

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CASE NO.:

XYZ Corporation,

Plaintiff,

v.

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

Defendants.

COMPLAINT AND JURY DEMAND

Plaintiff XYZ Corporation, for its complaint against the individuals, corporations, limited liability companies, partnerships and unincorporated associations identified on Schedule "A", (collectively, "Defendants"), states as follows:

NATURE OF THE CASE

1. This is an action for trademark infringement and unfair competition under the Lanham Act, 15 U.S.C. § 1051 *et seq.*, and Florida common law.

PARTIES

2. Plaintiff XYZ Corporation is a duly organized company under the laws of the People's Republic of China ("China") and is the owner of the trademark of its brand name "██████████" contained in United States Trademark Registration Number "██████████" that has been infringed in this action by the Defendants.

3. Upon information and belief, Defendants are individuals and business entities of unknown corporate organization and/or structure who own and/or operate one or more of the online marketplaces on the Walmart platform under the seller aliases identified on Schedule "A", attached here as **Exhibit 1.**

4. On information and belief, Defendants reside and/or operate in the People's Republic of China or other related foreign jurisdictions.

5. Defendants offer for sale various articles of women's clothing to the consuming public through the unauthorized use of Plaintiff's trademarked brand name "[REDACTED]" throughout the description of the product, under the following business names:

[illegible]

6. Upon information and belief all of the seller aliases identified on Schedule “A” all contain the unique identifying name or variations of “[REDACTED].”

JURISDICTION AND VENUE

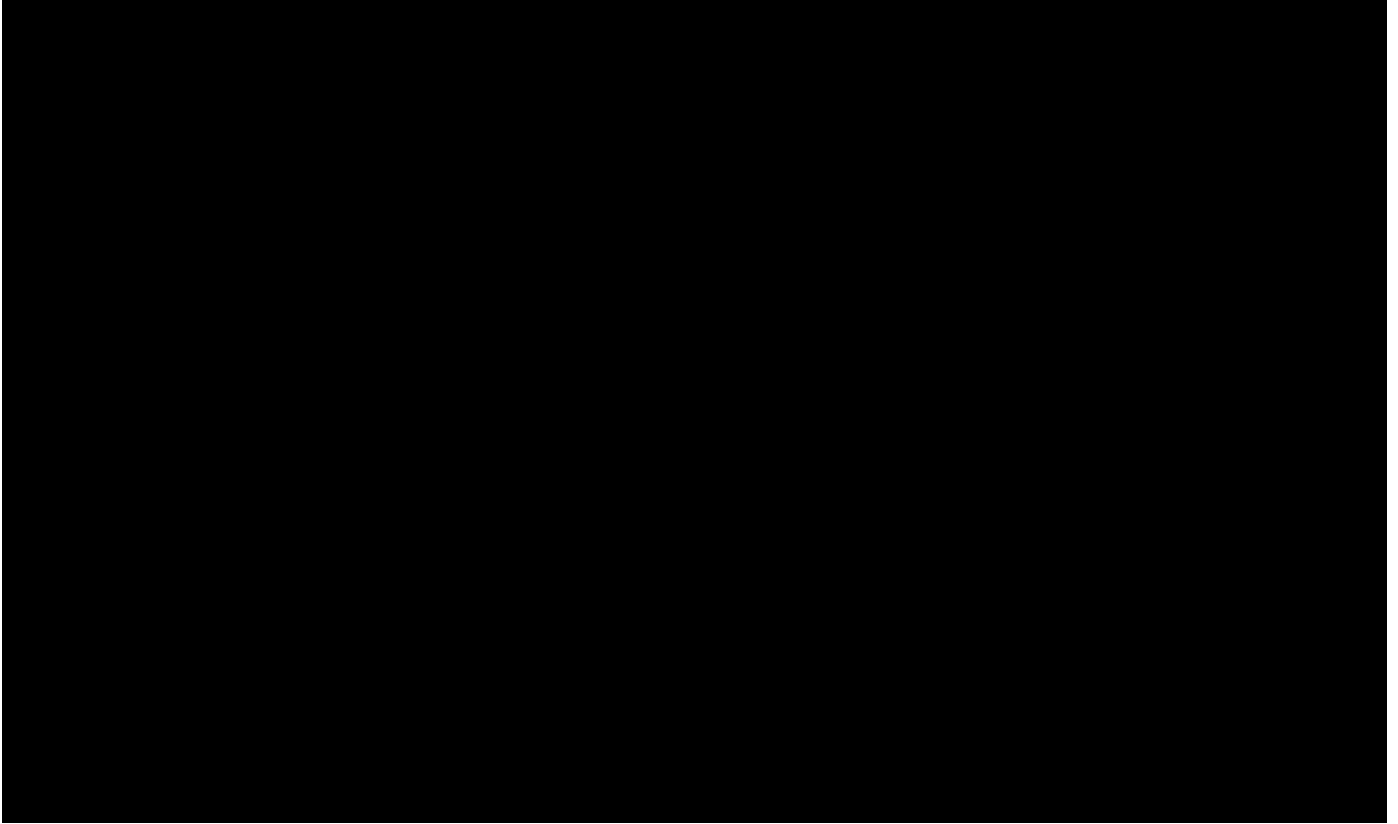
7. This action arises under the United States trademark laws, Title 15, United States Code. This Court has original subject matter jurisdiction under 28 U.S.C. § 1331, 28 U.S.C. § 1338(a)-(b), and 15 U.S.C. § 1121. This action also alleges violations under Florida common law. This Court has supplemental jurisdiction of those claims under 28 U.S.C. § 1367(a).

8. This Court has personal jurisdiction over Defendants because, on information and belief, Defendants regularly do business in this district and derive substantial revenue in this district, including without limitation, by selling products to Florida-based customers in the greater Miami and surrounding areas and promoting its products to Florida residents throughout this judicial district. Thus, upon information and belief, Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process and the Florida long-arm statute, due to at least Defendants' business transactions within this district. Moreover, this Court has personal jurisdiction over Defendants under Florida's long-arm statute, Section 48.193(1)(a)2 and (a)6b because Defendants committed a tortious act in Florida, and because Defendants through the sale of their products caused injury to Plaintiff in Florida.

9. Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(c) because Defendants are subject to personal jurisdiction in this judicial district, Defendants' contacts with this district are regular and purposeful, and a substantial part of the events giving rise to the claims in this action arose or occurred in this district.

BACKGROUND

10. Plaintiff provides online retail store services under, and sells women's fashion and apparel products branded with, the trademark "██████████" ("Plaintiff's Goods and Services").



11. Plaintiff began marketing and selling Plaintiff's Goods and Services throughout the United States using the trademark "██████████" ("Plaintiff's Mark") at least as early as 2017.

12. Plaintiff has expended substantial time, money, and effort to advertise and promote Plaintiff's Goods and Services under the Plaintiff's Mark.

13. Plaintiff's Mark was filed with the U.S. Patent and Trademark Office ("USPTO") in Application Serial No. ██████████ for the word mark ██████████, which was registered by the USPTO and given U.S. Registration No. ██████████. Attached hereto as **Exhibit 2** is a true and correct copy of the federal trademark registration issued for Plaintiff's Mark.

14. Plaintiff obtained ownership of U.S. Registration No. ██████████ through assignment.

15. Plaintiff's extensive and continuous use of Plaintiff's Mark in connection with Plaintiff's Goods and Services has indelibly impressed on the minds of the relevant consuming public that Plaintiff's Mark identifies Plaintiff as the source of Plaintiff's Goods and Services. Accordingly, Plaintiff has acquired valuable common law trademark rights in Plaintiff's Mark, which are protectable under 15 U.S.C. § 1125(a) and common law.

16. Upon information and belief, Defendants are engaged in the offering, distribution, sale, and advertising of counterfeit and infringing products using Plaintiff's Mark in the description of goods ("Defendants' Goods") that is continuous to present. Screenshots of Defendants' product webpages are attached hereto as Group **Exhibit 3**.

