

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

|                                        |   |           |
|----------------------------------------|---|-----------|
| OPULENT TREASURES, INC.,               | ) |           |
|                                        | ) |           |
| Plaintiff,                             | ) |           |
|                                        | ) |           |
| v.                                     | ) | Case No.: |
|                                        | ) |           |
| THE INDIVIDUALS, CORPORATIONS, LIMITED | ) |           |
| LIABILITY COMPANIES, PARTNERSHIPS, AND | ) |           |
| UNINCORPORATED ASSOCIATIONS            | ) |           |
| IDENTIFIED ON SCHEDULE A HERETO,       | ) |           |
|                                        | ) |           |
| Defendants.                            | ) |           |
|                                        | ) |           |
|                                        | ) |           |

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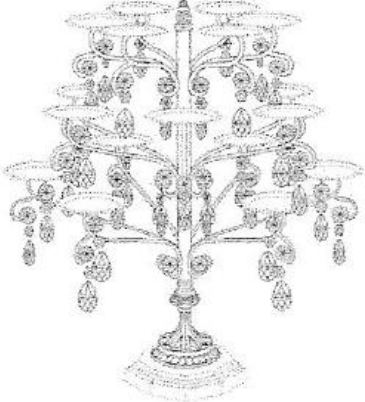
**COMPLAINT**

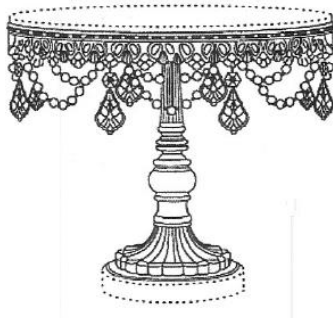
Plaintiff OPULENT TREASURES, INC. (“Plaintiff” or “Opulent”) hereby alleges as follows against the individuals, corporations, limited liability companies, partnerships, and unincorporated associations and foreign entities identified on **Schedule A** attached hereto (collectively, “Defendants”):

**INTRODUCTION**

1. This action has been filed by Plaintiff to combat online counterfeiters who trade upon Plaintiff’s reputation and goodwill by selling and/or offering for sale products in connection with Plaintiff’s OPULENT TREASURES trademarks, which are covered by U.S. Trademark Registration No. 4,381,949, No. 4,729,340, No. 4,729,341, No. 4,733,374, and No. 5,912,235 (the “OPULENT TREASURES Trademarks”), and copyrights, which are covered by U.S. Copyright Office Registrations No. VA 2-299-360, No. VA 2-299-364, No. VA 2-299-366, No. VA 2-298-980, No. VA 2-304-222, No. VA 2-308-419, No. VA 2-309-157, and No. VA 2-315,469 (collectively, the “OPULENT TREASURES Copyrights”). The registrations are valid, subsisting, and in full force and effect. A true and correct copy of the federal trademark registration certificates for the OPULENT TREASURES Trademarks are attached hereto as **Exhibit 1** and listed below at

Table 1. True and correct copies of the federal copyright registration certificates for the OPULENT TREASURES Copyrights are attached hereto as **Exhibit 2** and listed below at Table.

| Table 1 - US Trademark Registration No. | Description                                                                                              |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------|
| 4,381,949                               | OPULENT TREASURES (word mark)                                                                            |
| 4,729,340                               | <p>Design mark</p>     |
| 4,729,341                               | <p>Design mark</p>    |
| 4,733,374                               | <p>Design mark</p>  |

| Table 1 - US Trademark Registration No. | Description                                                                                       |
|-----------------------------------------|---------------------------------------------------------------------------------------------------|
| 5,912,235                               | Design mark<br> |

| Table 2 - US Copyright Registration No. | Description                                                                                                                                    |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| VA 2-298-980                            | Round Cake Stand<br>                                       |
| VA 2-299-364                            | Chandelier Cupcake Stand or Candleholder with Crystals<br> |

| Table 2 - US Copyright Registration No. | Description                                                                                                                                |
|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| VA 2-304-222                            | Set of 3 Square Chandelier Dessert Standard<br>          |
| VA 2-299-360                            | Chandelier Cake/Cupcake/Dessert Stand/ Candleholder<br> |
| VA 2-299-366                            | 3-Tier Chandelier Dessert Stand with Crystals<br>      |

| Table 2 - US Copyright Registration No. | Description                                                                                                                                            |
|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| VA 2-308-419                            | <p data-bbox="922 258 1273 285">Round Cake Stand with Crystals</p>   |
| VA 2-309-157                            | <p data-bbox="932 882 1263 909">Moroccan Jeweled Cake Stand</p>     |
| VA 2-315-469                            | <p data-bbox="932 1375 1263 1402">Blossom Display Arrangement</p>  |

