

**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

**DECLARATION OF KATHERINE M. KUHN IN SUPPORT OF
MOTION FOR ENTRY OF DEFAULT AND DEFAULT JUDGMENT**

I, Katherine M. Kuhn, of the City of Chicago, in the State of 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.

2. I make this declaration in support of Plaintiff’s Motion for Default and Default Judgment against the identified twenty-three (23) Schedule “A” Defendants (collectively, the “Defaulting Defendants”), which have been separately listed in Exhibit “1” attached hereto.

3. I am an attorney at law, duly admitted to practice before the Courts of the State of Illinois and the United States District Court for the Northern District of Illinois. I am one of the attorneys for Plaintiff Hong Kong Leyuzhen Technology Co. Ltd. (“Plaintiff”). I make this declaration from my matters within my own knowledge unless stated otherwise.

4. I hereby certify that the Defaulting Defendants (as defined in the accompanying Memorandum) have failed to plead or otherwise defend this action within twenty-one (21) days

after being served with the Summons and Complaint in this action in violation of Federal Rule of Civil Procedure 12(a)(1)(A). Specifically, all Schedule “A” Defendants were served with copies of the Summons and Complaint via electronic service authorized by the Court on January 3, 2025, which is reflected in the Return of Summons filed in this case. [Dkt. No. 23.] As of the filing of this Motion, 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. None of the identified Defaulting Defendants have answered or otherwise responded to Plaintiff’s Complaint in this action.

5. Plaintiff’s asserted claims for relief in this action involve the intentional, willful infringement of the following three (3) federally registered copyright protected images: (1) VA0002380491; (2) VA0002380492; and (3) VA0002379893 (the “Copyright Protected Images”).

6. 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 through their online stores (the “Online Stores”), thereby deceiving public consumers as to the quality, nature, and source of goods being purchased.

7. Plaintiff is entitled to a statutory damage award of \$20,000.00 per Defaulting Defendant per infringed Copyright Protected Image in this action. First, the Defaulting Defendants were provided with notice of these proceedings and, apparently, intentionally elected not to appear and defend this action. 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. This uncertainty supports Plaintiff's requested statutory damages against the Defaulting Defendants.

8. 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. 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. 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. Simply put, the Defaulting Defendants are watching the results of Plaintiff's copyright infringement enforcement actions in this judicial district.

9. At first, all named defendants in Plaintiff's copyright enforcement actions would vigorously fight the allegations against them, which resulted in Judge Kennelly in a parallel copyright enforcement action brought by Plaintiff concerning a similar online sales platform that he felt compelled to set an in person hearing on the company's request for a preliminary injunction because "this Court had never seen the number of filings by opposing counsel in any other Schedule 'A' case before him." *Hong Kong Leyuzhen Technology Co. Ltd. v. The Partnerships*, Case No. 1:24-cv-02939-MFK-BWJ [Dkt. No. 80]. Oral argument in that case was handled exclusively by Joseph W. Droter, Esq. Since Plaintiff prevailed in obtaining preliminary injunctive relief in its case pending before Judge Kennelly, the named Schedule "A" defendants in other pending actions have either elected to settle or, as with the Defaulting Defendants, simply failed

to appear and have apparently taken the position that any recovery issued by a court is only executable against their restrained asserts on the named online platform.

10. To maximize the deterrent effect of the Court's anticipated default and default judgment, Plaintiff is asking that statutory damages be imposed on each individual Defaulting Defendant for each alleged infringement of the Copyright Protected Images. Such an award precludes the Defaulting Defendants from shielding themselves from monetary responsibility for the collective infringement of common Copyright Protected Images. *Desire, LLC v. Manna Textiles, Inc.*, 986 F.3d 1253, 1264-1272 (9th Cir. 2021). Rather, Plaintiff expressly requests that each of the Defaulting Defendants, individually, be assessed a statutory damage award of \$20,000 for their infringement of the Copyright Protected Images.

11. Plaintiff has alleged, and has offered proof, that the Defaulting Defendants have not only engaged in the infringement of the Copyright Protected Images, but they have done so through a highly sophisticated counterfeit network. Moreover, the basic nature of the copyright infringement scheme employed demonstrates that the Defaulting Defendants not only knew of the impropriety of their conduct but had to implement their counterfeit scheme through sophisticated sources and established supply chains. This is the only possible scenario under which the Defaulting Defendants could immediately procure, without authorization, Plaintiff's new copyright protected product images and offer them for sale through their online stores.

12. The presented facts not only establish the Defaulting Defendants' knowledge and intentional infringement of Plaintiff's Copyright Protected Images. Accordingly, Plaintiff should be awarded statutory damages in the amount of \$20,000 with treble the enhancement to \$60,000 per Defaulted Defendant per infringed work based their willful infringement of the Copyright Protected Images. Attached hereto as Exhibit "2" is a chart listing all Defaulting Defendants, the

infringed Copyright Protected Image, the statutory damage amount requested per infringement, and the amount requested based on the Defaulting Defendants' willful infringement.

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

I declare under penalty of perjury that the foregoing is true and correct.

DATED: March 13, 2025

By: /s/ Katherine M. Kuhn
Katherine M. Kuhn (Bar No. 6331405)
BAYRAMOGLU LAW OFFICES, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of March 2025, I electronically filed the foregoing using the electronic case filing system. Notice of this filing is provided to unrepresented parties for whom contact information is listed below and 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
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

No.	Seller	Seller's Contact Information
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	lst2896311@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