

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

HONG KONG LEYUZHEN TECHNOLOGY
CO. LIMITED,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED IN
SCHEDULE "A" HERETO,

Defendants.

Case No.: 1:25-cv-01120-SLE-MDW

Honorable Sara L. Ellis

Magistrate M. David Weisman

**PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT AND DEFAULT JUDGMENT
AGAINST THE IDENTIFIED SCHEDULE "A" DEFENDANTS**

Plaintiff Hong Kong Leyuzhen Technology Co. Ltd. ("Plaintiff") hereby moves for entry of Default and Default Judgment against the following thirteen (13) Defendants, as identified by Defendant number and name in Amended Schedule A attached as Exhibit "1" to the Declaration of Katherine M. Kuhn in support. Plaintiff files herewith a Memorandum of Law in support. Plaintiff's Motion for entry of Default and Default Judgment disposes of all remaining defendants.

DATED: April 22, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of April 2025, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Illinois, Eastern Division, using the electronic case filing system. Notice of this filing is provided to unrepresented parties for whom contact information is listed below and has been provided via email and by posting the filing on a URL contained on our website <http://blointernetenforcement.com>, and a link to said website in the email provided by third-party, AliExpress.

By: /s/ Joseph W. Droter
Joseph W. Droter (IL Bar No. 6329630)

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6	HGS Premium Dress Store Member ID cn1520551420iltq	13423725857@163.com
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FOR THE NORTHERN DISTRICT OF
ILLINOIS EASTERN DIVISION**

HONG KONG LEYUZHEN TECHNOLOGY
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THE INDIVIDUALS, CORPORATIONS,
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Defendants.

Case No.: 1:25-cv-01120-SLE-MDW

Honorable Sara L. Ellis

Magistrate M. David Weisman

**PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR ENTRY OF DEFAULT AND DEFAULT JUDGMENT
AGAINST THE IDENTIFIED SCHEDULE "A" DEFENDANTS**

Plaintiff Hong Kong Leyuzhen Technology Co. Ltd. ("Plaintiff") hereby submits this Memorandum of Law in support of its Motion for Entry of Default and Default Judgment (the "Motion") pursuant to Federal Rule of Civil Procedure 55 ("Rule 55") against the identified thirteen (13) Schedule "A" Defendants (collectively, the "Defaulting Defendants"), which have been separately listed in Exhibit "1" to the accompanying Declaration of Katherine M. Kuhn (the "Kuhn Decl."). Plaintiff's Motion is made and based upon this Memorandum of Law, the Kuhn Declaration, the Declaration of Liangjie Li (the "Li Decl."), the papers and pleadings on file in this action, and any argument of counsel the Court may entertain. Excluded from this Motion are defendants who have settled with Plaintiff.

INTRODUCTION

Plaintiff's request for entry of default is straightforward. The Court authorized electronic service of process on the named Schedule "A" Defendants via email as part of issuing a Temporary Restraining Order (the "TRO") in this matter on March 12, 2025 [Dkt. No. 27]. Plaintiff effectuated service on all named Schedule "A" Defendants and a Return of Service was filed attesting to service having been completed on March 28, 2025 [Dkt. No. 35]. As set forth in the docket entry for the Return of Service, a response to Plaintiff's operative Complaint was due on or before April 18, 2025.

Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A) ("Rule 12(a)(1)(A)"), the Defaulting Defendants had twenty-one (21) days to answer or otherwise respond to Plaintiff's Complaint in this action. As of the filing of this Motion, approximately twenty-five days (25) have expired since electronic service was effectuated on the Schedule "A" Defendants, which includes the Defaulting Defendants that are the subject of Plaintiff's Motion. (Kuhn Decl. ¶ 4.) To date, none of the Defaulting Defendants have answered or otherwise responded to Plaintiff's Complaint. (*Id.*) Accordingly, the Clerk of the Court is compelled to enter default pursuant to Rule 55(a) against the Defaulting Defendants.

Pursuant to Rule 55(b)(2), Plaintiff now also respectfully moves this Court for entry of a default judgment finding the Defaulting Defendants liable on all counts asserted in Plaintiff's First Amended Complaint. [Dkt. No. 16.] These asserted counts include claims for Copyright Infringement (Count I), and violation of the Illinois Uniform Deceptive Trade Practices Act (the "Uniform Deceptive Trade Practices Act") (Count II). [Dkt. No. 16 at 42-65.]

In connection with its asserted claims for relief, Plaintiff seeks an award of statutory damages pursuant to 17 U.S.C. § 504(c) against all Defaulting Defendants, which should be

enhanced, for their willful infringement of the following federally registered copyright asserted in this action: VA0002379881 (the "Copyright Protected Images"). (Kuhn Decl. ¶ 5.) Plaintiff additionally requests the Court issue a permanent injunction against the Defaulting Defendants. *See* 17 U.S.C. § 502(a). Furthermore, Plaintiff requests an award of attorneys' fees and costs for the Defaulting Defendants' willful infringement of the company's Copyright Protected Images pursuant to 17 U.S.C. § 505. Alternatively, Plaintiff requests issuance of a permanent injunction and an award of attorneys' fees and costs based on the Defaulting Defendants' willful violation of the Uniform Deceptive Trade Practices Act.

