

**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 FOR DAMAGES AND INJUNCTIVE RELIEF

Plaintiff XYZ Corporation ("Plaintiff"), hereby files its Complaint for trademark infringement against Defendants, the Individuals, Corporations, Limited Liability Companies, Partnerships and Unincorporated Associations identified on Schedule "A", (collectively, "Defendants") and in support of its claims states as follows:

I. JURISDICTION AND VENUE

1. This is an action for damages and injunctive relief for federal trademark infringement and false designation of origin under the Lanham Act pursuant to 15 U.S.C. §§ 1114, 1116, 1121, 1125(a), and 1125(d), and The All Writs Act, 28 U.S.C. § 1651(a); 15 U.S.C. § 1051, et seq., Florida common law unfair competition and Florida common law infringement.

2. 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 Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a) over Plaintiff's state law claims because those claims are so related to the federal claims that they form part of the same case or controversy.

3. This Court may exercise personal jurisdiction over Defendants because each of the Defendants directly targets business activities towards consumers throughout the United States, including Florida, through at least the fully interactive e-commerce stores operating under the seller aliases identified in Schedule A (the “Seller Aliases”) attached hereto as **Exhibit 1**. Specifically, Defendants have targeted sales to the United States by operating these e-commerce stores that target United States consumers, offering to ship to the United States, accepting payment in U.S. dollars and, on information and belief, have sold products using Plaintiff’s federally registered trademark.

4. Venue is proper in this district under 28 U.S.C. § 1391 because Defendants are subject to this Court’s personal jurisdiction and not residents of the United States, and upon information and belief, are engaged in infringing activities and causing harm within this district by advertising, offering to sell, selling and/or shipping infringing products to consumers in this district.

II. PARTIES

Plaintiff

5. Plaintiff is a duly organized company under the laws of the People’s Republic of China (“China”) and is the owner of the trademark “**[REDACTED]**” which has been registered on the Principal Register of the United States Patent and Trademark Office and given Registration No. **[REDACTED]**. A true and correct copy of the federal trademark registration issued for the **[REDACTED]** mark (“Plaintiff’s Mark”) is attached hereto as **Exhibit 2**.

6. Plaintiff offers for sale through its online retail store women's fashion and apparel products branded with the “**[REDACTED]**” trademark (“Plaintiff’s Goods”). Plaintiff has continuously offered Plaintiff’s Goods under Plaintiff’s Mark since at least as early as 2017. As a

result of its continuous use, Plaintiff has also acquired common law trademark rights in Plaintiff's Mark.

7. Plaintiff's extensive and continuous use of Plaintiff's Mark in connection with Plaintiff's Goods has indelibly impressed on the minds of the relevant consuming public that Plaintiff's Mark identifies Plaintiff as the source of Plaintiff's Goods.

8. Plaintiff has expended substantial time, money, and effort to advertise and promote Plaintiff's Goods under the Plaintiff's Mark. Plaintiff has built substantial goodwill in and to Plaintiff's Mark. Plaintiff's Mark is a valuable asset of Plaintiff.

Defendants

9. Defendants are individuals and business entities of unknown corporate organization and/or structure who own and/or operate one or more of the e-commerce stores on the Walmart platform under the Seller Aliases identified on Schedule "A". On information and belief, Defendants reside and/or operate in the People's Republic of China or other related foreign jurisdictions, who redistribute products from the same or similar sources in those locations, and/or ship their goods from the same or similar sources to consumers.

10. On information and belief, Defendants have provided false or inaccurate business names and addresses when registering for their e-commerce stores. This makes it virtually impossible for Plaintiff to discover Defendants' true identities and the interworking of their infringement network scheme.

III. BACKGROUND INFORMATION

11. Defendants are each advertising, promoting, offering for sale and/or selling goods infringing products using Plaintiff's Mark in the description of goods ("Defendants' Goods") on their e-commerce stores on the Walmart platform. Screenshots of Defendants' product webpages are attached hereto as **Exhibit 3**.

12. Defendants are using Plaintiff's Mark to initially attract online consumers and drive them to Defendants' e-commerce stores operating under the Seller Aliases. Defendants' use of the wordmark "██████" is identical in sight, spelling, sound, meaning and commercial impression to Plaintiff's Mark.

13. Defendants' Goods are of a quality substantially lower than that of Plaintiff's genuine goods. Defendants are actively using, promoting and otherwise advertising, distributing, offering for sale and/or selling substantial quantities of their infringing goods with the knowledge and intent that such goods will be mistaken for the genuine, high-quality goods offered for sale by Plaintiff despite Defendants' knowledge that they are without authority to use Plaintiff's Mark. Defendants' actions are likely to cause confusion of consumers at the time of initial interest, sale, and in the post-sale setting, who will believe Defendants' Goods are genuine goods originating from, associated with, and/or approved by Plaintiff.

14. Plaintiff has identified many e-commerce stores offering infringing goods under the "██████" mark on online marketplace platforms. Most third-party online marketplace platforms usually do not subject new sellers to verification or confirm their identities, which allows infringers to use fake or inaccurate names, business information, and addresses when creating their e-commerce stores on these online marketplace platforms.¹ These third-party online market place platforms also generally do not require a seller to identify any underlying business entity, thus infringers are able to create multiple profiles and e-commerce stores that appear unrelated even though they are commonly owned and operated.²

¹ U.S. Department of Homeland Security, Report on Combating Trafficking in Counterfeit and Pirated Goods, January 24, 2020, (available at: https://www.dhs.gov/sites/default/files/publications/20_0124_plcy_counterfeit-pirated-goods-report_01.pdf).

² *Id.* at 39.

15. Defendants facilitate sales by opening the e-commerce stores operating under the Seller Aliases so that they appear to unsuspecting customers to be authorized online retailers. Such seller alias registration patterns are one of many common tactics used by e-commerce store operators like Defendants to conceal their identities and the full scope and interworking of their infringement operation, and to avoid being shut down. E-commerce stores operating under the Seller Aliases appear legitimate because they are operating on well-known and trusted online marketplace platforms and accept payment in U.S. dollars and/or funds from U.S. bank accounts via credit cards, Alipay, Walmart Pay, and/or PayPal.

16. E-commerce stores operating under the Seller Aliases include other notable common features such as use of the same registration patterns, keywords, advertising tactics, similarities in price and quantities, the same incorrect grammar and misspellings, and/or the use of the same text and images. Additionally, Defendants' Products for sale by the Seller Aliases bear similar irregularities, suggesting that the Defendants' Products were manufactured by and come from a common source and that Defendants are interrelated.

17. Plaintiff has not licensed or authorized Defendants to use Plaintiff's Mark and none of the Defendants are authorized retailers of Plaintiff's Goods.

18. By their actions, Defendants are causing harm to Plaintiff and the consuming public by (i) depriving Plaintiff of its right to fairly compete for space online and within search engine results and reducing the visibility of Plaintiff's genuine goods on the Internet, (ii) causing an overall degradation of the value of the goodwill associated with Plaintiff's Mark, and (iii) increasing Plaintiff's overall cost to market its goods and educate consumers about its brand via the Internet.

19. Defendants' payment and financial accounts linked to the Walmart online marketplace platform are being used by Defendants to accept, receive, and deposit profits from Defendants' trademark infringing, and unfairly competitive activities connected to their Seller Aliases.

20. Further, Defendants are, upon information and belief, likely to transfer or secret their assets to avoid payment of any monetary judgment awarded to Plaintiff. Therefore, Plaintiff has no adequate remedy at law.

21. Plaintiff is suffering irreparable injury and has suffered substantial damages because of Defendants' unauthorized and wrongful use of Plaintiff's Mark. If Defendants' infringing and unfairly competitive activities are not preliminarily and permanently enjoined by this Court, Omega and the consuming public will continue to be harmed while Defendants wrongfully earn a substantial profit.

IV. CLAIMS

COUNT I **TRADEMARK INFRINGEMENT PUSUANT TO 15 U.S.C. § 1114**

22. Plaintiff realleges and incorporates by reference the allegations set forth above in paragraphs 1-21.

23. This is an action for trademark infringement against Defendants based on their use unauthorized use of Plaintiff's Mark in commerce in connection with the promotion, advertisement, distribution, offering for sale and/or sale of Defendants' Products.