17. Upon information and belief, Defendants have been actively selling Defendants' Goods on online marketplaces such as Walmart. Proof of purchases of Defendants' Goods shipped to Florida is attached hereto as **Exhibit 4**.

18. Defendants' use of the wordmark "██████████" is identical in sight, spelling, sound, meaning and commercial impression to Plaintiff's Mark.

19. Defendants' Goods promoted and sold in connection with Plaintiff's Mark are identical to, and upon information and belief may actually be, Plaintiff's Goods that are promoted and sold by Plaintiff in connection with Plaintiff's Mark.

20. The parties' respective goods and services offered under the "██████████" trademark are marketed and sold in the same geographic regions to the same class of purchasers and through the same trade channels and online marketplaces.

21. As a result of Defendants' marketing and sale of Defendants' Goods in connection with Plaintiff's Mark, consumers are likely to be confused such that consumers will erroneously

believe that Defendants are affiliated, connected, or associated with, or in some way related to, Plaintiff or Plaintiff's Goods and Services offered under Plaintiff's Mark.

**Count I – Trademark Infringement
Unfair Competition, and False Designation of Origin 15 U.S.C § 1125(a)**

22. Plaintiff realleges and incorporates by reference the allegations set forth above.

23. Plaintiff has used Plaintiff's Mark in Florida and throughout the United States on or in connection with the advertising, promotion, and sale of Plaintiff's Goods and Services since at least as early as 2017.

24. Plaintiff has used Plaintiff's Mark continuously in the United States to market and sell Plaintiff's Goods and Services for a period of time prior to Defendants' use of the wordmark “[REDACTED]”.

25. Defendants are using Plaintiff's Mark in connection with Defendants' description, advertising, promotion, and sale of Defendants' Goods.

26. Defendants adopted and began using Plaintiff's Mark after Plaintiff's first use of Plaintiff's Mark in the United States.

27. Plaintiff's rights in Plaintiff's Mark are therefore senior to Defendants' rights, if any, in the wordmark “[REDACTED]”, when used in connection with women's fashion and apparel products.

28. Defendants' use of a mark identical to Plaintiff's Mark for goods identical, nearly identical, directly competing, and/or overlapping to Plaintiff's Goods and Services is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendants with Plaintiff, or as to the origin, sponsorship, or approval of Defendants' goods, services, or commercial activities.

29. In undertaking the conduct complained of in this action, Defendants willfully, knowingly, and intentionally violated Plaintiff's rights in Plaintiff's Mark, despite being on notice of Plaintiff's prior rights.

30. Defendants' acts of infringement have therefore been committed with the intent to cause confusion, mistake, and to deceive, and were otherwise deliberate and/or in bad faith. Such intentional and willful conduct makes this an exceptional case.

31. Plaintiff is entitled to injunctive relief in accordance with 15 U.S.C. § 1116(a).

32. Plaintiff is entitled to recover damages as set forth in 15 U.S.C. § 1117(a).

33. Plaintiff is entitled to recover its attorneys' fees pursuant to 15 U.S.C. § 1117(a).

Count II – Trademark Infringement and Unfair Competition Florida Common Law

34. Plaintiff realleges and incorporates by reference the allegations set forth above.

35. Plaintiff owns common law trademark rights in Plaintiff's Mark and has priority rights in and to Plaintiff's Mark that date back to at least as early as 2017.

36. Plaintiff has used Plaintiff's Mark continuously and consistently for an extended period of time to identify, advertise, promote, and sell Plaintiff's Goods and Services, which has indelibly impressed on the minds of the consuming public the impression that Plaintiff's Mark identifies Plaintiff as the source of its women's fashion and apparel products.

37. Defendants adopted and began using Plaintiff's Mark, as described above, after Plaintiff first began using Plaintiff's Mark.

38. The Defendants' acts have created and, unless restrained by this Court, will continue to create a likelihood of confusion and deception of the consuming public, causing irreparable injury to Plaintiff for which Plaintiff has no adequate remedy at law.

39. The Defendants' conduct constitutes unfair competition under the common law of Florida by a deliberate course of conduct, all without authorization, license, privilege, or justification.

