

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

██████████  
PLAINTIFF,

v.

THE PARTNERSHIPS AND UNINCORPORATED  
ASSOCIATIONS IDENTIFIED ON SCHEDULE A,

DEFENDANTS.

CASE No.: 23-CV-16535

**FILED UNDER SEAL**

**COMPLAINT**

Plaintiff, ██████████ (“██████████” or “Plaintiff”), by its undersigned counsel, hereby complains of the Partnerships and Unincorporated Associations identified on Schedule A, attached hereto (collectively, “Defendants”), which use at least the online marketplace accounts identified on Schedule A (collectively, the “Defendant Internet Stores”), and for its Complaint hereby alleges as follows:

**THE PARTIES**

1. ██████████ was incorporated in ██████████  
██████████

2. On information and belief, the Defendants, the Partnerships and Unincorporated Associations identified on Schedule A, reside in foreign jurisdictions outside of the United States, with physical addresses unknown to Plaintiff, at this time.



**FACTUAL BACKGROUND**

9. [REDACTED]

10. [REDACTED]

11. [REDACTED] its affiliates and licensees, manufacture, distribute market, and retail [REDACTED]

12. The Defendants have not been authorized or licensed to use [REDACTED]

13. The Defendants infringe [REDACTED] literally or under the doctrine of equivalents, through their activities connected to their use, manufacture, sale, offer for sale, and importation of infringing products.

**CAUSE OF ACTION**  
**Infringement of U.S. Patent No. [REDACTED]**

14. [REDACTED] re-alleges and incorporates by reference Paragraphs 1-13 of its Complaint.

15. [REDACTED] is the current exclusive lawful owner and assignee of all right, title, and interest in and to [REDACTED], which was duly and legally issued by the United States Patent and Trademark Office on [REDACTED]

[REDACTED] Attached hereto as **Exhibit 1**, is a true and correct copy of [REDACTED].

16. [REDACTED] is valid and enforceable and has been in full force and effect since its issuance.

17. [REDACTED] is informed and believes, and thereon alleges, that the Defendants have infringed and, unless enjoined, will continue to infringe [REDACTED] in violation of 35 U.S.C. § 271 by making, using, selling, offering for sale, importing into the United States, and/or supplying or causing to be supplied, without authority or license, products, and/or methods performed by and/or attributable to equipment, that practice one or more claims of [REDACTED], including but not limited to [REDACTED] and components thereof (herein the “Infringing Products”).

18. Representative claim 1 of [REDACTED], reproduced below with the addition of the labels [a], [b], [c], and [d] corresponding to parts of the claim, is as follows:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[d] [REDACTED]

19. The Defendants have infringed and continue to infringe at least Claim 1 of [REDACTED] through their manufacture, marketing efforts, offers for sale, distribution, and/or importation of Infringing Products which utilize all elements of Claim 1, either literally or through the doctrine of equivalents.

20. On information and belief, the Defendants have actual knowledge of [REDACTED] rights in its [REDACTED] as Defendants use images and marketing materials taken from [REDACTED] and its licensees', marketing and product listings. Those listings include a written patent certification in which is affixed the word "patent" along with the patent number for [REDACTED] as required by 35 U.S.C. § 287.

21. Defendants are not and have never been licensed or authorized to use [REDACTED]. Defendants directly infringe [REDACTED], and at least representative Claim 1, by using, offering for sale, marketing, and/or importing, without authority, the Infringing Products.

22. As a result of the Defendant's infringement of [REDACTED], [REDACTED] has been damaged. [REDACTED] is entitled to recover for damages sustained as a result of Defendant's wrongful acts in an amount to be determined.

23. [REDACTED] is informed and believes, and thereon alleges, that the infringement of the [REDACTED] by Defendants has been and continues to be willful. The Defendants have long been aware of [REDACTED] and their need to license the same. Yet Defendants continue to infringe in a wanton, malicious, and reckless disregard for [REDACTED] patent rights. Such actions are and continue to be consciously wrongful.

### PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment against Defendants as follows:

- 1) That Defendants have infringed, and unless enjoined, will continue to infringe, [REDACTED];
- 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 further acts of infringing, inducing infringement, and/or contributing to the infringement of [REDACTED], including:
  - a. shipping, delivering, holding for sale, distributing, returning, transferring, storing, making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use any Infringing Products;
  - b. aiding, abetting, contributing to, or otherwise assisting anyone in infringing upon the [REDACTED]; 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).
- 3) That Defendants have willfully infringed Plaintiff's rights in its [REDACTED], pursuant to 35 U.S.C. § 271.
- 4) That Plaintiff be awarded Defendants' profits and any other damages as appropriate under 35 U.S.C. § 284, together with interest and costs.
- 5) That Plaintiff be awarded treble damages under 35 U.S.C. § 284 for Defendants' infringement of [REDACTED].
- 6) That Defendant be ordered to pay prejudgment and postjudgment interest on the damages assessed;

- 7) A finding that this case is exceptional under 35 U.S.C. § 285 such that Plaintiff be awarded its reasonable attorneys' fees and costs; and,
- 8) Any and all other relief that this Court deems just and proper.

Dated: December 6, 2023

Respectfully submitted,

/s/ Alison K. Carter

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