

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

DYSON TECHNOLOGY LIMITED,

Plaintiff,

v.

DONGGUANSHIDONGCHENGCHUNMEIFU
ZHUANGDIAN d/b/a CHUMER-US,
SHENZHENJIUYUANHEXINGKEJIYOUXIAN
GONGSI d/b/a HESHIN-US, and the
PARTNERSHIPS and UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON SCHEDULE
A,

Defendants.

Case No. 24-cv-06170

Judge Sara L. Ellis

Magistrate Judge Young B. Kim

FIRST AMENDED COMPLAINT

Plaintiff Dyson Technology Limited (“Dyson” or “Plaintiff”) hereby brings the present action against dongguanshidongchengchunmeifuzhuangdian d/b/a Chumer-US, shenzhenjiuyuanhexingkejiyouxiangongsi d/b/a Heshin-US, and the Partnerships and Unincorporated Associations identified on Schedule A attached hereto. The case remains pending only against Defendants dongguanshidongchengchunmeifuzhuangdian d/b/a Chumer-US and shenzhenjiuyuanhexingkejiyouxiangongsi d/b/a Heshin-US. All other named Defendants on Schedule A have either been dismissed or had Default Judgment entered against them on November 13, 2024. *See* [87], [104]. The Seller Alias Chumer-US is identified on Schedule A as Defendant No. 49 and the Seller Alias Heshin-US is identified on Schedule A as Defendant No. 50 (collectively, “Defendants”). Defendants have been further identified in the caption. Plaintiffs allege as follows:

I. JURISDICTION AND VENUE

1. This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Patent Act, 35 U.S.C. § 1, *et seq.*, Lanham Act, 15 U.S.C. § 1051, *et seq.*, 28 U.S.C. § 1338(a)-(b) and 28 U.S.C. § 1331.

2. 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 the United States, including Illinois, through at least the fully interactive, e-commerce stores¹ operating under the seller aliases identified in Schedule A attached hereto (the “Seller Aliases”). Specifically, Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more Seller Aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars and/or funds from U.S. bank accounts, and, on information and belief, have sold products featuring Dyson’s patented design and using infringing versions of at least one of Dyson’s federally registered trademarks to residents of Illinois. Each of the Defendants is committing tortious acts in Illinois, is engaging in interstate commerce, and has wrongfully caused Dyson substantial injury in the State of Illinois.

II. INTRODUCTION

3. This action has been filed by Dyson to combat e-commerce store operators who trade upon Dyson’s reputation and goodwill by making, using, offering for sale, selling and/or importing into the United States for subsequent sale or use the same unauthorized and unlicensed

¹ The e-commerce store urls are listed on Schedule A hereto under the Online Marketplaces. Defendants dongguanshidongchengchunmeifuzhuangdian d/b/a Chumer-US (Def. No. 49) and shenzhenjiuyuanhexingkejijyouxiangongsi d/b/a Heshin-US (Def. No. 50) are the only remaining Defendants in this case.

product, namely the hair styling and hair care apparatus shown in **Exhibit 1** (the “Infringing Product”), that infringes Dyson’s patented design, U.S. Patent No. D853,642, uses an infringing version of Dyson’s federally registered AIRWRAP trademark, U.S. Reg. No. 5,668,383 (the “AIRWRAP Trademark”), or both. Defendants create e-commerce stores operating under one or more Seller Aliases that are making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use Infringing Products to unknowing consumers. E-commerce stores operating under the Seller Aliases share unique identifiers establishing a logical relationship between them, suggesting that Defendants’ operation arises out of the same transaction, occurrence, or series of transactions or occurrences. Defendants attempt to avoid and mitigate liability by operating under one or more Seller Aliases to conceal both their identities and the full scope and interworking of their operation. Dyson has filed this action to combat Defendants’ infringement of its patented design and registered trademark, as well as to protect unknowing consumers from purchasing Infringing Products over the Internet. Dyson has been and continues to be irreparably damaged from the loss of its lawful patent rights to exclude others from making, using, selling, offering for sale, and importing its patented design, and through consumer confusion, dilution, and tarnishment of its valuable trademarks, as a result of Defendants’ actions and seeks injunctive and monetary relief.

III. THE PARTIES

Plaintiff Dyson

4. Plaintiff Dyson Technology Limited is a limited company having its principal place of business at Tetbury Hill, Malmesbury, Wiltshire, United Kingdom, SN16 0RP.

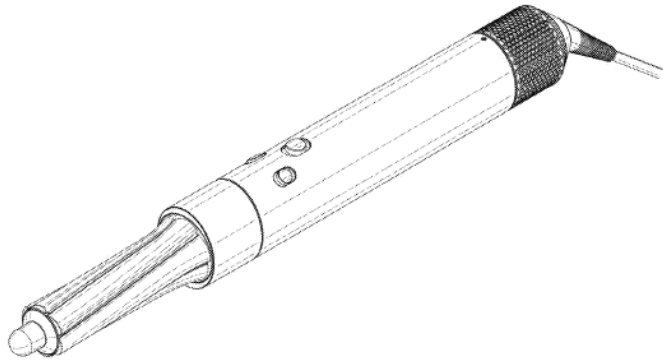
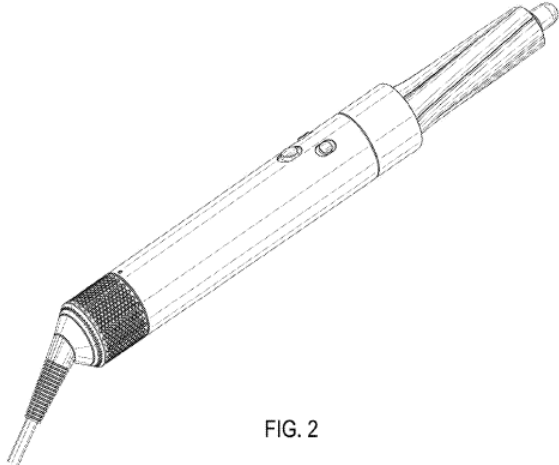



5. Founded in the United Kingdom 1991, Dyson is a world-famous technology company that designs, manufactures and distributes hair care products, such as hair stylers and

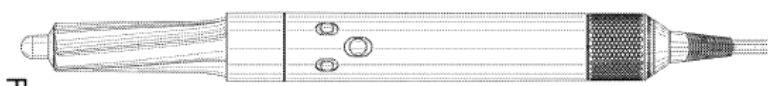

hair dryers, as well as a variety of other products (collectively, the “Dyson Products”). Dyson machines can be purchased in over 65 countries around the world. Since at least January 2002, Dyson (or one of its group companies) has marketed, advertised, promoted, distributed and sold Dyson Products to consumers in the United States. Dyson Products have become enormously popular and even iconic, driven by Dyson’s arduous quality standards and Dyson Products’ unique and innovative design. As a result, among the purchasing public, genuine Dyson Products are instantly recognizable as such. In the United States and around the world, the Dyson brand has come to symbolize high quality, and Dyson Products are among the most recognizable products in the world.

6. Dyson Products are distributed and sold online to consumers through retailers throughout the United States, including through authorized retailers in Illinois, the official [dyson.com/en](https://www.dyson.com/en) website, and retail channels including Amazon, Walmart, Nordstrom, Best Buy, Ulta Beauty, and Sephora.

7. Dyson Products are also promoted and sold offline, in traditional bricks and mortar retail premises, including at “Dyson Demo Store” retail premises (including in New York City, San Francisco, Los Angeles, Santa Clara and Tysons Corner, VA).

8. Dyson Products are known for their distinctive patented designs. These designs are broadly recognized by consumers. Hair styling products styled after these designs are associated with the quality and innovation that the public has come to expect from Dyson Products. Dyson uses these designs in connection with its Dyson Products, including, but not limited to, the patented design shown in the below table, herein referred to as the “Dyson Design.” Dyson Products, including those which embody the Dyson Design, are marked in compliance with 35 U.S.C. § 287(a).

