

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

MOB ENTERTAINMENT, INC.,

Plaintiff,

v.

THE PARTNERSHIPS and
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE “A”,

Defendants.

Case No. 26-cv-11737

COMPLAINT

Mob Entertainment, Inc. (“Plaintiff” or “Poppy Playtime”) 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 the claims in this action pursuant to the provisions of the Lanham Act, 15 U.S.C. § 1051, *et seq.*, the Copyright Act, 17 U.S.C. § 501, *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 since each of the Defendants directly targets business activities toward consumers in the United States, including Illinois, through at least the fully interactive e-commerce stores¹ operating under the seller aliases identified in Schedule A attached hereto (the “Seller Aliases”). Specifically, Defendants have targeted sales to

¹ The e-commerce store URLs are listed on Schedule A hereto under the Online Marketplaces.

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 from U.S. consumers, and, on information and belief, have sold products using infringing and counterfeit versions of Plaintiff's federally registered trademarks and/or unauthorized copies of Plaintiff's federally registered copyrighted works (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. This action has been filed by Plaintiff to combat e-commerce store operators who trade upon Plaintiff's reputation and goodwill by selling and/or offering for sale Unauthorized Products. Defendants create e-commerce stores operating under one or more Seller Aliases that are advertising, offering for sale, and selling 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 attempt to avoid and mitigate liability by operating under one or more Seller Aliases to conceal both their identities and the full scope and interworking of their infringement operation. Plaintiff is forced to file this action to combat Defendants' infringement of its registered trademarks and registered copyrighted works, as well as to protect unknowing consumers from purchasing Unauthorized Products over the internet. Plaintiff has been and continues to be irreparably damaged through consumer confusion, dilution, and tarnishment of its valuable trademarks and infringement of its copyrighted works as a result of Defendants' actions and seeks injunctive and monetary relief.

III. THE PARTIES

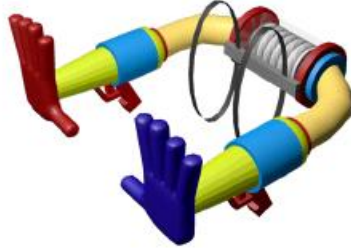
Plaintiff

4. Mob Entertainment, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business in St. Louis, Missouri.

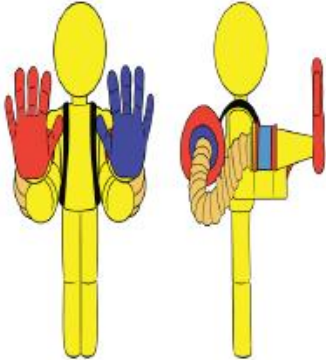
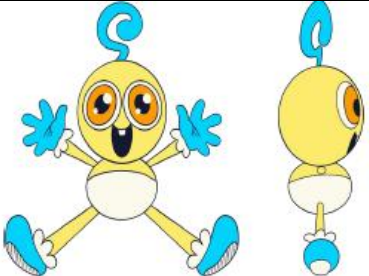
5. Plaintiff is a digital entertainment company that creates and distributes high quality animated content across multiple platforms. Plaintiff's focus is on the production and distribution of digital content and playable video games. Most notably, Plaintiff developed and released the world-famous video game, Poppy Playtime. Plaintiff released the first chapter (Chapter 1) of Poppy Playtime, "A Tight Squeeze," on October 12, 2021, the second chapter (Chapter 2), "Fly in a Web," on May 6, 2022, and a spin-off multi-player game, "PROJECT: Playtime," on December 12, 2022. The third chapter (Chapter 3), "Deep Sleep," was released on January 30, 2024. The fourth chapter (Chapter 4), "Safe Haven," was released on January 30, 2025. The fifth chapter (Chapter 5), "Broken Things," was released on February 18, 2026.

6. Poppy Playtime is a first-person survival horror game that involves an unnamed protagonist who is called upon to investigate a mystery at a toy factory abandoned by the fictional toy company Playtime Co. The player must solve puzzles in order to progress further, all while avoiding the game's main antagonist, Huggy Wuggy, a large humanoid figure that once acted as the mascot of Playtime Co. Huggy Wuggy and other characters associated with the game have gained significant popularity among those in the gaming community and abroad. Some of these famous characters and other elements from Poppy Playtime and PROJECT: Playtime are displayed in the following chart:

Huggy Wuggy CR	 A blue, furry creature with large, round eyes and a wide, toothy grin showing sharp teeth.
Mommy Long Legs CR	 A pink, cartoonish character with extremely long, thin legs and arms, wearing a heart-shaped top and shoes.
Poppy CR	 A cartoon girl with large, red, curly hair, wearing a blue dress with a white ruffled skirt and a blue bow in her hair.