2. Defendants are improperly advertising, marketing and/or selling unauthorized and illegal products (the “Counterfeit Products”) embodying Plaintiff’s copyrights and/or by reference to an identical or substantially identical name and mark as the OPULENT TREASURES Trademarks, which causes further confusion and deception in the marketplace. The Defendants have created numerous fully interactive commercial internet stores operating under the online marketplace accounts (collectively, the “Defendant Internet Stores”) and using the account names (collectively, the “Defendants”) identified in Schedule A attached hereto. The Defendants design the Defendant Internet Stores to appear to be selling Plaintiff’s genuine OPULENT TREASURES products (the “OPULENT TREASURES Products”), while selling inferior imitations of such products. The Defendant Internet Stores share unique identifiers, such as design elements and similarities of the counterfeit products offered for sale, establishing a logical relationship between them and suggesting that Defendants’ illegal operations arise out of the same transaction, occurrence, or series of transactions or occurrences. Defendants attempt to avoid liability by going to great lengths to conceal both their identities and the full scope and interworking of their illegal counterfeiting operation.

3. Plaintiff is forced to file this action to combat Defendants’ counterfeiting of the OPULENT TREASURES Trademarks and OPULENT TREASURES Copyrights, as well as to protect unknowing consumers from purchasing unauthorized Counterfeit Products over the Internet. As a result of Defendants’ actions, Plaintiff has been and continues to be irreparably damaged through consumer confusion, dilution, and tarnishment of its valuable trademarks, copyrights, and goodwill and therefore Plaintiff seeks injunctive and monetary relief.

4. This Court has personal jurisdiction over each Defendant, in that each Defendant conducts significant business in Illinois and in this Judicial District, and the acts and events giving rise to this lawsuit of which each Defendant stands accused were undertaken in Illinois and in this Judicial District. In addition, each Defendant has offered to sell and ship infringing products into this Judicial District.

## **JURISDICTION AND VENUE**

5. This Court has original subject matter jurisdiction over the trademarks infringement and false designation of origin 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. This Court has original subject matter jurisdiction over the copyright claim pursuant to the Copyright Laws of the United States, 17 U.S.C. § 101 et seq., 28 U.S.C. § 1338(a)–(b), and 28 U.S.C. § 1331.

6. This Court has jurisdiction over the unfair deceptive trade practices claim in this action that arise under the laws of the State of Illinois pursuant to 28 U.S.C. § 1367(a) because the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

7. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendants, because each of the Defendants directly targets consumers in the United States, including Illinois, through at least the Defendant Internet Stores. Specifically, Defendants are reaching out to do business with Illinois residents by operating one or more commercial, interactive Internet Stores through which Illinois residents can purchase Counterfeit Products that are marketed by reference to Plaintiff's OPULENT TREASURES Trademarks and/or embody Plaintiff's OPULENT TREASURES Copyrights. Each of the Defendants has targeted sales from Illinois residents by operating online stores that offer shipping to the United States, including Illinois, accept payment in U.S. dollars, and, on information and belief, have marketed and sold Counterfeit Products to residents of Illinois. Each of the Defendants is committing tortious acts in Illinois, is engaging in interstate commerce, and has wrongfully caused Plaintiff substantial injury in the State of Illinois. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2) and 1400(a) because Defendants have committed acts of copyright and/or trademarks infringement in this Judicial District, do substantial business in the Judicial District, have registered agents in this Judicial District, and/or reside or may be found in this Judicial District.

### **THE PLAINTIFF**

8. Plaintiff Opulent Treasures Inc. is a corporation incorporated under the laws of California and is the registered owner of both the OPULENT TREASURES Trademarks referred to above and with its federal registrations attached as Exhibit 1 and the OPULENT TREASURES Copyrights referred to above and with its federal registrations attached as Exhibit 2.

