plaintiff's Copyright Protected Images, without authorization, from the same, similar, or related sources.

DEFENDANTS' UNLAWFUL CONDUCT

28. The success of Plaintiff's Rotita Brand has resulted in intentional copying of the company's products, and the sale and offering for sale of said products through the unauthorized use of the Copyright Protected Images. Upon information and belief, Defendants conduct their

illegal operations through their Online Stores maintained on the Online Platform. Each Defendant targets consumers in the United States, including in the State of Pennsylvania, and sells and offers for sale counterfeit products through the unauthorized use of the Copyright Protected Images.

29. In similar cases involving multiple counterfeiters, defendants operating internet stores intentionally conceal their identities and the full scope of their counterfeiting operations to deter plaintiffs and Courts from learning their true identities and the full extent of their illegal counterfeiting operations.

30. In this case, through the unauthorized use of the Copyright Protected Images on their Online Stores, Defendants published the Copyright Protected Images on their storefronts within the same timeframe between 2022 and 2025 are directly and personally contributing to, inducing and engaging in the infringement of the Copyright Protected Images as alleged, often times as partners, co-conspirators and/or suppliers. Upon information and belief, Defendants are an interrelated group of counterfeiters working in active concert to knowingly and willfully use without authorization the Copyright Protected Works, to manufacture, import, distribute, offer for sale, and sell competing inferior products.

31. Upon information and belief, and at all times relevant hereto, Defendants have had full knowledge of Plaintiff's ownership of the Copyright Protected Images, including its exclusive right to use and license the Rotita Brand and the goodwill associated therewith.

32. Plaintiff has identified numerous stores on the Online Platform, including Defendants' Online Stores, which are offering for sale, selling, and importing knockoff products to consumers in this judicial district and throughout the United States by using, without authorization, the Copyright Protected Images. Infringers on e-commerce platforms such as Defendants' Online Stores are estimated to receive tens of millions of visits per year and to

generate over \$135 billion in annual online sales. According to an intellectual property rights seizures statistics report issued by the United States Department of Homeland Security, the manufacturer's suggested retail price ("MSRP") of goods seized by the U.S. government in fiscal year 2020 was over \$1.3 billion. Internet websites like Defendants' Online 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.

33. On information and belief, Defendants set up seller accounts on the Online Platform using, without authorization, the Copyright Protected Images so that they appear to unknowing consumers to be authorized online retailers of genuine Rotita Brand products. Defendants' Online Stores accept payment in United States currency via credit cards and PayPal.

34. On information and belief, Defendants deceive unknowing consumers by using Plaintiff's Copyright Protected Images on Defendants' Online Stores without authorization to attract customers, and to sell counterfeit products resembling authentic Rotita Brand products.

35. Defendants, in similar type of counterfeit cases, deceive unknowing consumers by using the infringed intellectual property as originally used in connection with the sale of genuine products, within the content, text, and/or meta tags of their websites to attract various search engines crawling the Internet looking for websites relevant to consumer product searches. Additionally, counterfeiters in similar type cases, use other unauthorized search engine optimization ("SEO") tactics and social media spamming so that the Defendants internet store listings show up at or near the top of relevant search results and misdirect consumers searching for genuine products. Further, counterfeiters utilize similar illegitimate SEO tactics to propel new domain names to the top of search results after others are shut down.

36. Plaintiff confirmed that Defendants were and/or are still currently offering for sale and/or selling competing products for sale to the consuming public via Internet based ecommerce stores on, at least, one Internet marketplace using at least the Seller IDs and that Defendants provide shipping and/or have shipped competing products to customers located within this judicial district.

37. Here, a search for the Rotita Brand women's dresses on the Online Platform resulted in the unauthorized display of the Copyright Protected Images being used to promote competing, inferior products. As such, Plaintiff also seeks to disable Defendants' Online Stores that are how the Defendants display, without authorization, the Copyright Protected Images to continue to sell knockoff products to consumers in the State of Pennsylvania and in this judicial district.

38. On information and belief, Defendants conceal their identities by using multiple fictitious names and addresses to register and operate a massive network of internet stores. It is common practice for counterfeiters to register accounts with incomplete information, randomly typed letters, or omitted cities or states; use privacy services that conceal the owners' identity and contact information; and regularly create new websites and online marketplace accounts on various platforms including Defendants' Online Stores listed in Schedule "A", which is attached hereto as **Exhibit 2**. Such internet store registration patterns are one of many common tactics counterfeiters use to conceal their identities, the full scope and interworking of their massive counterfeiting operation, and to avoid being shut down.

39. Upon receiving notice of a lawsuit, counterfeiters in similar cases will often register new domain names or online marketplace accounts under new aliases.¹ Counterfeiters also typically ship products in small quantities via international mail to minimize detection by U.S. Customs and Border Protection. A 2021 U.S. Customs and Border Protection (“CBP”) report on seizure statistics indicated that e-commerce sales accounted for 13.3% of total retail sales with second quarter of 2021 retail e-commerce sales estimated at \$222.5 billion.² In FY 2021, there were 213 million express mail shipments and 94 million international mail shipments. *Id.* Nearly 90 percent of all intellectual property seizures occur in the international mail and express environments. *Id.* at 27. The “overwhelming volume of small packages also makes CBP’s ability to identify and interdict high risk packages difficult.” *Id.* at 23.

