

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

PRL USA HOLDINGS, INC.,

Plaintiff,

v.

YONG PENG, XU ZHIFENG, WANG
YICHANG, VALDA JOHNSON, VAEBE.COM,
TONY BENTON, THOMAS FLOR, TARA
BLODGETT, STEVEN NELLIS, SMITH JON,
SHANNON TRINIDAD, SALLY OQUINN,
SALLIE BROWN, ROLAND MOULTRIE,
ROBERT WHITTEN, ROBERT SALVATORE,
ROBERT JONES, RLPOLOBUY.COM,
RACHEL MASTEN, POLOUSA.XYZ,
POLOSTOPS.SHOP,
POLORALPHLAURENOUTLETMALL.COM,
POLOBUYS.COM, PAUL HILL, PAUL
GRIGGS, PAUL GREEN, PATRICK DORGAN,
PATRICK CAMPBELL, PATRICIA PAYNE,
PATRICIA IRIZARRY, PATRICIA CAMPBELL,
NATHAN BRINKLEY, MICHELLE
PROVENZANO, MATTHEW DOYLE,
MARYANNE APRIL, MARY BROWN,
MARSRO.COM, LURA YATES, LIUYING,
LEEANNA TRUJILLO, KEVIN ROBBINS,
KELLY JOHNSON, KATHRINE TORRES,
JULIUS PALMA, JOS FERNDEZ, JODIE
WILLOUGHBY, JOAN MEYER, JEREMY
BENNETT, JASON STEIN, JANET IRVING,
JAMES MARISCAL, JAMES JOHNSON,
JACQUELINE WALSH, HOTEL-
DELPARCO.COM, HOMECASHCODE.ORG,
HEYAO LONG, HEYAO LONG, HERMAN
VANALSTYNE, GRACIE MCMILLEN, GLEN
RAKOWSKI, GERALDINE SPRINGER,
GEORGE DUGAN, GARY HOLT, FLOYD
BARNARD, FELIPE OSBOURN,
EVANGELINA LEIGHTON,
ELAZIGARACKIRALAMA.ORG, ELAINE
BOND, EDWARD MADDOX, EDWARD
DODSON, DUSTIN MILLER, DORIS

Case No. 19-cv-04835

Judge John Z. Lee

Magistrate Judge Maria Valdez

MURPHY, DENNIS TAYLOR, DELIA
GREGGS, DEBORAH SWINK, DANELLE
MAHONEY, DALLAS JONES, CONNIE
SIMPSON, CLAUS PANCRATIUS,
CHRISTOPHER CONEY, CAROL CLAY,
CARLOS AYALA, BRIAN GIORDANO,
BEVERLY ROOK, BARBARA FRANZ, ANGEL
SMITHSON, ANDREW BALDWIN, AMY
GARTH, ALICE DENSON, BOLUBAO NO. 2
STORE, DROPSHIPPING COOPERATION
STORE, FGKKS OFFICIAL STORE,
HANGZHOU BOLUBAO II STORE,
HANGZHOU LONGXIOR LEATHERGOODS
STORE, INTERNATIONAL FRANCHISE
STORES, POWER ACE TRADING LIMITED,
SHANGHAI E-COMMERCE TECHNOLOGY
CO., LTD., SIDAITE FRANCHISED STORE, ST
TAILUNTE STORE, VOLOCEAN HOTBAGS
STORE, BKTREND STORE, BLUE FOR YOU,
CCM BAG STORE, CHELLA OFFICIAL
STORE, HIJUBER DEAR BABY STORE,
JEWUTO SPECIALITY STORE, SENDUCSBAG
STORE, SHOP4205002 STORE, SHOP4498058
STORE, TOP10 BAGFACTORY
DROPPSHIPPING STORE, VIVA LA STORE,
ZHUO SHUODA STORE, 3NOKA34,
ADA601124, A-GAOMIAOMIAO, AXJH1854,
CARRY2020, CHANGJIANG166, CN-MALL,
DINGLONGHUA0823-6, EARTIOUS,
EILR3575, FASHION-LIVE-BEAUTIFY,
FUN_BIRD, FXIANGLIA0, GDNT9716,
GTAO123, GUANGSHA3688, GUERMILO,
HAISHAN58, HANZ682, HIGHTECH_HEART,
HONGYE16888, HREHNUYTSZD, HUIJU2010,
HUITONG2010, JIU60-86, KATUNN15,
KOBIIAL12, LEIPENG215, LIEQCH-0,
LIFEE10, LOSANGE, LUZHEN4527, MEILISO,
MEMORY201688, MYDREAM1986,
OWNTHEW23, PANGXU-12, QI9345, RAYNA-
PL, REN641-20, SALES_NDSICARD,
SHAOLAYA0, SHOKBBN112, STEFANO991,
SUPEN_7138, SUPEN_96,
SUPERMARKET8882016, TAKEMALL,
THEYEARS999, US_FANGH, W13269090959,
WENJING1320, WGX69, WUFAME-19,
YANGFENG699, YANGGUANG666,

