

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

MSR IMPORTS, INC.,

Plaintiff,

v.

GLOBAL GOODS, BAOWAO CATS,  
FOLDING CATS, LIFEPLAY, LIXYU,  
LUCY FELICITY, MOMOSUPER, NAGAR,  
SALEEA, STAR SELLING, SUPER DEAL,  
SURPRISE CABIN, VURINMI, WARM  
LIGHTING THE DARK, WDTEC, YC  
SPORTING GOODS, ACACIA BEAR  
STORE, AESTHETICISM HOUSE STORE,  
CUTESLIVING STORE, FANTASY  
DROPSHIPPING STORE, GLIMMER  
HOUSE STORE, HAPPIES PARTY CITY  
111 STORE, HIFUN PARTY STORE,  
HOBBYLANE KITCHEN STORE,  
HOLIDAY BOUTIQUE STORE, HOME  
DECORATIVE STORE, HOME LIFE  
SMART STORE, JENABOM STORE,  
JONAS MARKET STORE, LOVE WITH  
HOME STORE, MAGIC MIRROR FASHION  
HOME STORE, MINTIML FRIENDLY  
STORE, NOVELTY HOMES STORE,  
SHOP5370096 STORE, SHOP911266320  
STORE, SUPER HAPPY PARTY STORE,  
TETOU HOUSE STORE, TSSAAG STORE,  
YOUZI KOREAN STYLE HOME DECOR  
STORE, AIIONP-DIRECT, ARECWY,  
ARIESTARS, AUTOALI-US,  
CHENZHIZHOU, CHERLINE, EDDHOMES,  
EVINO, GOFASTY, HIOE,  
HUZHOUZHILITANGGUOGUI, JSFWLH,  
KE YU, KWEIDA, LIJARUNUS,  
MSDMSASD, NAUD LLC, NEXLEEVE,  
SHAOSAI, SHENG XUANYA, SMIRDX®  
DIRECTSTORE, WBO,  
WUHUSHIGOUGOUDIANZISHA, XINY  
SHOP, YUNASEA, ZHANGYAWENUS,  
ZHONGMAOHUI-US, ZMCUS, SHENZHEN  
EMERSON INTERNET E-COMMERCE

Civil Action No.

Jury Trial Requested

**FILED UNDER SEAL**

TECHNOLOGY CO., LTD, SHENZHEN HONGYUAN SUPPLY CHAIN MANAGEMENT CO. LTD, SHENZHEN SHALLOW CHINA TRADING CO., LTD, SHENZHEN WISH LIST NETWORK TECHNOLOGY CO., LTD, SHENZHEN ZERO MACHINE TECHNOLOGY CO., LTD, SHENZHEN ZHONGXINDA TECHNOLOGY DEVELOPMENT CO., LTD, DXSTAR, GIFT OF GREAMS, HONGYUAN' CHOICE CO. LTD, HYDTMSL, IRONKOI, JIASEN, LINLINSHOP, REGIS, S&C CO.LTD, SIWEIKEJI, SZMYXX CO.LTD, UU CO.LTD, YIXING TOYS LLC, YOURHOME CO.LTD, SHENGZHOULANMAJIWANGLUOKEJI, CAISHIQINOUO, DINGWEFONG, FASHIONMENSWATCH, FENGHUIQIN666, G3G3H6, GUANQIN WATCHES, HANPEIYAOKB, HAPPYLANDS, HUJDTUSYJ, JAYFENSITUAN, JJUJGGG, KUDILAITI, LEEYOO (SHANGHAI) CO., LTD., LIWENQI5869, LIXIAOLI7749, NN651, QIUHAISZ, REDDY4, SCRAPINGANDREFLECTINGDREAMSMF, SONGZIJIAN, TOUYIXI15, WINNI MAKER INTERNATIONAL, WUHUANYAN1119, ZHANGQINGYUN, and ZQINKEMS,

Defendants.

**COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF**

Plaintiff hereby sues Defendants, the Individuals, Partnerships, and Unincorporated Associations identified in the Caption and which are set forth in **Schedule “A”** hereto (collectively “Defendants”). Defendants have offered for sale, sold, and distributed knock-off and infringing versions of Plaintiff’s Copyright Registered SNOWMAN and SANTA light covers which closely mimic the appearance of Plaintiff’s genuine products within this district and throughout the United States by operating e-commerce stores established at least via one of

the Amazon.com, eBay.com, Joybuy, Temu.com, Wish.com, Walmart.com, and Aliexpress.com marketplaces using their respective Store Names and Seller Names set forth on **Schedule “A”** hereto (collectively, the “Seller IDs”) (“Infringing or Knock-Off Product(s)”). As set forth below, Defendants are using without authorization Plaintiff’s copyrighted Works (“Plaintiff’s Works”), more specifically, manufacturing, importing, exporting, advertising, marketing, promoting, distributing, offering for sale and/or selling unlicensed and infringing versions of Plaintiff’s Products. In support of its claims, Plaintiff alleges as follows:

### **NATURE OF THE ACTION**

1. Organized in 1979, Plaintiff, MSR Imports, Inc. is a second generation, family-owned business with offices in New Jersey. Plaintiff’s business comprises design, manufacturing, and distribution to authorized sellers of various uniquely designed home products.