9. Plaintiff is a leading decor manufacturer and distributor, and has earned an international reputation for quality, reliability and value. In creating the OPULENT TREASURES Products, Plaintiff's goal has been to add charm, elegance, and stunning beauty to each customer's special occasions and celebrations. Plaintiff is the official source of OPULENT TREASURES products in the United States.

10. Since at least 1995, the OPULENT TREASURES Products are and have been the subject of substantial and continuous marketing and promotion by Plaintiff. Additionally, since at least 2004, the OPULENT TREASURES Trademarks are and have been the subject of substantial and continuous marketing and promotion by Plaintiff. Plaintiff has and continues to widely market and promote the OPULENT TREASURES Trademarks in the industry and to consumers. Plaintiff's promotional efforts include — by way of example but not limitation — substantial print media, the OPULENT TREASURES Products' website and social media sites, and point of sale materials.

11. The OPULENT TREASURES Trademarks are distinctive and identify the merchandise as goods from Plaintiff. The registration for the OPULENT TREASURES Trademarks constitutes prima facie evidence of its validity and of Plaintiff's exclusive right to use that trademarks pursuant to 15 U.S.C. § 1057(b).

12. The OPULENT TREASURES Trademarks qualify as famous marks, as that term is used in 15 U.S.C. §1125 (c)(1), and has been continuously used and never abandoned.

13. Plaintiff has expended substantial time, money, and other resources in developing, advertising and otherwise promoting the OPULENT TREASURES Trademarks. As a result,



products bearing the OPULENT TREASURES Trademarks are widely recognized and exclusively associated by consumers, the public, and the trade as being products sourced from Plaintiff.

14. Plaintiff also owns all exclusive rights, including without limitation the rights to reproduce the copyrighted works 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, in various copyrights for the OPULENT TREASURES Products, including without limitation copyrights covered by the OPULENT TREASURES Copyrights. Exemplary images from one of the OPULENT TREASURES Copyrights are as follows:



#### **THE DEFENDANTS**

15. Defendants are individuals and business entities who, upon information and belief, reside mainly in the People's Republic of China or other foreign jurisdictions. Defendants conduct business throughout the United States, including within Illinois and in this Judicial District, through the operation of the fully interactive commercial websites and online marketplaces operating under the Defendant Internet Stores. Each Defendant targets the United States, including Illinois, and has offered to sell and, on information and belief, has sold and continues to sell

Counterfeit Products to consumers within the United States, including Illinois and in this Judicial District.

16. Defendants are merchants operating storefronts on online marketplace platforms, including but not limited to Amazon.com, eBay.com, etsy.com, Walmart.com, and Wish.com (the “Marketplace Platforms”), through which Defendants offer for sale and/or sell Counterfeit Products and which, upon information and belief, are owned by:

a. Amazon.com, Inc. (“Amazon”), a Washington corporation with a principal place of business at 410 Terry Ave N, Seattle, Washington 98109;

b. eBay, Inc. (“eBay”), a California corporation with a principal place of business at 2025 Hamilton Avenue, San Jose, California 95125;

c. Etsy, Inc. (“Etsy”), is a Delaware corporation with a principal place of business at 117 Adams Street, Brooklyn, New York 11201;

d. Walmart, Inc. (“Walmart”) is a Delaware corporation with a principal place of business at 702 S.W. 8th St. Bentonville, Arkansas 72716; and

e. ContextLogic Inc. (“Wish”) is a Delaware corporation with a principal place of business at One Sansome Street, 33rd Floor, San Francisco, California 94104.

#### **THE DEFENDANTS’ UNLAWFUL CONDUCT**

17. The success of the OPULENT TREASURES brand has resulted in its counterfeiting. Plaintiff has identified numerous domain names linked to fully interactive websites and marketplace listings on platforms such as Amazon.com, eBay.com, etsy.com, Walmart.com, and Wish.com, including the Defendant Internet Stores, which were offering for sale, selling, and importing Counterfeit Products to consumers in this Judicial District and throughout the United States. Defendants have persisted in creating the Defendant Internet Stores. Internet websites like the Defendant Internet 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 of goods seized by the U.S. government in fiscal year 2020

was over \$1.3 billion. Internet websites 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.