YANGJIAN1133, YIN20184-1, YXJKADSK86,
18K, 3384297323@QQ.COM, AFENGLING,
ANGCONGXY, ANGELA ELECTRONIC
SECURITY STORE, BEAUTIFUL DRESS 66,
BEAUTY SHOE, BIMEIXIU,
BLOOMYVSTORI, CHINA FACTORY
COMPANY, DINGWANGRUI, DONG TENG
TRADING CO., LTD., EYEWEAR HEAVEN,
FENGMIOUZICHA,
FUJIAN YUMINGMAOYIYOUXIANGONGSI,
GENGBIG SHOE, GOLDLOVESS,
HONGHONG1314, HTZ, HUAZHIYUN,
LIANGDONGSHOE, LOVEYUTONG,
MERCHANT18, MIANMIZNANGQIANG,
NANTENGSANGMAOYOUXIANGONGSI,
PROFESSION BRAND MAKEUP COMPANY,
QUYITECHNOLOGY, SUNMUSUSU-SHOP,
TEESPRINGCANADA, WANG DREAM, YIYI
CLOTHING,
YUANDONGLIMA OYIYOUXIANGONGSI,
YUMINGMAOYI, Z63016301,
ZENGXIAOYAO, ZHAOHENG, and ZYK,

Defendants.

AMENDED COMPLAINT

Plaintiff PRL USA Holdings, Inc. (“Plaintiff”), a subsidiary of Ralph Lauren Corporation (collectively, “Ralph Lauren”), hereby brings the present action against YONG PENG, XU ZHIFENG, WANG YICHANG, VALDA JOHNSON, VAEBE.COM, TONY BENTON, THOMAS FLOR, TARA BLODGETT, STEVEN NELLIS, SMITH JON, SHANNON TRINIDAD, SALLY OQUINN, SALLIE BROWN, ROLAND MOULTRIE, ROBERT WHITTEN, ROBERT SALVATORE, ROBERT JONES, RLPOLOBUY.COM, RACHEL MASTEN, POLOUSA.XYZ, POLOSTOPS.SHOP, POLORALPHLAURENOUTLETMALL.COM, POLOBUYS.COM, PAUL HILL, PAUL GRIGGS, PAUL GREEN, PATRICK DORGAN, PATRICK CAMPBELL, PATRICIA

PAYNE, PATRICIA IRIZARRY, PATRICIA CAMPBELL, NATHAN BRINKLEY, MICHELLE PROVENZANO, MATTHEW DOYLE, MARYANNE APRIL, MARY BROWN, MARSRO.COM, LURA YATES, LIUYING, LEEANNA TRUJILLO, KEVIN ROBBINS, KELLY JOHNSON, KATHRINE TORRES, JULIUS PALMA, JOS FERNDEZ, JODIE WILLOUGHBY, JOAN MEYER, JEREMY BENNETT, JASON STEIN, JANET IRVING, JAMES MARISCAL, JAMES JOHNSON, JACQUELINE WALSH, HOTEL-DELPARCO.COM, HOMECASHCODE.ORG, HEYAO LONG, HEYAO LONG, HERMAN VANALSTYNE, GRACIE MCMILLEN, GLEN RAKOWSKI, GERALDINE SPRINGER, GEORGE DUGAN, GARY HOLT, FLOYD BARNARD, FELIPE OSBOURN, EVANGELINA LEIGHTON, ELAZIGARACKIRALAMA.ORG, ELAINE BOND, EDWARD MADDOX, EDWARD DODSON, DUSTIN MILLER, DORIS MURPHY, DENNIS TAYLOR, DELIA GREGGS, DEBORAH SWINK, DANELLE MAHONEY, DALLAS JONES, CONNIE SIMPSON, CLAUS PANCRATIUS, CHRISTOPHER CONEY, CAROL CLAY, CARLOS AYALA, BRIAN GIORDANO, BEVERLY ROOK, BARBARA FRANZ, ANGEL SMITHSON, ANDREW BALDWIN, AMY GARTH, ALICE DENSON, BOLUBAO NO. 2 STORE, DROPSHIPPING COOPERATION STORE, FGKKS OFFICIAL STORE, HANGZHOU BOLUBAO II STORE, HANGZHOU LONGXIOR LEATHERGOODS STORE, INTERNATIONAL FRANCHISE STORES, POWER ACE TRADING LIMITED, SHANGHAI E-COMMERCE TECHNOLOGY CO., LTD., SIDAITE FRANCHISED STORE, ST TAILUNTE STORE, VOLOCEAN HOTBAGS STORE, BKTREND STORE, BLUE FOR YOU, CCM BAG STORE, CHELLA OFFICIAL STORE, HIJUBER DEAR BABY STORE, JEWUTO SPECIALITY STORE, SENDUCSBAG STORE, SHOP4205002 STORE, SHOP4498058 STORE, TOP10 BAGFACTORY DROPPSHIPPING STORE, VIVA LA

