

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

MICHAEL BARCOHANA,

Plaintiff,

v.

ZENARAA,

Defendant.

Case No. 1:25-cv-13727

Honorable Sara L. Ellis

Magistrate Maria Valdez

**PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT
AND DEFAULT JUDGMENT AGAINST DEFENDANT**

Plaintiff Michael Barcohana ("Plaintiff") hereby moves for entry of Default and Default Judgment against Defendant ZENARAA ("Defendant"). Plaintiff files a Memorandum of Law in support and Declaration of Joseph W. Droter. Plaintiff's Motion for Entry of Default and Default Judgment disposes of the case.

DATED: January 6, 2026

Respectfully submitted,

By: /s/ Joseph W. Droter
Joseph W. Droter (Bar No. 6329630)
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of January 2026, 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 <http://blointernetenforcement.com>.

By: /s/ Joseph W. Droter
Joseph W. Droter (Bar No. 6329630)
BAYRAMOGLU LAW OFFICES LLC

Seller's Name	Seller's Contact
ZENARAA	contact@zenaraa.com

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

MICHAEL BARCOHANA,

Plaintiff,

v.

ZENARAA,

Defendant.

Case No. 1:25-cv-13727

Honorable Sara L. Ellis

Magistrate Maria Valdez

**PLAINTIFF’S MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR ENTRY
OF DEFAULT AND DEFAULT JUDGMENT AGAINST DEFENDANT**

Plaintiff, Michael Barcohana, (“Plaintiff”) hereby submits this Memorandum of Law in support of his Motion for Entry of Default and Default Judgment (the “Motion”) pursuant to Federal Rule of Civil Procedure 55 (“Rule 55”) against Defendant, ZENARAA (the “Defaulting Defendant” or “Defendant”). Plaintiff’s Motion is based on this Memorandum of Law, the Joseph W. Droter Declaration (“Droter Declaration”), and the papers and pleadings on file in this case. Plaintiff’s Motion for Entry of Default and Default Judgment disposes of the case.

I. INTRODUCTION

Plaintiff’s request for entry of default is straightforward; the Court authorized electronic service of process on the Defendant via email in connection with issuing a Temporary Restraining Order (the “TRO”) in this matter on November 25, 2025 [Dkt. No. 19], which was extended up to and including December 23, 2025 [Dkt. No. 24]. Plaintiff effectuated service on Defendant and filed a Return of Service on December 12, 2025 [Dkt. No. 26]. As set forth in the docket entry for the Return of Service, a response to Plaintiff’s operative Complaint was due on or before January 2, 2026.

Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A) (“Rule 12(a)(1)(A)”), the Defaulting Defendant had twenty-five (25) days to answer or otherwise respond to Plaintiff’s Complaint in this case. As of the filing of this Motion, more than twenty-five (25) days have passed since electronic service was made on the Defendant. (Droter Decl. ¶ 3.) To date, the Defaulting Defendant has not responded to Plaintiff’s Complaint. (*Id.*). Therefore, the Clerk of the Court is required to enter default against the Defaulting Defendant under Rule 55(a).

Pursuant to Rule 55(b)(2), Plaintiff now also respectfully moves this Court for entry of a default judgment finding the Defaulting Defendant liable on all counts asserted in Plaintiff’s Complaint. [Dkt. No. 1]. These asserted counts include claims for Trademark Infringement and Counterfeiting (Count I), and False Designation of Origin (Count II).

In connection with its claims for relief, Plaintiff seeks an award of statutory damages under 15 U.S.C. § 1117(c) against the Defaulting Defendant, which should be enhanced due to their willful infringement of the Queen Tape Trademark, as evidenced by United States Registration Certificate 7,824,763 (the “Brand Trademark”). Plaintiff also requests that the Court issue a permanent injunction against the Defaulting Defendant. *See* 15 U.S.C. § 1116(d).

As alleged in the Complaint, the Defaulting Defendant has offered for sale and/or sold products through the unauthorized use of the Brand Trademark (the “Counterfeit Products”) on Defendant’s online sales platform, zenaraa.com (the “Platform”) to market and sell counterfeit products resembling Plaintiff’s authentic Queen Tape brand products, thereby deceiving consumers about the quality, nature, and source of the goods being purchased. [Dkt. No. 1-2]. These facts clearly show that the Defaulting Defendant has willfully and intentionally infringed on Plaintiff’s Brand Trademark, supporting the Plaintiff’s request for enhanced statutory damages.

Procedurally, Rule 55(b)(2) provides for a court-ordered default judgment that establishes,

as a matter of law, that defendants are liable to the 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 deemed true and may not be challenged, and the defendants are liable as a matter of law for each cause of action alleged. *Black v. Lane*, 22 F.3d 1395, 1399 (7th Cir. 1994). The plaintiff meets the requirements for entry of the requested default judgment under Rule 55(b)(2).

Plaintiff respectfully requests that the Court to award the following: (1) statutory damages of \$100,000.00 against Defaulting Defendant based on their willful infringement pursuant to 15 U.S.C. § 1117(c); (2) issuance of a permanent injunction against the Defaulting Defendant pursuant to 15 U.S.C. § 1116; and (3) such other relief as the Court deems just and proper.

II. ARGUMENT

A. Jurisdiction And Venue Are Proper in This Court

This Court has original subject matter jurisdiction over the claims in this case under the Lanham Act, 15 U.S.C. § 1051 et seq., 28 U.S.C. §§ 1338(a)-(b), and 28 U.S.C. § 1331. Venue is proper in this Court under 28 U.S.C. § 1391, and the Court can exercise personal jurisdiction over Defendant because they directly target business activities at consumers in Illinois and cause harm to the Plaintiff's business within this district. [*Id.*]; *see also uBID, Inc. v. GoDaddy Grp., Inc.*, 623 F.3d 421, 423-24 (7th Cir. 2010) (without an evidentiary hearing, the plaintiff only needs to make a prima facie case for personal jurisdiction; all offered facts should be accepted as true, and factual disputes 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 Defendant, in issuing the TRO on November 25, 2025 [Dkt. No. 19]. Moreover, the Court additionally issued a Preliminary Injunction on December 18, 2025, further

solidifying this determination [Dkt. No. 30]. Accordingly, it is unquestionable that the Defaulting Defendant is 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).

On November 7, 2025, the Plaintiff filed its Complaint in this case, alleging, among other claims, Trademark Infringement and Counterfeiting (Count I), and False Designation of Origin (Count II), as stated in the Complaint. [Dkt. No. 1]. The Defendant, who was properly served with the Complaint, TRO, and all supporting documents via electronic service on December 12, 2025 [Dkt. No. 26], was explicitly required to answer or respond to the Complaint by January 2, 2026 [*Id.*]. Accordingly, the Defaulting Defendant had twenty-one (21) days to respond to the Complaint under Rule 12(a)(1)(A). As of the filing of this Motion, more than twenty-five (25) days have passed since the Defendant was served electronically. (Droter Decl. ¶ 4.) To date, the Defaulting Defendant has not answered or responded to the Complaint. (*Id.*) Therefore, the Court's Clerk is compelled to enter default and default judgment against the Defaulting Defendant under Rule 55.

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 who 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-five (25) days have passed since Defendant was served, and the Defaulting Defendant has filed no answer or other responsive pleading. *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 Defendant for Trademark Infringement and Counterfeiting, Unfair Competition, and False Designation of Origin as asserted in the Complaint. [Dkt. No. 1]

As argued below, Plaintiff is entitled to the following remedies through the issuance of a default judgment against the Defaulting Defendant: (1) an award of statutory damages pursuant to 15 U.S.C. § 1117(c)(1); (2) an award of enhanced statutory damages for willful infringement pursuant to 15 U.S.C. § 1117(c)(2); (3) entry of a permanent injunction pursuant to 15 U.S.C. § 1116(d); and (4) alternatively, entry of a permanent injunction pursuant to 815 ILCS § 510/3.

D. Plaintiff is Entitled to the Relief Requested.

Through entry of default, Plaintiff has established that the Defaulting Defendant: (1) is liable for intentionally and willfully infringing the Brand Trademark; (2) is liable for Unfair Competition; (3) and is liable for False Designation of Origin. As such, the only the following issues remain to be adjudicated through the Motion: (1) Plaintiff's entitlement to an award of statutory damages for infringement of the Brand Trademark; (2) the request that any statutory damage award be enhanced based on the Defaulting Defendant's willful trademark infringement; and (3) the Plaintiff's right to issuance of a permanent injunction against the Defaulting Defendant.

1. Plaintiff is entitled to statutory damages under 15 U.S.C. § 1117(c).

Turning first to the request for an award of statutory damages under 15 U.S.C. § 1117(c) against the Defaulting Defendant. Plaintiff is entitled to such relief for the Defaulting Defendant's infringement of Plaintiff's Brand Trademark, which it maintains was done willfully and intentionally. [Dkt. No. 1]

Pursuant to the statutory damages provision of the Lanham Act, 15 U.S.C. § 1117(c), a plaintiff in a case involving the use of a counterfeit mark may elect to receive "not less than \$1,000 or more than \$200,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just." 15 U.S.C. § 1117(c)(1). When the counterfeiting is found to be willful, 15 U.S.C. § 1117(c)(2) provides for statutory damages of up to "\$2,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just." 15 U.S.C. § 1117(c)(2). "[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).

Although 15 U.S.C. § 1117(c) specifies the dollar range for possible statutory damages, the only guidance the statute offers for determining an award within that range is "as the court considers just." 15 U.S.C. § 1117(c). Courts interpreting this section have compared it to the statutory damage provision in the Copyright Act, found in 17 U.S.C. § 504(c). *See Lorillard Tobacco Co.*, 2004 U.S. Dist. LEXIS 22563, *10; *Sara Lee v. Bags of New York, Inc.*, 36 F. Supp. 2d 161, 166 (S.D.N.Y. 1999). In *Sara Lee*, 36 F. Supp. 2d at 170, the court awarded \$750,000 in statutory damages after estimating the defendants' illicit gains and tripling the amount to "deter

and punish a willful continuous course of infringements and defiance of the judicial process." The *Sara Lee* analysis considered seven factors: (1) the profits made by the defendants; (2) the revenues lost by the plaintiff; (3) the value of the mark; (4) the deterrent effect on others; (5) whether the conduct was innocent or willful; (6) whether a defendant has cooperated in providing records; and (7) the deterrent effect on the defendant.

First, the Defaulting Defendant was notified of these proceedings and, apparently, deliberately chose not to appear and defend. (Droter Decl. ¶ 7). Due to the Defaulting Defendant's intentional decision not to participate, Plaintiff has been deprived of a meaningful opportunity to evaluate the true extent of its damages. (*Id.*).

Finally, an essential factor is whether infringing sales took place online, as Internet sales tend to increase the award amount by making the infringement more widely accessible. The lack of information about Defaulting Defendant's sales and profits makes statutory damages particularly appropriate for default cases like this one. See *Petmed Express, Inc. v. medpets.com, Inc.*, 336 F. Supp. 2d 1213, 1220 (S.D. Fla. 2004).

Courts have also recognized that statutory damages can be awarded without the need for an evidentiary hearing. See *Lorillard Tobacco Co. v. Montrose Wholesale Candies & Sundries, Inc.*, 2008 U.S. Dist. LEXIS 31761, *11 (N.D. Ill. Apr. 17, 2008).

2. Plaintiff is entitled to enhanced statutory damages.

Next, the circumstances of the Defaulting Defendant's infringement clearly justify awarding an enhanced statutory damages award against them. Simply put, the Defaulting Defendant's infringing conduct in this case is unquestionably willful, which warrants additional damages under 15 U.S.C. § 1117(e).

Unquestionably, the Defaulting Defendant has engaged in the intentional misappropriation

and unauthorized use of the Brand Trademark, which is assumed through default. “Willful infringement may be attributed to the defendant’s actions when he had knowledge that his conduct constituted infringement or showed a reckless disregard for the owner’s rights.” *Lorillard Tobacco Co. v. S & M Cent. Serv. Corp.*, 2004 LEXIS 22563, *19-20 (N.D. Ill. Feb. 25, 2005). Therefore, direct proof of knowledge is unnecessary, as it can be inferred from a defendant’s conduct. *Id.* at 20.

Finally, District Courts have deemed counterfeiting willful when defendants default. *See Estee Lauder Cosmetics Ltd. & Make-up Art Cosmetics Inc. v. Ali-Beauties Store Store, et al.*, No. 1:19-cv-04579 (N.D. Ill. Sept. 12, 2019) (unpublished) (Dkt. No. 49); *Bose Corp. v. Amilineinc, et al.*, No. 1:19-cv-05347 (N.D. Ill. Oct. 9, 2019) (unpublished) (Dkt No. 44); *Eye Safety Systems, Inc. v. ICN7085, et al.*, No. 1:19-cv-06005 (N.D. Ill. Nov. 19, 2019) (unpublished) (Dkt No. 49); *Levi Strauss & Co. v. Acinth Girl Hy Store, et al.*, No. 1:19-cv-06200 (N.D. Ill. Nov. 19, 2019) (unpublished) (Dkt. No. 48).

In similar cases involving intentional Internet-based counterfeiting, courts in this district have awarded substantial damages, including the maximum permitted by law, to the plaintiff to achieve the following objectives: (1) discourage the defendant and others like him from introducing counterfeit goods into the market, (2) compensate the plaintiff for damages caused by the defendant’s infringement, and (3) appropriately punish the defendant for his counterfeiting activities. *See, e.g., Burberry Limited, et al. v. The Partnerships And Unincorporated Associations Identified On Schedule “A”*, No. 1:14-cv-04824 (N.D. Ill. Sep. 25, 2014) (unpublished) (Docket No. 38) (awarding \$2,000,000 in statutory damages per defendant); *Calvin Klein Trademark Trust et al. v. Chen Xiao Dong, et al.*, No. 15-cv-2224 (N.D. Ill. May 12, 2015) (unpublished) (Docket No. 45) (awarding \$2,000,000 in statutory damages per defendant.)

Courts in this district have also recognized the value of a plaintiff's brand and the efforts to protect, promote, and improve that brand when determining the appropriate dollar amount for damages. *Lorillard Tobacco Co.*, 2004 U.S. Dist. LEXIS 22563, *16. Given the Court's clear discretion in setting the correct amount of statutory damages within the limits of 15 U.S.C. § 1117(c), additionally, the remedy mandated by the statute must offer a strong deterrent to prevent further infringing conduct. *See, Sands, Taylor & Wood v. Quaker Oats Co.*, 34 F.3d 1340, 1348 (7th Cir. 1994).

For example, in *Phillip Morris USA Inc. v. Marlboro Express*, the Court stated that due to "the size of the potential profit given the quantities of [counterfeit goods] involved, and the need for a substantial deterrent to future misconduct by Defendant and other counterfeit traffickers ... plaintiff is entitled to the maximum statutory award under 15 U.S.C. § 1117(c)(2)." 2005 U.S. Dist. LEXIS 40359, *28 (E.D.N.Y. Aug. 26, 2005).

Finally, in determining an appropriate damages award, this Court should be guided by the *Lorillard* case and consider the "significant value of [the Plaintiff] brand and the efforts taken to protect, promote, and enhance that brand." *Lorillard Tobacco Co.*, 2004 U.S. Dist. LEXIS 22563, *16. Therefore, Plaintiff's request for a statutory damages award of one hundred thousand dollars (\$100,000) against Defendant should be given favorable consideration, given the efforts to protect, promote, and enhance the Queen Tape brand.

3. Plaintiff is entitled to a permanent injunction.

Next, Plaintiff is entitled to entry of a permanent injunction against the Defaulting Defendant. This request is justified under either 15 U.S.C. § 1116.

First, the Court has already concluded that the Plaintiff is entitled to preliminary injunctive relief in this case, including issuance against the Defaulting Defendant. Nothing has happened

since the entry of the preliminary injunction that would alter or prevent the issuance of a permanent injunction against the Defaulting Defendant who is not participating. In short, the key fact that justified issuing temporary injunctive relief remains unchallenged by the Defaulting Defendant. Therefore, the Plaintiff's right to permanent injunctive relief under 15 U.S.C. § 1116 is uncontested and supported by the substantial evidence previously presented when the preliminary relief was granted. Accordingly, the Plaintiff is entitled to a permanent injunction against the Defaulting Defendant.

III. CONCLUSION

Based on the foregoing, Plaintiff respectfully requests entry of default and default judgment against the Defaulting Defendant pursuant to Rule 55. In granting its request, Plaintiff asks the Court to award the following: (1) statutory damages of \$100,000.00 against Defaulting Defendant based on their willful infringement pursuant to 15 U.S.C. § 1117(c); (2) issuance of a permanent injunction against the Defaulting Defendant pursuant to 15 U.S.C. § 1116; and (3) such other relief as the Court deems just and proper.

DATED: January 6th, 2026

Respectfully submitted,

By: /s/ Joseph W. Droter
Joseph W. Droter (Bar No. 6329630)
BAYRAMOGLU LAW OFFICES LLC
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of January 2026, 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 <http://blointernetenforcement.com>.

By: /s/ Joseph W. Droter
Joseph W. Droter (Bar No. 6329630)
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MICHAEL BARCOHANA,

Plaintiff,

v.

ZENARAA,

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Case No. 1:25-cv-13727

Honorable Sara L. Ellis

Magistrate Maria Valdez

**DECLARATION OF JOSEPH W. DROTER IN SUPPORT OF
PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT AND DEFAULT JUDGMENT**

I, Joseph W. Droter, of Chicago, 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. I make this declaration in support of Plaintiff's Motion for Default and Default Judgment.

2. On November 7, 2025, Plaintiff filed its Complaint [Dkt. No. 1] against Defendant ZENARAA ("Defendant" or "Defaulting Defendant").

3. On December 12, 2025, Defendant was served with their respective Summons, TRO, and Complaint via electronic mail ("e-mail") and website posting pursuant to the Court's TRO authorizing alternate service of process. [Dkt. No. 19].

4. The deadline to respond to the Complaint was January 2, 2026.

5. The Defendant has not been granted an extension of time to respond to the Complaint.

6. As of the filing of this Motion, more than twenty-one days (21) have expired since electronic service was effectuated on Defendant.

7. Defendant has failed to answer or otherwise respond to the Complaint or appear in the action.

8. The Defaulting Defendant's email contact information is: contact@zenaraa.com

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

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

Executed on January 6th, 2026, in Chicago, Illinois.

Respectfully Submitted

By: /s/ Joseph W. Droter

JOSEPH W. DROTER

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of January 2026, 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 <http://blointernetenforcement.com>.

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

Seller's Name	Seller's Contact
ZENARAA	contact@zenaraa.com