

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

VICTORIA’S SECRET & CO.,

PLAINTIFF,

v.

THE PARTNERSHIPS IDENTIFIED ON SCHEDULE A,

DEFENDANTS.

CASE NO.: 1:26-cv-10080

COMPLAINT

Plaintiff, Victoria’s Secret & Co. (“VS” or “Plaintiff”), by its undersigned counsel, hereby complains of the Partnerships identified on Schedule A (collectively, “Defendants”), which use at least the online marketplace accounts identified therein (collectively, the “Defendant Internet Stores”), and for its Complaint hereby alleges as follows:

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. § 1114, *et seq.*, 28 U.S.C. § 1338(a)-(b), and 28 U.S.C. § 1331. This Court has jurisdiction over the claim in this action that arises under the laws of the State of Illinois pursuant to 28 U.S.C. § 1367(a), because the state law claim is so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

2. This Court has personal jurisdiction over each Defendant, in that each Defendant conducts business in Illinois and this Judicial District, and the acts and events giving rise to this lawsuit, of which each Defendant stands accused, were undertaken in Illinois and within this

Judicial District. Specifically, each Defendant has purposefully sold counterfeit products, which infringe upon Plaintiff's intellectual property, to consumers in Illinois.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, since Defendants directly target consumers in the U.S., including Illinois, through the fully interactive, commercial Defendant Internet Stores. Each Defendant is committing tortious acts, engaging in interstate commerce, and wrongfully causing substantial injury in the State of Illinois.

JOINDER

4. Joinder is proper pursuant to Federal Rule of Civil Procedure 20(a)(2), as there is a logical relationship between and among all Defendants, Plaintiff's right to relief stems from the same series of transactions or occurrences, and questions of law and/or fact common to all Defendants will arise in the action.

5. Plaintiff has filed, as **Exhibit 2** hereto, its Schedule A which details the: (1) Defendant Internet Stores' public-facing names, (2) URLs at which the Defendant Internet Stores operate and sell counterfeit products, and (3) product titles and images used by the Defendants to promote, offer for sale, and sell, their counterfeit products.

6. All Defendant Internet Stores: (1) infringe upon Plaintiff's intellectual property in the same manner and across similar marketplaces; (2) sell similar, if not identical, counterfeit products; (3) use similar, and often identical, language on their product listings; and (4) use similar, if not identical, images in the promotion of their counterfeit products. Plaintiff's claims against the Defendants stem from this similar usage of Plaintiff's intellectual property.

7. The Defendant Internet Stores use public-facing names that do not identify their underlying ownership. A significant number of Defendant Internet Stores likely share overlapping

ownership or are part of a group of coordinated sellers. In order to obtain identifying ownership information, Plaintiff must seek discovery from the online marketplaces on which the Defendant Internet Stores operate. It is only then that Plaintiff will discover the true identity or identities of the individuals and/or entities operating the Defendant Internet Stores.

8. Given the similarities between the Defendant Internet Stores, and the likelihood of common ownership or coordination, and for purposes of judicial efficiency, Plaintiff asserts that joinder of all Defendants is proper at this stage as severing the case would mean that multiple stores with the same operator would be adjudicated piecemeal and/or would need to be re-joined at a later date.

INTRODUCTION

9. This action has been filed to combat the online trademark infringement and counterfeiting activity of Defendants, who trade upon Plaintiff's valuable federally registered trademarks by promoting and selling infringing and counterfeit products associated therewith.

10. Plaintiff is the owner of the federally registered trademarks associated with its Victoria's Secret brand, which are listed in the table below, and true and correct copies of which are attached hereto as **Exhibit 1** (collectively, "VS Trademarks").