2. Genuine goods comprising Plaintiff’s Works and Trade Dress (as defined below) are widely legitimately advertised and promoted by Plaintiff, its authorized distributors, and unrelated third parties via the Internet. Over the past several years, visibility on the Internet, particularly via Internet search engines such as Google, Yahoo!, and Bing has become increasingly important to Plaintiff’s overall marketing.

3. The two products involved in this case are a uniquely designed and charming SNOWMAN light cover and a SANTA light cover, both protected by U.S. Copyright

Registrations as set forth below (“Plaintiff’s Products”). Below are images of Plaintiff’s Products, SNOWMAN (ASIN<sup>1</sup> B06XKMP9KX) and SANTA (ASIN B07M9ZCWP8).:



4. Plaintiff’s Products have unique ornamental features, including: whimsical artistic faces, colors, and decorations, namely, inherently distinct features, color, size, and shape selections, that all function as a source identifier for the Plaintiff’s Product. The combined distinct features of the Plaintiff’s Works all support the copyright registrations issued by the U.S. Copyright Office. Screen shots of the Plaintiff’s Authorized Sellers’ Amazon Stores are shown in **Complaint Exhibit 2.**<sup>2</sup>

5. Defendants’ sale, distribution, and advertising of the Infringing Products are highly likely to cause consumers to believe that Defendants are offering genuine versions of Plaintiff’s

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<sup>1</sup> Refers to Amazon Standard Identification Number. Each product is assigned a unique ASIN when listed on Amazon.

<sup>2</sup> As set forth in the Complaint, and proven in **Composite Exhibit 1**, all of the Defendants are infringing on one or more Plaintiff’s federal copyright registration and/or trade dress. (“Infringing Products”).

Products when in fact they are not. To illustrate, below are several examples which vividly show that the Infringing Products themselves and the manner in which they are 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;"><b>PLAINTIFF'S PRODUCT</b></p>  <p>A snowman-shaped product made of white, textured material. It has a black top hat with a red band, two black dots for eyes, a red nose, and a smiling mouth with black dots for teeth.</p>	<p style="text-align: center;"><b>INFRINGING LISTING OF DEFENDANT GLOBAL goods</b></p>  <p>A snowman-shaped product made of white, textured material. It has a black top hat with a red band and a holly leaf and berry decoration. It has two black dots for eyes, a red nose, and a smiling mouth with black dots for teeth.</p>
<p style="text-align: center;"><b>PLAINTIFF'S PRODUCT</b></p>  <p>A Santa Claus-shaped product made of white, textured material. It has a red hat with a white pom-pom, a yellow beard, and a smiling mouth with a red nose.</p>	<p style="text-align: center;"><b>INFRINGING LISTING OF DEFENDANT SiWeiKeJi</b></p>  <p>Two Santa Claus-shaped products made of white, textured material. They have red hats with white pom-poms, yellow beards, and smiling mouths with red noses.</p>

Additional photographic comparisons of Plaintiff's Products and the Infringing Products are attached as **Exhibit 1** and **Exhibit 3C** (showing side-by-side comparisons indicating identical copies or substantially similar copies, demonstrating that none of the Defendants independently created their Infringing Products).

6. Since some of the Infringing Products may be poorly designed and manufactured products, there is a risk of injury to and disappointment from the confused customers.

7. The Infringing Products threaten to destroy the reputation of high quality that Plaintiff's Products have earned.

8. Plaintiff developed and sells its unique SNOWMAN and SANTA light covers through its authorized sellers. The SNOWMAN light cover sculpture is the subject of U.S. Copyright Registration No. VA-1-941-099. A copy of the Copyright Registration and deposit copy for the SNOWMAN light cover are attached to the Complaint as **Exhibit 3A**. The SANTA light cover sculpture is the subject of U.S. Copyright Registration No. VAu-1-414-313. Copies of the Copyright registration and deposit copy for the SANTA light cover are attached to the Complaint as **Exhibit 3B**.

9. On information and belief, Defendants' sale of Infringing Products gives rise to a plausible expectation that discovery will reveal that Defendants' actions all arise from the same transaction, occurrence, or series of transactions. Specifically, on information and belief, Defendants are actively participating in a conspiracy to distribute and sell Infringing Products. For example, Defendants, on information and belief, are working together to manufacture, arrange the manufacture of and/or sell and otherwise distribute the Infringing Products. Moreover, the Infringing Products share similar characteristics including, for example, colors, size, and design, including the unique and charming faces.

10. Plaintiff therefore brings this action for federal copyright infringement pursuant to 17 U.S.C. § 501(a), *et seq* and Federal Unfair Competition, 15 U.S.C. § 1125(a), and state common law Unfair Competition.

### **JURISDICTION AND VENUE**

11. This is an action for federal copyright infringement; federal unfair competition; and common law unfair competition. Accordingly, this Court has subject matter jurisdiction over this action pursuant to 15 U.S.C. §§ 1114, 1116, 1125(a), and 1125(d); 15 U.S.C. § 1121, 28 U.S.C. §§ 1331, and The All Writs Act, 28 U.S.C. § 1651(a). 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 each 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 Defendants 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 counterfeiting and 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, at all times relevant hereto, 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 on-line marketplace websites, like Amazon.com, eBay.com, Joybuy, Temu.com, 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, collect and pay Pennsylvania sales tax, and offer shipping to the U.S., including to Pennsylvania.

e. Upon information and belief, at all times relevant, Defendants have transacted business with consumers located in the U.S., including Pennsylvania, for the sale and shipment Infringing Products.

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

“Snowman Light Cover,” “Santa Light Cover,” and “Holiday Porch Light Cover.” 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 Products on various on-line marketplaces and/or diluting and driving down the retail market price for the (ii) causing an overall degradation of the value of the goodwill associated with Plaintiff’s works and goods; and (iii) increasing Plaintiff’s overall cost to market its goods and educate consumers about its brand and products.

g. Upon information and belief, via one or more online chat rooms, and other communications methods, (1) Defendants monitor various lawsuits against counterfeiting and infringing, (2) Defendants consult with legal counsel to defend their illegal activities, and (3) 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, many Defendants likely reside and/or operate in and/or purchase the illegal goods from foreign jurisdictions with lax trademark and patent enforcement systems and are cooperating by creating an illegal stream of infringing goods.

j. Upon information and belief, Defendants are aware of Plaintiff's Products, 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 counterfeit and infringing goods.

13. Venue is proper, *inter alia*, pursuant to 28 U.S.C. § 1391 and 28 U.S.C. §§ 1400(a) and (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. MSR IMPORTS, INC. is a New Jersey Corporation, its principal place and doing business at 6920 Central Highway, Pennsauken, New Jersey 08109. ("MSR")

15. Plaintiff is a small family-owned business that owns and operates a design, manufacturing, and distributing company. Plaintiff distributes its original products through authorized sellers on Amazon and elsewhere. Defendants, through the sale and offer to sell Infringing Products, are directly and unfairly competing with Plaintiff's economic interest in the Commonwealth of Pennsylvania and causing Plaintiff harm within this jurisdiction.

16. Like many other brand owners, Plaintiff suffers ongoing daily and sustained violations of its rights at the hands of infringers, such as Defendants herein, who wrongfully reproduce Plaintiff's Products for the twin purposes of (i) duping and confusing the consuming public and (ii) earning substantial profits from the sale of their Infringing Products. The natural and intended byproduct of Defendants' actions is the erosion and destruction of the goodwill associated with Plaintiff's Products and the destruction of the legitimate market sector in which Plaintiff operates.

17. The recent explosion of counterfeiting and infringement over the Internet, including through online marketplace platforms, has created an environment that requires brand owners, such as Plaintiff, to expend significant time and money across a wide spectrum of efforts in order to protect both consumers and Plaintiff from the ill effects of confusion and the erosion of the goodwill associated with Plaintiff's brand and products.

### **THE DEFENDANTS**

18. 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 fully interactive commercial Internet based e-commerce store via, at least, the Internet based online marketplaces, Amazon.com, eBay.com, Joybuy, Temu.com, Wish.com, Walmart.com, and AliExpress.com under the Seller IDs.

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

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

21. Upon information and belief, Defendants directly engage in using infringements of the Plaintiff’s Works and/or Trade Dress, 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 Products into the Commonwealth.

22. Defendants have registered, established or purchased, and maintained the on-line 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.

23. 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 using confusingly similar imitations of Plaintiff's Works and/or Trade Dress, unless preliminarily and permanently enjoined.

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

25. 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/or Trade Dress 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 and/or Trade Dress 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 Products**

1. Plaintiff developed and sells Plaintiff's Products which are the subject of copyright registrations, through authorized sellers. The Plaintiff's Works have acquired secondary meaning and are valid and subsisting Trade Dress. The secondary meaning was acquired before the

Defendants' use of the Plaintiff's Works. The Plaintiff's Products are charming light covers in the form of a SNOWMAN and SANTA. Below are images of Plaintiff's Products, SNOWMAN (ASIN<sup>3</sup> B06XKMP9KX) and SANTA (ASIN B07M9ZCWP8).



Retails for about \$24.00



Retails for about \$19.99

26. Plaintiff's Products have unique features, ornamental, and decorative features, whimsical artistic faces, colors, and decorations -- inherently distinct features, color, size, and shape selections of Plaintiff's Products and Plaintiff's Works comprise Plaintiff's Trade Dress -- all inherently distinct features that function as a source identifier for the Plaintiff's Products.

