

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

JUSTIN ALEXANDER, INC.,)
)
Plaintiff,)
)
v.)

Case No. 15-cv-10089

Judge Sharon Johnson Coleman

JACK CHAN, ADRESSPLAQUES.COM,)
(HIDDEN BY WHOIS PRIVACY)
PROTECTION SERVICE, INC.,))
AMYBRIDAL.CO.UK, ANDREW-)
DORIANE.COM, LIRONG SHI,)
ASHLEYANDJONATHANWEDDING.COM,)
ANA ZHENG NAZARIO, ASPIREDS.COM,)
LIRONG SHI, AUBRIDALGOWNS.COM,)
AUTO-VATIONS.COM, LIRONG SHI,)
BESTCASESOLUTION.COM, LIRONG SHI,)
BRILIANTDRESS.COM, (HIDDEN BY)
WHOIS PRIVACY PROTECTION SERVICE)
INC.), CAREPR.CO.UK, BOBBY GILL,)
CHIFFONBRIDALDRESS.COM,)
SHANGHAI MEICHENG TECHNOLOGY)
INFORMATION DEVELOPMENT CO.,)
LTD., DANCINGPROM.COM, (HIDDEN BY)
WHOIS PRIVACY PROTECTION SERVICE)
INC.), DANGDANGDRESS.COM, YINSI)
BAOHU YI KAIQI,)
DRESS2MYLOVE.COM, XIUZHEN WU,)
DRESSBRIDALGOWNS.COM, URSULA)
KREBS, DRESSESONLINESALE.CO.UK, LI)
TIANTIAN, DRESSESTREND2014.COM,)
XUE GUANG, DRESSROMANZA.COM,)
(WHOISGUARD PROTECTED),)
ELLEPROM.COM, ZHANG SAN,)
ERGOSUPPLY.COM, ZHENFEI CHEN,)
FABPARTYDRESSES.COM, ZHANG SAN,)
MARGENE WILLISON,)
JUSTINALEXANDERSBRIDAL.COM,)
KISSMYPROM.COM, TAOTAO LIN,)
KISSTOPDRESS.COM, YINSI BAOHU KI)
KAIQI, LABEAUTES.COM,)
ZHANGLABEAUTES,)
LANLANBRIDALDRESS.CO.UK,)

Magistrate Judge Michael T. Mason

BROWN SUGAR, LOPROM.COM,)
(WHOISGUARD PROTECTED),)
LOUVERSYSTEMSUSA.COM, SHI,)
MAGGIESTORE.COM, WILLIE DALE,)
MARVELOUSGOWN.COM, WILLIE DALE,)
METHODSUSA.COM, ZHENFEI CHEN,)
MEXPATPROPERTIES.COM, (HIDDEN BY)
WHOIS PRIVACY PROTECTION)
SERVICE, INC.), MILLIONBRIDE.COM,)
JAMES GILLESPIE,)
MISSFISHBRIDALONLINE.COM, XU)
SU MEI, MYNUPTIAL.COM, WILLIE)
DALE, NAVBRIDAL.COM, MA WENTING,)
OCEANPARKPLACE.NET, LIRONG SHI,)
ONLYFORBRIDES.NET, GUANGWEI)
HUANG, PARTYDRESSESUS.COM, HE)
PEI RU, PORNOCTRL.COM, JACK CHAN,)
PRINCESSWEDDINGGOWN.COM, LI LE)
KAI, SEABRIDAL.COM, (WHOISGUARD)
PROTECTED, SEVENWEDDING.CO.UK,)
FATIMA PETER,)
SHINYWEDDINGDRESS.COM,)
GUANGWEI HUANG, SIMONDRESS.COM,)
YINSI BAOHU YI KAIQI,)
SIMPLYGOWN.COM, CRYSTAL,)
STUNNINGPROMDRESSES.COM, SHEN)
CHEN, SUKNIEWESELNE.COM,)
GASPERIN CINDY,)
SUMMERDRESSESSHOP.COM, HUANG)
WEN LONG,)
SUPERBWEDDINGDRESSES.COM, YINSI)
BAOHU YI KAIQI, SUPERIORLM.COM,)
ZHENFEI CHEN, THESTREETCAFE.COM,)
ZHENFEI CHEN,)
TONYPROMDRESSES.CO, ZHANG SAN,)
WEDDING-DRESSES-STORE.COM,)
ZHANG XIAOZHENG,)
WEDDINGDRESSBRAW.COM, YINSI)
BAOHU YI KAIQI,)
WEDDINGDRESSESINUK.CO.UK, JACK)
CHAN, WEDDINGDRESSMALL.CO.UK,)
TONY BRUCE,)
WEDDINGGOWNSDRESS.COM, ANDREA)
THIEL, WEDDINGTRAIL.COM, VAUSSIER)
EVELYNE, WHIRLONLINE.COM, LIRONG)