As alleged in the Complaint, the Defaulting Defendants have displayed, without authorization, the Copyright Protected Images on the AliExpress.com online sales platform (the "Platform") to market and sell knockoff, counterfeit products resembling Plaintiff's authentic Rotita brand products, thereby deceiving public consumers as to the quality, nature, and source of goods being purchased. (Kuhn Decl. ¶ 6.) Moreover, the Defaulting Defendants are alleged to be operating as part of a coordinated, sophisticated counterfeit product network that utilizes a common supply chain and manufacturing source to fulfill consumer orders for knockoff Rotita brand products by displaying, without authorization, Plaintiff's Copyright Protected Images on their online storefronts. (Kuhn Decl. ¶¶ 8, 11-12.) These circumstances clearly demonstrate the Defaulting Defendants have willfully and intentionally infringed Plaintiff's Copyright Protected Images, thereby supporting the company's request for enhanced statutory damages and its entitlement to an award of attorneys' fees and costs under either the Copyright Act (17 U.S.C. § 505) or the Uniform Deceptive Trade Practices Act (815 ILCS § 510/3). (*Id.*)

Procedurally, Rule 55(b)(2) provides for a court-ordered default judgment which establishes, as a matter of law, that defendants are liable to plaintiff on each cause of action alleged

in the complaint. *United States v. Di Mucci*, 879 F.2d 1488, 1497 (7th Cir. 1989). When the Court determines that a defendant is in default, the factual allegations of the complaint are taken as true and may not be challenged, and the defendants are liable as a matter of law as to each cause of action alleged in the complaint. *Black v. Lane*, 22 F.3d 1395, 1399 (7th Cir. 1994). Plaintiff meets the requirements for entry of the requested default judgment under Rule 55(b)(2).

ARGUMENT

A. Jurisdiction and Venue are Proper in This Court

This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Federal Copyright Act, 17 U.S.C. § 101, et seq., 28 U.S.C. § 1338(a)--(b) and 28 U.S.C. § 1331. [Dkt. No. 16 at 2-3.] 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 Illinois and causes harm to Plaintiff's business within this judicial district. [Dkt. No. 16 at 2-3]; *see also uBID, Inc. v. GoDaddy Grp., Inc.*, 623 F.3d 421, 423-24 (7th Cir. 2010) (without benefit of an evidentiary hearing, plaintiff bears only the burden of making a prima facie case for personal jurisdiction; all of plaintiff's asserted facts should be accepted as true and any factual determinations should be resolved in its favor).

In addition to the foregoing, the Court has determined that it can properly exercise specific personal jurisdiction over the Schedule "A" Defendants, which includes the Defaulting Defendants, in issuing the TRO on March 12, 2025 [Dkt. No. 27]. Moreover, the Court additionally issued a Preliminary Injunction on April 8, 2025, further solidifying this determination. [Dkt. No. 39.] Accordingly, it is unquestionable that the Defaulting Defendants are subject to personal jurisdiction in this action.

B. Plaintiff Has Met the Requirements for Entry of Default Under Rule 55(a)

Pursuant to Rule 55(a), "when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a). Plaintiff clearly meets these requirements.

On February 25, 2025, Plaintiff filed its First Amended Complaint in this action alleging, among other claims, Copyright Infringement (Count I), and violation of the Uniform Deceptive Trade Practices Act (Count II) as asserted in the company's Complaint. [Dkt. No. 16 at 42-65.]. All Defendants, which includes the Defaulting Defendants, were properly served with the Complaint, TRO, and all supporting documents via electronic service on March 28, 2025. [Dkt. No. 35.] Specifically, the Defaulting Defendants were required to answer or otherwise respond to the Complaint on or before April 18, 2025. [*Id.*] As such, the Defaulting Defendants had twenty-one (21) days to answer or otherwise respond to Plaintiff's complaint pursuant to Rule 12(a)(1)(A). As of the filing of this Motion, over twenty-five (25) days have expired since electronic service was effectuated on the Schedule "A" Defendants, which includes the Defaulting Defendants that are the subject of Plaintiff's Motion. (Kuhn Decl. ¶ 4.) To date, none of the Defaulting Defendants have answered or otherwise responded to Plaintiff's Complaint. (*Id.*) Accordingly, the Clerk of the Court is compelled to enter default and default judgment pursuant to Rule 55 against the Defaulting Defendants.

C. Plaintiff is Entitled to Entry of the Requested Default Judgment

Rule 55(b)(2) of the Federal Rules of Civil Procedure generally provides for entry of a court-ordered default judgment against one or more defending parties that fail to appear, answer, and/or defend allegations asserted against them. Fed. R. Civ. P. 55(b)(2). A default judgment

establishes, as a matter of law, that named, unresponsive defendants are liable on each cause of action alleged against them in the complaint. *Di Mucci*, 879 F.2d at 1497. When a court determines that a defendant is in default, the factual allegations of the complaint are taken as true and may not be challenged, and the defendants are liable as a matter of law as to each cause of action alleged in the complaint upon entry of default judgment. *Black*, 22 F.3d at 1399.

More than twenty-one (21) days have passed since Defendants were served, and no answer or other responsive pleading has been filed by any of the Defaulting Defendants identified in Schedule "A." *See* Fed. R. Civ. P. 12(a)(1)(A). Thus, default judgment is appropriate, and Plaintiff is entitled to entry of a default judgment pursuant to Rule 55(b)(2) against the Defaulting Defendants for copyright infringement, false designation of origin, and violation of the Uniform Deceptive Trade Practice Act as asserted in the First Amended Complaint. [Dkt. No. 16.]

As argued below, Plaintiff is entitled to the following remedies through the issuance of a default judgment against the Defaulting Defendants: (1) an award of statutory damages and profits for copyright infringement under 17 U.S.C. § 504(c)(1); (2) an award of enhanced statutory damages for willful infringement pursuant to 17 U.S.C. § 504(c)(2); (3) entry of a permanent injunction pursuant to 17 U.S.C. § 502(a); (4) alternatively, entry of a permanent injunction pursuant to 815 ILCS § 510/3; and (5) an award of attorneys' fees and costs pursuant to 17 U.S.C. § 505 for willful copyright infringement and/or for willful violation of the Uniform Deceptive Trade Practices Act pursuant to 815 ILCS § 510/3.

D. Plaintiff is Entitled to the Relief Requested

Through entry of default, Plaintiff has established that all Defaulting Defendants: (1) are liable for intentionally and willfully infringing the Copyright Protected Images; and (2) have willfully violated the Uniform Deceptive Trade Practices Act. [Dkt. No. 16] As such, the only

issues that remain to be adjudicated through the Motion are: (1) Plaintiff's entitlement to an award of statutory damages for infringement of the Copyright Protected Images; (2) the company's request that any statutory damage award be enhanced based on the Defaulting Defendants' willful copyright infringement; (3) the company's right to issuance of a permanent injunction against the Defaulting Defendants; and (4) the propriety of an award of attorneys' fees and costs for the Defaulting Defendants' willful infringement of the Copyright Protected Images and/or their willful violation of the Uniform Deceptive Trade Practices Act. Plaintiff asserts that it is entitled to all relief requested through its Motion.