27. Plaintiff displays and promotes its products which are the subject of Plaintiff's copyright registrations used in interstate commerce to identify and distinguish Plaintiff's goods.

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<sup>3</sup> Refers to Amazon Standard Identification Number. Each product is assigned a unique ASIN when listed on Amazon.

28. Plaintiff's Works and Trade Dress have been used by the Plaintiff prior in time to Defendants' use of the work. The Plaintiff's Works and Trade Dress have never been assigned or licensed to any of the Defendants in this matter.

29. Plaintiff's Works and Trade Dress are symbols of Plaintiff's quality, reputation, and goodwill and have never been abandoned.

30. Genuine goods bearing the Plaintiff's Works and/or using the Plaintiff's Trade Dress are widely legitimately advertised and promoted by Plaintiff, its authorized distributors, and unrelated third parties via the Internet. Over the past several years, visibility on the Internet, particularly via Internet search engines such as Google, Yahoo!, and Bing, has become increasingly important to Plaintiff's overall marketing. Thus, Plaintiff and their authorized distributors expend significant monetary resources on Internet marketing, including search engine optimization ("SEO") strategies. Those strategies allow Plaintiff and their authorized retailers to fairly and legitimately educate consumers about the value associated with Plaintiff's brand and the goods sold thereunder. Similarly, Defendants' individual seller's stores are indexed on search engines and compete directly with Plaintiff for space in the search results.

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

31. Upon information and belief, Defendants are, through at least the Internet based e-commerce stores operating under the Seller IDs, promoting, selling, offering for sale and distributing goods bearing and/or using confusingly similar imitations of the Plaintiff's Works, or substantially similar copies of Plaintiff's Works, and/or Trade Dress while marketing Infringing Products in a willful attempt to pass off their knock-off products as genuine versions of Plaintiff's Products.

32. 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>4</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.* Counterfeit 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.

33. 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.” *Ference Dec.*, Exhibit 2, 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 *Ference Dec.*, Exhibit 3, 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 store-fronts. *Ference Dec.*, Exhibit 3, at p.

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<sup>4</sup> Referring to Declaration of Stanley D. Ference III in Support of Temporary Restraining Order, filed herewith.

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. *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 counterfeits and counterfeiters.” *Ference Dec.*, Exhibit 2, at 186-187.

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

35. Upon information and belief, Defendants’ Infringing Products are of a quality substantially and materially different than that of Plaintiff’s genuine goods. Defendants, upon information and belief, are actively using, promoting and otherwise advertising, distributing, selling, and/or offering for sale substantial quantities of their Infringing Products with the knowledge and intent that such goods will be mistaken for the genuine high-quality goods offered for sale by Plaintiff despite Defendants’ knowledge that they are without authority to use the Plaintiff’s Works and/or Trade Dress. The net effect of Defendants’ actions will cause confusion of consumers, at the time of initial interest, sale, and in the post-sale setting, who will believe Defendants’ Infringing Products are genuine goods originating from, associated with, and approved by Plaintiff.

36. Defendants advertise their Infringing Products for sale to the consuming public via Internet based e-commerce stores on, at least, one Internet marketplace using at least the Seller IDs. In so advertising these goods, Defendants improperly and unlawfully infringed upon the Plaintiff’s Works, or substantially similar copies of Plaintiff’s Works and/or Trade Dress, without Plaintiff’s permission.

37. As part of their overall infringement scheme, Defendants are, upon information and belief, concurrently employing and benefitting from substantially similar advertising and marketing strategies based, in large measure, upon an illegal use of infringements of the Plaintiff's Works. Specifically, Defendants are using infringements of Plaintiff's rights in order to make their e-commerce stores selling illegal goods appear more relevant and attractive to consumers online. By their actions, Defendants are contributing to the creation and maintenance of an illegal marketplace operating in parallel to the legitimate marketplace for Plaintiff's genuine goods. Defendants are causing, individual, 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, (ii) causing an overall degradation of the value of the goodwill associated with the Plaintiff's rights, and (iii) increasing Plaintiff's overall cost to market its goods and educate consumers about its brand via the Internet.

38. 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 defrauding Plaintiff and the consuming public for Defendants' own benefit. Indeed, through their willful and

39. Plaintiff confirmed that Defendants were and/or are still currently offering for sale and/or selling Infringing Products for sale to the consuming public via Internet based e-commerce stores on at least one Internet marketplace using at least the Seller IDs and that Defendants provide shipping and/or have actually shipped Infringing Products to customers located within this judicial district.

40. There is no question that the Infringing Products themselves and the manner in which they are marketed is designed to confuse and mislead consumers into believing that they are purchasing Plaintiff's Product or that the Infringing Products are otherwise approved by or sourced from Plaintiff, thereby trading on the goodwill and reputation of Plaintiff by engaging in the unauthorized use of Plaintiff's Works, or substantially similar copies of Plaintiff's Works, and/or Trade Dress.