SHI, XMPLLC.COM, RONNIE)
BOMBARDIER,)
)
Defendants.)
_____)

AMENDED COMPLAINT

Plaintiff, Justin Alexander, Inc., a New Jersey Corporation (“Plaintiff” or “JUSTIN ALEXANDER”), hereby brings the present action against JACK CHAN, ADRESSPLAQUES.COM, (HIDDEN BY WHOIS PRIVACY PROTECTION SERVICE, INC.,) AMYBRIDAL.CO.UK, ANDREW-DORIANE.COM, LIRONG SHI, ASHLEYANDJONATHANWEDDING.COM, ANA ZHENG NAZARIO, ASPIREDS.COM, LIRONG SHI, AUBRIDALGOWNS.COM, AUTO-VATIONS.COM, LIRONG SHI, BESTCASESOLUTION.COM, LIRONG SHI, BRILIANTDRESS.COM, (HIDDEN BY WHOIS PRIVACY PROTECTION SERVICE INC.), CAREPR.CO.UK, BOBBY GILL, CHIFFONBRIDALDRESS.COM, SHANGHAI MEICHENG TECHNOLOGY INFORMATION DEVELOPMENT CO., LTD., DANCINGPROM.COM, (HIDDEN BY WHOIS PRIVACY PROTECTION SERVICE INC.), DANGDANGDRESS.COM, YINSI BAOHU YI KAIQI, DRESS2MYLOVE.COM, XIUZHEN WU, DRESSBRIDALGOWNS.COM, URSULA KREBS, DRESSESONLINESALE.CO.UK, LI TIAN TIAN, DRESSESTREND2014.COM, XUE GUANG, DRESSROMANZA.COM, (WHOISGUARD PROTECTED), ELLEPROM.COM, ZHANG SAN, ERGOSUPPLY.COM, ZHENFEI CHEN, FABPARTYDRESSES.COM, ZHANG SAN, MARGENE WILLISON, JUSTINALEXANDERSBRIDAL.COM, KISSMYPROM.COM, TAOTAO LIN, KISSTOPDRESS.COM, YINSI BAOHU KI KAIQI, LABEAUTES.COM, ZHANGLABEAUTES, LANLANBRIDALDRESS.CO.UK, BROWN SUGAR,

LOPROM.COM (WHOISGUARD PROTECTED), LOUVERSYSTEMSUSA.COM, SHI, MAGGIESTORE.COM, WILLIE DALE, MARVELOUSGOWN.COM WILLIE DALE, METHODSUSA.COM, ZHENFEI CHEN, MEXPATPROPERTIES.COM, (HIDDEN BY WHOIS PRIVACY PROTECTION SERVICE, INC.), MILLIONBRIDE.COM, JAMES GILLESPIE, MISSFISHBRIDALONLINE.COM, XU SU MEI, MYNUPTIAL.COM, WILLIE DALE, NAVBRIDAL.COM, MA WENTING, OCEANPARKPLACE.NET, LIRONG SHI, ONLYFORBRIDES.NET, GUANGWEI HUANG, PARTYDRESSESUS.COM, HE PEI RU, PORNOCTRL.COM, JACK CHAN, PRINCESSWEDDINGGOWN.COM, LI LE KAI, SEABRIDAL.COM, (WHOISGUARD PROTECTED, SEVENWEDDING.CO.UK, FATIMA PETER, SHINYWEDDINGDRESS.COM, GUANGWEI HUANG, SIMONDRESS.COM, YINSI BAOHU YI KAIQI, SIMPLYGOWN.COM, CRYSTAL, STUNNINGPROMDRESSES.COM, SHEN CHEN, SUKNIEWESELNE.COM, GASPERIN CINDY, SUMMERDRESSESSHOP.COM, HUANG WEN LONG, SUPERBWEDDINGDRESSES.COM, YINSI BAOHU YI KAIQI, SUPERIORLM.COM, ZHENFEI CHEN, THESTREETCAFE.COM, ZHENFEI CHEN, TONYPROMDRESSES.CO, ZHANG SAN, WEDDING-DRESSES-STORE.COM, ZHANG XIAOZHENG, WEDDINGDRESSBRAW.COM, YINSI BAOHU YI KAIQI, WEDDINGDRESSESINUK.CO.UK, JACK CHAN, WEDDINGDRESSMALL.CO.UK, TONY BRUCE, WEDDINGGOWNSDRESS.COM, ANDREA THIEL, WEDDINGTRAIL.COM, VAUSSIER EVELYNE, WHIRLONLINE.COM, LIRONG SHI, XMPLLC.COM, and RONNIE BOMBARDIER, identified on Schedule "A" attached hereto (collectively, "Defendants") and alleges as follows:

PARTIES

1. Justin Alexander, Inc. is a New Jersey corporation that maintains its principal place of business at 45 U.S. 46 #607, Pine Brook, New Jersey 07058.

2. Defendants identified on Schedule "A" are all individuals and unincorporated business associations who, upon information and belief, reside in foreign jurisdictions. The true names and addresses of Defendants are currently unknown.

3. Defendants conduct their illegal operations through fully interactive commercial websites registered with registrars in the United States and other foreign jurisdictions (hereinafter "Infringing Websites"). Each Defendant targets the United States, including Illinois, and has offered to sell and, on information and belief, has sold and continues to sell counterfeit products that violate Plaintiff's intellectual property rights (hereinafter "Counterfeit Products") to consumers within the United States, including the State of Illinois and this Judicial District. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b).

4. Through their operation of the Infringing Websites, Defendants are directly and personally contributing to, inducing and engaging in the sale of Counterfeit Products as alleged herein, often times as partners, co-conspirators and/or suppliers. Upon information and belief, Defendants are an interrelated group of counterfeiters working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Counterfeit Products. Defendants intentionally conceal their identities and the full scope of their counterfeiting operations in an effort to deter Plaintiff from learning Defendants' true identities and the exact interworking of Defendants' illegal counterfeiting operations. The individual, partnership or unincorporated association names used by Defendants are set forth on Schedule "A" hereto.

JURISDICTION AND VENUE

5. Plaintiff brings this action against Defendants for trademark counterfeiting and trademark infringement, and unfair competition and false designation of origin arising under the Trademark Act of 1946, 15 U.S.C. §§ 1051, *et seq.*, as amended by the Trademark Counterfeiting Act of 1984, Public Law 98-473 (October 12, 1984), the Anti-Counterfeiting Consumer Protection Act of 1996, Pub. L. 104-153 (July 2, 1996), the Prioritizing Resources and Organization for Intellectual Property Act of 2007, H.R. 4279 (October 13, 2008) (the “Lanham Act”), Anti-Cybersquatting Consumer Protection Act, Pub. L. No. 106-113 (November 29, 1999), and copyright infringement pursuant to the Copyright Act of 1976, 17 U.S.C. § 101, *et seq.* Plaintiff also brings this action for uniform deceptive trade practices under the laws of the State of Illinois.

6. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332 and 1338(a) and (b); and 15 U.S.C. §§ 1116 and 1121.

7. This Court has, within its discretion, jurisdiction over Plaintiff’s claims that arise under the laws of the State of Illinois pursuant to the principles of supplemental jurisdiction set forth in 28 U.S.C. § 1367(a) because said state-law claim is so related to some or all of Plaintiff’s claims over which this Court has original jurisdiction that they form part of the same case or controversy.

8. This Court has personal jurisdiction over Defendants because they transact business in the State of Illinois and within this Judicial District.

9. Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1391 because the Defendants are entities or individuals subject to personal jurisdiction in this Judicial District. Venue is also proper in this Judicial District because all Defendants directly target business

activities towards consumers in the State of Illinois and cause harm to Plaintiff's business within this Judicial District by selling Counterfeit Products through their unlawful operation of the Infringing Websites, including those operating under their partnership and/or unincorporated association names.

FACTUAL BACKGROUND

10. Plaintiff is engaged in the business of manufacturing and distributing throughout the world, including within this Judicial District, a variety of high quality bridal gowns and formalwear (collectively, the "JUSTIN ALEXANDER Products") under the Federally registered trademarks identified in Paragraph 12, below. Plaintiff offers for sale and sells its trademarked goods within this Judicial District. Defendants' sales of Counterfeit Products in violation of Plaintiff's intellectual property rights are irreparably damaging Plaintiff within this Judicial District.

11. Plaintiff is the owner of all right, title and interest in and to, *inter alia*, the following federally-registered trademarks and service marks issued by the United States Patent and Trademark Office (collectively "JUSTIN ALEXANDER Trademarks"):

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
4,011,847	SINCERITY	August 16, 2011	25: WEDDING DRESSES AND WEDDING GOWNS
4,018,784	JUSTIN ALEXANDER	August 30, 2011	18: HANDBAGS 25: WEDDING DRESSES AND WEDDING GOWNS
4,026,225	SARAH DANIELLE	September 13, 2011	25: EVENINGWEAR, NAMELY, EVENING DRESSES; WEDDING DRESSES; WEDDING GOWNS
4,417,935	LILLIAN WEST	October 15, 2013	25: WEDDING DRESSES

All of the registrations listed above are valid, subsisting, unrevoked and uncanceled. Moreover, many of the registrations are also incontestable pursuant to 15 U.S.C. § 1065. The registrations for the JUSTIN ALEXANDER Trademarks constitute prima facie evidence of their validity and of Plaintiff's exclusive right to use the JUSTIN ALEXANDER Trademarks pursuant to 15 U.S.C. § 1057(b). Plaintiff also owns common law rights in these and other marks for use in connection with bridal gowns and formalwear. Genuine and authentic copies of the U.S. federal trademark registration certificates for the above-listed JUSTIN ALEXANDER Trademarks are attached hereto as **Exhibit 1**.

12. Plaintiff's brands, symbolized by the JUSTIN ALEXANDER Trademarks, are recognized symbols of high-quality bridal gowns and formalwear throughout the world. As detailed below, Plaintiff has been using the JUSTIN ALEXANDER Trademarks for many years in connection with the advertising and sale of JUSTIN ALEXANDER Products in interstate and foreign commerce, including commerce in the State of Illinois and in this Judicial District.

13. The JUSTIN ALEXANDER Trademarks have been widely promoted, both in the United States and throughout the world, and are among the world's most famous and widely-recognized trademarks. Consumers, potential consumers and other members of the public and the bridal industry not only associate JUSTIN ALEXANDER Products with exceptional materials, style and workmanship, but also recognize that JUSTIN ALEXANDER Products sold in the United States originate exclusively with Plaintiff.

14. As of the date of this filing, JUSTIN ALEXANDER Products are sold in approximately 500 retail stores throughout the United States and an additional 900 retail stores throughout the world.

15. Plaintiff maintains quality control standards for all JUSTIN ALEXANDER Products. Genuine JUSTIN ALEXANDER Products are distributed through a worldwide network of distributors and retailers, as well as Plaintiff's primary website located at the following address: www.justinalexanderbridal.com ("Website"). Sales of JUSTIN ALEXANDER Products via the Website represent a significant portion of Plaintiff's business. The Website features proprietary content, images and designs exclusive to Plaintiff.

16. The JUSTIN ALEXANDER Trademarks are highly visible and distinctive worldwide symbols of excellence in quality and uniquely associated with Plaintiff and, as a result, JUSTIN ALEXANDER Products bearing the JUSTIN ALEXANDER Trademarks have generated millions of dollars of sales over the years.

17. The JUSTIN ALEXANDER Trademarks have never been assigned or licensed to any of the Defendants in this matter.

18. The JUSTIN ALEXANDER Trademarks are symbols of Plaintiff's quality, reputation and goodwill and have never been abandoned.

19. Further, Plaintiff has expended substantial time, money and other resources developing, advertising and otherwise promoting the JUSTIN ALEXANDER Trademarks. The JUSTIN ALEXANDER Trademarks have been continuously used and qualify as famous marks as that term is used in 15 U.S.C. §1125(c)(1).

20. Upon information and belief, at all times relevant hereto, Defendants in this action have had full knowledge of Plaintiff's ownership of the JUSTIN ALEXANDER Trademarks, including its exclusive right to use and license such intellectual property and the goodwill associated therewith.

21. In or around 2015, Plaintiff identified several JUSTIN ALEXANDER Trademarks on the Infringing Websites designed to resemble authorized retail Internet stores selling genuine JUSTIN ALEXANDER Products that Defendants had reproduced, displayed and distributed without authorization or license from Plaintiff in violation of the JUSTIN ALEXANDER Trademarks.

22. Plaintiff is the owner of all right, title and interest in and to United States Copyright Registration No. VA 1-936-316 (“JUSTIN ALEXANDER Copyright”). The aforementioned registration is valid, subsisting, unrevoked and uncanceled. Moreover, this registration is also incontestable. Plaintiff also owns common law rights in these and other copyrights for use in connection with bridal gowns and formalwear. A genuine and authentic copy of the U.S. federal copyright registration certificate for the above-listed JUSTIN ALEXANDER Copyright is attached hereto as **Exhibit 2**.