1. Plaintiff is entitled to statutory damages under 17 U.S.C. § 504(c)(1).

Turning first to the request for an award of statutory damages under 17 U.S.C. § 504(c)(1) against the Defaulting Defendants. Plaintiff is entitled to such relief for the Defaulting Defendants' infringement of the company's Copyright Protected Images, which it maintains was done willfully and intentionally. (Kuhn Decl. ¶¶ 8, 11-12.)

A copyright owner is entitled to recover the actual damages suffered for infringement, and any profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages. 17 U.S.C. § 504(b). In establishing the infringer's profits, the copyright owner is required to present proof only of the infringer's gross revenue, and the infringer is required to prove his or her deductible expenses and the elements of profit attributable to factors other than the copyrighted work. 17 U.S.C. § 504(b). "[S]tatutory damages have been held to be appropriate on a motion for default judgment because the defaulting party has the information needed to prove actual damages." *White v. Marshall*, 771 F.Supp.2d 952, 956 (E.D. Wis. 2011); *see also Wondie v. Mekuria*, 742 F.Supp.2d 118, 124-25 (D.D.C. 2010); *Lifted Research Grp., Inc. v. Behdad, Inc.*, 591 F.Supp.2d 3, 8 (D.D.C. 2008).

First, Plaintiff has asserted a viable claim for infringement of the Copyright Protected Images. To prove copyright infringement, a plaintiff must show: "(1) ownership of a valid copyright; and (2) copying of constituent elements of the work that are original." *JWC Invs., Inc. v. Novelty, Inc.*, 482 F.3d 910, 914 (7th Cir. 2007). A certificate of copyright registration provides a *prima facie* presumption of validity. *Mid. American Title Co. v. Kirk*, 59 F.3d 719, 721 (7th Cir. 1995). Here, Plaintiff has alleged its ownership of the asserted Copyright Protected Images in its First Amended Complaint [Dkt. No. 16] and has supplied the Court with a summary of all registrations issued by the United States Copyright Office [Dkt. No. 16, Ex. 1]. Moreover, Plaintiff has set forth considerable factual allegations establishing the Defaulting Defendants have infringed the company's Copyright Protected Images. [Dkt. No. 22-7.] Accordingly, Plaintiff has established that the Defaulting Defendants have infringed the company's Copyright Protected Images.

Next, Plaintiff is entitled to an award of statutory damages given the circumstances in this action. An award of statutory damages is appropriate because actual damages "are often virtually impossible to prove" *White*, 771 F.Supp.2d at 956. In awarding statutory damages, the court is not required to follow any rigid formula. *Id.* (citing *Chi-Boy Music v. Charlie Club, Inc.*, 930 F.2d 1224, 1229 (7th Cir. 1991)). Instead, the court enjoys wide discretion in setting a statutory damage award within the prescribed range from \$750 to \$30,000 per infringement. *Broadcast Music, Inc. v. Star Amusements, Inc.*, 44 F.3d 485, 489 (7th Cir. 1995). The court may consider such factors as the difficulty or impossibility of proving actual damages, the circumstances of the infringement, and the efficacy of the damages as a deterrent to future copyright infringement. *Chi-Boy Music*, 930 F.2d at 1229.

Plaintiff has established unquestionably viable copyright infringement claims in this case. Most notably, Plaintiff secured entry of a preliminary injunction in this case. [Dkt. No. 39.] This

ruling is consistent with Judge Kennelly's issuance of preliminary injunctive relief in Plaintiff's favor against defendants engaged in identical acts of intentional copyright infringement on a similar Platform in what he considered to be one of the most contested Schedule "A" cases he had encountered in recent memory. (Kuhn Decl. ¶ 9.) Following Judge Kennelly's decision, defendants in other pending actions brought by Plaintiff, including the Defaulting Defendants in this action, have simply failed to appear and defend. (*Id.*) The Defaulting Defendants' refusal to appear and defend against the asserted claims, however, has deprived Plaintiff of the ability to present evidence concerning verifiable infringing sales or costs associated with such sales. (*Id.* ¶ 7.)

Specifically, Plaintiff has neither obtained, nor are the Defaulting Defendants participating in these proceedings, so that the Court can be provided with the infringers' deductible expenses related to the sale of the counterfeit products associated with the unauthorized use and display of the company's Copyright Protected Images. *See* 17 U.S.C. § 504(b). As such, there is no verifiable information concerning the Defaulting Defendants' gross infringing sales of their knockoff products or the associated deductible expenses from same. (Kuhn Decl. ¶ 7.) Moreover, while Plaintiff can estimate the range of the Defaulting Defendants' net profits from their infringing sales, this estimate is highly speculative and cannot affirmatively account for the advertising expenses saved through the unauthorized use and display of the company's Copyright Protected Images for which it has created at considerable expense. (Li Decl. ¶ 11.) Accordingly, an award of statutory damages is appropriate because actual damages are "virtually impossible to prove . . ." in this case. *See White*, 771 F.Supp.2d at 956.

Given the foregoing circumstances, and the nature of the Defaulting Defendants' conduct, Plaintiff asserts that it is entitled to an award of statutory damages in the amount of \$7,000.00 per Defaulting Defendant per infringed Copyright Protected Image in this action. (Kuhn Decl. ¶ 12,

Ex. 2.) First, the Defaulting Defendants were provided with notice of these proceedings and, apparently, intentionally elected not to appear and defend. (Kuhn Decl. ¶ 7). As a result of the Defaulting Defendants' intentional decision not to appear and defend this action, Plaintiff has been deprived of a meaningful opportunity to assess the true nature of its actual damages. (*Id.*)

Moreover, Plaintiff has expended considerable capital in securing registration of the Copyright Protected Images and advertising its brand in the United States and in the State of Illinois. (Li. Decl. ¶ 10.) This includes spending over \$80,000 to secure the company's copyright registrations with the United States Copyright Office and spending approximately \$8,000,000 to \$12,000,000 annually to advertise and promote its Rotita brand in the United States. (Li Decl. ¶ 10.) These facts unquestionably support Plaintiff's request for an award of \$7,000.00 in statutory damages per infringed Copyright Protected Image per Defaulted Defendant.

Next, the circumstances of the Defaulting Defendants' infringement clearly support awarding the requested statutory damage award against them. It is without question that the Defaulting Defendants have engaged in the intentional misappropriation and unauthorized use of the Copyright Protected Images. In this regard, Plaintiff's Copyright Protected Images, often representing recent product releases, have almost instantaneously appeared on the Defaulting Defendants' online stores maintained with the Platform. (Li Decl. ¶ 7.) Moreover, the Defaulting Defendants have unquestionably been operating their online stores using the misappropriated Copyright Protected Images through a sophisticated counterfeit network utilizing a highly developed supply chain capable of supplying thousands of knockoff products featuring an array of Plaintiff's textile patterns and designs that could not otherwise be accomplished on an individual basis. (Kuhn Decl. ¶¶ 8, 11.) Accordingly, the Defaulting Defendants unquestionably intentionally,

and willfully, infringed Plaintiff's Copyright Protected Images to sell their knockoff products, thereby justifying an award of statutory damages.

Based on the foregoing, Plaintiff respectfully requests the Court award \$7,000.00 in statutory damages against each of the Defaulting Defendants for each infringement of the Copyright Protected Images. As set forth in Plaintiff's supporting documentation, the Defaulting Defendants in this action should be found liable for \$7,000.00 because of their infringements of the Copyright Protected Images. (Kuhn Decl. ¶ 12, Ex. 1.) Accordingly, Plaintiff respectfully requests the Court award statutory damages for copyright infringement under 17 U.S.C. § 504(c)(1) in an amount not less than \$7,000.00 per Defaulting Defendant per infringed Copyright Protected Image. (Kuhn Decl. ¶ 12, Ex. 1)

2. Plaintiff is entitled to enhanced statutory damages.

Next, the circumstances of the Defaulting Defendants' infringement clearly support awarding an enhanced statutory damage award of, at least, treble damages against them. Simply put, the Defaulting Defendants' infringing conduct in this action is unquestionably willful, thereby justifying enhanced damages under 17 U.S.C. § 504(c)(2).

It is without question that the Defaulting Defendants have engaged in the intentional misappropriation and unauthorized use of the Copyright Protected Images. (Kuhn Decl. ¶¶ 8, 11-12.) In this regard, Plaintiff's Copyright Protected Images, often representing recent product releases, have almost instantaneously appeared on the Defaulting Defendants' online stores maintained with the Platform. (Li Decl. ¶ 7.) Moreover, the Defaulting Defendants have clearly been operating their online stores using the misappropriated Copyright Protected Images through a sophisticated counterfeit network utilizing a highly developed supply chain capable of supplying

thousands of knockoff products featuring an array of Plaintiff's textile patterns and designs that could not otherwise be accomplished on an individual basis. (Kuhn Decl. ¶¶ 8, 11-12)

In addition, defendants in multiple copyright enforcement actions in this judicial district, which includes the Defaulting Defendants, have been acting through their counterfeit network to actively monitor and post information on the Plaintiff's pending cases on the website www.SellerDefense.cn. (Kuhn Decl. ¶ 8.) This has apparently been done to advise defendants in all pending actions of Plaintiff's successful prosecution of its claims, and the viability of appearing and asserting potential defenses. (*Id.*) These circumstances reveal an overall strategy by all non-appearing defendants, including the Defaulting Defendants, to simply cut their losses where Plaintiff has a high likelihood of success, abandon any online platform restrained funds, and bask in the security that any judgment issued against them will almost certainly not be collectable in the Republic of China. (Kuhn Decl. ¶ 8.) Such circumstances support awarding Plaintiff enhanced statutory damages in this action. *See Chi-Boy Music*, 930 F.2d at 1229.

The facts presented further support awarding the enhanced statutory damages against the Defaulting Defendants on the grounds that they should serve as a deterrent to future conduct. *Id.* at 1229-30. Simply put, the Defaulting Defendants are watching the results of Plaintiff's copyright infringement enforcement actions in this judicial district. (Kuhn Decl. ¶ 8.) At first, all named defendants in Plaintiff's copyright enforcement actions would vigorously fight the allegations against them until Judge Kennelly issued a preliminary injunction in Plaintiff's favor after a highly contested in-person hearing, which has resulted in the Defaulting Defendants, and defendants in other pending actions commenced by Plaintiff, electing not to appear and defend. (*Id.* ¶ 9.) Simply put, the Defaulting Defendants, as with other similarly situated defendants, have simply taken the apparent position that any recovery issued by a court is only executable against their restrained

assets on the named online platform. (*Id.*) This conduct demonstrates an intentional willingness to ignore the Court's authority to impose significant statutory damages in this action to send a message to the Defaulting Defendants, and all other similar infringers, that they will incur substantial liability for their actions. In doing so, hopefully the Defaulting Defendants, or other similar infringers monitoring this case, will post this anticipated award on the www.SellerDefense.cn website as notice of the consequences for their intentional, and orchestrated actions.

Based on the foregoing, Plaintiff respectfully requests the Court award enhanced statutory damages of not less than treble the requested statutory damages of \$7,000.00 per Defaulting Defendant per infringed Copyright Protected Work, which represents an award of \$21,000.00 for each Defaulting Defendant per infringed work. As set forth in Plaintiff's supporting documentation, the Defaulting Defendants in this action should be found liable for \$21,000 each because of their willful infringement for each of the Copyright Protected Images. (Kuhn Decl. ¶ 12, Ex. 1) Accordingly, Plaintiff respectfully requests the Court enter an award of \$7,000.00 in statutory damages per Defaulted Defendant per infringed Copyright Protected Image, which should be enhanced for willful infringement to \$21,000.00 per Defaulted Defendant per infringed Copyright Protected Work, pursuant to 17 U.S.C. § 504(c)(2).