Grab Pack CR	
Kissy Missy CR	
Killy Willy CR	

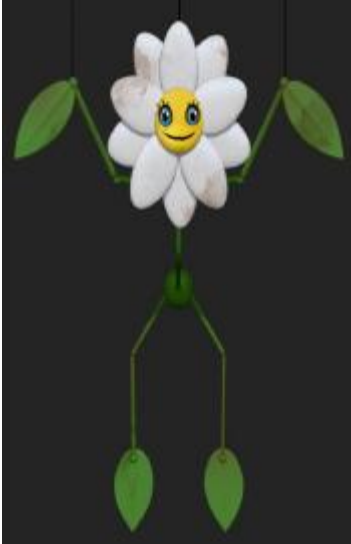
Candy Cat CR	
Daddy Long Legs CR	

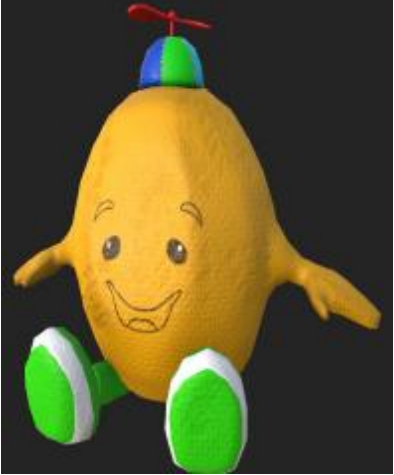
The Player CR	
PJ Pug-a-Pillar CR	
Bron CR	
Baby Long Legs CR	

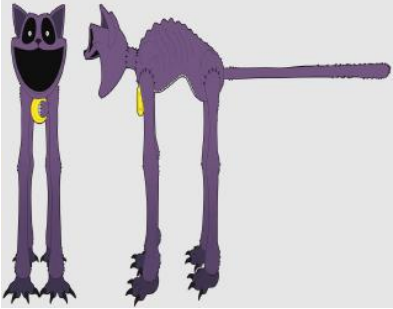
Playtime Co CR	 The logo for Playtime Co, featuring the word "playtime" in a black, lowercase, sans-serif font on a yellow rectangular background. A small blue square with the letters "CO" in white is positioned to the upper right of the word.
Poppy Playtime CR	 The logo for Poppy Playtime, featuring the word "POPPY" in a large, white, stylized font with red outlines and the word "PLAYTIME" in a smaller, red, stylized font below it, all on a black background.
Boogie Bot CR	 A green, rounded robot character with a single yellow eye, musical notes floating around its head, and a small green propeller on its chest. It is standing on two large black feet.
Bunzo Bunny CR	 A yellow, anthropomorphic bunny character with a large red mouth, wearing green overalls and holding a large yellow wheel-like object. It is surrounded by small yellow triangular pieces.

Boxy Boo! CR	 A red, box-like creature with a yellow star on its chest, emerging from a blue box with a yellow star. It has a large, open mouth showing sharp teeth and a yellow tongue.
Project Playtime Logo CR	 The logo for Project Playtime, featuring the word "PROJECT:" in white, bold, sans-serif font, and "PLAYTIME" in a colorful, stylized font with a black outline.
PROJECT PLAYTIME Kissy Missy (teeth) CR	 A tall, purple, furry creature with a large, open mouth showing sharp teeth and a red tongue. It has long, thin legs and yellow shoes.