18. On personal knowledge and belief, Defendants facilitate sales by designing the Defendant Internet Stores so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers selling genuine OPULENT TREASURES Products. Many of the Defendant Internet Stores look sophisticated and accept payment in U.S. dollars via credit cards, Western Union, and PayPal. Defendant Internet Stores often include images and design elements that make it very difficult for consumers to distinguish such counterfeit sites from an authorized website. Defendants further perpetuate the illusion of legitimacy by offering “live 24/7” customer service and using indicia of authenticity and security that consumers have come to associate with authorized retailers, including the McAfee® Security, VeriSign®, Visa®, MasterCard®, and PayPal® logos.

19. Plaintiff has not licensed or authorized Defendants to use the OPULENT TREASURES Trademarks or OPULENT TREASURES Copyrights, and none of the Defendants are authorized retailers of genuine OPULENT TREASURES Products.

20. On personal knowledge and belief, Defendants also deceive unknowing consumers by using the OPULENT TREASURES Trademarks without authorization 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 searches for OPULENT TREASURES Products. Additionally, upon information and belief, Defendants use other unauthorized search engine optimization (“SEO”) tactics and social media spamming so that the Defendant Internet Stores listings show up at or near the top of relevant search results and misdirect consumers searching for genuine OPULENT TREASURES Products. Further, Defendants utilize similar illegitimate SEO tactics to propel new domain names to the top of search results after others are shut down. As such, Plaintiff also seeks to disable Defendant Internet Stores owned by Defendants that are the means by which the Defendants could continue to sell Counterfeit Products into this District.

21. On personal knowledge and belief, Defendants also deceive unknowing consumers by using the OPULENT TREASURES Copyrights without authorization within the product descriptions of their Defendant Internet Stores to attract customers.

22. On information and belief, Defendants go to great lengths to conceal their identities and often use multiple fictitious names and addresses to register and operate their massive network of Defendant Internet Stores. For example, it is common practice for counterfeiters to register their domain names with incomplete information, randomly typed letters, or omitted cities or states, as Defendants here have done. And many Defendant Internet Stores use privacy services that conceal the owners' identity and contact information. On personal knowledge and belief, Defendants regularly create new websites and online Marketplace accounts on various platforms using the identities listed in Schedule A to the Complaint, as well as other unknown fictitious names and addresses. Such Defendant Internet Store registration patterns are one of many common tactics used by the Defendants to conceal their identities, the full scope and interworking of their massive counterfeiting operation, and to avoid being shut down.

23. On personal knowledge and belief, even though Defendants operate under multiple fictitious names, there are numerous similarities among the Defendant Internet Stores. For example, some of the Defendant websites have virtually identical layouts, even though different aliases were used to register the respective domain names. In addition, the Counterfeit Products for sale in the Defendant Internet Stores bear similarities and indicia of being related to one another, suggesting that the Counterfeit Products were manufactured by and come from a common source and that, upon information and belief, Defendants are interrelated. The Defendant Internet Stores also include other notable common features, including use of the same domain name registration patterns, unique shopping cart platforms, accepted payment methods, check-out methods, meta data, illegitimate SEO tactics, HTML user-defined variables, domain redirection, lack of contact information, identically or similarly priced items and volume sales discounts, similar hosting services, similar name servers, and the use of the same text and images.

24. In addition to operating under multiple fictitious names, Defendants in this case and defendants in other similar cases against online counterfeiters use a variety of other common tactics to evade enforcement efforts. For example, counterfeiters like Defendants will often register new domain names or online marketplace accounts under new aliases once they receive notice of a lawsuit.<sup>1</sup> Counterfeiters also often move website hosting to rogue servers located outside the United States once notice of a lawsuit is received. Rogue servers are notorious for ignoring take down demands sent by brand owners.<sup>2</sup> Counterfeiters also typically ship products in small quantities via international mail to minimize detection by U.S. Customs and Border Protection. A 2012 U.S. Customs and Border Protection report on seizure statistics indicated that the Internet has fueled “explosive growth” in the number of small packages of counterfeit goods shipped through the mail and express carriers.

