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

HARLEY-DAVIDSON MOTOR COMPANY,
INC.,

Plaintiff,

v.

DETROIT CHOPPERS, INC.; ROBERT
GALLO; MEAN CYCLES, INC.; JULIO
CESAR POMAR; RONALD CAMPBELL d/b/a
“RONNIE’S V-TWIN CYCLES;” and “JOHN
DOES” 1-5;

Defendants.

CASE NO. 1:26-cv-4700

COMPLAINT

Plaintiff Harley-Davidson Motor Company, Inc. (“Harley-Davidson” or “Plaintiff”), by and through its attorneys, complains against Detroit Choppers, Inc; Robert Gallo; Mean Cycles, Inc; Julio Cesar Pomar; Ronald Campbell d/b/a “Ronnie’s V-Twin Cycles;” and “John Does” 1-5 (hereinafter collectively referred to as “Defendants”) and 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(c) 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. Defendants are working in concert to create, offer for sale, sell, and then distribute unauthorized merchandise bearing counterfeits and infringements of Plaintiff's trademarks. Detroit Choppers, Inc. is acting as the manufacturer, fulfillment center, and distributor on behalf of itself and the remaining defendants.

3. Despite repeated notice concerning their illegal activities, all Defendants continued to offer for sale, sell, and otherwise distribute illegal products 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 products manufactured or authorized by Plaintiff.

4. As of the filing of this Complaint, certain of the Defendants continue to sell their illegal products causing both monetary and other irreparable injury to Plaintiff and the public at large.

JURISDICTION AND VENUE

5. 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.

6. 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 through their websites, social media accounts, and email have advertised into, sold, and shipped or caused to be shipped infringing merchandise into this District.

7. Defendants are working in concert to offer for sale, sell, and ship unauthorized merchandise bearing Harley-Davidson's trademarks into this District.

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

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

PARTIES

10. Plaintiff is a corporation duly organized and existing under the laws of the state of Wisconsin and having its principal place of business located at 3700 W. Juneau Avenue, Milwaukee, WI 53208.

11. Upon information and belief, Detroit Choppers, Inc., is a Michigan company with a physical address and retail location at 29455 Gratiot Avenue, Roseville, MI 48066 ("Detroit Choppers Showroom").

12. Upon information and belief, Robert Gallo ("Gallo") is the "President/Secretary/Treasurer/ and Director" of Detroit Choppers, Inc. and resides at 37560 Lakeshore Drive, Harrison Township, MI 48045. Gallo directs, controls, ratifies, participates in, and has the right and ability to control the activities of Detroit Choppers, Inc., and is, therefore, a moving force behind the unlawful activity alleged herein. (Detroit Choppers, Inc. and Gallo are hereinafter collectively referred to as "Detroit Choppers").

13. Upon information and belief, Mean Cycles, Inc. is a Florida company with a physical address and retail location at 12950 SW 128th Street, Unit 5, Miami, FL 33186.

14. Upon information and belief, Julio Cesar Pomar ("Pomar") is the "President" of Mean Cycles, Inc. and resides at 15237 SW 175th Street, Miami, FL 33187. Pomar directs, controls, ratifies, participates in, and has the right and ability to control the activities of Mean

Cycles, Inc. and is, therefore, a moving force behind the unlawful activity alleged herein. (Mean Cycles, Inc. and Pomar are hereinafter collectively referred to as “Mean Cycles”).

15. Upon information and belief, “Ronnie’s V-Twin Cycles” is an unincorporated business with a physical address and retail location at 11733 TX-75 N, Building A, Willis, TX 77378. Ronald Campbell resides at 9060 S. Comanche Circle, Willis, TX 77378 (“Campbell”). Campbell directs, controls, ratifies, participates in, and has the right and ability to control the activities of “Ronnie’s V-Twin Cycles” and is, therefore, a moving force behind the unlawful activity alleged herein. (Campbell and “Ronnie’s V-Twin Cycles” are hereinafter collectively referred to as “Ronnie’s Cycles”).

16. 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





17. In 1903, Plaintiff was founded in Milwaukee, WI by William S. Harley and three Davidson brothers. The first prototype was not powerful enough to climb Milwaukee’s hills, so they redesigned the engine. They completed a more reliable motorcycle, officially marking the birth of Harley-Davidson. As demand grew, the founders built their first factory on Chestnut Street (later renamed Juneau Avenue) in Milwaukee. This location remains the company’s headquarters. More than a century later, Harley-Davidson remains the most iconic motorcycle brand in the world, symbolizing American craftsmanship, freedom, and rebellion.

18. From its inception to establishment as a household name, Plaintiff has marked its products with trademarks that have come to symbolize its profound company heritage and

superior craftsmanship. Plaintiff has expended substantial 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 its trademarks to distinguish its products and uphold these reputations.

19. 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 (not all inclusive)
	4916702	03/15/2016	fenders; gas tank medallions
	2376674	08/15/2000	derby covers
	6070668	06/02/2020	decals and stickers for use on any surface

	3559365	1/13/2009	decorative fuel tank panels; fender
	1263936	01/17/1984	[fuel door plates,] [oil cooler covers,] [(air cleaners, radio caddies,)] motorcycle tank [((and fender sets,))
HARLEY-DAVIDSON	522500	3/21/1950	emblems
HARLEY-DAVIDSON	1219955	12/14/1982	decals
HARLEY-DAVIDSON	1450348	8/04/1987	pressure sensitive decals
HARLEY	6076123	6/9/2020	decals and stickers for use on any surface
	4844360	11/3/2015	Fender skirts
	3097410	5/30/2006	fender skirts

(with others not delineated, hereinafter collectively referred to as the “Plaintiff’s

Registered Trademarks”).

20. 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.

21. The Plaintiff’s Registered Trademarks have been used regularly in interstate commerce, including within this District, to identify and distinguish Plaintiff’s high-quality motorcycles and merchandise.

22. Due to the substantial resources expended by Plaintiff 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.

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

24. Upon information and belief, Defendants are acting in concert to create, distribute, market, offer for sale, and sell merchandise bearing counterfeits and infringements of the Plaintiff’s Registered Trademarks (the “Counterfeit Products”).

25. As part of this coordinated distribution network alleged herein, Detroit Choppers creates, both in mass production and on demand, emblems and other motorcycle parts that are Counterfeit Products. Detroit Choppers sells Counterfeit Products to the public; and Detroit Choppers manufactures, acts as a fulfillment hub, and distributes Counterfeit Products for Mean Cycles, Ronnie’s Cycles, and John Does 1-5.

26. Defendants were offering for sale and selling many Counterfeit Products despite repeated notice of their unauthorized activities from eBay Inc. and Plaintiff. Defendants' unauthorized sales were made with the knowledge that such sales were prohibited. Therefore, Defendants are willful infringers of the Plaintiff's Registered Trademarks.

B. Detroit Choppers' Unauthorized Activities

27. Detroit Choppers is creating and distributing unauthorized merchandise to the other defendants and consumers directly. Defendants are distributing, *inter alia*, emblems, derby covers, cam covers, timing covers, master cylinder covers, sensor covers, and fenders bearing unauthorized reproductions of the Plaintiff's Registered Trademarks.

28. As part of its brand protection efforts, Harley-Davidson first became aware of Detroit Choppers' unauthorized activities through the advertisement of sales through Detroit Choppers' Facebook and Instagram accounts.

29. Detroit Choppers posted on Facebook stating, "Plenty of emblems instock (sic) ready to ship" This post contained an image with a large amount of emblems bearing counterfeits and infringements of the Plaintiff's Registered Trademarks. This post can be seen below:



30. Detroit Choppers' Facebook account lists the email address: rob@detroit-choppers.com. Upon information and belief, this is the email address for Gallo.

31. On or about March 26, 2026, Plaintiff's agent sent an email to Gallo requesting information on how to purchase Counterfeit Products.

32. On the same day, Gallo responded, instructing Plaintiff's agent to telephone (586) 498-8909 to place an order for Counterfeit Products. This telephone number is listed on Detroit Choppers' Facebook account as its contact number.

33. On or about April 1, 2026, Plaintiff's agent telephoned Detroit Choppers and purchased a Counterfeit Product for \$160.00 which was subsequently shipped into this District (the "Detroit Choppers Purchase #1").

34. Plaintiff reviewed the Detroit Choppers Purchase #1 and confirmed it is not authentic Plaintiff merchandise and bears counterfeits and infringements of the Plaintiff's Registered Trademarks.

35. On or about April 20, 2026, Plaintiff sent Detroit Choppers a cease-and-desist letter demanding that Detroit Choppers' unauthorized conduct concerning the Plaintiff's Registered Trademarks discontinue and requested additional information.

36. On or about April 23, 2026, Plaintiff's counsel received an email from attorney, Paul Sugamili, on behalf of Detroit Choppers, stating, in part, "...my client has no intention of infringing [Plaintiff's trademarks] in the future."

37. Attorney Sugamili's statement was a misrepresentation as Detroit Choppers' unauthorized activities continued unabated.

38. On or about May 4, 2026, Plaintiff's agent visited the Detroit Choppers' Showroom and witnessed many Counterfeit Products, in the form of emblems and covers, for sale. Plaintiff's agent purchased a Counterfeit Product for \$120.00 (the "Detroit Choppers Purchase #2").

39. The Detroit Choppers Purchase #2 is in packaging that bears Detroit Choppers' federally registered trademarks and can be seen below:



40. Plaintiff reviewed the Detroit Choppers Purchase #2 and confirmed it is not authentic Plaintiff merchandise and bears counterfeits and infringements of the Plaintiff's Registered Trademarks.

41. Detroit Choppers refused to comply with the requests and demands set forth in Plaintiff's letter and, despite Plaintiff's warning and retaining counsel, Defendants continued to offer for sale and sell Counterfeit Products.

42. Not only did Detroit Choppers create and directly sell and distribute Counterfeit Product to consumers but created and shipped such product for Mean Cycles and Ronnie's Cycles.

C. Mean Cycles' Unauthorized Activities

43. Mean Cycles is distributing emblems and covers bearing unauthorized reproductions of the Plaintiff's Registered Trademarks and branded as "Detroit Choppers." Further, Mean Cycles is offering for sale, selling, and distributing fenders and saddlebags bearing unauthorized reproductions of the Plaintiff's Registered Trademarks. Mean Cycles' unauthorized activities continue until the date of the filing of this Complaint.

44. During the investigation of Detroit Choppers, Plaintiff discovered Counterfeit Product in the form of emblems and derby covers being offered for sale and sold on eBay using the "meancycles305" username. These Counterfeit Products are advertised as originating from "Detroit Choppers."

45. Also, Mean Cycles operates a website at www.meancycles.com that is offering for sale and selling Counterfeit Products in the form of emblems, fenders, derby covers, and saddlebags. Certain of these Counterfeit Products are advertised as being created by "Detroit Choppers."

46. On or about March 11, 2026, Plaintiff's agent purchased, through eBay, a Counterfeit Product from Mean Cycles for \$211.28 which caused it to be shipped or shipped into this District (the "Mean Cycles Purchase #1"). The package containing the Mean Cycles

Purchase #1 bears a return address reciting Detroit Choppers as the sender. The Counterfeit Product is wrapped in Detroit Choppers branded packaging. A photo of the Counterfeit Product and its packaging is below:



47. The business arrangement between Detroit Choppers and Mean Cycles and Ronnie's was disclosed by Campbell and is detailed in Paragraph 61.

48. Plaintiff reviewed Mean Cycles Purchase #1 and confirmed it is not authentic merchandise and instead bears counterfeits and infringements of the Plaintiff's Registered Trademarks.

49. Upon information and belief, eBay notified Defendants of their unauthorized sales and disclosed ownership information to Plaintiff for the "meancycles305" eBay account. This eBay account is registered to, owned by, and controlled by Pomar.

50. Despite the warning from eBay, Mean Cycles continued to offer for sale and sell Counterfeit Products.

51. On or about April 20, 2026, Plaintiff's counsel sent Mean Cycles a cease-and-desist letter concerning the unauthorized sale of merchandise bearing the Plaintiff's Registered Trademarks.

52. Despite this letter, Mean Cycles' unauthorized conduct concerning the Plaintiff's Registered Trademarks continued.

53. On or about April 23, 2026, Plaintiff's agent purchased a Counterfeit Product from Defendants on eBay for \$211.28 which Mean Cycles shipped or cause to be shipped into this District (the "Mean Cycles Purchase #2"). The package containing the Purchase #2 bears the same Detroit Choppers return address and Detroit Choppers branding as Mean Cycles Purchase #1.

54. Plaintiff reviewed Mean Cycles Purchase #2 and confirmed it is not authentic merchandise and instead bears counterfeits and infringements of the Plaintiff's Registered Trademarks.

55. Mean Cycles distribution of Counterfeit Products continued. Subsequently, on two (2) separate dates, Plaintiff requested that Mean Cycles' additional listings of Counterfeit Products on eBay be terminated by eBay.

56. As of the filing of this lawsuit, Mean Cycles continues to offer for sale and sell Counterfeit Products.

D. Ronnie's Unauthorized Activities

57. During the investigation of Detroit Choppers, Plaintiff discovered Counterfeit Product in the form of emblems and derby covers being offered for sale and sold on the Ronnie's Cycles website located at www.ronniestwincycles.com. These Counterfeit Products are advertised as being created by "Detroit Choppers."