STORE, ZHUO SHUODA STORE, 3NOKA34, ADA601124, A-GAOMIAOMIAO, AXJH1854, CARRY2020, CHANGJIANG166, CN-MALL, DINGLONGHUA0823-6, EARTIOUS, EILR3575, FASHION-LIVE-BEAUTIFY, FUN_BIRD, FXIANGLIA0, GDNT9716, GTAO123, GUANGSHA3688, GUERMILO, HAISHAN58, HANZ682, HIGHTECH_HEART, HONGYE16888, HREHNUYTSZD, HUIJU2010, HUITONG2010, JIU60-86, KATUNN15, KOBIIAL12, LEIPENG215, LIEQCH-0, LIFEE10, LOSANGE, LUZHEN4527, MEILISO, MEMORY201688, MYDREAM1986, OWNTHEW23, PANGXU-12, QI9345, RAYNA-PL, REN641-20, SALES_NDSICARD, SHAOLAYA0, SHOKBBN112, STEFANO991, SUPEN_7138, SUPEN_96, SUPERMARKET8882016, TAKEMALL, THEYEAR999, US_FANGH, W13269090959, WENJING1320, WGX69, WUFAME-19, YANGFENG699, YANGGUANG666, YANGJIAN1133, YIN20184-1, YXJKADSK86, 18K, 3384297323@QQ.COM, AFENGLING, ANGCONGXY, ANGELA ELECTRONIC SECURITY STORE, BEAUTIFUL DRESS 66, BEAUTY SHOE, BIMEIXIU, BLOOMYVSTORI, CHINA FACTORY COMPANY, DINGWANGRUI, DONG TENG TRADING CO., LTD., EYEWEAR HEAVEN, FENGMIYOUZICHA, FUJIAN YUMINGMAOYIYOUXIANGONGSI, GENGBIG SHOE, GOLDLOVESS, HONGHONG1314, HTZ, HUAZHIYUN, LIANGDONGSHOE, LOVEYUTONG, MERCHANT18, MIANMIZNANGQIANG, NANTENGSHANGMAOYOUXIANGONGSI, PROFESSION BRAND MAKEUP COMPANY, QUYITECHNOLOGY, SUNMUSUSU-SHOP, TEESPRINGCANADA, WANG DREAM, YIYI CLOTHING, YUANDONGLIMA OYIYOUXIANGONGSI, YUMINGMAOYI, Z63016301, ZENGXIAOYAO, ZHAOHENG, and ZYK identified on Schedule A attached hereto (collectively, “Defendants”) and alleges as follows:

I. JURISDICTION AND VENUE

1. This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Lanham Act, 15 U.S.C. § 1051, *et seq.*, 28 U.S.C. § 1338(a)-(b) and 28 U.S.C. § 1331. This Court has jurisdiction over the claims in this action that arise under the laws of the State of Illinois pursuant to 28 U.S.C. § 1367(a), because the state law claims are 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. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendants since each of the Defendants directly targets business activities toward consumers in the United States, including Illinois, through at least the fully interactive, commercial Internet stores operating under the Defendant Domain Names and/or the Online Marketplace Accounts identified in Schedule A attached hereto (collectively, the “Defendant Internet Stores”). Specifically, Defendants are reaching out to do business with Illinois residents by operating one or more commercial, interactive Defendant Internet Stores through which Illinois residents can purchase products using counterfeit versions of Ralph Lauren’s trademarks. Each of the Defendants has targeted sales from Illinois residents by operating online stores that offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, has sold products using counterfeit versions of Ralph Lauren’s federally registered trademarks to residents of Illinois. Each of the Defendants is committing tortious acts in Illinois, is engaging in interstate commerce, and has wrongfully caused Ralph Lauren substantial injury in the State of Illinois.

II. INTRODUCTION

3. This action has been filed by Ralph Lauren to combat online counterfeiters who trade upon Ralph Lauren's reputation and goodwill by selling and/or offering for sale unauthorized and unlicensed counterfeit products, including men's and women's clothing, using counterfeit versions of Ralph Lauren's federally registered trademarks (the "Counterfeit Ralph Lauren Products"). The Defendants create the Defendant Internet Stores by the dozens and design them to appear to be selling genuine Ralph Lauren products, while actually selling Counterfeit Ralph Lauren Products to unknowing consumers. The Defendant Internet Stores share unique identifiers, such as design elements and similarities of the Counterfeit Ralph Lauren Products offered for sale, establishing a logical relationship between them and suggesting that Defendants' counterfeiting operation arises out of the same transaction, occurrence, or series of transactions or occurrences. Defendants attempt to avoid liability by going to great lengths to conceal both their identities and the full scope and interworking of their counterfeiting operation. Ralph Lauren is forced to file this action to combat Defendants' counterfeiting of its registered trademarks, as well as to protect unknowing consumers from purchasing Counterfeit Ralph Lauren Products over the Internet. Ralph Lauren has been and continues to be irreparably damaged through consumer confusion, dilution, and tarnishment of its valuable trademarks as a result of Defendants' actions and seeks injunctive and monetary relief.