TRADEMARKS			
REG. NO.	MARK	CLASS(ES) OF GOODS & SERVICES	REG. DATE
4118910	VS	IC 025: Clothing, namely, bras; panties; pajamas; lingerie, robes; slippers.; IC 003: Personal care products, namely, body lotions; body mist; shower gel; eau de parfum; scented body powder.	Sep. 21, 2010
1146199	VICTORIA'S SECRET	IC 025: Women's Lingerie.	Oct. 04, 2005
1908042	VICTORIA'S SECRET	IC 020: [picture frames,] hand mirrors and pillows.; IC 021: [perfume atomizers sold empty; perfume bottles sold empty;] non-metal decorative boxes; hair combs and hair brushes; decorative trays not of precious metal [; and flasks sold empty].; IC 022: mesh lingerie bags for washing lingerie [and cloth bags for lingerie storage].; IC 024: [wash cloths,] towels [and bedding, namely, comforters, pillow cases, sheets, shams, duvets, and dust ruffles].; IC 025: women's [and men's] outerwear,	Sep. 26, 2006

TRADEMARKS			
REG. NO.	MARK	CLASS(ES) OF GOODS & SERVICES	REG. DATE
		underwear and nightwear, namely, lingerie, robes, caftans, kimonos, boxer shorts, pajamas, shirts, pants, [jeans,] dresses, skirts, sweaters, jumpsuits, bodysuits, sweatshirts, jackets, T-shirts, [scarves, leotards,] tights, swimsuits, beach shirts, hosiery, footwear.; IC 028: [[toy stuffed animals]]; IC 016: mail order catalogs featuring clothing, lingerie, and toiletries [; bridal guest books; calendars, and address books]; IC 042: retail store and mail order catalog...	
5915222	DREAM ANGEL	IC 003: Perfumes; Fragranced body care preparations, namely, shower cream, body lotion, body oil; Non-medicated skin care preparation, namely, body mist.	Sep. 15, 2020
5583196	VICTORIA'S SECRET AQUA KISS	IC 003: [Body cream;] Body lotion; Body sprays; Fragrances; [Hand cream;] Non-medicated skin care preparation, namely, body mist; all the aforesaid goods sold exclusively through Victoria's Secret stores and websites.	Nov. 08, 2005
5488305	BOMBSHELL SEDUCTION	IC 003: [Body cream;] Body lotion; Body sprays; [Body wash;] Eau de Parfum; [Eau de toilette;] Fragrances; Perfume; Non-medicated skin care preparation, namely, body mist.	Nov. 01, 2005
4648957	VICTORIA'S SECRET BOMBSHELL	IC 003: Body lotion; [Body powder;] Body sprays; [Body wash;] Eau de parfum; Non-medicated skin care preparation, namely, body mist.	Mar. 07, 2017
5633007	VELVET PETALS	IC 003: Non-medicated skin care preparation, namely, body mist; scented body spray; body lotion.	Dec. 18, 2018
5156255	BOMBSHELL	IC 003: Fragrances.	Dec. 02, 2014
3011494	VANILLA LACE	IC 003: personal care products, namely, body scrub, [bubble bath, cologne,] cream for the body, cream for the hands, exfoliators for the skin, [face scrub,] fragrant body splash, fragrant body mist, [hair conditioner, hair shampoo, hair spray, hair styling gel, hair styling mousse,] lotion for the body, perfume, [powder for the body,] shower gel, soap for the body[, soap for the face and soap for the hands].	Jun. 05, 2018
3013416	AMBER ROMANCE	IC 003: personal care products, namely, [body scrub, bubble bath, cologne,] [cream for the body, cream for the hands,][exfoliators for the skin, face scrub,] [fragrant body splash,] fragrant body mist, [hair conditioner, hair shampoo, hair spray, hair styling gel, hair styling mousse,]lotion for the body, [perfume, powder for the body] [, shower gel,] [soap for the body, soap for the face and soap for the hands].	Oct. 16, 2018
6153305	BARE VANILLA	IC 003: Body lotion; Non-medicated skin care preparation, namely, body mist; Scented body spray.	Nov. 19, 2019
3148825	PURE SEDUCTION	IC 003: personal care products, namely, [body scrub, bubble bath, cologne, cream for the body, cream for the hands, exfoliators for the skin, face scrub, fragrant body splash,] fragrant body mist, [hair conditioner, hair shampoo, hair spray, hair styling gel, hair styling mousse, lotion for the body,] perfume, [powder for the body, shower gel, soap for the body, soap for the face and soap for the hands; toiletries, namely, soap, body splash,] hand and body cream, [bubble bath,] body lotion, [body talc] and shower gel.	Aug. 01, 1995
3004519	LOVE SPELL	IC 003: personal care products, namely, [body scrub,] [bubble bath,] [cologne,]cream for the body, CREAM FOR THE HANDS, [exfoliators	Jan. 20, 1981