PROJECT PLAYTIME Huggy (smile) CR	
PROJECT PLAYTIME Ticket CR	
PROJECT PLAYTIME Train CR	

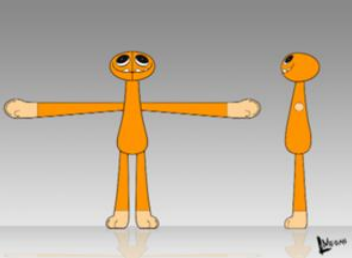
PROJECT PLAYTIME Coin CR	
Catbee CR	
Daisy CR	

Kick-me-Paul CR	
Owen the Oven CR	
Sir Poops-A-Lot CR	

CatNap CR	
CatNap - Smiling Critters CR	
Bob BearHug - Smiling Critters CR	

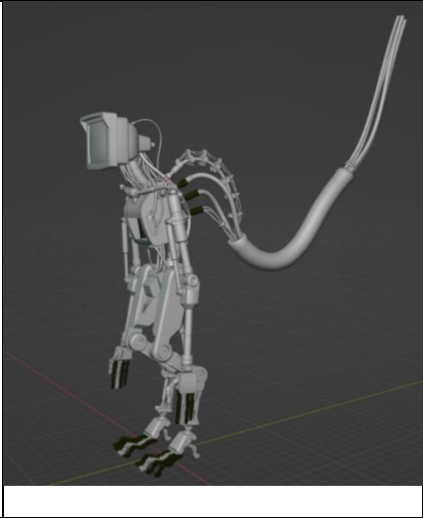
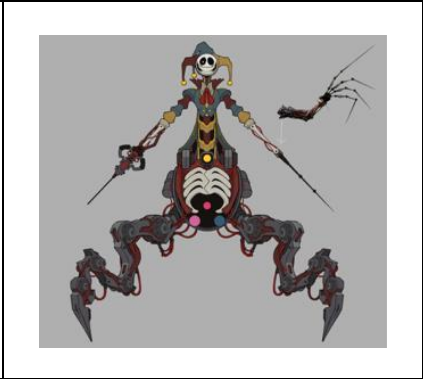
Hoppy Hopscotch - Smiling Critters CR	
KickinChicken - Smiling Critters CR	
DogDay Smiling - Critters CR	

Bubba Bubbaphant - Smiling Critters CR	 Two blue cartoon characters with large black mouths and yellow buttons. The character on the left is standing upright, while the one on the right is in a crouched position.
PickyPiggy Smiling - Critters CR	 Two pink cartoon characters with large black mouths and red buttons. The character on the left is standing upright, while the one on the right is in a crouched position.
CraftCorn Smiling - Critters CR	 Two white cartoon characters with large black mouths and rainbow buttons. The character on the left is standing upright, while the one on the right is in a crouched position.

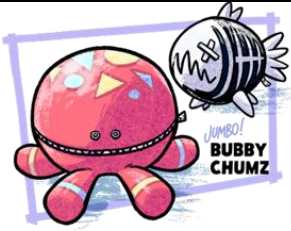
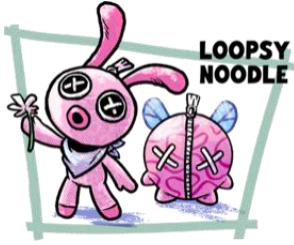
PROJECT PLAYTIME Phone (Phase 2) CR	
PROJECT PLAYTIME Logo (Phase 2) CR	
Yarnaby CR	
Yarnaby (Yarnless) CR	
Pianosaurus CR	

Baba Chops CR	
Allister Gator CR	
Icky Licky CR	
Maggie Mako CR	

Poe CR	
Rabie Baby CR	
Simon Smoke CR	
Touille CR	

Dr. Harley Sawyer CR	
The Prototype CR	
Wrongside Outimal 1 CR	

Wrongside Outimal 2 CR	
Lily Lovebraids CR	
Giblet CR	
Glowby CR	
Bubby Chumz CR	

	
Loopsy Noodle CR	
Doodle Bones CR	
Bindle Boogie CR	
Goober Gutz CR	

Dizzy Booboo CR	
Blanky Blankz CR	
Chum Chompkins CR	
Wrongside Outimals Logo CR	

7. The Poppy Playtime video game has become a global success that resonates with children and adults worldwide and has gained wide exposure on platforms such as iOS, Google Play, Steam, PlayStation, YouTube and Twitch. For example, playthrough videos of Chapter 1 of Poppy Playtime have received billions of views on YouTube and TikTok, and 11 million downloads on PC and mobile. As such, the Poppy Playtime trademarks and characters are invaluable assets of Plaintiff's business.

8. In addition to the popular video game, a variety of licensed Poppy Playtime products are available, including stuffed toys, posters, and clothing (collectively, the “Poppy Playtime Products”).

9. Poppy Playtime Products are distributed and sold to consumers directly through Plaintiff’s website at poppyplaytime.com, as well as through authorized retailers in the United States, including retailers in Illinois.

