

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.**

APPLE CORPS LIMITED and SUBAFILMS LIMITED,

Plaintiffs,

vs.

BIGRUG; ABEL FANNY; GOODMEMO; KMSNELPA; LANG FUJUN;
LILIAN C. PENNELL; LUTO GOOD; NANLIGHT; OUTDOORMATTER;
ROBIN ELLIS; TFNJMK; VENUS50LIZZ; VITO84HILL; WEESTONE;
ZHANG ZHAOYIN; ALICE_ICED; AMANDAREKA; ANGSBANGO_0;
ARKANPRAMAN_0; ARSITOLY; BATUKERAS_3; BELLA_GRU;
BRENDWEINSTEI_0; CATUBRAHMAN-0; DIYCUSTOM;
DZAKWAPRAMAN_0; E-STORE6; FERDIAPRAMAN; HADBAKI-7;
HAQPRAMAN0; IMA-PERM; ITESMFORU; JAYAHARTNONO-7;
KODOK1J; LXIANG67; MENG.XUAN; MOOFAN_DUBULI; NUAID_7;
ONGKPRAJAMUKT_0; PRESTOCLOTH; PUFFYSCLOSET;
PUTUMID; ROSEGARDENSHOP2010; SEWFOREVER; SHOCK_GEAR;
SHOPSHIRTS; THEFANDIES900; TOP-GREATWALL; US.XI98;
WMRI6588; YDHCKJ-YGC; YENKUMALASAR-0; YMC89656408_8;
YUDPRAMAN_9; YUKIHIRA.SOUMA; A BEST STORE; BRAND PAN
STORE; BRAVE_; CGLION TRADING; DAFANG; FANTASTICTOUCH;
HXHXHUANGXINXINHUANG; JOHNNYDAN869; KEQIONG;
LEECHENN; LI- WEI SHOP; LLILUN; MALIANDONG; MAMA STOP;
MANTYZHOIU; MYB FASHION; NICK_H852; NIUNIUCHINA; QC-
OUTLETS; QC-SHOP; S&S HOUSE; SREMMURD CAIXIA;
TIANHESHANGPU; WONDERMAKER; XUEMEIKO; Y&H EXCELLENT
PRODUCTS; YHX123; ZHONGSHANQIHUIER, EACH AN INDIVIDUAL,
PARTNERSHIP OR UNINCORPORATED ASSOCIATION,

Defendants.

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

Plaintiffs, APPLE CORPS LIMITED and SUBAFILMS LIMITED (“Plaintiffs”) hereby sue Defendants, the Individuals, Partnerships, and Unincorporated Associations identified in the caption, which are set forth on Schedule “A” hereto (collectively “Defendants”). Defendants are promoting, selling, offering for sale and distributing goods bearing counterfeits and confusingly similar imitations of Plaintiffs’ respective trademarks within this district through various Internet

based e-commerce stores using the seller identities set forth on Schedule “A” hereto (the Seller IDs”). In support of their claims, Plaintiffs allege as follows:

JURISDICTION AND VENUE

1. This is an action for federal trademark counterfeiting and infringement, false designation of origin, common law unfair competition, and common law trademark infringement pursuant to 15 U.S.C. §§ 1114, 1116, and 1125(a), and The All Writs Act, 28 U.S.C. § 1651(a). Accordingly, this Court has subject matter jurisdiction over this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over Plaintiffs’ state law claims because those claims are so related to the federal claims that they form part of the same case or controversy.

2. Defendants are subject to personal jurisdiction in this district, because they direct business activities toward and conduct business with consumers throughout the United States, including within the State of Florida and this district, through at least, the Internet based e-commerce stores accessible in Florida and operating under their Seller IDs.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 since Defendants are, upon information and belief, aliens who are engaged in infringing activities and causing harm within this district by advertising, offering to sell, and selling infringing products to consumers in Florida.

THE PLAINTIFFS

4. Plaintiff, Apple Corps Limited (“Apple Corps”) is an incorporated limited company organized under the laws of the United Kingdom with its principal place of business located in London, United Kingdom. Apple Corps is owned by the former members of The Beatles and, where applicable, their successors and its principal activities are the promotion, marketing, and policing of the products and rights of The Beatles, such as merchandising rights and audio and

audio-visual content. Apple Corps owns the exclusive right by assignment from The Beatles to all merchandising rights of the Beatles and all other intangible rights in the name “The Beatles.”

5. Plaintiff, Subafilms Limited (“Subafilms”) is an associated company of Apple Corps Limited, with its principal place of business located in London, United Kingdom. Subafilms is owned by Apple Corps, the former members of The Beatles and, where applicable, their successors. Subafilms’ principal asset is the rights in respect of the cartoon film made in 1967 called “Yellow Submarine.”

6. Plaintiffs are engaged in the development, manufacture, promotion, distribution, and sale in interstate commerce, throughout the United States, including within this district, of a variety of quality goods, using multiple common law and federally registered trademarks, including those discussed in Paragraphs 17 and 26 below and identified in Schedules “B” and “C” hereto.

