

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

CASE NO.: 6:25-cv-00320

THOSE CHARACTERS FROM CLEVELAND, LLC,

Plaintiff,

v.

**THE INDIVIDUALS, PARTNERSHIPS, AND
UNINCORPORATED ASSOCIATIONS IDENTIFIED
ON SCHEDULE A,**

Defendants.

/

COMPLAINT

Plaintiff, THOSE CHARACTERS FROM CLEVELAND, LLC, hereby brings this trademark infringement and counterfeiting action against Defendants, THE INDIVIDUALS, PARTNERSHIPS, AND UNINCORPORATED ASSOCIATIONS IDENTIFIED ON SCHEDULE A (collectively “Defendants”), and alleges as follows:

NATURE OF THE ACTION

1. This action is for trademark infringement, counterfeiting, false designation of origin or false description, and dilution arising under the Lanham Act (15 U.S.C. § 1051 et seq.).

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over the Lanham Act claims in this action pursuant to 28 U.S.C. §§ 1331 and 1338.

3. This Court has personal jurisdiction over Defendants because Defendants are doing business in Texas and this District by committing tortious acts including trademark infringement and counterfeiting and unfair competition. Defendants purposefully direct their activities toward

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and conduct business with consumers in Texas and this District through at least the internet-based e-commerce stores identified on Schedule A. The Defendants' internet-based e-commerce stores are fully interactive websites which allow consumers to order and purchase products online, and Defendants' have used their websites to engage in business transactions with consumers in Texas and this District. See, e.g. *Mink v. AAA Development LLC*, 190 F.3d 333, 337 (5th Cir. 1999) (personal jurisdiction appropriate where "a defendant [is] doing business over the internet or [the website has] sufficient interactivity with residents of the forum state"); *Animaccord Ltd. v. Individuals, Partnerships and Unincorporated Associations Identified on Schedule "A"*, 2023 WL 4533407 *3 (W.D. Tex. June 8, 2023) ("Operating an internet website for the purpose of selling allegedly infringing product to Texas consumers, as alleged here, constitute sufficient minimum contacts.").

4. Personal jurisdiction is also proper under Fed. R. Civ. P. 4(k)(2) because Defendants are not subject to jurisdiction in any state's courts of general jurisdiction and exercising jurisdiction is consistent with the United States Constitution and laws.

5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)(2) because a substantial part of the events or omissions giving rise to the claims occurred in this District, and Defendants are purposely doing business with consumers in Texas and this District. Alternatively, venue is otherwise proper in this District pursuant to 28 U.S.C. §§ 1391(b)(3) because Defendants are aliens subject to this Court's personal jurisdiction.

THE PARTIES

6. Plaintiff, THOSE CHARACTERS FROM CLEVELAND, LLC, is an Ohio limited liability company.

7. Upon information and belief, Defendants are individuals or business entities based in China that own and/or operate one or more e-commerce stores in a concerted effort to profit from the goodwill associated with Plaintiff's intellectual property by selling and offering to sell the same or substantially the same counterfeit and infringing goods via the same or similar sales channels, all in direct violation of Plaintiff's exclusive rights. See **Schedule A** attached hereto which contains a link to each of the Defendants' e-commerce store.

8. Defendants' business names, *i.e.*, the Seller IDs, associated payment accounts, and any other alias seller identification names used in connection with the sale of the same or materially similar counterfeit and infringing goods bearing one or more of Plaintiff's trademarks are essential components of Defendants' online activities and are one of the means by which Defendants further their counterfeiting and infringement scheme and cause harm to Plaintiff. Moreover, Defendants are using Plaintiff's famous trademarks to drive Internet consumer traffic to their e-commerce stores operating under the Seller IDs, thereby increasing the value of the Seller IDs and decreasing the size and value of Plaintiff's legitimate marketplace and intellectual property rights at Plaintiff's expense.

9. Joinder is appropriate at this time under Fed. R. Civ. P. 20(a)(2) because Plaintiff asserts rights to relief against these Defendants jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and common questions of law or fact will arise in the action. See also 7 Fed. Prac. & Proc. Civ. § 1660 (3d ed.) ("The general philosophy of the joinder provisions of the federal rules is to allow virtually unlimited joinder at the pleading stage but to give the district court discretion to shape the trial to the necessities of the particular case.").

FACTUAL BACKGROUND

A. Plaintiff's Brand and Trademarks

10. Plaintiff is engaged in the manufacture, marketing, and sale of a variety of products associated with its proprietary brand [REDACTED] (collectively “[REDACTED]”) throughout the world.

11. Plaintiff's products are distributed and sold through authorized retail and department stores, and via its internet websites, including [REDACTED] throughout the United States, including Texas. Plaintiff does not offer its merchandise for sale through individuals of unauthorized retail locations.