TRADEMARKS			
REG. NO.	MARK	CLASS(ES) OF GOODS & SERVICES	REG. DATE
		for the skin, face scrub,] [fragrant body splash,] fragrant body mist, [hair conditioner, hair shampoo, hair spray,] [hair styling gel, hair styling mousse,] lotion for the body, [perfume,] [powder for the body,] shower gel, [soap for the body, soap for the face and soap for the hands].	
3851526	COCONUT PASSION	IC 003: Body creams; body lotions; body sprays; [eau de toilette;] hand creams; non-medicated skin care preparation, namely, body mist; [shower creams;] shower gel.	Mar. 27, 2012

11. In an effort to deceptively profit from the VS Trademarks, Defendants utilize the Defendant Internet Stores, designed to give the impression that they are legitimate licensees or resellers of authentic products manufactured or authorized by VS, with Defendants' ultimate intention being to deceive unknowing consumers into purchasing products which are unauthorized and infringe upon the VS Trademarks (hereinafter "Counterfeit Products").

12. Plaintiff has been and continues to be irreparably damaged through consumer confusion, reputational harm, and loss of control of, and exclusivity over, its VS Trademarks, and is thus seeking injunctive and monetary relief.

THE PLAINTIFF

13. Victoria's Secret & Co. is an incredibly successful clothing, lingerie, and beauty retailer. Plaintiff's primary office is located at Four Limited Parkway East, Reynoldsburg, Ohio, 43068.

14. VS was founded by Roy and Gaye Raymond in California, and later acquired by L Brands in 1982, which fueled rapid U.S. expansion. Since then, VS gained global brand visibility through high-profile marketing, its globally recognized Victoria's Secret Fashion Show, and its strategic product and brand expansion. VS became an independent publicly traded company in 2021.

15. VS operates as a leading global retailer in the intimate apparel and beauty categories, offering products such as bras, underwear, lingerie, sleepwear, loungewear, athleisure, swimwear, fragrances, body care, and other beauty-related products (collectively, “VS Products”). VS Products are made from high-quality materials and have been consistently highlighted for fit, comfort, quality, and design by independent editorial reviews, fashion editor coverage, aggregated consumer ratings, and the media. VS Products are sold through company-owned retail stores and e-commerce platforms.

16. The following are examples of genuine VS Products:



17. VS is the parent company of Victoria's Secret Stores Brand Management, LLC, which was created for holding and managing the intellectual property associated with VS. Through its subsidiary, VS is the owner of all federally registered trademarks associated with Victoria's Secret, which cover multiple brands, sub-brands, and logos across a wide range of VS Products.

18. The VS Trademarks are inherently distinctive, valid, subsisting, and in full force and effect. Plaintiff has used the VS Trademarks exclusively and continuously. The VS Trademarks qualify as famous marks and are incontestable under 15 U.S.C. §§ 1115(b) and 1065.

The trademark registrations constitute *prima facie* evidence of their validity and of Victoria's Secret's exclusive right to use the VS Trademarks pursuant to 15 U.S.C. § 1057(b).

19. VS owns the exclusive rights to develop, manufacture, distribute, license, sell, promote and otherwise exploit goods and services of every kind and nature based upon or derived from the VS Trademarks throughout the world. This includes VS Products, which feature at least one of the VS Trademarks.

20. VS has expended significant time, energy, money, and resources into promoting the VS Trademarks and VS Products. For example, VS spends over three-hundred million dollars (\$300,000,000) per year on marketing and promotion in the U.S. alone. As a result, the VS Trademarks and VS Products are widely known and recognizable. The recognition and goodwill associated therewith is of incalculable and inestimable value to the Plaintiff.

21. VS has made efforts to protect its interests in, and to, the VS Trademarks. VS and its licensees are the only businesses and/or individuals authorized to manufacture, import, export, advertise, offer for sale, or sell any goods utilizing or featuring the VS Trademarks.

22. Plaintiff has not licensed or authorized Defendants to use the VS Trademarks nor as resellers of VS Products.

THE DEFENDANTS

23. Defendants are individuals and/or business entities whose true identities are unknown and often concealed with unverified, incomplete, or false business names, addresses, and contact information. Upon information and belief, all Defendants reside in foreign jurisdictions.

24. Defendants, either individually or jointly, operate one or more fully interactive commercial websites and online marketplace accounts utilizing, at least, marketplaces operated by Alibaba Group Holding, Ltd. ("Alibaba"), AliExpress.com ("AliExpress"), Amazon, Inc.

(“Amazon”), eBay, Inc. (“eBay”), Fruugo, Inc. (“Fruugo”), SHEIN.com (“SHEIN”), and WhaleCo, Inc. d/b/a Temu (“Temu”) (collectively, “Online Marketplaces”).

25. Upon information and belief, counterfeiters, such as Defendants, operate numerous additional online marketplace accounts and/or ecommerce stores. As such, it is likely that Defendants may be infringing upon Plaintiff’s intellectual property in ways not yet determined.

THE DEFENDANTS’ UNLAWFUL CONDUCT

26. Each Defendant Internet Store is using and/or has used the VS Trademarks, without authorization to do so, in connection with the offering for sale, selling, marketing, and distributing of Counterfeit Products in direct competition with the Plaintiff.

27. Defendants have targeted sales to Illinois residents by setting up and operating ecommerce stores that target United States consumers using one or more aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars from U.S. consumers and have sold Counterfeit Products to residents of Illinois. Screenshots evidencing Defendants’ infringing activities, including confirmation of sales to Illinois, are attached as **Exhibit 3**.

28. Defendants are using the VS Trademarks without authorization in their product listing titles, product descriptions, as keywords in the metadata of the Defendant Internet Stores, on product packaging, and on physical products themselves, all in connection with the sale of Counterfeit Products.

29. Defendants’ Counterfeit Products are intentionally designed to look identical or similar to genuine VS Products. Both Plaintiff and Defendants advertise and sell their products in the same area and in the same manner, via the Internet, and during the same timeframe.

30. Defendants' unlawful use of the VS Trademarks, and unfair competition, draw would-be consumers of Plaintiff's authentic VS Products away from Plaintiff and to the Defendant Internet Stores.

31. Potential consumers purchasing VS Products are diverse, with varying degrees of sophistication, likely to have difficulty distinguishing genuine VS Products from Counterfeit Products.

32. Consumers who intend to purchase authentic VS Products are purchasing the Counterfeit Products and are receiving inauthentic, low-quality items which consumers associate with the Plaintiff.