7. Plaintiffs’ trademarked goods are advertised, offered for sale, and sold within the State of Florida, including this district. Defendants, through the sale and offer to sell counterfeit and infringing versions of Plaintiffs’ respective branded products, are directly, and unfairly, competing with Plaintiffs’ economic interests in the State of Florida and causing Plaintiffs harm within this jurisdiction.

8. Like many other famous trademark owners, Plaintiffs suffer ongoing daily and sustained violations of their respective trademark rights at the hands of counterfeiters and infringers, such as Defendants herein, who wrongfully reproduce and counterfeit Plaintiffs’ individual trademarks for the twin purposes of (i) duping and confusing the consuming public and (ii) earning substantial profits. The natural and intended byproduct of Defendants’ actions is the erosion and destruction of the goodwill associated with Plaintiffs’ respective famous names and trademarks and the destruction of the legitimate market sector in which they operate.

9. In order to combat the indivisible harm caused by the combined actions of Defendants, Plaintiffs expend significant resources in connection with trademark enforcement efforts. The expansion of counterfeiting on the World Wide Web, particularly through online marketplace platforms, has created an environment that requires companies, such as Plaintiffs, to expend significant time and money across a wide spectrum of efforts in order to protect both consumers and themselves from the ill effects of confusion and the erosion of the goodwill connected to Plaintiffs' respective brands.

THE DEFENDANTS

10. Defendants are individuals and/or business entities of unknown makeup each of whom, upon information and belief, either reside and/or operate in foreign jurisdictions, 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). Defendants target their business activities toward consumers throughout the United States, including within this district, and conduct pervasive business through the operation of, at least, one fully interactive commercial Internet based e-commerce store via, at least, the Internet based marketplace websites, Amazon.com, eBay.com and Wish.com, under the Seller IDs.

11. Defendants are the past and present controlling forces behind the sale of products bearing counterfeits and infringements of Plaintiffs' individual trademarks as described herein using at least the Seller IDs.

12. Upon information and belief, Defendants directly engage in unfair competition with Plaintiffs by advertising, offering for sale, and selling goods, bearing counterfeits and infringements of one or more of Plaintiffs' individual trademarks to consumers within the United States and this district through the Internet based e-commerce stores using, at least, the Seller IDs and additional seller identification aliases not yet known to Plaintiffs. Defendants have

purposefully directed some portion of their illegal activities towards consumers in the State of Florida through the advertisement, offer to sell, sale, and/or shipment of counterfeit and infringing goods into the State.

13. Defendants have registered, established or purchased, and maintained their Seller IDs. Upon information and belief, Defendants may have engaged in fraudulent conduct with respect to the registration of the Seller IDs by providing false and/or misleading information to the Internet based e-commerce platforms where they offer for sale and/or sell, during the registration or maintenance process related to their respective Seller ID. Upon information and belief, Defendants have anonymously registered and maintained some of the Seller IDs for the sole purpose of engaging in illegal counterfeiting activities.

14. Upon information and belief, Defendants will continue to register or acquire new seller identification aliases for the purpose of selling and offering for sale goods bearing counterfeit and confusingly similar imitations of one or more of Plaintiffs' trademarks unless preliminarily and permanently enjoined.

15. Defendants use their Internet-based businesses to infringe the intellectual property rights of Plaintiffs.

16. Defendants' business names, i.e., the Seller IDs, associated payment accounts, and any other alias seller identification names used in connection with the sale of counterfeit and infringing goods bearing one or more of Plaintiffs' trademarks are essential components of Defendants' online activities and are one of the means by which Defendants further their counterfeiting and infringing scheme and cause harm to Plaintiffs. Moreover, Defendants are using Plaintiffs' respective famous brand names and trademarks to drive Internet consumer traffic to their e-commerce stores operating under the Seller IDs, thereby increasing the value of the Seller IDs and decreasing the size and value of Plaintiffs' legitimate marketplace at Plaintiffs' expense.

COMMON FACTUAL ALLEGATIONS

Apple Corp's Business and Trademark Rights

17. Apple Corps is the owner of all rights in and to the trademarks identified on Schedule "B" hereto (collectively, the "BEATLES Marks"), which are valid and registered on the Principal Register of the United States Patent and Trademark Office. The BEATLES Marks are used in connection with the manufacture and distribution of quality goods in the classes also identified on Schedule "B." True and correct copies of the Certificates of Registration for the BEATLES Marks are attached hereto as Composite Exhibit "1."

18. The BEATLES Marks have been extensively and continuously used in interstate commerce to identify and distinguish a variety of quality goods. The BEATLES Marks have been in use by Apple Corps since long before the Defendants' use of counterfeits of the BEATLES Marks.

19. The BEATLES Marks are symbols of Apple Corps' quality, reputation and enormous goodwill and have never been abandoned.

20. The BEATLES Marks are well known and famous. Apple Corps and its licensees have expended substantial time, money and other resources in developing, advertising, and otherwise promoting the BEATLES Marks. The BEATLES Marks qualify as famous marks as that term is used in 15 U.S.C. §1125(c)(1).

21. Further, Apple Corps and its licensees have extensively used, advertised, and promoted the BEATLES Marks in the United States in association with the sale of quality goods. Apple Corps and its licensees have expended significant resources promoting the BEATLES Marks and products bearing the BEATLES Marks on the Internet, and via its official website, www.thebeatlesstore.com. Apple Corps' prominent use of the BEATLES Marks has further

enhanced the BEATLES Marks' recognition and fame with members of the consuming public. In the last few years alone, Apple Corps has experienced substantial sales of its high quality goods.

22. The worldwide popularity of the Beatles musical compositions, musical recordings, and the enormous sales of goods bearing the Beatles' name, have resulted in the widespread recognition of the "Beatles" brand. As a result of Apple Corps' use, promotion and advertisement of the Beatles brand, members of the consuming public readily identify merchandise bearing or sold under the BEATLES Marks as being quality merchandise sponsored and approved by Apple Corps.

23. Accordingly, the BEATLES Marks are among the most widely recognized trademarks in the United States, and the trademarks have achieved substantial secondary meaning as identifiers of quality goods.

24. Apple Corps' has carefully monitored and policed the use of the BEATLES Marks and has never assigned or licensed the BEATLES Marks to any of the Defendants in this matter.

25. Genuine goods bearing the BEATLES Marks are widely legitimately advertised, promoted, and offered for sale by Apple Corps, and its authorized licensees, via the Internet. Visibility on the Internet, particularly via Internet search engines such as Google, Yahoo!, and Bing has become increasingly important to Apple Corps' overall marketing and consumer education efforts. Thus, Apple Corps expends significant resources on Internet marketing and consumer education which allow Apple Corps and its authorized licensees to fairly and legitimately educate consumers about the value associated with the BEATLES Marks and the goods sold thereunder.

Subafilms' Trademark Rights

26. Subafilms is the owner of all rights in and to the trademark identified on Schedule "C" hereto (collectively, the "YELLOW SUBMARINE Mark"), which is valid and registered on

the Principal Register of the United States Patent and Trademark Office. The YELLOW SUBMARINE Mark is used in connection with the manufacture and distribution of quality goods in the classes also identified on Schedule “C.” A true and correct copy of the Certificate of Registration for the YELLOW SUBMARINE Mark is attached hereto as Composite Exhibit “2.”

27. The YELLOW SUBMARINE Mark has been extensively and continuously used in interstate commerce to identify and distinguish a variety of quality goods. The YELLOW SUBMARINE Mark has been in use by Subafilms since long before the Defendants’ use of counterfeits of the YELLOW SUBMARINE Mark.

28. The YELLOW SUBMARINE Mark is a symbol of Subafilms’ quality, reputation and enormous goodwill and has never been abandoned.

29. The YELLOW SUBMARINE Mark is well known and famous. Subafilms and its licensees have expended significant resources in developing, advertising, and otherwise promoting the YELLOW SUBMARINE Mark. The YELLOW SUBMARINE Mark qualifies as a famous mark as that term is used in 15 U.S.C. §1125(c)(1).

30. Further, Subafilms and its licensees have extensively used, advertised, and promoted the YELLOW SUBMARINE Mark in the United States in association with the sale of quality goods. Subafilms and its licensees have expended significant resources promoting the YELLOW SUBMARINE Mark and products bearing the YELLOW SUBMARINE Mark, on the Internet via the website, www.thebeatlesstore.com. Subafilms’ prominent use of the YELLOW SUBMARINE Mark has further enhanced the YELLOW SUBMARINE Mark’s recognition and fame with members of the consuming public. In the last few years alone, Subafilms has experienced substantial sales of its high quality goods.

31. As a result of Subafilms' efforts, members of the consuming public readily identify merchandise bearing or sold under the YELLOW SUBMARINE Mark as being quality merchandise sponsored and approved by Subafilms.

32. Accordingly, the YELLOW SUBMARINE Mark is among the most widely recognized trademarks in the United States, and the trademark has achieved substantial secondary meaning as an identifier of high quality goods.

33. Subafilms' has carefully monitored and policed the use of the YELLOW SUBMARINE Mark and has never assigned or licensed the YELLOW SUBMARINE Mark to any of the Defendants in this matter.

34. Genuine goods bearing the YELLOW SUBMARINE Mark are widely legitimately advertised, promoted, and offered for sale by Subafilms through its authorized licensees via the Internet. Visibility on the Internet, particularly via Internet search engines such as Google, Yahoo!, and Bing has become increasingly important to Subafilms' overall marketing and consumer education efforts. Thus, Subafilms expends significant resources on Internet marketing and consumer education which allow Subafilms and its authorized licensees to fairly and legitimately educate consumers about the value associated with the YELLOW SUBMARINE Mark and the goods sold thereunder.