40. Further, counterfeiters often operate multiple credit card merchant accounts and third-party accounts behind layers of payment gateways so that they can continue operating despite enforcement efforts. Upon information and belief, Defendants maintain offshore bank accounts and regularly move funds from their Online Platform accounts to offshore bank accounts outside the jurisdiction of this Court particularly since it is believed that Defendants reside in China or Hong Kong.

41. Further, upon information and belief, Defendants are likely to transfer or secret their assets to avoid payment of any monetary judgment awarded to Plaintiffs.

¹ <https://www.ice.dhs.gov/news-releases/buyers-beware-ice-hsi-and-cbp-boston-warn-consumers-about-counterfeit-goods-during> (counterfeiters are “very adept at setting up online stores to lure the public into thinking they are purchasing legitimate good on legitimate websites”) (last visited Apr. 6, 2022).

² U.S. Customs and Border Protection, Intellectual Property Right Seizure Statistics, FY 2021 (<https://www.cbp.dhs.gov/sites/default/files/assets/documents/2022-Sep/202994%20-20FY%202021%20IPR%20Seizure%20Statistics%20BOOK.5%20-%20FINAL%20%28508%29.pdf>) at 23.

42. Defendants' unlawful use of Plaintiff's Copyright Protected Images to promote knockoff and/or counterfeit products for sale on Defendants' Online Stores, bear similarities and indicia of interrelatedness, suggesting they are manufactured by and come from a common source. Notable features common to Defendants' Online Stores include lack of contact information, the same or similar products for sale, identically or similarly priced items and sales discounts, shared hosting service, similar name servers, and their common infringement of Plaintiff's Copyright-Protected Images.

43. Defendants' use of Plaintiff's Copyright Protected Images in connection with the advertising, marketing, distribution, offering for sale and the sale of competing products of inferior quality is likely to cause and has caused confusion, mistake and deception by and among consumers and is irreparably harming the Rotita Brand. Defendants have manufactured, imported, distributed, offered for sale, and sold their inferior products using the Copyright Protected Images without authorization to do so and will continue to do so unless restrained temporarily, preliminarily, and permanently by this Court. Attached as **Exhibit 3** are true and correct copies of the Defendants' infringing images and links associated with the infringing products.

44. Defendants, without authorization or license from Plaintiff, knowingly and willfully used and continue to use the company's Copyright Protected Images in connection with the advertisement, offer for sale and the sale of counterfeit and/or knockoff Rotita Brand products through, *inter alia*, their Online Stores identified in Schedule "A".

45. Upon information and belief, Defendants will continue to infringe Plaintiff's Copyright Protected Images for the purpose of selling inferior knockoff products unless preliminarily and permanently enjoined.

46. Defendants' unauthorized use of the Copyright Protected Images in connection with the advertising, distribution, offering for sale, and the sale of poor-quality products in the United States and specifically into the State of Pennsylvania is likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming the goodwill and intrinsic value of Plaintiff's Rotita Brand.

47. Plaintiff has no adequate remedy at law.

48. Unless enjoined, Defendants' infringing conduct will continue to cause irreparable harm to Plaintiff.

COUNT I
COPYRIGHT INFRINGEMENT (17 U.S.C. § 101, et seq.)
[Against Defendants Designated on Schedule A]

49. Plaintiff repeats, realleges and incorporates by reference herein its allegations contained in paragraphs 1 through 48, above.

50. Plaintiff's Copyright Protected Images have significant value and have been produced and created at considerable expense.

51. Plaintiff owns all exclusive rights, including without limitation the rights to reproduce the Copyright Protected Images in copies, to prepare derivative works based upon the copyrighted work, and to distribute copies of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending, the copyright protected works.

52. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products using the Copyright Protected Images without Plaintiff's permission, authorization, consent, or license.

53. Upon information and belief, Defendants have directly copied the Copyright Protected Images and used them, without authorization, to advertise, promote, offer for sale, and sell competing products of low quality and at a fraction of the price.

54. As examples, Defendants deceive unknowing consumers by using, without authorization, the Copyright Protected Images on Defendants' Online Stores to attract customers as follows:



55. Defendants' unauthorized exploitation of Copyright Protected Images to advertise, offer for sale and sell inferior products on Defendants' Online Stores constitutes copyright infringement.

56. Upon information and belief, Defendants' infringing acts were willful, deliberate, and committed with prior notice and knowledge of the Copyright Protected Images.

57. Each Defendant either knew or should have reasonably known that the Copyright Protected Images are subject to federal copyright protection. Further, each Defendant continues to infringe upon Plaintiff's rights in and to the Copyright Protected Images.

58. As a direct and proximate result of their unauthorized and infringing conduct, Defendants have obtained and continue to realize direct and indirect profits and other benefits rightfully belonging to Plaintiff, and that Defendants would not otherwise have realized but for their infringement of Plaintiff's Copyright Protected Images.

