UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Yangzhou Okus Trading Co., Ltd. *Plaintiff,* v. The Individuals, Partnerships, and Unincorporated Associations identified on Schedule A *Defendant*.	**CASE NO.23-cv-16946** **Jury Demand**

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

Plaintiff, Yangzhou Okus Trading Co., Ltd. ("Yangzhou Okus" or "Plaintiff"), hereby sues Defendants, the Individuals, Partnerships, and Unincorporated Associations identified on Schedule "A" (collectively "Defendants"). Defendants are promoting, selling, offering for sale, and distributing goods within this district bearing and/or using counterfeits and confusingly similar imitations of Yangzhou Okus' trademark through various Internet based e-commerce stores, and fully interactive commercial Internet websites operating under the seller identities and Company Names set forth on Schedule "A" hereto (the "Seller IDs and Subject Company Names"). In support of its claims, Yangzhou Okus alleges as follows:

JURISDICTION AND VENUE

1. This is an action for federal trademark counterfeiting and infringement, false designation of origin, common law unfair competition, and common law trademark infringement pursuant to 15 U.S.C. §§ 1114, 1116, and 1125(a), The All Writs Act, 28 U.S.C. § 1651(a), and Illinois's common law. Accordingly, this Court has subject matter jurisdiction over this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338. This Court has supplemental

jurisdiction pursuant to 28 U.S.C. § 1367 over Yangzhou Okus' state law claims because those claims are so related to the federal claims that they form part of the same case or controversy.

2. This Court has jurisdiction over the claims 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 fact.

3. Defendants are subject to personal jurisdiction in this district because they direct business activities toward and conduct business with consumers throughout the United States, including within the State of Illinois and this district, through at least the Internet based e-commerce stores, and fully interactive commercial Internet websites accessible in Illinois and operating under their Seller IDs.

4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 since Defendants are, upon information and belief, aliens who are engaged in infringing activities and causing harm within this district by advertising, offering to sell, selling, and/or shipping infringing products to consumers in Illinois. Specifically, Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers, offers shipping to the United States, including Illinois, accepts payment in U.S. dollar and, on information and belief, have sold products to residents of Illinois. Defendants are engaging in interstate commerce, and have wrongfully caused Plaintiff substantial injury in the State of Illinois.

THE PLAINTIFF

5. Yangzhou Okus is a China limited liability company, with its principal place of business located at Room 1603, 16th Floor, World Trade Office Building, Gaoyou City, Jiangsu Province, China, 225600. Yangzhou Okus operates online throughout the world, including within

this district. Yangzhou Okus is, in part, engaged in the business of manufacturing and distributing throughout the world, including within this district, a variety of high-quality products under common law and federally registered trademark "sirenhead", including those identified in Paragraph 45 below. Yangzhou Okus offers for sale and sells its trademarked goods within the State of Illinois, including this district, and throughout the United States through online retail websites. Defendants, through the offers for sale and sale of counterfeit and infringing Yangzhou Okus' branded products are directly, and unfairly, competing with Yangzhou Okus's economic interests in the State of Illinois and causing harm within this jurisdiction.

6. Like many other famous trademark owners, Yangzhou Okus suffers ongoing daily and sustained violations of its trademark rights at the hands of counterfeiters and infringers, such as Defendants herein, who wrongfully reproduce and counterfeit Yangzhou Okus's trademark for the twin purposes of (i) duping and confusing the consuming public and (ii) earning substantial profits. The natural and intended byproduct of Defendants' actions is the erosion and destruction of the goodwill associated with the Yangzhou Okus's name and associated trademark and the destruction of the legitimate market sector in which it operates.

7. In order to combat the indivisible harm caused by the combined actions of Defendants and others engaging in similar conduct, each year Yangzhou Okus expends significant monetary resources in connection with trademark enforcement efforts, including legal fees and investigative fees. The exponential growth of counterfeiting over the Internet, including through online marketplace platforms and social media websites, has created an environment that requires companies, such as Yangzhou Okus, to expend significant time and money across a wide spectrum of efforts in order to protect both consumers and itself from the ill effects of confusion and the erosion of the goodwill connected to Yangzhou Okus's brand.