Defendants' Infringing Activities

35. Upon information and belief, Defendants are promoting and advertising, distributing, selling, and/or offering for sale goods in interstate commerce bearing counterfeit and infringing trademarks that are exact copies of one or more of the BEATLES Marks and/or YELLOW SUBMARINE Mark (the "Counterfeit Goods") through at least the Internet based e-commerce stores operating under the Seller IDs. Several Defendants are also using, at least, the listings and associated images identified by the Amazon Standard Identification Numbers

(“ASIN”) on Schedule “D” annexed hereto. Specifically, upon information and belief, Defendants are using identical copies of the BEATLES Marks and/or YELLOW SUBMARINE Mark (collectively, “Plaintiffs’ Marks”) for different quality goods. Plaintiffs have used their respective Marks extensively and continuously before Defendants began offering goods using counterfeit and confusingly similar imitations of Plaintiffs’ merchandise.

36. Upon information and belief, Defendants’ Counterfeit Goods are of a quality substantially and materially different than that of Plaintiffs’ respective, genuine goods. Defendants, upon information and belief, are actively using, promoting and otherwise advertising, distributing, selling and/or offering for sale substantial quantities of their Counterfeit Goods with the knowledge and intent that such goods will be mistaken for Plaintiffs’ genuine quality goods despite Defendants’ knowledge that they are without authority to use Plaintiffs’ Marks. The net effect of Defendants’ actions will cause confusion of consumers, at the time of initial interest, sale, and in the post-sale setting, who will believe Defendants’ Counterfeit Goods are genuine goods originating from, associated with, and approved by Plaintiffs.

37. Defendants advertise their Counterfeit Goods for sale to the consuming public via e-commerce stores operating on, at least, one Internet marketplace website using, at least, the Seller IDs. In so advertising these goods, Defendants improperly and unlawfully use one or more of Plaintiffs’ Marks without Plaintiffs’ permission.

38. As part of their overall infringement and counterfeiting scheme, Defendants are, upon information and belief, all employing and benefitting from substantially similar marketing strategies based, in large measure, upon an illegal use of counterfeits and infringements of Plaintiffs’ Marks. Specifically, Defendants are using counterfeits and infringements of at least one of Plaintiffs’ Marks in order to make their e-commerce stores selling illegal goods appear more relevant and attractive to consumers online. By their actions, Defendants are contributing to the

creation and maintenance of an illegal marketplace operating in parallel to the legitimate marketplace for Plaintiffs' respective genuine goods. Defendants are causing individual, concurrent and indivisible harm to Plaintiffs and the consuming public by (i) depriving Plaintiffs and other third parties of their right to fairly compete for space within search engine results and reducing the visibility of Plaintiffs' genuine goods on the World Wide Web, and (ii) causing an overall degradation of the value of the goodwill associated with Plaintiffs' Marks.

39. Upon information and belief, Defendants are concurrently targeting their counterfeiting and infringing activities toward consumers and causing harm within this district and elsewhere throughout the United States. As a result, Defendants are defrauding Plaintiffs and the consuming public for Defendants' own benefit.

40. Upon information and belief, at all times relevant hereto, Defendants in this action had full knowledge of Plaintiffs' respective ownership of Plaintiffs' Marks, including their respective, exclusive rights to use and license such intellectual property and the goodwill associated therewith.

41. Defendants' use of Plaintiffs' Marks, including the promotion and advertisement, reproduction, distribution, sale and offering for sale of their Counterfeit Goods, is without Plaintiffs' consent or authorization.

42. Defendants are engaging in the above-described illegal counterfeiting and infringing activities knowingly and intentionally or with reckless disregard or willful blindness to Plaintiffs' rights for the purpose of trading on Plaintiffs' goodwill and reputation. If Defendants' intentional counterfeiting and infringing activities are not preliminarily and permanently enjoined by this Court, Plaintiffs and the consuming public will continue to be harmed.

43. Defendants' above identified infringing activities are likely to cause confusion, deception, and mistake in the minds of consumers before, during and after the time of purchase.

Moreover, Defendants' wrongful conduct is likely to create a false impression and deceive customers, the public, and the trade into believing there is a connection or association between Plaintiffs' respective, genuine goods and Defendants' Counterfeit Goods, which there is not.

44. Upon information and belief, Defendants' payment and financial accounts are being used by Defendants to accept, receive, and deposit profits from Defendants' trademark counterfeiting and infringing and unfairly competitive activities connected to their Seller IDs and any other alias seller identification names being used and/or controlled by them.

45. Further, upon information and belief, Defendants are likely to transfer or secret their assets to avoid payment of any monetary judgment awarded to Plaintiffs.

46. Plaintiffs have no adequate remedy at law.

47. Plaintiffs are suffering irreparable injury and have suffered substantial damages as a result of Defendants' unauthorized and wrongful use of Plaintiffs Marks. If Defendants' counterfeiting and infringing, and unfairly competitive activities are not preliminarily and permanently enjoined by this Court, Plaintiffs and the consuming public will continue to be harmed.