25. Further, counterfeiters such as Defendants typically operate multiple credit card merchant accounts and PayPal and other payment processor accounts behind layers of payment gateways so that they can continue operation in spite of Plaintiffs’ enforcement efforts. On personal knowledge and belief, Defendants maintain off-shore bank accounts and regularly move funds from their PayPal and other payment processor accounts to off-shore bank accounts outside the jurisdiction of this Court. Indeed, analysis of PayPal transaction logs from previous similar cases indicates that offshore counterfeiters regularly move funds from U.S.-based PayPal accounts to foreign-based bank accounts outside the jurisdiction of this Court.

26. Defendants, without any authorization or license from Plaintiff, have knowingly and willfully used and continue to use the OPULENT TREASURES Trademarks and OPULENT

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<sup>1</sup> <https://www.ice.gov/news/releases/buyers-beware-ice-hsi-and-cbp-boston-warn-consumers-about-counterfeit-goods-during> (noting counterfeiters are adept at “setting up online stores to lure the public into thinking they are purchasing legitimate good on legitimate websites”) (last visited February 28, 2023).

<sup>2</sup> While discussed in the context of false pharma supply chains, rogue internet servers and sellers are a well-known tactic that have even been covered in congressional committee hearings. <https://www.govinfo.gov/content/pkg/CHRG-113hhrg88828/html/CHRG-113hhrg88828.htm> (last visited February 28, 2023).

TREASURES Copyrights in connection with the advertisement, distribution, offering for sale, and sale of Counterfeit Products into the United States and Illinois over the Internet. Each Defendant Internet Store offers shipping to the United States, including Illinois and, on information and belief, each Defendant has offered to sell Counterfeit Products into the United States, including Illinois.

27. Defendants' use of the OPULENT TREASURES Trademarks and OPULENT TREASURES Copyrights in connection with the advertising, distribution, offering for sale, and sale of Counterfeit Products, including the sale of Counterfeit Products into Illinois, is likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming Plaintiff.

**COUNT I**  
**TRADEMARK INFRINGEMENT AND COUNTERFEITING (15 U.S.C. § 1114)**  
**[Against Defendants Designated in Schedule A]**

28. Plaintiff repeats and incorporates by reference herein its allegations contained in paragraphs 1-27 of this Complaint.

29. This is a trademarks infringement action against Defendants based on their unauthorized use in commerce of counterfeit imitations of the registered OPULENT TREASURES Trademarks in connection with the sale, offering for sale, distribution, and/or advertising of infringing goods. The OPULENT TREASURES Trademarks are highly distinctive marks. Consumers have come to expect the highest quality from Plaintiff's products provided under the OPULENT TREASURES Trademarks.

30. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products in connection with the OPULENT TREASURES Trademarks without Plaintiff's permission.

31. Plaintiff is the registered owner of the OPULENT TREASURES Trademarks and official source of OPULENT TREASURES Products. The United States Registrations for the OPULENT TREASURES Trademarks (Exhibit 1) is in full force and effect. Upon information and belief, Defendants have knowledge of Plaintiff's rights in the OPULENT TREASURES Trademarks and are willfully infringing and intentionally using counterfeits of the OPULENT

TREASURES Trademarks. Defendants' willful, intentional, and unauthorized use of the OPULENT TREASURES Trademarks is likely to cause and is causing confusion, mistake, and deception as to the origin and quality of the counterfeit goods among the general public.

32. Defendants' activities constitute willful trademarks infringement and counterfeiting under 15 U.S.C. §§ 1114, 1117.

33. The injuries and damages sustained by Plaintiff has been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offering to sell, and sale of counterfeit OPULENT TREASURES products.

34. 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 well-known OPULENT TREASURES Trademarks.

**COUNT II**  
**FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))**  
**[Against Defendants Designated in Schedule A]**

35. Plaintiff repeats and incorporates by reference herein its allegations contained in paragraphs 1-34 of this Complaint.

36. Defendants' promotion, marketing, offering for sale, and sale of counterfeit OPULENT TREASURES 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 Plaintiff or the origin, sponsorship, or approval of Defendants' counterfeit OPULENT TREASURES products by Plaintiff.

37. By using the OPULENT TREASURES Trademarks in connection with the sale of counterfeit OPULENT TREASURES products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the counterfeit OPULENT TREASURES products.