THE DEFENDANTS

8. Defendants are individuals and/or business entities of unknown make up, each of whom, upon information and belief, either reside and/or operate in foreign jurisdictions, redistribute products from the same or similar sources in those locations, and/or ship their goods from the same or similar sources in those locations to shipping and fulfillment centers within the United States to redistribute their products from that location. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b). Defendants target their business activities toward consumers throughout the United States, including within this district, and conduct pervasive business through the simultaneous operation of Internet based e-commerce stores via e-commerce marketplace platforms via Internet based social media platforms or image hosting websites operating under the Seller IDs.

9. Some Defendants operate the Seller IDs in tandem with electronic communication via private messaging applications and/or services, thereby creating an interconnected ecosystem which functions as an online marketplace operation.

10. Defendants use aliases in conjunction with the operation of their businesses, including but not limited to those identified by the same Defendant Number on Schedule "A."

11. Defendants are the past and present controlling forces behind the sale of products bearing and/or using counterfeits and infringements of Yangzhou Okus' trademark as described herein operating and using at least the Seller IDs.

12. Defendants directly engage in unfair competition with Yangzhou Okus by advertising, offering for sale and selling goods bearing and/or using counterfeits and infringements of Yangzhou Okus' trademark to consumers within the United States and this district through the Internet based e-commerce stores, and/or fully interactive commercial Internet websites operating

under, at least, the Seller IDs, as well as additional names, e-commerce stores, seller identification aliases, Company Names, or websites not yet known to Yangzhou Okus. Defendants have purposefully directed some portion of their illegal activities towards consumers in the State of Illinois through the advertisement, offer to sell, sale, and/or shipment of counterfeit and infringing Yangzhou Okus' branded goods into the State.

13. Defendants have registered, established or purchased, and maintained their Seller IDs. Defendants may have engaged in fraudulent conduct with respect to the registration of the Seller IDs by providing false and/or misleading information to the e-commerce marketplace platforms, social media platforms for the sole purpose of engaging in illegal counterfeiting activities.

14. Defendants will likely continue to register or acquire new seller identification aliases, e-commerce stores, social media accounts, usernames, private messaging accounts, and Company Names for the purpose of selling and offering for sale goods bearing and/or using counterfeit and confusingly similar imitations of Yangzhou Okus' trademark unless preliminarily and permanently enjoined.

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

16. Defendants' business names, i.e., the Seller IDs, associated payment accounts, e-commerce stores, private messaging accounts, and any other alias seller identification names or Company Names used in connection with the sale of counterfeit and infringing goods bearing and/or using Yangzhou Okus' trademark is 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 Yangzhou Okus. Moreover, Defendants are using Yangzhou Okus' famous brand name and trademark to drive Internet consumer traffic to their e-commerce stores, and websites operating under the Seller IDs, thereby increasing the value of the Seller IDs and decreasing the size and value of Yangzhou Okus' legitimate marketplace and intellectual property rights at Yangzhou Okus' expense.

JOINDER OF DEFENDANTS IN THISACTION IS PROPER

17. Defendants are the individuals, partnerships, and unincorporated associations set forth on Schedule "A".

18. Defendants are promoting, selling, offering for sale and distributing goods bearing counterfeits and confusingly similar imitations of Plaintiff's trademark within this district.

19. Joinder of all Defendants is permissible based on the permissive party joinder rule of Fed. R. Civ. P. 20(a)(2) that permits the joinder of persons in an action as Defendants where any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and any question of law or fact common to all defendants will arise in the action.

20. Joinder of the multiple Defendants listed in Schedule "A" attached hereto is permitted 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.

21. Joinder of the multiple Defendants listed in Schedule "A" attached hereto serves the interests of convenience and judicial economy, which will lead to a just, speedy, and inexpensive resolution for Plaintiff, Defendants, and this Court.