58. On or about March 12, 2026, Plaintiff's agent purchased a Counterfeit Product from Defendants on Ronnie's Website for \$145.00 which was shipped into this District (the "Ronnie's Purchase #1"). Exactly like the purchases from Mean Cycles, the package containing

the Ronnie's Purchase #1 bears a return address reciting Detroit Choppers as the sender. The Counterfeit Product is wrapped in Detroit Choppers branded packaging. A photo of the Counterfeit Product and its packaging is below:



59. Plaintiff reviewed the Ronnie's Purchase #1 and confirmed it is not authentic merchandise and instead bears counterfeits and infringements of the Plaintiff's Registered Trademarks.

60. On or about April 20, 2026, Plaintiff's counsel sent Ronnie's Cycles a cease-and-desist letter concerning the unauthorized sale of merchandise bearing the Plaintiff's Registered Trademarks.

61. On or about April 23, 2026, Plaintiff's counsel received a telephone call from Campbell. During this phone call, Campbell stated that his Counterfeit Products are made by and purchased from Detroit Choppers. Campbell explained that when a sale is made on Ronnie's Website, Campbell sends a text message to Detroit Choppers and Detroit Choppers creates and ships said purchase.

62. Despite a cease-and-desist letter and this phone call, Ronnie's continued to offer for sale and sell Counterfeit Products. Plaintiff's agent effected an additional purchase from

Ronnie's Website. This purchase was later refunded and not shipped.

63. Defendants' counterfeiting and infringement of the Plaintiff's Registered Trademarks is knowing and intentional for, *inter alia*, the following reasons:

- a) Detroit Choppers is a sophisticated business and registered trademark owner and therefore understands the consequences of trademark infringement;
- b) Defendants continued to offer for sale and sell Counterfeit Products despite notice from an eBay user;
- c) Defendants continued to offer for sale and sell Counterfeit Products despite notice from eBay;
- d) Defendants continued to offer for sale and sell Counterfeit Products despite notice from Plaintiff;
- e) Defendants continued to offer for sale and sell Counterfeit Products despite communicating with Plaintiff; and
- f) Defendants sold a large and diverse amount of goods covering, at least, eight (8) categories.

64. 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 unauthorized merchandise.

65. Since Defendants refused to cease their unauthorized activities or cooperate with Plaintiff, Plaintiff was compelled to file this lawsuit.

66. Defendants' distribution of Counterfeit 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 Counterfeit Products.

67. The Counterfeit Products distributed by Defendants were not manufactured,

authorized, or sponsored by Plaintiff. Thus, consumers will be confused and disappointed by the differences between the Counterfeit Products distributed by Defendants and genuine Plaintiff merchandise manufactured and distributed by Plaintiff.

68. The individual defendants own and control the seller accounts at issue and authorized, directed, and participated in the illicit activities described herein. As the owner of the online accounts, the individual defendants are liable and control all commercial transactions occurring through these accounts and control all sales occurring from the accounts.

69. As a result of Defendants' actions, Plaintiff is losing profits from lost sales of genuine products, is suffering a loss of enormous goodwill associated with Plaintiff's Registered Trademarks and will continue to suffer such loss if Defendants are allowed to continue their illegal activities.

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

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

72. 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)

73. Plaintiff hereby realleges and incorporates by reference all prior allegations as set forth in Paragraphs 1 through 72.

74. 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. The marks used by Defendants are spurious marks substantially indistinguishable from Plaintiff's Registered Trademarks. Such use is likely to: cause confusion, mistake or deception among 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 they are not.

75. 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.

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

77. 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).

78. 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)

79. Plaintiff hereby realleges and incorporates by reference all prior allegations as set forth in Paragraphs 1 through 72.

80. Defendants have knowingly, intentionally, and without the consent of Plaintiff used in commerce reproductions and/or copies and used in advertising 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, mistake, or deception among 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 they are not.

81. 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.

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

83. 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).

84. 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))

85. Plaintiff hereby realleges and incorporates by reference all prior allegations as set forth in Paragraphs 1 through 72.

86. 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 by 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.

87. 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.

88. 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.

89. 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).

90. 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))

91. Plaintiff hereby realleges and incorporates by reference all prior allegations as set forth in Paragraphs 1 through 72.

92. 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.

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

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

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

96. 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).

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

98. 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)

99. Plaintiff hereby realleges and incorporates by reference all prior allegations as

set forth in Paragraphs 1 through 72.

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

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

102. 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 infringing versions 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, and 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

Dated: June 4, 2026



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