48. The harm and damages sustained by Plaintiffs have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offers to sell, and sale of their Counterfeit Goods.

COUNT I - TRADEMARK COUNTERFEITING AND INFRINGEMENT
PURSUANT TO § 32 OF THE LANHAM ACT (15 U.S.C. § 1114)

49. Plaintiffs hereby adopt and re-allege the allegations set forth in Paragraphs 1 through 48 above.

50. This is an action for trademark counterfeiting and infringement against Defendants based on their use of counterfeit and confusingly similar imitations of Plaintiffs' Marks in

commerce in connection with the promotion, advertisement, distribution, offering for sale and sale of the Counterfeit Goods.

51. Specifically, Defendants are promoting and otherwise advertising, selling, offering for sale, and distributing goods using counterfeits and/or infringements of one or more of Plaintiffs' Marks. Defendants are continuously infringing and inducing others to infringe Plaintiffs' Marks by using one or more of them to advertise, promote, sell, and offer to sell counterfeit and infringing goods.

52. Defendants' concurrent counterfeiting and infringing activities are likely to cause and actually are causing confusion, mistake, and deception among members of the trade and the general consuming public as to the origin and quality of Defendants' Counterfeit Goods.

53. Defendants' unlawful actions have caused and are continuing to cause unquantifiable damages to Plaintiffs and are unjustly enriching Defendants with profits at Plaintiffs' expense.

54. Defendants' above-described illegal actions constitute counterfeiting and infringement of Plaintiffs' Marks in violation of Plaintiffs' respective rights under § 32 of the Lanham Act, 15 U.S.C. § 1114.

55. Plaintiffs have suffered and will continue to suffer irreparable injury and damages due to Defendants' above described activities if Defendants are not preliminarily and permanently enjoined. Additionally, Defendants will continue to wrongfully profit from their illegal activities.

COUNT II - FALSE DESIGNATION OF ORIGIN
PURSUANT TO § 43(a) OF THE LANHAM ACT (15 U.S.C. § 1125(a))

56. Plaintiffs hereby adopt and re-allege the allegations set forth in Paragraphs 1 through 48 above.

57. Upon information and belief, Defendants' Counterfeit Goods bearing, offered for sale and sold using copies of at least one of Plaintiffs' Marks have been widely advertised, offered for sale, and distributed throughout the United States via at least one Internet marketplace website.

58. Defendants' Counterfeit Goods bearing, offered for sale, and sold using copies of at least one of Plaintiffs' Marks are virtually identical in appearance to Plaintiffs' respective genuine goods. Accordingly, Defendants' activities are likely to cause confusion in the trade and among the general public as to at least the origin or sponsorship of their Counterfeit Goods.

59. Defendants, upon information and belief, have used in connection with their advertisement, offer for sale, and sale of their Counterfeit Goods, false designations of origin and false descriptions and representations, including words or other symbols and trade dress, which tend to falsely describe or represent such goods and have caused such goods to enter into commerce with full knowledge of the falsity of such designations of origin and such descriptions and representations, all to Plaintiffs' detriment.

60. Defendants have authorized infringing uses of at least one of Plaintiffs' Marks in Defendants' advertisement and promotion of their counterfeit and infringing branded goods. Defendants have misrepresented to members of the consuming public that the Counterfeit Goods being advertised and sold by them are genuine, non-infringing goods.

61. Additionally, Defendants are using counterfeits and infringements of Plaintiffs' Marks in order to unfairly compete with Plaintiffs and others for space within search engine organic results, thereby depriving Plaintiffs of a valuable marketing and educational tool which would otherwise be available to Plaintiffs and reducing the visibility of Plaintiffs' respective, genuine goods on the World Wide Web.

62. Defendants' above-described actions are in violation of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a).

63. Plaintiffs have no adequate remedy at law and have sustained indivisible injury and damage caused by Defendants' concurrent conduct. Absent an entry of an injunction by this Court, Defendants will continue to wrongfully reap profits and Plaintiffs will continue to suffer irreparable injury to their goodwill and business reputation, as well as monetary damages.

COUNT III - COMMON LAW UNFAIR COMPETITION.

64. Plaintiffs hereby adopt and re-allege the allegations set forth in Paragraphs 1 through 48 above.

65. This is an action against Defendants based on their promotion, advertisement, distribution, sale and/or offering for sale of goods bearing marks that are virtually identical, both visually and phonetically, to Plaintiffs' Marks in violation of Florida's common law of unfair competition.

66. Defendants are promoting and otherwise advertising, selling, offering for sale and distributing goods bearing counterfeits and infringements of one or more of Plaintiffs' Marks. Defendants are also using counterfeits and infringements of Plaintiffs' Marks to unfairly compete with Plaintiffs and others for (i) space in search engine results across an array of search terms and (ii) visibility on the World Wide Web.

67. Defendants' infringing activities are likely to cause and actually are causing confusion, mistake and deception among members of the trade and the general consuming public as to the origin and quality of Defendants' products by their use of Plaintiffs' Marks.