22. Joinder of the multiple Defendants listed in Schedule "A" attached hereto will not create any unnecessary delay nor will it prejudice any party. On the other hand, severance is likely to cause delays and prejudice Plaintiff and Defendants alike.

23. Joinder of the multiple Defendants listed in Schedule "A" is procedural only and does not affect the substantive rights of any defendant listed on Schedule "A" hereto.

24. This court has jurisdiction over the multiple Defendants listed in Schedule "A" hereto. Venue is proper in this court for this dispute involving the multiple Defendants listed in Schedule "A" hereto.

25. Plaintiff's claims against the multiple Defendants listed in Schedule "A" are all transactionally related.

26. Plaintiff is claiming counterfeiting of Plaintiff's trademark.

27. The actions of all Defendants cause indivisible harm to Plaintiff by Defendants' combined actions engaging in similar counterfeiting conduct when each is compared to the others.

28. All Defendants' actions are logically related. All Defendants are all engaging in the same systematic approach of establishing online storefronts to redistribute illegal products from the same or similar sources while maintaining financial accounts that the Defendants can easily conceal to avoid any real liability for their actions.

29. All Defendants are located in foreign jurisdictions, mostly China.

30. All Defendants undertake efforts to conceal their true identities from Plaintiff in order to avoid detection for their illegal counterfeiting activities.

31. All Defendants have the same or closely related sources for their counterfeit products with some sourcing from the same upstream source and others sourcing from downstream sources who obtain counterfeit products from the same upstream sources.

32. All Defendants take advantage of a set of circumstances the anonymity and mass reach the internet affords to sell counterfeit goods across international borders and violate Plaintiff's trademark right with impunity.

33. All Defendants have registered their Seller ID's with a small number of online platforms for the purpose of engaging in counterfeiting.

34. All Defendants use payment and financial accounts associated with their online storefronts or the online platforms where their online storefronts reside.

35. All Defendants use their payment and financial accounts to accept, receive, and deposit profits from their counterfeiting activities.

36. All Defendants can easily and quickly transfer or conceal their funds in their use payment and financial accounts to avoid detection and liability in the event that the Plaintiff's anti-counterfeiting efforts are discovered, or Plaintiff obtains a monetary award.

37. All Defendants violated one or more of the Plaintiff's trademark rights in the United States by the use of common or identical methods.

38. All Defendants understand that their ability to profit through anonymous internet stores is enhanced as their numbers increase, even though they may not all engage in direct communication or coordination.

39. Many of the Defendants are operating multiple internet storefronts and online marketplace seller accounts using different Seller IDs listed on Schedule "A". As a result, there are more Seller IDs than there are Defendants, a fact that will emerge in discovery.

40. Defendants' business names, i.e., the Seller IDs, associated payment accounts, and any other alias seller identification names or e-commerce stores used in connection with the sale of counterfeits and infringements of Plaintiff's trademark 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.

41. Defendants are using counterfeits and infringements of Plaintiff's trademark 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.

42. Defendants, through the sale and offer to sell counterfeit and infringing products, are directly, and unfairly, competing with Plaintiff's economic interests in the state of Illinois and causing Plaintiff harm and damage within this jurisdiction.

43. The natural and intended byproduct of Defendants' logically related actions is the erosion and destruction of the goodwill associated with Plaintiffs' trademark and the destruction of the legitimate market sector in which it operates.

44. Upon information and belief, at all times relevant hereto, Defendants had actual or constructive knowledge of Plaintiff's trademark, including Plaintiff's exclusive right to use and license such trademark.

COMMON FACTUAL ALLEGATIONS

Yangzhou Okus' Trademark Right

45. Yangzhou Okus is the owner of all rights in and to the following trademark, which is valid and registered on the Principal Register of the United States Patent and Trademark Office (hereinafter, the "Sirenhead Mark").

