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

QUEEN "B" PRODUCTIONS, Plaintiff, v. THE PARTNERSHIPS and UNINCORPORATED ASSOCIATIONS IDENTIFIED ON SCHEDULE "A," Defendants.	Case No. 26-cv-13614

COMPLAINT

Plaintiff hereby brings the present action against the Partnerships and Unincorporated Associations Identified on Schedule A attached hereto (collectively, "Defendants") and alleges as follows:

I. JURISDICTION AND VENUE

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

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

sell products using infringing and counterfeit versions of Plaintiff's federally registered trademarks (collectively, the "Unauthorized Products") to residents of Illinois. Each of the Defendants is committing tortious acts in Illinois, is engaging in interstate commerce, and has wrongfully caused Plaintiff substantial injury in the state of Illinois.

II. INTRODUCTION

3. Plaintiff filed this case to prevent e-commerce store operators who trade upon Plaintiff's reputation and goodwill from further selling and/or offering for sale Unauthorized Products. Defendants create e-commerce stores under one or more Seller Aliases and then advertise, offer for sale, and/or sell Unauthorized Products to unknowing consumers. Defendants' activities, occurring at the same time and in the same retail space and manner as one another, blend together to create a single negative impression on consumers such that they constitute the same occurrence or series of occurrences. Defendants take advantage of a set of circumstances, including the anonymity and mass reach afforded by the Internet and the cover afforded by international borders, to violate Plaintiff's intellectual property rights with impunity. Defendants attempt to avoid liability by operating under one or more Seller Aliases to conceal their identities, locations, and the full scope and interworking of their counterfeiting operation. Plaintiff is forced to file this action to combat Defendants' counterfeiting of its registered trademarks, as well as to protect consumers from purchasing Unauthorized Products over the Internet. Plaintiff has been, and continues to be, irreparably damaged through consumer confusion and dilution of its valuable trademarks because of Defendants' actions and therefore seeks injunctive and monetary relief.

III. THE PARTIES

4. Plaintiff Queen "B" Productions is a California corporation having its principal place of business at 6320 Canoga Avenue, Suite 1300, Woodland Hills, California 91367. Plaintiff is the owner of the trademark rights related to the cult classic film *Elvira: Mistress of the Dark* and its main character, Elvira.

5. When people hear the name Elvira, only one person comes to mind: horror icon and quintessential symbol of all things spooky, the one and only "Mistress of the Dark". Elvira is an iconic character within the horror genre, first appearing in *Movies Macabre with Elvira, Mistress of the Dark*, which presented B-grade (or worse) horror movies with hosting and commentary from Elvira, played by Cassandra Peterson. The show was widely popular, leading to the creation of a series of movies expanding the lore surrounding the beloved character. The first Elvira movie, *Elvira: Mistress of the Dark*, follows the story of Elvira inheriting a mansion in Fallwell, Massachusetts from her deceased great-aunt. As the overtly prudish town of Fallwell and provocative Elvira interact, inevitable issues arise between Elvira and the townspeople. Magical hijinks ensue, resulting in Elvira's newly-inherited home burning to the ground and her moving to Las Vegas to start a performance show.

6. *Elvira: Mistress of the Dark* became an undeniable cult classic, amassing adoring fans around the globe. Elvira was the first horror host ever to be syndicated nationally and has emerged as one of today's most original and outrageous pop culture icons. Elvira's reign as "Queen of Halloween" has spanned more than three decades and includes an IMAX movie, music CDs, books, and more than a thousand licensed products. Elvira has made hundreds of film, television, and live appearances, including The Grammy Awards, *Saturday Night Live*, NBC's *Today Show*, The Tournament of Roses Parade, and reality show *Search for the Next Elvira*. Played by

actress/writer Cassandra Peterson, Elvira has carved out a niche in popular culture that is sure to endure for decades to come.

7. Plaintiff and its licensees market and sell a variety of Elvira branded products, including apparel such as t-shirts and sweatshirts, prints, magnets, pins, posters and other merchandise bearing Plaintiff's ELVIRA, MISTRESS OF THE DARK, and ELVIRA MISTRESS OF THE DARK trademarks (collectively, "Elvira Products"). Elvira Products have become enormously popular and even iconic, driven by Plaintiff's quality standards and innovative designs. Among the purchasing public, Elvira Products are instantly recognizable as such. Elvira Products are distributed and sold to consumers by Plaintiff and its licensees through authorized retailers throughout the United States and through the website elvirasbootique.com.

