

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

TRIUMPH DESIGNS LIMITED,

Plaintiff,

v.

THE PARTNERSHIPS and  
UNINCORPORATED ASSOCIATIONS  
IDENTIFIED ON SCHEDULE “A,”

Defendants.

Case No. 23-cv-03498

**COMPLAINT**

Plaintiff Triumph Designs Limited (“Triumph” or “Plaintiff”) hereby brings the present action against the Partnerships and Unincorporated Associations Identified on Schedule A attached hereto (collectively, “Defendants”) and alleges as follows:

**I. JURISDICTION AND VENUE**

1. This Court has original subject matter jurisdiction over Plaintiff’s claims pursuant to the provisions of the Lanham Act, 15 U.S.C. § 1051, *et seq.*, 28 U.S.C. § 1338(a)-(b) and 28 U.S.C. § 1331.

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendants because Defendants structure their business activities so as to target consumers in the United States, including Illinois, through at least the fully interactive e-commerce stores operating under the aliases identified on Schedule A attached hereto (the “Seller Aliases”). Specifically, Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers, offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information

and belief, sell products using infringing and counterfeit versions of Plaintiff's federally registered trademarks (collectively, the "Unauthorized 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.

## II. INTRODUCTION

3. Plaintiff filed this case to prevent e-commerce store operators who trade upon Plaintiff's reputation and goodwill from further selling and/or offering for sale Unauthorized Products. Defendants create e-commerce stores under one or more Seller Aliases and then advertise, offer for sale, and/or sell Unauthorized Products to unknowing consumers. E-commerce stores operating under the Seller Aliases share identifiers, such as design elements and similarities of the Unauthorized Products offered for sale, establishing that a logical relationship exists between them, and that Defendants' counterfeiting operation arises out of the same transaction, occurrence, or series of transactions or occurrences. Defendants take advantage of a set of circumstances, including the anonymity and mass reach afforded by the Internet and the cover afforded by international borders, to violate Plaintiff's intellectual property rights with impunity. Defendants attempt to avoid liability by operating under one or more Seller Aliases to conceal their identities, locations, and the full scope and interworking of their counterfeiting operation. Plaintiff is forced to file this action to combat Defendants' counterfeiting of its registered trademarks, as well as to protect consumers from purchasing Unauthorized Products over the internet. Plaintiff has been, and continues to be, irreparably damaged through consumer confusion and dilution of its valuable trademarks because of Defendants' actions and therefore seeks injunctive and monetary relief.

### III. THE PARTIES

4. Plaintiff Triumph Designs Limited is a British company having its principal place of business at Ashby Road, Measham Swadlincote, Derbyshire DE12 7JP United Kingdom. Triumph is the owner of the trademarks asserted in this action.



5. The first Triumph bike went on sale over 120 years ago in April 1902, starting one of the world's most exciting motorcycling stories. Triumph's story shaped the motorcycle world enjoyed today and is one that touched millions of passionate fans who share an obsession for motorcycling. Across generations, Triumph's design and engineering teams have produced some of the most characterful and successful motorcycles of all time, all created through a shared ethos for continuous, integrated development that encompasses every aspect of the ride. Triumph's pursuit of extreme engine performance also sets the pace on track, where the Street Triple 765-powered Moto2™ MotoGP series set new lap records at more than twenty Grand Prix races and became the first Moto2 machine to record a top speed greater than 186 miles per hour.


6. Building on generations of passion, performance, innovation and excellence, Triumph's modern era began in 1990 with a completely original range of motorcycles designed and built in a brand-new, state-of-the-art factory at Hinckley. Since then, Triumph has represented the very pinnacle of Great British design and engineering. Delivering a lineup of class-defining bikes spanning genres from adventure to roadsters and modern classics, Triumph continues to solidify the renowned reputation of class-leading handling, finish, detail, and original, authentic design. In the last three decades, Triumph has built and sold more motorcycles than at any previous time in its history, through an international network of more than 700 dealers.


7. Plaintiff markets and sells a variety of Triumph products, including apparel such as t-shirts, hats, motorcycle jackets, and protective gear; motorcycles; toys; and other merchandise bearing Plaintiff's trademarks (collectively, "Triumph Products"). Triumph Products have become enormously popular and even iconic, driven by Plaintiff's quality standards and innovative designs. Among the purchasing public, Triumph Products are instantly recognizable as such. Triumph Products are distributed and sold to consumers by Plaintiff and its licensees, including through the website <https://www.triumphmotorcycles.com>. Triumph Products are sold only through authorized channels and are recognized by the public as being exclusively associated with the Triumph brand ("Triumph Brand").