Trademark	Registration Number	Registration Date	Class/Goods
sirenhead	6,629,231	January 25, 2022	IC 028- Balloons; Puzzles; Amusement game machines; Athletic equipment, namely,

			hand wraps; Bath toys; Card games; Children's multiple activity toys; Crib toys; Dolls and accessories therefor; Electric action toys; Plastic character toys; Plush toys; Stuffed toys; Toy guns; Water squirting toys

The Sirenhead Mark is used in connection with the manufacture and distribution of high-quality toys and dolls in the categories also identified above. True and correct copy of the Certificate of Registration for the Sirenhead Mark is attached hereto as Composite **Exhibit 1**.

46. The Sirenhead Mark has been used in interstate commerce to identify and distinguish Yangzhou Okus' high-quality toys and dolls for an extended period of time.

47. The Sirenhead Mark is symbol of Yangzhou Okus' quality, reputation and goodwill and have never been abandoned.

48. The Sirenhead Mark is well known and famous and have been for a period of time. Yangzhou Okus has expended substantial time, money and other resources developing, advertising or otherwise promoting the Sirenhead Mark. The Sirenhead Mark qualifies as a famous mark as that term is used in 15 U.S.C. § 1125(c)(1).

49. Further, Yangzhou Okus has extensively used, advertised, and promoted the Sirenhead Mark in the United States in association with the sale of high-quality toys and dolls. Yangzhou Okus has spent tens of thousands of dollars promoting the Sirenhead Mark and products bearing the Sirenhead Mark.

50. As a result of Yangzhou Okus' efforts, members of the consuming public readily identify merchandise bearing or sold under the Sirenhead Mark, as being high-quality toys and dolls associated with Yangzhou Okus.

51. Accordingly, the Sirenhead Mark have achieved secondary meaning as identifiers of high-quality toys and dolls.

52. Yangzhou Okus has carefully monitored and policed the use of the Sirenhead Mark and has never assigned or licensed the Sirenhead Mark to any of the Defendants in this matter.

53. Genuine toys and dolls bearing and sold under the Sirenhead Mark are widely legitimately advertised and promoted by Yangzhou Okus via Internet. Visibility on the Internet, particularly via Internet search engines such as Google, Walmart.com, has become increasingly important to Yangzhou Okus' overall marketing. Thus, Yangzhou Okus expends significant monetary resources on Internet marketing, including search engine optimization ("SEO") strategies. Those strategies allow Yangzhou Okus to fairly and legitimately educate consumers about the value associated with the Yangzhou Okus' brand and the goods sold thereunder. Similarly, Defendants' individual seller stores and websites are indexed on search engines and compete directly with Yangzhou Okus for space in search results.

Defendant's Infringing Activities

54. The success of the Sirenhead brand has resulted in significant counterfeiting of the SIRENHEAD Trademarks. Consequently, Plaintiff has a worldwide brand protection program and regularly investigates suspicious ecommerce stores identified in proactive Internet sweeps and reported by consumers. In recent years, Plaintiff has identified many fully interactive e-commerce stores offering counterfeit Sirenhead Products on online marketplace platforms such as Amazon, eBay and Walmart, 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 U.S. Customs and Border Protection (CBP), report, in 2021, CBP made over 27,000 seizures of goods with intellectual property rights (IPR) violations totaling over $3.3 billion, an increase of

$2.0 billion from 2020. *Intellectual Property Rights Seizure Statistics, Fiscal Year 2021*, U.S. Customs and Border Protection (**Exhibit 2**). Of the 27,000 in total IPR seizures, over 24,000 came through international mail and express courier services (as opposed to containers), most of which originated from China and Hong Kong. *Id*.

55. Third party service providers like those used by Defendants do not adequately subject new sellers to verification and confirmation of their identities, allowing counterfeiters to "routinely use false or inaccurate names and addresses when registering with these e-commerce platforms." **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 recommending that "[s]ignificantly enhanced vetting of third-party sellers" is necessary. Counterfeiters hedge against the risk of being caught and having their websites taken down from an e-commerce platform by preemptively 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 186–87.