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

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

Registration Number	**Trademark**	**Registration Date**	**Goods and Services**
1,330,838	ELVIRA	Apr. 16, 1985	For: T-Shirts, Costumes without Masks in class 025. For: Entertainment Services in the Nature of Hosting a Television

			Show and Variety Performances in class 041.
5,315,637	ELVIRA MISTRESS OF THE DARK	Oct. 24, 2017	For: Calendars; Graphic prints; Graphic representations; Pictures; Posters; Mounted posters in class 016. For: Pouches for holding make-up, keys and other personal items; Purses; All-purpose carrying bags in class 018. For: Bobble head dolls; Collectable toy figures; Costume masks; Dolls; Pinball games; Pinball machines; Slot machines; Doll costumes; Play figures; Toy figures in class 028.
4,175,886	MISTRESS OF THE DARK	Jul. 17, 2012	For: Clothing, namely, T-shirts; Halloween costumes in class 025. For: Entertainment services, namely, hosting of television shows and hosting of entertainment shows presented by webcast, podcast and by the Internet; Production and distribution of motion picture films distributed by theatrical distribution, television, cable television and the Internet; entertainment services, namely, providing temporary use of non-downloadable films and television programs via a video-on-demand service and the Internet; Entertainment services, namely, providing a web site featuring entertainment, namely, musical performances, musical videos, related film clips, photographs, and other multimedia materials in class

			041.

10. The U.S. registrations for the Elvira Trademarks are valid, subsisting, in full force and effect, and Registration Nos. 1,330,838 and 4,175,886 are incontestable pursuant to 15 U.S.C. § 1065. The registrations for the Elvira Trademarks constitute *prima facie* evidence of their validity and of Plaintiff's exclusive right to use the Elvira Trademarks pursuant to 15 U.S.C. § 1057(b). True and correct copies of the United States Registration Certificates for the Elvira Trademarks are attached hereto as **Exhibit 1**.

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

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

13. Products bearing the Elvira Trademarks have been the subject of substantial and continuous marketing and promotion. Plaintiff and its licensees have marketed and promoted, and continue to market and promote, products bearing the Elvira Trademarks in the industry and to

consumers through traditional print media, authorized retailers, social media sites, point of sale material, and online through websites like elvirasbootique.com.

14. Plaintiff has expended substantial time, money, and other resources advertising, promoting, and marketing Elvira Products. Elvira Products have also been the subject of extensive unsolicited publicity due to the longstanding success of the Elvira brand. As a result, products bearing the Elvira Trademarks are widely recognized and exclusively associated by consumers as being high-quality products sourced from Plaintiff or Plaintiff's licensees. The Elvira Trademarks have achieved tremendous fame and recognition, adding to the inherent distinctiveness of the marks. As such, the goodwill associated with the Elvira Trademarks is of immeasurable value to Plaintiff.

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

16. Defendants are unknown individuals and business entities who own and/or operate one or more of the e-commerce stores under the Seller Aliases identified on Schedule A and/or other seller aliases not yet known to Plaintiff. On information and belief, Defendants reside and/or operate in foreign jurisdictions and 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).

17. On information and belief, Defendants, either individually or jointly, operate one or more e-commerce stores under the Seller Aliases listed in Schedule A attached hereto. Tactics used by Defendants to conceal their identities and the full scope of their operation make it virtually impossible for Plaintiff to learn Defendants' true identities and the exact interworking of their

counterfeit network. If Defendants provide additional credible information regarding their identities, Plaintiff will take appropriate steps to amend the Complaint.

IV. DEFENDANTS' UNLAWFUL CONDUCT

18. The success of the Elvira brand has resulted in significant counterfeiting of the Elvira Trademarks. Because of this, Plaintiff has implemented an anti-counterfeiting program that involves investigating suspicious websites and online marketplace listings identified in proactive Internet sweeps. Recently, Plaintiff has identified many fully interactive e-commerce stores offering Unauthorized Products on online marketplace platforms such as eBay Inc. ("eBay"), Roadget Business PTE. Ltd. ("SHEIN"), and WhaleCo, Inc. ("Temu"), including the e-commerce stores operating under the Seller Aliases. The Seller Aliases target consumers in this Judicial District and throughout the United States. According to a report prepared for The Buy Safe America Coalition, most counterfeit products now come through international mail and express courier services (as opposed to containers) due to increased sales from offshore online counterfeiters. *The Counterfeit Silk Road: Impact of Counterfeit Consumer Products Smuggled Into the United States*, prepared by John Dunham & Associates (**Exhibit 2**).

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

States government nearly $7.2 billion in personal and business tax revenues in the same period. *Id.*

20. Furthermore, online marketplace platforms like those used by Defendants do not adequately subject new sellers to verification and confirmation of their identities, allowing counterfeiters to "routinely use false or inaccurate names and addresses when registering with these e-commerce platforms." **Exhibit 3**, Daniel C.K. Chow, *Alibaba, Amazon, and Counterfeiting in the Age of the Internet*, 40 NW. J. INT'L L. & BUS. 157, 186 (2020); *see also* report on "Combating Trafficking in Counterfeit and Pirated Goods" prepared by the U.S. Department of Homeland Security's Office of Strategy, Policy, and Plans (Jan. 24, 2020), attached as **Exhibit 4**, and finding that on "at least some e-commerce platforms, little identifying information is necessary for a counterfeiter to begin selling" and that "[t]he ability to rapidly proliferate third-party online marketplaces greatly complicates enforcement efforts, especially for intellectual property rights holders." Counterfeiters hedge against the risk of being caught and having their websites taken down from an e-commerce platform by establishing multiple virtual storefronts. *See id.* at p. 22. Since platforms generally do not require a seller on a third-party marketplace to identify the underlying business entity, counterfeiters can have many different profiles that can appear unrelated even though they are commonly owned and operated. *Id.* at p. 39. Further, "[e]-commerce platforms create bureaucratic or technical hurdles in helping brand owners to locate or identify sources of counterfeits and counterfeiters." **Exhibit 3** at 186-87. Specifically, brand owners are forced to "suffer through a long and convoluted notice and takedown procedure only [for the counterfeit seller] to reappear under a new false name and address in short order." *Id*. at p. 161.

21. Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more Seller Aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, sell Unauthorized Products to residents of Illinois. **Exhibit 5** attached hereto is evidence of the Defendants offering for sale and selling Unauthorized Products to Illinois.

22. Defendants concurrently employ and benefit from similar advertising and marketing strategies. For example, Defendants facilitate sales by designing the e-commerce stores operating under the Seller Aliases so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers. E-commerce stores operating under the Seller Aliases appear sophisticated and accept payment in U.S. dollars in multiple ways, including via credit cards, and/or PayPal. E-commerce stores operating under the Seller Aliases often include content and images that make it very difficult for consumers to distinguish their stores from an authorized retailer. Plaintiff has not licensed or authorized Defendants to use the Elvira Trademarks and none of the Defendants are authorized retailers of Elvira Products.

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

24. E-commerce store operators like Defendants commonly engage in fraudulent conduct when registering the Seller Aliases by providing false, misleading and/or incomplete

information to e-commerce platforms to prevent discovery of their true identities and the scope of their e-commerce operation.

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

26. Defendants are collectively causing harm to Plaintiff's goodwill and reputation because the effect of their unlawful actions taken together amplifies each harm and creates a single negative consumer impression. Defendants' activities, occurring at the same time and in the same retail space and manner as one another, blend together to create a single negative impression on consumers such that they constitute the same occurrence or series of occurrences. The combination of all Defendants engaging in the same illegal activity in the same time span causes collective harm to Plaintiff in a way that individual actions, occurring alone, might not.

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

28. Counterfeiters such as Defendants typically operate under multiple seller aliases and payment accounts so that they can continue operation despite Plaintiff's enforcement. E-

commerce store operators like Defendants maintain offshore bank accounts and regularly move funds from their financial accounts to offshore accounts outside the jurisdiction of this Court to avoid payment of any monetary judgment awarded to Plaintiff.

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

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

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

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

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

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

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

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

36. Plaintiff has no adequate remedy at law, and if Defendants' actions are not enjoined, Plaintiff will continue to suffer irreparable harm to its reputation and the goodwill of the Elvira Trademarks.

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

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

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

39. Defendants' promotion, marketing, offering for sale, and sale of Unauthorized Products has created and is creating a likelihood of confusion, mistake, and deception among the

general public as to the affiliation, connection, or association with Plaintiff or the origin, sponsorship, or approval of Defendants' Unauthorized Products by Plaintiff.

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

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

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

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

a. using the Elvira Trademarks or any reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not an Elvira Product or is not authorized by Plaintiff to be sold in connection with the Elvira Trademarks;

b. passing off, inducing, or enabling others to sell or pass off any product as an Elvira Product or any other product produced by Plaintiff, that is not Plaintiff's or not

produced under the authorization, control, or supervision of Plaintiff and approved by Plaintiff for sale under the Elvira Trademarks;

c. committing any acts calculated to cause consumers to believe that Defendants' Unauthorized Products are those sold under the authorization, control, or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;

d. further infringing the Elvira Trademarks and damaging Plaintiff's goodwill; and

e. manufacturing, shipping, delivering, holding for sale, transferring, or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear the Elvira Trademarks;

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

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

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

5) That Plaintiff be awarded its reasonable attorneys' fees and costs; and

6) Award any and all other relief that this Court deems just and proper.

Dated this 3rd day of November 2026.

Respectfully submitted,

/s/ Martin F. Trainor
Martin F. Trainor
Sydney Fenton
Alexander Whang
Victor B. Chahin
TME Law, P.C.
10 S. Riverside Plaza
Suite 875
Chicago, Illinois 60606
708.475.1127
martin@tme-law.com
sydney@tme-law.com
alexander@tme-law.com
victor@tme-law.com

Counsel for Plaintiff Queen "B" Productions

STOCKMAN & POROPAT, PLLC

ENTREPRENEURS FOR ENTREPRENEURS

NAMED IN A LAWSUIT?

CONTACT US.

Our attorneys help online sellers respond to Schedule A lawsuits, intellectual property claims, and marketplace account restrictions. Contact our team to discuss your legal options.

REQUEST A FREE CONSULTATION

917-781-4186

stockmanporopat.com/contact

Attorney advertising. This page is not part of the court filing.
Consultation does not create an attorney-client relationship.