12. Plaintiff has used a variety of legally protected trademarks for many years on and in connection with the advertisement and sale of [REDACTED].

13. Plaintiff is owner of the following United States Federal Trademark Registrations (collectively “[REDACTED”]):

REGISTRATION NO.	TRADEMARK
[REDACTED]	[REDACTED]

Evidence of the registration, status, and ownership of the [REDACTED] is attached as **Exhibit 1** hereto.

14. Plaintiff has expended substantial time, money and other resources in developing, advertising, and otherwise promoting the [REDACTED]. As a result, products bearing the [REDACTED] are widely recognized and exclusively associated by consumers, the public and the

trade as being high quality products sourced from Plaintiff and have acquired strong secondary meaning.

15. Plaintiff has long been manufacturing and selling its [REDACTED] in interstate commerce under the [REDACTED]. These registrations are valid and subsisting, and are incontestable.

16. The registration of the [REDACTED] constitutes *prima facie* evidence of their validity and conclusive evidence of Plaintiff's exclusive right to use the [REDACTED] in connection with the goods identified therein and other commercial goods.

17. The registration of the [REDACTED] also provides constructive notice to Defendants of Plaintiff's ownership and exclusive rights to the [REDACTED].

18. The [REDACTED] at issue in this case have been continuously used in interstate commerce and have never been abandoned.

B. Defendants' Infringing Conduct

19. Upon information and belief, Defendants are individuals or business entities based in China, who own and/or operate one or more e-commerce stores.

20. Each of the Defendants knowingly and willfully advertise, display, offer for sale, sell, deliver, and/or otherwise distribute into the stream of commerce infringing goods bearing the [REDACTED], resulting in substantial and continuous harm to the rights of Plaintiff. See **Exhibit 2** attached hereto which contains true and correct copies of screenshot printouts showing the active e-commerce stores for each of the Defendants. The products shown on said Exhibit 2 are the counterfeit goods bearing the [REDACTED], and are separated as to each individual Defendant.

21. Defendants have no license, authority, or other permission from Plaintiff to use any of the [REDACTED] in connection with the advertising, promotion, distribution, public display, sale, and/or offer for sale of any products or packaging.

22. The acts of Defendants constitute direct trademark infringement in violation of federal and state law.

23. The acts of Defendants are intended to cause, have caused, and/or likely to continue to cause confusion or mistake, or to deceive consumers, the public, and the trade into believing that infringing products, descriptions, and packaging offered for sale and sold by Defendants are authentic or authorized products and packaging originating with Plaintiff.

24. The acts of Defendants are likely to create a false impression and deceive consumers, the public, and the trade into believing that there is a connection or association between the infringing products and Plaintiff.

25. Defendants are well aware of the extraordinary fame and strength of the [REDACTED] [REDACTED] and [REDACTED], and incalculable goodwill associated therewith.

26. Further, Defendants are engaging in the above-described infringing activities knowingly and intentionally, or with reckless disregard of or willful blindness to Plaintiff's rights, for the purpose of trading on the goodwill and reputation of Plaintiff.

27. Defendants are knowingly and deliberately hijacking the [REDACTED] and their sales of infringing products are not only willful and malicious, but have caused, and continues to cause, substantial and irreparable harm to Plaintiff's goodwill and reputation. In addition, the damages caused by Defendants are especially severe because the infringing products are inferior in quality to the authentic [REDACTED].

28. Moreover, Plaintiff has no ability to control the quality of the infringing goods provided by Defendants in conjunction with the [REDACTED], and, therefore, are at risk of irreparable harm for which there is no remedy at law and which money damages cannot repair.

29. Plaintiff seeks damages, including treble exemplary damages, statutory damages, and attorney's fees and costs, as a result of Defendants' knowing, deliberate, and willful infringement of the [REDACTED], and any other available relief pursuant to Section 35 of the Lanham Act (15 U.S.C. § 1117).

**COUNT I – TRADEMARK INFRINGEMENT AND COUNTERFEITING
UNDER 15 U.S.C. § 1114(a)**

30. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1-29 as if fully set forth herein.

31. Defendants, without authorization from Plaintiff, have used and are continuing to use in commerce spurious designations that are identical to, or substantially indistinguishable from, the [REDACTED].

32. The foregoing acts of Defendants are intended to cause, have caused, and are likely to continue to cause confusion or mistake, or to deceive consumers, the public, and the trade into believing that the infringing products, descriptions, and packaging offered for sale and sold by Defendants are authentic or authorized [REDACTED] of Plaintiff.

33. Defendants' acts, as described above, are likely to create a false impression and deceive consumers, the public, and the trade into believing that there is a connection or association between the infringing products and Plaintiff.

