**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF FLORIDA**
**MIAMI DIVISION**

CASE NO.

Putian Baiyite Trading Co., Ltd.

Plaintiff

vs.

The Partnerships and Unincorporated
Associations Identified on Schedule "A",

Defendant.
____________________________________/

**COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF**

Plaintiff, Putian Baiyite Trading Co., Ltd. ("Plaintiff"), hereby files its Complaint for trademark infringement against Defendants, the Individuals, Corporations, Limited Liability Companies, Partnerships and Unincorporated Associations Identified on Schedule "A" Hereto, ("Defendants").

This action has been filed by Plaintiff to combat e-commerce store operators who trade upon Plaintiff's reputation and goodwill by directly using Plaintiff's trademarks without authorization. Defendants attempt to circumvent and mitigate liability by operating under one or more seller aliases ("Seller Aliases") to conceal their identities and the full scope and interworking of their infringing activities. Plaintiff is forced to file this action to protect unknowing consumers from purchasing products over the Internet that are mistakenly believed to emanate from Plaintiff. Plaintiff has been and continues to be irreparably damaged through consumer confusion and dilution of its valuable trademarks as a result of Defendants' infringing actions and seeks injunctive and monetary relief. In support of its claims, Plaintiff alleges as follows:

## JURISDICTION AND VENUE

1. This is an action for damages and injunctive relief for federal trademark infringement, false designation of origin, and common law unfair competition, pursuant to 15 U.S.C. §§ 1114, 1116, and 1125(a), The All Writs Act, 28 U.S.C. § 1651(a), and Florida's common law.

2. Accordingly, this Court has subject matter jurisdiction over this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 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. Defendants are subject to personal jurisdiction in this district because they directed business activities toward and conducted business with consumers throughout the United States, including within the State of Florida and this district, through at least the internet-based e-commerce stores accessible and doing business in Florida and operating under the E-commerce Seller Aliases. Specifically, the 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, including within the State of Florida and this district, accepting payment in U.S. dollars, and have sold products using Plaintiff's federally registered trademark.

4. Alternatively, based on Defendants' overall contacts with the United States, Defendants are subject to personal jurisdiction in this district pursuant to Federal Rule of Civil Procedure 4(k)(2) because (i) Defendants are not subject to jurisdiction in any state's court of general jurisdiction; and (ii) exercising jurisdiction is consistent with the United States Constitution and laws.

5. Furthermore, the common law violations under Florida law provide a basis for long-

arm jurisdiction over each Defendant under Florida Statutes §§ 48.193(1)(a) and 48.193(1)(b), as each Defendant has committed torts within Florida through unfair competition with Plaintiff.

6. Venue is proper in this Court pursuant to 28 U.S.C § 1391 since Defendants are, upon information and belief, foreign entities or individuals who are engaged in infringing activities and causing harm within this district by advertising, offering to sell, selling, and/or shipping infringing products into this district.

7. Joinder is proper in this matter pursuant to Fed. R. Civ. P. 20(a)(2) as Plaintiff's claim for relief arises out of the same transaction, occurrence, or series of transactions or occurrences related to the promoting, offering for sale, and selling of the same infringing products. As such, common questions of law and fact exist regarding all Defendants in terms of infringement and any likely counterclaims for noninfringement of trademarks. Furthermore, joinder of the Defendants in this action facilitates judicial economies in litigation and promotes fairness to the parties, as encouraged by the Supreme Court and Eleventh Circuit.

## THE PLAINTIFF

8. Plaintiff, Putian Baiyite Trading Co., Ltd., founded in 2018, is a corporation organized under the laws of the People's Republic of China with a principal place of business located at Room 103, Building 5, Tiantong Taijia Garden, No. 766 Yanshou North Street, Gongchen Street, Licheng District, Putian City, Fujian Province, China.

9. Plaintiff has been engaged in the design, distribution, marketing, offering for sale, and sale of a variety of daily necessities, decorative items, and gifts such as diaper liners, embossed metal tin signs, artificial flowers, mirrors, necklaces, clothing, blankets, cups, toys, shoes, scarves, straps, and other related products ("Plaintiff's Products").

10. Plaintiff is the owner of the trademark MUCHENGGIFT, which has been

registered on the Principal Register of the United States Patent and Trademark Office and given Registration No. 8,174,988, No. 8,175,090, No. 8,175,088, No. 8,175,056, No. 8,175,089, No. 8,175,053, and No. 8,174,987 (the "Plaintiff Marks"). A true and correct copy of the registrations is attached as **Exhibit 1**. The registrations are valid, subsisting, and in full force and effect. Upon information and belief, the trademarks have an effective date that predates the Defendants' acts of trademark infringement.

11. Plaintiff's Products are well established on Platforms such as Walmart, Amazon, and Shein, and enjoy quality customer reviews and high ratings. Products associated with Plaintiff Marks have garnered significant recognition and adoration from consumers.

12. Plaintiff's extensive and continuous use of Plaintiff Marks in connection with Plaintiff's Products has indelibly impressed on the minds of the relevant consuming public that Plaintiff Marks identify Plaintiff as the source of Plaintiff's Products.

13. Plaintiff has expended substantial time, money, and effort to advertise and promote Plaintiff's Products under Plaintiff Marks. Plaintiff has built substantial goodwill in and to Plaintiff Marks. Plaintiff Marks are valuable assets of Plaintiff.

14. The success of Plaintiff's Products is largely due to Plaintiff's marketing, promotional, and distribution efforts. As a result of Plaintiff's efforts, the quality of Plaintiff's Products, the promotional efforts, members of the public have become familiar with Plaintiff Marks and associate them exclusively with Plaintiff's Products.

15. Plaintiff has made efforts to protect its interest in and to Plaintiff Marks. No one other than Plaintiff and Plaintiff's licensees is authorized to promote, offer for sale, or sell any products bearing Plaintiff Marks.

## THE DEFENDANTS

16. On 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 e-commerce stores under at least the Seller Aliases identified on Schedule A and/or other seller aliases not yet known to Plaintiff.

17. On information and belief, Defendants regularly conduct, transact and/or solicit business, and/or derive substantial revenue from their business transactions in the U.S., including this district. Defendants were and/or are systematically directing and/or targeting their business activities at consumers in the U.S., including Florida, through accounts with online marketplace platforms as well as any as yet undiscovered user accounts, through which consumers in the United States can view Defendants' merchant storefronts that each Defendant operates, uses, to communicate with Defendants regarding their listings for and to place orders for, receive invoices for and purchase products for delivery in the U.S., including this district, as a means for establishing regular business with the U.S., including Florida.

18. On information and belief, Defendants reside and/or operate in foreign jurisdictions and redistribute products from the same or similar sources in those locations, and/or ship their products from the same or similar sources to consumers.

19. Upon information and belief, all Defendants accept payment in U.S. Dollars and offer shipping to the U.S., including to Florida.

20. Upon information and belief, Defendants are aware of Plaintiff Marks and are aware that their illegal infringing actions alleged herein are likely to cause injury to Plaintiff.

21. On information and belief, Defendants 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, and/or the use of the same or similar text or images.

22. On information and belief, Defendants are in constant communication with each other and regularly participate in WeChat groups and through websites for the seller community regarding tactics for operating multiple accounts, evading detection, pending litigation, and potential new lawsuits.

23. On information and belief, most third-party online marketplace platforms 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.

24. On information and belief, Defendants, either individually or jointly, operate one or more e-commerce stores under the Seller Aliases listed in Schedule A attached hereto. The Defendants employ tactics to conceal their identities, the full scope of their operation, and their relationships with one another. These tactics make it virtually impossible for the Plaintiff to discover the Defendants' true identities or the precise interworking of their infringing network. Furthermore, these concealment methods are used to perpetuate infringing activities and to render enforcement efforts more difficult. Absent joinder of each Defendant, the Defendants' strategy to avoid liability will be effective because individual lawsuits are costly to file and burden the courts. Hence, each Defendant is joined in this action

25. If Defendants provide additional credible information regarding their identities, Plaintiff will take the appropriate steps to amend the Complaint.

26. Plaintiff has not licensed or authorized the Defendants to use Plaintiff Marks, and none of the Defendants are authorized retailers of Plaintiff's Products.

**DEFENDANTS' INFRINGING CONDUCT**

27. Plaintiff has identified numerous e-commerce stores on the online marketplace

platforms using Plaintiff Marks without authorization. See the Seller Aliases on Schedule "A". The Defendants are each advertising, promoting, offering for sale, and/or selling products infringing products using Plaintiff Marks in the description or brand section on the listing page as an identifier to mislead the public into believing that Defendants' products emanate from the Plaintiff.

28. Plaintiff regularly investigates suspicious e-commerce stores identified through proactive Internet sweeps and consumer reports. Recently, Plaintiff has identified numerous fully interactive e-commerce stores, including those operating under the Seller Aliases, that were/are offering for sale and selling infringing products on the online marketplace platforms such as Walmart and Shein. E-commerce sales through e-commerce stores like those of the Defendants have resulted in a sharp increase in sales for those stores unlawfully using Plaintiff Marks in the United States.

29. On information and belief, the Defendants are using Plaintiff's Mark to initially attract online consumers and drive them to their e-commerce stores operating under the Seller Aliases on the online marketplace platforms.

30. Plaintiff has not licensed or authorized Defendants to use any of the Plaintiff Marks, and none of the Defendants are authorized retailers of genuine Plaintiff's Products. Defendants operating under the Seller Aliases include content, descriptions, or identifiers that are protected, making it very difficult for consumers to distinguish such stores from authorized retailers.

31. By their actions, the Defendants are causing harm to Plaintiff and the consuming public by (i) depriving the Plaintiff of its right to fairly compete for online visibility and placement in search engine results, thereby reducing the prominence of the Plaintiff's Products on the Internet;

(ii) diminishing the value of the goodwill associated with the Plaintiff Marks; and (iii) increasing the Plaintiff's overall marketing costs required to promote Plaintiff's Products and educate consumers about its brand through online channels.

32. As Defendants' infringing activities have caused confusion, mistake, and deception by and among consumers, and have caused Plaintiff irreparable harms, including but not limited to loss of business opportunities, loss of future sales, and degradation of the value of the goodwill associated with Plaintiff's Marks, if the Defendants' infringing and unfairly competitive activities are not preliminarily and permanently enjoined by this Court, Plaintiff and the consuming public will continue to be harmed while the Defendants wrongfully earn a substantial profit.

**COUNT I**

**<u>TRADEMARK INFRINGEMENT (PURSUANT TO 15 U.S.C. § 1114)</u>**

33. Plaintiff hereby re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 32 above.

34. Plaintiff is the owner of the trademark MUCHENGGIFT, which is valid and registered on the Principal Register of the United States Patent and Trademark Office.

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

36. On information and belief, the Defendants have knowledge of Plaintiff's rights in Plaintiff Mark. They are willfully and intentionally infringing on Plaintiff's trademark rights by using Plaintiff Marks in connection with Defendants' description, advertising, promotion, and sale of Defendants' products. Furthermore, Defendants have used Plaintiff Marks to initially attract online consumers and drive them to Defendants' e-commerce stores operating under the e-commerce Seller Aliases.

37. On information and belief, the Defendants' willful, intentional, and unauthorized use of Plaintiff Marks for products identical, nearly identical, directly competing, and/or overlapping to Plaintiff's Products is likely to cause. It is causing confusion, mistakes, and deception as to the quality, origin, sponsorship, or approval of Defendants' products among the general public.

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

39. Defendants have infringed the Plaintiff Marks through the aforesaid acts and will continue to do so unless enjoined by this Court.

40. The 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 if the Defendants are not preliminarily and permanently enjoined.

41. Plaintiff has no adequate remedy at law. Plaintiff significant and irreparable injury that cannot fully be compensated or measured in money.

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

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

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

## COUNT II

## FALSE DESIGNATION OF ORIGIN (PURSUANT TO 15 U.S.C. § 1125(a))

45. Plaintiff hereby re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 32 above.

46. Plaintiff has used Plaintiff's Marks continuously and consistently for an extended period of time to identify, advertise, promote, and sell Plaintiff's Products, which has indelibly

impressed on the minds of the consuming public the impression that Plaintiff Marks identify Plaintiff as the source of its daily necessities, decorative items, and gifts. As a result, the consuming public has come to associate the Plaintiff Marks with Plaintiff as the source of such products.

47. The Defendants have each caused or authorized the infringing use of Plaintiff Marks in Defendants' identifying, advertising, and/or promoting their infringing products throughout the United States via the Internet.

48. The Defendants have each caused such products 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.

49. The Defendants' false designation of origin and misrepresentation of facts as to the origin and/or sponsorship of their products to the general public, through the unauthorized use of Plaintiff Marks, constitute willful violation of Section 43 of the Lanham Act, 15 U.S.C. §1125.

50. Plaintiff has no adequate remedy at law and, if the Defendants' actions are not enjoined, Plaintiff will continue to be caused irreparable harm to its reputation and the goodwill associated with the brand and marks.

## COUNT III

## COMMON LAW UNFAIR COMPETITION

51. Plaintiff hereby re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 32 above.

52. Each Defendant, without authorization or legal right, has promoted, advertised, offered for sale, sold, and distributed products using the Plaintiff Marks.

53. On information and belief, the 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, thereby appropriating Plaintiff's commercial reputation.

54. The Defendants' conduct constitutes unfair competition under the common law of Florida. Their deliberate course of action—using Plaintiff Marks without license, privilege, or justification—is a false designation of origin and a misrepresentation tending to confuse the public as to the affiliation, sponsorship, or approval of Defendants' products and e-commerce stores.

55. The Defendants' infringing activities have caused and are likely to continue causing confusion, mistakes, and deception among consumers regarding the origin, sponsorship, or quality of Defendants' products and their e-commerce stores as a whole. Such confusion includes, without limitation, initial interest confusion, source confusion, and post-sale confusion.

56. 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

WHEREFORE, Plaintiff, Putian Baiyite Trading Co., Ltd., prays for judgment against Defendants as follows:

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

2) Entry of a permanent injunction 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 Marks in connection with the distribution, marketing, advertising, offer for sale or sale of any product that is not a genuine Plaintiff's Products or is not authorized by Plaintiff to be sold in connection with Plaintiff Marks;

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 products of the Defendants as being sponsored by, authorized by, approved by, endorsed by, or in any way associated with Plaintiff.

d. from using Plaintiff Marks, or any mark that imitates or is confusingly similar to or in any way similar to Plaintiff's Marks, 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 Marks and further damaging Plaintiff's goodwill;

f. engaging in search engine optimization strategies by using Plaintiff Marks; and

g. otherwise unfairly competing with Plaintiff.

3) Entry of a permanent injunction 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 Defendants' 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.

d. 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; and

e. granting to Plaintiff such further relief as may be equitable and proper.

4) Entry of an award of pre-judgment interest on the judgment amount.

5) Entry of an order requiring Defendant, at the Federation's request, to pay the cost necessary to correct any erroneous impression the consuming public may have received or derived concerning the nature, characteristics, or qualities of Defendant's products, including without limitation, the placement of corrective advertising and providing written notice to the public.

6) Entry of an order for any further relief as the Court may deem just and proper.

Dated: May 25, 2026.

Respectfully submitted,

*/s/ Ni Xue*

Ni Xue, Esq.
Florida Bar Number: 1026130
KEMET LAW GROUP, LLC
1825 NW Corporate Blvd., Ste. 110
Boca Raton, Florida 33431
E-mail: ni@kemetlawgroup.com
Telephone: (561) 870-0605
Facsimile: (561) 870-0606

*Attorney for Plaintiff Putian Baiyite Trading Co., Ltd.*