38. Defendants' conduct constitutes willful false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the counterfeit OPULENT TREASURES products to the general public under 15 U.S.C. §§ 1114, 1125.

39. 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  
COPYRIGHT INFRINGEMENT (17 U.S.C. § 101, et seq.)  
[Against Defendants Designated in Schedule A]**

40. Plaintiff repeats and incorporate by reference herein its allegations contained in paragraphs 1-39 of this Complaint.

41. Plaintiff owns all exclusive rights, including without limitation the rights to reproduce the copyrighted work 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, in various copyrights for the OPULENT TREASURES products, including without limitation copyrights covered by the OPULENT TREASURES Copyrights.

42. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products in connection with the OPULENT TREASURES Copyrights without Plaintiff's permission.

43. Defendants had access to the OPULENT TREASURES products incorporating Plaintiff's registered copyrights before Defendants created their Defendant Internet Stores.

44. Upon information and belief, Defendants have directly copied Plaintiff's copyrights for the OPULENT TREASURES products. Alternatively, Defendants' representations of Plaintiff's copyrights for the OPULENT TREASURES products in the Defendant Internet Stores are strikingly similar, or at the very least substantially similar, to Plaintiff's copyrights for the OPULENT TREASURES products and constitute unauthorized copying, reproduction, distribution, creation of a derivative work, and/or public display of Plaintiff's copyrights for the



OPULENT TREASURES products. As just one example, Defendants deceive unknowing consumers by using the OPULENT TREASURES copyrights without authorization within the product descriptions of their Defendant Online Store to attract customers as follows:



*Exemplary Picture of Plaintiff's Copyright*

A screenshot of an online product listing for a 'Homeex Wrought Iron Cake Stand West Point Tray Wedding Decoration Gold 3piece set'. The image shows three black cake stands of different sizes, each with a decorative lace-like edge. The listing includes a price of \$97.17, a 'Buy now' button, and an 'Add to cart' button. The product description mentions 'Shape: 3piece set' and 'Actual Color: Gold'.

Homeex

Homeex Wrought Iron Cake Stand West Point Tray Wedding Decoration Gold 3piece set

\$97.17

Price when purchased online ⓘ

Buy now Add to cart

Shape: 3piece set

|                       |                     |              |
|-----------------------|---------------------|--------------|
| 3piece set<br>\$97.17 | L-Shaped<br>\$78.22 | M<br>\$60.90 |
| S<br>\$46.19          |                     |              |

Actual Color: Gold

|        |      |        |
|--------|------|--------|
| Black  | Gold | White1 |
| White2 |      |        |

*Exemplar of Counterfeit Product Sold by Defendant Internet Store*

45. Defendants' exploitation of Plaintiff's copyrights for the OPULENT TREASURES products in the Defendant Internet Stores constitutes infringement of Plaintiff's copyrights for the OPULENT TREASURES products.

46. On information and belief, Defendants' infringing acts were willful, deliberate, and committed with prior notice and knowledge of Plaintiff's copyrights. Each Defendant willfully, wantonly, and in conscious disregard and intentional indifference to the rights of Plaintiff made and distributed in the United States, including this District, caused to be made and distributed in the United States, including this District, and aided, abetted, contributed to, and participated in the unauthorized making and distribution of Counterfeit Products.

47. Each Defendant either knew, or should have reasonably known, that Plaintiff's OPULENT TREASURES products were protected by copyright and their representations infringed on Plaintiff's copyrights. Each Defendant continues to infringe upon Plaintiff's rights in and to the copyrighted work.

48. As a direct and proximate result of their wrongful conduct, Defendants have realized and continue to realize profits and other benefits rightfully belonging to Plaintiff. Accordingly, Plaintiff seeks an award of damages pursuant to 17 U.S.C. § 504.

49. In addition to Plaintiff's actual damages, Plaintiff is entitled to receive the profits made by the 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.

50. 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.

51. 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.

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

53. 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 well-known OPULENT TREASURES copyrights.

**COUNT IV**  
**VIOLATION OF ILLINOIS UNIFORM DECEPTIVE TRADE PRACTICES ACT**  
**(815 ILCS § 510/1, et seq.)**  
**[Against Defendants Designated in Schedule A]**

54. Plaintiff repeats and incorporates by reference herein its allegations contained in paragraphs 1-53 of this Complaint.

