

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

DYSON TECHNOLOGY LIMITED,

Plaintiff,

v.

THE PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE "A",

Defendants.

Case No. 24-cv-06124

COMPLAINT

Plaintiff Dyson Technology Limited ("Dyson" or "Plaintiff") hereby brings the present action against the Partnerships and Unincorporated Associations identified on Schedule A attached hereto (collectively, "Defendants") and alleges 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 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

¹ The e-commerce store urls are listed on Schedule A hereto under the Online Marketplaces.

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 using infringing and counterfeit versions 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 offering for sale and/or selling unauthorized and unlicensed products, including personal styling tools and related accessories, using infringing and counterfeit versions of Dyson's federally registered trademarks (the "Counterfeit Dyson Products"). Defendants create e-commerce stores operating under one or more Seller Aliases that are advertising, offering for sale and selling Counterfeit Dyson Products to unknowing consumers. E-commerce stores operating under the Seller Aliases share unique identifiers, establishing a logical relationship between them and that Defendants' counterfeiting 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 counterfeiting operation. Dyson is forced to file this action to combat Defendants' counterfeiting of its registered trademarks, as well as to protect unknowing consumers from purchasing Counterfeit Dyson Products over the Internet. Dyson has been and continues to be irreparably damaged 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

4. Plaintiff Dyson Technology Limited is a limited company having its principal place of business at Tetbury Hill, Malmesbury, Wiltshire, United Kingdom, SN16 0RP, and is the owner of the trademark rights asserted in this action.

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.

6. Since its founding, Dyson has used and promoted the DYSON name and trademark in connection with the Dyson Products. Dyson has also used and promoted Dyson Products under (among others) the names and trademarks SUPERSONIC, AIRWRAP and CORRALE (in combination with the DYSON name and mark in isolation) since Dyson products were launched under those names/marks in 2016, 2018 and 2020 respectively.

7. Dyson has continuously sold Dyson Products under the DYSON word mark and other trademarks (collectively, the "DYSON Trademarks") for years. As a result of this long-standing use, strong common law trademark rights have amassed in the DYSON Trademarks. Dyson's use of the marks has also built substantial goodwill in and to the DYSON Trademarks.

The DYSON Trademarks are famous marks and valuable assets of Dyson. Dyson Products typically include at least one of the registered DYSON Trademarks.

8. Several of the DYSON Trademarks are registered with the United States Patent and Trademark Office, a non-exhaustive list of which is included below.

REGISTRATION NO.	TRADEMARK
5,125,976; 5,126,070; 5,126,071	DYSON
5,075,285	dyson
5,668,383	AIRWRAP
5,668,384	DYSON AIRWRAP
5,668,385	dyson airwrap
5,215,713	SUPERSONIC
5,215,714	DYSON SUPERSONIC
5,348,163	dyson supersonic
6,399,565	CORRALE
6,130,385	DYSON CORRALE
6,130,386	dyson corrale

9. The U.S. registrations for the DYSON Trademarks are valid, subsisting, in full force and effect, and many are incontestable pursuant to 15 U.S.C. § 1065. The registrations for the DYSON Trademarks serve as *prima facie* evidence of their validity and of Dyson's ownership and exclusive right to use the DYSON Trademarks pursuant to 15 U.S.C. § 1057 (b). Further, the above registrations are constructive notice of Dyson's claim of ownership of the DYSON Trademarks pursuant to 15 U.S.C. § 1072. True and correct copies of the United States Registration Certificates for the above-listed DYSON Trademarks are attached hereto as **Exhibit 1**.

10. The DYSON Trademarks are distinctive when applied to the Dyson Products, 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 the DYSON Trademarks are manufactured to the highest quality standards.

11. The DYSON Trademarks are famous marks, as that term is used in 15 U.S.C. § 1125(c)(1), and have 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 DYSON Trademarks well-known marks. The widespread fame, outstanding reputation, and significant goodwill associated with the Dyson brand have made the DYSON Trademarks valuable assets of Dyson.

12. Dyson Products have become enormously popular, driven by the brand'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.

13. In the USA, genuine Dyson Products 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.

14. Genuine Dyson Products 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 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.

15. Dyson Products and the DYSON Trademarks have received significant unsolicited media coverage, including in numerous online publications and websites such as *Forbes*, *The Wall*

Street Journal, *Allure*, *Entertainment Tonight*, *Body + Soul*, and *Tech Guide*. A November 1, 2021 article on the Entertainment Tonight website listed the Dyson Supersonic as one of the best beauty tools of 2021. A September 15, 2021 article in *Allure* listed the Dyson Airwrap hair styler as the winner of its Best of Beauty award.

16. Dyson has expended a significant amount of money and other resources advertising and promoting the DYSON Trademarks 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 DYSON Trademarks are widely recognized and exclusively associated by consumers, the public, and the trade as being high-quality products sourced from Dyson. Dyson Products have become among the most popular of their kind in the U.S. The DYSON Trademarks have achieved tremendous fame and recognition which has only added to the inherent distinctiveness of the marks.

17. 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 DYSON Trademarks is of incalculable and inestimable value to Dyson.

The Defendants

18. 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,

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).

19. 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 learn Defendants' true identities and the exact interworking of their counterfeit network. If Defendants provide additional credible information regarding their identities, Dyson will take appropriate steps to amend the Complaint.

IV. DEFENDANTS' UNLAWFUL CONDUCT

20. The success of the Dyson brand has resulted in significant counterfeiting of Dyson's trademarks. In recent years, Dyson has identified many fully interactive, e-commerce stores offering counterfeit Dyson 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 U.S. a 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. *Intellectual Property Rights Seizure Statistics, Fiscal Year 2021*, U.S. Customs and Border Protection (**Exhibit 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. *Id.*

21. Third party service providers like those used by Defendants do not adequately subject new sellers to verification and confirmation of their identities, allowing counterfeiters to

“routinely use false or inaccurate names and addresses when registering with these e-commerce platforms.” **Exhibit 3**, 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) attached as **Exhibit 4** 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. Counterfeiters hedge against the risk of being caught and having their websites taken down from an e-commerce platform by preemptively establishing multiple virtual store-fronts. **Exhibit 4** at p. 22. Since platforms generally do not require a seller on a third-party marketplace to identify the underlying business entity, counterfeiters can have many different profiles that can appear unrelated even though they are commonly owned and operated. **Exhibit 4** at p. 39. Further, “E-commerce platforms create bureaucratic or technical hurdles in helping brand owners to locate or identify sources of counterfeits and counterfeiters.” **Exhibit 3** at 186-187.

22. Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target U.S. 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 Counterfeit Dyson Products to residents of Illinois.

23. Defendants concurrently employ and benefit from substantially similar advertising and marketing strategies. For example, Defendants facilitate sales by the 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 look 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 the Seller Aliases 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 any of the DYSON Trademarks, and none of the Defendants are authorized retailers of genuine Dyson Products.

24. Many Defendants also deceive unknowing consumers by using the DYSON 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. Other e-commerce stores operating under the Seller Aliases omit using DYSON Trademarks 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.

25. 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.

26. E-commerce store operators like Defendants regularly register or acquire new seller aliases for the purpose of offering for sale and selling Counterfeit Dyson 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 counterfeiting operation, and to avoid being shut down.

27. 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, Counterfeit Dyson Products for sale by the Seller Aliases bear similar irregularities and indicia of being counterfeit to one another, suggesting that the Counterfeit Dyson Products may be manufactured by and come from a common source and that Defendants are interrelated.

28. 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.

29. Counterfeiters 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 counterfeiters regularly move funds from U.S.-based financial accounts to off-shore accounts outside the jurisdiction of this Court.

30. Defendants are working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Counterfeit Dyson Products in the same transaction, occurrence, or series of transactions or occurrences. Defendants, without any authorization or license from Dyson, have jointly and severally, knowingly and willfully used and continue to use the DYSON Trademarks in connection with the advertisement, distribution, offering for sale, and sale of Counterfeit Dyson Products into the United States and Illinois over the Internet.

31. Defendants' unauthorized use of the DYSON Trademarks in connection with the advertising, distribution, offering for sale, and sale of Counterfeit Dyson Products, including the sale of Counterfeit Dyson 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
TRADEMARK INFRINGEMENT AND COUNTERFEITING (15 U.S.C. § 1114)

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

33. This is a trademark infringement action against Defendants based on their unauthorized use in commerce of counterfeit imitations of the federally registered DYSON Trademarks in connection with the sale, offering for sale, distribution, and/or advertising of infringing goods. The DYSON Trademarks are highly distinctive marks. Consumers have come to expect the highest quality from Dyson Products offered, sold or marketed under the DYSON Trademarks.

34. 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 DYSON Trademarks without Dyson's permission.

35. Dyson is the exclusive owner of the DYSON Trademarks. Dyson's United States Registrations for the DYSON Trademarks (Exhibit 1) are in full force and effect. On information and belief, Defendants have knowledge of Dyson's rights in the DYSON Trademarks, and are willfully infringing and intentionally using counterfeits of the DYSON Trademarks. Defendants' willful, intentional and unauthorized use of the DYSON Trademarks is likely to cause and is causing confusion, mistake, and deception as to the origin and quality of the Counterfeit Dyson Products among the general public.

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

37. 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 Trademarks.

38. 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 Counterfeit Dyson Products.

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

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

40. Defendants' promotion, marketing, offering for sale, and sale of Counterfeit Dyson 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' Counterfeit Dyson Products by Dyson.

41. By using the DYSON Trademarks on the Counterfeit Dyson Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Counterfeit Dyson Products.

42. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the Counterfeit Dyson 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.

43. 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. using the DYSON Trademarks 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 DYSON Trademarks;
 - 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 DYSON Trademarks;

- c. committing any acts calculated to cause consumers to believe that Defendants' Counterfeit Dyson 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 DYSON Trademarks 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 DYSON Trademarks, or any reproductions, counterfeit copies or colorable imitations thereof;
- 2) 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 counterfeit and infringing goods using the DYSON Trademarks;
- 3) 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 DYSON Trademarks be increased by a sum not exceeding three times the amount thereof as provided by 15 U.S.C. § 1117;
- 4) 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 DYSON Trademarks;

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

Dated this 19th day of July 2024.

Respectfully submitted,

/s/ Justin R. Gaudio

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