

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

DUKE UNIVERSITY,

PLAINTIFF,

v.

THE PARTNERSHIPS IDENTIFIED ON SCHEDULE A,

DEFENDANTS.

CASE NO.: 1:26-cv-06815

COMPLAINT

Plaintiff, Duke University (“Duke” or “Plaintiff”), by its undersigned counsel, hereby complains of the Partnerships identified on Schedule A, attached hereto (“Defendants”), which use at least the online marketplace accounts identified therein (“Defendant Internet Stores” and “Seller Aliases”), 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.*, 15 U.S.C. § 1125, 28 U.S.C. § 1338(a)-(b), and 28 U.S.C. § 1331. This Court also 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 Defendants as they have availed themselves of doing business in Illinois through their business practices; and the acts and events

giving rise to this lawsuit, of which Defendants stand accused, were undertaken in Illinois and within this Judicial District. Specifically, each Defendant has offered for sale and sold at least one product into Illinois and this Judicial District.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 as Defendants directly target Illinois consumers through the operation of the Defendant Internet Stores. Defendants are committing tortious acts, engaging in interstate commerce, and have wrongfully caused substantial injury in the State of Illinois.

JOINDER

4. Joinder is proper pursuant to Federal Rule of Civil Procedure 20(a)(2) as 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** attached hereto, its Schedule A, which includes the Defendants' store names and online marketplace account URLs found to be selling similar counterfeit Duke products.

6. The true identities of the Defendants – i.e., the individuals and/or entities operating the Defendant Internet Stores – are not yet known. However, a significant number of Defendant Internet Stores are likely operated by the same individual and/or entity.

7. Plaintiff intends to determine the true identities of the Defendants through expedited discovery of the third-party marketplaces and payment processors connected to the Defendant Internet Stores.

8. Given the likelihood that many, if not all, are operated by the same individual and/or entity, 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 consolidated 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 trademarks by selling and/or offering for sale unauthorized, infringing, and counterfeit products in connection with Plaintiff's federally registered trademarks.

10. Plaintiff, Duke University, is the sole owner of several federally registered trademarks covering the activities of Duke University and the Blue Devils – true and correct copies of which are attached hereto as **Exhibit 1** (collectively, “Duke Trademarks” and “Trademark Registrations”).

11. In an effort to illegally and deceptively profit from the Duke Trademarks, Defendants utilize Defendant Internet Stores, designed to give the impression to consumers that they are legitimate merchants selling products manufactured or authorized by the Plaintiff, with Defendants' ultimate intention being to deceive unknowing consumers into purchasing products which are unauthorized and infringe upon the Duke Trademarks (hereinafter, “Counterfeit Products”).

12. Plaintiff has been and continues to be irreparably damaged through consumer confusion, reputational harm, and loss of exclusivity of its valuable trademarks as a result of Defendants' actions and is thus seeking injunctive and monetary relief.

THE PLAINTIFF

13. Plaintiff is a non-profit organization with its primary campus located in Durham, North Carolina. Founded in 1924, Duke University is one of the leading private universities in the United States and is currently ranked 6th by *U.S. News & World Report*. Duke is recognized for its leadership in medicine and marine biomedicine as well as technology research.

14. In addition to its contributions to academia, Duke places significant value on its role in collegiate athletics. As a member of the Atlantic Coast Conference (ACC), Duke fields teams in 27 NCAA Division I varsity sports under the “Blue Devils” name. The Blue Devils have won several national championships in men’s basketball, lacrosse, and soccer, and women’s golf and tennis.

15. Duke owns the exclusive, worldwide, and perpetual rights to develop, manufacture, distribute, license, sell, promote and otherwise exploit goods and services of any kind and nature based upon or derived from the Duke Trademarks (hereinafter, the “Duke Products”). Duke Products include clothing, such as t-shirts and sweatshirts, decor, and accessories.

16. The Duke Trademarks are inherently distinctive, valid, subsisting, and in full force and effect; have been used continuously and have never been abandoned; qualify as famous marks; and identify products as merchandise originating from Duke. Several of the Duke Trademarks are also incontestable pursuant to 15 U.S.C. § 1115(b). The Trademark Registrations constitute *prima facie* evidence of their validity and of Duke’s exclusive right to use the Duke Trademarks pursuant to 15 U.S.C. § 1057(b).

17. Duke has invested significant time, energy, money, and resources into promoting the Duke Products in connection with the Duke Trademarks. Duke has been licensing and

distributing merchandise in connection with the Duke Trademarks for several decades. As a result, the Duke Products are widely known, easily recognizable, and are exclusively associated by consumers with Duke as their official source. The recognition and goodwill associated with the Duke Products, the Duke Trademarks, and Duke University are of incalculable and inestimable value to the Plaintiff.

18. Duke University has made efforts to protect its interests in and to the Duke Trademarks. Duke 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 Duke Trademarks.

19. Plaintiff has not licensed or authorized Defendants to use the Duke Trademarks and/or to sell the Duke Products.

THE DEFENDANTS

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

21. Defendants operate fully interactive commercial Defendant Internet Stores through independent websites or marketplace platforms eBay and SHEIN (collectively, the “Online Marketplaces”).

22. Each Defendant Internet Store is using and/or has used the Duke Trademarks, without authorization to do so, in connection with the manufacturing, marketing, offering for sale, selling, and distributing of Counterfeit Products, in direct competition with Plaintiff, since at least April 2026 through the date of filing this lawsuit.

23. Defendants have posted several infringing product listings on their Defendant Internet Stores, which use Duke Trademarks, without authorization, in the product listing titles and product descriptions, as keywords in the metadata of the product listings, and on the physical Counterfeit Products themselves.

24. Defendants' Counterfeit Products are intentionally designed to look identical to genuine Duke Products. Both Plaintiff and Defendants advertise and sell their products using the Duke Trademarks, in the same area, same manner, via the Internet, and during the same timeframe.

25. Defendants' unlawful use of the Duke Trademarks is drawing would-be consumers of Plaintiff's authentic Duke Products away from Plaintiff and to the Defendant Internet Stores.

26. Defendants use the Duke Trademarks as a keyword for their Counterfeit Products, so that would-be consumers will be directed to their store when searching for authentic Duke Products. For example, Defendants utilize various SEO tactics to enable their Defendant Internet Stores and Counterfeit Product listings to be at the top of search results.

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

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

29. 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.¹ According to

¹ 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).

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.² 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.*

30. 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 astronomical number of counterfeit and infringing products are offered for sale and sold on these digital marketplaces at a rampant rate.³

31. Counterfeiters such as Defendants operate in an organized manner, often monitor trademark infringement litigation alert websites, are in continuous and active concert with one another, are in frequent communication with each other – utilizing online chat platforms and groups, and use these collective efforts in an attempt to avoid liability and intellectual property enforcement efforts.⁴ Furthermore, there is a substantial evidentiary overlap in Defendants' behavior, conduct, and individual acts of infringement, thus constituting a collective enterprise.

32. Counterfeiters such as Defendants go to great lengths to conceal their identities often using fictitious names and addresses to register and operate their network. For example,

² See "Intellectual Property Rights Fiscal Year 2020 Seizure Statistics," U.S. CUSTOMS AND BORDER PROTECTION, CBP Publication No. 1542-092 (September 21, 2021).

³ 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.

⁴ For this reason, Plaintiff is concurrently filing a Motion For Leave to File Certain Documents Under Seal

many names and physical addresses are incomplete, contain randomly typed letters, or fail to include cities and other relevant information. Other counterfeiters use privacy services that conceal the owners' identity and contact information completely. These are just two of the common tactics used to conceal their identities, the full scope and interworking of their operation, and to avoid being shut down.

33. Counterfeiters such as Defendants typically operate multiple payment accounts through the Online Marketplaces and/or third-party payment processors and hide behind layers of payment gateways so they can continue operation despite any enforcement efforts by intellectual property owners. Counterfeiters often maintain offshore bank accounts and regularly move funds outside the jurisdiction of this Court.

34. Counterfeiters such as Defendants operate multiple 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.

35. Defendants, without any authorization or license, have knowingly and willfully infringed the Duke Trademarks in connection with the manufacturing, advertisement, distribution, offering for sale, and sale of Counterfeit Products into the United States and Illinois.

36. In committing these acts, Defendants have, willfully and in bad faith, committed the following, all of which have and will continue to cause irreparable harm to the Plaintiff: infringed upon and used counterfeit versions of the Duke Trademarks; created, manufactured, sold, and offered to sell Counterfeit Products which infringe upon the Duke Trademarks; used Duke Trademarks in an unauthorized manner in order to sell, advertise, describe, mislead, and deceive

consumers; engaged in unfair competition; and unfairly and unjustly profited from such activities at the expense of the Plaintiff.

37. Unless enjoined, Defendants will continue to cause irreparable harm to Duke.

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

38. Plaintiff repleads and incorporates by reference each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

39. Duke is the exclusive source and licensor of all official Duke Products based upon or derived from the Duke Trademarks.

40. Defendants have used the Duke Trademarks without authorization in commerce in connection with the manufacturing, sale, offering for sale, distribution, and advertising of Counterfeit Products.

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

42. Defendants have manufactured, imported, marketed, distributed, displayed, offered for sale, and sold their Counterfeit Products to the purchasing public in direct competition with Plaintiff and its authentic Duke Products, in or affecting interstate commerce, and have acted

willfully and/ or with reckless disregard of Plaintiff's rights in and to the Duke Trademarks through their participation in such activities.

43. Defendants have applied their reproductions, counterfeits, copies, and colorable imitations of the Duke 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, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, and/or selling of Defendants' Counterfeit Products, which is likely to cause confusion, mistake, and deception among the general purchasing public as to the origin of the Counterfeit Products, and is likely to deceive 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 Duke University, through which Defendants make substantial profits and gains to which they are not entitled in law or equity.

44. Defendants' unauthorized use of the Duke 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 Duke University, and with deliberate intent to unfairly benefit from the incalculable goodwill inherent in the Duke Trademarks.

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

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

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

48. Based on Defendants' actions as alleged herein, Duke is entitled to injunctive relief, damages for the irreparable harm that Plaintiff has sustained, and will 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(a)/LANHAM ACT § 43(a))

49. Plaintiff repleads and incorporates by reference each and every allegation set forth in preceding paragraphs 1-37 as if as if fully set forth herein.

50. Plaintiff, as the owner of all right, title, and interest in and to the Duke Trademarks has standing to maintain an action for false designation of origin and unfair competition under the Federal Trademark Statute, Lanham Act § 43(a) (15 U.S.C. § 1125).

51. Defendants' promotion, 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.

52. By using the Duke 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.

53. 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.

54. Upon information and belief, Defendants' aforementioned 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 Duke, its Duke Products, and Duke Trademarks.

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

56. 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.*)

57. Plaintiff repleads and incorporates by reference each and every allegation set forth in preceding paragraphs 1-37 as if fully set forth herein.

58. 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

Duke Products, through Defendants' representation that Defendants' Counterfeit Products have Plaintiff's approval, when they do not.

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

60. As a direct result of the Defendants' acts of trademark infringement, Defendants have obtained profits they would not have otherwise realized but for their infringement of Plaintiff's Trademarks.

61. The conduct of each Defendant is causing Plaintiff great and irreparable injury and, unless enjoined and restrained by this Court, Defendants will continue to cause such injury that cannot fully be compensated or measured monetarily.

62. 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 temporarily, preliminarily, and permanently enjoined and restrained from:
 - a. using the Duke Trademarks or any reproductions, 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 authorized Duke Product, or is not authorized by Plaintiff to be sold in connection with the Duke 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 and approved by Plaintiff for sale using the Duke 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 to be sold or offered for sale, and which bear the Duke Trademarks; and,
- d. further infringing the Duke Trademarks and damaging Plaintiff's goodwill.

2) Entry of an Order that those in privity with Defendants and those with notice of the injunction, including any Online Marketplaces and payment processors, and any related entities, web hosts for the Defendant Internet Stores, and domain name registrars, shall:

- a. disable and suspend the Counterfeit Products' listings through which Defendants engage in the sale of products not authorized by Plaintiff which bear the Duke Trademarks;
- b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of products not authorized by Plaintiff which bear the Duke Trademarks; and,
- c. take all steps necessary to prevent links to the Counterfeit Products' listings from displaying in search results, including, but not limited to, removing links from any search index.

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 they have: a) willfully infringed Plaintiff's rights in its federally registered trademarks; and b) otherwise injured the 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: June 11, 2026

Respectfully submitted,

/s/ Alison K. Carter

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