

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

HAPPY HOUR THINKING, LLC,

Plaintiff,

v.

ZEUS, JIAROSWWEI, KOSZAL, PURESELL,  
SHAPERME, INC., SHENZHEN CITY ANSTON  
TECHNOLOGY CO., LTD., YIWU CHANGDE  
TRADING CO., LTD., HELLOWORLD  
(GUANGZHOU) IMPORT & EXPORT CO., LTD.,  
GLOBAL BRIDGE INDUSTRY CO., LTD.,  
AANGBS-TOOLS STORE, BEAUTIFUL LIFE  
HOUSE IMPROVEMENT STORE, BEAUTIFY LIFE  
9 STORE, BJYXSZD ROMANTIC STORE, CC  
HOME-DECOR STORE, COOLCO STORE, DIGITAL  
& CONVENIENT STORE, FUNNY LIFE HEAL  
STORE, ILOVEIHOME STORE, ORGANIZATION  
DROPSHIP STORE, REIKI STORE, ROMANTIC  
FLOWERS STORE, SHOP1102107715 STORE,  
SHOP1102460340 STORE, SHOP1102513137 STORE,  
SHOP1102647567 STORE, SONOFF SHENZHEN  
STORE, WARM WARM WARM STORE,  
BENOSPACE, BLURTE431, CHENNDUS, CLINA-  
US, E-OUTSTANDING, FUPIUPERO-US,  
FUZHANGCHANG, GYBEIMEIDIAN,  
JONESER0916, MANDY MEET, MECXICY,  
MEIYYASS, MIRANDALONG-US, NANCONG,  
NAROOTE, NITRIP, SALMUE, SUNBORUINO,  
SUNTASKW, TERLOG, VENDERER GROUP,  
VINNAT US, WADIUE-US,  
XIANGHUIFLAGSHIPSTORE, XUNSHI  
ELECTRONIC, XZHAN-US, YUQIN SHOP, ZEOO,  
ZHENG RUUS, TIANZHU.MOUNTAIN, SHAOYO-5,  
DILUX73, WIXO17-48, RUOLRL, HGTR62,  
MEIHAO\_2021, ZHANGYIXIN86, FEIJS AUFL03,  
GOODSBETTER, CHENGDU JIA LI TECHNOLOGY  
CO., CHENGDU ORANGE BLOSSOM CHENG  
TECHNOLOGY CO., SHENZHEN MINGXIN YANG  
TRADING CO., CHENGDU ORANGE BLOSSOM  
CHENG TECHNOLOGY CO., SHENZHEN  
QIANXING YI TECHNOLOGY CO., SHENZHEN  
QIANXING YI TECHNOLOGY CO., SHENZHEN

Civil Action No.

**FILED UNDER SEAL**

MING XIN YANG TRADING CO., SHENZHEN HAO  
YI XIN TECHNOLOGY CO., SHENZHEN  
GOODYEAR TECHNOLOGY CO., TUKER,  
ROMADAIANA70, and WANGYO,  
Defendants.

**COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF**

Plaintiff hereby sues Defendants, the Individuals, Partnerships, and Unincorporated Associations identified in the Caption, which are set forth in **Schedule “A”** hereto (collectively “Defendants”). All Defendants are knowingly and intentionally promoting, advertising, distributing, offering for sale, and selling patent infringing versions of Plaintiff’s patented THE CORD WRAPPER™ and design: brand cord



organizer which infringe U.S. Patent No. D913,776 S

(“Plaintiff’s Patent”), and some are using Plaintiff’s federally registered copyrighted photographs

or substantially similar copies to  pass off the infringing products, thus

infringing on Plaintiff’s copyright and unfairly competing through at least

one of the Amazon.com, eBay.com, Joybuy, Temu, Wish.com, Walmart.com, and

Aliexpress.com online marketplaces (“Internet Marketplaces”) operating under the seller

identities as set forth on **Schedule “A”** hereto (the “Seller IDs”). In support of its claims,

Plaintiff alleges as follows:

**INTRODUCTION**

1. In April of 2019, the inventors of the The Cord Wrapper (“Plaintiff’s Product”) and members of Happy Hour Thinking, LLC (“Plaintiff”) were enjoying a beautiful Spring evening.

As they chatted, one of them was putting away a toaster that had been used earlier. As she put

the toaster in the cabinet, the door refused to close because the toaster cord was jamming the door. This was a regular occurrence for their friend. Recognizing a problem needing a solution, the inventors worked for the next 12 months, working on various proto-type solutions, testing and re-testing until The Cord Wrapper was born. Plaintiff's Product, officially launched in early 2020, innovates by permitting the user to wrap and store different cords providing convenient storage and preventing the danger of a dangling cord tripping the user..

2. The genuine THE CORD WRAPPER™ and design ("Plaintiff's Mark") brand cord organizer (**Fig. 1**, below) is heat resistant to 212 degrees Fahrenheit for safe use on toasters and other kitchen appliances. Once attached to the intended surface (**Fig. 2**, below), the innovative scalloped edge keeps the appliance cord wound and secure. The flexible base conforms to round curved surfaces. Plaintiff identified the need for this product and created the market for this product. Below are images of one of Plaintiff's Products, which retails for \$19.99:



*Fig. 1*



**Fig. 2**

3. Defendants' sale, distribution, and advertising of the Infringing Product are highly likely to cause consumers to believe that Defendants are offering genuine versions of Plaintiff's

Products when in fact they are not. To illustrate, below are several examples which vividly show that the Infringing Product itself and the manner in which it is marketed is designed to confuse and mislead consumers into believing that they are purchasing Plaintiff's Product or that the Infringing Product is otherwise approved by or sourced from Plaintiff:

<p style="text-align: center;">Plaintiff's Copyrighted Photo</p>  <p style="text-align: center;">Heat Resistant Up To 200°F</p>	<p style="text-align: center;">Listing of Defendant ZEUS Showing Infringement</p> 
<p style="text-align: center;">Plaintiff's Copyrighted Photo</p>  <p style="text-align: center;">Heat Resistant Up To 200°F</p>	<p style="text-align: center;">Listing of Defendant Blurte432 Showing Infringement</p> 

Additional photograph comparisons of Plaintiff's Product and the Infringing Products appear in **Exhibit 1** attached to the Complaint.

4. Defendants' goods are often cheaply produced and substantially inferior to Plaintiff's genuine products. Plaintiff's genuine products are exclusively made in the United States from food grade plastic; it is unknown what Defendants' goods are made from. As poorly manufactured products, Defendants' goods create risks since they are intended for use on high temperature surfaces.

5. Defendants' goods threaten to destroy the reputation of high quality that Plaintiff's Products have earned. Defendants' goods create risks as they do not appear to be of the same quality as the genuine goods. Plaintiff has received numerous complaints about Defendants' goods.


6. Defendants' actions have resulted in actual confusion in the marketplace between Defendants' goods and genuine Plaintiff's Products.

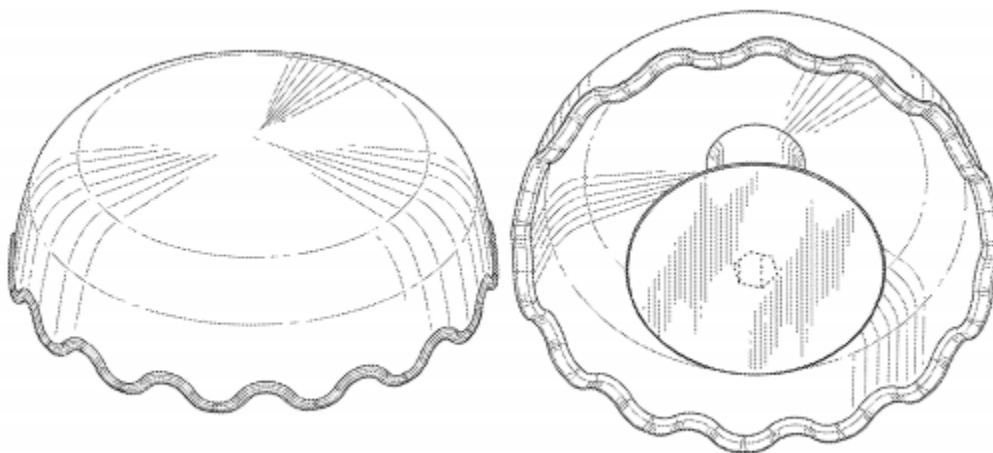
7. Plaintiff is the owner of various published photographs, videos, artwork, creative text, and product instructions appearing on its web site thecordwrapper.com. Screen shots of the Plaintiff's Amazon Store and Website showing Plaintiff's Works are shown in **Complaint Exhibit 2**<sup>1</sup> ("Plaintiff's Works"). The combined distinct, ornamental, and decorative features of the Plaintiff's Product and the Plaintiff's Mark all function as trade dress so that consumers are certain that Plaintiff is the source of the Plaintiff's Product. The unique features of Plaintiff's Product, Plaintiff's Mark, and Plaintiff's Works, including, the distinct photographs, the design, the instructions, the packaging, and the unique presentation of the product, all comprise

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<sup>1</sup> As set forth in the Complaint, and proven in Dee Odell Declaration **Composite Exhibit 1**, all the Defendants are infringing on the Plaintiff's Patent, Works, and Trade Dress ("Infringing Products").

Plaintiff's valuable intellectual property ("IP"), constitute Plaintiff's Trade Dress, and all have become distinct in consumer's minds such that consumers associate all of this IP with Plaintiff's Product.

8. Plaintiff is the owner of the source identifying common law mark THE CORD WRAPPER™ and design. .  Plaintiff also owns US Design Patent No. D913,776 S ("Plaintiff's Patent"). A copy of Plaintiff's Patent is attached to the Complaint as **Exhibit 3A**, and a representative figure appears below:



As may be seen by reviewing the Dee Odell Declaration, Exhibit 1, and the Plaintiff's Patent, each of the Defendants' products infringes on the Plaintiff's Patent. Additionally, Plaintiff is the owner of U.S. Copyright Registration No. VA-0002-34-9904 for Photos of Plaintiff's Product as used ("Plaintiff's Works"). Copies of this electronic Copyright registration and deposit copies are attached to the Complaint as **Exhibit 3B**. The overall combination and arrangement of all non-functional design elements of Plaintiff's product and packaging, including its product insert, which are inherently distinctive and/or have acquired secondary meaning in the mind of the purchasing public.

9. Plaintiff's Works, Mark, Trade Dress, and Patent make it unlawful for competitors to infringe Plaintiff's rights.

### **JURISDICTION AND VENUE**

10. This is an action for federal copyright infringement; federal unfair competition; common law unfair competition; and patent infringement pursuant to 35 U.S.C. § 271 and The All Writs Act, 28 U.S.C. § 1651(a). Accordingly, this Court has subject matter jurisdiction over this action pursuant to 15 U.S.C. §§ 1114, 1116, 1125(a), and 1125(d); and patent infringement pursuant to 35 U.S.C. § 271 and The All Writs Act, 28 U.S.C. § 1651(a). 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 Plaintiff's state law claims because those claims are so related to the federal claims that they form part of the same case or controversy.

12. This Court may exercise personal jurisdiction over a non-resident of the State in which the Court sits to the extent authorized by the state's laws. Fed. R. Civ. P. 4(e). Pennsylvania authorizes personal jurisdiction over the Defendant pursuant to 42 Pa. Cons. Stat. § 5322 (a) which provides in pertinent part: "A tribunal of this Commonwealth may exercise personal jurisdiction over a person ... as to a cause of action or other matter arising from such person: (1) Transacting any business in this Commonwealth. Without excluding other acts which may constitute transacting business for the purpose of this paragraph: (ii) The doing of a single act in this Commonwealth for the purpose of thereby realizing pecuniary benefit ... (3) Causing harm or tortious injury by an act or omission in this Commonwealth. (4) Causing harm or tortious injury by an act or omission outside this Commonwealth ... (10) Committing any violation within the jurisdiction of the Commonwealth of any statute, home rule charter, local

ordinance or resolution, or rule or regulation promulgated thereunder by any government unit or of any order of court or other government unit.” In the alternative, Federal Rule of Civil Procedure 4(k) confers personal jurisdiction over the Defendant because, upon information and belief, Defendants regularly conduct, transact and/or solicit business in Pennsylvania and in this judicial district, and/or derive substantial revenue from their business transactions in Pennsylvania and in this judicial district and/or otherwise avail themselves of the privileges and protections of the laws of the Commonwealth of Pennsylvania such that this Court's assertion of jurisdiction over Defendants does not offend traditional notions of fair play and due process, and/or Defendants’ illegal infringing actions caused injury to Plaintiff in Pennsylvania and in this judicial district such that Defendants should reasonably expect such actions to have consequences in Pennsylvania and in this judicial district, for example:

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

Pennsylvania, as a means for establishing regular business with the U.S., including Pennsylvania.

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

c. Upon information and belief, Defendants’ Merchant Storefronts reflect multiple sales to consumers all over the world, including repeat sales to consumers in the U.S. and into this judicial district.

d. Upon information and belief, all Defendants accept payment in U.S. Dollars and offer shipping to the U.S., including to Pennsylvania and specifically to the Pennsylvania Address (as defined *infra*).

e. Upon information and belief, Defendants have transacted business with consumers located in the U.S., including Pennsylvania, for the sale and shipment of Infringing Products (as defined *infra*).

f. Upon information and belief, Defendants are employing and benefiting from substantially similar paid advertising and marketing and advertising strategies in order to make their Merchant Storefronts selling illegal goods appear more relevant and attractive to search result software across an array of search words, including but not limited to “CORD WRAPPER” and “CORD ORGANIZER”. By their actions, Defendants are causing concurrent and indivisible harm to Plaintiff and the consuming public by (i) depriving Plaintiff of its right to fairly compete for space within the various on-line marketplace search results and reducing the visibility of the Plaintiff’s Product on various on-line marketplaces and/or diluting and driving down the retail market price for Plaintiff’s Product; (ii) causing an overall degradation of the value of the goodwill associated with Plaintiff’s marks and goods; and (iii) increasing Plaintiff’s overall cost to market its goods and educate consumers about brands.

g. Upon information and belief, Defendants have cooperated, communicated their plans with one another, shared information, and coordinated their efforts, all in order to create an illegal marketplace operating in parallel to the legitimate marketplace of Plaintiff’s and the legally authorized resellers of Plaintiff’s genuine goods.

h. Upon information and belief, Defendants are concurrently targeting their infringing activities toward consumers and causing harm in Allegheny County, Pennsylvania.

i. Upon information and belief, Defendants likely reside and/or operate in or, though not foreign, operate out of or from foreign jurisdictions with lax trademark and patent enforcement systems and are cooperating by creating an illegal stream of infringing and Infringing goods.

j. Upon information and belief, Defendants are aware of Plaintiff's Product, and are aware that their illegal infringing actions alleged herein are likely to cause injury to Plaintiff in the United States, in Pennsylvania and in this judicial district specifically, as Plaintiff conducts substantial business in Pennsylvania.

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

13. Venue is proper, *inter alia*, pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 1400(b) because, for example:

a. Upon information and belief, Defendants conduct, transact, and/or solicit business in this judicial district.

b. Upon information and belief, Defendants or their agent(s) may be found in this district because personal jurisdiction is proper in this district.

c. Upon information and belief, this is a judicial district in which a substantial part of the events or omissions giving rise to the infringement claims occurred, or a substantial part of the property that is the subject of the action is situated.

d. Defendants not resident in the United States may be sued in this judicial district because personal jurisdiction is proper in this district.

#### **THE PLAINTIFF**

14. Plaintiff is a limited liability company organized and existing under the laws of the State of Utah, having its principal place of business at 1641 Shadow Valley Dr Ogden UT 84403.

15. Plaintiff sells a unique and revolutionary patented product under the common law trademark THE CORD WRAPPER™ and design:



16. Plaintiff has spent substantial time, money, and effort in building up and developing consumer recognition, awareness and goodwill in Plaintiff's Mark and Product. The success of the Plaintiff's Product is due in part to Plaintiff's marketing and promotional efforts. These efforts include advertising and promotion through television, retailer websites and other internet-based advertising, print, participation in trade shows, among other efforts, including Pennsylvania.

17. Plaintiff's Product has been featured on numerous videos on YouTube, Facebook, and other social media sites. Additionally, the Plaintiff's Product received the 2021 Kitchen Gear of the Year Award from *Good Housekeeping* as seen on <https://www.goodhousekeeping.com/cooking-tools/a38202680/kitchen-gear-awards-2021/>.

18. Plaintiff's Product is proudly manufactured using the highest quality materials and processes.

19. Plaintiff owns trademark rights, copyright, and patent rights regarding Plaintiff's Product.

### **THE DEFENDANTS**

20. The Defendants are individuals and/or business entities of unknown makeup, each of whom, upon information and belief, either reside or operate in foreign jurisdictions, or (though not foreign) redistribute products from the same or similar sources in those locations. 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 operation of at least one of the Internet based online marketplaces Alibaba.com, AliExpress.com Amazon.com, eBay.com, Joybuy, Temu.com, Walmart.com and Wish.com under the Seller IDs.

21. Defendants use aliases in conjunction with the operation of their businesses, including but not limited to those as set forth in **Schedule “A”** hereto.

22. Defendants are the past and present controlling forces behind the sale of products bearing and/or using infringements of at least one of the Plaintiff’s Patent and Works, and/or a substantially similar copy of Plaintiff’s Works as described herein using at least the Seller IDs.

23. Upon information and belief, Defendants directly engage in unfair competition with Plaintiff and its authorized sellers by advertising, offering for sale and selling goods bearing and/or using infringements of Plaintiff’s Works and Patent to consumers within the United States and this district through several fully interactive, commercial Internet websites and Internet based e-commerce stores operating under, at least, the storefronts, the Seller IDs, and any additional domain names, websites and corresponding website URLs or seller identifications and store URL aliases not yet known to Plaintiff. Defendants have purposefully directed some portion of their illegal activities towards consumers in the Commonwealth of Pennsylvania through the advertisement, offer to sell, sale, and/or shipment of Infringing and infringing goods into the Commonwealth.

24. Defendants have registered, established, or purchased, and maintained the online marketplace website storefronts and Seller IDs. Upon information and belief, Defendants have engaged in fraudulent conduct with respect to the registration of the storefronts and Seller IDs by providing false and/or misleading information to the Internet based e-commerce platforms where

they offer for sale and/or sell, during the registration or maintenance process related to their respective Seller ID. Upon information and belief, Defendants have anonymously registered and maintained some of the Seller IDs for the sole purpose of engaging in illegal infringing activities.

25. Upon information and belief, Defendants will continue to register or acquire new seller identification aliases for the purpose of selling and offering for sale goods bearing and/or advertised using confusingly similar imitations of Plaintiff's Works and infringing Plaintiff's Patent unless preliminarily and permanently enjoined.

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

27. Defendants' business names, i.e., the Seller IDs, associated payment accounts, and any other alias seller identification names used in connection with the sale of infringing goods bearing and/or using Plaintiff's Works and Patent are essential components of Defendants' online activities and are the means by which Defendants further their infringement scheme and cause harm to Plaintiff. Moreover, Defendants are using Plaintiff's Works to drive Internet consumer traffic to their e-commerce stores operating under the Seller IDs, thereby creating, and increasing the value of the Seller IDs and decreasing the size and value of Plaintiff's legitimate consumer marketplace at Plaintiff's expense.

### **COMMON FACTUAL ALLEGATIONS**

#### **Plaintiff's , Trademark, Trade Dress, Copyright and Patent Rights**

28. Plaintiffs owns the common law mark THE CORD WRAPPER™ and design referred to herein as Plaintiff's Mark.

29. Plaintiff owns a United States patent for its unique product. Plaintiff's Product is the subject of a U.S. Design Patent referred to herein as "Plaintiff's Patent."

30. Plaintiff also owns copyrights for its advertising and packaging, including its product insert. Plaintiff owns a federal registration for Plaintiff's Works.

31. Plaintiff's trademark, trade dress, patent, and copyright rights make it unlawful for competitors to infringe Plaintiff's rights.

a. Because of Plaintiff's Mark, no competitor can lawfully use Plaintiff's Mark in a manner that could cause confusion as to source.

b. Because of Plaintiff's copyrights for its packaging and trade dress rights, no competitor can lawfully copy Plaintiff's copyrighted expression or use packaging that could cause a likelihood of confusion as to the source of the competing product.

c. Because of Plaintiff's patent on Plaintiff's Product, no competitor can lawfully make, use, offer for sale, or sell a competing product that infringes Plaintiff's patent.

32. Like many other rights owners, Plaintiff suffers ongoing daily and sustained violations of its copyright, trademark, trade dress, and patent rights at the hands of infringers, such as Defendants herein. Plaintiff is harmed, the consuming public is duped and confused, and the Defendants earn substantial profits in connection with the infringing conduct.

33. In order to combat the harm caused by the combined actions of Defendants and others engaging in similar infringing conduct, Plaintiff has expended significant resources in connection with its intellectual property enforcement efforts. The recent explosion of infringement over the Internet has created an environment that requires companies to expend significant time and

money across a wide spectrum of efforts in order to protect both consumers and itself from infringement of its copyrights, trademark rights and patent rights.

34. Upon information and belief, at all times relevant hereto, Defendants in this action had full knowledge of Plaintiff's copyrights, trademark rights, trade dress, and/or patent rights, including Plaintiff's exclusive right to use and license such intellectual property and the goodwill associated therewith. Plaintiff has complied with the Patent Act and has provided actual notice of its design patent.

### **The Online Marketplace Platform and Defendants' User Accounts**

35. Online marketplace platforms (also referred to as "Third Party Service Provider"), including but not limited to Amazon.com, eBay.com, Joybuy, Temu, Wish.com, Walmart.com, and Aliexpress.com, allow manufacturers, wholesalers and other third party merchants, like Defendants, to advertise, distribute, offer for sale, sell and ship their wholesale and retail products originating from China directly to consumers worldwide and specifically to consumers residing in the United States, including Pennsylvania.

36. Defendants are individuals and/or businesses, who, upon information and belief, are located in China and other foreign countries but conduct business in the United States and other countries by means of their User Accounts and on their Merchant Storefronts on Amazon.com as well as potentially yet undiscovered additional online marketplace platforms.

37. Through their Merchant Storefronts, Defendants offer for sale and/or sell consumer products, including Infringing Products, and target and ship such products to customers located in the United States, including Pennsylvania, and throughout the world.

## **Defendants' Wrongful and Infringing Conduct**

38. Defendants are promoting and advertising, distributing, selling and/or offering for sale copies of Plaintiff's Product in interstate commerce that infringes copyright rights, trade dress rights, and patent rights (collectively referred to as, "Infringing Product(s)" or "Infringing Product(s)"), through the fully interactive Internet based e-commerce stores operating under the Seller IDs:

- a. Defendants' competing goods look nearly identical, which creates a likelihood of confusion as to source, as Defendants' competing goods are confusing similar imitations of Plaintiff's product.
- b. Defendants make, use, offer for sale, or sell competing products that infringe Plaintiff's patent.
- c. Defendants are advertising, marketing, offering for sale their patent-infringing versions of Plaintiff's Product by using identical or substantially similar photographs that are the subject of registration of Plaintiff's Works.
- d. Defendants' competing goods are of a quality substantially and materially different than that of Plaintiff's genuine goods.
- d. Defendants sell or offer the infringing goods for a retail price below the usual retail price of Plaintiff's genuine patented product.

39. E-commerce sales, including through e-commerce stores like those of Defendants, have resulted in a sharp increase in the shipment of unauthorized products into the United States.

*Ference Dec.*<sup>2</sup>, Exhibit 1, Excerpts from Fiscal Year 2021 U.S. Customs and Border Protection (“CBP”) Intellectual Property Seizure Statistics Report. Over 89% of all CBP intellectual property seizures were smaller international mail and express shipments (as opposed to large shipping containers). *Id.* More than half (51%) of CBP seizures originated from mainland China and Hong Kong. *Id.* Infringing and pirated products account for billions in economic losses, resulting in tens of thousands of lost jobs for legitimate businesses and broader economic losses, including lost tax revenue.

40. Third party service providers like those used by Defendants do not adequately subject new sellers to verification and confirmation of their identities, allowing infringers to “routinely use false or inaccurate names and addresses when registering with these e-commerce platforms.” *Ference Dec.*, Exhibit 2, Daniel C.K. Chow, *Alibaba, Amazon, and Infringing in the Age of the Internet*, 40 NW. J. INT’L L. & BUS. 157, 186 (2020); see also, report on “Combating Trafficking in Infringing and Pirated Goods” prepared by the U.S. Department of Homeland Security’s Office of Strategy, Policy, and Plans (Jan. 24, 2020), attached as *Ference Dec.*, Exhibit 3 and finding that on “at least some e-commerce platforms, little identifying information is necessary for an Infringer to begin selling” and recommending that “[s]ignificantly enhanced vetting of third-party sellers” is necessary. Infringers hedge against the risk of being caught and having their websites taken down from an e-commerce platform by preemptively establishing multiple virtual store-fronts. *Ference Dec.*, Exhibit 3, at p. 22. Since platforms generally do not require a seller on a third-party marketplace to identify the underlying business entity, Infringers can have many different profiles that can appear unrelated even

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<sup>2</sup> Referring to Declaration of Stanley D. Ference III in Support of Temporary Restraining Order, filed herewith.

though they are commonly owned and operated. *Ference Dec.*, Exhibit 3 at p. 39. Further, “E-commerce platforms create bureaucratic or technical hurdles in helping brand owners to locate or identify sources of Infringing and Infringers.” *Ference Dec.*, Exhibit 2 at 186-187.

41. Defendants target their business activities towards consumers throughout the United States, including within Pennsylvania, and this district in Allegheny County, and conduct pervasive business through the operation of, at least, one fully interactive commercial Internet based e-commerce store via at least one Internet under various Seller IDs, including the Seller IDs in **Schedule “A.”**

42. Defendants have purposefully directed some portion of their illegal activities towards consumers in the Commonwealth of Pennsylvania through the advertisement, offer to sell, sale, and/or shipment of infringing goods into the State.

43. Defendants are the past and present controlling forces behind the sale of products that infringe Plaintiff’s intellectual property as described herein using at least the Seller IDs in **Schedule “A”** and the Seller IDs associated with the infringing product ASIN numbers. Defendants have registered, established, or purchased, and maintained their Seller IDs.

44. Upon information and belief, some Defendants have anonymously registered and maintained some of the Seller IDs for the sole purpose of engaging in illegal infringing activities. For example, on Amazon.com after notice that a particular Seller Name has sold an infringing product with a particular ASIN number, a new Seller Name will be used (*e.g.* a new “Just Launched Seller”) to sell the same infringing product under a new ASIN number associated with the new Seller Name. The result can be a never ending “Whack–A-Mole” situation where new infringers keep popping up.

45. Upon information and belief, Defendants will continue to register or acquire new Seller ID aliases for the purpose of selling and offering for sale goods that infringe Plaintiff's trademark rights, trade dress rights, and patent rights unless preliminarily and permanently enjoined.

46. Defendants' business names, *i.e.*, Seller IDs, associated payment accounts, and any other alias seller identification names used in connection with the sale of infringing goods are essential components of Defendants' online activities and are one of the means by which Defendants further their infringing scheme and cause harm to Plaintiff. Moreover, Defendants are using without permission Plaintiff's claimed copyrightable materials, trademarks, trade dress and patents to drive Internet consumer traffic to their e-commerce stores operating under their 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.

47. Upon information and belief, Defendants are concurrently targeting their infringing activities toward consumers and causing harm within this district and elsewhere throughout the United States. As a result, Defendants are harming Plaintiff and the consuming public for Defendants' own benefit.

48. By their actions, Defendants have created an illegal marketplace operating in parallel to the legitimate marketplace for Plaintiff's genuine goods. Defendants are causing concurrent and indivisible harm to Plaintiff and the consuming public by (i) depriving Plaintiff and other third parties of their right to fairly compete for space within search engine results and reducing the visibility of Plaintiff's genuine goods on the World Wide Web and internet, (ii) causing an overall degradation of the value of the goodwill associated with Plaintiff's trademark rights, and

(iii) increasing Plaintiff's overall cost to market its goods and educate consumers about its brand via the Internet.

49. Plaintiff is suffering irreparable and indivisible injury and has suffered substantial damages as a result of Defendants' unauthorized and wrongful use of Plaintiff's intellectual property. The natural and intended byproduct of Defendants' actions is the erosion and destruction of the goodwill associated with Plaintiff's name and associated trademarks and the destruction of the legitimate market sector in which it operates.

50. Defendants' infringing products compete directly against Plaintiff's products. Defendants' infringement was a cause in Plaintiff's unit sales decreasing during the last several months over the same time period the previous year. Plaintiff has thus lost profits.

51. Plaintiff has suffered and will suffer irreparable injury as a result of Defendants' continued sale of infringing products, and monetary damages are inadequate to compensate Plaintiff for Defendants' continued sale of infringing products.

a. Defendants sell cheaper and inferior competing cord storage products that infringe upon Plaintiff's claimed copyrightable materials, trademarks, trade dress, and patents. Defendants' sale of infringing products has caused Plaintiff loss of market share, reputational harm, lost profits and/or jeopardy to Plaintiff's competitive position.

b. Plaintiff cannot effectively exercise its rights under copyright, trademark, trade dress, and patent which also damages Plaintiff's relationship with its actual and/or potential re-sellers.

c. Defendants have infringed in the past and threaten to infringe in the future.

52. Upon information and belief, Defendants' payment and financial accounts are being used by Defendants to accept, receive, and deposit profits from Defendants' infringing and unfairly competitive activities connected to their Seller IDs and any other alias domain names or seller identification names being used and/or controlled by them.

53. Plaintiff has no adequate remedy at law. Upon information and belief, Defendants are likely to transfer or secret their assets to avoid payment of any monetary judgment awarded to Plaintiff.

54. Defendants would suffer no cognizable harm from ceasing infringing conduct.

a. Defendants have no right to sell products that infringe Plaintiff's copyrights, trademark rights, trade dress rights, and patent rights.

b. Defendants sell other products, so they would suffer little harm if they stopped selling the infringing products at issue in this lawsuit.

c. Plaintiff will suffer great harm to its competitive position and business if Defendants sell products that infringe Plaintiff's rights.

55. The public interest will be served when it protects Plaintiff from infringement of its copyright, trademark and/or patent rights.

56. Defendants are engaging in the above-described illegal infringing activities knowingly and intentionally or with reckless disregard or willful blindness to Plaintiff's rights. If Defendants' infringing activities are not preliminarily and permanently enjoined by this Court, Plaintiff and the consuming public will continue to be harmed.

57. The harm and damages sustained by Plaintiff have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offers to sell, and sale of their Infringing Products.

### **Scope of Defendants' Unlawful Activities**

58. Upon information and belief, each Defendant did not obtain an opinion from United States Counsel about the legality of offering for sale its Infringing Products.

59. Upon information and belief, each Defendant operates more than one merchant storefront.

60. Upon information and belief, each Defendant operates merchant storefronts across multiple e-commerce marketplaces.

61. Upon information and belief, each Defendant has sold more than 150,000 units of the Infringing Product with at least \$10.00 profit per unit.

62. Upon information and belief, each Defendant's profits from the sale of the Infringing Products totals more than \$100,000.

63. Upon information and belief, each Defendant's profits from the sale of the Infringing Products totals more than \$300,000.

64. Upon information and belief, each Defendant's profits from the sale of the Infringing Products totals more than \$2,000,000.

## COUNT I – PATENT INFRINGEMENT (35 U.S.C. § 271(a))

65. Plaintiff hereby adopts and re-alleges the allegations set forth in the preceding paragraphs as if set forth herein.

66. Plaintiff is the owner of US Design Patent No. D913,776 S (“Plaintiff’s Patent”). A copy of Plaintiff’s Patent is attached to the Complaint as **Exhibit 3A**. The Plaintiff’s Product is marked in accordance with the Patent Act.

67. Defendants have infringed and continue to infringe Plaintiff’s Patent directly or indirectly through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271, by making, using, selling, importing and/or offering to sell infringing products, namely the cord organizers that are nearly identical to Plaintiff’s Product.

68. Defendants’ infringement, contributory infringement and/or inducement to infringe has injured Plaintiff and it, therefore, is entitled to recover damages in accordance with the Patent Act, including, a disgorgement of profits.

69. Defendants’ infringement, contributory infringement and/or inducement to infringe has been willful and deliberate because Defendants have notice of or knew of the Plaintiff’s Patent and have nonetheless injured and will continue to injure Plaintiff, unless and until this Court enters an injunction, which prohibits further infringement and specifically enjoins further manufacture, use, sale, importation and/or offer for sale of products or services that come within the scope of the Plaintiff’s Patent.

70. Based on Defendants’ wrongful conduct, Plaintiff is entitled to injunctive relief as well as monetary damages and other remedies as provided by the Patent Act, including damages that Plaintiff has sustained and will sustain as a result of Defendants’ illegal and infringing

actions as alleged herein, enhanced discretionary damages and reasonable attorneys' fees and costs.

**COUNT II – FEDERAL COPYRIGHT INFRINGEMENT (17 U.S.C. § 501(a))<sup>3</sup>**

71. All the above paragraphs are incorporated herein by reference.

72. Plaintiff is the exclusive owner and licensee of Plaintiff's Works.

73. Defendants had actual notice of Plaintiff's exclusive rights in and to the Plaintiff's Works.

74. Defendants did not attempt and therefore inherently failed to obtain Plaintiff's consent or authorization to use, manufacture, reproduce, copy, display, prepare derivative works of, distribute, sell, transfer, rent, perform and/or market Plaintiff's Works.

75. Defendants' unlawful actions have caused and are continuing to cause unquantifiable damages to Plaintiff and are unjustly enriching Defendants with profits at Plaintiff's expense.

76. Without permission, Defendants knowingly and intentionally reproduced, copied, and displayed the Plaintiff's Works by manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or selling products that utilize features that are, at a minimum, substantially similar to the Plaintiff's Works. Defendants' unlawful and willful action as alleged herein constitute infringement of the Plaintiff's Works, including

---

<sup>3</sup> While all the Defendants infringed on Plaintiff's Patent and engaged in unfair competition, Defendants Shenzhen City Anston Technology Co., Ltd., Yiwu Changde Trading Co., Ltd., Global Bridge Industry Co., Ltd., E-outstanding, Xunshi Electronic, Yuqin Shop, hgtr62, goodsbetter, Shenzhen Mingxin Yang Trading Co. did not use Plaintiff's photographs, thus they are not alleged to have infringed on Plaintiff's registered copyright.

plaintiff's exclusive rights to reproduce, distribute and/or sell such Works in violation of 17 U.S.C. § 501(a).

77. Defendants' knowing and intentional copyright infringement, as alleged herein, has caused substantial and irreparable harm to Plaintiff in an amount as yet unknown but to be proven at trial, for which Plaintiff has no adequate remedy at law, and unless enjoined, Defendants will continue to cause substantial and irreparable harm to Plaintiff. Plaintiff is entitled to injunctive relief, Plaintiff's actual damages and Defendants' profits in an amount to be proven at trial, enhanced discretionary damages for willful copyright infringement, and reasonable attorneys' fees and costs.

**COUNT III - FALSE DESIGNATION OF ORIGIN, PASSING OFF & UNFAIR COMPETITION PURSUANT TO § 43(a) OF THE LANHAM ACT (15 U.S.C. § 1125(a))**

79. Plaintiff hereby adopts and re-alleges the allegations set forth in the preceding paragraphs as if set forth herein.

80. The Defendants have made and sold in interstate commerce Infringing Goods that embody Plaintiff's Trade Dress, including, using Plaintiff's Works and/or Trade Dress as a means to attract, divert and take sales from Plaintiff, thus unfairly competing.

81. As result of the Defendants' conduct as set forth herein, consumers could be confused and induced to purchase the Defendants' Infringing Goods, mistakenly believing them to be Plaintiff's Product, thus depriving Plaintiff of the profits for sale..

82. Defendants' Infringing Goods using, offered for sale, and sold under copies of Plaintiff's Mark are virtually identical in appearance to Plaintiff's respective, genuine goods. However, Defendants' Infringing 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 Infringing Goods.

83. Defendants, upon information and belief, have used in connection with their advertisement, offers for sale, and sale of the Infringing 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 Plaintiff's detriment.

84. Defendants have authorized infringing uses of Plaintiff's Trade Dress in Defendants' advertisement and promotion of their Infringing and infringing branded goods. Defendants have also misrepresented to members of the consuming public that the Infringing Goods being advertised and sold by them are genuine, non-infringing goods.

85. Defendants knowingly and willfully used in commerce products and/or packaging designs that are identical or confusingly similar to, and constitute reproductions of Plaintiff's Works and Trade Dress and affixed, applied and used false designations of origin and false and misleading descriptions and representations on or in connection with the manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or sale of Infringing Products with the intent to cause confusion, to cause mistake and to deceive the purchasing public into believing, in error, that Defendants' substandard Infringing Goods are Plaintiff's or related products, and/or that Defendants' Infringing Goods are authorized, sponsored, approved, endorsed or licensed by Plaintiff and/or that Defendants are affiliated, connected or associated with Plaintiff, thereby creating a likelihood of confusion by consumers as to the source of such Infringing Goods, and allowing Defendants to capitalize on

the goodwill associated with, and the consumer recognition of, the Plaintiff's Trade Dress and products, to Defendants' substantial profit in blatant disregard of Plaintiff's rights.

86. Additionally, Defendants are using infringements of Plaintiff's Trade Dress in order to unfairly compete with Plaintiff and others for space within search engine organic results, thereby jointly depriving Plaintiff of a valuable marketing and educational tool which would otherwise be available to Plaintiff and reducing the visibility of Plaintiff's genuine goods on the World Wide Web.

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

88. Plaintiff 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 Plaintiff will continue to suffer irreparable injury to its respective goodwill and business reputations, as well as monetary damages.

89. Based on Defendants' wrongful conduct, Plaintiff is entitled to injunctive relief as well as monetary damages and other remedies as provided by the Lanham Act, including damages that Plaintiff has sustained and will sustain as a result of Defendants' illegal and infringing actions as alleged herein, and all gains, profits and advantages obtained by Defendants as a result thereof, enhanced discretionary damages and reasonable attorneys' fees and costs.

#### **COUNT IV - COMMON LAW UNFAIR COMPETITION**

90. Plaintiff hereby adopts and re-alleges the allegations set forth in the preceding paragraphs as if set forth herein.

91. 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, both visually and phonetically, to Plaintiff's Trade Dress in violation of Pennsylvania's common law of unfair competition.

92. Specifically, Defendants are promoting and otherwise advertising, selling, offering for sale, and distributing goods bearing and/or using infringements of Plaintiff's Trade Dress. Defendants are also using infringements of Plaintiff's Trade Dress to unfairly compete on online marketplaces with Plaintiff and others for space in marketplace search results across an array of search terms, including but not limited to Plaintiff's Mark.

93. 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' products by their use of Plaintiff's Trade Dress.

94. Plaintiff has no adequate remedy at law and are suffering irreparable injury and damages as a result of Defendants' actions.

95. As a result of Defendants' actions alleged herein, Plaintiff is entitled to injunctive relief, an order granting Plaintiff's damages and Defendants' profits stemming from their infringing activities, and exemplary or punitive damages for Defendants' intentional misconduct.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff 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, 35 U.S.C. § 283, 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 Infringing Goods that infringe on Plaintiff's Patent; from infringing, or diluting Plaintiff's Trade Dress; from using Plaintiff's Mark, or any mark or trade dress similar thereto; from using Plaintiff's Works or substantially similar copies of Plaintiff's Works, in connection with the sale of any unauthorized goods; from using any logo, trade name or trademark or trade dress 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 Plaintiff; from falsely representing themselves as being connected with Plaintiff, 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 Plaintiff; from using any reproduction, Infringing, infringement, copy, or colorable imitation of Plaintiff's Mark or Works 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 Plaintiff, or in any way endorsed by Plaintiff and from offering such goods in commerce; from engaging in search engine optimization strategies using colorable imitations of Plaintiff's name or trademark; from further infringement, inducement and contributory infringement of the patent-in-suit; and from otherwise unfairly competing with Plaintiff.

c. Entry of an Order that, upon Plaintiff's request, any Internet marketplace website operators and/or administrators that are provided with notice of the injunction, including but not

limited to Amazon.com, eBay.com, Alibaba.com, AliExpress.com, Joybuy, Temu.com, Walmart.com and Wish.com, identify any e-mail address known to be associated with Defendants' respective Seller ID, and cease facilitating access to any or all e-commerce stores through which Defendants engage in the promotion, offering for sale, and/or sale of goods bearing and/or using infringements of Plaintiff's Works or Marks.

d. Entry of an Order that, upon Plaintiff's request, any Internet marketplace website operators and/or administrators who are provided with notice of the injunction, including but not limited to Amazon.com, eBay.com, Alibaba.com, AliExpress.com, Joybuy, Temu.com, Walmart.com, and Wish.com, permanently remove any and all listings and associated images of Infringing Goods that infringe on Plaintiff's Patent; from infringing, or diluting Plaintiff's Trade Dress; from using Plaintiff's Mark, or any mark or trade dress similar thereto; from using Plaintiff's Works or substantially similar copies of Plaintiff's Works, via the e-commerce stores operating under the Seller IDs, including any and all listings and images of goods bearing and/or using infringements of Plaintiff's Mark or Works, or copies of that are substantially similar, linked to the same seller or linked to any other alias seller identification name being used and/or controlled by Defendants to promote, offer for sale and/or sell goods bearing and/or using infringements of Plaintiff's Marks or Works.

e. Entry of an Order that, upon Plaintiff's request, any Internet marketplace website operators and/or administrators who are provided with notice of the injunction, including but not limited to Amazon.com, eBay.com, Alibaba.com, AliExpress.com, Joybuy, Temu.com, Walmart.com, and Wish.com, immediately cease fulfillment of and sequester all Infringing Goods that infringe on Plaintiff's Patent; from infringing, or diluting Plaintiff's Trade Dress; from using Plaintiff's Mark, or any mark or trade dress similar thereto; from using Plaintiff's

Works or substantially similar copies of Plaintiff's Works, in its inventory, possession, custody, or control, and surrender those goods to Plaintiff.

f. Entry of an order requiring Defendants to account to and pay Plaintiff for all profits and damages resulting from Defendants' infringing and unfairly competitive activities and that the award to Plaintiff be trebled, as provided for under 15 U.S.C. §1117.

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

h. For an award of Plaintiff's actual damages and Defendants' profits, pursuant to 17 U.S.C. § 504(b), in an amount to be proven at trial for willful copyright infringement of the Plaintiff's Works under § 501(a).

i. In the alternative to Plaintiff's actual damages and Defendants' profits for copyright infringement of the Plaintiff's Works pursuant to 17 U.S.C. § 504 (b), for statutory damages of \$150,000.00 per infringement pursuant to 17 U.S.C. § 504 (c) for willful copyright infringement, which Plaintiff may elect prior to the rendering of a final judgment, together with Plaintiff's costs and reasonable attorney's fees and investigative fees associated with bringing this action.

j. Entry of an Order awarding Plaintiff damages adequate to compensate for the infringement of its patent, but in no event less than a reasonable royalty for the use made of the invention by the Defendants, together with interest and costs as fixed by the Court pursuant to 35 U.S.C. § 284 and/or 35 U.S. Code § 289, and that the award be trebled as provided for under 35 U.S.C. § 284.

k. Entry of an Order finding that this case is exceptional and an award to Plaintiff of its attorney fees and costs as provided by for under 35 U.S.C. § 285.

l. Entry of an Order that, upon Plaintiff's request, 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 or other domain names, alias seller identification names, or e-commerce store names or store URLs 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), to be surrendered to Plaintiff in partial satisfaction of the monetary judgment entered herein.

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

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

**DEMAND FOR JURY TRIAL**

Plaintiff respectfully demands a trial by jury on all claims.

Respectfully submitted,

Dated: July 18, 2023

/s/ Stanley D. Ference III

Stanley D. Ference III

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(412) 741-9292 - Facsimile

Attorneys for Plaintiff

**SCHEDULE “A”  
DEFENDANTS BY STORE NAME AND STORE NUMBER**

<b>Defendant No.</b>	<b>Store/Seller Name</b>	<b>Seller ID</b>
1	ZEUS	101043387
2	jiaroswwei	101172809
3	Koszal	101043404
4	PureSell	101243492
5	SHAPERME, inc	101224389
6	Shenzhen City Anston Technology Co., Ltd.	1600699778204, 1600699748350
7	Yiwu Changde Trading Co., Ltd.	1600796881958
8	Helloworld (Guangzhou) Import & Export Co., Ltd.	1600638967647, 1600462373053
9	Global Bridge Industry Co., Ltd.	1600483478911
10	Aangbs-Tools Store	1101808276
11	Beautiful Life house improvement Store	1101246993
12	Beautify Life 9 Store	1101746024
13	BJYXSZD romantic Store	1101895241
14	CC Home-Decor Store	1101863368
15	Coolco Store	1102644187
16	Digital & Convenient Store	1101560920
17	Funny Life Heal Store	1101547448
18	ILOVEIHOME Store	1101538960
19	Organization Dropship Store	1101542841
20	Reiki Store	1102591659
21	Romantic flowers Store	1101320660
22	Shop1102107715 Store	1102110662
23	Shop1102460340 Store	1102454431
24	Shop1102513137 Store	1102512177
25	Shop1102647567 Store	1102649522
26	Sonoff ShenZhen Store	1101235719
27	Warm warm warm Store	1101561070
28	BENOSPACE	ACVV0PGIDHTVX
29	Blurte431	AZYZB6OQFMIQ6
30	Chenndus	A19JB4U5KYS1EN
31	Clina-us	A2HVLVYL8578Y5L

32	E-outstanding	AB0Z3CZXYVM06
33	Fupiupero-US	ABUVLNI2DG38I
34	fuzhangchang	A251C70GHQUG9Z
35	GYbeimeidian	A2ZB3PLHREGYDA
36	Joneser0916	A3U8PGYF2MU62J
37	Mandy Meet	ANNYAPDVQXTAA
38	Mecxicy	A3BMND6J0WS9C4
39	Meiyyass	A320PRF5DL0GHE
40	Mirandalong-US	A2C0F8U7Q5SX2F
41	Nancong	A1H5K3TL9GBZ12
42	Naroot	AA3U1N3HAOFYS
43	Nitrip	AXKP3JTT4K7DQ
44	salmue	A46SVXD99K5JN
45	sunboruino	A20EV1HFK23EFH
46	Suntaskw	A3JN271H0LF8DG
47	Terlog	A24KK1JV764V60
48	Venderer Group	A1VTKZA1O34QGS
49	Vinnat us	A800K93L4PQ6B
50	Wadiue-US	A2DEKN8DORT2H4
51	xianghuiflagshipstore	AVC3H0Y3II3BE
52	Xunshi Electronic	A1ARXTYDR5UDPA
53	Xzhan-US	A1NTAMSY46SH7L
54	Yuqin Shop	AE53XGQBRY40A
55	Zeoo	A364RDEYR1KAU3
56	Zhengruus	A2A5MQYNQ5G8YU
57	tianzhu.mountain	354771950476
58	shaoyo-5	404314455772, 404314576941
59	dilux73	225563035500
60	wixo17-48	314502139122
61	ruolrl	155580863688
62	hgtr62	394535897793
63	meihao_2021	404335530565
64	zhangyixin86	394663399070
65	feijsaufl03	354713420670
66	goodsbetter	354859331738
67	Chengdu Jia Li Technology Co.	789535868
68	Chengdu Orange Blossom Cheng Technology Co.	539389858