10. Plaintiff has used the POPPY PLAYTIME trademark and other trademarks for many years in connection with the Poppy Playtime video game and related line of Poppy Playtime Products and has continuously sold products under the POPPY PLAYTIME trademark and other trademarks (collectively, the “POPPY PLAYTIME Trademarks”). As a result of this long-standing use, strong common law trademark rights have amassed in the POPPY PLAYTIME Trademarks. Plaintiff’s use of the marks has also built substantial goodwill in and to the POPPY PLAYTIME Trademarks. Plaintiff has registered the below POPPY PLAYTIME Trademarks with the United States Patent and Trademark Office.

Registration No.	Trademark
7,157,530	POPPY PLAYTIME
7,572,536	SMILING CRITTERS
7,662,706	CATNAP
7,683,545	HUGGY
7,392,878	BOXY BOO
7,523,931	MOMMY LONG LEGS

11. The above U.S. registrations for the POPPY PLAYTIME Trademarks are valid, subsisting, and in full force and effect. The registrations for the POPPY PLAYTIME Trademarks constitute *prima facie* evidence of their validity and of Plaintiff's exclusive right to use the POPPY PLAYTIME Trademarks pursuant to 15 U.S.C. § 1057 (b). True and correct copies of the United States Registration Certificates for the above-listed POPPY PLAYTIME Trademarks are attached hereto as **Exhibit 1**.

12. The POPPY PLAYTIME Trademarks are distinctive when applied to the Poppy Playtime Products, signifying to the purchaser that the products come from Plaintiff 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 POPPY PLAYTIME Trademarks are manufactured to the highest quality standards.

13. The POPPY PLAYTIME 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 innovative marketing and product designs of the Poppy Playtime Products have enabled the Poppy Playtime brand to achieve widespread recognition and fame and have made the POPPY PLAYTIME Trademarks some of the most well-known marks in the video game industry. The widespread fame and significant goodwill associated with the Poppy Playtime brand have made the POPPY PLAYTIME Trademarks a valuable asset of Plaintiff.

14. Plaintiff has expended substantial time, money, and other resources in advertising and promoting the POPPY PLAYTIME Trademarks. Poppy Playtime Products have also been the subject of extensive unsolicited publicity resulting from their fame and innovative designs. As a result, products bearing the POPPY PLAYTIME Trademarks are widely recognized and exclusively associated by consumers, the public, and the trade as being high-quality products

sourced from Plaintiff. Poppy Playtime Products have become among the most popular of their kind. The POPPY PLAYTIME Trademarks have achieved tremendous fame and recognition which has only added to the inherent distinctiveness of the marks. As such, the goodwill associated with the POPPY PLAYTIME Trademarks is of incalculable and inestimable value to Plaintiff.

15. The Poppy Playtime copyrighted works (the “Poppy Playtime Copyrighted Works”) are registered with the United States Copyright Office, which are as follows: (1) “HUGGY WUGGY 2D” (U.S. Copyright Registration Nos. VA0002288105), issued by the Register of Copyrights on February 23, 2022, and the corresponding supplemental registration: VA0002337317; (2) “MOMMY LONG LEGS 2D” (U.S. Copyright Registration Nos. VA0002293330), issued by the Register of Copyrights on February 24, 2022; (3) “POPPY” (U.S. Copyright Registration Nos. VA0002294398), issued by the Register of Copyrights on April 6, 2022, and the corresponding supplemental registration: VA0002328878; (4) “KISSY MISSY” (U.S. Copyright Registration Nos. VA0002295039), issued by the Register of Copyrights on April 4, 2022, and the corresponding supplemental registration: VA0002329039; (5) “KILLY WILLY” (U.S. Copyright Registration Nos. VA 0002313745), issued by the Register of Copyrights on August 15, 2022; (6) “Grab Pack.” (U.S. Copyright Registration Nos. VA0002295044), issued by the Register of Copyrights on April 4, 2022, and the corresponding supplemental registration: VA0002324267; (7) “Playtime Co” (U.S. Copyright Registration Nos. VA0002315377), issued by the Register of Copyrights on April 4, 2022; (8) “Boogie Bot” (U.S. Copyright Registration Nos. VA0002308194), issued by the Register of Copyrights on April 4, 2022, and the corresponding supplemental registration: VA0002324268; (9) “Candy Cat.” (U.S. Copyright Registration Nos. VA0002299187), issued by the Register of Copyrights on April 6, 2022; (10) “Bunzo Bunny” (U.S. Copyright Registration Nos. VAu001467492 and VA0002302450), issued by the Register