41. At all times relevant hereto, Defendants in this action had full knowledge of Plaintiff's ownership of the Plaintiff's Works and/or Trade Dress, including its exclusive right to use and license such intellectual property and the goodwill associated therewith.

42. Defendants' use of Plaintiff's Works, and/or substantially similar copies of Plaintiff's Works, and/or Trade Dress, including the promotion and advertisement, reproduction, distribution, sale, and offering for sale of their Infringing Products, is without Plaintiff's consent or authorization.

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

44. Defendants above identified infringing activities are likely to cause confusion, deception, and mistake in the minds of consumers before, during, and after the time of purchase. Moreover, Defendants' wrongful conduct is likely to create a false impression and deceive

customers, the public, and the trade into believing there is a connection or association between Plaintiff's genuine goods and Defendants' Infringing Products, which there is not.

45. 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 e-commerce stores, photo albums, seller identification names, domain names, or websites being used and/or controlled by them.

46. Further, upon information and belief, Defendants are likely to transfer or secret their assets to avoid payment of any monetary judgment awarded to Plaintiff.

47. Plaintiff has no adequate remedy at law.

48. Plaintiff is suffering irreparable injury and has suffered substantial damages as a result of Defendants' unauthorized and wrongful use of Plaintiff's Works, and/or substantially similar copies of Plaintiff's Works, and/or Trade Dress. If Defendants' infringing activities are not preliminarily and permanently enjoined by this Court, Plaintiff and the consuming public will continue to be harmed.

49. 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.

### **The Scope of Defendants' Activities**

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

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

52. Upon information and belief, each Defendant has sold more than 150,000 units of the Infringing Product.

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

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

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

**COUNT I – FEDERAL COPYRIGHT INFRINGEMENT (17 U.S.C. § 501(a))**

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

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

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

59. 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.

60. 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.

61. 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.

62. Defendants' unlawful and willful action as alleged herein constitute infringement of the Plaintiff's Works, including Plaintiff's exclusive rights to reproduce, distribute and/or sell such Work in violation of 17 U.S.C. § 501(a).

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

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

65. 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.

66. 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 Products, thus depriving Plaintiff of the profits for sale.

67. Defendants' Infringing Goods using Plaintiff's Works and/or Trade Dress, offered for sale, and sold into Pennsylvania 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.

68. 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.

69. 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.

70. 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.

71. 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.

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

73. 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.

74. 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 III - COMMON LAW UNFAIR COMPETITION**

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

76. 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.

77. 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 Works and/or Trade Dress.

78. 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.

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

80. 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 17 U.S.C. § 502, 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 Knock-Off Products; from infringing the Plaintiff's Works; from using the Plaintiff's Works in connection with the sale of any unauthorized goods; from using any work 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 using any reproduction, counterfeit, infringement, copy, or colorable imitation of the Plaintiff's Works in connection with the publicity, promotion, sale, or advertising of any goods sold by Defendants; from engaging in search engine optimization strategies using colorable imitations of the Plaintiff's Works; from further infringement, or from otherwise unfairly competing with Plaintiff.

b. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority 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 the online marketplaces hosted by Amazon.com, eBay.com, Joybuy, Temu.com, Walmart.com, Wish.com, and AliExpress.com disable and/or cease facilitating access to the Seller IDs, and any other alias e-commerce stores being used and/or controlled by Defendants to engage in the

marketing, promotion, offering for sale, and/or sale of goods bearing and/or using counterfeits and/or infringements of the Plaintiff's Works.

c. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority 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 online marketplaces hosted by Amazon.com, eBay.com, Joybuy, Temu.com, Walmart.com, Wish.com, and AliExpress.com permanently remove from multiple platforms, which include, *inter alia*, a Direct platform, Group platform, Seller Product Management platform, Vendor Product Management platform, and Brand Registry platform, any and all listings and associated images of goods bearing and/or using counterfeits and/or infringements of the Plaintiff's Works, via the e-commerce stores operating under the Seller IDs on Schedule "A" hereto, and upon Plaintiff's request, any other listings and images of goods bearing and/or using counterfeits and/or infringements of the Plaintiff's Works 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 the Plaintiff's Works.

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 online marketplaces hosted by Amazon.com, eBay.com, Joybuy, Temu.com, Walmart.com, Wish.com, and AliExpress.com immediately cease fulfillment of and sequester all goods of each Defendant or other Seller under a Seller ID bearing and/or using Plaintiff's Works in its inventory, possession, custody, or control, and surrender those goods to Plaintiff.

e. Entry of an Order pursuant to 28 U.S.C. § 1651(a), the All Writs Act, that upon Plaintiff's request, any messaging service and Internet marketplace, social media, and image

hosting website operators and/or administrators for the Seller IDs who are provided with notice of the injunction, including but not limited to operators and/or administrators of Amazon.com, eBay.com, Joybuy, Temu.com, Wish.com, Walmart.com, and AliExpress.com, identify any e-mail address known to be associated with Defendants' respective Seller IDs.

