

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

Imagination Products Corporation)	Case No.: 21-cv-02683
)	
Plaintiff,)	
v.)	Judge:
)	
Does 1-6, As Identified in Exhibit 3,)	
)	Magistrate:
Defendants.)	
)	

COMPLAINT

Imagination Products Corporation (“Plaintiff”), hereby files this Complaint for patent infringement against Defendants, on personal knowledge as to Plaintiff’s own activities and on information and belief as to the activities of others:

THE PARTIES

1. Plaintiff is an Illinois corporation with a principal place of business located at 227 W. Cedar Street, Chillicothe, Illinois 61523. Plaintiff owns U.S. Patent No. 7,810,176 for “Compact Drain-Cleaning Device With Hair-Snagging Pad” (“the ‘176 Patent”) and U.S. Patent No. 8,359,696 for “Separable Drain Snake Device and Kit” (“the ‘696 Patent”) (collectively “Asserted Patents”). A true and accurate copy of the ‘176 patent is attached as Exhibit 1. A true and accurate copy of the ‘696 patent is attached as Exhibit 2.
2. The Asserted Patents being infringed by a cabal of foreign counterfeiters intent on exploiting unknowing online consumers. This infringing behavior harms Plaintiff.

3. Defendants, identified in Exhibit 3, are all believed to be individuals and unincorporated business associations who, upon information and belief, reside in foreign jurisdictions. The true names, identities, and addresses of Defendants are currently unknown.
4. Defendants conduct their illegal operations through fully interactive commercial websites hosted on Amazon.com (“Infringing Websites” or “Infringing Webstores”). Each Defendant targets consumers in the United States, including the State of Illinois, and has offered to sell and, on information and belief, has sold and continues to sell counterfeit and/or infringing products that violate Plaintiff’s intellectual property rights (“Counterfeit Products”) to consumers within the United States, including the State of Illinois and the Northern District of Illinois. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b).
5. Through the operation of their Infringing Webstores, Defendants are directly and personally contributing to, inducing and engaging in the sale of Counterfeit Products as alleged, often times as partners, co-conspirators, and/or suppliers.
6. Upon information and belief, Defendants are an interrelated group of counterfeiters and patent infringers working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Counterfeit Products.
7. Defendants intentionally conceal their identities and the full scope of their counterfeiting operations in an effort to deter Plaintiff from learning Defendants’ true identities and the exact interworking of Defendants’ illegal counterfeiting and infringing operations. The identities of these Defendants are presently unknown. If their identities become known, Plaintiff will promptly amend this Complaint to identify them.

8. Defendants have created the Defendant Internet Stores, operate under one or more aliases, and are advertising, offering for sale and selling Counterfeit Products to unsuspecting consumers. Defendant Internet Stores share unique identifiers, establishing a logical relationship between them and suggesting that Defendants' counterfeiting actions arise out of the same transaction or occurrence, or series of transactions or occurrences.
9. Defendants are primarily Chinese and all market counterfeit products and/or market their products that infringe the patent of Plaintiff. On information and belief, all Defendants source their goods from a common manufacturer or consortium of manufacturers under the direction or influence of local or national governments.

THE '176 PATENT

10. The '176 Patent was duly and legally issued by the United States Patent and Trademark Office on October 12, 2010.
11. Plaintiff is the lawful owner of the '176 Patent. The invention of the '176 Patent relates to a handheld plumbing snake having a flexible elongate shaft with a hook portion of hook and loop fastener at one end of the shaft and a connecting mechanism at the opposite end of the shaft.
12. Claim 1 of the '176 Patent reads:
 1. A device for retrieving hair and other fibrous waste from a drain comprising:
 - (a) an elongate shaft, which flexes into fixed or compact bent positions, having a proximal end portion for grasping and a distal end portion for insertion into a drain, wherein the elongate shaft flexes to follow a shape of the drain and further flexes to a compact loop configuration for storage;
 - (b) a hair-snagging means reversibly connected to the distal end of the elongate shaft, wherein the hair-snagging means consists of a hook portion of common hook-and-loop fastener material; and
 - (c) a reversible connecting mechanism for reversibly connecting the hair-snagging means to the distal end of the elongate shaft.

13. Claim 11 of the '176 Patent reads:

11. A device for retrieving hair and other fibrous waste from a drain comprising:
(a) an elongate shaft comprised of molded plastic and having a proximal end portion for grasping and a distal end portion for insertion into a drain, wherein the elongate shaft flexes to follow a shape of the drain and further flexes to a compact loop configuration for storage;
(b) a hair-snagging means located at the distal end of the elongate shaft, wherein the hair-snagging means consists of a hook portion of common hook-and-loop fastener material; and
(c) a grasping member located on the proximal end of the elongate shaft.

14. Claim 15 of the '176 Patent reads:

15. A device for retrieving hair and other fibrous waste from a drain comprising:
(a) an elongate shaft, which flexes into fixed or compact bent positions, having a proximal end portion for grasping and a distal end portion for insertion into a drain, wherein the elongate shaft flexes to follow a shape of the drain and further flexes to a compact loop configuration for storage;
(b) a hair-snagging means located at the distal end of the elongate shaft, wherein the hair-snagging means consists of a hook portion of common hook-and-loop fastener material; and
(c) a removable handle with a release mechanism for receiving and releasing the proximal end of the elongate shaft whereby the elongate shaft and the hair-snagging means may be replaced with a clean elongate shaft and hair-snagging means after use.

THE '696 PATENT

15. The '696 Patent was duly and legally issued by the United States Patent and Trademark Office on January 29, 2013.
16. Plaintiff is the lawful owner of the '696 Patent. The invention of the '696 Patent relates to a handheld plumbing snake having a flexible elongate shaft with a hook portion of hook and loop fastener at one end of the shaft and a connecting mechanism at the opposite end of the shaft. The connecting mechanism removably attaches to a shaped handle having a sleeve for securing the shaft to the handle.
17. Claim 1 of the '696 Patent reads:

1. A drain snake device for removing obstructing debris from piping structures, comprising:

- a. a reusable handle having:
 - a proximal elongated grip section for gripping the handle,
 - an elongated intermediate section integrally extending from the grip section at an oblique angle, the proximal section forming a bend portion with the intermediate section; and,
 - an elongated distal section, the distal section including a contoured interlockable distal end, the distal end having at least one stop surface defining part of a contour profile;
- b. a disposable snake segment having an elongated distal section for contacting and collecting obstructing debris in the piping structure, the snake segment including
 - a contoured interlockable proximal end, the proximal end having at least one projection having a shape generally complementary to the contour profile in the distal end of the handle and
 - at least one stop surface having a shape profile generally complementary to the at least one corresponding stop surface in the distal end of the handle, defining a matching contour profile; and,
- c. a cylindrically shaped sleeve having a distal and a proximal end, and a notch in the proximal end, the sleeve being rotatably mounted on the distal section of the handle and the sleeve being movable along and coaxially with the distal section of the handle between a locked position and a release position;
 - wherein, the contoured distal end of the handle is engagable with and interlockable with the corresponding contour profile at the proximal end of the snake segment,
 - such that the notch has a shape that corresponds to the shape of the bend portion between the intermediate section and the distal section of the handle, and,
 - such that, when the sleeve is in the release position, the notch engages the bend portion of the handle, thereby blocking the handle from rotation, and, alternatively, when the sleeve is in the locked position, the notch is disengaged from the bend portion and the handle can be rotated by a user, and,
 - such that, after the handle engages a corresponding snake segment, the sleeve can be moved to the locking position to interlock the handle to the snake segment; and, alternatively, the sleeve can be moved to the release position, to permit the snake segment to engage with or be disengaged from the handle, and,
 - wherein, when the handle is engaged with the snake segment and the sleeve is in the locked position, the handle can be rotated, thereby rotating the snake segment.

18. Claim 1 of the '696 Patent reads:

- 2. A drain snake device for removing obstructing debris from piping structures, comprising:
 - a. a reusable handle having:
 - a proximal elongated grip section for gripping the handle,
 - an elongated intermediate section integrally extending from the grip section at an oblique angle, the proximal section forming a bend portion with the intermediate section; and,

an elongated distal section, the distal section including a contoured interlockable distal end, the distal end having at least one opening and at least one stop surface defining a contour profile;

b. a disposable snake segment having an elongated distal section for contacting and collecting obstructing debris in the piping structure, the snake segment including a contoured interlockable proximal end, the proximal end having at least one projection having a shape generally complementary to the at least one opening in the distal end of the handle and

at least one stop surface having a shape profile generally complementary to the at least one corresponding stop surface in the distal end of the handle, defining a matching contour profile; and,

c. a cylindrically shaped sleeve having a distal and a proximal end, and a notch in the proximal end, the sleeve being rotatably mounted on the distal section of the handle and the sleeve being movable along and coaxially with the distal section of the handle between a locked position and a release position;

wherein, the contoured distal end of the handle is engagable with and interlockable with the corresponding contour profile at the proximal end of the snake segment,

such that the notch has a shape that corresponds to the shape of the bend portion between the intermediate section and the distal section of the handle, and,

such that, when the sleeve is in the release position, the notch engages the bend portion of the handle, thereby blocking the handle from rotation, and, alternatively, when the sleeve is in the locked position, the notch is disengaged from the bend portion and the handle can be rotated by a user, and,

such that, after the handle engages a corresponding snake segment, the sleeve can be moved to the locking position to interlock the handle to the snake segment; and, alternatively, the sleeve can be moved to the release position, to permit the snake segment to engage with or be disengaged from the handle, and,

wherein, when the handle is engaged with the snake segment and the sleeve is in the locked position, the handle can be rotated, thereby rotating the snake segment.

JOINDER OF DEFENDANTS

19. On information and belief, Defendants are an interrelated group of infringers working in active concert to knowingly and willfully make, use, offer for sale, sell, and/or import into the United States for subsequent sale or use infringing products in the same transaction, occurrence, or series of transactions or occurrences. Defendants, without any authorization or license from Plaintiff, have jointly and severally, knowingly and willfully made, used, offered for sale, sold, and/or imported into the United States for subsequent resale or use products that infringe directly and/or indirectly Plaintiff's '159

Patent. Each e-commerce store operating under the aliases by the Defendants offers shipping to the United States, including Illinois, and, on information and belief, each Defendant has sold Infringing Products into the United States and Illinois over the Internet.

20. Upon information and belief, each of the Defendants, are working in active concert with an unknown manufacturing entity located in China to knowingly and willfully make, use, offer for sale, sell, and/or import into the United States for subsequent sale or use the same infringing product. Attached as Exhibit 4 is a true and accurate copy of a listing by a manufacturer located in China and offering the infringing product sold by the Defendants. Attached as Exhibit 5 is a true and accurate copy of a machine translated version of Exhibit 4.
21. There are questions of fact common to all Defendants. All Defendants are infringing the Accused Patents by making, selling, and/or importing the same infringing product into the United States. Upon information and belief, the accused products are sourced from the unknown manufacturing entity acting in concert with each of the Defendants. Each of the Defendants are selling the same handheld plumbing snake product manufactured by the unknown manufacturing entity. By selling the same accused product, each of the Defendants are infringing the claims of the Accused Patents in the same way.
22. The accused products infringe Claim 1 of the '176 Patent, literally or through the doctrine of equivalents. Upon information and belief the accused products have an elongate shaft comprised of molded plastic and having a proximal end portion for grasping and a distal end portion for insertion into a drain, wherein the elongate shaft flexes to follow a shape of the drain and further flexes to a compact loop configuration for storage; a hair-

snagging means located at the distal end of the elongate shaft, wherein the hair-snagging means consists of a hook portion of common hook-and-loop fastener material; and a grasping member located on the proximal end of the elongate shaft.

23. The accused products infringe Claim 15 of the '176 Patent, literally or through the doctrine of equivalents. Upon information and belief, the accused products have an elongate shaft, which flexes into fixed or compact bent positions, having a proximal end portion for grasping and a distal end portion for insertion into a drain, wherein the elongate shaft flexes to follow a shape of the drain and further flexes to a compact loop configuration for storage; a hair-snagging means located at the distal end of the elongate shaft, wherein the hair-snagging means consists of a hook portion of common hook-and-loop fastener material; and a removable handle with a release mechanism for receiving and releasing the proximal end of the elongate shaft whereby the elongate shaft and the hair-snagging means may be replaced with a clean elongate shaft and hair-snagging means after use.
24. The accused products infringe Claim 1 of the '696 Patent, literally or through the doctrine of equivalents. Upon information and belief, the accused products have (a) a reusable handle having: a proximal elongated grip section for gripping the handle, an elongated intermediate section integrally extending from the grip section at an oblique angle, the proximal section forming a bend portion with the intermediate section; and, an elongated distal section, the distal section including a contoured interlockable distal end, the distal end having at least one stop surface defining part of a contour profile; (b) a disposable snake segment having an elongated distal section for contacting and collecting obstructing debris in the piping structure, the snake segment including a contoured

interlockable proximal end, the proximal end having at least one projection having a shape generally complementary to the contour profile in the distal end of the handle and at least one stop surface having a shape profile generally complementary to the at least one corresponding stop surface in the distal end of the handle, defining a matching contour profile; and, (c) a cylindrically shaped sleeve having a distal and a proximal end, and a notch in the proximal end, the sleeve being rotatably mounted on the distal section of the handle and the sleeve being movable along and coaxially with the distal section of the handle between a locked position and a release position; wherein, the contoured distal end of the handle is engagable with and interlockable with the corresponding contour profile at the proximal end of the snake segment, such that the notch has a shape that corresponds to the shape of the bend portion between the intermediate section and the distal section of the handle, and, such that, when the sleeve is in the release position, the notch engages the bend portion of the handle, thereby blocking the handle from rotation, and, alternatively, when the sleeve is in the locked position, the notch is disengaged from the bend portion and the handle can be rotated by a user, and, such that, after the handle engages a corresponding snake segment, the sleeve can be moved to the locking position to interlock the handle to the snake segment; and, alternatively, the sleeve can be moved to the release position, to permit the snake segment to engage with or be disengaged from the handle, and, wherein, when the handle is engaged with the snake segment and the sleeve is in the locked position, the handle can be rotated, thereby rotating the snake segment.

25. The accused products infringe Claim 2 of the '696 Patent, literally or through the doctrine of equivalents. Upon information and belief, the accused products have (a) a reusable

handle having: a proximal elongated grip section for gripping the handle, an elongated intermediate section integrally extending from the grip section at an oblique angle, the proximal section forming a bend portion with the intermediate section; and, an elongated distal section, the distal section including a contoured interlockable distal end, the distal end having at least one opening and at least one stop surface defining a contour profile;

(b) a disposable snake segment having an elongated distal section for contacting and collecting obstructing debris in the piping structure, the snake segment including a contoured interlockable proximal end, the proximal end having at least one projection having a shape generally complementary to the at least one opening in the distal end of the handle and at least one stop surface having a shape profile generally complementary to the at least one corresponding stop surface in the distal end of the handle, defining a matching contour profile; and, (c) a cylindrically shaped sleeve having a distal and a proximal end, and a notch in the proximal end, the sleeve being rotatably mounted on the distal section of the handle and the sleeve being movable along and coaxially with the distal section of the handle between a locked position and a release position; wherein, the contoured distal end of the handle is engagable with and interlockable with the corresponding contour profile at the proximal end of the snake segment, such that the notch has a shape that corresponds to the shape of the bend portion between the intermediate section and the distal section of the handle, and, such that, when the sleeve is in the release position, the notch engages the bend portion of the handle, thereby blocking the handle from rotation, and, alternatively, when the sleeve is in the locked position, the notch is disengaged from the bend portion and the handle can be rotated by a user, and, such that, after the handle engages a corresponding snake segment, the sleeve

can be moved to the locking position to interlock the handle to the snake segment; and, alternatively, the sleeve can be moved to the release position, to permit the snake segment to engage with or be disengaged from the handle, and, wherein, when the handle is engaged with the snake segment and the sleeve is in the locked position, the handle can be rotated, thereby rotating the snake segment.

JURISDICTION AND VENUE

26. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original jurisdiction over this action pursuant to 35 U.S.C. § 1, *et seq.*, 28 U.S.C. § 1338(a)-(b), and 28 U.S.C. § 1331.
27. This Court has personal jurisdiction over Defendants in that they transact business in the State of Illinois and in the Northern District of Illinois.
28. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 in that the Defendants are entities or individuals subject to personal jurisdiction in this District. Venue is also proper in this District because a substantial part of the events or omissions giving rise to the claims occurred in this District and Defendants directly target business activities towards consumers in the State of Illinois. Specifically, Defendants have targeted sales to Illinois residents, offered shipping to the United States, including Illinois, accepted payment in U.S. dollars and, on information and belief, have sold products infringing Plaintiff's patent to residents of Illinois. Each of the Defendants is committing tortious acts in Illinois, is engaging in interstate commerce, and has wrongfully caused Plaintiff substantial injury in the State of Illinois.

BACKGROUND FACTS

29. Plaintiff is engaged in the business of manufacturing, distributing, and retailing products handheld plumbing snake products. Specifically, Plaintiff sells a disposable handheld plumbing snake under the name DRAIN WEASEL throughout the world, including within the Northern District of Illinois District (collectively, “Plaintiff’s Products”). Defendants’ sales of similar and substandard copies of Plaintiff’s Products (“Counterfeit Products”) are in violation of Plaintiff’s intellectual property rights and are irreparably damaging Plaintiff.
30. Plaintiff is the owner of all rights, title, and interest in and to, the Asserted Patents. The Asserted Patents are valid, subsisting, and enforceable.
31. Plaintiff’s DRAIN WEASEL product, symbolized by the Asserted Patents, is a unique and original design.
32. Plaintiff’s Products have been widely promoted, both in the United States and throughout the world. The whole of the consuming public recognizes Plaintiff’s Products as originating with Plaintiff, but also recognizes that Plaintiff’s Products sold in the United States originate exclusively from Plaintiff.
33. As of the date of this filing, Plaintiff’s Products are sold throughout the nation via an online shop on Plaintiff’s website, third-party platforms, and in brick and mortar retail locations such as Home Depot.
34. Plaintiff maintains quality control standards for all of Plaintiff’s products, including those sold under the Asserted Patents.
35. Plaintiff’s Products under the Asserted Patents have generated millions of dollars in revenue for Plaintiff over the years. Plaintiff’s Products have become a symbol of excellence, and an expectation of quality uniquely associated with Plaintiff.

36. The Asserted Patents have never been assigned or licensed to any of the Defendants in this matter.
37. Further, Plaintiff has expended substantial time, money, and other resources developing, advertising, marketing, and otherwise promoting products covered by the Asserted Patents.
38. Upon information and belief, at all times relevant hereto, Defendants in this action have had full knowledge of Plaintiff's ownership of the Asserted Patents, including its exclusive right to use and license such intellectual property.
39. Recently, and for a while in the past, Plaintiff has identified products covered by the Asserted Patents on the Infringing Webstores and felt the impact of Counterfeit Products designed to resemble authorized retail Internet stores selling the genuine Asserted Product that Defendants had reproduced, displayed, and distributed without authorization or license from Plaintiff in violation of the Asserted Patents.
40. Defendants' use of the Asserted Patents on or in connection with the advertising, marketing, distribution, offering for sale, and sale of the Counterfeit Products is likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming Plaintiff.
41. Defendants have manufactured, imported, distributed, offered for sale, and sold Counterfeit Products infringing the Asserted Patents and continue to do so.
42. Defendants, without authorization or license from Plaintiff, knowingly and willfully used and continue to use the Asserted Patents in connection with the advertisement, offer for sale, and sale of the Counterfeit Products, through, *inter alia*, the Internet. The Counterfeit Products are not genuine products sold by Plaintiff under the Asserted

Patents. The Plaintiff did not manufacture, inspect, or package the Counterfeit Products and did not approve the Counterfeit Products for sale or distribution. Each Infringing Webstore offers shipping to the United States, including Illinois, and, on information and belief, each Defendant has sold Counterfeit Products into the United States, including Illinois.

43. Defendants falsely advertise the sale of authentic Asserted Product through the Infringing Webstores. Defendants' Infringing Webstore listings appear to unknowing consumers to be legitimate web stores and listings, authorized to sell genuine Asserted Patents Products.
44. Defendants also deceive unknowing consumers by using the Asserted Patents without authorization within the content, text, and/or meta tags of the listings on Infringing Webstores in order to attract various search engines crawling the Internet looking for websites relevant to consumer searches for Asserted Patents Product and in consumer product searches within the Webstores.
45. Defendants go to great lengths to conceal their true identities and often use multiple fictitious names and addresses to register and operate the Infringing Webstores. Upon information and belief, Defendants regularly create new Webstores on various platforms using the identities listed in Exhibit 3 of the Complaint, as well as other unknown fictitious names and addresses. Such registration patterns are one of many common tactics used by the Defendants to conceal their identities, the full scope and interworking of their illegal counterfeiting operations, and to prevent the Infringing Webstores from being disabled.
46. Further, counterfeiters, such as Defendants, also consult and post information to "seller-

defense” websites developed and maintained to provide counterfeiters early notice of recently filed lawsuits, so assets and evidence can be transferred, hidden or destroyed before a temporary asset restraint is instituted.

47. Even though Defendants operate under multiple fictitious names, there are numerous similarities among the Defendant Internet Stores. For example, some of the Defendant Internet Stores use identical or equivalent language to sell Unauthorized Products and many use images taken from Plaintiff’s own website.
48. In addition, the Unauthorized Products for sale in the Defendant Internet Stores bear similarities and indicia of being related to one another, suggesting that the Unauthorized Products were manufactured by and come from a common source and that, upon information and belief, Defendants are interrelated.
49. The Defendant Internet Stores also include other notable common features, including common payment methods, lack of contact information, identically or similarly appearing products, identical or similarly priced items and volume sales discounts, and the use of the same text and images.
50. Upon information and belief, Defendants will continue to register or acquire listings for the purpose of selling Counterfeit Goods that infringe upon the Asserted Patents unless preliminarily and permanently enjoined.
51. Plaintiff has no adequate remedy at law.

**COUNT ONE
PATENT INFRINGEMENT
(35 U.S.C. § 271)**

52. The Plaintiff repeats and realleges the foregoing allegations above as if fully set forth herein.

53. Plaintiff's Asserted Patents are valid and enforceable.
54. The Defendants, in violation of 35 U.S.C. § 271, have infringed and continue to infringe all claims of the Asserted Patents, either literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing the accused products identified in Exhibit 3 to the Complaint in the United States.
55. The Defendants have willfully and deliberately infringed the claims of the Asserted Patents. The Defendant's infringement of the Asserted Patents is obvious and notorious. The Defendants have no good faith basis that the Unauthorized Products do not infringe the Asserted Patents. The willful infringement, without regard to Plaintiff's patent rights, constitute egregious and wanton conduct sufficient to establish willful infringement under 35 U.S.C. § 284.
56. By reason of the ongoing and continuous infringement of the Asserted Patents by the Defendants, Plaintiff is entitled to the entry of permanent injunction enjoining the Defendants from further infringing Plaintiff's patent rights, pursuant to 35 U.S.C. § 283.
57. Plaintiff has suffered, and is continuing to suffer, damages as the Defendants' infringement of the Asserted Patents, and Plaintiff is entitled to compensation, including Defendants' profits, and other monetary relief to the fullest extent allowed by law, including attorneys' fees, pursuant to 35 U.S.C. §§ 284, 285, and 289.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays for judgment against Defendants in favor of the Plaintiff on all counts as follows:

1. A judgment against Defendants as to infringement of the claims of the Asserted Patents;
2. Preliminary and permanent injunctions under 35 U.S.C. § 283, enjoining Defendants and

their officers, directors, agents, servants, affiliates, employees, subsidiaries, parents, licensees, assigns, and customers, and all others acting in concert or participation with them, from further acts of infringing, inducing infringement, and/or contributing to the infringement of Asserted Patents, including:

- a. shipping, delivering, holding for sale, distributing, returning, transferring or otherwise moving, storing or disposing of in any manner products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, covered by the Asserted Patents or any reproductions, counterfeit copies, or colorable imitations thereof;
- b. using, linking to, transferring, selling, exercising control over, or otherwise owning or operating the Infringing Webstores, listings, or any other domain name that is being used to sell or is the means by which Defendants could continue to sell Counterfeit Products;
- c. operating and/or hosting websites at the Infringing Webstores and any other domain names registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product covered by the Asserted Patents or any reproduction, counterfeit copy or colorable imitation thereof that is not a genuine product or not authorized by Plaintiff to be sold; and
- d. possessing any product covered by the Asserted Patents or any reproduction, counterfeit copy or colorable imitation thereof that is not a genuine product or not authorized by Plaintiff to be sold in connection with the Asserted Patents. As part of compliance with this provision, we ask that Defendants or those who possess

Defendants' infringing goods, segregate and destroy infringing goods;

3. An award of damages for Defendants' infringement of the Asserted Patents in an amount to be determined at trial as provided under 35 U.S.C. § 284, including enhanced damages due to, for example, Defendants' willful infringement of the Asserted Patents;
4. An award of pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein;
5. A finding that this case is an exceptional case under 35 U.S.C. § 285;
6. An award of reasonable attorneys' fees and costs incurred in connection with this action;
7. That Defendants, within ten days after service of judgment with notice of entry thereof upon them, be required to file with the Court and serve upon the Plaintiff's a written report under oath setting forth in detail the manner in which Defendants have complied with any and all injunctive relief ordered by this Court;
8. Entry of an order that, upon Plaintiff's request, those in privity with Defendants and those with notice of the injunction, including any Internet search engines, Webstore hosts or their administrators that are provided with notice of the injunction, cease facilitating access to any or all webstores through which Defendants engage in the sale of Counterfeit Products under the Asserted Patents; and
9. Grant Plaintiff such other and further legal relief as may be just and proper.

Respectfully Submitted,

Dated: May 18, 2021

By: /s/ Kevin Keener

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