III. THE PARTIES

Plaintiffs

4. Plaintiff PRL USA Holdings, Inc. is a corporation organized and existing under the laws of Delaware, having its principal place of business at 650 Madison Avenue, New York, New York 10022.

5. Ralph Lauren was founded in 1967 by the iconic designer Mr. Ralph Lauren, and has become a leader in the design, marketing, and distribution of premium lifestyle product. Brands of Ralph Lauren include Polo Ralph Lauren, Chaps, Club Monaco, and Polo Sport, among others. For more than fifty years, Ralph Lauren has sold high-quality apparel, accessories and other products, all of which prominently display its famous, internationally-recognized and federally-registered trademarks, including RALPH LAUREN and POLO (collectively, the “Ralph Lauren Products”). Ralph Lauren Products have become enormously popular, driven by Ralph Lauren’s arduous quality standards and innovative design. Among the purchasing public, genuine Ralph Lauren Products are instantly recognizable as such. In the United States and around the world, the Ralph Lauren brand has come to symbolize high quality and prestige.

6. Genuine Ralph Lauren Products are distributed through a worldwide network of authorized licensees, distributors and retailers, including Ralph Lauren retail stores throughout the United States and in Illinois, and through the official ralphlauren.com website (previously located at polo.com), which was launched in November 2000.

7. Ralph Lauren has continuously sold Ralph Lauren Products under the Ralph Lauren trademarks in the United States for many years. Ralph Lauren incorporates a variety of distinctive marks in the design of its various Ralph Lauren Products. As a result of its long-standing use, Ralph Lauren owns common law trademark rights in its trademarks. Ralph Lauren has also registered its trademarks with the United States Patent and Trademark Office. Ralph Lauren Products typically include at least one of the federally registered Ralph Lauren trademarks. Often Ralph Lauren trademarks are displayed in more than one location on a single product (*e.g.*, interior label, lining, or external name plate). Ralph Lauren uses its trademarks in

connection with the marketing of its Ralph Lauren Products, including the following marks, which are collectively referred to as the “RALPH LAUREN Trademarks.”

Registration Number	Trademark	Goods and Services
1,447,282	RALPH LAUREN	For: frames for prescription and non-prescription lenses and complete sunglasses in class 009.
1,469,151	RALPH LAUREN	For: men's, women's, and children's dress and athletic shoes in class 025.
1,624,989	RALPH LAUREN	For: clothing - namely, suits, slacks, trousers, shorts, wind resistant jackets, jackets, blazers, dress shirts, knit shirts, sweatshirts, sweaters, hats, belts, socks, blouses, skirts, coats and dresses in class 025.
1,835,393	RALPH LAUREN	For: jewelry in class 014.
1,976,324	RALPH LAUREN	For: clutches, shoulder bags, cosmetic bags, tote bags, saddle bags, backpacks, gym bags, duffle bags, travel bags, circular cosmetic and personal grooming bags, clothing and personal item bags with drawstrings for over the shoulder use, grooming kits in the nature of small travelling bags for carrying personal hygiene items, travelling bags designed for holding suits, tie cases, satchels, purses and other personal item bags with rigid top supports, garment bags for travel, travelling bags for carrying personal items and clothing, coin bags, drawstring pouches, overnight bags, wallets and key holders, all sold empty in class 018.
1,972,538	RALPH LAUREN	For: jewelry in class 014.
2,207,011	RALPH LAUREN	For: intimate wear, namely, hosiery in class 025.