55. Defendants have engaged in acts violating Illinois law including, but not limited to, passing off their counterfeit OPULENT TREASURES products as those of Plaintiffs, causing a likelihood of confusion and/or misunderstanding as to the source of their goods, causing a likelihood of confusion and/or misunderstanding as to an affiliation, connection, or association with genuine OPULENT TREASURES products, 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.

56. The foregoing acts of Defendants constitute a willful violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS § 510/1, et seq.

57. Plaintiff has no adequate remedy at law, and Defendants' conduct has caused Plaintiff to suffer damage to their reputation and goodwill. Unless enjoined by the Court, Plaintiff will suffer future irreparable harm as a direct result of Defendants' unlawful activities.

### **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 the OPULENT TREASURES Trademarks or OPULENT TREASURES Copyrights 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 OPULENT TREASURES product or is not authorized by Plaintiff to be sold in connection with the OPULENT TREASURES Trademarks or OPULENT TREASURES Copyrights;
- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine OPULENT TREASURES product or any other product produced by Plaintiff that is not Plaintiff's or not produced under the authorization, control, or supervision of Plaintiff and approved by Plaintiff for sale under the OPULENT TREASURES Trademarks or OPULENT TREASURES Copyrights;
- c. committing any acts calculated to cause consumers to believe that Defendants' Counterfeit Products are those sold under the authorization, control, or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
- d. further infringing the OPULENT TREASURES Trademarks or OPULENT TREASURES Copyrights and damaging Plaintiff's goodwill;
- e. otherwise competing unfairly with Plaintiff 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 not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear any Plaintiff trademarks or copy any Plaintiff copyright, including the OPULENT TREASURES Trademarks or OPULENT TREASURES Copyrights or any reproductions, counterfeit copies, or colorable imitations thereof;
- g. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendant Internet Stores 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 Counterfeit Products; and
- h. operating and/or hosting websites at the Defendant 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 bearing the OPULENT TREASURES Trademarks or OPULENT TREASURES Copyrights or any reproduction, counterfeit copy or colorable imitation thereof that is not a genuine OPULENT TREASURES Product or not authorized by Plaintiff to be sold in connection with the OPULENT TREASURES Trademarks or OPULENT TREASURES Copyrights.

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, at Plaintiff's choosing, the registrant of the Defendant Internet Stores shall be changed from the current registrant to Plaintiff, and that the domain name registries for the Defendant Internet Stores, including, but not limited to, VeriSign, Inc., Neustar,

Inc., Afiliias Limited, CentralNic, Nominet, and the Public Interest Registry, shall unlock and change the registrar of record for the Defendant Internet Stores to a registrar of Plaintiff's selection, and that the domain name registrars take any steps necessary to transfer the Defendant Internet Stores to a registrar of Plaintiff's selection; or that the same domain name registries shall disable the Defendant Internet Stores and make them inactive and untransferable;

4. 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 such as the Marketplace Platforms, social media platforms such as Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, web hosts for the Defendant Internet Stores, and domain name registrars, shall:

- a. disable and cease providing services for any accounts through which Defendants engage in the sale of Counterfeit Products, including any accounts associated with the Defendants listed on Schedule A;
- b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of Counterfeit Products; and
- c. take all steps necessary to prevent links to the Defendant Internet Stores identified on Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Internet Stores from any search index.

5. That Defendants account for and pay to Plaintiff all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged, and that the amount of damages for infringement of the OPULENT TREASURES Trademarks be increased by a sum not exceeding three times the amount thereof as provided by 15 U.S.C. § 1117.

6. In the alternative, that Plaintiff be awarded statutory damages pursuant to 15 U.S.C. § 1117(c) of not less than \$1,000 and not more than \$2,000,000 for each and every use of the OPULENT TREASURES Trademarks and statutory damages of not less than \$750 and not more than \$30,000 for each and every infringement of Plaintiff's copyrights 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;

7. That Plaintiff be awarded its reasonable attorneys' fees and costs; and
8. Award any and all other relief that this Court deems just and proper.

Dated: March 1, 2023

Respectfully submitted,

THOITS LAW

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