8. Plaintiff has used the TRIUMPH trademarks, and other trademarks, for many years and has continuously sold products under its trademarks (collectively, the "Triumph Trademarks"). As a result of this long-standing use, strong common law trademark rights have amassed in the Triumph Trademarks. Plaintiff's use of the marks has also built substantial goodwill in the Triumph Trademarks. The Triumph Trademarks are famous marks and valuable assets of Plaintiff. Triumph Products also typically include at least one of the Triumph Trademarks.

9. The Triumph Trademarks are registered with the United States Patent and Trademark Office and are included below.

| Registration Number | Trademark   | Registration Date | Goods and Services  |
|---------------------|---|-------------------|---|
| 552,794             |  | Jan. 1, 1952      | For: Motorcycles in class 012.  |
| 2,091,751           |  | Aug. 26, 1997     | For: Clothing, namely, jeans, jackets, salopettes, gloves and boots, all of leather; rainwear, namely, oversuits, salopettes and jackets; and cloth overalls, |

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|           |   |             | jackets, denim jeans, T-shirts, and sports shirts in class 025.  |
| 2,059,661 |  | May 6, 1997 | <p>For: Motorcycle engines and parts therefor, namely, pistons, cam shafts, cylinder heads, crank cases, carburetors, valves, radiators, crank shafts, oil pumps, starter motors, fans, pipes and cylinder bearings, alternators, ignition rotors, ignition coils, igniters, and spark plugs in class 007.</p> <p>For: Electrical parts and instruments for motorcycles, namely, switches for controlling the electrical accessories of the motorcycle; relays, tachometers, thermometers, speedometers, and electrical wiring harnesses and subharnesses in class 009.</p> <p>For: Motorcycle headlamp covers; vehicle reflectors for motorcycles in class 011.</p> <p>For: Motorcycles and parts therefor, namely, windscreens, luggage carriers, seats, handlebars, side panels, forks, yokes, frames, fuel tanks, tires, inner tubes for tires, grips, springs, brackets, non-electric cables, axle bearings, wheel bearings, kickstands, chains, chain guards, sprockets, and other structural parts in class 012.</p> <p>For: Rubber and plastic parts for motorcycles, namely, gaskets, washers, and O rings;</p> |


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|           |  |               | rubber and plastic hoses for use in motorcycles in class 017.   |
| 5,362,191 |  | Dec. 26, 2017 | <p>For: Articles of protective clothing for protection against accident or injury for use in motorcycling, dirt-biking, bicycling and e-biking; safety helmets; protective gloves for the prevention of accident or injury and protective footwear for the prevention of accident or injury; steel capped boots being protective footwear for the prevention of accident or injury; safety goggles; eyeshades, namely, eye covers for protective purposes; motorcycle helmet visors; spectacles; sunglasses; cases for spectacles and sunglasses; electrical switches for controlling electrical accessories for motorcycles, mopeds, scooters, powered two-wheeled vehicles and other vehicles; batteries; battery chargers; radios; receivers of radio signals, namely, radio receivers; aerials; blank video tapes and audio tapes; blank recordable compact discs; blank recordable DVDs; photographic apparatus and instruments, namely, cameras; telephones; electric relays; tachometers; thermometers not for medical purposes; speedometers; starters for motors and engines; electrical wiring, electrical wires; electrical adapters; electrical locks; fire extinguishing apparatus; structural parts and</p> |