3,521,190	RALPH LAUREN	For: on-line retail store services featuring men's, women's and children's clothing, footwear, headgear, eyewear, handbags, backpacks, travel bags, wallets, athletic bags, jewelry, watches, sporting goods and accessories, fragrance, body lotions, home furnishing in the nature of bedsheets, duvet covers, comforters, blankets, pillows, towels, table cloths, dinnerware, picture frames in class 035.
3,764,868	RALPH LAUREN	For: horological and chronometric instruments, namely, mechanical and automatic watches, wrist watches, diving watches, stop watches, pocket watches, watch fobs, jewelry watches; horological and chronometric fittings, namely, parts, faces, movements, casings, crowns, bands, straps, pouches, boxes, clasps, winders, winding buttons, dials, chains, cases, straps made of metal, leather and plastic in class 014.
5,400,546	RALPH LAUREN	For: cuff-links in class 014. For: silver money clips in class 016.
1,363,459	POLO	For: clothing-namely, suits, slacks, trousers, shorts, wind resistant jackets, jackets, blazers, dress shirts, sweatshirts, sweaters, hats, belts, socks, blouses, skirts, coats, and dresses in class 025.
1,446,173	POLO	For: frames for prescription and non-prescription lenses and complete sunglasses in class 009.
1,468,420	POLO	For: men's, women's, children's and athletic shoes in class 025.
3,684,457	POLO	For: metal belt buckles not of precious metal in class 026.
5,512,126	POLO	For: clutches, shoulder bags, cosmetic bags sold empty, tote bags, saddle bags, backpacks, gym bags, duffle bags, travel bags, roll bags, sling bags, grooming kits

		sold empty, suit bags, tie cases, satchels, garment bags for travel, coin purses, drawstring pouches, overnight bags, wallets and key cases in class 018.
1,951,601	POLO SPORT	For: wearing apparel, namely pants, shorts, jackets, t-shirts, sport shirts, knit shirts, sweatshirts, hats, socks and footwear in class 025.
5,507,568	POLO RALPH LAUREN	For: clutches, shoulder bags, cosmetic bags sold empty, tote bags, saddle bags, backpacks, gym bags, duffle bags, travel bags, roll bags, sling bags, grooming kits sold empty, suit bags, tie cases, satchels, garment bags for travel, coin purses, drawstring pouches, overnight bags, wallets and key cases in class 018.
1,485,359		For: mens', womens', childrens' and athletic shoes in class 025.
2,052,315		For: clutches, shoulder bags, cosmetic bags sold empty, tote bags, saddle bags, backpacks, gym bags, duffle bags, travel bags, roll bags, sling bags, grooming kits sold empty, suit bags, tie cases, satchels, pole bags, garment bags for travel, coin purses, drawstring pouches, overnight bags, wallets and key cases in class 018.
2,823,094		For: wearing apparel, namely, sweaters and t-shirts in class 025. For: tote bags in class 018.

3,199,839		For: wearing apparel, namely, jackets, sweatshirts, sweat pants, hats, scarves, jerseys, jeans, turtlenecks and bikinis in class 025.
3,812,741		For: a full line of clothing in class 025.
4,254,740		For: eyewear in class 009.
4,558,683		For: retail and on-line retail store services featuring men's, women's, and children's clothing, footwear, headwear, eyewear, leather goods, handbags, duffel bags, tote bags, luggage, briefcases, sporting goods and accessories, fragrances and personal care products, jewelry, watches, and home furnishings in class 035.

8. The above U.S. registrations for the RALPH LAUREN Trademarks are valid, subsisting, in full force and effect, and many are incontestable pursuant to 15 U.S.C. § 1065. The registrations for the RALPH LAUREN Trademarks constitute *prima facie* evidence of their validity and of Ralph Lauren's exclusive right to use the RALPH LAUREN Trademarks pursuant to 15 U.S.C. § 1057(b). The RALPH LAUREN Trademarks have been used exclusively and continuously by Ralph Lauren, some since at least as early as 1967, and have

never been abandoned. True and correct copies of the United States Registration Certificates for the above-listed RALPH LAUREN Trademarks are attached hereto as **Exhibit 1**.

9. The RALPH LAUREN Trademarks have achieved tremendous fame and recognition, which has only added to the distinctiveness of the marks. As a result, the RALPH LAUREN Trademarks are both famous marks and valuable assets. As such, Ralph Lauren has built substantial goodwill in the RALPH LAUREN Trademarks, which is of incalculable and inestimable value to Ralph Lauren.

10. The RALPH LAUREN Trademarks have been widely promoted, both in the United States and throughout the world, and are among the world's most famous and widely-recognized trademarks. In fact, Ralph Lauren has expended hundreds of millions of dollars in advertising, promoting and marketing featuring the RALPH LAUREN Trademarks. Ralph Lauren Products have also been the subject of extensive unsolicited publicity resulting from their high-quality, innovative designs and renown as desired luxury items. Ralph Lauren augments this unsolicited media coverage with extensive paid advertising featuring internationally-known celebrities, including Penelope Cruz, Jessica Chastain, Naomi Campbell, and Gisele Bundchen in upscale, luxury magazines worldwide, such as *Vanity Fair* and *Vogue*. Ralph Lauren is also the official sponsor of Wimbledon and an official sponsor of the U.S. Open, and is the exclusive Official Parade Outfitter for the U.S. Olympic and Paralympic Teams. Because of these and other factors, the Ralph Lauren name and the RALPH LAUREN Trademarks have become famous throughout the United States.

11. The RALPH LAUREN Trademarks are distinctive when applied to the Ralph Lauren Products, signifying to the purchaser that the products come from Ralph Lauren and are manufactured to Ralph Lauren's quality standards. Ralph Lauren maintains quality control

standards for all Ralph Lauren Products. All genuine Ralph Lauren Products are inspected and approved by or on behalf of Ralph Lauren prior to distribution and sale.

12. Ralph Lauren operates a website at ralphlauren.com where it promotes and sells genuine Ralph Lauren Products. The ralphlauren.com website features proprietary content, images and designs exclusive to Ralph Lauren.

13. Ralph Lauren has expended substantial time, money, and other resources in developing, advertising and otherwise promoting and protecting the RALPH LAUREN Trademarks. As a result, products bearing the RALPH LAUREN Trademarks are widely recognized and exclusively associated by consumers, the public, and the trade as being high-quality products sourced from Ralph Lauren. Ralph Lauren is a multi-billion dollar operation, and Ralph Lauren Products are among the most popular of their kind in the world.

The Defendants

14. Defendants are individuals and business entities who, upon information and belief, reside in the People's Republic of China or other foreign jurisdictions. Defendants conduct business throughout the United States, including within the State of Illinois and this Judicial District, through the operation of the fully interactive commercial websites and online marketplaces operating under the Defendant Internet Stores. Each Defendant targets the United States, including Illinois, and has offered to sell, and on information and belief, has sold and continues to sell Counterfeit Ralph Lauren Products to consumers within the United States, including the State of Illinois.

15. On information and belief, Defendants are an interrelated group of counterfeiters working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell products using counterfeit versions of the RALPH LAUREN Trademarks in the

same transaction, occurrence, or series of transactions or occurrences. Tactics used by Defendants to conceal their identities and the full scope of their counterfeiting operation make it virtually impossible for Ralph Lauren to learn Defendants' true identities and the exact interworking of their counterfeit network. In the event that Defendants provide additional credible information regarding their identities, Ralph Lauren will take appropriate steps to amend the Amended Complaint.

IV. DEFENDANTS' UNLAWFUL CONDUCT

16. The success of the Ralph Lauren brand has resulted in its significant counterfeiting. Consequently, Ralph Lauren has a worldwide anti-counterfeiting program and regularly investigates suspicious websites and online marketplace listings identified in proactive Internet sweeps and reported by consumers. In recent years, Ralph Lauren has identified many domain names linked to fully interactive websites and marketplace listings on platforms such as iOffer, eBay, AliExpress, Alibaba, Amazon, Wish.com, and Dhgate, including the Defendant Internet Stores, which were offering for sale and/or selling Counterfeit Ralph Lauren Products to consumers in this Judicial District and throughout the United States. Despite Ralph Lauren's enforcement efforts, Defendants have persisted in creating the Defendant Internet Stores. Internet websites like the Defendant Internet Stores are estimated to receive tens of millions of visits per year and to generate over \$135 billion in annual online sales. According to an intellectual property rights seizures statistics report issued by Homeland Security, the manufacturer's suggested retail price (MSRP) of goods seized by the U.S. government in fiscal year 2014 was over \$1.23 billion. Internet websites 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.

17. Defendants facilitate sales by designing the Defendant Internet Stores so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers. Many of the Defendant Internet Stores appear sophisticated and accept payment in U.S. dollars via credit cards, Alipay, Amazon Pay, Western Union and/or PayPal. The Defendant Internet Stores often include content and design elements that make it very difficult for consumers to distinguish such stores from an authorized retailer. Many Defendants further perpetuate the illusion of legitimacy by offering customer service and using indicia of authenticity and security that consumers have come to associate with authorized retailers, including the Visa®, MasterCard®, and/or PayPal® logos. Ralph Lauren has not licensed or authorized Defendants to use any of the RALPH LAUREN Trademarks, and none of the Defendants are authorized retailers of genuine Ralph Lauren Products.

18. Many Defendants also deceive unknowing consumers by using the RALPH LAUREN Trademarks without authorization within the content, text, and/or meta tags of their websites in order to attract various search engines crawling the Internet looking for websites relevant to consumer searches for Ralph Lauren Products. Additionally, upon information and belief, Defendants use other unauthorized search engine optimization (SEO) tactics and social media spamming so that the Defendant Internet Stores listings show up at or near the top of relevant search results and misdirect consumers searching for genuine Ralph Lauren Products. Other Defendants only show the RALPH LAUREN Trademarks in product images, while using strategic item titles and descriptions that will trigger their listings when consumers are searching for Ralph Lauren Products.

19. Defendants go to great lengths to conceal their identities and often use multiple fictitious names and addresses to register and operate their network of Defendant Internet Stores.

For example, many of Defendants' names and physical addresses used to register the Defendant Domain Names are incomplete, contain randomly typed letters, or fail to include cities or states. Other Defendant Domain Names use privacy services that conceal the owners' identity and contact information. On information and belief, Defendants regularly create new websites and online marketplace accounts on various platforms using the identities listed in Schedule A to the Amended Complaint, as well as other unknown fictitious names and addresses. Such Defendant Internet Store registration patterns are one of many common tactics used by the Defendants to conceal their identities, the full scope and interworking of their counterfeiting operation, and to avoid being shut down.

20. Even though Defendants operate under multiple fictitious names, there are numerous similarities among the Defendant Internet Stores. For example, many of the Defendant websites have virtually identical layouts, even though different aliases were used to register the respective domain names. In addition, Counterfeit Ralph Lauren Products for sale in the Defendant Internet Stores bear similar irregularities and indicia of being counterfeit to one another, suggesting that the Counterfeit Ralph Lauren Products were manufactured by and come from a common source and that Defendants are interrelated. The Defendant Internet Stores also include other notable common features, including use of the same domain name registration patterns, shopping cart platforms, accepted payment methods, check-out methods, meta data, illegitimate SEO tactics, HTML user-defined variables, domain redirection, lack of contact information, identically or similarly priced items and volume sales discounts, the same incorrect grammar and misspellings, similar hosting services, similar name servers, and the use of the same text and images, including content copied from Ralph Lauren's ralphlauren.com website.

21. In addition to operating under multiple fictitious names, Defendants in this case and defendants in other similar cases against online counterfeiters use a variety of other common tactics to evade enforcement efforts. For example, counterfeiters like Defendants will often register new domain names or online marketplace accounts under new aliases once they receive notice of a lawsuit. Counterfeiters also often move website hosting to rogue servers located outside the United States once notice of a lawsuit is received. Rogue servers are notorious for ignoring take down demands sent by brand owners. Counterfeiters also typically ship products in small quantities via international mail to minimize detection by U.S. Customs and Border Protection.

22. Further, counterfeiters such as Defendants typically operate multiple credit card merchant accounts and PayPal accounts behind layers of payment gateways so that they can continue operation in spite of Ralph Lauren's enforcement efforts. On information and belief, Defendants maintain off-shore bank accounts and regularly move funds from their PayPal accounts or other financial accounts to off-shore bank accounts outside the jurisdiction of this Court. Indeed, analysis of PayPal transaction logs from previous similar cases indicates that off-shore counterfeiters regularly move funds from U.S.-based PayPal accounts to China-based bank accounts outside the jurisdiction of this Court.

23. Defendants, without any authorization or license from Ralph Lauren, have knowingly and willfully used and continue to use the RALPH LAUREN Trademarks in connection with the advertisement, distribution, offering for sale, and sale of Counterfeit Ralph Lauren Products into the United States and Illinois over the Internet. Each Defendant Internet Store offers shipping to the United States, including Illinois, and, on information and belief, each Defendant has sold Counterfeit Ralph Lauren Products into the United States, including Illinois.

24. Defendants' unauthorized use of the RALPH LAUREN Trademarks in connection with the advertising, distribution, offering for sale, and sale of Counterfeit Ralph Lauren Products, including the sale of Counterfeit Ralph Lauren Products into the United States, including Illinois, is likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming Ralph Lauren.

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

25. Ralph Lauren hereby re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 24.

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

27. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products using counterfeit reproductions of the RALPH LAUREN Trademarks without Ralph Lauren's permission.

28. Ralph Lauren is the exclusive owner of the RALPH LAUREN Trademarks. Ralph Lauren's United States Registrations for the RALPH LAUREN Trademarks (Exhibit 1) are in full force and effect. Upon information and belief, Defendants have knowledge of Ralph Lauren's rights in the RALPH LAUREN Trademarks, and are willfully infringing and intentionally using counterfeits of the RALPH LAUREN Trademarks. Defendants' willful,

intentional and unauthorized use of the RALPH LAUREN Trademarks is likely to cause and is causing confusion, mistake, and deception as to the origin and quality of the Counterfeit Ralph Lauren Products among the general public.

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

30. Ralph Lauren has no adequate remedy at law, and if Defendants' actions are not enjoined, Ralph Lauren will continue to suffer irreparable harm to its reputation and the goodwill of its well-known RALPH LAUREN Trademarks.

31. The injuries and damages sustained by Ralph Lauren have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offering to sell, and sale of Counterfeit Ralph Lauren Products.

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

32. Ralph Lauren hereby re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 31.

33. Defendants' promotion, marketing, offering for sale, and sale of Counterfeit Ralph Lauren Products has created and is creating a likelihood of confusion, mistake, and deception among the general public as to the affiliation, connection, or association with Ralph Lauren or the origin, sponsorship, or approval of Defendants' Counterfeit Ralph Lauren Products by Ralph Lauren.

34. By using the RALPH LAUREN Trademarks on the Counterfeit Ralph Lauren Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Counterfeit Ralph Lauren Products.

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

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

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

37. Ralph Lauren hereby re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 36.

38. Defendants have engaged in acts violating Illinois law including, but not limited to, passing off their Counterfeit Ralph Lauren Products as those of Ralph Lauren; causing a likelihood of confusion and/or misunderstanding as to the source of their goods; causing a likelihood of confusion and/or misunderstanding as to an affiliation, connection, or association with genuine Ralph Lauren Products; representing that their Counterfeit Ralph Lauren Products have Ralph Lauren's approval when they do not; and engaging in other conduct which creates a likelihood of confusion or misunderstanding among the public.

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

40. Ralph Lauren has no adequate remedy at law, and Defendants' conduct has caused Ralph Lauren to suffer damage to its reputation and goodwill. Unless enjoined by the

Court, Ralph Lauren will suffer future irreparable harm as a direct result of Defendants' unlawful activities.

PRAYER FOR RELIEF

WHEREFORE, Ralph Lauren prays for judgment against Defendants as follows:

- 1) That Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under, or in active concert with them be temporarily, preliminarily, and permanently enjoined and restrained from:
 - a. using the RALPH LAUREN Trademarks or any reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine Ralph Lauren Product or is not authorized by Ralph Lauren to be sold in connection with the RALPH LAUREN Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Ralph Lauren Product or any other product produced by Ralph Lauren, that is not Ralph Lauren's or not produced under the authorization, control, or supervision of Ralph Lauren and approved by Ralph Lauren for sale under the RALPH LAUREN Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' Counterfeit Ralph Lauren Products are those sold under the authorization, control or supervision of Ralph Lauren, or are sponsored by, approved by, or otherwise connected with Ralph Lauren;
 - d. further infringing the RALPH LAUREN Trademarks and damaging Ralph Lauren's goodwill; and

- e. manufacturing, shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Ralph Lauren, nor authorized by Ralph Lauren to be sold or offered for sale, and which bear any of Ralph Lauren's trademarks, including the RALPH LAUREN Trademarks, or any reproductions, counterfeit copies, or colorable imitations thereof;
- 2) Entry of an Order that, upon Ralph Lauren's choosing, the registrant of the Defendant Domain Names shall be changed from the current registrant to Ralph Lauren, and that the domain name registries for the Defendant Domain Names, including, but not limited to, VeriSign, Inc., Neustar, Inc., Afiliias Limited, CentralNic, Nominet, and the Public Interest Registry, shall unlock and change the registrar of record for the Defendant Domain Names to a registrar of Ralph Lauren's selection, and that the domain name registrars, including, but not limited to, GoDaddy Operating Company, LLC ("GoDaddy"), Name.com, PDR LTD. d/b/a PublicDomainRegistry.com ("PDR"), and Namecheap, Inc. ("Namecheap") shall take any steps necessary to transfer the Defendant Domain Names to a registrar account of Ralph Lauren's selection; or that the same domain name registries shall disable the Defendant Domain Names and make them inactive and untransferable;
- 3) Entry of an Order that, upon Ralph Lauren's request, those in privity with Defendants and those with notice of the injunction, including, without limitation, any online marketplace platforms such as iOffer, eBay, AliExpress, Alibaba, Amazon, Wish.com and Dhgate, web hosts, sponsored search engine or ad-word providers, credit cards, banks, merchant account providers, third party processors and other payment processing service providers, Internet search engines such as Google, Bing and Yahoo, and domain name registrars, including, but

not limited to, GoDaddy, Name.com, PDR, and Namecheap, (collectively, the “Third Party Providers”) shall:

- a. disable and cease providing services being used by Defendants, currently or in the future, to engage in the sale of goods using the RALPH LAUREN Trademarks;
 - b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the RALPH LAUREN Trademarks; and
 - c. take all steps necessary to prevent links to the Defendant Domain Names identified on Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Domain Names from any search index;
- 4) That Defendants account for and pay to Ralph Lauren all profits realized by Defendants by reason of Defendants’ unlawful acts herein alleged, and that the amount of damages for infringement of the RALPH LAUREN Trademarks be increased by a sum not exceeding three times the amount thereof as provided by 15 U.S.C. § 1117;
 - 5) In the alternative, that Ralph Lauren be awarded statutory damages for willful trademark counterfeiting pursuant to 15 U.S.C. § 1117(c)(2) of \$2,000,000 for each and every use of the RALPH LAUREN Trademarks;
 - 6) That Ralph Lauren be awarded its reasonable attorneys’ fees and costs; and
 - 7) Award any and all other relief that this Court deems just and proper.

Dated this 22nd day of July 2019.

Respectfully submitted,

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