f. Entry of an order pursuant to 28 U.S.C. § 1651(a), the All-Writs Act, and the Court's inherent authority, authorizing Plaintiff to serve the injunction on any e-mail service provider with a request that the service provider permanently suspend the e-mail address that used by Defendants in connection with Defendants' promotion, offering for sale, and/or sale of goods bearing and/or using infringements of the Plaintiff's Works or otherwise unfairly competing with Plaintiff.

g. 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).

h. 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 rendering of final judgment, together with Plaintiff's costs and reasonable attorneys' fees and investigative fees associated with bringing this action.

i. 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, plus costs, reasonable attorney's fees and investigative fees associated with bringing this action, all as provided for under 15 U.S.C. §1117.

j. 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.

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

l. 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: December 19, 2023

/s/ Stanley D. Ference III

Stanley D. Ference III

Pa. ID No. 59899

courts@ferencelaw.com

Brian Samuel Malkin

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FERENCE & ASSOCIATES LLC

409 Broad Street

Pittsburgh, Pennsylvania 15143

(412) 741-8400 - Telephone

(412) 741-9292 - Facsimile

Attorneys for Plaintiff

**Schedule “A”**  
**Defendants With Store Name and Seller ID**

<b>Defendant Number</b>	<b>Store/Seller Name</b>	<b>Seller ID</b>
1	Global goods	52727208131
2	Baobao Cats	5918425625726
3	FOLDING CATS	634418211864856
4	LifePlay	634418211909796
5	LixYu	6058158891562
6	Lucy Felicity	319517022974
7	MOMOSUPER	5469724842863
8	Nagar	5753620733339
9	SaLeea	6056977586430
10	Star Selling	634418211649094
11	Super deal	1420461441
12	Surprise Cabin	634418212107604
13	Vurinmi	634418211127970
14	WARM LIGHTING THE DARK	634418211925191
15	WDTEC	315161591397
16	YC Sporting Goods	4619980814795
17	Acacia Bear Store	1102565491
18	Aestheticism House Store	1101333903
19	Cutesliving Store	1101351612
20	Fantasy Dropshipping Store	1101574567
21	Glimmer House Store	1102907110
22	Happies Party City 111 Store	1101820948
23	HiFun Party Store	1102733451
24	HobbyLane Kitchen Store	1102303241
25	Holiday Boutique Store	1101355561
26	Home Decorative Store	1102187467
27	Home Life Smart Store	1102161243
28	JENABOM Store	1102766021
29	Jonas Market Store	1102439316
30	Love with home Store	1102049324
31	Magic Mirror Fashion Home Store	1102923243
32	Mintiml Friendly Store	1101394638

<b>Defendant Number</b>	<b>Store/Seller Name</b>	<b>Seller ID</b>
33	Novelty Homes Store	1102938454
34	Shop5370096 Store	1101356467
35	Shop911266320 Store	1101591628
36	Super Happy Party Store	1101796508
37	TETOU House Store	1101437028
38	Tssaag Store	1100612105
39	Youzi Korean Style Home Decor Store	1102801441
40	AIIONP-Direct	A24GF43U5E8OW6
41	Arecwy	AP087KS5AEXPQ
42	ArieStars	ABPCOGRIDWEOEQ
43	AutoAli-US	A1HC2ZB98VJFUL
44	Chenzhizhou	AXVV05JU5FNQK
45	Cherline	A365K4KKYQITLY
46	EddHomes	AIDLH6Y80QJLJ
47	EVINO	A3CEOGI893EVHL
48	Gofasty	A3CL7NDXYCSZLA
49	Hioe	A1AHWBD1FWQ64P
50	huzhouzhilitangguogui	AF4SM32OEPIFL
51	JSFWLH	A3OIY62N5H3LPN
52	Ke yu	A3VXTHY0V0KG7T
53	Kweida	A1MGL93I8BNO0R
54	LijiarunUS	A34M7ZWKW1H106
55	MSDMSASD	A3GB153ML8NH2M
56	NAUD LLC	A1QSLU1C3UWA1Q
57	Nexleeve	A2WSJCM3YPMQAQ
58	Shaosai	A1RG54WY4XSK8
59	Sheng Xuanya	A3CVN1OPC9TUEB
60	Smirdx® DirectStore	A29QWE2BYUC94M
61	WBO	A13Y6OWZG3LGX0
62	wuhushigougoudianzisha	A25IOLK63JU6K3
63	Xiny Shop	A2WQOY2WO6UXVD
64	yunasea	A12QA8HQZPEMOM
65	zhangyawenUS	A2QCSUWBWA6KIB
66	zhongmaohui-us	A25L3O1DRXPGXL
67	ZMCUS	A13QNL7QCQT8IL