of Copyrights on April 6, 2022 and May 31, 2022, respectively, and the corresponding supplemental registration: VA0002337322; (11) “Daddy Long Legs” (U.S. Copyright Registration Nos. VA0002307871), issued by the Register of Copyrights on June 17, 2022; (12) “PJ Pug-a-Pillar” (U.S. Copyright Registration Nos. VAu001467493, VA0002305066, and VA0002309543), issued by the Register of Copyrights on April 6, 2022, May 31, 2022, and July 6, 2022, respectively; (13) “The Player” (U.S. Copyright Registration Nos. VA0002307489), issued by the Register of Copyrights on July 6, 2022; (14) “Bron” (U.S. Copyright No. VA0002307750), issued by the Register of Copyrights on July 11, 2022; (15) “Poppy Playtime” (U.S. Copyright Registration Nos. VA0002313620), issued by the Register of Copyrights on August 15, 2022; (16) “Baby Long Legs” (U.S. Copyright Registration Nos. VA0002313618), issued by the Register of Copyrights on August 15, 2022; (17) “Boxy Boo!” (U.S. Copyright Registration Nos. VAu001481285), issued by the Register of Copyrights on August 31, 2022; (18) “Catbee” (U.S. Copyright Registration Nos. VA0002314605), issued by the Register of Copyrights on April 4, 2022; (19) “Daisy” (U.S. Copyright Registration Nos. VA0002309221), issued by the Register of Copyrights on July 11, 2022; (20) “Kick-me-Paul” (U.S. Copyright Registration Nos. VA0002309536), issued by the Register of Copyrights on July 6, 2022; (21) “Owen the Oven” (U.S. Copyright Registration Nos. VA0002309540), issued by the Register of Copyrights on July 6, 2022; (22) “Sir Poops-A-Lot” (U.S. Copyright Registration Nos. VA0002309546), issued by the Register of Copyrights on July 6, 2022; (23) “PROJECT: PLAYTIME Huggy (smile)” (U.S. Copyright Registration Nos. VA0002343263), issued by the Register of Copyrights on March 10, 2023; (24) “PROJECT: PLAYTIME Kissy Missy (teeth)” (U.S. Copyright Registration Nos. VA0002343260), issued by the Register of Copyrights on March 10, 2023; (25) “PROJECT: PLAYTIME Train” (U.S. Copyright Registration Nos. VA0002343265), issued by the Register of

Copyrights on March 10, 2023; (26) “PROJECT: PLAYTIME Logo” (U.S. Copyright Registration Nos. VA0002343511), issued by the Register of Copyrights on March 10, 2023; (27) “PROJECT: PLAYTIME Coin” (U.S. Copyright Registration Nos. VA0002343789), issued by the Register of Copyrights on March 10, 2023; (28) “PROJECT: PLAYTIME Ticket” (U.S. Copyright Registration Nos. VA0002343752), issued by the Register of Copyrights on March 10, 2023; (29) “PROJECT: PLAYTIME Player” (U.S. Copyright Registration Nos. VA0002343147), issued by the Register of Copyrights on March 10, 2023; (30) “PROJECT: PLAYTIME Phone (Phase 2)” (U.S. Copyright Registration Nos. VA0002364954), issued by the Register of Copyrights on July 26, 2023; (31) “PROJECT: PLAYTIME Logo (Phase 2)” (U.S. Copyright Registration Nos. VA0002364960), issued by the Register of Copyrights on July 26, 2023; (32) “CH3 Main Character (big)” (U.S. Copyright Registration Nos. VAu001501019), issued by the Register of Copyrights on July 12, 2023; (33) “CH3 Main Character (plush)” (U.S. Copyright Registration Nos. VAu001501018), issued by the Register of Copyrights on July 12, 2023; (34) “CH3 Character 2 (plush)” (U.S. Copyright Registration Nos. VAu001505729), issued by the Register of Copyrights on July 13, 2023; (35) “CH3 Character 3 (plush)” (U.S. Copyright Registration Nos. VAu001505841), issued by the Register of Copyrights on July 13, 2023; (36) “CH3 Character 4 (plush)” (U.S. Copyright Registration Nos. VAu001505833), issued by the Register of Copyrights on July 13, 2023; (37) “CH3 Character 5 (plush)” (U.S. Copyright Registration Nos. VAu001505728), issued by the Register of Copyrights on July 13, 2023; (38) “CH3 Character 6 (plush)” (U.S. Copyright Registration Nos. VAu001505840), issued by the Register of Copyrights on July 13, 2023; (39) “CH3 Character 7 (plush)” (U.S. Copyright Registration Nos. VAu001505843), issued by the Register of Copyrights on July 13, 2023; (40) “CH3 Character 8 (plush)” (U.S. Copyright Registration Nos. VAu001505842), issued by the Register of Copyrights