40. Upon information and belief, Defendants have acted with full knowledge of Plaintiff's rights in and use of Plaintiff's Mark, and without regard to the likelihood of confusion and deception of the public created by the Defendants' activities.

41. The Defendants' conduct demonstrates an intentional, willful, and malicious intent to trade on the goodwill associated with Plaintiff, to the substantial and irreparable injury of Plaintiff.

42. As a result of the Defendants' acts, Plaintiff has been damaged and will continue to be damaged in an amount not yet determined or ascertainable. At a minimum, however, Plaintiff is entitled to injunctive relief, an accounting of the Defendants' profits, actual damages, punitive damages, attorney's fees and costs, and any and all other relief authorized by law.

PRAYER FOR RELIEF

Based on the foregoing, Plaintiff prays for judgment against Defendants that:

a. Finds that Defendants have directly infringed Plaintiff's Mark under 15 U.S.C. § 1125(a);

b. Preliminarily enjoins and restrains Defendants, Defendants' officers, directors, agents, dealers, representatives, servants, and employees, and all others acting in concert with Defendants, from using Plaintiff's Mark, or any mark that imitates or is confusingly similar to or in any way similar to Plaintiff's Mark, or that is likely to cause confusion, mistake, deception, or public misunderstanding as to the origin of the parties' respective products or services or connectedness of the parties;

c. Permanently enjoins and restrains Defendants, Defendants' officers, directors, agents, dealers, representatives, servants, and employees, and all others acting in concert with Defendants, from using Plaintiff's Mark, or any mark that imitates or is confusingly similar to or in any way similar to Plaintiff's Mark, or that is likely to cause confusion, mistake, deception, or public misunderstanding as to the origin of the parties' respective products or services or connectedness of the parties;

d. Directs Defendants to file with this Court and serve on Plaintiff's counsel within thirty (30) days after the service on Defendants of the injunction, a report in writing under oath setting forth in detail the manner and form in which Defendants have complied with the injunction;

e. Awards Plaintiff the Defendants' profits resulting from its acts of infringement in order to redress Defendants' unjust enrichment and to deter its infringement of Plaintiff's Mark, pursuant to 15 U.S.C. § 1117(a)(1);

f. Awards Plaintiff any damages sustained and the costs of this action, pursuant to 15 U.S.C. § 1117(a)(2);

g. Triples any damages and increases any profits awarded to the amount this Court finds just, pursuant to 15 U.S.C. § 1117(b);

h. Awards Plaintiff its attorneys' fees pursuant to 15 U.S.C. § 1117(b), as well as pre and post-judgment interest;

i. Orders Defendants to deliver up for destruction pursuant to 15 U.S.C. § 1118 all products, packaging, labels, signs, prints, advertising or promotional material, and the like in the possession custody or under the control of Defendants bearing Plaintiff's Mark, or any other trademark confusingly similar to Plaintiff's Mark;

j. Awards Plaintiff its damages, together with prejudgment interest, for the lost sales, loss of goodwill, and other damages suffered by Plaintiff as a result of the acts of trademark infringement and unfair competition by Defendants, pursuant to the laws of the State of Florida; and

k. Grants to Plaintiff such further relief as may be equitable and proper.

JURY TRIAL DEMANDED

Plaintiff demands a trial by jury on all issues so triable.

Dated: March 24, 2025

Respectfully submitted,

By: /s/ William R. Brees

William R. Brees (FL Bar No. 98886)

william@bayramoglu-legal.com

Emily M. Heim (FL Bar No. 1015867)

emily@bayramoglu-legal.com

BAYRAMOGLU LAW OFFICES LLC

11540 W. Warm Springs Rd., Ste 100

Henderson, NV 89014

Tel: (702) 462 – 5973

Counsel for Plaintiff XYZ Corporation

EXHIBIT 1

EXHIBIT 2

EXHIBIT 3

EXHIBIT 4

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) **NOTICE: Attorneys MUST Indicate All Re filed Cases Below.**