<b>Defendant Number</b>	<b>Store/Seller Name</b>	<b>Seller ID</b>
68	Shenzhen Emerson Internet e-commerce technology Co., LTD	10050
69	Shenzhen Hongyuan Supply chain Management Co. LTD	8076
70	Shenzhen shallow China trading Co., LTD	9340
71	Shenzhen Wish List network Technology Co., LTD	8450
72	Shenzhen Zero machine technology Co., LTD	12678
73	Shenzhen Zhongxinda Technology development Co., LTD	8481
74	DXSTAR	101116134
75	Gift of Greams	101175534
76	Hongyuan' choice Co. Ltd	101262825
77	HYDTMSL	101192131
78	Ironkoi	101180746
79	JIASEN	101239890
80	LinLinShop	101268206
81	REGIS	101092474
82	S&C Co.Ltd	101043428
83	SiWeiKeJi	101129229
84	SZMYXX Co.ltd	101137513
85	UU Co.ltd	101299302
86	YiXing TOYS LLC	101255074
87	YourHome Co.Ltd	101243696
88	zhengzhoulanmajiwangluokeji	101523320
89	CaishiqinoUo	5e6cc70229e786308bdd6da3
90	dingwefong	5efd4b5b534f08dd46cdb378
91	FashionMensWatch	5a01bbcfddda8c513ade048b
92	fenghuiqin666	5e5101c3397cba8b691118a0
93	g3g3h6	5e941240563c0514442aa4e1
94	Guanqin Watches	5909777f88aafc1d2db5e98e
95	hanpeiyaokb	5edf45f402755b7df73d8127
96	happylands	59142527fc9cce47200a08b0
97	hujdtusyj	5de621c202c87404085d884e
98	Jayfensituan	5acaf787db5f1f10839a1722

<b>Defendant Number</b>	<b>Store/Seller Name</b>	<b>Seller ID</b>
99	jjuuiggg	5e8ed7712397df7002e2bb2e
100	kudilaiti	5ac48f1d9bda4e6c5c72d860
101	LeeYoo (Shanghai) Co., Ltd.	55017436a0086e174ce65829
102	liwenqi5869	6049ab6735e25603c02337df
103	lixiaoli7749	61614557efe8e435840e56b0
104	Nn651	5e85ce99826ea421ad0d6717
105	qiuhaish	5b063a3b6d232a65b82757d0
106	Reddy4	6474818df88f38080ca2c0eb
107	ScrapingandreflectingdreamsmF	5f50127fcc75303e6368aba2
108	songzijian	5ac49b0a2dde5e6c45852131
109	touyixi15	5e635e992724a854afdc4b8d
110	Winni maker international	53e7a092ff4d6d289c95a781
111	wuhuanyan1119	5e74be5eea5a6e514209e699
112	ZHANGQINGYUN	582c4f6ef6872e3885dfff14
113	zqinkems	61ee56bc8768c576b6a693df

**LISTING OF EXHIBITS**

- Exhibit 1** .....Photographic Comparison of genuine SNOWMAN and SANTA, light covers and Infringing Products.
- Exhibit 2** .....Screenshots of Plaintiff’s Authorized Sellers Amazon Stores.
- Exhibit 3A** .....U.S. Copyright Reg. No. VA-1-941-099 and deposit copy
- Exhibit 3B** .....U.S. Copyright Reg. No. VAu-1-414-313 and deposit copy.
- Exhibit 3C** .....Photographic Comparison of Genuine SNOWMAN and SANTA Light covers and Infringing Products

# **EXHIBIT 1**

## **EXAMPLE INFRINGING LISTINGS**

**PLAINTIFF'S PRODUCT**



**INFRINGING LISTING OF DEFENDANT GLOBAL goods**



**PLAINTIFF'S PRODUCT**



**INFRINGING LISTING OF DEFENDANT Cutesliving Store**



**PLAINTIFF'S PRODUCT**



**INFRINGING LISTING OF DEFENDANT Surprise Cabin**



**PLAINTIFF'S PRODUCT**



**INFRINGEMENT LISTING OF  
DEFENDANT SiWeiKeJi**



**PLAINTIFF'S PRODUCT**



**INFRINGEMENT LISTING OF  
DEFENDANT REGIS**



**PLAINTIFF'S PRODUCT**



**INFRINGEMENT LISTING OF  
DEFENDANT AutoAli-US**



# **EXHIBIT 2**



Roll over image to zoom in



## Holiday Snowman Head Porch Light Cover Snowman

Brand: Collections Etc

4.5 285 ratings | 5 answered questions

2 Highlights found by Fakespot

\$24<sup>21</sup>

Two-Day

FREE Returns

Returnable until Jan 31, 2024

<b>Color</b>	standard
<b>Material</b>	Plastic
<b>Shape</b>	Dome
<b>Special Feature</b>	Shatter resistant
<b>Product Dimensions</b>	9"W x 12"H
<b>Finish Type</b>	Rubber

See more

### About this item

- ILLUMINATE YOUR HOME WITH SEASONAL CHEER! Provides a glowing welcome to guests, visitors and family
  - EASY TO USE. Colorful, translucent "masks" slip over an outdoor entry or porch light with included elastic bands
  - DURABLE AND REUSABLE. Weather resistant plastic. Use year after year
  - MEASURES Approx. 12" H x 9" w x 4" D each
- See more product details

