

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

HONG KONG LEYUZHEN TECHNOLOGY
CO. LIMITED,

Plaintiff,

v.

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

Defendants.

Case No. 1:24-cv-12324-JJT-LKM

Honorable Judge John J. Tharp, Jr.

Magistrate Judge Laura K. McNally

**PLAINTIFF’S MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR ENTRY OF DEFAULT AND DEFAULT JUDGMENT
AGAINST THE IDENTIFIED SCHEDULE “A” DEFENDANTS**

Plaintiff Hong Kong Leyuzhen Technology Co. Ltd. (“Plaintiff”) hereby submits this Memorandum of Law in support of its Motion for Entry of Default and Default Judgment (the “Motion”) pursuant to Federal Rule of Civil Procedure 55 (“Rule 55”) against the identified twenty-three (23) Schedule “A” Defendants (collectively, the “Defaulting Defendants”), which have been separately listed in Exhibit “1” to the accompanying Declaration of Katherine M. Kuhn (the “Kuhn Decl.”). Plaintiff’s Motion is made and based upon this Memorandum of Law, the Kuhn Declaration, the Declaration of Liangjie Li (the “Li Decl.”), the papers and pleadings on file in this action, and any argument of counsel the Court may entertain.

I. INTRODUCTION

Plaintiff’s request for entry of default is straightforward, the Court authorized electronic service of process on the named Schedule “A” Defendants via email as part of issuing a Temporary Restraining Order (the “TRO”) in this matter on December 16, 2024 [Dkt. No. 15.] Plaintiff effectuated service on all named Schedule “A” Defendants and a Return of Service was

filed attesting to service having been completed on January 3, 2025. [Dkt. No. 23.] 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 24, 2025. [*Id.*]

Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A) ("Rule 12(a)(1)(A)"), the Defaulting Defendants had twenty-one (21) days to answer or otherwise respond to Plaintiff's Complaint in this action. As of the filing of this Motion, approximately sixty-nine (69) days have expired since electronic service was effectuated on the Schedule "A" Defendants, which includes the Defaulting Defendants that are the subject of Plaintiff's Motion. (Kuhn Decl. ¶ 5.) To date, none of the Defaulting Defendants have answered or otherwise responded to Plaintiff's Complaint. (*Id.*) Accordingly, the Clerk of the Court is compelled to enter default pursuant to Rule 55(a) against the Defaulting Defendants.

Pursuant to Rule 55(b)(2), Plaintiff now also respectfully moves this Court for entry of a default judgment finding the Defaulting Defendants liable on all counts asserted in Plaintiff's Complaint. [Dkt. No. 1.] These asserted counts include claims for Copyright Infringement (Count I) and violation of the Illinois Uniform Deceptive Trade Practices Act (the "Uniform Deceptive Trade Practices Act") (Count II). [Dkt. No. 1 at 42-65.]

In connection with its asserted claims for relief, Plaintiff seeks an award of statutory damages pursuant to 17 U.S.C. § 504(c) against all Defaulting Defendants, which should be enhanced, for their willful infringement of the following three (3) federally registered copyrights asserted in this action: (1) VA0002380491; (2) VA0002380492; and (3) VA0002379893 (the "Copyright Protected Images"). (Kuhn Decl. ¶ 5.) Plaintiff additionally requests the Court issue a permanent injunction against the Defaulting Defendants. *See* 17 U.S.C. § 502(a). Furthermore, Plaintiff requests an award attorneys' fees and costs for the Defaulting Defendants' willful

infringement of the company's Copyright Protected Images pursuant to 17 U.S.C. § 505. Alternatively, Plaintiff requests issuance of a permanent injunction and an award of attorneys' fees and costs based on the Defaulting Defendants' willful violation of the Uniform Deceptive Trade Practices Act.

As alleged in the Complaint, the Defaulting Defendants have displayed, without authorization, the Copyright Protected Images on the temu.com online sales platform (the "Platform") to market and sell knockoff, counterfeit products resembling Plaintiff's authentic Rotita brand products, thereby deceiving public consumers as to the quality, nature, and source of goods being purchased. (Kuhn Decl. ¶ 6.) Moreover, the Defaulting Defendants are alleged to be operating as part of a coordinated, sophisticated counterfeit product network that utilizes a common supply chain and manufacturing source to fulfill consumer orders for knockoff Rotita brand products by displaying, without authorization, Plaintiff's Copyright Protected Images on their online storefronts. (Kuhn Decl. ¶¶ 8, 11-12.) These circumstances clearly demonstrate the Defaulting Defendants have willfully and intentionally infringed Plaintiff's Copyright Protected images, thereby supporting the company's request for enhanced statutory damages and its entitlement to an award of attorneys' fees and costs under either the Copyright Act (17 U.S.C. § 505) or the Uniform Deceptive Trade Practices Act (815 ILCS § 510/3). (*Id.*)

Procedurally, Rule 55(b)(2) provides for a court-ordered default judgment which establishes, as a matter of law, that defendants are liable to 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 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. *Black v. Lane*, 22 F.3d 1395, 1399 (7th Cir. 1994). Plaintiff meets the requirements for entry of the requested default judgment under Rule 55(b)(2).

II. ARGUMENT

A. Jurisdiction And Venue Are Proper In This Court

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. [Dkt. No. 1 at 2-3.] Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendants since each of the Defendants directly targets business activities toward consumers in Illinois and causes harm to Plaintiff's business within this judicial district. [Dkt. No. 1 at 2-3]; *see also uBID, Inc. v. GoDaddy Grp., Inc.*, 623 F.3d 421, 423-24 (7th Cir. 2010) (without benefit of an evidentiary hearing, plaintiff bears only the burden of making a prima facie case for personal jurisdiction; all of plaintiff's asserted facts should be accepted as true and any factual determinations 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 Schedule "A" Defendants, which includes the Defaulting Defendants, in issuing the TRO on December 16, 2024. [Dkt. No. 15.] Moreover, the Court additionally issued a Preliminary Injunction on January 14, 2025, further solidifying this determination. [Dkt. No. 30.] Accordingly, it is unquestionable that the Defaulting Defendants are 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). Plaintiff clearly meets these requirements.

On November 27, 2024, Plaintiff filed its Complaint in this action alleging, among other claims, Copyright Infringement (Count I), and violation of the Uniform Deceptive Trade Practices Act (Count II) as asserted in the company’s Complaint. [Dkt. No. 1 at 8-13.]. All Defendants, which includes the Defaulting Defendants, were properly served with the Complaint, TRO, all supporting documents via electronic service on January 3, 2025 [Dkt. No. 23.] Specifically, the Defaulting Defendants were required to answer or otherwise respond to the Complaint on or before January 24, 2025. [*Id.*] As such, the Defaulting Defendants had twenty-one (21) days to answer or otherwise respond to Plaintiff’s complaint pursuant to Rule 12(a)(1)(A). As of the filing of this Motion, over sixty-nine (69) days have expired since electronic service was effectuated on the Schedule “A” Defendants, which includes the Defaulting Defendants that are the subject of Plaintiff’s Motion. (Kuhn Decl. ¶ 4.) To date, none of the Defaulting Defendants have answered or otherwise responded to Plaintiff’s Complaint. (*Id.*) Accordingly, the Clerk of the Court is compelled to enter default and default judgment pursuant to Rule 55 against the Defaulting Defendants.

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 that failure to appear, answer, and/or defendant 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-one (21) days have passed since Defendants were served, and no answer or other responsive pleading has been filed by any of the Defaulting Defendants identified in Schedule “A.” *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 Defendants for copyright infringement, false designation of origin, and violation of the Uniform Deceptive Trade Practice Act as asserted in the Complaint. [Dkt. No. 1 at 8-13.]

As argued below, Plaintiff is entitled to the following remedies through the issuance of a default judgment against the Defaulting Defendants: (1) an award of statutory damages and profits for copyright infringement under 17 U.S.C. § 504(c)(1); (2) an award of enhanced statutory damages for willful infringement pursuant to 17 U.S.C. § 504(c)(2); (3) entry of a permanent injunction pursuant to 17 U.S.C. § 502(a); (4) alternatively, entry of a permanent injunction pursuant to 815 ILCS § 510/3; and (5) an award of attorneys’ fees and costs pursuant to 17 U.S.C. § 505 for willful copyright infringement and/or for willful violation of the Uniform Deceptive Trade Practices Act pursuant to 815 ILCS § 510/3. Plaintiff does not seek any relief related to its false designation of origin claim that such relief would be duplicative of the relief requested for willful copyright infringement and for violation of the Uniform Deceptive Trade Practices Act.

D. Plaintiff is Entitled to the Relief Requested.

Through entry of default, Plaintiff has established that all Defaulting Defendants: (1) are liable for intentionally and willfully infringing the Copyright Protected Images; (2) are liable for false designation of origin; and (3) have willfully violated the Uniform Deceptive Trade Practices

Act. [Dkt. No. 1 at 8-13.] 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 Copyright Protected Images; (2) the company's request that any statutory damage award be enhanced based on the Defaulting Defendants' willful copyright infringement; (3) the company's right to issuance of a permanent injunction against the Defaulting Defendants; and (4) the propriety of an award of attorneys' fees and costs for the Defaulting Defendants' willful infringement of the Copyright Protected Images and/or their willful violation of the Uniform Deceptive Trade Practices Act. Plaintiff asserts that it is entitled to all relief requested through its Motion.

1. *Plaintiff is entitled to statutory damages under 17 U.S.C. § 504(c)(1).*

Turning first to the request for an award of statutory damages under 17 U.S.C. § 504(c)(1) against the Defaulting Defendants. Plaintiff is entitled to such relief for the Defaulting Defendants' infringement of the company's Copyright Protected Images, which it maintains was done willfully and intentionally. (Kuhn Decl. ¶¶ 8, 11-12.)

A copyright owner is entitled to recover the actual damages suffered for infringement, and any profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages. 17 U.S.C. § 504(b). In establishing the infringer's profits, the copyright owner is required to present proof only of the infringer's gross revenue, and the infringer is required to prove his or her deductible expenses and the elements of profit attributable to factors other than the copyrighted work. 17 U.S.C. § 504(b). "[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).

First, Plaintiff has asserted a viable claim for infringement of the Copyright Protected Images. To prove copyright infringement, a plaintiff must show: “(1) ownership of a valid copyright; and (2) copying of constituent elements of the work that are original.” *JWC Invs., Inc. v. Novelty, Inc.*, 482 F.3d 910, 914 (7th Cir. 2007). A certificate of copyright registration provides a *prima facie* presumption of validity. *Mid. American Title Co. v. Kirk*, 59 F.3d 719, 721 (7th Cir. 1995). Here, Plaintiff has alleged its ownership of the asserted. Copyright Protected Images in its Complaint [Dkt. No. 1 at 9] and has supplied the Court with a summary of all registrations issued by the United States Copyright Office [Dkt. No. 1, Ex. 1]. Moreover, Plaintiff has set forth considerable factual allegations establishing the Defaulting Defendants have infringed the company’s Copyright Protected Images. [Dkt. Nos. 1 at 15-34, 19-2, 22.] Accordingly, Plaintiff has established that the Defaulting Defendants have infringed the company’s Copyright Protected Images.

Next, Plaintiff is entitled to an award of statutory damages given the circumstances in this action. An award of statutory damages is appropriate because actual damages “are often virtually impossible to prove” *White*, 771 F.Supp.2d at 956. In awarding statutory damages, the court is not required to follow any rigid formula. *Id.* (citing *Chi-Boy Music v. Charlie Club, Inc.*, 930 F.2d 1224, 1229 (7th Cir. 1991)). Instead, the court enjoys wide discretion in setting a statutory damage award within the prescribed range from \$750 to \$30,000 per infringement. *Broadcast Music, Inc. v. Star Amusements, Inc.*, 44 F.3d 485, 489 (7th Cir. 1995). The court may consider such factors as the difficulty or impossibility of proving actual damages, the circumstances of the infringement, and the efficacy of the damages as a deterrent to future copyright infringement. *Chi-Boy Music*, 930 F.2d at 1229.

Plaintiff has established unquestionably viable copyright infringement claims in this case. Most notably, Plaintiff secured entry of a preliminary injunction in this case. [Dkt. No. 30.] This ruling is consistent with Judge Kennelly’s issuance of preliminary injunctive relief in Plaintiff’s favor against defendants engaged in identical acts of intentional copyright infringement on a similar Platform in what he considered to be one of the most contested Schedule “A” cases he had encountered in recent memory. (Kuhn Decl. ¶ 9.) Following Judge Kennelly’s decision, defendants in other pending actions brought by Plaintiff, including the Defaulting Defendants in this action, have simply failed to appear and defend. (*Id.*) The Defaulting Defendants’ refusal to appear and defend against the asserted claims, however, has deprived Plaintiff of the ability to present evidence concerning verifiable infringing sales or costs associated with such sales. (*Id.* ¶ 7.)

Specifically, Plaintiff has neither obtained, nor are the Defaulting Defendants participating in these proceedings, so that the Court can be provided with the infringers’ deductible expenses related to the sale of the counterfeit products associated with the unauthorized use and display of the company’s Copyright Protected Images. *See* 17 U.S.C. § 504(b). As such, there is no verifiable information concerning the Defaulting Defendants’ gross infringing sales of their knockoff products or the associated deductible expenses from same. (Kuhn Decl. ¶ 7.) Moreover, while Plaintiff can estimate the range of the Defaulting Defendants’ net profits from their infringing sales, this estimate is highly speculative and cannot affirmatively account for the advertising expenses saved through the unauthorized use and display of the company’s Copyright Protected Images for which is has created at considerable expense. (Li Decl. ¶ 11.) Accordingly, an award of statutory damages is appropriate because actual damages are “virtually impossible to prove . . .” in this case. *See White*, 771 F.Supp.2d at 956.

Given the foregoing circumstances, and the nature of the Defaulting Defendants' conduct, Plaintiff asserts that it is entitled to an award of statutory damages in the amount of \$20,000.00 per Defaulting Defendant per infringed Copyright Protected Image in this action. (Kuhn Decl. ¶ 12, Ex. 2.) First, the Defaulting Defendants were provided with notice of these proceedings and, apparently, intentionally elected not to appear and defend, which will result in the Court ordering Entry of Clerk's Default against them. (Kuhn Decl. ¶ 12) As a result of the Defaulting Defendants' intentional decision not to appear and defend this action, Plaintiff has been deprived of a meaningful opportunity to assess the true nature of its actual damages. (Kuhn Decl. ¶ 7.) Moreover, Plaintiff has expended considerable capital in securing registration of the Copyright Protected Images and advertising its brand in the United States and in the State of Illinois. (Li Decl. ¶ 10.) This includes spending over \$80,000 to secure the company's copyright registrations with the United States Copyright Office and spending approximately \$8,000,000 to \$12,000,000 annually to advertise and promote its Rotita brand in the United States. (Li Decl. ¶ 10.) These facts unquestionably support Plaintiff's request for an award of \$20,000.00 in statutory damages per infringed Copyright Protected Image per Defaulted Defendant.

Next, the circumstances of the Defaulting Defendants' infringement clearly support awarding the requested statutory damage award against them. It is without question that the Defaulting Defendants have engaged in the intentional misappropriation and unauthorized use of the Copyright Protected Images. In this regard, Plaintiff's Copyright Protected Images, often representing recent product releases, have almost instantaneously appeared on the Defaulting Defendants' online stores maintained with the Platform. (Li Decl. ¶ 7.) Moreover, the Defaulting Defendants have unquestionably been operating their online stores using the misappropriated Copyright Protected Images through a sophisticated counterfeit network utilizing a highly

developed supply chain capable of supplying thousands of knockoff products featuring an array of Plaintiff's textile patterns and designs that could not otherwise be accomplished on an individual basis. (Kuhn Decl. ¶¶ 8, 11.) Accordingly, the Defaulting Defendants unquestionably intentionally, and willfully, infringed Plaintiff's Copyright Protected Images to sell their knockoff products, thereby justifying an award of statutory damages.

Based on the foregoing, Plaintiff respectfully requests the Court award \$20,000.00 in statutory damages against each of the Defaulting Defendants for each infringement of the Copyright Protected Images. As set forth in Plaintiff's supporting documentation, the Defaulting Defendants in this action should be found liable for \$20,000.00 because of their infringements of the Copyright Protected Images. (Kuhn Decl. ¶ 12, Ex. 1.) Accordingly, Plaintiff respectfully requests the Court an award of statutory damages for copyright infringement under 17 U.S.C. § 504(c)(1) in an amount not less than \$20,000.00 per Defaulting Defendant per infringed Copyright Protected Image. (Kuhn Decl. ¶ 12, Ex. 1)

2. Plaintiff is entitled to enhanced statutory damages.

Next, the circumstances of the Defaulting Defendants' infringement clearly support awarding an enhanced statutory damage award of, at least, treble damages against them. Simply put, the Defaulting Defendants' infringing conduct in this action is unquestionably willful, thereby justifying enhanced damages under 17 U.S.C. § 504(c)(2).

It is without question that the Defaulting Defendants have engaged in the intentional misappropriation and unauthorized use of the Copyright Protected Images. (Kuhn Decl. ¶¶ 8, 11-12.) In this regard, Plaintiff's Copyright Protected Images, often representing recent product releases, have almost instantaneously appeared on the Defaulting Defendants' online stores maintained with the Platform. (Li Decl. ¶ 7.) Moreover, the Defaulting Defendants have clearly

been operating their online stores using the misappropriated Copyright Protected Images through a sophisticated counterfeit network utilizing a highly developed supply chain capable of supplying thousands of knockoff products featuring an array of Plaintiff's textile patterns and designs that could not otherwise be accomplished on an individual basis. (Kuhn Decl. ¶¶ 8, 11-12.)

In addition, defendants in multiple copyright enforcement actions in this judicial district, which includes the Defaulting Defendants, have been acting through their counterfeit network to actively monitor and post information on the Plaintiff's pending cases on the website www.SellerDefense.cn. (Kuhn Decl. ¶ 8.) This has apparently been done to advise defendants in all pending actions of Plaintiff's successful prosecution of its claims, and the viability of appearing and asserting potential defenses. (*Id.*) These circumstances reveal an overall strategy by all non-appearing defendants, including the Defaulting Defendants, to simply cut their losses where Plaintiff has a high likelihood of success, abandon any online platform restrained funds, and bask in the security that any judgment issued against them will almost certainly not be collectable in the Republic of China. (Kuhn Decl. ¶ 8.) Such circumstances support awarding Plaintiff enhanced statutory damages in this action. *See Chi-Boy Music*, 930 F.2d at 1229.

The facts presented further support awarding the enhanced statutory damages against the Defaulting Defendants on the grounds that they should serve as a deterrent to future conduct. *Id.* at 1229-30. Simply put, the Defaulting Defendants are watching the results of Plaintiff's copyright infringement enforcement actions in this judicial district. (Kuhn Decl. ¶ 8.) At first, all named defendants in Plaintiff's copyright enforcement actions would vigorously fight the allegations against them until Judge Kennelly issued a preliminary injunction in Plaintiff's favor after a highly contested in-person hearing, which has resulted the Defaulting Defendants, and defendants in other pending actions commenced by Plaintiff, electing not to appear and defend. (*Id.* ¶ 9.) Simply put,

the Defaulting Defendants, as with other similarly situated defendants, have simply taken the apparent position that any recovery issued by a court is only executable against their restrained asserts on the named online platform. (*Id.*) This conduct demonstrates an intentional wiliness to ignore the Court's authority to impose significant statutory damages in this action to send a message to the Defaulting Defendants, and all other similar infringers, that they will incur substantial liability for their actions. In doing so, hopefully the Defaulting Defendants, or other similar infringers monitoring this case, will post this anticipated reward on the www.SellersDefense.cn website as notice of the consequences for their intentional, and orchestrated actions.

Based on the foregoing, Plaintiff respectfully requests the Court award enhanced statutory damages of not less than treble the requested statutory damages of \$20,000.00 per Defaulting Defendant per infringed Copyright Protected Work, which represents an award of \$20,000.00 for each Defaulting Defendant per infringed work. As set forth in Plaintiff's supporting documentation, the Defaulting Defendants in this action should be found liable for \$20,000 each because of their willful infringement for each of the three (3) federally registered copyrights. (Kuhn Decl. ¶ 12, Ex. 1) Accordingly, Plaintiff respectfully requests the Court enter an award of \$20,000.00 in statutory damages per Defaulted Defendant per infringed Copyright Protected Image, which should be enhanced for willful infringement to \$60,000.00 per Defaulted Defendant per infringed Copyright Protected Work, pursuant to 17 U.S.C. § 504(c)(2).

3. Plaintiff is entitled to a permanent injunction.

Next, Plaintiff is entitled to entry of a permanent injunction against the Defaulting Defendants. This request is justified under either 17 U.S.C. § 502(a) or, alternatively, under the Uniform Deceptive Practices Act pursuant to 815 ILCS § 510/3.

First, the Court has already determined that Plaintiff is entitled to preliminary injunctive relief in this action, which includes issuance against the Defaulting Defendants. [Dkt. No. 30.] Nothing has occurred since entry of the preliminary injunction that would alter or prohibit entry of a permanent injunction against the non-appearing Defaulting Defendants. In short, the compelling fact presented to the Court that justified entry of preliminary injunctive relief stand unchallenged by the Defaulting Defendants. As such, Plaintiff's right to permanent injunctive relief under 17 U.S.C. § 502(a) or, alternatively, under the Uniform Deceptive Practices Act pursuant to 815 ILCS § 510/3, is uncontested and supported by the substantial evidentiary record previously provided to the Court when preliminary injunctive relief was issued. Accordingly, Plaintiff is entitled to issuance of permanent injunctive relief against the Defaulting Defendants.

4. Plaintiff is entitled to an award of attorneys' fees and costs.

Plaintiff is also entitled to an award of attorneys' fees and costs against the Defaulting Defendants. Such relief should be granted pending Plaintiff moving the Court for a specific award pursuant to its submission of a "Fee Award" pursuant to LR 54.3.

Plaintiff's request for an award of attorneys' fees and costs is two-fold. First, such an award is warranted based on issuance of enhanced statutory damages based on the Defaulting Defendants' willful infringement of the company's Copyright Protected Images. *See* 17 U.S.C. § 505. Second, and alternatively, Plaintiff is entitled to an award of attorneys' fees and costs based on the Defaulting Defendants' willful violation of the Uniform Deceptive Trade Practices Act. *See* 815 ILCS § 510/3. Under either statutory provision, the facts presented clearly justify the willful infringement and violation of Plaintiff's federally secured rights in and to the Copyright Protected Images, which have been done to deceive the consuming public. (Kuhn Decl. ¶¶ 8, 11-12.)

Accordingly, Plaintiff is entitled to an award of attorneys' fees and costs, subject to the company filing a "Fee Award" pursuant to LR 54.3

III. CONCLUSION

Based on the foregoing, Plaintiff respectfully request entry of default and default judgment against the Defaulting Defendants pursuant to Rule 55. In granting its request, Plaintiff asks the Court to award the following: (1) statutory damages in the amount of \$20,000.00 per Defaulting Defendant per infringed Copyright Protected Image pursuant to 17 U.S.C. § 504(c)(1); (2) enhanced statutory damages of \$60,000.00 per Defaulting Defendant per infringed Copyright Protected Image based on their willful infringement pursuant to 17 U.S.C. § 504(c)(2); (3) issuance of a permanent injunction against the Defaulting Defendants pursuant to 17 U.S.C. § 502(a) or, alternatively, under the Uniform Deceptive Practices Act pursuant to 815 ILCS § 510/3; (4) an award of attorneys' fees and costs pursuant 17 U.S.C. § 505 and/or 815 ILCS § 510/3 based on the Defaulting Defendants' willful conduct in an amount to be determined upon submission of a "Fee Award" under LR 54.3; and (5) such other relief as the Court deems just and proper.

DATED: March 13, 2025

Respectfully submitted,

By: /s/ Joseph W. Droter

Joseph W. Droter (IL Bar No. 6329630)

BAYRAMOGLU LAW OFFICES LLC

233 S. Wacker Drive, 44th Floor, #57

Chicago, IL 60606

Tel: (702) 462-5973 | Fax: (702) 553-3404

Joseph@bayramoglu-legal.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of March 2025, 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. Notice of this filing is provided to unrepresented parties for whom contact information is listed below and has been provided via email and by posting the filing on a URL contained on our website <http://blointernetenforcement.com>, and a link to said website in the email provided by third-party, Temu.

By: /s/ Joseph W. Droter

Joseph W. Droter (IL Bar No. 6329630)

No.	Seller	Seller's Contact Information
1	CHAOLILAI Mall ID: 144984209655	305675914@qq.com
3	DTA Mall ID: 6296127049005	2307461270@qq.com
4	Kittyshow Mall ID: 634418212000191	123630655@qq.com
5	Kitty Style Mall ID: 634418214704837	18688887504@139.COM
6	Mixike Mall ID: 634418211903209	457883247@qq.com
7	ou dian Mall ID: 634418210942230	378538626@qq.com
8	QYD Angus Mall ID: 634418214506577	123630655@qq.com
9	QYD Fashion Mall ID: 634418212337621	123630655@qq.com
10	QYD FEEL Mall ID: 5143632012272	305675914@qq.com
11	QYD SStar Mall ID: 634418212787725	305675914@qq.com
12	QYD wardrobe Mall ID: 5143583671721	305675914@qq.com

No.	Seller	Seller's Contact Information
13	Sakaly Mall ID: 309560753034	2926941141@QQ.com
14	XINMILAN Mall ID: 634418216362025	1174662623@qq.com
15	Black Beauty Style Mall ID: 634418212157802	3640276605@qq.com
16	Katlynne Mall ID: 286710168816	503456052@qq.com
17	MiYou Clothing Mall ID: 5951101138548	469112829@qq.com
18	Tralook Mall ID: 2748010367193	416048591@qq.com
19	YINUO Mall ID: 2571677166332	905208470@qq.com
20	Cansheng Mall ID: 3598609741036	1st2896311@qq.com
21	LinNA FASHION Mall ID: 634418211897059	n147258369@foxmail.com
22	MENG NV Mall ID: 5619559067690	2967498774@qq.com
23	TGN Mall ID: 634418210750086	308848611@qq.com
24	YiSHION GIRLS Mall ID: 4087291654381	mj594121200@163.com