23. Among the exclusive rights granted to Plaintiff under the Copyright Act are the exclusive rights to use and reproduce photographs protected by the JUSTIN ALEXANDER Copyright and to distribute these photographs to the public.

24. In or around 2015, Plaintiff identified photographic images on the Infringing Websites that Defendants had reproduced, displayed and distributed without authorization or license from Plaintiff (“Infringing Images”) in violation of the JUSTIN ALEXANDER Copyright.

25. The Infringing Images Defendants reproduced, displayed and distributed on Defendants’ Infringing Websites are the subject of the JUSTIN ALEXANDER Copyright.

26. Defendants have manufactured, imported, distributed, offered for sale and sold Counterfeit Products, including bridal gowns and formalwear using the JUSTIN ALEXANDER

Trademarks and protected images in violation of the JUSTIN ALEXANDER Copyright and continue to do so.

27. Defendants, without authorization or license from Plaintiff, knowingly and willfully used and continue to use the JUSTIN ALEXANDER Trademarks in connection with the advertisement, offer for sale and sale of the Counterfeit Products, through, *inter alia*, the Internet. The Counterfeit Products are not genuine JUSTIN ALEXANDER Products. The Plaintiff did not manufacture, inspect or package the Counterfeit Products and did not approve the Counterfeit Products for sale or distribution. Each Infringing Website offers shipping to the United States, including Illinois, and, on information and belief, each Defendant has sold Counterfeit Products into the United States, including Illinois.

28. Defendants falsely advertise the sale of authentic JUSTIN ALEXANDER Products through the Infringing Websites by stealing and copying Plaintiff's copyrighted images and photographs of Plaintiff's genuine products in violation of the JUSTIN ALEXANDER Copyright. Furthermore, the Infringing Websites offer live online service and display normal indicia of security protection that would appear on legitimate websites, including the McAfee® Security, VeriSign®, Visa®, MasterCard®, and PayPal® logos. Defendants' Infringing Websites appear to unknowing consumers to be legitimate web stores authorized to sell genuine JUSTIN ALEXANDER Products.

29. Defendants also deceive unknowing consumers by using the JUSTIN ALEXANDER Trademarks without authorization within the content, text, and/or meta tags of the Infringing Websites in order to attract various search engines crawling the Internet looking for websites relevant to consumer searches for JUSTIN ALEXANDER Products. Additionally, upon information and belief, Defendants use other unauthorized search engine optimization

(SEO) tactics so that listings for the Infringing Websites appear at or near the top of relevant search results and misdirect consumers searching for genuine JUSTIN ALEXANDER Products. Furthermore, Defendants utilize similar illegitimate SEO tactics to propel new domain names to the top of search results after others are disabled. As such, Plaintiff also seeks to disable the Infringing Websites owned and operated by Defendants that are the means by which the Defendants could continue to sell Counterfeit Products.

30. Defendants go to great lengths to conceal their true identities and often use multiple fictitious names and addresses to register and operate the Infringing Websites. For example, many of Defendants' names and physical addresses used to register the Infringing Websites are incomplete, contain randomly typed letters, or fail to include cities or states. Other Infringing Websites use privacy services that conceal the owners' identity and contact information. Upon information and belief, Defendants regularly create new websites on various platforms using the identities listed in Schedule "A" to the Amended Complaint, as well as other unknown fictitious names and addresses. Such registration patterns for new Internet domains are one of many common tactics used by the Defendants to conceal their identities, the full scope and interworking of their illegal counterfeiting operations, and to prevent the Infringing Websites from being disabled.

31. Defendants' use of the JUSTIN ALEXANDER Trademarks on or in connection with the advertising, marketing, distribution, offering for sale and sale of the Counterfeit Products is likely to cause and has caused confusion, mistake and deception by and among consumers and is irreparably harming Plaintiff.

32. Upon information and belief, Defendants will continue to register or acquire new

domain names for the purpose of selling Counterfeit Goods that infringe upon the JUSTIN ALEXANDER Trademarks unless preliminarily and permanently enjoined.

33. Plaintiff has no adequate remedy at law.

COUNT ONE
FEDERAL TRADEMARK COUNTERFEITING AND INFRINGEMENT
(15 U.S.C. §1114)

34. Plaintiff repeats and realleges the foregoing allegations above as if fully set forth herein.

35. The JUSTIN ALEXANDER Trademarks and the goodwill of the business associated with them in the United States and throughout the world are of great and incalculable value, are highly distinctive, and have become universally associated in the public mind with JUSTIN ALEXANDER Products and related services of the very highest quality and reputation finding their source from Plaintiff.

36. Without Plaintiff's authorization or consent, and having knowledge of Plaintiff's well-known and prior rights in the JUSTIN ALEXANDER Trademarks and the fact that Defendants' Counterfeit Products are sold using marks which are identical or confusingly similar to the JUSTIN ALEXANDER Trademarks, Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising Counterfeit Products without Plaintiff's permission in direct competition with Plaintiff's sale of genuine JUSTIN ALEXANDER Products, in or affecting interstate commerce.

37. Defendants' willful, intentional and unauthorized use of copies or simulations of the JUSTIN ALEXANDER Trademarks in conjunction with Defendants' operation of the Infringing Websites to sell Counterfeit Products is likely to cause and is causing confusion, mistake and deception among the general purchasing public as to the origin of the Counterfeit

Products, and is likely to deceive the public into believing the Counterfeit Products being sold by Defendants originate from, are associated with or are otherwise authorized by Plaintiff, all to the damage and detriment of Plaintiff's reputation, goodwill and sales.

38. Plaintiff has no adequate remedy at law and, if Defendants' activities are not enjoined, Plaintiff will continue to suffer irreparable harm and injury to its goodwill and reputation.

COUNT TWO
UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN
(15 U.S.C. §1125(a))

39. Plaintiff repeats and realleges the foregoing allegations above as if fully set forth herein.

40. The Counterfeit Products sold and offered for sale by Defendants on the Infringing Websites are of the same nature and type as JUSTIN ALEXANDER Products sold and offered for sale by Plaintiff and, as such, Defendants' use is likely to cause confusion to the general purchasing public respecting the origin, sponsorship, or approval of the Counterfeit Products by Plaintiff.

41. By misappropriating and using the JUSTIN ALEXANDER Trademarks on the Counterfeit Products, Defendants misrepresent and falsely describe to the general public the origin and source of the Counterfeit Products and create a likelihood of confusion by consumers as to the source of such merchandise.

42. Defendants' unlawful, unauthorized and unlicensed manufacture, distribution, offer for sale and/or sale of the Counterfeit Products creates express and implied misrepresentations that the Counterfeit Products were created, authorized or approved by Plaintiff, all to Defendants' profit and to Plaintiff's damage and injury.

43. Defendants' aforesaid acts constitute a willful violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), in that Defendants' use of the JUSTIN ALEXANDER Trademarks, genuine product images and trade names, in connection with their goods and services in interstate commerce, constitutes a false designation of origin and unfair competition.

COUNT THREE
CYBERPIRACY
15 U.S.C. §1125(d)

44. Plaintiff repeats and realleges the foregoing allegations above as if fully set forth herein.

45. Plaintiff's claim respecting cyberpiracy in violation of 15 U.S.C. § 1125(d) is against only Defendant No. 32 identified in Schedule "A" to this Amended Complaint.

46. At all times relevant hereto, JUSTIN ALEXANDER has been and still is the owner of the rights, title and interest in and to the JUSTIN ALEXANDER Trademarks.

47. Upon information and belief, Defendants have acted with the bad faith intent profit from the JUSTIN ALEXANDER Trademarks and the goodwill associated with the JUSTIN ALEXANDER Trademarks by registering various domain names which are identical or confusingly similar to or dilutive of the JUSTIN ALEXANDER Trademarks.

48. Defendants have no intellectual property rights in or to the JUSTIN ALEXANDER Trademarks.

49. Defendants' actions constitute willful cyberpiracy in violation of Section 43(d) of the Lanham Act, 15 U.S.C. §1125(d).

50. Defendants' conduct is done with knowledge and constitutes a willful violation of

Plaintiff's rights in the JUSTIN ALEXANDER Trademarks. At a minimum, Defendants' conduct constitutes reckless disregard for and willful blindness to JUSTIN ALEXANDER'S rights.

51. The aforesaid conduct is causing JUSTIN ALEXANDER damages and immediate and irreparable injury.

52. JUSTIN ALEXANDER has no adequate remedy at law.

COUNT FOUR
COPYRIGHT INFRINGEMENT
(17 U.S.C. § 501)

53. Plaintiff repeats and realleges the foregoing allegations above as if fully set forth herein.

54. Plaintiff has complied with the registration requirements of 17 U.S.C. § 411(a) in obtaining the JUSTIN ALEXANDER Copyright.

55. At all times relevant hereto, Plaintiff has been producer and sole owner of the original photographic images that are the subject of this action and protected by the JUSTIN ALEXANDER Copyright. Among the rights granted to Plaintiff is the exclusive right to market and sublicense the right to copy, reproduce and display the image. Additionally, Plaintiff is granted the exclusive right to make and control claims related to infringements of copyrights in the image.

56. Defendants have intentionally reproduced, displayed, distributed and made other infringing uses of the protected image, without authorization by Plaintiff.

57. As a result of its conduct, Defendants are liable to Plaintiff for copyright infringement.

58. Defendants knew their acts constituted copyright infringement.

59. Defendants' conduct was willful within the meaning of the Copyright Act.

60. As a result of their wrongful conduct, Defendants are liable to Plaintiff for copyright infringement pursuant to 17 U.S.C. § 501. Plaintiff has suffered, and will continue to suffer, substantial losses, including but not limited to damage to its business reputation and goodwill.

61. Plaintiff is entitled to recover damages, which include its losses and any and all profits Defendants have made as a result of its wrongful conduct. 17 U.S.C. § 504. Alternatively, Plaintiff is entitled to statutory damages under 17 U.S.C. § 504(c).

62. In addition, because Defendants' infringement was willful, the award of statutory damages should be enhanced in accordance with 17 U.S.C. § 504(c)(2).

COUNT FIVE
ILLINOIS UNIFORM DECEPTIVE TRADE PRACTICES ACT
(815 ILCS § 510, et seq.)

63. Plaintiff repeats and realleges the foregoing allegations above as if fully set forth herein.

64. Defendants' acts of misappropriating and using the JUSTIN ALEXANDER Trademarks and trade names in order to misrepresent and falsely describe to the general public the origin and source of the Counterfeit Products, constitute deceptive acts or practices in or affecting commerce, in violation of 815 ILCS § 510, et seq.

65. Defendants' acts of stealing Plaintiff's original, copyrighted images that infringe upon the JUSTIN ALEXANDER Copyright to sell Counterfeit Products through the Infringing Websites, constitute deceptive acts or practices in or affecting commerce, in violation of 815 ILCS § 510, et seq.

66. Defendant has engaged in acts violating Illinois law including, but not limited to, passing off their Counterfeit Products as those of Plaintiff; causing a likelihood of confusion

and/or misunderstanding as to the source of the Counterfeit Products; causing a likelihood of confusion and/or misunderstanding as to an affiliation, connection, or association with genuine JUSTIN ALEXANDER Products; representing that the Counterfeit Products have Plaintiff's approval when they do not; and engaging in other conduct that creates a likelihood of confusion or misunderstanding among the general public.

67. Defendant's acts complained of herein were done willfully.

68. Plaintiff has no adequate remedy at law and, if Defendants' activities are not enjoined, Plaintiff will continue to suffer irreparable harm and injury to its goodwill and reputation.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment in its favor on all counts of this Amended Complaint and prays for the following equitable relief against all Defendants:

1. That Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under, or in active concert with them be temporarily, preliminarily, and permanently enjoined and restrained from:

- (i) using the JUSTIN ALEXANDER Trademarks or any reproductions, counterfeits, copies or colorable imitations of the JUSTIN ALEXANDER Trademarks in connection with the distribution, marketing, advertising, offer for sale and/or sale of any product that is not a genuine JUSTIN ALEXANDER Product or is not authorized by Plaintiff to be sold in connection with the JUSTIN ALEXANDER Trademarks;
- (ii) passing off, inducing or enabling others to sell or pass off any Counterfeit Products or any other product produced by Plaintiff that is not Plaintiff's or not produced under the authorization, control, or supervision of Plaintiff

and approved by Plaintiff for sale under the JUSTIN ALEXANDER Trademarks;

- (iii) committing any acts calculated to cause consumers to believe that Defendants' Counterfeit Products are those sold under the authorization, control, or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
- (iv) further infringing the JUSTIN ALEXANDER Trademarks and damaging Plaintiff's goodwill;
- (v) competing unfairly with Plaintiff in any manner;
- (vi) shipping, delivering, holding for sale, distributing, returning, transferring or otherwise moving, storing or disposing of in any manner products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and that bear the JUSTIN ALEXANDER Trademarks or any reproductions, counterfeit copies, or colorable imitations thereof;
- (vii) using, linking to, transferring, selling, exercising control over, or otherwise owning or operating the Infringing Websites, or any other domain name that is being used to sell or is the means by which Defendants could continue to sell Counterfeit Products;
- (viii) operating and/or hosting websites at the Infringing Websites and any other domain names registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing the JUSTIN ALEXANDER Trademarks or any

reproduction, counterfeit copy or colorable imitation thereof that is not a genuine JUSTIN ALEXANDER Product or not authorized by Plaintiff to be sold in connection with the JUSTIN ALEXANDER Trademarks; and

- (ix) registering any additional domain names that use or incorporate any of the JUSTIN ALEXANDER Trademarks; and

2. That Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under, or in active concert with them be temporarily, preliminarily, and permanently enjoined and restrained from:

- (i) displaying images protected by the JUSTIN ALEXANDER Copyright in connection with the distribution, advertising, offer for sale and/or sale of any product that is not a genuine JUSTIN ALEXANDER Product or is not authorized by Plaintiff to be sold in connection with the JUSTIN ALEXANDER Copyright; and
- (ii) shipping, delivering, holding for sale, distributing, returning, transferring or otherwise moving, storing or disposing of in any manner products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and protected by the JUSTIN ALEXANDER Copyright or any reproductions, counterfeit copies, or colorable imitations thereof; and

3. That Defendants, within ten (10) days after service of judgment with notice of entry thereof upon them, be required to file with the Court and serve upon Plaintiff a written report under oath setting forth in detail the manner in which Defendants have complied with the injunctive relief set forth in Paragraphs 1 and 2, above;

4. Entry of an order that, upon Plaintiff's request, the Internet Corporation for Assigned Names and Numbers ("ICANN") shall take all actions necessary to ensure that the registrars and the top level domain registries responsible for the Infringing Websites transfer, change the registrar of record, and/or disable the Infringing Websites as directed by the Court. These domain name registries or registrars, include but are not limited to, VeriSign, Inc., NeuStar, Inc., Afilias Limited, Nominet UK, and the Public Interest Registry, and shall be required to transfer the domain names associated with Defendants' Infringing Websites to a registrar to be appointed by Plaintiff to re-register the domain names in Plaintiff's name and under Plaintiff's ownership;

5. Entry of an order that, upon Plaintiff's request, those in privity with Defendants and those with notice of the injunction, including any Internet search engines, Web hosts, domain-name registrars and domain-name registries or their administrators that are provided with notice of the injunction, cease facilitating access to any or all domain names and websites through which Defendants engage in the sale of Counterfeit Products using the JUSTIN ALEXANDER Trademarks;

6. Entry of an order canceling or, at Plaintiff's election, transferring the Infringing Websites and any other domain names used by the Defendants to engage in their counterfeiting of the JUSTIN ALEXANDER Trademarks at issue to Plaintiff's control so they may no longer be used for illegal purposes;

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

8. In the alternative, that Plaintiff be awarded statutory damages of Two Million Dollars (U.S.) and No Cents (\$2,000,000.00) for each and every use of the JUSTIN ALEXANDER Trademark counterfeited by each Defendant and One Hundred Thousand Dollars (U.S.) and No Cents (\$100,000.00) per domain name pursuant to 15 U.S.C. § 1117(d);

9. That the Court enter an order of impoundment pursuant to 17 U.S.C. §§ 503 and 509(a) impounding all infringing copies of Plaintiff's audiovisual works, photographs or other materials protected by the JUSTIN ALEXANDER Copyright, which are in Defendants' possession or under its control;

10. That the Court enter an order, pursuant to 17 U.S.C. § 504(b), declaring that Defendants hold in trust, as constructive trustees for the benefit of Plaintiff, all profits received by defendant from its reproduction, distribution, display or other infringing uses of the photographic images protected by the JUSTIN ALEXANDER Copyright, and requiring Defendants to provide Plaintiff a full and complete accounting of all profits received by Defendants;

11. That the Court order Defendants to pay damages to Plaintiff, including an award of actual damages suffered by Plaintiff, as a result of the infringements and all profits of defendant that are attributable to those infringements, pursuant to 17 U.S.C. § 504(b);

12. That Plaintiff be awarded its reasonable attorneys' fees and costs; and

13. Grant Plaintiff such other and further legal relief as may be just and proper.

Dated this 20th day of November, 2015.

Respectfully submitted,

s/ R. Mark Halligan

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