### Additional Details

Small Business



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

Report an issue with this product or seller

[https://www.amazon.com/dp/B00U0COWKC?ref=myi\\_title\\_dp](https://www.amazon.com/dp/B00U0COWKC?ref=myi_title_dp)

Captured:12/8/2023



Roll over image to zoom in



## Trenton Gifts Santa Holiday Christmas Porch Light Cover

Brand: Trenton Gifts  
4.3 107 ratings

Amazon's Choice

300+ bought in past month

Highlights are loading

\$19<sup>99</sup>

Prime Two-Day

FREE Returns

Get a \$80 gift card instantly. Pay \$0.00 ~~\$19.99~~ upon approval for the Prime Store Card. Find out how

<b>Color</b>	Multi
<b>Brand</b>	Trenton Gifts
<b>Material</b>	Plastic, Acrylic
<b>Theme</b>	Christmas

### About this item

- **Vibrant Festive Glow:** Illuminate your home with a vibrant and cheerful spirit using our Holiday Light Cover. The radiant glow enhances the holiday ambiance, spreading joy and warmth throughout your surroundings.
- **All-Weather Resilience:** Crafted for longevity, this light cover is durable and weather-resistant. Reusable year after year, it withstands various weather conditions, ensuring that your home shines brightly regardless of rain, snow, or wind.
- **Elegant Snow-Crystal Design:** Made from premium acrylic with a crystalized texture, our light cover replicates the enchanting beauty of snow. The intricate design adds a touch of elegance to your decorations, creating a winter wonderland effect.
- **Hassle-Free Installation:** Experience convenience with our easy-to-use light cover. Simply loop the cord over your standard porch light and switch it on—no tools required. Effortlessly transform your space into a festive haven without any fuss.
- **Perfect Dimensions:** Measuring approximately 12" H x 9" W x 4" D, our light cover is the ideal size for most porch lights. Its perfect proportions ensure a snug fit and a visually appealing display, making it a versatile and stylish addition to your holiday decor.

### Customer ratings by feature

Sturdiness	4.4
Durability	4.1

[https://www.amazon.com/dp/B07M9ZCWP8?ref=myi\\_title\\_dp](https://www.amazon.com/dp/B07M9ZCWP8?ref=myi_title_dp)

captured: 12/8/2023

# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

**Registration Number**

**VA 1-941-099**

**Effective Date of Registration:**

April 09, 2012

*Maria A. Pallante*

Register of Copyrights, United States of America

## Title

**Title of Work:** Holiday Porch Light Cover, Snowman

**Previous or Alternate Title:** 5A4

**Nature of Claim:** Sculpture

## Completion/Publication

**Year of Completion:** 2011

**Date of 1st Publication:** January 22, 2011

## Author

- Author:** LEESA BUSH
- Author Created:** 3-dimensional sculpture
- Work made for hire:** No
- Citizen of:** United States
- Domiciled in:** United States

## Copyright Claimant

**Copyright Claimant:** MSR IMPORTS, INC.  
6920 CENTRAL HWY, PENNSAUKEN, NJ, 08109

**Transfer statement:** ASSIGNMENT

## Certification

**Name:** JONATHAN RODACK

**Date:** March 30, 2012

#5174 Rec 2/19/15



# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Shirley P. Weinstock*  
United States Register of Copyrights and Director

**Registration Number**

**VAu 1-414-313**

**Effective Date of Registration:**

October 08, 2020

**Registration Decision Date:**

December 14, 2020

## Title

**Title of Work:** LIGHT COVER, SANTA

## Completion/Publication

**Year of Completion:** 2015

## Author

- Author:** MSR IMPORTS, INC.  
**Author Created:** sculpture  
**Work made for hire:** Yes  
**Citizen of:** United States

## Copyright Claimant

**Copyright Claimant:** LEESA BUSH  
PO BOX 676, FAIRPLAY, CO, 80440, United States  
**Transfer statement:** By written agreement

## Rights and Permissions

**Organization Name:** MSR IMPORTS, INC  
**Name:** JONATHAN RODACK  
**Email:** jrodack@msrimports.com  
**Telephone:** (856)662-4114  
**Address:** 6920 CENTAL HWY  
PENNSAUKEN, NJ 08109 United States

## Certification

**Name:** JONATHAN RODACK



# **Exhibit 3C**

# Type 1



<p><b>Authentic MSR Imports Product</b></p>	<p><b>Example of Type 1 Infringing Product</b></p>
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## Type 2



**Authentic MSR  
Imports Product**

**Example of Type 2  
Infringing Product**

## Type 3



**Authentic MSR  
Imports Product**

**Example of Type 3  
Infringing Product**

## Type 4



**Authentic MSR  
Imports Product**

**Example of Type 4  
Infringing Product**