3. Plaintiff is entitled to a permanent injunction.

Next, Plaintiff is entitled to entry of a permanent injunction against the Defaulting Defendants. This request is justified under either 17 U.S.C. § 502(a) or, alternatively, under the Uniform Deceptive Practices Act pursuant to 815 ILCS § 510/3.

First, the Court has already determined that Plaintiff is entitled to preliminary injunctive relief in this action, which includes issuance against the Defaulting Defendants. [Dkt. No. 39.]

Nothing has occurred since entry of the preliminary injunction that would alter or prohibit entry of a permanent injunction against the non-appearing Defaulting Defendants. In short, the compelling facts presented to the Court that justified entry of preliminary injunctive relief stand unchallenged by the Defaulting Defendants. As such, Plaintiff's right to permanent injunctive relief under 17 U.S.C. § 502(a) or, alternatively, under the Uniform Deceptive Practices Act pursuant to 815 ILCS § 510/3, is uncontested and supported by the substantial evidentiary record previously provided to the Court when preliminary injunctive relief was issued. Accordingly, Plaintiff is entitled to issuance of permanent injunctive relief against the Defaulting Defendants.

4. Plaintiff is entitled to an award of attorneys' fees and costs.

Plaintiff is also entitled to an award of attorneys' fees and costs against the Defaulting Defendants. Such relief should be granted pending Plaintiff moving the Court for a specific award pursuant to its submission of a "Fee Award" pursuant to LR 54.3.

Plaintiff's request for an award of attorneys' fees and costs is two-fold. First, such an award is warranted based on issuance of enhanced statutory damages based on the Defaulting Defendants' willful infringement of the company's Copyright Protected Images. *See* 17 U.S.C. § 505. Second, and alternatively, Plaintiff is entitled to an award of attorneys' fees and costs based on the Defaulting Defendants' willful violation of the Uniform Deceptive Trade Practices Act. *See* 815 ILCS § 510/3. Under either statutory provision, the facts presented clearly justify the willful infringement and violation of Plaintiff's federally secured rights in and to the Copyright Protected Images, which have been done to deceive the consuming public. (Kuhn Decl. ¶¶ 8, 11-12.) Accordingly, Plaintiff is entitled to an award of attorneys' fees and costs, subject to the company filing a "Fee Award" pursuant to LR 54.3.

CONCLUSION

Based on the foregoing, Plaintiff respectfully requests entry of default and default judgment against the Defaulting Defendants pursuant to Rule 55. In granting its request, Plaintiff asks the Court to award the following: (1) statutory damages in the amount of \$7,000.00 per Defaulting Defendant per infringed Copyright Protected Image pursuant to 17 U.S.C. § 504(c)(1); (2) enhanced statutory damages of \$21,000.00 per Defaulting Defendant per infringed Copyright Protected Image based on their willful infringement pursuant to 17 U.S.C. § 504(c)(2); (3) issuance of a permanent injunction against the Defaulting Defendants pursuant to 17 U.S.C. § 502(a) or, alternatively, under the Uniform Deceptive Trade Practices Act pursuant to 815 ILCS § 510/3; (4) an award of attorneys' fees and costs pursuant to 17 U.S.C. § 505 and/or 815 ILCS § 510/3 based on the Defaulting Defendants' willful conduct in an amount to be determined upon submission of a "Fee Award" under LR 54.3; and (5) such other relief as the Court deems just and proper.

DATED: April 22, 2025

Respectfully submitted,

By: /s/ Joseph W. Droter
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Katherine Kuhn (Bar No. 6331405)
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of April 2025, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Illinois, Eastern Division, using the electronic case filing system. Notice of this filing is provided to unrepresented parties for whom contact information is listed below and has been provided via email and by posting the filing on a URL contained on our website <http://blointernetenforcement.com>, and a link to said website in the email provided by third-party, AliExpress.

By: /s/ Joseph W. Droter
Joseph W. Droter (IL Bar No. 6329630)

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

HONG KONG LEYUZHEN TECHNOLOGY
CO. LIMITED,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED IN
SCHEDULE "A" HERETO,

Defendants.

Case No.: 1:25-cv-01120-SLE-MDW

Honorable Sara L. Ellis

Magistrate M. David Weisman

**DECLARATION OF KATHERINE M. KUHN IN SUPPORT OF
MOTION FOR ENTRY OF DEFAULT AND DEFAULT JUDGMENT**

I, Katherine M. Kuhn, of the City of Chicago, in the State of Illinois, declare as follows:

1. Except as otherwise expressly stated to the contrary, this declaration is based upon my personal knowledge of the following facts and, if called as a witness, I could and would competently testify to the statements made herein.

2. I make this declaration in support of Plaintiff's Motion for Default and Default Judgment against the identified Schedule "A" Defendants (collectively, the "Defaulting Defendants"), which have been separately listed in Exhibit "1".

3. I am an attorney at law, duly admitted to practice before the Courts of the State of Illinois and the United States District Court for the Northern District of Illinois. I am one of the attorneys for Plaintiff Hong Kong Leyuzhen Technology Co. Limited ("Plaintiff"). I make this declaration from my matters within my own knowledge unless stated otherwise.

4. I hereby certify that the thirteen (13) Defaulting Defendants (as defined in the accompanying Memorandum) have failed to plead or otherwise defend this action within twenty-one (21) days after being served with the Summons and Complaint in this action in violation of Federal Rule of Civil Procedure 12(a)(1)(A). Specifically, all Schedule “A” Defendants were served with copies of the Summons and Complaint via electronic service authorized by the Court on March 28, 2025, which is reflected in the Return of Summons filed in this case. [Dkt. No. 35.] As of the filing of this Motion, twenty-five (25) have expired since electronic service was effectuated on the Schedule “A” Defendants, which includes the Defaulting Defendants that are the subject of Plaintiff’s Motion. None of the identified Defaulting Defendants have answered or otherwise responded to Plaintiff’s Complaint in this action.