on July 13, 2023; (41) “Poppy Playtime - Chapter 2.” (U.S. Copyright Registration Nos. PA0002352982), issued by the Register of Copyrights on June 8, 2022; (42) “Poppy Playtime.” (U.S. Copyright Registration Nos. PA0002352981), issued by the Register of Copyrights on June 8, 2022; (43) “PROJECT: PLAYTIME Factory.” (U.S. Copyright Registration Nos. PA0002405148), issued by the Register of Copyrights on March 10, 2023; (44) “CH3 Teaser Trailer #2 (July 26, 2023)” (U.S. Copyright Registration Nos. PA0002421932), issued by the Register of Copyrights on July 26, 2023; (45) “Yarnaby and 1 Other Unpublished Works” (U.S. Copyright Registration No. VAu001546644), issued by the Register of Copyrights on September 16, 2024, (46) “Baba Chops and 8 Other Unpublished Works” (U.S. Copyright Registration No. VAu001546643), issued by the Register of Copyrights on September 17, 2024, (47) “Giblet Pre-Outimal and 8 Other Unpublished Works” (U.S. Copyright Registration No. VAu001574685), issued by the Register of Copyrights on September 22, 2025, (48) “The Prototype and 6 Other Unpublished Works” (U.S. Copyright Registration No. VAU001572026), issued by the Register of Copyrights on July 2, 2025, and (49) “Bubby Chumz and 8 Other Unpublished Works” (U.S. Copyright Registration No. VAU001574369), issued by the Register of Copyrights on August 21, 2025. True and correct copies of the records from the U.S. Copyright Office website for the above-referenced Poppy Playtime Copyrighted Works are attached hereto as **Exhibit 2**.

16. Among the exclusive rights granted to Plaintiff under the U.S. Copyright Act are the exclusive rights to reproduce, prepare derivative works of, distribute copies of, and display the Poppy Playtime Copyrighted Works to the public.

17. Since their first publication, the Poppy Playtime Copyrighted Works have been used on the Poppy Playtime Products and are featured on Plaintiff’s website at

poppypaytime.com. Poppy Playtime Products featuring the Poppy Playtime Copyrighted Works are advertised on Plaintiff's website at poppypaytime.com.

18. Poppy Playtime Products typically include one or more of the registered POPPY PLAYTIME Trademarks and/or one or more of the Poppy Playtime Copyrighted Works. As such, Poppy Playtime Products are recognized by the public as being exclusively associated with the Poppy Playtime brand.

The Defendants

19. Defendants are individuals and/or business entities of unknown makeup who own and/or operate one or more of the e-commerce stores under at least 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 the People's Republic of China or other foreign jurisdictions with lax trademark enforcement systems or 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).

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

IV. DEFENDANTS' UNLAWFUL CONDUCT

21. The success of the Poppy Playtime video game and brand has resulted in significant infringement and counterfeiting of the POPPY PLAYTIME Trademarks and copying of the Poppy

Playtime Copyrighted Works. Consequently, Plaintiff regularly investigates suspicious e-commerce stores identified in proactive Internet sweeps and reported by consumers. In recent years, Plaintiff has identified many fully interactive e-commerce stores offering Unauthorized Products on online marketplace, including the e-commerce stores operating under the Seller Aliases. The Seller Aliases target consumers in this Judicial District and throughout the United States. At last count, global trade in counterfeit and pirated goods was worth an estimated \$467 billion per year — accounting for a staggering 2.3% of all imports, according to the Organization for Economic Cooperation and Development (the “OECD”).² The primary source of all those counterfeits, the OECD and others say, is China.³

22. 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.”⁴ 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.⁵ 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

² See Press Release, Organization for Economic Cooperation and Development, *Global trade in fake goods reached USD 467 billion, posing risks to consumer safety and compromising intellectual property* (May 7, 2025), <https://www.oecd.org/en/about/news/press-releases/2025/05/global-trade-in-fake-goods-reached-USD-467-billion-posing-risks-to-consumer-safety-and-compromising-intellectual-property.html>.

³ *Id.*; See also, *Intellectual Property Rights Seizure Statistics, Fiscal Year 2024*, U.S. Customs and Border Protection.

⁴ See 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), 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.

⁵ *Id.* at 22.

unrelated even though they are commonly owned and operated.⁶ Further, “E-commerce platforms create bureaucratic or technical hurdles in helping brand owners to locate or identify sources of counterfeits and counterfeiters.”⁷

23. 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 from U.S. consumers, and, on information and belief, have sold Unauthorized Products to residents of Illinois. Screenshots evidencing Defendant’s infringing activities are attached as **Exhibit 3**.

24. Defendants concurrently employ and benefit from substantially similar advertising and marketing strategies. For example, Defendants facilitate sales by designing the e-commerce stores operating under the Seller Aliases so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers. E-commerce stores operating under the Seller Aliases appear sophisticated and accept payment in U.S. dollars from U.S. consumers. E-commerce stores operating under the Seller Aliases often include content and images that make it very difficult for consumers to distinguish such stores from an authorized retailer. Plaintiff has not licensed or authorized Defendants to use the POPPY PLAYTIME Trademarks or copy or distribute the Poppy Playtime Copyrighted Works, and none of the Defendants are authorized retailers of genuine Poppy Playtime Products.

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

⁶ *Id.* at 39.

⁷ Chow, *supra* note 4, at 186-87.

under Seller Aliases omit using the POPPY PLAYTIME 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 Poppy Playtime Products.

26. 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.

27. 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 infringement operation, and to avoid being shut down.

28. 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 a collective harm to Plaintiff in a way that individual actions, occurring alone, might not.

29. E-commerce store operators like Defendants communicate with each other on chat rooms and through websites regarding tactics for operating multiple accounts, evading detection, pending litigation, and potential new lawsuits.

30. Infringers such as Defendants typically operate under multiple seller aliases and payment accounts so that they can continue operation in spite of Plaintiff's enforcement. E-commerce store operators like Defendants maintain off-shore bank accounts and regularly move funds from their financial accounts to off-shore accounts outside the jurisdiction of this Court to avoid payment of any monetary judgment awarded to Plaintiff. Indeed, analysis of financial transaction logs from previous similar cases indicates that off-shore infringers regularly move funds from U.S.-based financial accounts to off-shore accounts outside the jurisdiction of this Court.

31. Defendants are working to knowingly and willfully 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 POPPY PLAYTIME Trademarks and/or copies of the Poppy Playtime Copyrighted Works in connection with the advertisement, distribution, offering for sale, and/or sale of Unauthorized Products into the United States and Illinois over the internet.

32. Defendants' unauthorized use of the POPPY PLAYTIME Trademarks and/or copies of the Poppy Playtime Copyrighted Works in connection with the advertising, distribution, offering for sale, and/or sale of Unauthorized Products, including, upon information and belief, 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)

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

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

35. Upon information and belief, Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products using infringing and counterfeit reproductions of the POPPY PLAYTIME Trademarks without Plaintiff's permission.

36. Plaintiff's United States Registrations for the POPPY PLAYTIME Trademarks (**Exhibit 1**) are in full force and effect. On information and belief, Defendants have knowledge of Plaintiff's rights in the POPPY PLAYTIME Trademarks and are willfully infringing and intentionally using infringing and counterfeit versions of the POPPY PLAYTIME Trademarks. Defendants' willful, intentional, and unauthorized use of the POPPY PLAYTIME 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.

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

38. 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 its POPPY PLAYTIME Trademarks.

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

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

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

41. 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.

42. By using the POPPY PLAYTIME Trademarks in connection with the 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.

43. 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 infringing and counterfeit marks and is a willful violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125.

44. 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 associated goodwill of its Poppy Playtime brand.

COUNT III
COPYRIGHT INFRINGEMENT OF UNITED STATES COPYRIGHT
REGISTRATIONS (17 U.S.C. §§ 106 AND 501)

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

46. The Poppy Playtime Copyrighted Works constitute original works and copyrightable subject matter pursuant to the Copyright Act, 17 U.S.C. §§ 101, *et seq.*

47. Plaintiff has complied with the registration requirements of 17 U.S.C. § 411(a) for the Poppy Playtime Copyrighted Works. The Poppy Playtime Copyrighted Works are protected by the U.S. Copyright Registration Nos. listed in Paragraph 15, which were duly issued to Plaintiff by the United States Copyright Office. At all relevant times, Plaintiff has been and still is the owner of all rights, title, and interest in the Poppy Playtime Copyrighted Works, which have never been assigned, licensed, or otherwise transferred to Defendants.

48. The Poppy Playtime Copyrighted Works are published on the internet and available to Defendants online. As such, Defendants had access to the Poppy Playtime Copyrighted Works via the internet.

49. Without authorization from Plaintiff, or any right under the law, Defendants have deliberately copied, displayed, distributed, reproduced, and/or made derivative works incorporating the Poppy Playtime Copyrighted Works on e-commerce stores operating under the Seller Aliases and the corresponding Unauthorized Products. Defendants' derivative works are virtually identical to and/or are substantially similar to the look and feel of the Poppy Playtime Copyrighted Works. Such conduct infringes and continues to infringe the Poppy Playtime Copyrighted Works in violation of 17 U.S.C. § 501(a) and 17 U.S.C. §§ 106(1)–(3), (5).

50. Defendants reap the benefits of the unauthorized copying and distribution of the Poppy Playtime Copyrighted Works in the form of revenue and other profits that are driven by the sale of Unauthorized Products.

51. Defendants have unlawfully appropriated Plaintiff's protectable expression by taking material of substance and value and creating Unauthorized Products that capture the total concept and feel of the Poppy Playtime Copyrighted Works.

52. On information and belief, Defendants' infringement has been willful, intentional, purposeful, and in disregard of and with indifference to Plaintiff's rights.

53. Defendants, by their actions, have damaged Plaintiff in an amount to be determined at trial.

54. Defendants' conduct is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiff great and irreparable injury that cannot fully be compensated or measured in money. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiff is entitled to a preliminary and permanent injunction prohibiting further infringement of the Poppy Playtime Copyrighted Works.

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 POPPY PLAYTIME 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 a genuine

Poppy Playtime Product or is not authorized by Plaintiff to be sold in connection with the POPPY PLAYTIME Trademarks;

- b. reproducing, distributing copies of, making derivative works of, or publicly displaying the Poppy Playtime Copyrighted Works in any manner without the express authorization of Plaintiff;
 - c. passing off, inducing, or enabling others to sell or pass off any product as a genuine Poppy Playtime 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 POPPY PLAYTIME Trademarks and/or the Poppy Playtime Copyrighted Works;
 - d. 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;
 - e. further infringing the POPPY PLAYTIME Trademarks and/or the Poppy Playtime Copyrighted Works and damaging Plaintiff's goodwill; and
 - f. 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 Plaintiff's POPPY PLAYTIME Trademarks or any reproductions, counterfeit copies, or colorable imitations thereof and/or which bear the Poppy Playtime Copyrighted Works;
- 2) Entry of an Order that, upon Plaintiff's request, those with notice of the injunction, including, without limitation, any online marketplace platforms 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 POPPY PLAYTIME Trademarks and/or which bear the Poppy Playtime Copyrighted Works;

- 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 POPPY PLAYTIME 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 POPPY PLAYTIME Trademarks;
- 5) As a direct and proximate result of Defendants' infringement of the Poppy Playtime Copyrighted Works, Plaintiff is entitled to damages as well as Defendants' profits, pursuant to 17 U.S.C. § 504(b);
- 6) Alternatively, and at Plaintiff's election prior to any final judgment being entered, Plaintiff is entitled to the maximum amount of statutory damages provided by law, \$150,000 per work infringed pursuant to 17 U.S.C. § 504(c), or for any other such amount as may be proper pursuant to 17 U.S.C. § 504(c);
- 7) Plaintiff is further entitled to recover its attorneys' fees and full costs for bringing this action pursuant to 17 U.S.C. § 505 and 15 U.S.C. § 1117(a); and
- 8) Award any and all other relief that this Court deems just and proper.

Dated this 24th day of September 2026.

Respectfully submitted,

/s/ Justin R. Gaudio

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