34. Defendants' acts constitute trademark infringement in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114. As established by the registration of the [REDACTED], the

████████ are protectable and enforceable against Defendants, and Plaintiff is the owner and senior user of the █████.

35. Moreover, Defendants' actions have caused a likelihood of confusion and damage to Plaintiff. In particular, through infringement of the █████, Defendants are harming Plaintiff and diverting sales that would otherwise go to Plaintiff, as well as inserting into the stream of commerce inauthentic, counterfeit, or otherwise infringing products that will be believed to be the authentic products of Plaintiff. Defendants' infringement of the █████ is likely to cause confusion and mistake as to the source of Defendants' goods.

36. Pursuant to Section 35 of the Lanham Act, 15 U.S.C. § 1117(a), Plaintiff is entitled to recover from Defendants: (i) Defendants' profits and (ii) the costs of this action. Alternatively, Plaintiff is entitled to statutory damages of up to \$2 million per counterfeit mark, per type of goods, due to Defendants' willful counterfeiting. Due to the knowing, intentional, and purposeful nature of Defendants' conduct, Plaintiff seeks treble damages pursuant to 15 U.S.C. §1117(b). Plaintiff also seeks their reasonable attorney's fees due to the exceptional nature of this case.

**COUNT II – FALSE DESIGNATION OF ORIGIN OR FALSE DESCRIPTION
UNDER 15 U.S.C. § 1125(a)**

37. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1-29 as if fully set forth herein.

38. Defendants' acts committed in the course of interstate commerce constitute materially false and misleading misrepresentations of fact with respect to the origin of Defendants' goods, and the affiliation, sponsorship, and approval of Defendants' goods in violation of Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A).

39. Pursuant to Section 35 of the Lanham Act, 15 U.S.C. § 1117(a), Plaintiff is entitled to recover from Defendants: (i) Defendants' profits and (ii) the costs of this action. Due to the

knowing, intentional, and purposeful nature of Defendants' conduct, Plaintiff seeks treble the amount of their damages. Plaintiff also seeks their reasonable attorney's fees due to the exceptional nature of this case.

**COUNT III – DILUTION
UNDER 15 U.S.C. § 1125(c)**

40. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1-29 as if fully set forth herein.

41. Plaintiff is the owner of the [REDACTED] which are distinctively, inherently, or through acquired distinctiveness, famous marks. The [REDACTED] are widely recognized by the general consuming public of the United States as a designation of source of the goods or services of Plaintiff.

42. After Plaintiff's [REDACTED] became famous, Defendants willfully commenced using the [REDACTED] in commerce that is likely to cause dilution by blurring and/or dilution by tarnishment.

43. The similarity between the Defendants' infringing products and Plaintiff's [REDACTED] [REDACTED] | impairs the distinctiveness of and/or harms the reputation of the [REDACTED].

44. Pursuant to Section 35 of the Lanham Act, 15 U.S.C. § 1117(a), Plaintiff is entitled to recover from Defendants: (i) Defendants' profits and (ii) the costs of this action. Due to the knowing, intentional, and purposeful nature of Defendants' conduct, Plaintiff seeks treble the amount of their damages. Plaintiff also seeks their reasonable attorney's fees due to the exceptional nature of this case.

45. Plaintiff is further entitled to an injunction pursuant to 15 U.S.C. § 1125(c)(1).

DEMAND FOR JURY TRIAL

46. In accordance with Federal Rule of Civil Procedure 38, Plaintiff hereby demands a trial by jury on their claims alleged against Defendants.

PRAYER FOR RELIEF

47. For these reasons, Plaintiff, THOSE CHARACTERS FROM CLEVELAND, LLC, requests that this Court enter judgment in their favor and against Defendants, on all counts plead herein, and:

- a. Award Plaintiff its disgorgement and treble damages pursuant to 15 U.S.C. § 1117(a); Alternatively, under 15 U.S.C. § 1117(a), award Plaintiff up to \$2 million in statutory damages per each counterfeit mark per type of goods under 15 U.S.C. § 1117(c)(2) and treble damages under 15 U.S.C. § 1117(b);
- b. In accordance with 15 U.S.C. § 1117(a), find this case to be exceptional in Plaintiff's favor and award Plaintiff the costs and expenses of this action;
- c. In accordance with 15 U.S.C. § 1118, order all materials in Defendants' possession or control bearing the [REDACTED] be surrendered for destruction;
- d. In accordance with 15 U.S.C. § 1125(c)(1), enjoin Defendants from further infringing on the Plaintiff's marks;
- e. Award Plaintiff pre-judgment and post-judgment interest at the maximum allowable interest rate; and
- f. Grant Plaintiff such other and further relief, at law or in equity, to which it is justly entitled.

DATED: August 22, 2025

Respectfully Submitted,

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