69	Shenzhen Mingxin Yang Trading Co.	250439047
70	Chengdu Orange Blossom Cheng Technology Co.	451457839
71	Shenzhen Qianxing Yi Technology Co.	609162477
72	Shenzhen Qianxing Yi Technology Co.	362053570
73	Shenzhen Ming Xin Yang Trading Co.	250439047
74	Shenzhen Hao Yi Xin Technology Co.	726036389
75	Shenzhen Goodyear Technology Co.	335215174
76	Tuker	2763855412077
77	romadaiana70	5e6e574d4f421096d067c353
78	WANGYO	5e991d17ec962135c8ecb2aa

**LISTING OF EXHIBITS**

- Exhibit 1 ..... Exemplar comparison of Plaintiff's Product and Infringing Goods
- Exhibit 2 ..... Screen shots of the Plaintiff's Amazon Store and Website
- Exhibit 3A ..... US Design Patent No. D913,776 S
- Exhibit 3B ..... Copyright Registration No. VA-0002-34-9904 and deposit copies

# **Exhibit 1**

Plaintiff's Copyrighted Photograph



Listing of Defendant ZEUS Showing Infringement



Plaintiff's Copyrighted Photograph



Listing of Defendant Blurte432 Showing Infringement



Plaintiff's Copyrighted Photograph



Listing of Defendant Venderer Group Showing Infringement



Plaintiff's Copyrighted Photograph



Listing of Defendant salmoe Showing Infringement



Plaintiff's Copyrighted Photograph



Listing of Defendant Vinnat us Showing Infringement



Plaintiff's Copyrighted Photograph



Listing of Defendant PureSell Showing Infringement



# **Exhibit 2**

## Screenshots of Plaintiff's Amazon Store

<https://www.amazon.com/Cord-Wrapper-Organizer-Management-Appliances/dp/B098SS88PM>

[Back to results](#)



[Click to see more videos](#)



## The Cord Wrapper 2 Pack - Power, Heat-Resistant Cord Wrappers for Kitchen Appliances, Computer, & More, 3 x 1.5 Inches, Stick On Cord Organizer for Appliances

Visit the The Cord Wrapper Store  
4.4 ★★★★★ 480 ratings

\$19.99 (\$10.00 / Count)

Prime One-Day FREE Returns

You could have earned \$93.47 in rewards on your Amazon purchases over the past year with 5% back with an Amazon Prime Store Card. Apply now and get a \$60 Amazon Gift Card upon approval. [Learn more](#)

Color: Black

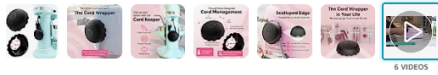


Brand: The Cord Wrapper  
Color: Black  
Installation Type: Self-Adhesive  
Product Dimensions: 3"L x 1.5"W

### About this item

- Strong & Heat Resistant - Here's an ideal cord keeper for appliances! Our appliance cord winder features a 3cm adhesive that withstands up to 212°F so that it can work safely on your toasters, slow cookers, mixers, and more!

[Click to see more videos](#)



SOURCE: THREE, TEN TIMES

- Wrap Up Your Loose Ends - Hide cords with exceptional ease using this kitchenaid mixer wrap! Our electric cord organizers measure 3" wide and 1.5" tall—small enough not to stick out yet big enough to tackle long cords. It offers the perfect size for your cables!
- Secure Scalloped Edge - Our cord keepers for appliances features a scalloped edge to prevent the cord from unwinding. With this design, our 3m cord holders makes it easier to wrap the wire around while effectively securing the plug.
- Flexible Base - You spoke, we listened! Our adhesive cord clips now have a flexible base, allowing them to conform to rounded surfaces. This feature enables you to hide wires even on appliances with uneven surfaces.
- Simple 4-Step Application - Our adhesive cord holder is easy to use! First, wipe your appliance's surface clean and let it dry. Peel off the adhesive cover, stick these cord wraps for appliances, and wrap your cable around!

### Additional Details

Small Business  
This product is from a small business brand. Support small. [Learn more](#)

Delivery Pickup

\$19.99 (\$10.00 / Count)

Prime One-Day FREE Returns

FREE delivery Tomorrow, June 23. Order within 13 hrs 22 mins

Deliver to Christina - Pittsburgh 15237

In Stock

Qty: 1

[Add to Cart](#)

[Buy Now](#)

Payment: Secure transaction  
Ships from: Amazon  
Sold by: TCW-The Cord Wrapper  
Returns: Eligible for Return, Refund or Replacement within 30 days of receipt

Add a gift receipt for easy returns

[Add to List](#)

Have one to sell? Sell on Amazon



Sponsored

### Product Description

# Manage those loose cords with The Cord Wrapper

2021 Kitchen Gear of the Year  
From Good Housekeeping

Manage those loose cords in your kitchen, bathroom, and office with The Cord Wrapper! Our scalloped cord winder for appliances provides an easy way to hide those endless cables, keeping them out of sight and ready for your access.

Screenshots of Plaintiff's Website

<https://thecordwrapper.com/>

Get updates on future product releases here!



(/cart)

2 Pack - Black Cord Wrappers  
★★★★★ (96)



(//cdn.shopify.com/s/files/1/0088/0987/347/v=1651783133)



**\$19.99** + Free Shipping

### 2 Pack - The Original Cord Wrapper - Black

**UPDATE:** You spoke, we listened! We've changed the base to be softer so it conforms to rounded surfaces better!

**[Easy Application]** In four simple steps you will be on your way to the perfect cord management solution that not only keeps cords organized but also hides them out of site!

**[Strong Adhesive]** Using a heat resistant adhesive, the Wrapper adheres on most surfaces including heated appliances like pressure cookers, toasters and more.

**[Useful Anywhere]** Great for small appliances like mixers, toasters, blenders, bathroom hair tools, offices and more!

**[Durable]** Made of a flexible material that prevents damage to cords but is rigid enough to maintain its shape while wrapping and secures the plug to prevent unwinding.

[Add to cart](#)

Happy Wrappers!

### MORE PRODUCTS

(/collections/wrappers/products/the-cord-wrapper-white)  
**2 Pack - White Cord Wrappers**  
(/collections/wrappers/products/the-cord-wrapper-white)

\$19.99

[ADD TO CART](#)

(/collections/wrappers/products/the-cord-wrapper-red)  
**2 Pack - Red Cord Wrappers**  
(/collections/wrappers/products/the-cord-wrapper-red)

\$19.99

[ADD TO CART](#)

(/collections/wrappers/products/the-cord-wrapper-grey-cord)  
**2 Pack - Grey Cord Wrappers**  
(/collections/wrappers/products/the-cord-wrapper-grey-cord)

\$19.99

[ADD TO CART](#)

Get updates on future product releases here!



<p><b>Jean J.</b> ✓ 6/20/2022 ★★★★☆</p> <p>Added this to my KitchenAid mixer. Keeps cord organized and away from the power controls. I really like it and it was easy to install and use for th...</p>	<p><b>Susan</b> 5/31/2022 ★★★★★</p> <p>Got one for my long power and pedal cord for my sewing machine. Surprised it all fit because they are long cords! So much neater.</p>	<p><b>Jennifer J.</b> ✓ 5/25/2022 ★★★★★</p> <p>Finally the cord from my KitchenAid is off the counter!</p>	<p><b>Jenny D.</b> ✓ 4/11/2022 ★★★★★</p> <p>We love these cord wrappers! They make pantries and cabinets look neat and tidy and they help keep everything organized! @gettingitdoneorganizing</p>	<p><b>Ginger B.</b> ✓ 3/21/2022 ★★★★★</p> <p>My photos would love to mixer and toaster (pink:))!! I am a REALTOR (for thank you!) and love as a house w...</p>
<p>The Cord Wrapper replied: Hi Jean,  Thanks for the great review and picture! So glad to hear you found it easy to install and use... That's exactly what we hope for!  Happy...</p>		<p>The Cord Wrapper replied: Hi Jennifer,  Thank you for submitting this great picture and for the 5 Stars! love that mixer, so pretty!  Happy Wrapping!  Ryan ~ TCW Team</p>	<p>The Cord Wrapper replied: Hi Jenny,  Thank you so much for taking the time to submit a review AND a picture! That mixer looks fabulous! We appreciate the support and shout...</p>	<p>The Cord Wrapper replied: Hi Ginger,  WOW, thank you so great review and gi absolutely appreciate words and custom are so gla...</p>

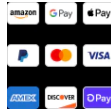
PRODUCT INFO

ABOUT US

- [Wrappers \(/collections/wrappers\)](/collections/wrappers)
- [Demo \(/pages/demonstration-video\)](/pages/demonstration-video)
- [FAQ \(/apps/help-center\)](/apps/help-center)
- [Our Story \(/pages/about-us\)](/pages/about-us)
- [Contact Us \(/pages/contact\)](/pages/contact)
- [Wholesale \(/pages/wholesale\)](/pages/wholesale)
- [As Featured In \(/pages/as-featured-in\)](/pages/as-featured-in)

LEGAL STUFF

- [Shipping Policy \(/policies/shipping-policy\)](/policies/shipping-policy)
- [Return Policy \(/pages/return-policy\)](/pages/return-policy)
- [Privacy Policy \(/policies/privacy-policy\)](/policies/privacy-policy)
- [Terms & Conditions \(/policies/terms-of-service\)](/policies/terms-of-service)



Patent D 913,776

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★ Happy Wrappers!

# **Exhibit 3A**



US00D913776S

(12) **United States Design Patent**  
**Kohli et al.**

(10) **Patent No.:** **US D913,776 S**

(45) **Date of Patent:** **\*\* Mar. 23, 2021**

(54) **ELECTRICAL CORD STORAGE DEVICE**

(71) Applicants: **Ryan Kohli**, Plain City, UT (US);  
**Kevin Neumayer**, Ogden, UT (US);  
**Krystal Neumayer**, Ogden, UT (US)

(72) Inventors: **Ryan Kohli**, Plain City, UT (US);  
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(\*\*) Term: **15 Years**

(21) Appl. No.: **29/716,576**

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(51) **LOC (13) Cl.** ..... **08-05**

(52) **U.S. Cl.**  
USPC ..... **D8/356**

(58) **Field of Classification Search**  
USPC ..... D8/358, 354, 356, 360.1, 349, 352;  
D13/184, 154, 156, 153  
CPC ..... B65H 75/4421; H02G 11/02  
See application file for complete search history.

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(57) **CLAIM**

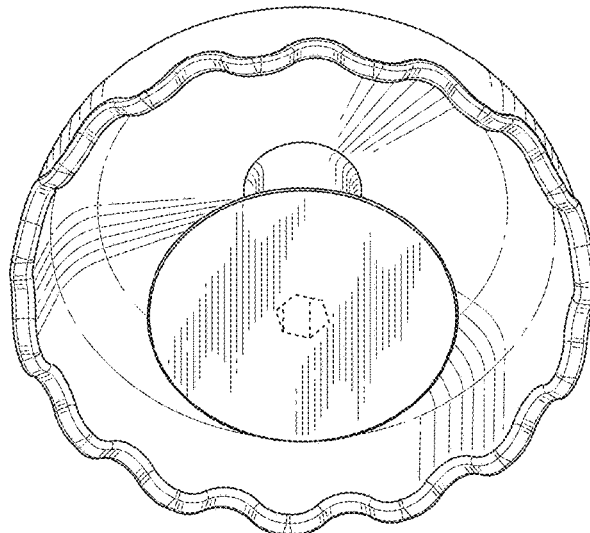
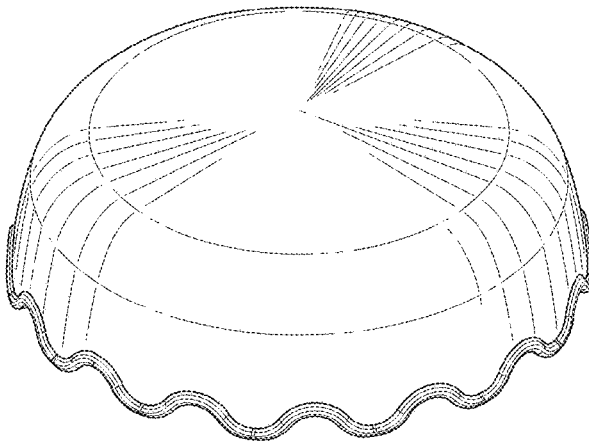
The ornamental design for an electrical cord storage device, as shown.

**DESCRIPTION**

FIG. 1 is a top perspective view showing our new design for an electrical cord storage device;  
FIG. 2 is a bottom perspective view thereof;  
FIG. 3 is a front elevation view thereof, the back elevation view being a mirror image thereof;  
FIG. 4 is a right side elevation view thereof, the left side elevation view being a mirror image thereof;  
FIG. 5 is a top plan view thereof;  
FIG. 6 is a bottom plan view thereof; and,  
FIG. 7 is a left side view thereof coupled to an electrical appliance having a cord.

The broken lines in the drawings illustrate portions of the electrical cord storage device which form no part of the claimed design. The broken line portions shown in FIGS. 7 of the electrical appliance and cord illustrate environmental subject matter only and form no part of the claimed design.

**1 Claim, 4 Drawing Sheets**



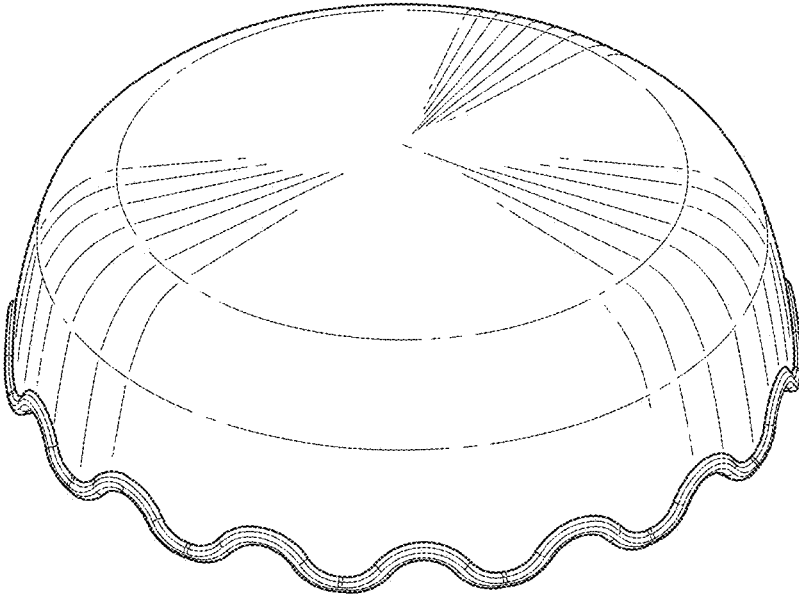


FIG. 1

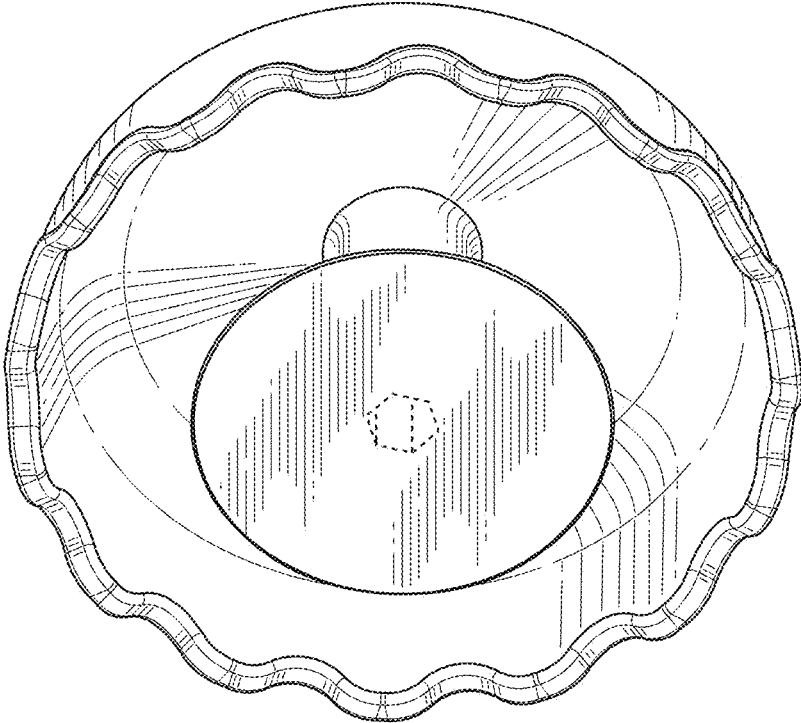


FIG. 2

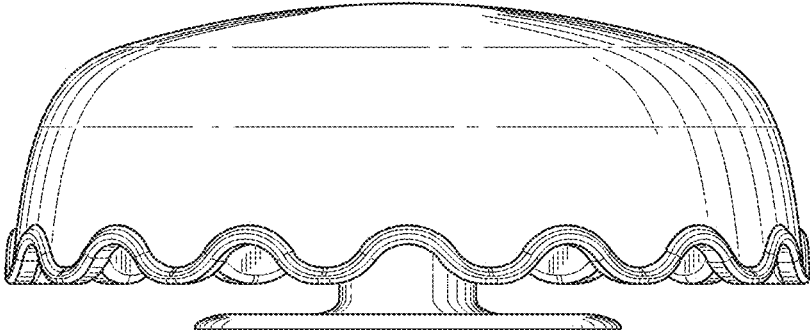


FIG. 3

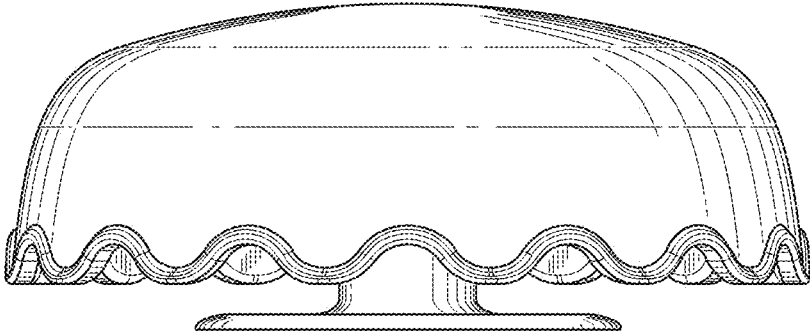


FIG. 4

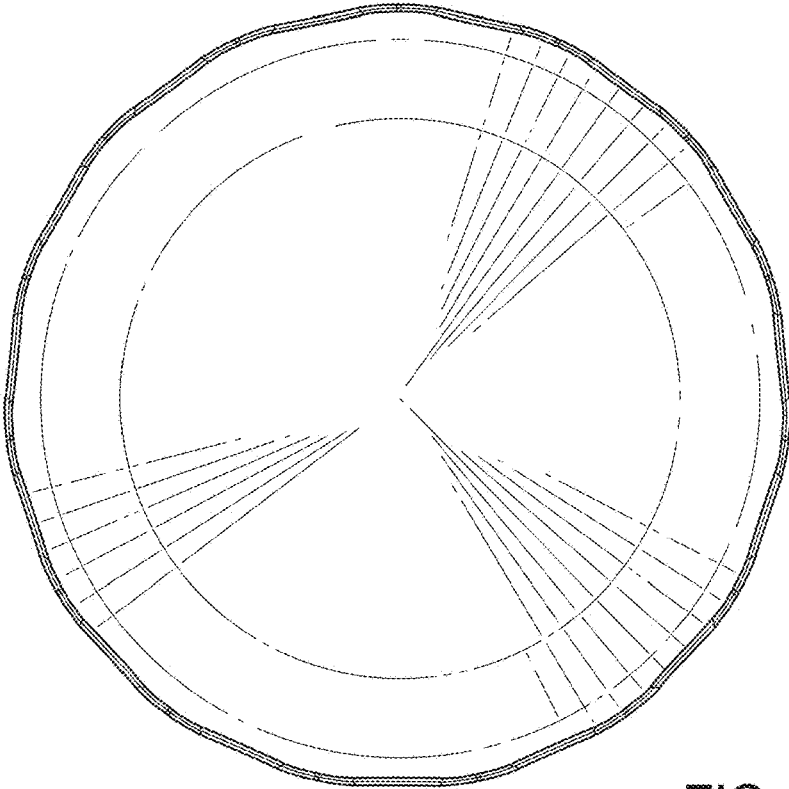


FIG. 5

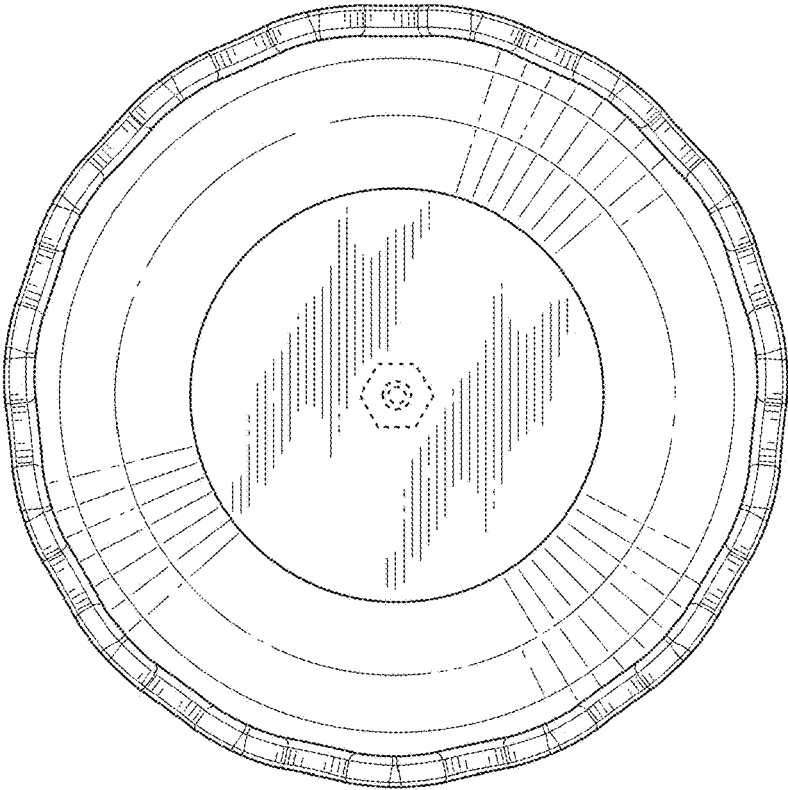


FIG. 6

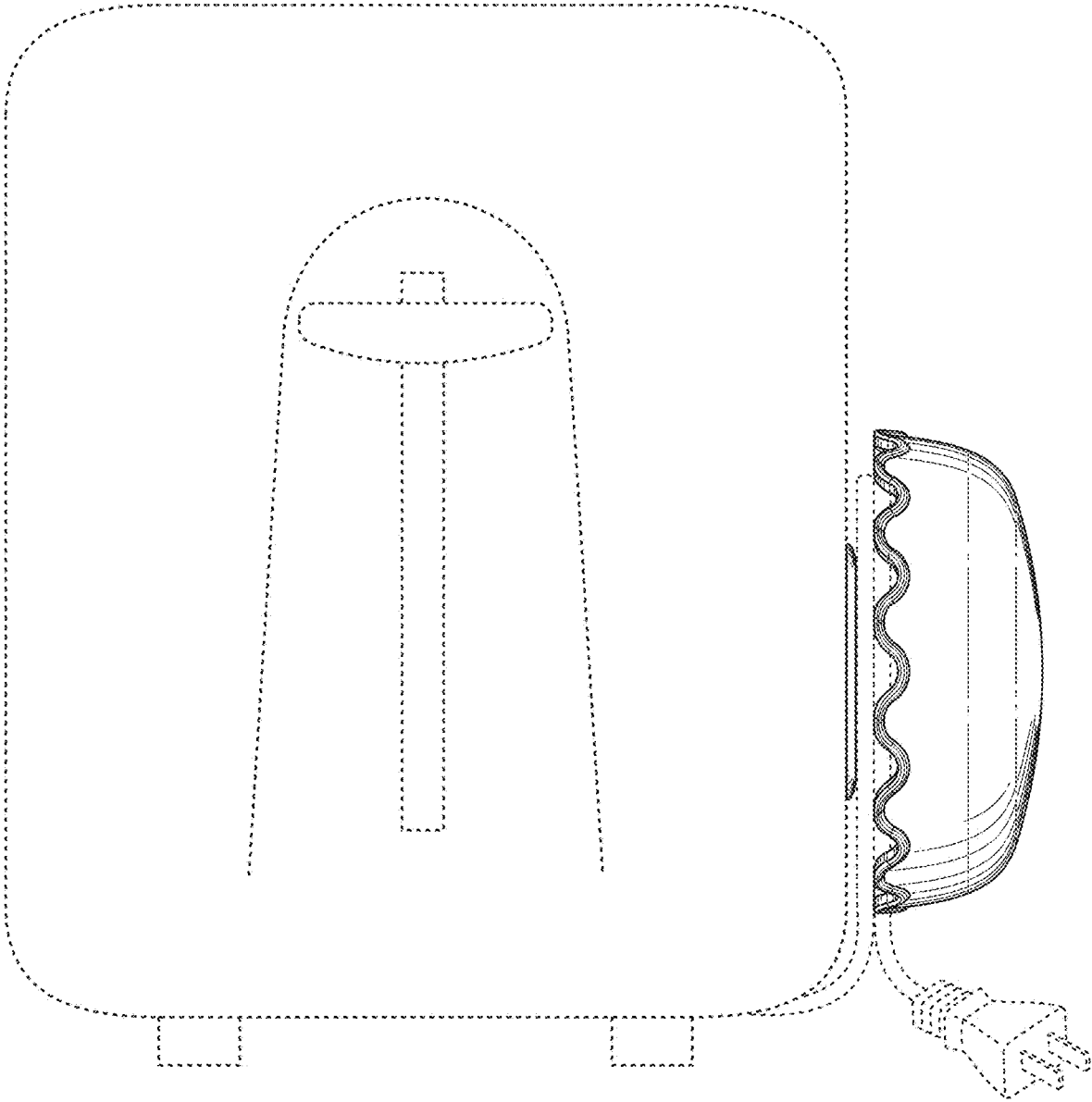


FIG. 7

# **Exhibit 3B**

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## Detail record view

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<b>Registration Number / Date</b>	VA0002349904 / 2023-05-02
<b>Type of Work</b>	Visual Material
<b>Title</b>	The Cord Wrapper 2021.[Group registration of published photographs.3 photographs. 2021-08-15 to 2021-08-15]
<b>Application Title</b>	The Cord Wrapper 2021
<b>Photographs</b>	Published in August 2021 (3 photographs): TCW-4TCW-6TCW-7
<b>Date of Creation</b>	2021
<b>Copyright Claimant</b>	Happy Hour Thinking, LLC DBA Life Hacks, inc. Address: 1641 Shadow Valley Dr, Ogden, UT, 84403, United States.
<b>Authorship on Application</b>	Happy Hour Thinking, LLC DBA Life Hacks, inc., employer for hire; Citizenship: United States. Authorship: photographs.
<b>Rights and Permissions</b>	Happy Hour Thinking, LLC DBA Life Hacks, inc., 1641 Shadow Valley Dr, Ogden, UT, 84403, United States
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**Nation of First Publication** United States

**Publication Date Range** 2021-08-15 to 2021-08-15

**Names** [Happy Hour Thinking, LLC DBA Life Hacks, inc.](#)

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