59. The foregoing acts of infringement constitute a collective enterprise of shared, conspiratorial, overlapping acts done in concert and willfully, intentionally, with disregard and indifference to the rights of the Plaintiff. Accordingly, Defendants, and each of them, should be found jointly and severally liable.

60. Accordingly, Plaintiff seeks an award of damages pursuant to 17 U.S.C. § 504.

61. In addition to actual damages, Plaintiff is entitled to receive the profits made by Defendants from their wrongful acts, pursuant to 17 U.S.C. § 504(b). Each Defendant should be required to account for all gains, profits, and advantages derived by each Defendant from their acts of infringement.

62. In the alternative, Plaintiff is entitled to and may elect to choose statutory damages pursuant to 17 U.S.C. § 504(c), which should be enhanced by 17 U.S.C. § 504(c)(2) because of Defendants' willful copyright infringement.

63. Plaintiff is entitled to and may elect to choose injunctive relief under 17 U.S.C. § 502, enjoining any use or exploitation by Defendants of their infringing work and for an order under 17 U.S.C. § 503 that any of Defendants' infringing products be impounded and destroyed.

64. Plaintiff seeks and is also entitled to recover reasonable attorneys' fees and costs of suit pursuant to 17 U.S.C. § 505.

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

66. The conduct of each Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiff great and irreparable injury that cannot fully be compensated or measured monetarily. As such, Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. §§502 and 503, Plaintiff is entitled to injunctive relief prohibiting each Defendant from further infringing the Copyright Protected Images and ordering that each Defendant destroy all unauthorized copies. Defendants' copies, plates, and other embodiments of the copyrighted works from which copies can be reproduced, if any, should be impounded and forfeited to Plaintiff as instruments of infringement, and all infringing copies created by Defendants should be impounded and forfeited to Plaintiff, under 17 U.S.C §503.

COUNT II
COMMON LAW UNFAIR COMPETITION CLAIM
[Against Defendants Designated in Schedule A]

67. Plaintiff repeats, realleges and incorporates by reference herein its allegations contained in paragraphs 1 through 48, above.

68. Defendants have engaged in acts constituting common law unfair competition including, but not limited to: passing off their knockoff products as those of Plaintiff's Rotita Brand products through the unauthorized use of the Copyright Protected Images; thereby causing a likelihood of confusion and/or misunderstanding as to the source of their goods with genuine Rotita 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.

69. Moreover, Defendants have used, without authorization, Plaintiff's Copyright Protected Images in promoting Defendants' Online Stores by displaying them in connection with offering for sale knockoff and/or inferior products by deceiving consumers into believing said products are authentic Rotita Brand products.

70. In the Course of trade and commerce the Defendants engaged in misleading and fraudulent acts in advertising their inferior knockoff products with images of Rotita products, thereby creating customer confusion and loss of goodwill as customers associate nferior products with the Rotita Brand.

71. The use of copyrighted images to deceive customers into buying knockoff goods is egregious, intentional, and damaging to both the consumer and the Rotita Brand.

72. Given that the images were taken from the internet and used by the Defendants to sell knockoff goods, the Defendants knew of their behavior and acted with willfulness and malice.

73. Plaintiff has been damaged in the form of lost revenue, loss of goodwill and tarnishing of the Rotita Brand.

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, through, under, or in active concert with them be temporarily, preliminarily, and permanently enjoined and restrained from:

a. using Plaintiff's Copyright Protected Images 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 Rotita Brand

product or is not authorized by Plaintiff to be sold in connection with its registered copyrights;

b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Rotita Brand product or any other product produced by Plaintiff by using the Copyright Protected Images 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 Rotita Brand;

d. further infringing the Copyright Protected Images and damaging Plaintiff's Rotita Brand's reputation and goodwill;

e. otherwise competing unfairly with Plaintiff through the unauthorized use of the Copyright Protected Images 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 Copyright Protected Images;

g. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendants' stores on Defendants' Online Stores or the Online 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 Rotita Brand products through the unauthorized use of the Copyright Protected Images; and

h. operating and/or hosting websites at the Defendants' Internet stores 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 Copyright Protected Images.

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 Rotita Brand products by using, without authorization, the Copyright Protected Images, 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 Copyright Protected Images; and

c. take all necessary steps to prevent links to Defendants' Online Stores 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 Copyright Protected Images.

5. In the alternative, that Plaintiff be awarded statutory damages of not less than \$750 and not more than \$30,000 for each and every infringement of the Copyright Protected Images

pursuant to 17 U.S.C. § 504(c), which should be enhanced to a sum of not more than \$150,000 by 17 U.S.C. § 504(c)(2) because of Defendants' willful copyright infringement.

6. That Plaintiff be awarded attorneys' fees and costs.
7. That Plaintiff be awarded its actual and consequential damages from Defendants' unfair competition.
8. Award any and all other relief that this Court deems just and proper.

DEMAND FOR JURY TRIAL

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

DATED: April 25, 2025

Respectfully submitted,

/s/ Joshua H. Sheskin.

Joshua H. Sheskin (Bar No.93028)

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