33. Internet websites like the Defendant Internet Stores are estimated to receive tens of millions of visits per year and to generate over \$350 billion in annual online sales.² According to an intellectual property rights seizures statistics report issued by Homeland Security and the U.S. Customs and Border Protection, the manufacturer's suggested retail price (MSRP) of goods seized by the U.S. government in the fiscal year 2020 was over \$1.3 billion.³ Internet websites and e-commerce stores like the Defendant Internet Stores are also estimated to contribute to tens of thousands of lost jobs for legitimate businesses and broader economic damages such as lost tax revenue every year. *Id.*

34. As addressed in the *New York Times* and by the U.S. Dept. of Homeland Security, and as reflected in the increase of federal lawsuits filed against sellers offering for sale and selling infringing and/or counterfeit products on the above mentioned digital Online Marketplaces, an

² See "2020 Review of Notorious Markets for Counterfeiting and Piracy," OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, Executive Office of the President. 85 FR 62006 (October 1, 2020).

³ See "Intellectual Property Rights Fiscal Year 2020 Seizure Statistics," U.S. CUSTOMS AND BORDER PROTECTION. CBP Publication No. 1542-092 (September 21, 2021).

astronomical number of counterfeit and infringing products are offered for sale and sold on these digital marketplaces at a rampant rate.⁴

35. On information and belief, Defendants operate in an organized manner, often monitor trademark infringement litigation alert websites, utilize online chat platforms and groups, and use collective efforts in an attempt to avoid liability and intellectual property enforcement efforts.⁵ Furthermore, there is a substantial evidentiary overlap in Defendants' behavior, conduct, and individual acts of infringement, thus constituting a collective enterprise.

36. 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.

37. Counterfeiters, such as Defendants, regularly conceal their identities when registering their Defendant Internet Stores by: (1) using fictitious names and physical addresses which are incomplete, contain randomly typed letters, or fail to include cities and other relevant information; (2) using privacy services that conceal the owners' identity and contact information; and (3) creating multiple online marketplace accounts on various platforms using several fictional

⁴ See Ganda Suthivarakom, *Welcome to the Era of Fake Products*, N.Y. TIMES (Feb. 11, 2020), <https://www.nytimes.com/wirecutter/blog/amazon-counterfeit-fake-products/>. See also *Combating Trafficking in Counterfeit and Pirated Goods*, U.S. DEPT. OF HOMELAND SECURITY (Jan. 24, 2020), available at https://www.dhs.gov/sites/default/files/publications/20_0124_plcy_counterfeit-pirated-goods-report_01.pdf.

⁵ For this reason, Plaintiff is concurrently filing a Motion For Leave to File Certain Documents Under Seal.

aliases and addresses. This is done with the intention to conceal their identities, the full scope and interworking of their counterfeiting operation, and to avoid being shut down

38. Further, counterfeiters, like Defendants, typically operate multiple payment processor and merchant accounts associated with their Defendant Internet Stores through Online Marketplaces and third party payment processors such as PayPal, Payoneer, Stripe, and Alipay (collectively, the “Payment Processors”), and hide behind layers of payment gateways so they can continue operation in spite of any enforcement efforts.

39. Defendants, without any authorization or license, have knowingly and willfully infringed the VS Trademarks in connection with the manufacturing, advertisement, distribution, offering for sale, and sale of illegal, infringing, and counterfeit products into the United States and Illinois.

40. In committing these acts, Defendants have, willfully and in bad faith, committed the following, all of which have caused, and will continue to cause, irreparable harm to the Plaintiff: infringed upon and used counterfeit versions of the VS Trademarks; created, manufactured, sold, and/or offered to sell Counterfeit Products; used the VS Trademarks in an unauthorized manner in order to mislead and deceive consumers; engaged in unfair competition; and unfairly and unjustly profited from such activities at the expense of VS.

41. Unless enjoined, Defendants will continue to cause irreparable harm to Plaintiff.

COUNT I
TRADEMARK INFRINGEMENT AND COUNTERFEITING
(15 U.S.C. § 1114, *et seq.*)

42. Plaintiff repleads and incorporates by reference each and every allegation set forth in paragraphs 1-41 as if fully set forth herein.

43. Defendants have used the VS Trademarks without authorization in commerce in connection with the sale, offering for sale, distribution, and/or advertising of Counterfeit Products.

44. Without the authorization or consent of VS, and with knowledge of VS's well-known ownership rights in its VS Trademarks, and with knowledge that Defendants' Counterfeit Products bear counterfeit marks, Defendants intentionally reproduced, copied, and/or colorably imitated the VS Trademarks and/or used spurious designations that are identical with, or substantially indistinguishable from, the VS Trademarks on or in connection with the manufacturing, import, export, advertising, marketing, promotion, distribution, display, offering for sale, and sale of Counterfeit Products.

45. Defendants have manufactured, imported, advertised, promoted, distributed, displayed, offered for sale, and sold Counterfeit Products to the purchasing public in direct competition with VS and the VS Products, in or affecting interstate commerce, and/or have acted with reckless disregard of Plaintiff's rights in and to the VS Trademarks through their participation in such activities.

46. Defendants have applied reproductions, counterfeits, copies, and colorable imitations of the VS Trademarks to packaging, point-of-purchase materials, promotions, and/or advertisements intended to be used in commerce upon, or in connection with, the manufacturing, importing, advertising, promoting, distributing, displaying, offering for sale, and selling of Counterfeit Products, which is causing confusion, mistake, and deception among the general purchasing public as to the origin of the Counterfeit Products, and deceives consumers, the public, and the trade into believing that the Counterfeit Products sold by Defendants originate from, are associated with, or are otherwise authorized by Plaintiff, through which Defendants make substantial profits and gains to which they are not entitled in law or equity.

47. Defendants' unauthorized use of the VS Trademarks on or in connection with the Counterfeit Products was done with notice and full knowledge that such use was not authorized or licensed by Plaintiff, and with deliberate intent to unfairly benefit from the incalculable goodwill inherent in the VS Trademarks.

48. Defendants' actions constitute counterfeiting of VS Trademarks in violation of 15 U.S.C. §§ 1114(1)(a)-(b), 1116(d), and 1117(b)-(c).

49. Defendants' intentional use of VS Trademarks without the consent or authorization of Plaintiff constitutes intentional infringement of VS Trademarks in violation of §32 of the Lanham Act, 15 U.S.C. § 1114.

50. As a direct and proximate result of Defendants' illegal actions alleged herein, Defendants have caused substantial monetary loss, irreparable injury, and damage to VS, its business, its reputation, and its valuable rights in and to the VS Trademarks and the goodwill associated therewith, in an amount as yet unknown.

51. VS has no adequate remedy at law for this injury, and unless immediately enjoined, Defendants will continue to cause such substantial and irreparable injury, loss, and damage to VS and its valuable VS Trademarks.

52. Based on Defendants' actions as alleged herein, VS is entitled to injunctive relief, damages for the irreparable harm that Victoria's Secret & Co. has sustained, and will continue to sustain, as a result of Defendants' unlawful and infringing actions, as well as all gains, profits, and advantages obtained by Defendants as a result thereof, enhanced discretionary damages, treble damages, and/or statutory damages of up to \$2,000,000 per-counterfeit mark per-type of goods sold, offered for sale, or distributed, and reasonable attorneys' fees and costs.

COUNT II
FALSE DESIGNATION OF ORIGIN, PASSING OFF, & UNFAIR COMPETITION
(15 U.S.C. § 1125, *et seq.*)

53. Plaintiff repleads and incorporates by reference each and every allegation set forth in paragraphs 1-41 as if fully set forth herein.

54. Plaintiff, as the owner of all right, title, and interest in and to the VS Trademarks has standing to maintain an action for false designation of origin and unfair competition under the Lanham Act, 15 U.S.C. § 1125.

55. Defendants' manufacturing, distribution, marketing, offering for sale, and sale of Counterfeit Products has created and continues to create a likelihood of confusion, mistake, and deception among the public as to the affiliation, connection, or association with Plaintiff.

56. By using the VS 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.

57. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the unauthorized products to the general public is a willful violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125.

58. Defendants' wrongful actions have been knowing, deliberate, willful, and intended to cause confusion, to cause mistake, and to deceive the purchasing public, with the intent to trade on the goodwill and reputation of VS, its VS Products, and VS Trademarks.

59. As a direct and proximate result of Defendants' aforementioned actions, Defendants have caused irreparable injury to VS by depriving Plaintiff of sales of its VS Products and by depriving VS of the value of its VS Trademarks as commercial assets in an amount as yet unknown.

60. 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 brand.

COUNT III
VIOLATION OF ILLINOIS UNIFORM DECEPTIVE TRADE PRACTICES ACT
(815 ILCS § 510, *et seq.*)

61. Plaintiff repleads and incorporates by reference each and every allegation set forth in paragraphs 1-41 as if fully set forth herein.

62. Defendants have engaged in acts violating Illinois law, including, but not limited to, passing off their unauthorized products as those of Plaintiff, causing a likelihood of confusion and/or misunderstanding as to the source of Defendants' goods, thus causing a likelihood of confusion and/or misunderstanding as to an affiliation, connection, or association with genuine VS Products, through Defendants' representation that Defendants' Counterfeit Products have Plaintiff's approval, when they do not.

63. The foregoing Defendants' acts constitute a willful violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS § 510, *et seq.*

64. As a direct result of the Defendants' unlawful acts, Defendants have irreparably harmed Plaintiff in an amount as yet unknown, and obtained profits they would not have otherwise realized but for their infringement of Plaintiff's trademarks.

65. Plaintiff has no adequate remedy at law, and unless enjoined by the Court, Plaintiff will suffer future irreparable harm as a direct result of Defendants' unlawful activities.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment against Defendants as follows:

1) That Defendants, and all persons acting for, with, by, through, under, or in active concert with them be permanently enjoined and restrained from:

- a. using the VS Trademarks or any reproductions, copies, or colorable imitations thereof, in any manner, in connection with the manufacturing, distribution, marketing, advertising, importing, offering for sale, or sale of any product, that is not a genuine VS Product or is not authorized by Plaintiff to be sold in connection with the VS Trademarks;
- b. passing off, inducing, or enabling others to sell or pass off any product not produced under the authorization, control, or supervision of Plaintiff, nor approved by Plaintiff, in association with its VS Trademarks;
- c. shipping, delivering, holding for sale, transferring, or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not authorized by Plaintiff and which bear the VS Trademarks; and,
- d. further infringing the VS Trademarks and damaging Plaintiff's goodwill.

2) That those in privity with Defendants, including any Online Marketplaces and Payment Processors, and any related entities such as web hosts for the Defendant Internet Stores and domain name registrars, shall disable and cease displaying all product listings through which Defendants engage in the sale of Counterfeit Products which bear the VS Trademarks.

3) That Defendants account for, and pay to, Plaintiff all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged;

4) For Judgment in favor of Plaintiff against Defendants that they have willfully infringed Plaintiff's rights in its federally registered trademarks, pursuant to 15 U.S.C. § 1114;

5) That Plaintiff be awarded actual damages, statutory damages, and/or other available damages, at the election of Plaintiff; and that the amount of damages for infringement are increased by a sum not to exceed three times the amount thereof as provided by 15 U.S.C. § 1117;

- 6) For Judgment in favor of Plaintiff against Defendants that it has: a) willfully infringed Plaintiff's rights in its federally registered trademarks; and b) otherwise injured the business and reputation of Plaintiff by Defendants' acts and conduct set forth in this Complaint;
- 7) That Plaintiff be awarded its reasonable attorneys' fees and costs; and,
- 8) Any and all other relief that this Court deems just and proper.

Dated: August 20, 2026

Respectfully submitted,

/s/ Alison K. Carter

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