24. Plaintiff is the exclusive owner of Plaintiff's Mark. The United States Registration for Plaintiff's Mark is in full force and effect.

25. On information and belief, Defendants have knowledge of Plaintiff's rights in Plaintiff's Mark and are willfully and intentionally infringing on Plaintiff's trademark rights by

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

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

27. Defendants' willful, intentional, and unauthorized use of Plaintiff's Mark for goods identical, nearly identical, directly competing, and/or overlapping to Plaintiff's Goods is likely to cause and is causing confusion, mistake, confusion, and deception as to the quality, origin, sponsorship, or approval of Defendants' Products among the general public.

28. Defendants' unlawful actions have caused and are continuing to cause unquantifiable damages and irreparable harm to Plaintiff and are unjustly enriching Defendants with profits at Plaintiff's expense.

29. Plaintiff has no adequate remedy at law. Plaintiff has suffered and will continue to suffer irreparable injury and damages because of Defendants' above-described activities if Defendants are not preliminarily and permanently enjoined. Additionally, Defendants will continue to wrongfully profit from their unlawful activities.

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

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

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

COUNT II
FALSE DESIGNATION OF ORIGIN PUSUANT TO 15 U.S.C. § 1125

33. Plaintiff realleges and incorporates by reference the allegations set forth above in paragraphs 1-21.

34. Plaintiff has used Plaintiff's Mark continuously and consistently for an extended period of time to identify, advertise, promote, and sell Plaintiff's Goods, 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.

35. Defendants have each caused or authorized the infringing use of Plaintiff's Mark in Defendants' advertisement and promotion of their infringing goods throughout the United States via the Internet.

36. Defendants' Products that are being offered for sale and sold using Plaintiff's Mark are virtually identical in appearance to Plaintiff's genuine goods. However, when actually received by purchasing consumers, Defendants' Products are different in quality. Accordingly, by using Plaintiff's Mark on Defendants' Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of Defendants' Products.

37. Defendants have each caused such goods to enter commerce in the United States with full knowledge of the falsity of such designations of origin and such descriptions and representations, all to Plaintiff's detriment.

38. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of Defendants' Products to the general public involves the unauthorized use of Plaintiff's Mark and is a willful violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125.

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

COUNT III
COMMON LAW TRADEMARK INFRINGEMENT

40. Plaintiff realleges and incorporates by reference the allegations set forth above in paragraphs 1-21.

41. Since at least as early as 2017, Plaintiff has continuously offered Plaintiff's Goods under Plaintiff's Mark Plaintiff. As such, Plaintiff has acquired common law trademark rights in and to the "[REDACTED]" mark.

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

43. Defendants conduct of promoting, advertising, offering for sale and/or selling Defendants' Goods using Plaintiff's Mark constitutes common law trademark infringement.

44. Defendants' infringing activities are likely to cause and are causing confusion, mistake, and deception among consumers as to the origin and quality of Defendants' Products bearing Plaintiff's Mark.

45. Defendants' conduct is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiff great and irreparable harm that cannot be fully compensated or measured in a dollar amount. Plaintiff has no adequate remedy at law. As such, Plaintiff is entitled to a preliminary and permanent injunction prohibiting further infringement of Plaintiff's Mark.

COUNT IV
COMMON LAW UNFAIR COMPETITION

46. Plaintiff realleges and incorporates by reference the allegations set forth above in paragraphs 1-21.

47. Defendants are each promoting and otherwise advertising, selling, offering for sale, and distributing products using Plaintiff's Mark without authorization or the right to do so. Defendants are each also infringing on Plaintiff's Mark to unfairly compete with Plaintiff for (a) space in search engine results across an array of search terms and/or (b) visibility on the Internet.

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

49. Defendants' infringing activities are likely to cause and are causing confusion, mistake, and deception among customers as to the origin and quality of Defendants' Products and Defendants' e-commerce stores as a whole due to their use of Plaintiff's Mark.

50. 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.

V. PRAYER FOR RELIEF

WHEREFORE, based on the foregoing, Plaintiff prays for judgment on all Claims of this Complaint against Defendants as follows:

- 1) Finding that Defendants have directly infringed Plaintiff's Mark under 15 U.S.C. § 1125(a);
- 2) Entry of temporary, preliminary, and permanent injunctions pursuant to 15 U.S.C. § 1116, 28 U.S.C. § 1651(a), The All Writs Act, and Federal Rule of Civil Procedure 65 enjoining Defendants, their agents, representatives, employees, and all those acting in concert or participation therewith from:
 - a. using Plaintiff's Mark in connection with the distribution, marketing, advertising, offer for sale or sale of any product that is not a genuine Plaintiff product or is not authorized by Plaintiff to be sold in connection with Plaintiff's Mark;

- b. manufacturing or causing to be manufactured, importing, advertising or promoting, distributing, selling or offering of Defendant's Products;
 - c. using any logo, trade name or trademark or design that may be calculated to falsely advertise the goods of Defendants as being sponsored by, authorized by, approved by endorsed by, or in any way associated with Plaintiff;
 - d. 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;
 - e. further infringing Plaintiff's Mark and further damaging Plaintiff's goodwill;
 - f. engaging in search engine optimization strategies by using Plaintiff's Mark; and
 - g. otherwise unfairly competing with Plaintiff.
- 3) Entry of temporary, preliminary, and permanent injunctions pursuant to 15 U.S.C.

§ 1116, 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority that:

- a. enjoins Defendants and those with notice of the injunction, including, without limitation any online marketplace platforms (the "Third Party Providers") from participating in, including providing financial, technical, and advertising services or other support to Defendants in connection with the sale of Defendant's Products;
- b. that, upon Plaintiff's request, the Third Party Providers who have notice of the injunction, cease hosting, facilitating access to, or providing any supporting service to any and all e-commerce stores for the Seller Aliases; and
- c. that, upon Plaintiff's request, the Third Party Providers for the Seller Aliases who are provided with notice of an injunction issued by this Court, disclose the true

identities and any contact information known to be associated with Defendants' Seller Aliases.

4) Directing 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;

5) Entry of an order requiring Defendants to account for and pay Plaintiff for all profits and damages resulting from Defendants' trademark infringing and unfairly competitive activities and that the award to Plaintiff be trebled, as provided for under 15 U.S.C. §1117,

6) Entry of an award pursuant to 15 U.S.C. § 1117 (a) and (b) of Plaintiff's costs and reasonable attorneys' fees and investigative fees associated with bringing this action as well pre and post-judgment interest;

7) Granting 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: April 28, 2025

Respectfully submitted,

By: /s/ William R. Brees

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Henderson, NV 89014

Tel: (702) 462 – 5973

Counsel for Plaintiff XYZ Corporation

EXHIBIT 1

EXHIBIT 2

EXHIBIT 3

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 Related Cases Bel**

I. a PLAINTIFFS

XYZ Corporation

b

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

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 Incorporated or Principal Place of Business In This State

☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State

☐ 3 ☐ 3 Foreign Nation

☐ 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

☐ 151 Enforcement of Judgment

☐ 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

REAL PROPERTY

☐ 210 Land Condemnation

☐ 220 Foreclosure

☐ 230 Rent Lease Ejectment

☐ 240 Torts to Land

☐ 245 Tort Product Liability

☐ 290 All Other Real Property

TORTS

PERSONAL INJURY

☐ 310 Airplane

☐ 315 Airplane Product Liability

☐ 320 Assault, Libel

☐ 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

PRISONER PETITIONS

Habeas Corpus:

☐ 463 Alien Detainee

☐ 510 Motions to Vacate Sentence

☐ 530 General

☐ 535 Death Penalty

Other:

☐ 540 Mandamus

☐ 540 Other

☐ 550 Civil Rights

☐ 555 Prison Condition

☐ 560 Civil Detainee - Conditions of Confinement

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

IMMIGRATION

☐ 462 Naturalization Application

☐ 465 Other Immigration Actions

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))

OTHER STATUTES

☐ 375 False Claims Act

☐ 376 Anti-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

FEDERAL TAX SUITS

☐ 870 Taxes (U.S. Plaintiff or Defendant)

☐ 871 IRS Third Party 26 USC 7609

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

CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD

April 28, 2025

/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: