

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

HONG KONG YU'EN E-COMMERCE
CO. LIMITED,

Plaintiff,

vs.

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

Defendants.

Case No.: 1:24-cv-12483-EEB-MDW

**ANSWER OF CRECITY LIMITED
S/H/A ZEAGOO TO AMENDED
COMPLAINT**

DEMAND FOR JURY TRIAL

Honorable Elaine E. Bucklo

Magistrate M. David Weisman

Defendant Crecity Limited s/h/a Zeagoo ("Zeagoo" or "Defendant") for itself, alone and no other defendant, hereby answers the unverified Amended Complaint (DN #27) of Plaintiff Hong Kong Yu'en E-Commerce Co. Limited ("Plaintiff "or "Yu'en") as follows:

INTRODUCTION

1. Defendant is without sufficient information to form a belief as to the truth of the allegations of Paragraph 1 of the Amended Complaint and therefore denies the same.

2. As for Paragraph 2 of the Amended Complaint, Defendant admits that attached as Exhibit 1 to the Complaint is a true and correct copy of the United States Registration Certificate, 5,994,759 issued by the USPTO for the Brand Trademark. Defendant is without sufficient information to form a belief as to the truth of the remaining allegations of Paragraph 2, namely alleging that “As part of its Brand promotion, development, and marketing efforts, Plaintiff secured federal registration from the United States Patent and Trademark Office (the “USPTO”) for multiple trademarks related to its modlily Brand (the “Brand Trademarks”).”

3. Defendant is without sufficient information to form a belief as to the truth of the allegations of Paragraph 3 of the Amended Complaint and therefore denies the same.

4. Defendant denies the allegations of Paragraph 4 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 4 with respect to the other Defendants and therefore denies same.

5. Defendant denies the allegations of Paragraph 5 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 5 with respect to the other Defendants and therefore denies same.

6. Defendant denies the allegations of Paragraph 6 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 6 with respect to the other Defendants and therefore denies same.

7. Defendant is without sufficient information to form a belief as to the truth of the allegations of Paragraph 7 of the Amended Complaint and therefore denies the same.

8. Defendant denies the allegations of Paragraph 8 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 8 with respect to the other Defendants and therefore denies same.

JURISDICTION AND VENUE

9. Defendant admits the allegations of Paragraph 9.

10. As for Paragraph 10 of the Complaint, Defendant admits that venue is proper in this Court pursuant to 28 U.S.C. § 1391, but denies the allegations of paragraph 10 with respect to itself that allege that it “directly targets business activities toward consumers in the United States, including Ito the State of Illinois, through at least the fully interactive e-commerce stores (the “Online Marketplaces”) operating under the seller aliases identified in Schedule ‘A’ attached hereto (the ‘Seller Aliases’).” Defendant further denies the allegations of paragraph 10 that allege, “Specifically, Defendants have targeted sales to consumers in the State of Illinois by setting up and operating the Online Marketplaces using one or more Seller Aliases displaying the Brand Trademark without authorization in order to incite purchases of the Counterfeit Products, offering shipment of Counterfeit Products to the United States, including to the State of Illinois, accepting payment for said

purchases in United States currency and/or funds from United States bank accounts, and, on information and belief, having sold Counterfeit Products through the unauthorized use of the Brand Trademark to residents in the State of Illinois.”

11. Defendant denies the allegations of Paragraph 11 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 11 with respect to the other Defendants and therefore denies same.

THE PARTIES

12. Defendant is without sufficient information to form a belief as to the truth of the allegations of Paragraph 12 of the Complaint and therefore denies the same.

13. Defendant denies the allegations of Paragraph 13 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 13 with respect to the other Defendants and therefore denies same.

14. As to the allegations of Paragraph 14 of the Amended Complaint, Defendant admits, as for itself, that it operates one of the Online Marketplaces under a Seller Alias listed in Schedule “A” attached to the Complaint as Exhibit 2. Defendant denies, as for itself, the allegations stated in Paragraph 14 of the Amended Complaint alleging, “The tactics used by Defendants to conceal their identities, and the full scope of their operations make it virtually impossible for Plaintiff to learn Defendants’ true identities and the exact interworking of their counterfeit network

used to sell and offer to sell the Counterfeit Products by displaying Plaintiff's Brand Trademark without authorization." Defendant is without sufficient information to form a belief as to the truth of the allegations of Paragraph 14 of the Amended Complaint that allege, "If Defendants provide additional credible information regarding their identities, Plaintiff will take appropriate steps to amend the Complaint and proceed accordingly."

THE [ALLEGED] VALUE OF PLAINTIFF'S BRAND TRADEMARKS

15. Defendant is without sufficient information to form a belief as to the truth of the allegations of Paragraph 15 of the Amended Complaint and therefore denies the same.

16. Defendant is without sufficient information to form a belief as to the truth of the allegations of Paragraph 16 of the Amended Complaint and therefore denies the same.

17. Defendant is without sufficient information to form a belief as to the truth of the allegations of Paragraph 17 of the Amended Complaint and therefore denies the same.

18. Defendant is without sufficient information to form a belief as to the truth of the allegations of Paragraph 18 of the Amended Complaint and therefore denies the same.

19. Defendant is without sufficient information to form a belief as to the

truth of the allegations of Paragraph 19 of the Amended Complaint and therefore denies the same.

20. Defendant is without sufficient information to form a belief as to the truth of the allegations of Paragraph 20 of the Amended Complaint and therefore denies the same.

DEFENDANTS' [ALLEGED] UNLAWFUL CONDUCT

21. Defendant is without sufficient information to form a belief as to the truth of the allegations of Paragraph 21 of the Amended Complaint and therefore denies the same.

22. Defendant denies the allegations of Paragraph 22 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 22 with respect to the other Defendants and therefore denies same.

23. Defendant denies the allegations of Paragraph 23 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 23 with respect to the other Defendants and therefore denies same.

24. Defendant is without sufficient information to form a belief as to the truth of the allegations of Paragraph 24 of the Complaint and therefore denies the same.

25. Defendant denies the allegations of Paragraph 25 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of

Paragraph 25 with respect to the other Defendants and therefore denies same.

26. Defendant denies the allegations of Paragraph 26 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 26 with respect to the other Defendants and therefore denies same.

27. Defendant denies the allegations of Paragraph 27 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 27 with respect to the other Defendants and therefore denies same.

28. Defendant denies the allegations of Paragraph 28 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 28 with respect to the other Defendants and therefore denies same.

29. Defendant denies the allegations of Paragraph 29 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 29 with respect to the other Defendants and therefore denies same.

30. Defendant denies the allegations of Paragraph 30 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 30 with respect to the other Defendants and therefore denies same.

COUNT I

TRADEMARK INFRINGEMENT AND COUNTERFEITING (15 U.S.C. § 1114)

31. Defendant restates and incorporates its Answers to the above

Paragraphs as if fully repeated verbatim.

32. Defendant is without sufficient information to form a belief as to the truth of the allegations of Paragraph 32 of the Complaint and therefore denies the same.

33. Defendant is without sufficient information to form a belief as to the truth of the allegations of Paragraph 33 of the Complaint and therefore denies the same.

34. Defendant denies the allegations of Paragraph 34 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 34 with respect to the other Defendants and therefore denies same.

35. Defendant denies the allegations of Paragraph 35 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 35 with respect to the other Defendants and therefore denies same.

36. Defendant denies the allegations of Paragraph 36 of the Amended Complaint with respect to itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 36 of the Amended Complaint as to other Defendants and therefore denies the same.

37. Defendant denies the allegations of Paragraph 37 of the Amended Complaint with respect to itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 37 of the Amended Complaint as to

other Defendants and therefore denies the same.

38. Defendant denies the allegations of Paragraph 38 of the Amended Complaint with respect to itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 38 of the Amended Complaint as to other Defendants and therefore denies the same.

39. Defendant denies the allegations of Paragraph 39 of the Amended Complaint with respect to itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 39 of the Amended Complaint as to other Defendants and therefore denies the same.

40. Defendant denies the allegations of Paragraph 40 of the Amended Complaint with respect to itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 40 of the Amended Complaint as to other Defendants and therefore denies the same.

41. Defendant denies the allegations of Paragraph 41 of the Amended Complaint with respect to itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 41 of the Amended Complaint as to other Defendants and therefore denies the same.

42. Defendant denies the allegations of Paragraph 42 of the Amended Complaint with respect to itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 42 of the Amended Complaint as to

other Defendants and therefore denies the same.

COUNT II

UNFAIR COMPETITION (15 U.S.C. § 1125(a))

43. Defendant restates and incorporates its Answers to the above Paragraphs as if fully repeated verbatim.

44. Defendant is without sufficient information to form a belief as to the truth of the allegations of Paragraph 44 of the Complaint and therefore denies the same.

45. Defendant denies the allegations of Paragraph 45 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 45 with respect to the other Defendants and therefore denies same.

46. Defendant denies the allegations of Paragraph 46 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 46 with respect to the other Defendants and therefore denies same.

47. Defendant denies the allegations of Paragraph 47 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 47 with respect to the other Defendants and therefore denies same.

48. Defendant denies the allegations of Paragraph 48 of the Amended Complaint with respect to itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 48 of the Amended Complaint as to

other Defendants and therefore denies the same.

49. Defendant denies the allegations of Paragraph 49 of the Amended Complaint with respect to itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 49 of the Amended Complaint as to other Defendants and therefore denies the same.

50. Defendant denies the allegations of Paragraph 50 of the Amended Complaint with respect to itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 50 of the Amended Complaint as to other Defendants and therefore denies the same.

51. Defendant denies the allegations of Paragraph 51 of the Amended Complaint with respect to itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 51 of the Amended Complaint as to other Defendants and therefore denies the same.

52. Defendant denies the allegations of Paragraph 52 of the Amended Complaint with respect to itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 52 of the Amended Complaint as to other Defendants and therefore denies the same.

COUNT III

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

53. Defendant restates and incorporates its Answers to the above

Paragraphs as if fully repeated verbatim.

54. Defendant denies the allegations of Paragraph 54 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 54 with respect to the other Defendants and therefore denies same.

55. Defendant denies the allegations of Paragraph 55 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 55 with respect to the other Defendants and therefore denies same.

56. Defendant denies the allegations of Paragraph 56 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 47 with respect to the other Defendants and therefore denies same.

57. Defendant denies the allegations of Paragraph 57 of the Amended Complaint with respect to itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 57 of the Amended Complaint as to other Defendants and therefore denies the same.

58. Defendant denies the allegations of Paragraph 58 of the Amended Complaint with respect to itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 58 of the Amended Complaint as to other Defendants and therefore denies the same.

59. Defendant denies the allegations of Paragraph 59 of the Amended Complaint with respect to itself and is without sufficient information to form a belief

as to the truth of the allegations of Paragraph 59 of the Amended Complaint as to other Defendants and therefore denies the same.

60. Defendant denies the allegations of Paragraph 60 of the Amended Complaint with respect to itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 60 of the Amended Complaint as to other Defendants and therefore denies the same.

COUNT IV

VIOLATION OF ILLINOIS UNIFORM DECEPTIVE TRADE PRACTICES

ACT (815 ILCS § 510/1, et seq.)

61. Defendant restates and incorporates its Answers to the above Paragraphs as if fully repeated verbatim.

62. Defendant denies the allegations of Paragraph 62 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 62 with respect to the other Defendants and therefore denies same.

63. Defendant denies the allegations of Paragraph 63 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 63 with respect to the other Defendants and therefore denies same.

64. Defendant denies the allegations of Paragraph 64 with respect itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 64 with respect to the other Defendants and therefore denies same.

65. Defendant denies the allegations of Paragraph 65 of the Amended Complaint with respect to itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 65 of the Amended Complaint as to other Defendants and therefore denies the same.

66. Defendant denies the allegations of Paragraph 66 of the Amended Complaint with respect to itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 66 of the Amended Complaint as to other Defendants and therefore denies the same.

67. Defendant denies the allegations of Paragraph 67 of the Amended Complaint with respect to itself and is without sufficient information to form a belief as to the truth of the allegations of Paragraph 67 of the Amended Complaint as to other Defendants and therefore denies the same.

WHEREFORE Defendant respectfully requests that this Court enter judgment against Plaintiffs and in favor of the Defendant, issue costs and attorneys' fees against Plaintiff and for Defendant, and for whatever other relief is deemed just.

AFFIRMATIVE DEFENSES

Without admitting any facts alleged by Plaintiff, Defendant hereby asserts and interposes the following affirmative defenses to the claims contained in the

Complaint:

FIRST AFFIRMATIVE DEFENSE

(Failure To State A Claim)

68. As a first and separate affirmative defense to Plaintiff's claims, the Amended Complaint fails, in whole or in part, to state a claim for which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

(No Infringement Of The Asserted Trademark(s))

69. As a second and separate affirmative defense to Plaintiff's claims, Defendants have not and do not infringe any valid trademark of Plaintiff.

THIRD AFFIRMATIVE DEFENSE

(Laches)

70. As a third and separate affirmative defense to Plaintiff's claims, the Amended Complaint is barred, in whole or in part, under principles of laches.

FOURTH AFFIRMATIVE DEFENSE

(Estoppel)

71. As a fourth and separate affirmative defense to Plaintiff's claims, the Amended Complaint is barred, in whole or in part, under principles of estoppel.

FIFTH AFFIRMATIVE DEFENSE

(First Sale Doctrine)

72. As a fifth and separate affirmative defense to Plaintiff's claims, to the

extent that any of the accused products sold were genuine products, such sales are protected under the first sale doctrine and therefore Defendant cannot be liable for any of the allegations or Plaintiff in the Complaint.

SIXTH AFFIRMATIVE DEFENSE

(Waiver)

73. As a sixth and separate affirmative defense to Plaintiff's claims, the Amended Complaint is barred, in whole or in part, under principles of waiver.

SEVENTH AFFIRMATIVE DEFENSE

(Acquiescence)

74. As a seventh and separate affirmative defense to Plaintiff's claims, the Amended Complaint is barred, in whole or in part, under principles of acquiescence.

EIGHTH AFFIRMATIVE DEFENSE

(Fair Use)

75. As an eighth and separate affirmative defense to Plaintiff's claims, the Amended Complaint is barred by the doctrine of fair use.

NINTH AFFIRMATIVE DEFENSE

(Unclean Hands)

76. As ninth and separate affirmative defense to Plaintiff's claims, the Amended Complaint is barred, in whole or in part, by the doctrine of unclean hands.

TENTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

77. As a tenth and separate affirmative defense to Plaintiff's claims, the Amended Complaint is barred, in whole or in part, by the applicable statute of limitations.

ELEVENTH AFFIRMATIVE DEFENSE

(Innocent Infringement)

78. As an eleventh and separate affirmative defense to Plaintiff's claims, Defendant asserts that, to the extent that Defendant has infringed any of Plaintiff's intellectual property rights, such infringement was innocent.

TWELFTH AFFIRMATIVE DEFENSE

(Failure to Mitigate Damages)

79. As a thirteenth and separate affirmative defense to Plaintiff's claims, the Amended Complaint is barred, in whole or in part, or recovery reduced by Plaintiff's failure to take reasonable steps to mitigate the damages alleged.

THIRTEENTH AFFIRMATIVE DEFENSE

(Trademark Invalidity/Unenforceability)

80. As a thirteenth and separate affirmative defense to Plaintiff's claims, the Amended Complaint is barred, in whole or in part, or recovery reduced by the invalidity and/or unenforceability of the asserted trademark(s).

FOURTEENTH AFFIRMATIVE DEFENSE

(Further Currently Unknown Defenses Reserved)

81. As a fourteenth and separate affirmative defense to Plaintiff's claims,

Defendant asserts that it has insufficient knowledge or information upon which to form a belief as to whether it may have available any additional as yet unstated defenses. Defendant reserves the right to assert these additional defenses in the event additional facts become known.

DEMAND FOR JURY TRIAL

Defendant respectfully demands a trial by jury on all claims.

DATED: April 15, 2025

Respectfully submitted,

By: /s/Ivan Posey.

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CERTIFICATE OF SERVICE

The undersigned certifies that on April 15, 2025, we caused the foregoing document to be filed electronically with the Clerk of the Court via CM/ECF, which will notify all parties in this matter who are registered with the Court's CM/ECF filing system of such filing.

Respectfully Submitted,

By: /s/ Ivan Posey

Ivan M. Posey

(CA Bar No. 196386)

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