5. Plaintiff’s asserted claims for relief in this action involve the intentional, willful infringement of the following federally registered copyright protected images: VA0002379881 (the “Copyright Protected Images”).

6. As alleged in the Complaint, the Defaulting Defendants have displayed, without authorization, the Copyright Protected Images on the eBay.com online sales platform (the “Platform”) to market and sell knockoff, counterfeit products resembling Plaintiff’s authentic Rotita brand products through their online stores (the “Online Stores”), thereby deceiving public consumers as to the quality, nature, and source of goods being purchased.

7. Plaintiff is entitled to a statutory damage award of \$7,000.00 per Defaulting Defendant per infringed Copyright Protected Image in this action. First, the Defaulting Defendants were provided with notice of these proceedings and, apparently, intentionally elected not to appear and defend this action. As a result of the Defaulting Defendants’ intentional decision not to appear and defend this action, Plaintiff has been deprived of a meaningful opportunity to assess the true

nature of its actual damages. This uncertainty supports Plaintiff's requested statutory damages against the Defaulting Defendants.

8. In addition, defendants in multiple copyright enforcement actions in this judicial district, which includes the Defaulting Defendants, have been acting through their counterfeit network to actively monitor and post information on the Plaintiff's pending cases on the website www.SellerDefense.cn. This has apparently been done to advise defendants in all pending actions of Plaintiff's successful prosecution of its claims, and the viability of appearing and asserting potential defenses. These circumstances reveal an overall strategy by all non-appearing defendants, including the Defaulting Defendants, to simply cut their losses where Plaintiff has a high likelihood of success, abandon any online platform restrained funds, and bask in the security that any judgment issued against them will almost certainly not be collectable in the Republic of China. Simply put, the Defaulting Defendants are watching the results of Plaintiff's copyright infringement enforcement actions in this judicial district.

9. At first, all named defendants in Plaintiff's copyright enforcement actions would vigorously fight the allegations against them, which resulted in Judge Kennelly in a parallel copyright enforcement action brought by Plaintiff concerning a similar online sales platform that he felt compelled to set an in person hearing on the company's request for a preliminary injunction because "this Court had never seen the number of filings by opposing counsel in any other Schedule 'A' case before him." *Hong Kong Leyuzhen Technology Co. Ltd. v. The Partnerships*, Case No. 1:24-cv-02939-MFK-BWJ [Dkt. No. 80]. Oral argument in that case was handled exclusively by Joseph W. Droter, Esq. Since Plaintiff prevailed in obtaining preliminary injunctive relief in its case pending before Judge Kennelly, the named Schedule "A" defendants in other pending actions have either elected to settle or, as with the Defaulting Defendants, simply failed

to appear and have apparently taken the position that any recovery issued by a court is only executable against their restrained asserts on the named online platform.

10. To maximize the deterrent effect of the Court's anticipated default and default judgment, Plaintiff is asking that statutory damages be imposed on each individual Defaulting Defendant for each alleged infringement of the Copyright Protected Images. Such an award precludes the Defaulting Defendants from shielding themselves from monetary responsibility for the collective infringement of common Copyright Protected Images. *Desire, LLC v. Manna Textiles, Inc.*, 986 F.3d 1253, 1264-1272 (9th Cir. 2021). Rather, Plaintiff expressly requests that each of the Defaulting Defendants, individually, be assessed a statutory damage award of \$7,000 for their infringement of the Copyright Protected Images.

11. Plaintiff has alleged, and has offered proof, that the Defaulting Defendants have not only engaged in the infringement of the Copyright Protected Images, but they have done so through a highly sophisticated counterfeit network. Moreover, the basic nature of the copyright infringement scheme employed demonstrates that the Defaulting Defendants not only knew of the impropriety of their conduct but had to implement their counterfeit scheme through sophisticated sources and established supply chains. This is the only possible scenario under which the Defaulting Defendants could immediately procure, without authorization, Plaintiff's new copyright protected product images and offer them for sale through their online stores.

12. The presented facts not only establish the Defaulting Defendants' knowledge and intentional infringement of Plaintiff's Copyright Protected Images. Accordingly, Plaintiff should be awarded statutory damages in the amount of \$7,000 with treble the enhancement to \$21,000 per Defaulted Defendant per infringed work based their willful infringement of the Copyright Protected Images. Attached hereto as Exhibit "2" is a chart listing all Defaulting Defendants, the

infringed Copyright Protected Image, the statutory damage amount requested per infringement, and the amount requested based on the Defaulting Defendants' willful infringement.

13. My office, with assistance from our client and those assisting our client, investigated the infringing activities of the Defaulting Defendants, including attempting to identify their contact information. Our investigation confirmed that the Defaulting Defendants are primarily domiciled in Asia. As such, I am informed and believe that the Defaulting Defendants are not active-duty members of the U.S. armed forces.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: April 22, 2025

By: /s/ Katherine M. Kuhn
Katherine M. Kuhn (Bar No. 6331405)
BAYRAMOGLU LAW OFFICES, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of April 2025, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Illinois, Eastern Division, using the electronic case filing system. Notice of this filing is provided to unrepresented parties for whom contact information is listed below and has been provided via email and by posting the filing on a URL contained on our website <http://blointernetenforcement.com>, and a link to said website in the email provided by third-party, AliExpress.