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|  |  | <p>fittings for all of the aforesaid goods in class 009.</p> <p>For: Motorcycles; mopeds; motor scooters; motor powered two-wheeled vehicles; electric bicycles; human powered 2-wheeled vehicles, namely, bicycles; land vehicles; luggage racks for motor cars, motorcycles, motor scooters and motor powered two-wheeled vehicles; antitheft alarm devices for motorcycles, mopeds, motor scooters, motor powered two-wheeled vehicles and other land vehicles in the nature of motorcycles; metal stands for holding stationary motorcycles, mopeds, motor scooters and motor powered two-wheeled vehicles; tyres for vehicle wheels; electrical heated handlebar grips for motorcycles, mopeds, motor scooters and motor powered two-wheeled vehicles; structural parts and fittings for all of the aforesaid goods in class 012.</p> <p>For: Clothing, namely, jeans, t-shirts, shirts, blouses, jackets, trousers, shorts, caps, hats, gloves, scarves, socks, ties, jumpers, cardigans, sweaters, sweatshirts, track suits, thermal base layers in the nature of thermal underwear; footwear, namely, shoes, boots, sports shoes; headwear in class 25.</p> <p>For: Retail store services, wholesale store services, and distributor services in the field of cosmetics, perfumery,</p> |
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|  |  | <p>toiletries, soaps, essential oils, dentifrices, decorative transfers for cosmetic purposes, cleaning, bleaching and polishing preparations and substances, degreasers, sandpaper, sand cloth, emery cloth, turpentine, waxes, petrol, diesel, oils, greases, lubricants, fuels, metal goods for motorcycles, mopeds, scooters, two-wheeled vehicles and other vehicles, badges, key chains, watch chains, key rings, chains, locks, nuts, bolts, screws, cables and non-electric wires, ironmongery, protective clothing, helmets, protective gloves and protective footwear, steel capped boots, goggles, eyeshades, visors, spectacles, sunglasses, cases for spectacles and sunglasses, sunshades, motorcycles, mopeds, scooters, two-wheeled vehicles and other vehicles electrical accessories, parts and instruments for motorcycles, mopeds, scooters, powered two-wheeled vehicles and other vehicles, switches for controlling electrical accessories for motorcycles, mopeds, scooters, powered two-wheeled vehicles and other vehicles, batteries, battery chargers, electronic games, radios and receivers of radio signals, aerials, video tapes and audio tapes, compact discs, DVDs, photographic apparatus and instruments, telephones, relays, tachometers, thermometers, speedometers, horns, starters, electrical wiring, harnesses, sub-harnesses, adapters, electrical locks, alarm apparatus and instruments, fire</p> |
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|  |  | <p>extinguishing apparatus and instruments, lighting apparatus and instruments, light bulbs, headlamp covers, reflectors for motorcycles, mopeds, scooters, powered 2-wheeled vehicles and other vehicles, torches, motorcycles, mopeds, scooters, powered 2-wheeled vehicles, vehicles, luggage racks, alarm devices for motorcycles, mopeds, scooters, powered two-wheeled vehicles and other vehicles, stands for motorcycles, mopeds, scooters, powered two-wheeled vehicles, tyres, jewellery, watches, clocks, watch bands, straps and chains, bracelets, buckles, cufflinks, key rings, key fobs, badges, tie clips and pins, printed matter, periodical publications, books, manuals, calendars, postcards, posters, pictures, photographs, photograph albums, cheque book covers, binders, files, banners, stickers, decalcomanias, playing cards, tattoos, atlases, stationery, rubber and plastic materials and goods made from these materials for motorcycles, mopeds, scooters, two-wheeled vehicles and other vehicles, luggage, trunks, umbrellas, belts, bands and straps, briefcases, key cases, back packs, rucksacks, bags, boxes, tool belts, wallets and purses, covers for motorcycles, mopeds, scooters, powered two-wheeled vehicles and other vehicles, domestic utensils and containers, mugs and cups, glassware, chinaware,</p> |
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|  |  | <p>earthenware, clothing, headwear, footwear, buckles, games and playthings, sporting articles, beer, ale, mild, lager, stout, porter, non-alcoholic beverages, fruit juices and drinks, mineral and aerated waters, alcoholic beverages, cigarette lighters, smokers' requisites, structural parts and fittings for any of the aforementioned goods; advertising services; marketing services in class 35.</p> <p>For: Credit card services, namely, issuing of credit cards; banking; financial services, namely, issuing of credit cards; provision of personal loans; financial management; extended warranty services, namely, service contracts; insurance brokerage services; financial sponsorship services, namely, financial sponsorship of sports competition; advice, information and consultancy services relating to all of the aforesaid services in class 036.</p> <p>For: Social club services, namely, arranging, organizing, and hosting social events, get-togethers, and parties for club members; entertainment services in the nature of organizing motorcycle tours and related social events; leisure services in the nature of competition in the field of sports; organization of shows, exhibitions and sports competitions for entertainment and recreational purposes; rental of sports equipment</p> |
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|                  |   |                      | <p>except vehicles; recreational services, namely, organizing exhibitions for sporting purposes; publishing services, namely, publishing of books and magazines; advice, information and consultancy services relating to all of the aforesaid services in class 041.</p>  |
| <p>5.864,899</p> |  | <p>Sep. 24, 2019</p> | <p>For: Printed matter in the nature of magazines, manuals, handbooks, catalogs, and brochures, all in the field of motorcycles, motor vehicles, and motorcycle accessories and parts; periodical publications, namely, printed periodicals in the field of motorcycles, motor vehicles, and motorcycle accessories and parts; books in the field of motorcycles, motor vehicles, and motorcycle accessories and parts; manuals in the field of motorcycles, motor vehicles, and motorcycle accessories and parts; calendars; postcards; posters; pictures; photographs; photograph albums; cheque book covers; binders; document files; paper banners; stickers; decalcomanias; temporary tattoo transfers; atlases; stationery in class 016.</p> <p>For: Clothing, namely, jeans, shirts, jackets, pants, shorts, gloves, scarves, socks, ties, sweaters, sweatshirts, track suits, and thermal base layers, footwear and headwear in class 025.</p> |

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| 6,481,285 | TRIUMPH | Sep. 14, 2021 | For: Bicycles; e-bikes; e-bicycles; powered two-wheeled vehicles, namely, motorcycles; tricycles; quad bikes; structural parts for all the aforesaid goods in class 012.   |
| 2,571,967 | TRIUMPH | May 21, 2002  | For: Toy Model Motorcycles and Related Accessories sold as a unit; Toy mMotorcycles in class 028.  |
| 6,866,489 | TRIUMPH | Oct. 4, 2022  | For: Motorcycles; mopeds; scooters; tricycles; bicycles; powered two-wheeled motor vehicles; and structural parts therefor for all of the aforesaid goods in class 012.<br><br>For: Clothing, namely, jeans, jackets, salopettes, gloves and boots, all of leather; rainwear, namely, oversuits, salopettes and jackets; cloth overalls, jackets; denim jeans; T-shirts; sweatshirts; thermal base layers; hats and caps; jumpers, cardigans and sweaters; not including underwear, foundation garments, swimwear or nightwear in class 025.<br><br>For: Toy scooters; toy children's tricycles and bicycles; teddy bears; tennis rackets; board games relating to motorcycles; games relating to motorcycles; parts therefor for all of the aforesaid goods in class 028. |
| 5,029,574 | TRIUMPH | Aug. 30, 2016 | For: Articles of protective clothing for protection against accident or injury for use in  |

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|           |             |               | <p>motorcycling and dirt-biking; motorcycle helmets; sunglasses; sunglass cases in class 009.</p> <p>For: Clothing, namely, footwear, headwear, namely, jeans, t-shirts, shirts, blouses, jackets, trousers, shorts, caps, hats, gloves, scarves, socks, ties, jumpers, cardigans, sweaters, sweatshirts, track suits, thermal base layers, shoes, boots, sports shoes; not including underwear, foundation garments, swimwear or nightwear in class 025.</p> |
| 6,014,143 | TRIUMPH     | Mar. 17, 2020 | <p>For: Watches; cufflinks; key rings; decorative key fobs; badges of precious metal; articles made of precious metal or coated therewith, namely, lapel badges, statues and sculptures; pins in class 014.</p> <p>For: Luggage; umbrellas; briefcases; key cases; back packs; rucksacks; handbags; travelling bags; leather bags; weekend bags; duffel bags; carry-on bags; tote bags; wallets and purses in class 018.</p>                                  |
| 1,939,115 | THUNDERBIRD | Dec. 5, 1995  | For: Motorcycles and structural parts therefore in class 012.   |
| 6,488,464 | THUNDERBIRD | Sep. 21, 2021 | For: Protective clothing, namely, clothing for protection against accidents or injury; riding helmets, motorcycle helmets; protective gloves, namely, gloves for protection against accidents or injury; protective footwear, namely,   |

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|                  |                   |                      | <p>boots and shoes for protection against accidents or injury; motorcycle goggles, safety goggles; eye covers for protective purposes; motorcycle helmet visors; switches for controlling electrical accessories for motorcycles; batteries for motorcycles; battery chargers; radios and receivers of radio signals; aerials; electrical relays; tachometers; thermometers for motorcycles; speedometers; electrical wiring installations; electrical adapters; electrical locks; fire extinguishing apparatus and instruments; parts and fittings for all of the aforesaid goods; all of the foregoing to be used in relation to motorcycles, tricycles, mopeds and scooters only and all of the foregoing excluding 4-wheeled vehicles in class 009.</p> <p>For: T-shirts, caps being headwear, and sweatshirts for adults, all relating to motorcycles; none of the aforesaid goods bearing images of cars or other 4-wheeled vehicles in class 025.</p> |
| <p>2,115,041</p> | <p>BONNEVILLE</p> | <p>Nov. 25, 1997</p> | <p>For: Parts of motorcycles, namely, motors and engines, frames, drive gears, transmission gears, steering gears and gear changers, wheels, clutches and clutch components, namely, clutch levers, clutch housings, clutch disks, clutch rings, clutch plates, clutch sleeves, and</p>  |

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|           |            |               | clutch toggles, tyres, saddles, suspension systems, namely, shock absorbers, and forks, drive chains, drive shafts, drive components, namely, drive sprockets and drive wheels, handlebars, grips, brakes, and braking systems, namely, brake pads, brake pistons, brake calipers, brake discs, brake levers, and brake lines, fuel tanks, and fuel supply systems consisting primarily of fuel transfer lines, gas tank caps, ignition switches, throttles, exhaust pipes, fuel indicators, and fuel injectors in class 025.   |
| 2,359,174 | BONNEVILLE | June 20, 2000 | For: Motorcycles; parts of motorcycles, namely, motors and engines, frames, drive gears, transmission gears, steering gears and gear changers, wheels, clutches and clutch components, namely clutch levers, clutch housings, clutch disks, clutch rings, clutch plates, clutch sleeves, and clutch toggles, tyres, saddles, suspension systems, namely, shock absorbers, and forks, drive chains, drive shafts, drive components, namely, drive sprockets and drive wheels, handlebars, grips, brakes, and braking systems, namely, brake pads, brake pistons, brake calipers, brake discs, brake levers, and brake lines, fuel tanks, and fuel supply systems consisting primarily of fuel transfer lines; gas tank caps, ignition switches, throttles, |

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|           |                       |               | exhaust pipes, fuel indicators, and fuel injectors in class 012.   |
| 5,309,264 | BONNEVILLE<br>BOBBER  | Oct. 17, 2017 | For: Motorcycles; mopeds; scooters; vehicles; bicycles; e-bikes; e-bicycles; quad bikes; parts, accessories and fittings for all of the aforesaid goods in class 012.  |
| 2,978,998 | TRIUMPH ROCKET<br>III | July 26, 2005 | For: Motorcycles in class 012.   |
| 5,435,713 | TRIDENT               | Apr. 3, 2018  | For: Motorcycles; mopeds; scooters; bicycles; e-bikes; e-bicycles; powered two-wheeled vehicles; tricycles; quad bikes; land vehicles; parts and fittings for all the aforesaid goods in class 012.  |
| 5,435,714 | TRIUMPH<br>SCRAMBLER  | Apr. 3, 2018  | For: Motorcycles and parts and fittings for motorcycles in class 012.  |
| 5,483,141 | TIGER                 | June 5, 2018  | For: Motorcycles; mopeds; motor scooters; powered two-wheeled motor vehicles; luggage racks for vehicles, for motorcycles, mopeds, motor scooters and bicycles; security alarm devices for motorcycles and land vehicles; structural replacement parts and fittings for all of the aforesaid goods; none being tyres or inner tubes for wheels, or treads for vehicles, and all being for two-wheeled vehicles in class 012. |
| 5,521,754 | STREET TRIPLE         | July 24, 2018 | For: Motorcycles; mopeds; scooters; bicycles; e-bikes; e-bicycles; powered two-wheeled vehicles; tricycles; quad bikes;  |

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|           |                 |               | parts and fittings for all the aforesaid goods in class 012.  |
| 5,516,233 | SPEED TRIPLE    | July 17, 2018 | For: Motorcycles and parts therefore; all included in this class in class 012.  |
| 5,521,755 | STREET TWIN     | July 24, 2018 | For: Motorcycles; mopeds; scooters; bicycles; e-bikes; e-bicycles; powered two-wheeled vehicles; tricycles; quad bikes; parts and fittings for all the aforesaid goods in class 012.  |
| 5,061,608 | SPEED TWIN      | Oct. 18, 2016 | For: Motorcycles and parts and structural parts therefor in 012.  |
| 5.505,573 | TRIUMPH DAYTONA | July 3, 2018  | For: Motorcycles and parts thereof; all included in this class in class 012.  |
| 6241969   | MY TRIUMPH      | Jan. 12, 2021 | For: Downloadable computer software applications for control of motorcycle navigation, providing navigation and map information in the form of digital maps, and allowing users to search and determine the location of objects, people, places and points of interests on digital maps; downloadable computer software for control of motorcycle navigation, providing navigation and map information in the form of digital maps, and allowing users to search and determine the location of objects, people, places and points of interests on digital maps; satellite navigation apparatus and instruments for vehicles; GPS navigation or location apparatus |

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|           |         |               | and instruments; route planners in the nature of handheld personal computers; holders specially adapted for route planners in the nature of handheld personal computers; vehicle tracking apparatus and instruments; signaling apparatus and instruments, namely, vehicle traffic signals; blank magnetic data carriers; alarm apparatus and instruments, namely, parts for anti-theft motorcycle alarms, in the nature of electronic sensors, remote control transmitters and receivers for remotely operating motorcycles; parts and fittings for all of the aforesaid goods in class 009. |
| 4626629   | TRIDENT | Oct. 28, 2014 | For: motorcycles; powered 2-wheeled vehicles in class 012.   |
| 5483267   | TROPHY  | June 5, 2018  | For: Motorcycles; body panels for motorcycles in class 012.  |
| 5,992,943 | ROCKET  | Feb. 25, 2020 | For: Motorcycles in class 012.   |

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

11. The Triumph Trademarks are exclusive to Plaintiff and are displayed extensively on Triumph Products and in marketing and promotional materials. The Triumph Trademarks are also distinctive when applied to Triumph Products, signifying to the purchaser that the products come from Plaintiff, or its licensees, and are manufactured to Plaintiff's quality standards. Whether Plaintiff manufactures the products itself or contracts with others to do so, Plaintiff has ensured that products bearing the Triumph Trademarks are manufactured to the highest quality standards.

12. The Triumph Trademarks are famous marks, as that term is used in 15 U.S.C. § 1125(c)(1), and have been continuously used and never abandoned. The success of Triumph, in addition to the marketing of Triumph Products, has enabled the Triumph Brand to achieve widespread recognition and fame and has made the Triumph Trademarks some of the most well-known marks in the motorsports and automotive industries. The widespread fame, outstanding reputation, and significant goodwill associated with the Triumph Brand have made the Triumph Trademarks valuable assets of Plaintiff.

13. Products bearing the Triumph Trademarks have been the subject of substantial and continuous marketing and promotion. Plaintiff has marketed and promoted, and continues to market and promote, the Triumph Trademarks in the industry and to consumers through traditional print media, social media sites, point of sale material, and the website <https://www.triumphmotorcycles.com>.

14. Plaintiff has expended substantial time, money, and other resources advertising, promoting, and marketing Triumph Products. Triumph Products have also been the subject of extensive unsolicited publicity due to the longstanding success of the Triumph Brand. As a result, products bearing the Triumph Trademarks are widely recognized and exclusively associated by

consumers as being high-quality products sourced from Plaintiff or Plaintiff's licensees. The Triumph Trademarks have achieved tremendous fame and recognition, adding to the inherent distinctiveness of the marks. As such, the goodwill associated with the Triumph Trademarks is of immeasurable value to Plaintiff.

15. Triumph Products are sold only by Plaintiff or through authorized licensees and are recognized by the public as being exclusively associated with the Triumph Brand.

16. Defendants are unknown individuals and business entities who own and/or operate one or more of the e-commerce stores under the Seller Aliases identified on Schedule A and/or other seller aliases not yet known to Plaintiff. On information and belief, Defendants reside and/or operate in primarily Asian countries or other foreign jurisdictions and redistribute products from the same or similar sources in those locations. Defendants have the capacity to be sued pursuant to Federal Rules of Civil Procedure 17(b).

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

#### **IV. DEFENDANTS' UNLAWFUL CONDUCT**

18. The success of the Triumph Brand has resulted in significant counterfeiting of the Triumph Trademarks. Because of this, Plaintiff has implemented an anti-counterfeiting program that involves investigating suspicious websites and online marketplace listings identified in proactive Internet sweeps. Recently, Plaintiff has identified many fully interactive e-commerce

stores offering Unauthorized Products on online marketplace platforms like AliExpress.com (“AliExpress”), Alibaba Group Holding Limited (“Alibaba”), Amazon.com, Inc. (“Amazon”), Bonanza.com (“Bonanza”), Dhgate.com (“DHgate”), eBay, Inc. (“eBay”), Etsy, Inc. (“Etsy”), Visor Commerce Ltd. d/b/a OnBuy.com (“Onbuy”), Printerval.com (“Printerval”), Redbubble Limited (“Redbubble”), and ContextLogic, Inc. d/b/a Wish.com (“Wish”), including the e-commerce stores operating under the Seller Aliases. The Seller Aliases target consumers in this Judicial District and throughout the United States. According to a report prepared for The Buy Safe America Coalition, most counterfeit products now come through international mail and express courier services (as opposed to containers) due to increased sales from offshore online counterfeiters. *The Counterfeit Silk Road: Impact of Counterfeit Consumer Products Smuggled Into the United States*, prepared by John Dunham & Associates (**Exhibit 2**).

19. Because counterfeit products sold by offshore online counterfeiters do not enter normal retail distribution channels, the US economy lost an estimated 300,000 or more full-time jobs in the wholesale and retail sectors alone in 2020. *Id.* When accounting for lost jobs from suppliers that would serve these retail and wholesale establishments, and the lost jobs that would have been induced by employees re-spending their wages in the economy, the total economic impact resulting from the sale of counterfeit products was estimated to cost the United States economy over 650,000 full-time jobs that would have paid over \$33.6 billion in wages and benefits. *Id.* Additionally, it is estimated that the importation of counterfeit goods costs the United States government nearly \$7.2 billion in personal and business tax revenues in the same period. *Id.*

20. Online marketplace platforms like those used by Defendants do not adequately subject new sellers to verification and confirmation of their identities, allowing counterfeiters to

“routinely use false or inaccurate names and addresses when registering with these e-commerce platforms.” **Exhibit 3**, Daniel C.K. Chow, *Alibaba, Amazon, and Counterfeiting in the Age of the Internet*, 40 NW. J. INT’L L. & BUS. 157, 186 (2020); *see also* report on “Combating Trafficking in Counterfeit and Pirated Goods” prepared by the U.S. Department of Homeland Security’s Office of Strategy, Policy, and Plans (Jan. 24, 2020), attached as **Exhibit 4**, and finding that on “at least some e-commerce platforms, little identifying information is necessary for a counterfeiter to begin selling” and that “[t]he ability to rapidly proliferate third-party online marketplaces greatly complicates enforcement efforts, especially for intellectual property rights holders.” Counterfeiters hedge against the risk of being caught and having their websites taken down from an e-commerce platform by establishing multiple virtual storefronts. **Exhibit 4** at p. 22. Since platforms generally do not require a seller on a third-party marketplace to identify the underlying business entity, counterfeiters can have many different profiles that can appear unrelated even though they are commonly owned and operated. **Exhibit 4** at p. 39. Further, “[e]-commerce platforms create bureaucratic or technical hurdles in helping brand owners to locate or identify sources of counterfeits and counterfeiters.” **Exhibit 3** at 186-187. Specifically, brand owners are forced to “suffer through a long and convoluted notice and takedown procedure only [for the counterfeit seller] to reappear under a new false name and address in short order.” *Id.* at p. 161.

21. Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more Seller Aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, sell and/or offer for sale Unauthorized Products to residents of Illinois.

22. Defendants concurrently employ and benefit from similar advertising and marketing strategies. For example, Defendants facilitate sales by designing the e-commerce stores

operating under the Seller Aliases so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers. E-commerce stores operating under the Seller Aliases appear sophisticated and accept payment in U.S. dollars in multiple ways, including via credit cards, Alipay, Amazon Pay, and/or PayPal. E-commerce stores operating under the Seller Aliases often include content and images that make it very difficult for consumers to distinguish their stores from an authorized retailer. Plaintiff has not licensed or authorized Defendants to use the Triumph Trademarks and none of the Defendants are authorized retailers of Triumph Products.

23. Many Defendants also deceive unknowing consumers by using the Triumph Trademarks within the content, text, and/or meta tags of their e-commerce stores to attract consumers using search engines to find websites relevant to Triumph Products. Other e-commerce stores operating under the Seller Aliases omit using the Triumph Trademarks in the item title to evade enforcement efforts while using strategic item titles and descriptions that will trigger their listings when consumers are searching for Triumph Products.

24. E-commerce store operators like Defendants commonly engage in fraudulent conduct when registering the Seller Aliases by providing false, misleading and/or incomplete information to e-commerce platforms to prevent discovery of their true identities and the scope of their e-commerce operation.

25. E-commerce store operators like Defendants regularly register or acquire new seller aliases for the purpose of offering for sale and selling Unauthorized Products. Such seller alias registration patterns are one of many common tactics used by e-commerce store operators like Defendants to conceal their identities and the full scope and interworking of their counterfeiting operation, and to avoid being shut down.

26. Even though Defendants operate under multiple fictitious aliases, the e-commerce stores operating under the Seller Aliases often share unique identifiers, such as templates with common design elements that intentionally omit contact information or other information for identifying Defendants or other Seller Aliases they operate or use. E-commerce stores operating under the Seller Aliases include other common features, such as registration patterns, accepted payment methods, check-out methods, keywords, advertising tactics, similarities in price and quantities, the same incorrect grammar and misspellings, and/or the use of the same text and images. Additionally, Unauthorized Products for sale by the Seller Aliases bear similar irregularities and indicia of being counterfeit to one another, suggesting that the Unauthorized Products were manufactured by and come from a common source and that Defendants are interrelated.

27. E-commerce store operators like Defendants communicate with each other through QQ.com chat rooms and through websites such as sellerdefense.cn, ikjzd.com, kaidianyao.com, and kuajingvs.com. These websites provide tactics for operating multiple online marketplace accounts and evading detection by brand owners. The websites also tip off e-commerce store operators like Defendants of new intellectual property infringement lawsuits filed by brand owners, such as Plaintiff, and recommend that e-commerce operators cease their infringing activity, liquidate their associated financial accounts, and change the payment processors that they currently use to accept payments in their online stores.

28. Counterfeiters such as Defendants typically operate under multiple seller aliases and payment accounts so that they can continue operation despite Plaintiff's enforcement. E-commerce store operators like Defendants maintain offshore bank accounts and regularly move

funds from their financial accounts to offshore accounts outside the jurisdiction of this Court to avoid payment of any monetary judgment awarded to plaintiffs.

29. Defendants are working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Unauthorized Products in the same transaction, occurrence, or series of transactions or occurrences. Defendants, without any authorization or license from Plaintiff have, jointly and severally, knowingly and willfully used and continue to use the Triumph Trademarks in connection with the advertisement, distribution, offering for sale, and sale of Unauthorized Products into the United States and Illinois over the Internet.

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

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

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

32. This is a trademark infringement action against Defendants based on their unauthorized use in commerce of counterfeit imitations of the Triumph Trademarks in connection with the sale, offering for sale, distribution, and/or advertising of infringing goods. The Triumph Trademarks are highly distinctive marks. Consumers have come to expect the highest quality from products offered, sold, or marketed under the Triumph Trademarks.

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

34. Plaintiff is the owner of the Triumph Trademarks. Plaintiff's United States registrations for the Triumph Trademarks are in full force and effect. Upon information and belief, Defendants have knowledge of Plaintiff's rights in the Triumph Trademarks and are willfully infringing and intentionally using infringing and counterfeit versions of the Triumph Trademarks. Defendants' willful, intentional, and unauthorized use of the Triumph Trademarks is likely to cause, and is causing, confusion, mistake, and deception as to the origin and quality of the Unauthorized Products among the general public.

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

36. 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 the Triumph Trademarks.

37. The injuries and damages sustained by Plaintiff have been directly and proximately caused by Defendants' wrongful reproduction, use of advertisement, promotion, offering to sell, and/or sale of Unauthorized Products.

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

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

39. Defendants' promotion, marketing, offering for sale, and sale of Unauthorized 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' Unauthorized Products by Plaintiff.

40. By using the Triumph Trademarks in connection with the offering for sale and/or sale of Unauthorized Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Unauthorized Products.

41. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the Unauthorized Products to the general public involves the use of counterfeit marks and is a willful violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125.

42. Plaintiff has no remedy at law and will continue to suffer irreparable harm to its reputation and the associated goodwill of the Triumph Brand if Defendants' actions are not enjoined.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- 1) That Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under, or in active concert with them be temporarily, preliminarily, and permanently enjoined and restrained from:
  - a. using the Triumph Trademarks or any reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not an Triumph Product or is not authorized by Plaintiff to be sold in connection with the Triumph Trademarks;
  - b. passing off, inducing, or enabling others to sell or pass off any product as an Triumph 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 Triumph Trademarks;

- c. committing any acts calculated to cause consumers to believe that Defendants' Unauthorized 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 Triumph Trademarks and damaging Plaintiff's goodwill; and
- e. manufacturing, shipping, delivering, holding for sale, transferring, or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear the Triumph Trademarks;

2) Entry of an Order that, upon Plaintiff's request, those with notice of the injunction, including without limitation, any websites and/or online marketplace platforms such as AliExpress, Alibaba, Amazon, DHgate, eBay, Etsy, Fruugo, and Wish, shall disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the Triumph Trademarks;

3) 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 Triumph Trademarks be increased by a sum not exceeding three times the amount thereof as provided by 15 U.S.C. § 1117;

4) In the alternative, that Plaintiff be awarded statutory damages for willful trademark counterfeiting pursuant to 15 U.S.C. § 1117(c)(2) of \$2,000,000 for each and every use of the Triumph Trademarks;

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

Dated this 2<sup>nd</sup> day of June 2023.

Respectfully submitted,

/s/ Martin F. Trainor  
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