56. Defendants have targeted sales to Illinois residents by setting up and operating ecommerce stores that target United States consumers using one or more Seller Aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars and/or funds from

U.S. bank accounts and, on information and belief, have sold Unauthorized Sirenhead Products to residents of Illinois.

57. Defendants concurrently employ and benefit from substantially similar advertising and marketing strategies. For example, Defendants facilitate sales by designing the e-commerce stores operating under the Seller Aliases so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers. E-commerce stores operating under the Seller Aliases appear sophisticated and accept payment in U.S. dollars and/or funds from U.S. bank accounts via credit cards, 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 such stores from an authorized retailer. Plaintiff has not licensed or authorized Defendants to use any of the SIRENHEAD Trademarks, and none of the Defendants are authorized retailers of genuine SIRENHEAD Products.

58. Many Defendants also deceive unknowing consumers by using the SIRENHEAD Trademarks without authorization within the content, text, and/or meta tags of their e-commerce stores to attract various search engines crawling the internet looking for websites relevant to consumer searches for SIRENHEAD Products. Other e-commerce stores operating under Seller Aliases omit using the SIRENHEAD 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 SIRENHEAD Products.

59. 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.

60. E-commerce store operators like Defendants regularly register or acquire new seller aliases for the purpose of offering for sale and selling Unauthorized Sirenhead 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.

61. 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 any 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 notable common features such as use of the same 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 Sirenhead Products for sale by the Seller Aliases bear similar irregularities and indicia of being counterfeit to one another, suggesting that the Unauthorized Sirenhead Products were manufactured by and come from a common source and that Defendants are interrelated.

62. E-commerce store operators like Defendants are in constant communication with each other and regularly participate in QQ.com chat rooms and through websites such as sellerdefense.cn, kaidianyo.com, and kuajingvs.com regarding tactics for operating multiple accounts, evading detection, pending litigation, and potential new lawsuits.

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

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

64. Defendants are working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Unauthorized Sirenhead 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 SIRENHEAD Trademarks in connection with the advertisement, distribution, offering for sale, and sale of Unauthorized Sirenhead Products into the United States and Illinois over the internet.

65. Defendants' unauthorized use of the SIRENHEAD Trademarks in connection with the advertising, distribution, offering for sale, and sale of Unauthorized Sirenhead Products, including the sale of Unauthorized Sirenhead 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 COUNTERFEITING AND INFRINGEMENT PURSUANT TO §32 OF THE LANHAM ACT (15 U.S.C. § 1114)

66. Yangzhou Okus hereby adopts and realleges the allegations set forth in Paragraph 1 through 65 above.

67. This is an action for trademark counterfeiting and infringement against Defendants based on their use of counterfeit and confusing similar imitation of the Sirenhead Mark in

commerce in connection with the promotion, advertisement, distribution, offering for sale and sale of Counterfeit Goods.

68. Defendants are promoting and otherwise advertising, selling, offering for sale, and distributing goods bearing and/or using counterfeits and/or infringements of the Sirenhead Mark. Defendants are continuously infringing and inducing others to infringing the Sirenhead Mark by using it to advertise, promote, offer to sell, and sell counterfeit and infringing Yangzhou Okus' branded goods.

69. Defendants' concurrent counterfeiting and infringing activities are likely to cause and actually are causing confusing, mistake, and deception among members of the trade and the general consuming public as to the origin and quantity of Defendants' Counterfeit Goods.

70. Defendants' unlawful actions have caused and are continuing to cause unquantifiable damages to Yangzhou Okus and are unjustly enriching Defendants with profits at Yangzhou Okus' expense.

71. Defendants' above-described illegal actions constitute counterfeiting and infringement of the Sirenhead Mark in violation of Yangzhou Okus' rights under § 32 of The Lanham Act (15 U.S.C. § 1114).

72. Yangzhou Okus has suffered and will continue to suffer irreparable injury and damages due to Defendants' above described activities if Defendants are not preliminary and permanently enjoined. Additionally, Defendants will continue to wrongfully profit from their illegal activities.

COUNT II – FALSE DESIGNATION OF ORIGIN PURSUANT TO §43(a) OF THE LANHAM ACT (15 U.S.C. § 1125 (a))

73. Yangzhou Okus hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 72 above.

74. Defendants' Counterfeit Goods bearing, offered for sale and sold using copies of the Sirenhead Mark have been widely advertised and offered for sale throughout the United States via at least one Internet marketplace platform.

75. Defendants' Counterfeit Goods bearing, offered for sale, and sold using copies of at the Sirenhead Mark is virtually identical in appearance to Yangzhou Okus' genuine goods. However, Defendants' Counterfeit Goods are different and likely inferior in quality. Accordingly, Defendants' activities are likely to cause confusion in the trade and among the general public as to at least the origin or sponsorship of their Counterfeit Goods.

76. Defendants have used in connection with their advertisement, offer for sale, and sale of their Counterfeit Goods, false designations of origin and false descriptions and representations, including words or other symbols and trade dress which tend to falsely describe or represent such goods and have caused such goods to enter into commerce with full knowledge of the falsity of such designations of origin and such descriptions and representations, all to Yangzhou Okus' detriment.

77. Defendants have authorized infringing uses the Sirenhead Mark in Defendants' advertisement and promotion of their counterfeit and infringing branded goods. Defendants have misrepresented to members of the consuming public that the Counterfeit Goods being advertised and sold by them are genuine, non-infringing goods.

78. Additionally, Defendants are using counterfeits and infringements of the Sirenhead Mark in order to unfairly compete with Yangzhou Okus and others for space within organic search engine, hereby jointly depriving Yangzhou Okus of a valuable marketing which would otherwise

be available to Yangzhou Okus and reducing the visibility of Yangzhou Okus' genuine goods on the Amazon.com and Walmart.com.

79. Defendants' above-described actions are in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

80. Yangzhou Okus has no adequate remedy at law and has sustained indivisible injury and damage caused by Defendants' concurrent conduct. Absent an entry of an injunction by this Court, Defendants will continue to wrongfully reap profits and Yangzhou Okus will continue to suffer irreparable injury to its goodwill and business reputation, as well as monetary damages.

COUNT III- COMMON LAW UNFAIR COMPEITION

81. Yangzhou Okus hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 80 above.

82. This is an action against Defendants based on their promotion, advertisement, distribution, sale and/or offering for sale of goods bearing and/or using marks that are virtually identical to the Sirenhead Mark in violation of Illinois's common law of unfair competition.

83. Specifically, Defendants are promoting and otherwise advertising, selling, offering for sale and distributing goods bearing and/or using counterfeits and infringements of the Sirenhead Mark. Defendants are also using counterfeits and infringements the Sirenhead Mark to unfairly compete with Yangzhou Okus.

84. Defendants' infringing activities are likely to cause and actually are causing confusion, mistake and deception among members of the trade and the general consuming public as to the origin and quality of Defendants' e-commerce stores and websites as a whole and all products sold therein by their use of the Sirenhead Mark.

85. Yangzhou Okus has no adequate remedy at law and is suffering irreparable injury and damages as a result of Defendants' actions.

COUNT IV - COMMON LAW TRADEMARK INFRINGEMENT

86. Yangzhou Okus hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through 85 above.

87. This is an action for common law trademark infringement against Defendants based on their promotion, advertisement, offering for sale, and sale of their Counterfeit Goods bearing and/or using the Sirenhead Mark. Yangzhou Okus is the owner of all common law rights in and to the Sirenhead Mark.

88. Specifically, Defendants are promoting, and otherwise advertising, distributing, offering for sale, and selling goods bearing and/or using infringements of the Sirenhead Mark.

89. Defendants' infringing activities are likely to cause and actually are causing confusion, mistake and deception among members of the trade and the general consuming public as to the origin and quality of Defendants' Counterfeit Goods bearing and/or using the Sirenhead Mark.

90. Yangzhou Okus has no adequate remedy at law and is suffering damages and irreparable injury as a result of Defendants' action.

PRAYER FOR RELIEF

91. WHEREFORE, Yangzhou Okus demands judgment on all Counts of this Complaint and an award of equitable relief, and monetary relief against Defendants as follows:

a. Entry of temporary, preliminary, and permanent injunctions pursuant to 15 U.S.C. § 1116 and Federal Rule of Civil Procedure 65, enjoining Defendants, their agents, representatives, servants, employees, and all those acting in concert or participation therewith, from manufacturing or causing to be manufactured, importing, advertising or promoting, distributing, selling or offering to sell their Counterfeit Goods; from infringing, counterfeiting, or diluting the Sirenhead Mark; from using the Sirenhead Mark, or any mark or design similar thereto, in connection with the sale of any unauthorized goods; from using any logo, trade name, or trademark or design that may be calculated to falsely advertise the services or goods of Defendants as being sponsored by, authorized by, endorsed by, or in any way associated with the Sirenhead Mark; from falsely representing themselves as being connected with the Sirenhead Mark, through sponsorship or association, or engaging in any act that is likely to falsely cause members of the trade and/or of the purchasing public to believe any goods or services of Defendants are in any way endorsed by, approved by, and/or associated with the Sirenhead Mark; from using any reproduction, counterfeit, infringement, copy, or colorable imitation of the Sirenhead Mark in connection with the publicity, promotion, sale, or advertising of any goods sold by Defendants; from affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent Defendants' goods as being those of the Sirenhead Mark, or in any way endorsed by the Sirenhead Mark and from offering such goods in commerce;

b. Entry of a temporary restraining order, as well as preliminary and permanent injunctions pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority, enjoining Defendants and all third parties with actual notice of an injunction issued by the Court from participating in, including providing financial services, technical services or other support to, Defendants in connection with the sale and distribution of non-genuine goods bearing and/or using counterfeits of the Sirenhead Mark.

c. Entry of an order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority, authorizing Yangzhou Okus to serve an injunction issued by the Court on any e-mail service provider with a request that the service provider permanently suspend the e-mail addresses which are used by Defendants in connection with Defendants' promotion, offering for sale, and/or sale of goods bearing and/or using counterfeits, and/or infringements of the Sirenhead Mark.

d. Entry of an order requiring Defendants to account to and pay Yangzhou Okus for all profits and damages resulting from Defendants' trademark counterfeiting and infringing and unfairly competitive activities and that the award to Yangzhou Okus be trebled, as provided for under 15 U.S.C. §1117, or, at Yangzhou Okus' election with respect to Count I, that Yangzhou Okus be awarded statutory damages from each Defendant in the amount of two million dollars ($2,000,000.00) per each counterfeit trademark used and product sold, as provided by 15 U.S.C. §1117(c)(2) of the Lanham Act.

e. Entry of an award pursuant to 15 U.S.C. § 1117 (a) and (b) of Yangzhou Okus' costs and reasonable attorneys' fees and investigative fees associated with bringing this action.

f. Entry of an order that, upon Yangzhou Okus' request, Defendants and any financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, and their related companies and affiliates, identify and restrain all funds, up to and including the total amount of judgment, in all financial accounts and/or sub-accounts used in connection with the Seller IDs, used by Defendants presently or in the future, as well as any other related accounts of the same customer(s) and any other accounts which transfer funds into the same financial institution account(s), and remain restrained until such funds are surrendered to Yangzhou Okus in partial satisfaction of the monetary judgment entered herein.

g. Entry of an award of pre-judgment interest on the judgment amount.

h. Entry of an order for any further relief as the Court may deem just and proper.

Dated 19th Day of December 2023.

Respectfully submitted,

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