I. (a) PLAINTIFFS
XYZ Corporation

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
William Brees (FL Bar No. 98886)
BAYRAMOGLU LAW OFFICES LLC
1540 W. Warm Springs Rd. Ste 100, Henderson Nevada 89014; (702) 462-5973

(d) Check County Where Action Arose: ☒ MIAMI-DADE ☐ MONROE ☐ BROWARD ☐ PALM BEACH ☐ MARTIN ☐ ST. LUCIE ☐ INDIAN RIVER ☐ OKEECHOBEE ☐ HIGHLANDS

DEFENDANTS
The Individuals, Corporations, Limited Liability Companies, Partnerships and Unincorporated Associations Identified in Schedule "A" Hereto

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

☐ Citizen of This State
☐ Citizen of Another State
☐ Citizen or Subject of a Foreign Country

PTF DEF

☐ 1 ☐ 1
☐ 2 ☐ 2
☐ 3 ☐ 3

Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

PTF DEF
☐ 4 ☐ 4
☐ 5 ☐ 5
☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment
Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loans
(Excl. Veterans)
☐ 153 Recovery of Overpayment of Veteran's Benefits
☐ 160 Stockholders' Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability
☐ 196 Franchise

TORTS
PERSONAL INJURY
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel
Slander
☐ 330 Federal Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury
☐ 362 Personal Injury - Med. Malpractice
PERSONAL INJURY
☐ 365 Personal Injury - Product Liability
☐ 367 Health Care/Pharmaceutical
Personal Injury Product Liability
☐ 368 Asbestos Personal Injury Product Liability
PERSONAL PROPERTY
☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

FORFEITURE PENALTY
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 690 Other
LABOR
☐ 710 Fair Labor Standards Acts
☐ 720 Labor/Mgmt. Relations
☐ 740 Railway Labor Act
☐ 751 Family and Medical Leave Act
☐ 790 Other Labor Litigation
☐ 791 Employee Retirement Income Security Act

BANKRUPTCY
☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157
INTELLECTUAL PROPERTY RIGHTS
☐ 820 Copyrights
☐ 830 Patent
☐ 835 Patent - Abbreviated New Drug Application
☒ 840 Trademark
☐ 880 Defend Trade Secrets Act of 2016
SOCIAL SECURITY
☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))
FEDERAL TAX SUITS
☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS Third Party 26 USC 7609

OTHER STATUTES
☐ 375 False Claims Act
☐ 376 Qui Tam (31 USC 3729(a))
☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 480 Consumer Credit (15 USC 1681 or 1692)
☐ 485 Telephone Consumer Protection Act (TCPA)
☐ 490 Cable/Sat TV
☐ 850 Securities/Commodities/Exchange
☐ 890 Other Statutory Actions
☐ 891 Agricultural Acts
☐ 893 Environmental Matters
☐ 895 Freedom of Information Act
☐ 896 Arbitration
☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Re-filed (See VI below)
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation Transfer
☐ 7 Appeal to District Judge from Magistrate Judgment
☐ 8 Multidistrict Litigation - Direct File
☐ 9 Remanded from Appellate Court

VI. RELATED RE FILED CASE(S) (See instructions): a) Re-filed Case ☐ YES ☒ NO b) Related Cases ☐ YES ☒ NO

JUDGE: **DOCKET NUMBER:**

VII. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 1338 - Trademark Infringement

LENGTH OF TRIAL via days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND** CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

ABOVE INFORMATION IS TRUE DATE: March 24, 2025

CORRECT TO THE BEST OF MY KNOWLEDGE SIGNATURE OF ATTORNEY OF RECORD: /s/ William Brees

FOR OFFICE USE ONLY : RECEIPT AMOUNT IFP JUDGE MAG JUDGE

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

XYZ Corporation,

Plaintiff(s)

v.

Civil Action No.

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

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED IN
SCHEDULE "A" HERETO,

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

William R. Brees (FL Bar No. 98886)
william@bayramoglu-legal.com
BAYRAMOGLU LAW OFFICES LLC
11540 W. Warm Springs Rd., Ste 100
Henderson, NV 89014
Tel: (702) 462 – 5973

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are _____ for travel and _____ for services, for a total of _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: