

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

HONG KONG LEYUZHEN TECHNOLOGY
CO. LIMITED,

Plaintiff,

v.

██

Defendants.

Case No. 1:25-cv-07624

**FIRST AMENDED COMPLAINT FOR
COPYRIGHT INFRINGEMENT**

JURY TRIAL DEMANDED

Plaintiff, Hong Kong Leyuzhen Technology Co. Limited, (“Plaintiff”), by and through its counsel, the Bayramoglu Law Offices, LLC, submits the following Complaint against the Defendant, ██████████, (“Defendant”) and hereby alleges as follows:

NATURE OF THE ACTION

1. Plaintiff is the owner of all rights, title and interest in and to the copyright registration issued by the United States Copyright Office for certain images related to its Rotita Brand product line (the “Rotita Brand”) used in connection with the promotion and sale of women’s apparel, which bear the following federal registration number ██████████ (the “Copyright-Protected Images”).

2. Plaintiff has filed this action to combat online copyright infringers who trade upon Plaintiff’s reputation, goodwill and valuable copyrights, including the Copyright-Protected Images, to sell competing products of inferior quality by representing them to be authentic Rotita Brand products through the unauthorized display of the Copyright-Protected Images on their online storefronts (the “Online Stores”) maintained on the Amazon sales platform, and identified on Schedule “A” (the “Online Platform”). Defendants also offer their competing products at

substantially reduced prices compared to the authentic Rotita Brand products offered by the Plaintiff.

3. Plaintiff exclusively utilizes the Copyright-Protected Images in connection with the advertising, display, and sale of its authentic Rotita Brand products on its wholly owned, operated, and controlled company website. Plaintiff does not advertise, market, display, or sell its authentic Rotita Brand products on the Online Platform.

4. The defendant also advertises, markets, and sells its competing products that feature Plaintiff's Copyright-Protected Images by referencing the same photographs and 3-D artwork associated with genuine Rotita Brand products. This causes additional confusion and deception in the marketplace.

5. Plaintiff is compelled to file this action to address Defendant's unauthorized use of its Copyright-Protected Images to sell inferior, competing products, as well as to protect unwitting consumers from purchasing these inferior, competing products over the Internet. The plaintiff has suffered and continues to suffer irreparable harm, including consumer confusion, reputational damage, market disruption, competitive disadvantage, and the loss of licensing opportunities, as a result of the Defendant's actions. Therefore, the company seeks injunctive and monetary relief.

JURISDICTION AND VENUE

6. 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.

7. This Court has jurisdiction over the unfair deceptive trade practices claim in this action that arise under the laws of the State of Illinois pursuant to 28 U.S.C. § 1367(a) because the

state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

8. Venue is proper in this Court pursuant to 28 U.S.C. § 1391. This Court may properly exercise personal jurisdiction over Defendant, since Defendant directly targets consumers in the United States, including those within the State of Illinois, through at least the fully interactive commercial internet stores accessible through Defendant's Online Store.

9. Specifically, Defendant is reaching out to do business with Illinois residents by operating one or more commercial, interactive internet stores through which residents can purchase inferior products that are advertised for sale using, without authorization, Plaintiff's Copyright-Protected Images.

10. Defendant has targeted sales from Illinois residents by operating online stores that offer shipping to the United States, including to the State of Illinois, accept payment in United States currency, and, on information and belief, has used Plaintiff's Copyright-Protected Images, without authorization, to sell competing, products of lesser quality to residents of the State of Illinois.

The Defendant is committing tortious acts within the State of Illinois, engaging in interstate commerce, and has wrongfully caused substantial injury to the Plaintiff in Illinois. Venue is proper in this Court under 28 U.S.C. §§ 1391(b)(2) and 1400(a) because the Defendants have committed copyright infringement within this district and conduct substantial business here.

THE PARTIES

11. Plaintiff is a corporation organized under the laws of the People's Republic of China ("China"). It is the owner of the Copyright-Protected Images asserted to have been infringed in this action by the Defendant. Attached hereto as Exhibit 1 are true and correct copies of the

federal copyright registration issued for the Copyright-Protected Images and Copyright Public Records Data.

12. Plaintiff founded its Rotita Brand in 2009, which is dedicated to women's fashion apparel and serves consumers in the United States and worldwide.

13. Plaintiff designed, caused to subsist in material form, and first published the Copyright-Protected Images of its fashion collection of women's tops on its website located at the company's designated website employing the Rotita Brand in its URL and over the years has worked hard to establish success and recognition for high quality women's apparel internationally and in the United States.

14. The Plaintiff has expended substantial time, money, and other resources in developing, advertising, and promoting its Rotita Brand, specifically the Copyright-Protected Images. As a result, the Rotita Brand is widely recognized and exclusively associated with quality products by consumers, the public, and the trade.

15. Plaintiff owns all rights, including, without limitation, the rights to reproduce the Copyright-Protected Images in copies, to prepare derivative works based upon the copyrighted works, and to distribute copies of the copyrighted works to the public by sale or other transfer of ownership, or by rental, lease, or lending, the protected works.

16. The Plaintiff has neither licensed nor authorized the Defendant to use the Copyright-Protected Images, and the Defendant is not an authorized retailer of the Plaintiff's genuine Rotita Brand products.

17. Defendant claims to the Online Platform to be located in Yunnan Province in China.

18. The defendant conducts business across the United States, including in this judicial district, through the operation of their Online Amazon Store. They have offered to sell, and based

on information and belief, have sold and continue to sell competing products within the United States, including in this judicial district, by displaying the Copyright-Protected Images without authorization on their Amazon Store. Exhibit 2 provides a side-by-side comparison of the original images copyrighted by the plaintiff and the images on each defendant's storefront, along with links to each storefront.

19. In addition, the Defendant goes to great lengths to conceal its identity and the full scope of its operations, making it virtually impossible for the Plaintiff to learn the Defendant's true identity and the exact workings of their network.

20. Defendant misappropriates Plaintiff's Copyright-Protected Images depicting its authentic Rotita Brand fashion collection of women's tops, and uses them in advertising inferior, unauthorized products for sale through their Online Stores to deceive consumers into believing their purchases are from an authentic and authorized source.

DEFENDANT'S UNLAWFUL CONDUCT

21. The success of Plaintiff's Rotita Brand has resulted in intentional copying of Plaintiff's products, and the sale and offering for sale of said products through the unauthorized use of the Copyright-Protected Images. Upon information and belief, Defendants conduct their illegal operations through their Online Stores maintained on the Online Platform. Defendant targets consumers in the United States, including in the State of Illinois, and sells and offers for sale competing products through the unauthorized use of the Copyright-Protected Images.

22. In similar cases, defendants conceal their identities and the full scope of their counterfeiting operations to deter plaintiffs and Courts from learning their true identities and the full extent of their illegal counterfeiting activities.

23. In this case, through the unauthorized use of copyrighted images on their Online Store, the defendant published the Copyrighted Images on its storefronts and is directly and personally contributing to the infringement of the Copyrighted Images.

24. Upon information and belief, and at all times relevant to this matter, Defendants have known that the Plaintiff owns the Copyright-Protected Images, including its exclusive rights to use and license the Rotita Brand and the associated goodwill.

25. Plaintiff has identified numerous stores on the Online Platform, including Defendants' Online Stores, which are offering for sale, selling, and importing competing products to consumers in this judicial district and throughout the United States by using, without authorization, the Copyright-Protected Images.

26. Infringers on e-commerce platforms, such as Defendant's online store, are estimated to receive tens of millions of visits per year and generate over \$135 billion in annual online sales. According to an intellectual property rights seizures statistics report issued by the United States Department of Homeland Security, the manufacturer's suggested retail price ("MSRP") of goods seized by the U.S. government in fiscal year 2020 was over \$1.3 billion. Internet websites, such as Defendant's online store, are also estimated to contribute to tens of thousands of lost jobs for legitimate businesses and broader economic damages, including lost tax revenue, every year. According to a January 2011 MarkMonitor report, entitled "Traffic Report: Online Piracy and Counterfeiting," the average daily traffic to 48 sites selling counterfeit goods was more than 240,000 visits, totaling over 87 million visits per year. A 2012 MarkMonitor article, entitled "White Paper: Seven Best Practices for Fighting Counterfeit Sales Online," reported that counterfeiters' illicit online activities would cost legitimate businesses billions in lost revenue annually. True and correct copies of these reports are attached hereto as Exhibit 3.

27. On information and belief, the Defendant set up a seller account on the Online Platform using, without authorization, copyrighted images so that they appear to unknowing consumers to be authorized online retailers of genuine Rotita Brand products. Defendants' online stores accept payment in United States currency via credit cards.

28. On information and belief, Defendant deceives unknowing consumers by using Plaintiff's Copyright-Protected Images on Defendant's Online Store without authorization to attract customers, and to sell products resembling authentic Rotita Brand products.

29. Defendants in similar cases deceive unwary consumers by using the infringed intellectual property, as originally applied to genuine products, within the content, text, and/or meta tags of their websites to attract search engines crawling the Internet for relevant consumer product searches. Additionally, counterfeiters in similar cases use other unauthorized search engine optimization ("SEO") tactics and social media spam to ensure that the Defendants' online store listings appear near the top of relevant search results, misleading consumers seeking authentic products. Furthermore, counterfeiters employ similar illegal SEO tactics to move new domain names to the top of search results after others are shut down.

30. Here, a search for the Rotita Brand women's dresses on the Online Platform resulted in the unauthorized display of copyright-protected images being used to promote competing, inferior products. As such, Plaintiff also seeks to disable Defendant's Online Stores, where the Defendants display, without authorization, the Copyright-Protected Images, to continue to sell knockoff products to consumers in this judicial district.

31. Upon receiving notice of a lawsuit, counterfeiters in similar cases will often register new domain names or online marketplace accounts under new aliases.¹ Counterfeiters also typically ship products in small quantities via international mail to minimize detection by U.S. Customs and Border Protection. A 2021 U.S. Customs and Border Protection (“CBP”) report on seizure statistics indicated that e-commerce sales accounted for 13.3% of total retail sales with second quarter of 2021 retail e-commerce sales estimated at \$222.5 billion.² In FY 2021, there were 213 million express mail shipments and 94 million international mail shipments. *Id.* Nearly 90 percent of all intellectual property seizures occur in the international mail and express environments. *Id.* at 27. The “overwhelming volume of small packages also makes CBP’s ability to identify and interdict high-risk packages difficult.” *Id.* at 23.

32. Furthermore, counterfeiters often operate multiple credit card merchant accounts and third-party accounts behind layers of payment gateways, allowing them to continue operating despite enforcement efforts. Upon information and belief, Defendant maintains offshore bank accounts and regularly moves funds from their Online Platform accounts to offshore bank accounts outside the jurisdiction of this Court, particularly since Defendant reports to the Online Platform that it is located in China.

33. Defendants’ use of Plaintiff’s Copyright-Protected Images in connection with the advertising, marketing, distribution, offering for sale, and sale of competing products of inferior quality is likely to cause confusion, mistakes, and deception among consumers and is irreparably harming the Rotita Brand. Defendant has manufactured, imported, distributed, offered for sale,

¹ <https://www.ice.gov/news/releases/buyers-beware-ice-hsi-and-cbp-boston-warn-consumers-aboutcounterfeit-goods-during> (counterfeiters are “very adept at setting up online stores to lure the public into thinking they are purchasing legitimate good on legitimate websites”) (last visited Apr. 6, 2022).

² U.S. Customs and Border Protection, Intellectual Property Right Seizure Statistics, FY 2021 (<https://www.cbp.gov/sites/default/files/assets/documents/2022-Sep/202994%20-%20FY%202021%20IPR%20Seizure%20Statistics%20BOOK.5%20-%20FINAL%20%28508%29.pdf>)

and sold their inferior products using the Copyright-Protected Images without authorization and will continue to do so unless restrained temporarily, preliminarily, and permanently by this Court.

34. Defendants, without authorization or license from Plaintiff, knowingly and willfully used and continue to use the company's Copyright-Protected Images in connection with advertising, offering for sale, and selling competing products through, among other things, their Online Store.

35. Upon information and belief, Defendant will continue to infringe Plaintiff's Copyright-Protected Images to sell inferior competing products unless preliminarily and permanently enjoined.

36. Defendant's unauthorized use of the Copyright-Protected Images in connection with the advertising, distribution, offering for sale, and the sale of poor-quality products in the United States and specifically into the State of Illinois, is likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming the goodwill and intrinsic value of Plaintiff's Rotita Brand.

37. Unless enjoined, Defendants' infringing conduct will continue to cause irreparable harm to Plaintiff.

COUNT I
COPYRIGHT INFRINGEMENT (17 U.S.C. § 101, et seq.)

38. Plaintiff repeats, realleges, and incorporates by reference herein its allegations contained in paragraphs 1 through 38, above.

39. Plaintiff's Copyright-Protected Images have significant value and have been produced and created at considerable expense.

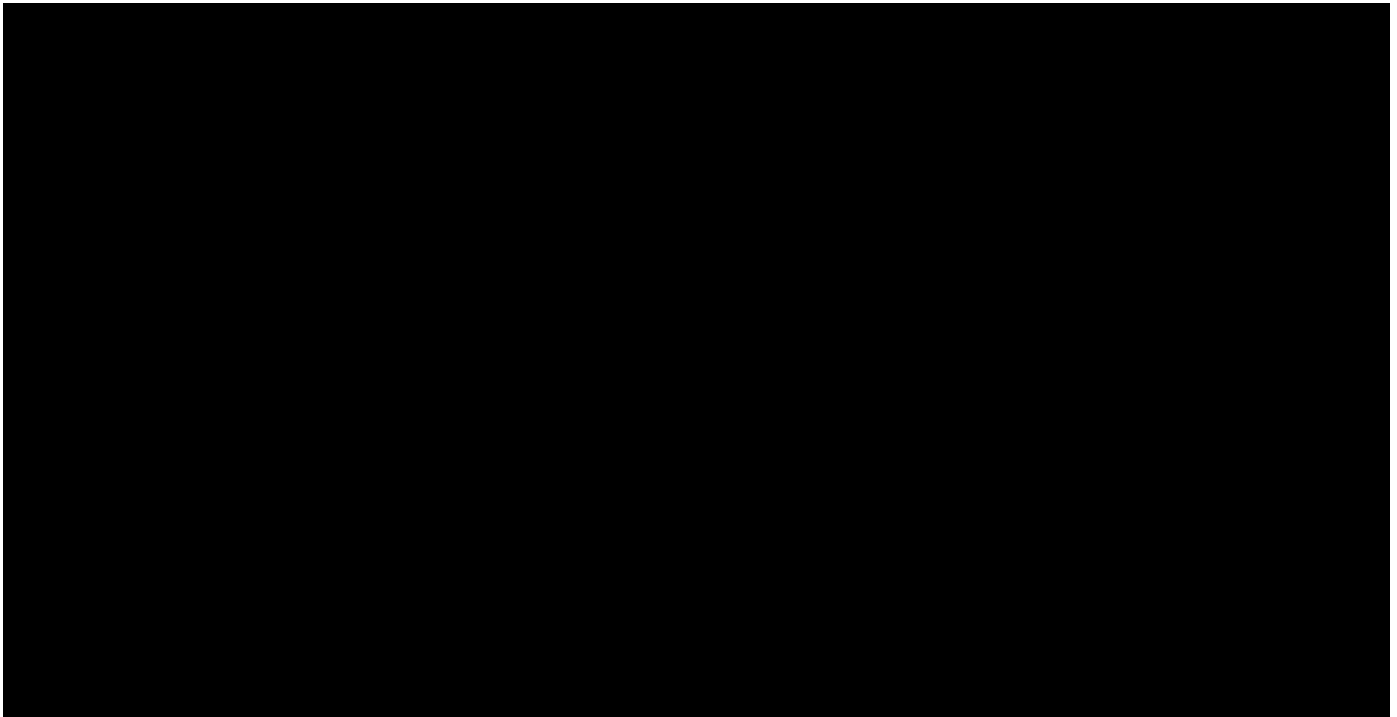
40. Plaintiff owns all exclusive rights, including, without limitation, the rights to reproduce the Copyright-Protected Images in copies, to prepare derivative works based upon the

copyrighted work, and to distribute copies of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending of the copyright-protected works.

41. Defendant has sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products using the Copyright-Protected Images without Plaintiff's permission, authorization, consent, or license.

42. Upon information and belief, Defendant has directly copied the Copyright-Protected Images and used them, without authorization, to advertise, promote, offer for sale, and sell competing products of low quality and at a fraction of the price.

43. As examples, Defendants deceive unknowing consumers by using, without authorization, the Copyright-Protected Images on Defendants' Online Stores to attract customers as follows:



44. Defendant's unauthorized exploitation of Copyright-Protected Images to advertise, offer for sale, and sell inferior products on Defendant's Online Store constitutes copyright infringement.

45. On information and belief, Defendant's infringing acts were willful, deliberate, and committed with prior notice and knowledge of the Copyright-Protected Images.

46. Defendant either knew or should have reasonably known that the Copyright-Protected Images are subject to federal copyright protection. Further, Defendant continues to infringe upon Plaintiff's rights in and to the Copyright-Protected Images.

47. As a direct and proximate result of their unauthorized and infringing conduct, Defendant has obtained and continues to realize direct and indirect profits and other benefits that rightfully belong to Plaintiff, benefits that they would not have obtained but for their infringement of Plaintiff's Copyright-Protected Images.

48. Accordingly, Plaintiff seeks an award of damages pursuant to 17 U.S.C. § 504.

49. In addition to actual damages, Plaintiff is entitled to receive the profits made by Defendant from its wrongful acts, pursuant to 17 U.S.C. § 504(b). Defendant should be required to account for all gains, profits, and advantages derived by Defendant from its acts of infringement.

50. In the alternative, Plaintiff is entitled to and may elect to choose statutory damages pursuant to 17 U.S.C. § 504(c), which should be enhanced by 17 U.S.C. § 504(c)(2) because of Defendant's willful copyright infringement.

51. Plaintiff is entitled to and may elect to choose injunctive relief under 17 U.S.C. § 502, enjoining any use or exploitation by Defendant of its infringing work, and for an order under 17 U.S.C. § 503 that any of Defendant's infringing products be impounded and destroyed.

52. Plaintiff seeks and is also entitled to recover reasonable attorneys' fees and costs of suit pursuant to 17 U.S.C. § 505.

53. Plaintiff has no adequate remedy at law, and if Defendant's actions are not enjoined, Plaintiff will continue to suffer irreparable harm to the reputation and goodwill of their well-known Rotita Brand.

54. The conduct of Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiff significant and irreparable injury that cannot fully be compensated or measured monetarily. As such, Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. §§502 and 503, Plaintiff is entitled to injunctive relief prohibiting Defendant from further infringing the Copyright-Protected Images and ordering that Defendant destroy all unauthorized copies. Defendant's copies, plates, and other embodiments of the copyrighted works from which copies can be reproduced, if any, should be impounded and forfeited to Plaintiff as instruments of infringement, and all infringing copies created by Defendants should be impounded and forfeited to Plaintiff, under 17 U.S.C §503.

COUNT II
VIOLATION OF ILLINOIS UNIFORM DECEPTIVE TRADE PRACTICES ACT
(815 ILCS § 510/1, et seq.)

55. Plaintiff repeats, realleges, and incorporates by reference herein its allegations contained in paragraphs 1 through 38, above.

56. Defendant has engaged in acts violating Illinois law including, but not limited to, passing off its knockoff products as those of Plaintiff's Rotita Brand products through the unauthorized use of the Copyright-Protected Images, thereby causing a likelihood of confusion and/or misunderstanding as to the source of its goods, causing a likelihood of confusion and/or misunderstanding as to an affiliation, connection, or association with genuine Rotita Brand products, falsely representing that its products have Plaintiff's approval when they do not, and

engaging in other conduct which creates a likelihood of confusion or misunderstanding among the public.

57. Furthermore, Defendant has used, without permission, Plaintiff's Copyright-Protected Images to promote Defendant's Online Store by displaying them to sell knockoff and/or inferior products, misleading consumers into thinking these products are genuine Rotita Brand items.

58. The foregoing acts of Defendants constitute a willful violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS § 510/1, et seq.

59. Plaintiff is entitled to the recovery of damages and attorneys' fees as authorized by statute.

60. Plaintiff has no adequate remedy at law, and Defendant's conduct has caused Plaintiff to suffer damage to its Rotita Brand's reputation and goodwill. Unless enjoined by the Court, Plaintiff will continue to suffer future irreparable harm as a direct result of Defendant's unlawful activities.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. That Defendant, its affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under, or in active concert with Defendant be temporarily, preliminarily, and permanently enjoined and restrained from:

a. using Plaintiff's Copyright-Protected Images or any reproductions, or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine Rotita Brand product or is not authorized by Plaintiff to be sold in connection with its registered copyrights:

b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Rotita Brand product or any other product produced by Plaintiff by using the Copyright-Protected Images to sell and offer for sale such products that are not Plaintiff's or not produced under the authorization, control, or supervision of Plaintiff and approved by Plaintiff;

c. committing any acts calculated to cause consumers to believe that Defendant's inferior products are those sold under the authorization, control, or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff or its Rotita Brand;

d. further infringing the Copyright-Protected Images and damaging Plaintiff's Rotita Brand's reputation and goodwill;

e. otherwise competing unfairly with Plaintiff through the unauthorized use of the Copyright-Protected Images in any manner;

f. shipping, delivering, holding for sale, transferring, or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory sold or offered for sale through the unauthorized use of the Copyright-Protected Images;

g. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendants' stores on Defendants' Online Stores or the Online Platform, or any other domain name or online marketplace account that is being used to sell or is the means by which Defendants could continue to sell knockoff Rotita Brand products through the unauthorized use of the Copyright-Protected Images; and

h. operating and/or hosting websites at the Defendant's Internet stores and any other domain names registered or operated by Defendant that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product through the unauthorized use of the Copyright-Protected Images.

2. That Defendant, within fourteen (14) days after service of judgment with notice of entry thereof upon them, be required to file with the Court and serve upon Plaintiff a written report under oath setting forth in detail the manner and form in which Defendant has complied with paragraph 1 above;

3. Entry of an Order that, upon Plaintiff's request, those in privity with Defendant and those with notice of the injunction, including AliExpress, Walmart, Amazon, DHgate, eBay, Temu, and Wish, social media platforms such as Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, web hosts for the Defendant's Online Stores, and domain name registrars, shall:

a. disable and cease providing services for any accounts through which Defendant engages in the sale of knockoff Rotita Brand products by using, without authorization, the Copyright-Protected Images, including any accounts associated with the Defendants listed on Schedule "A";

b. disable and cease displaying any advertisements used by or associated with Defendants that display the Copyright-Protected Images; and

c. take all necessary steps to prevent links to Defendant's Online Store from displaying in search results, including, but not limited to, removing links to Defendant's domain names from any search index.

4. That Defendant account for and pay to Plaintiff all profits realized by their unauthorized use of the Copyright-Protected Images.

5. In the alternative, that Plaintiff be awarded statutory damages of not less than \$750 and not more than \$30,000 for each and every infringement of the Copyright-Protected Images pursuant to 17 U.S.C. § 504(c), which should be enhanced to a sum of not more than \$150,000 by

17 U.S.C. § 504(c)(2) because of Defendant's willful copyright infringement.

6. That Defendant, to the extent not enjoined for violation of the Copyright Act, be temporarily, preliminarily, and permanently enjoined under 815 ILCS § 510/1, et seq.

7. That Plaintiff be awarded attorneys' fees and costs damages as authorized by statute under 815 ILCS § 510/1, et seq.

8. That Plaintiff be awarded its reasonable attorneys' fees and costs; and

9. Award any other relief that this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff also demands a trial by jury of all issues so triable pursuant to Federal Rule of Civil Procedure 38.

Dated: July 19, 2025

Respectfully Submitted,

By: /s/ Joshua H. Sheskin, Esq.,
Joshua H. Sheskin (FL Bar No. 93028)
Katherine M. Kuhn (Bar No. 6331405)
Joseph Droter (Bar No. 6329630)
Nihat Deniz Bayramoglu (NV Bar No. 14030)
Gokalp Bayramoglu (NV Bar No. 15500)
BAYRAMOGLU LAW OFFICES LLC
233 S. Wacker Drive, 44th Floor, #57
Chicago, IL 60606
Tel: (702) 462-5973
Fax: (702) 553-3404
Joshua@bayramoglu-legal.com
Katherine@bayramoglu-legal.com
Joseph@bayramoglu-legal.com
deniz@bayramoglu-legal.com
gokalp@bayramoglu-legal.com
Attorneys for Plaintiff

EXHIBIT 1
FILED
UNDER SEAL

EXHIBIT 2
FILED
UNDER SEAL

EXHIBIT 3
FILED
UNDER SEAL