

Michael Lee (ML 6353)
Lee Law PLLC
57 West 38th St., 11th Floor
New York, NY 10018
Telephone: (212) 621-8239

Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CASE NO. 1:25-cv- 2294

OTTER PRODUCTS, LLC,

Plaintiff,

v.

GRAND RAPIDS LIQUIDATORS LLC d/b/a
“KORTING” and “KORTING OUTLET”; ROSS
KUNZI; BLAKE KUNZI; and “JOHN DOES” 1-
5;

Defendants.

COMPLAINT

Plaintiff Otter Products, LLC (“Plaintiff”) through its attorneys complaining of Grand Rapids Liquidators LLC d/b/a “Korting” and “Korting Outlet” (“Grand Rapids”); Ross Kunzi; Blake Kunzi; and "John Does" 1-5 (hereinafter collectively referred to as "Defendants") hereby alleges as follows:

STATEMENT OF THE CASE

1. This is a suit by Plaintiff against Defendants for: (i) counterfeiting and / or infringement of trademarks in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114; (ii) federal trademark dilution in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(c); (iii) unfair competition, false designation of origin, and false description in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); and (iv) unfair and deceptive business practices in violation of N.Y. Gen. Bus. L. § 349.

2. This action concerns the distribution of a large amount of merchandise bearing counterfeits and / or infringements of Plaintiff's federally registered trademarks in the United States. Despite notice from Plaintiff concerning their illegal activities, Defendants continue to offer for sale, sell, and otherwise distribute illegal product bearing counterfeits and infringements of Plaintiff's trademarks. Defendants have willfully infringed Plaintiff's valuable trademarks, creating a strong likelihood of confusion among consumers who expect that merchandise bearing Plaintiff's trademarks will be genuine product by Plaintiff, causing both monetary and other irreparable injury to Plaintiff and the public at large.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the federal trademark claims asserted in this action under 15 U.S.C. § 1121, and 28 U.S.C. § 1331 and 28 U.S.C. § 1338. This Court has supplemental subject matter jurisdiction over state law claims pursuant to 28 U.S. C. § 1367(a) in that the state law claims form part of the same case or controversy as the federal claims.

4. Defendants are subject to the Court's jurisdiction because they have committed the acts complained of herein in this District and do business in this District. Specifically, Defendants shipped infringing merchandise into this District.

5. Defendants are subject to the jurisdiction of this Court pursuant to and in accordance with Rule 4 of the Federal Rules of Civil Procedure.

6. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) (2-3).

PARTIES

7. Plaintiff is a limited liability company duly organized and existing under the laws of the State of Colorado and having its principal place of business located at 209 S.

Meldrum Street, Fort Collins, CO 80521.

8. Upon information and belief, Grand Rapids is a Michigan limited liability company doing business at three (3) retail locations and on the Internet. Grand Rapids registered agent is located at 2222 W. Grand River Ave, Ste A, Okemos, MI 48864.

9. Upon information and belief, Ross Kunzi resides at 6571 Bent Tree Drive, Allendale, MI 49401 and is a Member / Founder / and Owner of Grand Rapids. Ross Kunzi, in participation with his brother, directs, controls, ratifies, participates in, and has the right and ability to control the action of the corporate defendant and account at issue and is, therefore, a moving force behind the unlawful activity alleged herein.

10. Upon information and belief, Blake Kunzi resides at 4165 Pheasant Road, Hudsonville, MI 49426 and is also a Member / Founder / and Owner Manager of Grand Rapids; Additionally, Blake Kunzi is the registered owner of the eBay, Inc. account at issue. Blake Kunzi, in participation with his brother, directs, controls, ratifies, participates in, and has the right and ability to control the action of the corporate defendant and account at issue and is, therefore, a moving force behind the unlawful activity alleged herein.

11. The identities of "John Does" 1-5 are not currently known to Plaintiff. Upon information and belief, they are associated with Defendants and have contributed to Defendants' unlawful activities. Plaintiff will use its best efforts to identify these "John Does" and upon further knowledge and investigation, Plaintiff will amend its pleadings accordingly.

FACTUAL ALLEGATIONS

A. Plaintiff's Famous Products and Trademarks

12. Plaintiff began with the entrepreneurial vision of its founder, Curt Richardson. An injection molder by trade, Richardson designed the first "OtterBox" in 1995. The first OtterBox was a durable waterproof box used to keep electronics dry while participating in


outdoor sports such as kayaking or fishing. However, through iterative design changes, what started as a waterproof box evolved into a line of functional, durable, and award-winning personal electronics cases.


13. Since its inception, Plaintiff has marked their brands' products with trademarks that have come to symbolize their profound company heritage, entrepreneurial spirit, and superior craftsmanship. This reputation started with the design of the first OtterBox[®] in 1995 and has since expanded into a robust global marketplace. From its prescient inceptions to its products' establishment as household name, Plaintiff has expended great amounts of time, money, and effort advertising and promoting its trademarks globally, including throughout the United States and in this District. As a result of these investments and its widespread success, Plaintiff has developed considerable goodwill and a reputation for the highest quality products. Plaintiff has continuously used their trademarks to distinguish their OtterBox[®] products, as well as uphold these reputations.

14. Plaintiff is the owner of various trademarks registered with the United States Patent and Trademark Office ("USPTO"). Such trademarks include, but are not limited to, the following:

Trademark	USPTO Registration Number	Registration Date	Goods
OTTERBOX	3788534	08/25/2009	IC 009. US 021 023 026 036 038. G & S: Protective cases for handheld electronic devices, namely, portable music players, portable video players, cell phones and computers; specially adapted

			protective carrying cases for computers.
OTTER BOX	3788535	05/11/2010	IC 009. US 021 023 026 036 038. G & S: Protective cases for handheld electronic devices, namely, portable music players, portable video players, cell phones and computers; specially adapted protective carrying cases for computers.
OTTERBOX	4602221	09/09/2014	IC 009. US 021 023 026 036 038. G & S: Protective covers and cases for handheld electronic devices, namely, cell phones, portable media players, tablets, personal digital assistants, e-book readers, and computers; protective covers and cases for computers.
DEFENDER SERIES	4616874	10/07/2014	IC 009. US 021 023 026 036 038. G & S: Protective covers and cases for personal electronic devices, namely, cell phones.

<p>DEFENDER SERIES</p>	<p>3623789</p>	<p>05/19/2009</p>	<p>IC 009. US 021 023 026 036 038. G & S: Protective cases for interactive, handheld electronic devices, namely, portable music players, portable video players and tablet computers.</p>
	<p>3791318</p>	<p>05/18/2010</p>	<p>IC 009. US 021 023 026 036 038. G & S: Protective cases for handheld electronic devices, namely, portable music players, portable video players, cell phones and computers; specially adapted protective carrying cases for computers.</p>
<p>STRADA SERIES</p>	<p>4864518</p>	<p>12/1/2015</p>	<p>IC 009. US 021 023 026 036 038. G & S: Protective cases and covers for personal electronic devices, namely, mobile phones, smartphones, tablets, computers, e-book readers, portable media players; Bags, folios and carrying cases specially adapted for personal electronic devices, namely, mobile phones, smartphones, tablets, computers, e-book readers,</p>

			portable media players.
STATEMENT SERIES	4952893	05/03/2016	IC 009. US 021 023 026 036 038. G & S: Protective cases, covers, bags, and carrying cases for personal electronic devices, namely, mobile phones, smartphones, tablet computers, and e-book readers
<p style="text-align: center;">Giving Back</p>  <p style="text-align: center;">GIVING BACK</p>	5356304	12/12/2017	IC 009. US 021 023 026 036 038. G & S: Protective cases and covers for mobile electronic devices, namely, smartphones, tablet computers; protective cases and covers adapted to accommodate external accessories for use with mobile electronic devices, namely, smartphones, tablet computers; accessories specially adapted for use with protective cases and covers for smartphones, tablet computers, namely, batteries and power management systems in the

			nature of external batteries, battery boxes and battery chargers.
DEFENDER SERIES PRO	5726083	04/16/2019	IC 009. US 021 023 026 036 038. G & S: Protective cases, carrying cases, casings, and covers for portable electronic devices, namely, cell phones, tablet computers, cases and holsters specially adapted for holding or carrying mobile electronic devices, namely, mobile phones, tablet computers.
TRACTION SERIES	5910713	11/12/2019	IC 009. US 021 023 026 036 038. G & S: Protective cases and covers for personal electronic devices, namely, mobile phones, smartphones, and tablet computers.
VUE SERIES	5727921	04/16/2019	IC 009. US 021 023 026 036 038. G & S: Protective cases, covers, bags, and carrying cases for personal electronic devices, namely, mobile phones, smartphones, tablet

			computers, and e-book readers.
FIGURA SERIES	5765856	05/28/2019	IC 009. US 021 023 026 036 038. G & S: Protective cases, covers, bags, and carrying cases for personal electronic devices, namely, mobile phones, smartphones, tablet computers, and e-book readers.
STATEMENT SERIES MODERNE	5765857	05/28/2019	IC 009. US 021 023 026 036 038. G & S: Protective cases, covers, bags, and carrying cases for personal electronic devices, namely, mobile phones, smartphones, tablet computers, and e-book readers.
LUMEN SERIES	6073954	06/09/2020	IC 009. US 021 023 026 036 038. G & S: Protective covers and cases for handheld electronic devices, namely, cell phones, smartphones and personal digital assistants.

OTTERBOX	6077573	06/16/2020	IC 009. US 021 023 026 036 038. G & S: Protective display screen covers for tablet computers, smart phones and electronic reading devices; Stands, mounts, covers and cases specifically adapted for electronic devices, namely, speakers, microphones, smart speakers, display screens, and smart displays; Protective cases for laptop computer, tablet computers, and accessories for laptop and tablet computers, namely, keyboards and speakers.
WAKE	6126479	08/11/2020	IC 009. US 021 023 026 036 038. G & S: Protective cases and covers for mobile electronic devices, namely, smartphones, tablet computers, electronic reading devices and mobile electronic devices.

VIVA SERIES	6149005	09/08/2020	IC 009. US 021 023 026 036 038. G & S: Protective cases, covers, and carrying cases for personal electronic devices, namely, mobile phones, smartphones, and tablet computers.
-------------	---------	------------	--

(with others, hereinafter collectively referred to as the “Plaintiff’s Registered Trademarks”).

15. The Plaintiff’s Registered Trademarks are valid, in full force and effect, protectable and exclusively owned by Plaintiff. Plaintiff has continuously used the Plaintiff’s Registered Trademarks during all time periods relevant to Plaintiff’s claims. As a result, select Plaintiff’s Registered Trademarks have become incontestable pursuant to 15 U.S.C. § 1065.

16. The Plaintiff’s Registered Trademarks have been used regularly in interstate commerce, including within this District, to identify and distinguish Plaintiff’s high-quality merchandise including, but not limited to, dirt resistant mobile phone cases, dirt resistant tablet cases, shock resistant mobile phone cases, shock resistant tablet cases, drop resistant mobile phone cases, drop resistant tablet cases, mobile phone accessories, tablet accessories, and other goods.

17. Due to the overwhelming amount of resources exhausted by Plaintiff in order to create, protect, enforce, and promote the Plaintiff’s Registered Trademarks, the Plaintiff’s Registered Trademarks have achieved secondary meaning as identifiers of high quality merchandise including, but not limited to, dirt resistant mobile phone cases, dirt resistant tablet cases, shock resistant mobile phone cases, shock resistant tablet cases, drop resistant mobile phone cases, drop resistant tablet cases, mobile phone accessories, tablet accessories, and other

goods.

18. The Plaintiff's Registered Trademarks are recognized around the world and throughout the United States by consumers as signifying authentic, high-quality OtterBox® products. As such, the Plaintiff's Registered Trademarks qualify as famous marks as the term is used in 15 U.S.C. § 1125(c)(1) and achieved such fame prior to Defendants' conduct that is the subject of this Complaint.

B. Defendants' Unauthorized Activities

19. Upon information and belief, Defendants are offering for sale, selling, and using in interstate commerce merchandise bearing counterfeits and infringements of the Plaintiff's Registered Trademarks (the "Infringing Products").

20. Defendants have been offering for sale and selling a large amount of Infringing Products on the www.eBay.com website ("eBay") using the eBay username "korting_outlet".

21. This is not the first time that Defendants have been accused of distributing knock-off products.

22. Defendants' eBay account has feedback from an eBay user claiming that Defendants sold "fake" and "counterfeit" products. This evidences that Defendants' infringement of the Plaintiff's Registered Trademark is knowing and willful.

23. On or about September 13, 2024, an agent for Plaintiff purchased an Infringing Product from Defendants which was shipped into this District. The return information listed on the package was "Grand Rapids Liquidators LLC, 159 1st Ct, Grand Rapids, MI 49534" (the "First Purchase"). At the return address is one (1) of Defendants' three (3) retail locations.

24. Plaintiff reviewed the First Purchase and confirmed it was not authentic Plaintiff's merchandise and did, in fact, bear counterfeits and infringements of the Plaintiff's

Registered Trademarks.

25. Thereafter, despite receiving notice of Plaintiff's claims from eBay and eBay shutting down Defendants' listings, Defendants reposted additional "OtterBox" cases for sale.

26. This conduct further evidences knowing and willful infringement of the Plaintiff's Registered Trademarks.

27. Upon Plaintiff's request, eBay disclosed the contact information for the owner of the "korting_outlet" eBay account. The eBay account is registered to Blake Kunzi at his home address.

28. On or about December 2, 2024, Plaintiff sent Defendants a cease-and-desist letter to the email address associated with their eBay account demanding that Defendants' unauthorized conduct concerning the Plaintiff's Registered Trademarks discontinue and requesting additional information.

29. Defendants did not respond to the letter or subsequent emails.

30. Despite Plaintiff's efforts, Defendant continued to offer for sale and sell Infringing Products.

31. On or about March 10, 2025, an agent for Plaintiff purchased an additional Infringing Product from Defendants which was shipped into this District (the "Second Purchase").

32. Plaintiff reviewed the Second Purchase and confirmed it was not authentic Plaintiff's merchandise and did, in fact, bear counterfeits and infringements of the Plaintiff's Registered Trademarks.

33. Despite having notice of their fraudulent sales from eBay users, eBay, and Plaintiff Defendants continue to offer for sale and sell Infringing Products. As of the filing of this Complaint, Defendants are offering for sale over fifty (50) "OtterBox" cases. Defendants

are willful infringers of the Plaintiff's Registered Trademarks causing irreparable harm to Plaintiff and the unsuspecting public who are being defrauded into purchasing such illegal merchandise.

34. Defendants' distribution of Infringing Products in the United States constitutes an illegal use in commerce of the Plaintiff's Registered Trademarks in connection with the sale, offering for sale, or distribution of the Infringing Products.

35. The Infringing Products distributed by Defendants were not manufactured, authorized, or sponsored by Plaintiff. Thus, consumers will be confused and disappointed by the differences between the Infringing Products distributed by Defendants and genuine Plaintiff merchandise manufactured and distributed by Plaintiff.

36. Ross Kunzi and Blake Kunzi are directly involved with, and authorized, the unauthorized activities described herein. Blake Kunzi, individually, is the owner of the eBay account at issue. As the owner of the eBay account, Blake Kunzi is liable for all commercial transactions occurring from the account and controls all sales occurring from the account.

37. As a result of Defendants' actions, Plaintiff is losing profits from lost sales of genuine product, is suffering a loss of enormous goodwill created in its Plaintiff's Registered Trademarks and will continue to suffer such loss if Defendants are allowed to continue its illegal activity.

38. Defendants have knowingly and willfully engaged in their illicit activities in direct violation of Plaintiff's rights and/or has shown a blatant disregard for the same. For these reasons, this qualifies as an exceptional case under 15 U.S.C. § 1117(a).

39. Plaintiff has suffered irreparable injury as a direct and proximate result of Defendants' wrongful distribution of the Infringing Products. Plaintiff has no adequate remedy at law.

40. Defendants' unlawful acts will undoubtedly persist without judicial intervention. As such, Defendants must be restrained and enjoined from further violating Plaintiff's well-established rights in and to the Plaintiff's Registered Trademarks.

FIRST CLAIM FOR RELIEF
(Trademark Counterfeiting, 15 U.S.C. § 1114)

41. Plaintiff hereby realleges and incorporates by reference all prior allegations as set forth in Paragraphs 1 through 40.

42. Defendants have knowingly, intentionally, and without the consent of Plaintiff used in commerce reproductions, counterfeits, and/or copies of the Plaintiff's Registered Trademarks in connection with the sale, offering for sale, distribution, or advertising of goods covered by USPTO registrations for the Plaintiff's Registered Trademarks. Such use is likely to: cause confusion or mistake or deceive consumers; cause consumers to believe Defendants' counterfeit merchandise is affiliated with, sponsored by, authorized, or approved by, or is otherwise associated with Plaintiff despite the fact that it is not.

43. Defendants' use of the counterfeit marks was willful and done with the knowledge that the marks are counterfeit, and as such, Defendants' acts constitute willful trademark counterfeiting in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

44. Defendants' acts constitute use in commerce of the Plaintiff's Registered Trademarks.

45. For the aforementioned reasons, Plaintiff is entitled to: (a) damages for all of Defendants' profits derived from their unlawful conduct and/or Plaintiff's lost profits from sales of genuine goods due to Defendants' conduct, trebled, to the full extent provided under Sections 35(a) and 35(b) of the Lanham Act, 15 U.S.C. § 1117(a)-(b), or alternatively, statutory damages in the amount of up to \$2,000,000 for each mark counterfeited as provided by 15 U.S.C. §

1117(c) of the Lanham Act; and (b) reasonable attorneys' fees, investigative fees, and pre-judgment interest according to 15 U.S.C. § 1117(b).

46. Plaintiff has no adequate remedy at law for Defendants' ongoing wrongful conduct. Plaintiff has been, and absent injunctive relief will continue to be, irreparably harmed by Defendants' actions.

SECOND CLAIM FOR RELIEF
(Trademark Infringement, 15 U.S.C. §1114)

47. Plaintiff hereby realleges and incorporates by reference all prior allegations as set forth in Paragraphs 1 through 40.

48. Defendants have knowingly, intentionally, and without the consent of Plaintiff used in commerce reproductions, counterfeits, and/or copies of the Plaintiff's Registered Trademarks in connection with the offer for sale, sale, and distribution of goods covered by USPTO registrations for the Plaintiff's Registered Trademarks. Such use is likely to: cause confusion or mistake or deceive consumers; cause consumers to believe Defendants' illicit merchandise is affiliated with, sponsored by, authorized or approved by, or is otherwise associated with Plaintiff despite the fact that it is not.

49. Defendants' use of the infringing marks was willful and done with the knowledge that the marks are infringing, and as such, Defendants' acts constitute willful trademark infringement in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

50. Defendants' acts constitute use in commerce of the Plaintiff's Registered Trademarks.

51. For the aforementioned reasons, Plaintiff is entitled to: (a) damages for all of Defendants' profits derived from their unlawful conduct and/or Plaintiff's lost profits from sales of genuine goods due to Defendants' conduct to the full extent provided under Section 35(a) of

the Lanham Act, 15 U.S.C. § 1117(a); and (b) reasonable attorneys' fees, investigative fees, and pre-judgment interest according to 15 U.S.C. § 1117(b).

52. Plaintiff has no adequate remedy at law for Defendants' ongoing wrongful conduct. Plaintiff has been, and absent injunctive relief will continue to be, irreparably harmed by Defendants' actions.

THIRD CLAIM FOR RELIEF
(Unfair Competition, False Designation of Origin & False Description,
15 U.S.C. §1125(a))

53. Plaintiff hereby realleges and incorporates by reference all prior allegations as set forth in Paragraphs 1 through 40.

54. Defendants' offer for sale, sale, and distribution of goods bearing the Plaintiff's Registered Trademarks constitutes use in commerce of false designations of origin and false and misleading descriptions and representations that Defendants' illicit merchandise is affiliated with, sponsored by, authorized or approved by, or is otherwise associated with Plaintiff despite the fact that it is not. As a result of Defendants' unauthorized use of the Plaintiff's Registered Trademarks, the public is likely to be misled and confused as to the source, sponsorship, or affiliation of Defendants' counterfeit merchandise.

55. Defendants' offer for sale, sale, distribution, or advertising of goods bearing the Plaintiff's Registered Trademarks constitutes unfair competition as it is intended to cause confusion and deceive consumers and trades upon the established reputation and goodwill of Plaintiff.

56. Defendants' conduct is willful, intended to reap the benefit of Plaintiff's established goodwill, and violates Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), all to the severe detriment of Plaintiff.

57. Defendants' acts entitle Plaintiff to damages for all of Defendants' profits

derived from their past unlawful conduct and/or for all of Plaintiff's lost profits from lost sales of genuine goods due to Defendants' conduct, trebled, to the full extent provided under Sections 35(a) and 35(b) of the Lanham Act, 15 U.S.C. §1117(a)-(b), or in the alternative to statutory damages under Section 35(c) of the Lanham Act, 15 U.S.C. §1117(c).

58. Plaintiff has no adequate remedy at law for Defendants' ongoing wrongful conduct. Plaintiff has been, and absent injunctive relief will continue to be, irreparably harmed by Defendants' actions.

FOURTH CLAIM FOR RELIEF
(Federal Trademark Dilution, 15 U.S.C. § 1125(c))

59. Plaintiff hereby realleges and incorporates by reference all prior allegations as set forth in Paragraphs 1 through 40.

60. Defendants' use of the Plaintiff's Registered Trademarks or marks confusingly similar thereto in order to sell their products constitutes Defendants' commercial use in commerce of the Plaintiff's Registered Trademarks.

61. The Plaintiff's Registered Trademarks are world famous and distinctive. They achieved such status long prior to Defendants' activities complained of herein.

62. Defendants' use of the Plaintiff's Registered Trademarks constitutes tarnishment of the Plaintiff's Registered Trademarks.

63. Plaintiff is suffering and will continue to suffer irreparable harm from Defendants' dilutive activities.

64. Defendants' acts as aforesaid are diluting the distinctive quality of the Plaintiff's Registered Trademarks in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

65. Defendants have intentionally and willfully appropriated the Plaintiff's Registered Trademarks and traded on Plaintiff's reputation.

66. Defendants' wrongful acts of dilution will continue unless enjoined by this Court.

FIFTH CLAIM FOR RELIEF
(Unfair and Deceptive Business Practices, N.Y. Gen. Bus. L. § 349)

67. Plaintiff hereby realleges and incorporates by reference all prior allegations as set forth in Paragraphs 1 through 40.

68. The wrongful conduct of Defendants, including but not limited to, the distribution of Infringing Products, constitutes materially misleading and deceptive trade practices under New York General Business Law § 349.

69. This wrongful conduct was consumer-oriented within the meaning of Section 349, as it is the intent of Defendants to distribute Infringing Product into the marketplace and therefore harm the general consuming public.

70. Because of this deceptive conduct, Plaintiff has been and will continue to be damaged both monetarily and in ways impossible to remedy through monetary judgment.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court order the following relief:

I. That the Court enter an injunction ordering that Defendants, their agents, servants, employees, and all other persons in privity or acting in concert with them be enjoined and restrained from:

- a) using any counterfeit or infringement of the Plaintiff's Registered Trademarks to identify any goods not authorized by Plaintiff;
- b) counterfeiting or infringing the Plaintiff's Registered Trademarks by importing, manufacturing, distributing, selling, offering for sale, advertising, promoting, displaying any products bearing any simulation, reproduction, counterfeit, or copy of the Plaintiff's Registered Trademarks;

c) using any simulation, reproduction, counterfeit, or copy of the Plaintiff's Registered Trademarks in connection with the importation, promotion, advertisement, display, sale, offering for sale, manufacture, production, circulation, or distribution of any unauthorized products in such fashion as to relate or connect, or tend to relate or connect, such products in any way to Plaintiff, or to any goods sold, manufactured, sponsored, or approved by, or connected with Plaintiff;

d) making any statement or representation whatsoever, or using any false designation of origin or false description, or performing any act, which can or is likely to lead the trade or public, or individual members thereof, to believe that any services provided, products manufactured, distributed, sold or offered for sale, or rented by Defendants are in any way associated or connected with Plaintiff;

e) engaging in any other conduct constituting an infringement of the Plaintiff's Registered Trademarks, of Plaintiff's rights in, or to use or to exploit, said trademark, or constituting any weakening of Plaintiff's names, reputations, and goodwill.

II. That Defendants, pursuant to 15 U.S.C. § 1118, be required to deliver to Plaintiff for destruction all unauthorized materials bearing any of the Plaintiff's Registered Trademarks in association with unauthorized goods and the means for production of the same.

III. Requiring Defendants to pay to Plaintiff such damages for all of Defendants' profits derived from their unlawful conduct and/or Plaintiff's lost profits from sales of genuine goods due to Defendants' infringement, counterfeiting, false designation of origin, unfair competition trebled to the full extent provided under Sections 35(a) and 35(b) of the Lanham Act, 15 U.S.C. § 1117(a)-(b), or alternatively, statutory damages in the amount of up to \$2,000,000 for each mark counterfeited as provided by 15 U.S.C. § 1117(c) of the Lanham Act.

IV. Ordering that Defendants compensate Plaintiff for the costs of this action, reasonable attorneys' fees, investigative fees, and pre-judgment interest according to 15 U.S.C. § 1117(b).

V. Plaintiff be awarded its actual damages and attorneys' fees pursuant to N.Y. Gen. Bus. L. § 349.

VI. Defendants be required to pay pre-judgment interest on all damages and profits awards.

VII. Directing that this Court retain jurisdiction of this action for the purpose of enabling Plaintiff to apply to the Court at any time for such further orders and interpretation or execution of any Order entered in this action, for the modification of any such Order, for the enforcement or compliance therewith and for the punishment of any violations thereof.

VIII. Ordering that pursuant to 11 U.S.C. § 523(a)(6), Defendants be prohibited from a discharge under 11 U.S.C. § 727 for malicious, willful, and fraudulent injury to Plaintiff.

IX. Awarding to Plaintiff such other and further relief as the Court may deem just and proper, together with the costs and disbursements that Plaintiff has incurred in connection with this action.

LEE LAW PLLC



Michael Lee (ML 6353)
Lee Law PLLC
57 West 38th Street, 11th Floor
New York, NY 10018
10(212) 621-8239

Attorney for Plaintiff

Dated: March 20, 2025