By: /s/ Joseph W. Droter
Joseph W. Droter (IL Bar No. 6329630)

No.	Seller	Seller's Contact Information
3	dongbo Store Member ID cn1528387589ukht	xhasn123@sina.com
4	eDressU Official Store Member ID cn1527143035vhzy	richen001@hotmail.com
5	Fashion-Hot-new-Unique-World Peace-Never give up Store Member ID cn1528989064dgrp	smtqhhysy48@163.com
6	HGS Premium Dress Store Member ID cn1520551420iltq	13423725857@163.com
7	KongClothes Store Member ID cn1542218320hwis	aibiwenqq@163.com
9	Lugentolo Official Store Member ID cn1534242466veoy	tuoluo4dian@163.com
10	Pete's Clothes Store Member ID cn1534250123xtwh	liang20200918@163.com
12	QDHAOLISHA Store Member ID cn1072080838mwwae	272655888@qq.com
13	Rimiut Official Store Member ID cn1520134334gwbf	rimiut@163.com
14	Shop1103743020 Store Member ID cn1083939083ipoae	kardar@foxmail.com
15	Shop1103840996 Store Member ID cn1089841062xvcae	493532032@qq.com
16	Shop1846619 Store Member ID cn1513499170	286020470@qq.com
18	Tsukimi 001 Store Member ID cn1068747379vkyae	bhm15927399485@163.com

Exhibit 1

Hong Kong Leyuzhen Technology Co. Limited v. The Individuals, Corporations, Limited
Liability Companies, Partnerships and Unincorporated Associations
Amended Schedule A 1:24-cv-01120 AliExpress

Defendant No.	Seller's Name	Link to Seller's Website
VA0002379881		
3	dongbo Store	https://www.aliexpress.com/store/1101438792?spm=a2g0o.detai1.0.0.43704RKQ4RKQC6
4	eDressU Official Store	https://www.aliexpress.com/store/1101325717?spm=a2g0o.detai1.0.0.5308zAhizAhiH
5	Fashion-Hot-new-Unique-World Peace-Never give up Store	https://www.aliexpress.com/store/1101353247?spm=a2g0o.detai1.0.0.2b14Pg20Pg20Mj
6	HGS Premium Dress Store	https://www.aliexpress.com/store/1101258525?spm=a2g0o.detai1.0.0.2dc579l879l8tJ
7	KongClothes Store	https://www.aliexpress.com/store/1101793024?spm=a2g0o.detai1.0.0.6e18m1vqm1vqZX
9	Lugentolo Official Store	https://www.aliexpress.com/store/1101545224 https://www.aliexpress.com/store/1101545224?spm=a2g0o.detai1.0.0.78c8JC15JC1521
10	Pete's Clothes Store	https://www.aliexpress.com/store/1101546927?spm=a2g0o.detai1.0.0.13d9aZpsaZpsbl
12	QDHAOLISHA Store	https://www.aliexpress.com/store/1102504006?spm=a2g0o.detai1.0.0.4649Re15Re15B4
13	Rimiut Official Store	https://www.aliexpress.com/store/1101242753?spm=a2g0o.detai1.0.0.373bFv2YFv2YSk
14	Shop1103743020 Store	https://www.aliexpress.com/store/1103729283?spm=a2g0o.detai1.0.0.6ae1r4xNr4xNQk
15	Shop1103840996 Store	https://www.aliexpress.com/store/1103850112?spm=a2g0o.detai1.0.0.3a6bbCtObCtOO1
16	Shop1846619 Store	https://www.aliexpress.com/store/1101095053?spm=a2g0o.detai1.0.0.5a8eKPTTrKPTrz6
18	Tsukimi 001 Store	https://www.aliexpress.com/store/1102154041?spm=a2g0o.detai1.0.0.3695LbpxLbpxRM

Exhibit 2

13 Defaulted Defendants 1:25-cv-01120

No.	AliExpress Store Name/Defendant	Infringement	Statutory Amount Requested for Each Infringement	Enhanced x3 for Willful Infringement Total Requested
3	dongbo Store Member ID cn1528387589ukht	VA0002379881	\$7,000.00	Total: \$21,000
4	eDressU Official Store Member ID cn1527143035vhzy	VA0002379881	\$7,000.00	Total: \$21,000
5	Fashion-Hot-new-Unique-World Peace-Never give up Store Member ID cn1528989064dgxp	VA0002379881	\$7,000.00	Total: \$21,000
6	HGS Premium Dress Store Member ID cn1520551420iltq	VA0002379881	\$7,000.00	Total: \$21,000
7	KongClothes Store Member ID cn1542218320hwhis	VA0002379881	\$7,000.00	Total: \$21,000
9	Lugentolo Official Store Member ID cn1534242466veoy	VA0002379881	\$7,000.00	Total: \$21,000
10	Pete's Clothes Store Member ID cn1534250123xtwh	VA0002379881	\$7,000.00	Total: \$21,000
12	QDHAOLISHA Store Member ID cn1072080838mwwae	VA0002379881	\$7,000.00	Total: \$21,000
13	Rimiut Official Store Member ID cn1520134334gwbf	VA0002379881	\$7,000.00	Total: \$21,000
14	Shop1103743020 Store Member ID cn1083939083ipoae	VA0002379881	\$7,000.00	Total: \$21,000
15	Shop1103840996 Store Member ID cn1089841062xvcae	VA0002379881	\$7,000.00	Total: \$21,000
16	Shop1846619 Store Member ID cn1513499170	VA0002379881	\$7,000.00	Total: \$21,000
18	Tsukimi 001 Store Member ID cn1068747379vkyae	VA0002379881	\$7,000.00	Total: \$21,000
TOTAL:				\$273,000.00

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

HONG KONG LEYUZHEN TECHNOLOGY
CO. LIMITED,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED IN
SCHEDULE "A" HERETO,

Defendants.

Case No.: 1:25-cv-01120-SLE-MDW

Honorable Sara L. Ellis

Magistrate M. David Weisman

**DECLARATION OF LIANGJIE LI IN SUPPORT OF PLAINTIFF'S
MOTION FOR DEFAULT AND DEFAULT JUDGMENT**

I, Liangjie Li, of Hong Kong, a special administrative region of the People's Republic of China, declare as follows:

1. Except as otherwise expressly stated to the contrary, this declaration is based upon my personal knowledge of the following facts and, if called as a witness, I could and would competently testify to the statements made herein.

2. I make this declaration in support of Plaintiff's Motion for Default and Default Judgment (the "Motion").

3. I am the Chief Operations Officer for Plaintiff Hong Kong Leyuzhen Technology Co. Limited ("Plaintiff"). I make this declaration from my matters within my own personal knowledge unless stated otherwise.

4. Plaintiff markets and sells women's clothing and related items under the "Rotita" brand name ("Rotita").

5. Rotita is an extremely well-known source of women's clothing in the United States and has been the subject of rampant counterfeit sales through online platforms such as Amazon, Walmart, Alibaba, Temu, eBay, and AliExpress (the "Platform"), which is the online sales platform at issue in this action. These are the six largest online retailers in the World – and Plaintiff does not sell its products through any one of them. Rather, Plaintiff only sells its genuine Rotita brand products through its website rotita.com.

6. Plaintiff seeks an award of statutory damages against all defaulted Schedule "A" Defendants (the "Defaulting Defendants") in this action. The Defaulting Defendants are accused of intentionally and willfully infringing Plaintiff's following federally registered copyright asserted in this action: VA0002379881 (the "Copyright Protected Images").

7. It is without question that the Defaulting Defendants have engaged in the intentional misappropriation and unauthorized use of the Copyright Protected Images. In this regard, Plaintiff's Copyright Protected Images, often representing recent product releases, have almost instantaneously appeared on the Defaulting Defendants' online stores maintained with the Platform (the "Online Stores"). Moreover, the Defaulting Defendants have unquestionably been operating their Online Stores using the misappropriated Copyright Protected Images through a sophisticated counterfeit network utilizing a highly developed supply chain capable of supplying thousands of knockoff products featuring an array of Plaintiff's textile patterns and designs that could not otherwise be accomplished on an individual basis.

8. The basic nature of the copyright infringement scheme employed demonstrates that the Defaulting Defendants not only knew of the impropriety of their conduct but had to implement their counterfeit scheme through sophisticated sources and established supply chains. This is the only possible scenario under which the Defaulting Defendants could immediately procure, without

authorization, Plaintiff's new copyright protected product images and offer them for sale through their Online Stores. In addition, the Defaulting Defendants have intentionally used the Copyright Protected Images for soliciting counterfeit, knockoff Rotita product sales on a Platform that Plaintiff does not, and has not, utilized to sell its authentic products. Simply put, these facts not only establish the Defaulting Defendants' knowledge and intentional infringement of Plaintiff's Copyright Protected Images.

9. Plaintiff has paid the rate of \$500 per hour for Katherine M. Kuhn's, Esq.'s legal services in this action and in other pending actions. Plaintiff has also paid the rates of \$400 per hour for Joseph W. Droter, Esq.'s legal services in this action and in other pending actions. Plaintiff has also paid the rate of \$275 per hour for paralegal services provided by Heather Ikerd and Elizabeth Cummings in this action and in other pending actions.

10. Plaintiff's rough estimated gross revenue from United States sales likely exceeds \$20,000,000 USD per year. Of this amount, Plaintiff roughly estimates that over \$1,000,000 is derived from sales in the State of Illinois. Moreover, Plaintiff spends roughly anywhere from \$8,000,000 to \$12,000,000 USD each year to specifically advertise its Rotita brand in the United States through such online advertising sources as Google Ads, Facebook, and Bing. Furthermore, the company has spent more than \$80,000 in filing fees paid to the United States Copyright Office just to secure registration of copyright protected works being asserted in, currently, over fourteen (14) enforcement actions initiated in this judicial district. Simply put, Plaintiff is an extremely successful company that earns millions of dollars from product sales in the United States – including within the State of Illinois. To do so, Plaintiff annually spends tens of millions of dollars advertising in the United States to promote the sale of its brand.

11. Plaintiff expects to earn a net profit of approximately 30% on the sale of its Rotita brand products. This figure, however, includes substantial advertising expenses that the Defaulting Defendants would not have to pay since they are largely capitalizing on Plaintiff's advertising efforts by misappropriating its copyright protected images and imbedding the term "Rotita" in their Temu.com search engine optimization. Doing so causes their online stores to be displayed whenever someone searches for "Rotita" on eBay.com despite Plaintiff not selling authentic "Rotita" brand products on the platform. Based on the foregoing, I would estimate that the Defaulting Defendants' Online Stores operate at a net profit of between 40% to 50%. I believe that a disgorgement of the Defaulting Defendants' profits would fall within the net profit range. However, it is impossible to definitively calculate the Defaulting Defendants' total sales on the Platform through their Online Stores or to ascertain their expenses related to their infringing sales because they have failed to appear, defend, or otherwise participate in this action.

12. The Defaulting Defendants named in the company's copyright infringement enforcement actions are engaged in the practice of copying Plaintiff's copyright protected product images almost instantaneously after they are first displayed on the company's website and then associating these images with sale and promotion of unauthorized, counterfeit products of substandard quality, thereby deceiving consumers – including the citizens of the State of Illinois. Moreover, given the nature of Plaintiff's goods, such large-scale sales operations over multiple online retail platforms require considerable supply chain coordination that could not reasonably be accomplished independently by any of the named Defaulting Defendants. Simply put, Plaintiff maintains that the Defaulting Defendants are acting in concert, pursuant to a common scheme, whereby they independently copy the company's copyright protected images, without authorization, from its website or such unauthorized images are being provided by the same

common source associated with manufacturing the counterfeit products being sold on the Defaulting Defendants' Platform storefronts.

13. Plaintiff has suffered, and continues to suffer, irreparable harm through the Defaulting Defendants' unauthorized use of its federally registered copyright protected images asserted in this action. This results in the direct harm to Plaintiff's brand reputation and loss of consumer goodwill, both of which are harms that are virtually impossible to ascertain the resulting economic loss.

I declare under penalty of perjury under the laws of the United States of America the foregoing is true and correct.

Executed on April 22, 2025, in Hong Kong.

By: /s/ Liangjie Li
LIANGJIE LI

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of April 2025, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Illinois, Eastern Division, using the electronic case filing system. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means. Notice of this filing is provided to unrepresented parties for whom contact information has been provided via email and by posting the filing on a URL contained on our website <https://blointernetenforcement.com/>, and distributed to ecommerce platform, AliExpress.

By: /s/ Joseph W Droter
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