Patent Number	Claim	Issue Date
D853,642	 <p data-bbox="781 659 841 688">FIG. 1</p>  <p data-bbox="764 1129 824 1159">FIG. 2</p>  <p data-bbox="435 1297 456 1360">FIG. 3</p>  <p data-bbox="623 1682 690 1711">FIG. 4</p>  <p data-bbox="862 1682 928 1711">FIG. 5</p>	July 9, 2019

Patent Number	Claim	Issue Date
	 <p>FIG. 6</p>  <p>FIG. 7</p>	

9. Dyson is the lawful assignee of all right, title, and interest in and to the Dyson Design. The D853,642 patent for the Dyson Design was lawfully issued on July 9, 2019, with named inventors: Robert Mark Brett Coulton, Daniel John Thompson, Christopher Daniel Currer Wilkinson, Andrea Ee-Va Lim, Peter David Gammack, Stephen Benjamin Courtney, Alexander Stuart Knox, Jeremy Adam Tomas Ellis-Gray, Jonathan James Harvey Heffer, Annmarie Rita Nicolson, and Nicholas Giles Wilkins. Attached hereto as **Exhibit 2** is a true and correct copy of the United States Patent for the Dyson Design.

10. One of the most popular products for Dyson is the Airwrap® (hereafter, “Dyson Airwrap”), an innovative hair styling device that curls a user’s hair automatically with the use of air, instead of, for example, hot brushes, curling tongs or the user having to clamp their hair to the device like a traditional curling iron.

11. Dyson has continuously sold the Dyson Airwrap under the AIRWRAP Trademark for years, since the product was launched in 2018. As a result of this long-standing use, strong common law trademark rights have amassed in the AIRWRAP Trademark. Dyson’s use of the

mark has also built substantial goodwill in and to the AIRWRAP Trademark. The AIRWRAP Trademark is a famous mark and a valuable asset of Dyson.

12. The U.S. registration for the AIRWRAP Trademark is valid, subsisting, in full force and effect, and incontestable pursuant to 15 U.S.C. § 1065. The registration for the AIRWRAP Trademark serves as *prima facie* evidence of its validity and of Dyson's ownership and exclusive right to use the AIRWRAP Trademark pursuant to 15 U.S.C. § 1057(b). Incontestable status under 15 U.S.C. § 1065 provides that the registration for the AIRWRAP Trademark is conclusive evidence of the validity of the AIRWRAP Trademark and of the registration of the AIRWRAP Trademark, of ownership of the AIRWRAP Trademark, and of the exclusive right to use the AIRWRAP Trademark in commerce. 15 U.S.C. §§ 1115(b), 1065. A true and correct copy of the United States Registration Certificate for the AIRWRAP Trademark is attached hereto as **Exhibit 3**.

13. The AIRWRAP Trademark is distinctive when applied to the Dyson Products, including the Dyson Airwrap, signifying to the purchaser that the products come from Dyson and are manufactured to Dyson's quality standards. Whether Dyson manufactures the products itself or contracts with others to do so, Dyson has ensured that products bearing or sold using the AIRWRAP Trademark are manufactured to the highest quality standards.

14. The AIRWRAP Trademark is a famous mark, as that term is used in 15 U.S.C. § 1125(c)(1), and has been continuously used and never abandoned. The innovative marketing and product designs of the Dyson Products have enabled the Dyson brand to achieve widespread recognition and fame and have made the AIRWRAP Trademark a well-known mark. The widespread fame, outstanding reputation, and significant goodwill associated with the Dyson brand has made the AIRWRAP Trademark a valuable asset of Dyson.

15. Dyson Products, including the Dyson Airwrap, have become enormously popular, driven by the brand's arduous quality standards and their unique and innovative designs. As a result, among the purchasing public, genuine Dyson Products, including the Dyson Airwrap, are instantly recognizable as such. In the United States and around the world, the Dyson brand has come to symbolize high quality.

16. In the USA, genuine Dyson Products, including the Dyson Airwrap, are sold through authorized retail channels including Walmart, Nordstrom, Best Buy, Ulta Beauty, and Sephora, and such products are recognized by the public as being exclusively associated with the Dyson brand.

17. Dyson Products, including the Dyson Airwrap, are also promoted and sold at the [dyson.com/en](https://www.dyson.com/en) website, at "Dyson Demo Store" retail premises (including in New York City, San Francisco, Los Angeles, Santa Clara and Tysons Corner, VA) and through authorized dealers' websites. Sales of Dyson Products, including the Dyson Airwrap, via the [dyson.com/en](https://www.dyson.com/en) website are significant. The [dyson.com/en](https://www.dyson.com/en) website features proprietary content, images and designs exclusive to the Dyson brand.

18. The Dyson Products, including the Dyson Airwrap, and the AIRWRAP Trademark have received significant unsolicited media coverage, including in numerous online publications and websites such as a September 15, 2021 article in *Allure* listing the Dyson Airwrap hair styler as the winner of its Best of Beauty award.

19. Dyson has expended a significant amount of money and other resources advertising and promoting the AIRWRAP Trademark through virtually every media. For example, Dyson has promoted its products and marks through dealer promotions, customer events, social media, television, print and radio advertisements, and the Internet. As a result, products bearing the

AIRWRAP Trademark are widely recognized and exclusively associated by consumers, the public, and the trade as being high-quality products sourced from Dyson. Dyson Products, including the Dyson Airwrap, have become among the most popular of their kind in the U.S. The AIRWRAP Trademark has achieved tremendous fame and recognition which has only added to its inherent distinctiveness.

20. As a result of Dyson's significant promotional efforts, commercial success, and popularity, Dyson is one of the leaders in the styling tools & appliances market. The goodwill associated with the Dyson brand and the AIRWRAP Trademark is of incalculable and inestimable value to Dyson.

The Defendants

21. Defendants are individuals and business entities of unknown makeup who own and/or operate one or more of the e-commerce stores under at least the Seller Aliases identified on Schedule A and/or other seller aliases not yet known to Dyson. On information and belief, Defendants reside and/or operate in the People's Republic of China or other foreign jurisdictions with lax intellectual property enforcement systems, or redistribute products from the same or similar sources in those locations. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b).

22. On information and belief, dongguanshidongchengchunmeifuzhuangdian d/b/a Chumer-US is a Chinese company owned and operated by PENG CHUN MEI with a principal place of business in China.

23. On information and belief, shenzhenjiuyuanhexingkejiyouxiangongsi d/b/a Heshin-US is owned and/or operated by SU GONG TIE with a principal place of business in China.

24. On information and belief, Defendants either individually or jointly, operate one or more e-commerce stores under the Seller Aliases listed in Schedule A attached hereto. Tactics used by Defendants to conceal their identities and the full scope of their operation make it virtually impossible for Dyson to discover Defendants' true identities and the exact interworking of their network.

IV. DEFENDANTS' UNLAWFUL CONDUCT

25. The success of the Dyson brand has resulted in significant counterfeiting and infringement of Dyson's trademarks and patents. In recent years, Dyson has identified numerous fully interactive, e-commerce stores, including those operating under the Seller Aliases, which were offering for sale and/or selling Infringing Products on online marketplace platforms such as Amazon, eBay, AliExpress, Alibaba, Wish.com, Walmart, Etsy, DHgate, and Temu including the e-commerce stores operating under the Seller Aliases. The Seller Aliases target consumers in this Judicial District and throughout the United States. According to a U.S. Customs and Border Protection (CBP) Report, in 2021, CBP made over 27,000 seizures of goods with intellectual property rights (IPR) violations totaling over \$3.3 billion, an increase of \$2.0 billion from 2020.² Of the 27,000 in total IPR seizures, over 24,000 came through international mail and express courier services (as opposed to containers), most of which originated from China and Hong Kong.³

26. Third party service providers like those used by Defendants do not adequately subject new sellers to verification and confirmation of their identities, allowing infringers to "routinely use false or inaccurate names and addresses when registering with these e-commerce

² See *Intellectual Property Rights Seizure Statistics, Fiscal Year 2021*, U.S. Customs and Border Protection.

³ *Id.*

platforms.”⁴ Infringers hedge against the risk of being caught and having their websites taken down from an e-commerce platform by preemptively establishing multiple virtual storefronts.

⁵ Since platforms generally do not require a seller on a third-party marketplace to identify the underlying business entity, infringers can have many different profiles that can appear unrelated even though they are commonly owned and operated.⁶ Further, “E-commerce platforms create bureaucratic or technical hurdles in helping brand owners to locate or identify sources of [infringement].”⁷

27. Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more Seller Aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars and/or funds from U.S. bank accounts, and, on information and belief, have sold Infringing Products to residents of Illinois.

28. Defendants concurrently employ and benefit from substantially similar advertising and marketing strategies. For example, Defendants facilitate sales by designing e-commerce stores operating under the Seller Aliases so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers. E-commerce stores operating under the Seller Aliases appear sophisticated and accept payment in U.S. dollars and/or funds from U.S. bank accounts via credit cards, Alipay, Amazon Pay, and/or PayPal. E-commerce stores operating under

⁴ See Daniel C.K. Chow, *Alibaba, Amazon, and Counterfeiting in the Age of the Internet*, 40 NW. J. INT’L L. & BUS. 157, 186 (2020); see also report on “Combating Trafficking in Counterfeit and Pirated Goods” prepared by the U.S. Department of Homeland Security’s Office of Strategy, Policy, and Plans (Jan. 24, 2020), and finding that on “at least some e-commerce platforms, little identifying information is necessary for a counterfeiter to begin selling” and recommending that “[s]ignificantly enhanced vetting of third-party sellers” is necessary.

⁵ *Id.* at p. 22.

⁶ *Id.* at p. 39

⁷ Chow, *supra* note 4, at p. 186-87.

the Seller Aliases often include content and images that make it very difficult for consumers to distinguish such stores from an authorized retailer. Dyson has not licensed or authorized Defendants to use the Dyson Design, and none of the Defendants are authorized retailers of genuine Dyson Products.

29. Defendants also deceive unknowing consumers by using the AIRWRAP Trademarks without authorization within the content, text, and/or meta tags of their e-commerce stores to attract various search engines crawling the Internet looking for websites relevant to consumer searches for Dyson Products. E-commerce stores operating under the Seller Aliases omit using AIRWRAP Trademark in the item title to evade enforcement efforts while using strategic item titles and descriptions that will trigger their listings when consumers are searching for Dyson Products.

30. E-commerce store operators like Defendants commonly engage in fraudulent conduct when registering the Seller Aliases by providing false, misleading and/or incomplete information to e-commerce platforms to prevent discovery of their true identities and the scope of their e-commerce operation.

31. E-commerce store operators like Defendants regularly register or acquire new seller aliases for the purpose of offering for sale and selling Infringing Products. Such seller alias registration patterns are one of many common tactics used by e-commerce store operators like Defendants to conceal their identities and the full scope and interworking of their operation, and to avoid being shut down.

32. Even though Defendants operate under multiple fictitious aliases, the e-commerce stores operating under the Seller Aliases often share unique identifiers, such as templates with common design elements that intentionally omit any contact information or other information for

identifying Defendants or other Seller Aliases they operate or use. E-commerce stores operating under the Seller Aliases include other notable common features, such as use of the same registration patterns, accepted payment methods, check-out methods, keywords, advertising tactics, similarities in price and quantities, the same incorrect grammar and misspellings, and/or the use of the same text and images. Additionally, Infringing Products for sale by the Seller Aliases bear similar irregularities and indicia of being unauthorized to one another, suggesting that the Infringing Products were manufactured by and come from a common source and that Defendants are interrelated.

33. E-commerce store operators like Defendants are in constant communication with each other and regularly participate in QQ.com chat rooms and through websites such as sellerdefense.cn and kuajingvs.com regarding tactics for operating multiple accounts, evading detection, pending litigation, and potential new lawsuits.

34. Infringers such as Defendants typically operate under multiple seller aliases and payment accounts so that they can continue operation in spite of Dyson's enforcement. E-commerce store operators like Defendants maintain off-shore bank accounts and regularly move funds from their financial accounts to off-shore accounts outside the jurisdiction of this Court to avoid payment of any monetary judgment awarded to Dyson. Indeed, analysis of financial account transaction logs from previous similar cases indicates that off-shore infringers regularly move funds from U.S.-based financial accounts to off-shore accounts outside the jurisdiction of this Court.

35. Defendants are knowingly and willfully manufacturing, importing, distributing, offering for sale, and selling Infringing Products in the same transaction, occurrence, or series of transactions or occurrences. Defendants, without any authorization or license from Dyson, have

knowingly and willfully offered for sale, sold, and/or imported into the United States for subsequent resale or use the same product that infringes directly and/or indirectly the Dyson Design. Moreover, Defendants, without any authorization or license from Dyson, have knowingly and willfully used and continue to use the AIRWRAP Trademark in connection with the advertisement, distribution, offering for sale, and sale of Infringing Products into the United States and Illinois over the Internet. Each e-commerce store operating under the Seller Aliases 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.

36. Defendants⁸ dongguanshidongchengchunmeifuzhuangdian d/b/a Chumer-US, shenzhenjiuyuanhexingkejiyouxiangongsi d/b/a Heshin-US each operate an e-commerce store on Amazon.com where they advertised, offered for sale, and sold the Infringing Products that infringe upon the Dyson Design and the AIRWRAP Trademark. Images of Defendants' Amazon Stores and the received Infringing Product are shown in **Exhibit 1** (also shown below in Figures 1-2).

⁸ Both Defendants sell and offer for sale the same infringing product identified by the Amazon Standard Identification Number (ASIN) B0CTH29YCY. Figure 1 and 2 show evidence of the Infringing Product sold at ASIN B0CTH29YCY.

 <p>37.</p>	
<p>Dyson Airwrap®</p>	<p>Accused Product</p>

Figure 1


<ul style="list-style-type: none"> • 7.3" LONG AUTO WRAP CURLERS ~ Enjoy effortless curling with our Coanda Technology-enabled air curling iron. This innovative 1.25" air wrap curler automatically wraps and curls your hair, delivering voluminous, loose, and natural curls. 7.3 inch long enough barrel is really helpful if you have a lot of hair and significantly reduces hairstyle time. • SAFTY FIRST ~ We prioritize safety with an NTC feedback system, bi-metal thermal switch, and an irreversible fuse. The air wrap hair styler offers quick cooling function by double-clicking the temperature button. Comes with heat-insulating gloves in case of burns. The professional hair styler and dryer with Ergonomic button design, concentrated on the upper part of the body, prevents accidental clicks. Paired with overheat protection, it prevents any risk of overheating damage. • INTELLIGENT THERMAL CONTROL ~ Enjoy the 3 temperature and 3 fan speed settings to tailor your styling system. Select the ideal combination to suit different hair types (more suitable for medium and long hair) and desired styles effortlessly. • EFFORTLESS STYLING COMPANION ~The 360° swivel cord ensures easy maneuverability while styling. With a built-in memory function, the air wrap styler conveniently restores to your last settings when restarted. Please clean the dust filter regularly. Perfect gift for birthdays, Christmas, holidays and anniversaries. 	 <p>4 in 1 Hair Stylers</p> <p>Per-styling Hair dryer Fastest drying Preparation before styling</p> <p>Blow dryer brush Drying, volumizing, smoothing modeling in sync</p> <p>Air Wrap curlers Creating voluminous curls or waves</p>
<p align="center">Defendants' Use of the AIRWRAP Trademark</p>	

Figure 2

38. Defendants' infringement of the Dyson Design and/or AIRWRAP Trademark in the making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use of the Infringing Products was willful.

39. Defendants' infringement of the Dyson Design in connection with the making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use of the Infringing Products, including the making, using, offering for sale, selling, and/or importing

into the United States for subsequent sale or use of Infringing Products into Illinois, is irreparably harming Dyson.

40. Defendants' unauthorized use of at least the AIRWRAP Trademark in connection with the advertising, distribution, offering for sale, and sale of Infringing Products, including the sale of Infringing Products into the United States, including Illinois, is likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming Dyson.

COUNT I
INFRINGEMENT OF UNITED STATES DESIGN PATENT NO. D853,642
(35 U.S.C. § 271)

41. Dyson hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

42. Defendants are making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use Infringing Products that infringe directly and/or indirectly the ornamental design claimed in the Dyson Design.

43. Defendants have infringed the Dyson Design through the aforesaid acts and will continue to do so unless enjoined by this Court. Defendants' wrongful conduct has caused Dyson to suffer irreparable harm resulting from the loss of its lawful patent rights to exclude others from making, using, selling, offering for sale, and importing the patented invention. Dyson is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

44. Dyson is entitled to recover damages adequate to compensate for the infringement, including Defendants' profits pursuant to 35 U.S.C. § 289. Dyson is entitled to recover any other damages as appropriate pursuant to 35 U.S.C. § 284.

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

45. Dyson hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

46. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products using counterfeit reproductions of the AIRWRAP Trademark without Dyson's permission.

47. Dyson is the exclusive owner of the AIRWRAP Trademark. Dyson's United States Registration for the AIRWRAP Trademark (**Exhibit 3**) is in full force and effect. On information and belief, Defendants have knowledge of Dyson's rights in the AIRWRAP Trademark, and are willfully infringing and intentionally using counterfeits of the AIRWRAP Trademark. Defendants' willful, intentional and unauthorized use of the AIRWRAP Trademark is likely to cause and is causing confusion, mistake, and deception as to the origin and quality of the Infringing Products among the general public.

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

49. Dyson has no adequate remedy at law, and if Defendants' actions are not enjoined, Dyson will continue to suffer irreparable harm to its reputation and the goodwill of the AIRWRAP Trademark.

50. The injuries and damages sustained by Dyson have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offering to sell, and sale of the Infringing Products.

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

51. Dyson hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

52. Defendants' promotion, marketing, offering for sale, and sale of the Infringing Products has created and is creating a likelihood of confusion, mistake, and deception among the general public as to the affiliation, connection, or association with Dyson or the origin, sponsorship, or approval of Defendants' the Infringing Products by Dyson.

53. By using the AIRWRAP Trademark in connection with the Infringing Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Infringing Products.

54. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the Infringing Products to the general public involves the use of counterfeit marks and is a willful violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125.

55. Dyson has no adequate remedy at law and, if Defendants' actions are not enjoined, Dyson will continue to suffer irreparable harm to its reputation and the goodwill of the Dyson brand.

PRAYER FOR RELIEF

WHEREFORE, Dyson prays for judgment against Defendants as follows:

- 1) That Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert with them be temporarily, preliminarily, and permanently enjoined and restrained from:
 - a. making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use the Infringing Product;

- b. aiding, abetting, contributing to, or otherwise assisting anyone in making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use the Infringing Product; and
 - c. effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in Subparagraphs (a) and (b).
- 2) That Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert with them be temporarily, preliminarily, and permanently enjoined and restrained from:
- a. using the AIRWRAP Trademark or any reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine Dyson Product or is not authorized by Dyson to be sold in connection with the AIRWRAP Trademark;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Dyson Product or any other product produced by Dyson, that is not Dyson's or not produced under the authorization, control, or supervision of Dyson and approved by Dyson for sale under the AIRWRAP Trademark;
 - c. committing any acts calculated to cause consumers to believe that Defendants' Infringing Products are those sold under the authorization, control or supervision of Dyson, or are sponsored by, approved by, or otherwise connected with Dyson;
 - d. further infringing the AIRWRAP Trademark and damaging Dyson's goodwill; and
 - e. manufacturing, shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or

inventory not manufactured by or for Dyson, nor authorized by Dyson to be sold or offered for sale, and which bear any of Dyson's trademarks, including the AIRWRAP Trademark, or any reproductions, counterfeit copies or colorable imitations thereof;

- 3) Entry of an Order that, upon Dyson's request, those with notice of the injunction, including, without limitation, any online marketplace platforms such as eBay, AliExpress, Alibaba, Amazon, Wish.com, Walmart, Etsy, DHgate, and Temu (collectively, the "Third Party Providers") shall disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of the Infringing Product;
- 4) That Dyson be awarded such damages as it shall prove at trial against Defendants that are adequate to compensate Dyson for Defendants' infringement of the Dyson Design, but in no event less than a reasonable royalty for the use made of the invention by the Defendants, together with interest and costs, pursuant to 35 U.S.C. § 284;
- 5) That the amount of damages awarded to Dyson to compensate Dyson for infringement of the Dyson Design be increased by three times the amount thereof, as provided by 35 U.S.C. § 284;
- 6) In the alternative, that Dyson be awarded all profits realized by Defendants from Defendants' infringement of the Dyson Design, pursuant to 35 U.S.C. § 289;
- 7) That Defendants account for and pay to Dyson all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged, and that the amount of damages for infringement of the AIRWRAP Trademark be increased by a sum not exceeding three times the amount thereof as provided by 15 U.S.C. § 1117;
- 8) In the alternative, that Dyson be awarded statutory damages for willful trademark counterfeiting pursuant to 15 U.S.C. § 1117(c)(2) of \$2,000,000 for each and every use of the AIRWRAP Trademark;

- 9) That Dyson be awarded its reasonable attorneys' fees and costs; and
- 10) Award any and all other relief that this Court deems just and proper.

Dated this 11th day of April 2025.

Respectfully submitted,

/s/ Justin R. Gaudio

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