68. Plaintiffs have no adequate remedy at law and are suffering irreparable injury and damages as a result of Defendants' actions.

COUNT IV - COMMON LAW TRADEMARK INFRINGEMENT

69. Plaintiffs hereby adopt and re-allege the allegations set forth in Paragraphs 1 through 48 above.

70. This is an action for common law trademark infringement against Defendants based on their promotion, advertisement, offering for sale, and sale of their Counterfeit Goods bearing at least one of Plaintiffs' Marks. Plaintiffs are the respective owners of all common law rights in and to Plaintiffs' Marks.

71. Specifically, Defendants, upon information and belief, are manufacturing, promoting, and otherwise advertising, distributing, offering for sale, and selling goods bearing infringements of at least one of Plaintiffs' Marks.

72. Defendants' infringing activities are likely to cause and actually are causing confusion, mistake and deception among members of the trade and the general consuming public as to the origin and quality of Defendants' Counterfeit Goods bearing Plaintiffs' Marks.

73. Plaintiffs have no adequate remedy at law and are suffering damages and irreparable injury as a result of Defendants' actions.

PRAYER FOR RELIEF

74. WHEREFORE, Plaintiffs demand judgment on all Counts of this Complaint and an award of equitable relief and monetary relief against Defendants as follows:

a. Entry of temporary, preliminary, and permanent injunctions pursuant to 15 U.S.C. § 1116 and Federal Rule of Civil Procedure 65 enjoining Defendants, their agents, representatives, servants, employees, and all those acting in concert or participation therewith, from manufacturing or causing to be manufactured, importing, advertising or promoting, distributing, selling or offering to sell their Counterfeit Goods; from infringing, counterfeiting, or diluting Plaintiffs' Marks; from using Plaintiffs' Marks, or any mark or trade dress similar thereto, in connection with the sale of any unauthorized goods; from using any logo, trade name or trademark or trade dress that may be calculated to falsely advertise the services or goods of Defendants as being sponsored by, authorized by, endorsed by, or in any way associated with

Plaintiffs; from falsely representing themselves as being connected with Plaintiffs, through sponsorship or association, or engaging in any act that is likely to falsely cause members of the trade and/or of the purchasing public to believe any goods or services of Defendants, are in any way endorsed by, approved by, and/or associated with Plaintiffs; from using any reproduction, counterfeit, infringement, copy, or colorable imitation of Plaintiffs Marks in connection with the publicity, promotion, sale, or advertising of any goods sold by Defendants; from affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent Defendants' goods as being those of Plaintiffs, or in any way endorsed by Plaintiffs and from offering such goods in commerce; from engaging in search engine optimization strategies using colorable imitations of Plaintiffs respective name or trademarks and from otherwise unfairly competing with Plaintiffs.

b. Entry of an Order, pursuant to 28 U.S.C. § 1651(a), The All Writs Act, requiring the Seller IDs, and any other alias seller identification names being used and/or controlled by Defendants to engage in the business of marketing, offering to sell and/or selling goods bearing counterfeits and infringements of Plaintiffs' Marks be disabled by each of the Defendants and the applicable governing Internet marketplace website operators and/or administrators who are provided with notice of the injunction.

c. Entry of an Order, pursuant to 28 U.S.C. § 1651(a), The All Writs Act, that, upon Plaintiffs' request, the applicable governing Internet marketplace website operators and/or administrators for the Seller IDs who are provided with notice of the injunction including but not limited to, Amazon.com, Inc., eBay Inc., and ContextLogic, Inc., which operates the Wish.com platform, identify any e-mail address known to be associated with Defendants' respective Seller ID, and cease facilitating access to the Seller IDs and any other alias seller identification names

being used and/or controlled by Defendants to engage in the business of marketing, offering to sell, and/or selling goods bearing counterfeits and infringements of the Plaintiffs' Marks.

d. Entry of an Order, pursuant to 28 U.S.C. § 1651(a), The All Writs Act, that, upon Plaintiffs' request, any Internet marketplace website operators and/or administrators who are provided with notice of the injunction, including but not limited to Amazon.com, Inc., eBay.com, and ContextLogic, Inc., which operates the Wish.com platform, permanently remove from the multiple platforms, which include, *inter alia*, a Direct platform, Group platform, Seller Product Management platform, Vendor Product Management platform, and Brand Registry platform, any and all listings and associated images of goods bearing counterfeits and/or infringements of Plaintiffs' Marks via the e-commerce stores operating under the Seller IDs, including but not limited to the listings and associated images identified by the Amazon Standard Identification Numbers ("ASIN") on Schedule "D" annexed hereto, and any other listings and images of goods bearing counterfeits and/or infringements of Plaintiffs' Marks associated with any ASIN linked to the same seller or linked to any other alias seller identification names being used and/or controlled by Defendants to promote, offer for sale and/or sell goods bearing counterfeits and/or infringements of Plaintiffs' Marks.

e. Entry of an Order, pursuant to 28 U.S.C. § 1651(a), The All Writs Act, that, upon Plaintiffs' request, any Internet marketplace website operators and/or administrators who are provided with notice of the injunction, including but not limited to Amazon.com, Inc., eBay.com, and ContextLogic, Inc., which operates the Wish.com platform, immediately cease fulfillment of and sequester all goods of each Defendant bearing one or more of Plaintiffs' Marks in its inventory, possession, custody, or control, and surrender those goods to Plaintiffs for destruction.

f. Entry of an Order requiring Defendants to account to and pay Plaintiffs for all profits and damages resulting from Defendants' trademark counterfeiting and infringing and

unfairly competitive activities and that the award to Plaintiffs be trebled, as provided for under 15 U.S.C. §1117, or, at Plaintiffs' election with respect to Count I, that Plaintiffs be awarded statutory damages from each Defendant in the amount of two million dollars (\$2,000,000.00) per each counterfeit trademark used and product sold, as provided by 15 U.S.C. §1117(c)(2) of the Lanham Act.

g. Entry of an award pursuant to 15 U.S.C. § 1117 (a) and (b) of Plaintiffs' costs and reasonable attorneys' fees and investigative fees associated with bringing this action.

h. Entry of an Order that, upon Plaintiffs' request, Defendants and any financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, including but not limited to, Amazon Payments, Inc., PayPal, Inc., ContextLogic, Inc., which operates the Wish.com platform, and their related companies and affiliates, identify and restrain all funds, up to and including the total amount of judgment, in all financial accounts and/or sub-accounts used in connection with the Seller IDs or other alias seller identification names or e-commerce store names used by Defendants presently or in the future, as well as any other related accounts of the same customer(s) and any other accounts which transfer funds into the same financial institution account(s), to be surrendered to Plaintiffs in partial satisfaction of the monetary judgment entered herein.

i. Entry of an award of pre-judgment interest on the judgment amount.

j. Entry of an Order for any further relief as the Court may deem just and proper.

DATED: December 12, 2018.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

By: **s/Stephen M. Gaffigan**

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SCHEDULE "A"
DEFENDANTS BY NUMBER AND SELLER ID

Def. No.	Defendant / Seller ID
1	BIgRug
2	Abel Fanny
3	GoodMemo
4	Kmsnelpa
5	Lang Fujun
6	Lilian C. Pennell
7	LUTO Good
8	Nanlight
9	OutdoorMatter
10	Robin Ellis
11	TFNJMK
12	Venus50Lizz
13	Vito84Hill
14	Weestone
15	Zhang Zhaoyin
16	alice_iced
17	amandareka
18	angsbango_0
19	arkanpraman_0
20	arsitoly
21	batukeras_3
22	bella_gru
23	brendweinstei_0
24	catubrahman-0
25	diycustom
26	dzakwapraman_0
27	e-store6
28	ferdiapraman
29	hadbaki-7
30	haqpraman0
31	ima-perm
32	itesmforu
33	jayahartnono-7
34	kodok1j
35	lxiang67
36	meng.xuan

37	moofan_dubuli
38	nuaid_7
39	ongkprajamukt_0
40	prestocloth
41	puffyscloset
42	putumid
43	rosegardenshop2010
44	sewforever
45	shock_gear
46	shopshirts
47	thefandies900
48	top-greatwall
49	us.xi98
50	wmri6588
51	ydhckj-ygc
52	yenkumalasar-0
53	ymc89656408_8
54	yudpraman_9
55	yukihira.souma
56	A Best Store
57	Brand Pan Store
58	brave_
59	CGLION Trading
60	DaFang
61	fantastictouch
62	hxhxhuangxinxinhuang
63	johnnydan869
64	Keqiong
65	leechenn
66	Li- Wei Shop
67	llilun
68	maliandong
69	Mama stop
70	mantyzhoiu
71	MYB Fashion
72	Nick_H852
73	niuniuchina
74	qc-outlets
75	qc-shop

76	S&S House
77	sremmurd caixia
78	tianheshangpu
79	wondermaker
80	xuemeiko
81	Y&H Excellent Products
82	yhx123
83	zhongshanqihuier

SCHEDULE "B"
PLAINTIFF APPLE CORPS' FEDERALLY REGISTERED TRADEMARKS

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
THE BEATLES	1,752,120	February 16, 1993	IC 014 – Watches. IC 025 - Headwear, sweatshirts, t-shirts, shirts.
BEATLES	4,373,956	July 30, 2013	<p>IC 014 - Jewelry boxes not of metal, including ceramic and porcelain jewelry boxes for trinkets; jewelry; horological and chronometric instruments, namely, watches and clocks; watch straps, cuff links, brooches, bracelets, bangles, earrings, pendants, medallions, trinkets being jewelry, charms being jewelry, rings being jewelry, tie pins, jewelers ornamental tie pins, lapel pins, tie clips, collectible non-monetary coins, ornamental pins; articles of precious metal and their alloys, and articles coated with precious metal and their alloys, namely, belt buckles for clothing, coasters, jewelry boxes, key rings, key chains; hat and shoe ornaments and key fobs all of precious metal; rings being jewelry; ornamental pins; cigarette and cigar cases; precious stones; semi-precious stones; statuettes and figurines of precious metal or precious stone or coated therewith; scale model vehicles, ships or submarines all made from, or coated with precious metal or precious stone.</p> <p>IC 018 - Goods made from leather or imitation leather, namely, waist pouches for carrying purses and wallets; luggage, carry on traveling bags, clutch bags, trunks, business card cases, rucksacks, backpacks, purses, wallets, key cases, luggage tags; billfolds, leather key fobs, key cases, umbrellas; bags, namely, handbags, shoulder bags, all purpose sports bags, barrel bags, carry-on flight bags, and duffel bags, suitcases, attaché cases, school bags, satchels, gym bags, beach bags and credit card cases;</p>

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			<p>hand carry overnight cases of metal, plastic or resin; tote bags, including metal totes; textile shopping bags; identity card holders of leather and imitations of leather.</p> <p>IC 024 - Decorative window curtains of wood, reed, bamboo, beads or plastic; household linen; bed linen; bedspreads; table linen; table cloths not of paper; table mats not of paper; textile table napkins; coasters made of table linen or textile; unfitted fabric furniture covers; bed sheets, pillow cases, duvet covers; towels; face towels; face washing cloths; curtains; wall hanging of textile; cloth banners; cloth bunting; cloth flags; handkerchiefs; cushion covers; pre-cut textiles for making into cushions and cushion covers; traced cloths for embroidery.</p> <p>IC 025 - Footwear and headgear, namely, hats and caps; clothing, namely, shirts, polo shirts, T-shirts, sweatshirts; sweatpants; jackets, coats; pullovers; vests; articles of underclothing, namely, underwear; shorts; scarves; silk pocket squares; neck-ties; braces in the nature of suspenders; belts; socks; long-sleeved shirts and long sleeved T-shirts; silk scarves; silk scarves in the shape of squares for wearing over the head or around the neck; pants; fleece tops; thermal tops; jerseys; baseball jerseys; hockey jerseys; sweaters; tank tops; waistcoats; trousers; golf shirts; golf pants; golf shoes; swim wear; beachwear; night gowns; pajamas; dressing gowns; bathrobes; bathing caps; head bands; slippers; beach shoes; sandals; clothing for toddlers, infants and babies, namely, rompers, shortalls, babies' sleep suits; cloth babies' bibs.</p> <p>IC 027 - Carpets; rugs; linoleum for use on floors; wall hangings not of textile; reed mats; rubber and plastic bath mats; door mats; textile floor mats for use in the home.</p>

SCHEDULE "C"
PLAINTIFF SUBAFILMS' FEDERALLY REGISTERED TRADEMARK

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
YELLOW SUBMARINE	3,328,170	November 6, 2007	IC 025 - Shirts; polo shirts; t-shirts; long-sleeved shirts and long-sleeved t-shirts; sweatshirts; jackets; pullovers; vests; scarves; pocket squares made of silk; neck-ties; hats; caps; sock; thermal tops; jerseys; sweaters; tank tops; pajamas; clothing for toddlers, infants and babies namely, one-piece garments for infants and toddlers, sleep suits, t-shirts and long-sleeved t-shirts.

SCHEDULE “D”
AMAZON STANDARD IDENTIFICATION NUMBERS (“ASIN”) BY DEFENDANT

Def. No.	Defendant / Seller ID	Amazon Seller ID Number	Infringing Product ASIN
1	BIgRug	A9LM12EINWREX	B07GLG4P83
2	Abel Fanny	A38D67CMONTJOE	B00F5UWJPE
3	GoodMemo	A35059WHHZL589	B07H2V6KRM
4	Kmsnelpa	A1JDJF9GZJNDSN	B01NA6O2LP B01N2HLQCP
5	Lang Fujun	A2ABOASO47KE3Z	B01M0MFS93 B01LXP0U77
6	Lilian C. Pennell	A1QBEO0373CMF2	B07D6LP5HZ B07D6LH7S2
7	LUTO Good	A3NG2X8TQ0U192	B07JXZCMGR B07JQ42PRV
8	Nanlight	ARRKLUM94QNM	B07H1BQ4CX
9	OutdoorMatter	AX1LFL490KQBT	B07FQDFD7M
10	Robin Ellis	A26GR81XF00T8F	B07J6HPZY4 B07HKTJMCF
11	TFNJMK	A399PEFR4ZX266	B00RCVXEMG
12	Venus50Lizz	A18G7L19UT45ML	B07G7761P5
13	Vito84Hill	A2P479GVFE908U	B00DRWMQ0K
14	Weestone	A3TUIF88JSLCQN	B07G422R6Q
15	Zhang Zhaoyin	A42JVHW6WGMSM	B01M242ESJ B01MEELJ2A