

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TEE TURTLE, LLC,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,  
LIMITED LIABILITY COMPANIES,  
PARTNERSHIPS, AND  
UNINCORPORATED ASSOCIATIONS  
IDENTIFIED ON SCHEDULE A TO THE  
COMPLAINT,

Defendants.

Case No.:

**COMPLAINT**

Plaintiff Tee Turtle, LLC (“Tee Turtle” or “Plaintiff”), hereby alleges as follows against the individuals, corporations, limited liability companies, partnerships, and unincorporated associations and foreign entities identified on **Schedule A** attached hereto (collectively, “Defendants”):

**Introduction**

1. This action has been filed by Plaintiffs to combat online counterfeiters who trade upon Plaintiffs’ reputation and goodwill by selling and/or offering for sale products in connection with the TEE TURTLE copyrights, which are covered by the U.S. Copyright Office Registration Nos. identified on **Schedule B** attached hereto (the “TEE TURTLE Copyrights”), including but not limited to U.S. Copyright Office Registration Nos. VA 2-103-871, VA 2-235-407, and VAu 1-425-567; and the TEE TURTLE trademark, which is covered by U.S. Trademark Registration No. 4,587,024 (the “TEE TURTLE Trademark”).

2. The registrations are valid, subsisting, and in full force and effect. True and correct copies of the federal copyright registration certificates for the TEE TURTLE Copyrights, as well

as true and correct copy of the federal trademark registration certificate for the TEE TURTLE Trademark and a print out from the USPTO website evidencing Plaintiff as the owner of the TEE TURTLE Trademark is attached hereto as **Exhibit 1**.

3. Defendants are improperly advertising, marketing, and/or selling unauthorized and illegal products infringing upon Plaintiffs' TEE TURTLE Copyrights and TEE TURTLE Trademark (the "Counterfeit Products"). By selling Counterfeit Products that purport to be genuine and authorized products using the TEE TURTLE Copyrights and TEE TURTLE Trademark (the "TEE TURTLE Products"), Defendants cause confusion and deception in the marketplace.

4. The Defendants create numerous fully interactive commercial internet stores operating under the online marketplace accounts identified in Schedule A attached hereto (collectively, the "Defendant Internet Stores"), including on the platforms Alibaba.com ("Alibaba"); AliExpress.com ("AliExpress"), Amazon.com ("Amazon"), eBay.com ("eBay"), etsy.com ("etsy"); Joom.com ("Joom"); and Redbubble.com ("Redbubble") (collectively, the "Marketplace Platforms").

5. The Defendants design the online marketplace accounts to appear to be selling genuine TEE TURTLE Products, while selling inferior imitations of such products.

6. The Defendant Internet Stores share unique identifiers, such as design elements and similarities of the counterfeit products offered for sale, establishing a logical relationship between them and suggesting that Defendants' illegal operations arise out of the same transaction, occurrence, or series of transactions or occurrences.

7. Defendants attempt to avoid liability by going to great lengths to conceal both their identities and the full scope and interworking of their illegal counterfeiting operation. Plaintiff is forced to file this action to combat Defendants' counterfeiting of the TEE TURTLE Copyrights and TEE TURTLE Trademark, as well as to protect unknowing consumers from purchasing Counterfeit Products.

8. As a result of Defendants' actions, Plaintiff has been and continues to be irreparably damaged through consumer confusion, dilution, and tarnishing of its valuable copyright and goodwill and, therefore, seeks injunctive and monetary relief.

9. This Court has personal jurisdiction over each Defendant, in that each Defendant conducts significant business in New York and in this Judicial District, and the acts and events giving rise to this lawsuit of which each Defendant stands accused were undertaken in New York and in this Judicial District.

10. In addition, each Defendant has offered to sell and ship infringing products into this Judicial District.

#### **Subject Matter Jurisdiction**

11. This Court has original subject matter jurisdiction over the copyright claim pursuant to the Copyright Laws of the United States, 17 U.S.C. § 101 et seq., 28 U.S.C. § 1338(a)–(b), and 28 U.S.C. § 1331.

12. This Court has original subject matter jurisdiction over the trademark infringement and false designation of origin 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.

13. This Court has jurisdiction over the unfair deceptive trade practices claims in this action that arise under the laws of the State of New York pursuant to 28 U.S.C. § 1367(a), because the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

#### **Personal Jurisdiction and Venue**

14. Personal jurisdiction exists over Defendants in this Judicial District pursuant to C.P.L.R. § 302(a)(1) and C.P.L.R. § 302(a)(3), or in the alternative, Fed. R. Civ. P. 4(k) because, upon information and belief, Defendants regularly conduct, transact, and/or solicit business in New York and in this Judicial District; derive substantial revenue from business transactions in New York and in this Judicial District; and/or otherwise avail themselves of the privileges and

protections of the laws of the State of New York such that this Court's assertion of jurisdiction over Defendants does not offend traditional notions of fair play and due process.

15. In addition, Defendants' illegal counterfeiting and infringing actions have caused injury to Plaintiff in New York and in this Judicial District such that Defendants should reasonably expect such actions to have consequences in New York and this Judicial District.

16. For example, Defendant Internet Stores accept orders of Counterfeit Products from and offer shipping to New York addresses located in this Judicial District. Screen shots of the shopping cart from Defendant Internet Stores allowing Counterfeit Products to be shipped to Manhattan are attached to the Declaration of Lisa Adams ("Adams Decl."), filed contemporaneously herewith, as **Exhibit 3**.

17. Moreover, upon information and belief, Defendants were and/or are systematically directing and/or targeting their business activities at consumers in the U.S., including those in New York, in this Judicial District, through accounts (the "User Account(s)") on e-commerce sites including the Marketplace Platforms, as well as any and all as yet undiscovered User Accounts with additional online marketplace platforms held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them. Through these User Accounts, consumers in the U.S., including New York (and more particularly, in this Judicial District), can view the marketplace accounts that each Defendant operates, uses to communicate with Defendants regarding their listings for Counterfeit Products, and to place orders for, receive invoices for and purchase Counterfeit Products for delivery in the U.S., including New York (and more particularly, in this Judicial District), as a means for establishing regular business with the U.S., including New York (and more particularly, in this Judicial District).

18. Upon information and belief, Defendants have transacted business with consumers located in the U.S., including New York (and more particularly, in this Judicial District), for the sale and shipment of Counterfeit Products.



19. Venue is proper in this Court pursuant to at least 28 U.S.C. §§ 1391(b)(2) because Defendants have committed acts of copyright infringement in this Judicial District and do substantial business in the Judicial District.

#### **The Plaintiff**

20. Plaintiff Tee Turtle, LLC is a Missouri limited liability company with its principal place of business in St. Louis, Missouri. Plaintiff creates original artwork, including plush toy stuffed animals, which it offers for sale on its website at Teeturtle.com, other internet platforms such as Amazon, and retail stores.

21. Plaintiff is the registered owner of the TEE TURTLE Copyrights referred to above (identified in Schedule B and attached as Exhibit 1) and the TEE TURTLE Trademark referred to above (attached as Exhibit 2).

#### **The Defendants**

22. Defendants are individuals and business entities who, upon information and belief, reside mainly in the People's Republic of China or other foreign jurisdictions.

23. Defendants are merchants on online e-commerce platforms, including the Marketplace Platforms.

#### **The TEE TURTLE Products**

24. Artist and designer Ramy Badie founded Tee Turtle in 2012 to market products based on his original characters. Through Mr. Badie's imagination and creativity, Tee Turtle has grown exponentially: by 2021, Tee Turtle had hired 77 employees, generated hundreds of millions in sales, and acquired national and worldwide fame and recognition through its unique and novel products.

25. Among Tee Turtle's most popular and notable products are reversible plush stuffed animals that flip from one configuration to another ("TEE TURTLE Reversible Plushies"). For example, starting in 2017, Tee Turtle began marketing Reversible Octopus Plushies based on a concept by Mr. Badie, including contrasting color schemes and alternating faces with dichotomous expressions:



26. Starting in 2015 and continuing until the present day, Plaintiff has obtained numerous copyright registrations for its TEE TURTLE Products, each in respect of the corresponding TEE TURTLE Products. For example, Plaintiff obtained a copyright for the above-depicted Reversible Octopus Plushie covered by U.S. Copyright Office Registration No. VA 2-103-871 (“Reversible Octopus Mini,” effective date of registration September 21, 2017). Exemplary units of each of the TEE TURTLE Products for which a copyright registration has been registered have been deposited with the United States Copyright Office and remain available for inspection there.

27. For ease of reference, the pictures below reflect relevant exemplary TEE TURTLE Products for which registrations have been obtained and still remain available for sale today as part of the wider TEE TURTLE Product range:



28. From the date of the creation of the first TEE TURTLE Reversible Plushies to the present, Plaintiff is and has been the sole and official source of genuine TEE TURTLE Products in the United States.

29. Since at least 2012, the TEE TURTLE mark is and has been the subject of substantial and continuous marketing and promotion by Plaintiff. Plaintiff has and continues to widely market and promote the TEE TURTLE Trademark in the industry and to consumers. For example, Plaintiff sells TEE TURTLE Products through its own website ([www.teeturtle.com](http://www.teeturtle.com)), other online marketplaces such as Amazon, brick-and-mortar stores, and at heavily-attended trade shows and conventions such as New York Comic Con. Further, Plaintiff extensively promotes TEE TURTLE products on social media such as Facebook (over 980,000 followers and over 985,000 likes) and Instagram (over 268,000 followers).

30. The TEE TURTLE Trademark is distinctive and identifies the merchandise as goods from Plaintiff. Plaintiff's typical practice is to tie its name to its marketing of TEE TURTLE Products. For example, TEE TURTLE Reversible Plushies bear tags indicating they are "Tee Turtle" products. Further, Plaintiff's advertising and promotional efforts on Amazon refer prominently to Tee Turtle and describe the TEE TURTLE Reversible Plushies as "Original."

31. The registration for the TEE TURTLE Trademark constitutes prima facie evidence of its validity and of Plaintiff's exclusive right to use that trademark pursuant to 15 U.S.C. § 1057(b).

32. The TEE TURTLE Trademark qualifies as a famous mark, as that term is used in 15 U.S.C. §1125 (c)(1), and it has been continuously used and never abandoned.

33. Plaintiff has expended substantial time, money, and other resources in developing, advertising, and otherwise promoting the TEE TURTLE Products. As a result, products embodying either or both of the TEE TURTLE Copyrights and the TEE TURTLE Trademarks are widely recognized and exclusively associated by consumers, the public, and the trade as being products sourced from Plaintiff. For example:

- a. As of May 19, 2022, Plaintiff's Reversible Octopus Plushie is the Number 1 bestselling product in the categories of Stuffed Animals & Plush Toys, Stuffed Animals & Teddy Bears, Amazon Launchpad Toys, and Preschool Stuffed Animals & Toys. As of the same date, the Reversible Octopus Plushie is the Number 4 bestselling product in the Toys & Games category overall.
- b. TEE TURTLE Reversible Plushies have been featured in several "viral" TikTok videos and trends, which feature the hash tag "teeturtle" and have been viewed by millions of TikTok users. One such video, which has been viewed over 8 million times and has over 1.1 million likes, can be viewed at <https://www.tiktok.com/@liamwain/video/6825970880972066053>.
- c. TEE TURTLE Reversible Plushies have been recognized in print, television, and internet media such as *Newsweek* (December 17, 2020 article listing Plaintiff's Reversible Octopus Plushie as one of the "27 most wished for things on Amazon"), *The Today Show* (April 26, 2021 episode deeming Plaintiff's Reversible Octopus Plushie "the hottest toy of 2021), and *Buzzfeed* (May 18, 2021 article listing Plaintiff's Reversible Octopus Plushie as one of "29 Things From Amazon That Reviewers Truly Love").

34. Tee Turtle owns all rights, including without limitation, the rights to reproduce the copyrighted works in copies, to prepare derivative works based upon the copyrighted works, and to distribute copies of the copyrighted works to the public by sale or other transfer of ownership, or by rental, lease, or lending, in the TEE TURTLE Copyrights as the owner of those copyrights.

**The Defendants' Unlawful Conduct**

35. The success of the TEE TURTLE Products has resulted in significant counterfeiting. Plaintiffs have identified numerous Defendant Internet Stores linked to fully interactive websites on e-commerce sites including the Marketplace Platforms. These Defendant Internet Stores offer for sale, sell, and import Counterfeit Products to consumers in this Judicial District and throughout the United States.

36. Defendants have persisted in creating such online marketplaces and internet stores, like the Defendant Internet Stores. In fact, such online marketplaces and stores are estimated to receive tens of millions of visits per year and to generate over \$135 billion in annual online sales. According to an intellectual property rights seizures statistics report issued by the United States Department of Homeland Security, the manufacturer's suggested retail price of goods seized by the U.S. government in fiscal year 2020 was over \$1.3 billion. Websites like the Defendant Internet Stores are also estimated to contribute to tens of thousands of lost jobs for legitimate businesses and broader economic damages such as lost tax revenue every year.

37. On personal knowledge and belief, Defendants facilitate sales by designing the Defendant Internet Stores so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers selling genuine TEE TURTLE Products. Many of the Defendant Internet Stores look sophisticated and accept payment in U.S. dollars via credit cards, Western Union, and PayPal. Defendant Internet Stores often include images and design elements that make it very difficult for consumers to distinguish such counterfeit sites from an authorized website.

38. Defendants further perpetuate the illusion of legitimacy by offering "live 24/7" customer service and using indicia of authenticity and security that consumers have come to

associate with authorized retailers, including the McAfee® Security, VeriSign®, Visa®, MasterCard®, and PayPal® logos.

39. Plaintiff has not licensed or authorized Defendants to use the TEE TURTLE Copyrights or the TEE TURTLE Trademarks. None of the Defendants is an authorized retailer of genuine TEE TURTLE Products.

40. On personal knowledge and belief, Defendants also deceive unknowing consumers by using without authorization the TEE TURTLE Copyrights and the TEE TURTLE Trademark within the product descriptions, content, text, and/or meta tags of their websites to attract various search engines crawling the Internet looking for websites relevant to consumer searches for TEE TURTLE Products. Additionally, upon information and belief, Defendants use other unauthorized search engine optimization (“SEO”) tactics and social media spamming so that the Defendant Internet Stores listings show up at or near the top of relevant search results and misdirect consumers searching for genuine TEE TURTLE Products. Further, Defendants utilize similar illegitimate SEO tactics to propel new domain names to the top of search results after others are shut down. As such, Plaintiffs also seek to disable the Defendant Internet Stores owned and/or operated by Defendants that are the means by which the Defendants could continue to sell Counterfeit Products into this Judicial District.

41. On information and belief, Defendants go to great lengths to conceal their identities and often use multiple fictitious names and addresses to register and operate their massive network of Defendant Internet Stores. For example, it is common practice for counterfeiters to register their domain names and/or User Accounts with incomplete information, randomly typed letters, or omitted cities or states.

42. On personal knowledge and belief, Defendants regularly create new websites and online marketplace accounts on various platforms using the identities listed in Schedule A to the Complaint, as well as other unknown fictitious names and addresses. Such Defendant Internet Store registration patterns are one of many common tactics used by the Defendants to conceal their

identities, the full scope and interworking of their massive counterfeiting operation, and to avoid being shut down.

43. On personal knowledge and belief, even though Defendants operate under multiple fictitious names, there are numerous similarities among the Defendants' Internet Stores. For example, some of the Defendant marketplace websites have virtually identical layouts, even though different aliases were used to register the respective domain names.

44. In addition, the Counterfeit Products for sale in the Defendants' Internet Stores bear similarities and indicia of being related to one another, suggesting that the Counterfeit Products were manufactured by and come from a common source and that, upon information and belief, Defendants are interrelated.

45. The Defendants' Internet Stores also include other notable common features, including accepted payment methods, check-out methods, metadata, illegitimate SEO tactics, HTML user-defined variables, domain redirection, lack of contact information, identically or similarly priced items and volume sales discounts, similar hosting services, similar name servers, and the use of the same text and images.

46. In addition, Defendants in this case and defendants in other similar cases against online counterfeiters use a variety of other common tactics to evade enforcement efforts. For example, counterfeiters like Defendants will often register new online marketplace accounts under User Accounts once they receive notice of a lawsuit.<sup>1</sup> Consumers of toys are at especially high risks and warned to be particularly vigilant.<sup>2</sup>

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<sup>1</sup> <https://www.ice.gov/news/releases/buyers-beware-ice-hsi-and-cbp-boston-warn-consumers-about-counterfeit-goods-during> (noting counterfeiters are adept at "setting up online stores to lure the public into thinking they are purchasing legitimate good on legitimate websites") (last visited September 23, 2022).

<sup>2</sup> <https://www.ice.gov/news/releases/new-toolkit-helps-consumers-avoid-scams-while-holiday-shopping> (issuing warnings in the context of counterfeit and knockoff toys, and quoting industry leaders that "[w]hen it comes to fake toys, there are significant safety concerns." (last visited September 23, 2022).

47. Counterfeiters also often move website hosting to rogue servers located outside the United States once notice of a lawsuit is received. Rogue servers are notorious for ignoring take down demands sent by brand owners.<sup>3</sup>

48. Counterfeiters also typically ship products in small quantities via international mail to minimize detection by U.S. Customs and Border Protection. A 2012 U.S. Customs and Border Protection report on seizure statistics indicated that the Internet has fueled “explosive growth” in the number of small packages of counterfeit goods shipped through the mail and express carriers.

49. Further, counterfeiters such as Defendants typically operate multiple credit card merchant accounts and PayPal accounts behind layers of payment gateways so that they can continue operation in spite of Plaintiff’s enforcement efforts.

50. On personal knowledge and belief, Defendants maintain off-shore bank accounts and regularly move funds from their PayPal accounts to off-shore bank accounts outside the jurisdiction of this Court. Indeed, analysis of PayPal transaction logs from previous similar cases indicates that offshore counterfeiters regularly move funds from U.S.-based PayPal accounts to foreign-based bank accounts outside the jurisdiction of this Court.

51. Defendants, without any authorization or license from Plaintiff, have knowingly and willfully used and continue to use the TEE TURTLE Copyrights and TEE TURTLE Trademarks in connection with the advertisement, distribution, offering for sale, and sale of Counterfeit Products into the United States and New York over the Internet.

52. Each Defendant Internet Store offers shipping to the United States, including New York (in this Judicial District) and, on information and belief, each Defendant has offered to sell counterfeit TEE TURTLE Products into the United States, including New York (in this Judicial District).

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<sup>3</sup> While discussed in the context of false pharma supply chains, rogue internet servers and sellers are a well-known tactic that have even been covered in congressional committee hearings. <https://www.govinfo.gov/content/pkg/CHRG-113hrg88828/html/CHRG-113hrg88828.htm> (last visited September 23, 2022).



53. Defendants' use of the TEE TURTLE Copyrights and TEE TURTLE Trademarks in connection with the advertising, distribution, offering for sale, and sale of Counterfeit Products is likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming Plaintiff.

54. Prior to and contemporaneous with their counterfeiting and infringing actions alleged herein, Defendants had knowledge of Plaintiff's ownership of the TEE TURTLE Copyrights and TEE TURTLE Trademarks, of the fame and incalculable goodwill associated therewith and of the popularity and success of the TEE TURTLE Products, and in bad faith proceeded to manufacture, market, develop, offer to be sold, and/or sell the Counterfeit Products.

55. Defendants have been engaging in the illegal counterfeiting and infringing actions, as alleged herein, knowingly and intentionally, or with reckless disregard or willful blindness to Plaintiff's rights, or in bad faith, for the purpose of trading on the goodwill and reputation of Plaintiff and the TEE TURTLE Products.

### **FIRST CAUSE OF ACTION**

#### **COPYRIGHT INFRINGEMENT (17 U.S.C. § 101, et seq.)**

#### **[Against Defendants Designated in Schedule A to the Complaint]**

56. Plaintiff repeats and incorporates by reference herein its allegations contained in paragraphs 1-55 of this Complaint.

57. Plaintiff owns all exclusive rights, including without limitation the rights to reproduce the copyrighted works in copies, to prepare derivative works based upon the copyrighted works, and to distribute copies of the copyrighted works to the public by sale or other transfer of ownership, or by rental, lease, or lending, in the TEE TURTLE Copyrights.

58. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products in connection with the TEE TURTLE Copyrights without Plaintiff's permission.

59. Defendants had access to the TEE TURTLE Products incorporating Plaintiff's registered copyright before Defendants created the Defendant Internet Stores.

60. Upon information and belief, Defendants have directly copied the TEE TURTLE Copyrights. Alternatively, Defendants' representations of Plaintiff's copyrights for the TEE TURTLE Products in the online marketplace accounts are strikingly similar, or at the very least substantially similar to the TEE TURTLE Copyrights, and constitute unauthorized copying, reproduction, distribution, creation of a derivative work, and/or public display of Plaintiff's copyrights for the TEE TURTLE Products.

61. As just one example, Defendants deceive unknowing consumers by using the TEE TURTLE Copyrights without authorization within the product descriptions of their online marketplace accounts to attract customers as follows:

*Exemplary Images of Plaintiff's Registered TEE TURTLE Copyright Works*



*Compared to Exemplary Counterfeit Products Offered by Defendants*



62. Defendants' exploitation of Plaintiff's copyrights for the TEE TURTLE Products in the Defendant Internet Stores constitutes infringement of the TEE TURTLE Copyrights.

63. On information and belief, Defendants' infringing acts were willful, deliberate, and committed with prior notice and knowledge of Plaintiff's copyright. Each Defendant willfully, wantonly, and in conscious disregard and intentional indifference to the rights of Plaintiff made and distributed in the United States, including this District, caused to be made and distributed in the United States, including this District, and aided, abetted, contributed to, and participated in the unauthorized making and distribution of Counterfeit Products.

64. Each Defendant either knew, or should have reasonably known, that Plaintiff's TEE TURTLE Products were protected by copyright and that their representations infringed on Plaintiff's copyrights. Each Defendant continues to infringe upon Plaintiff's rights in and to the various copyrighted works.

65. As a direct and proximate result of their wrongful conduct, Defendants have realized and continue to realize profits and other benefits rightfully belonging to Plaintiff. Accordingly, Plaintiff seeks an award of damages pursuant to 17 U.S.C. § 504.

66. In addition to Plaintiff's actual damages, Plaintiff is entitled to receive the profits made by the Defendants from their wrongful acts, pursuant to 17 U.S.C. § 504(b). Each Defendant should be required to account for all gains, profits, and advantages derived by each Defendant from their acts of infringement.

67. In the alternative, Plaintiff is entitled to, and may elect to choose statutory damages pursuant to 17 U.S.C. § 504(c), which should be enhanced by 17 U.S.C. § 504(c)(2) because of Defendants' willful copyright infringement.

68. Plaintiff is entitled to, and may elect to choose, injunctive relief under 17 U.S.C. § 502, enjoining any use or exploitation by Defendants of their infringing work and for an order under 17 U.S.C. § 503 that any of Defendants' infringing products be impounded and destroyed.

69. Plaintiff seeks and is also entitled to recover reasonable attorneys' fees and costs of suit pursuant to 17 U.S.C. § 505.

70. Plaintiff has no adequate remedy at law, and, if Defendants' actions are not enjoined, Plaintiff will continue to suffer irreparable harm to their reputation and the goodwill of its well-known TEE TURTLE Copyrights.

**SECOND CAUSE OF ACTION**

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

**[Against Defendants Designated in Schedule A]**

71. Plaintiff repeats and incorporates by reference herein its allegations contained in paragraphs 1-70 of this Complaint.

72. This is a trademark infringement action against Defendants based on their unauthorized use in commerce of counterfeit imitations of the registered TEE TURTLE Trademark in connection with the sale, offering for sale, distribution, and/or advertising of infringing goods. The TEE TURTLE Trademark is a highly distinctive mark. Consumers have come to expect the highest quality from Plaintiffs' products provided under the TEE TURTLE Trademark.

73. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products in connection with the TEE TURTLE Trademark without Plaintiffs' permission.

74. Plaintiff is the registered owner of the TEE TURTLE Trademark. The United States Registration for the TEE TURTLE Trademark (Exhibit 2) is in full force and effect. Upon information and belief, Defendants have knowledge of Plaintiffs' rights in the TEE TURTLE Trademark and are willfully infringing and intentionally using counterfeits of the TEE TURTLE Trademark. Defendants' willful, intentional, and unauthorized use of the TEE TURTLE Trademark is likely to cause and is causing confusion, mistake, and deception as to the origin and quality of the counterfeit goods among the general public.

75. Defendants' activities constitute willful trademark infringement and counterfeiting under 15 U.S.C. §§ 1114, 1117.

76. The injuries and damages sustained by Plaintiffs have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offering to sell, and sale of counterfeit TEE TURTLE Products.

77. Plaintiffs have no adequate remedy at law, and, if Defendants' actions are not enjoined, Plaintiffs will continue to suffer irreparable harm to their reputation and the goodwill of their well-known TEE TURTLE Trademark.

**THIRD CAUSE OF ACTION**

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

**[Against Defendants Designated in Schedule A]**

78. Plaintiff repeats and incorporates by reference herein its allegations contained in paragraphs 1-77 of this Complaint.

79. Defendants' promotion, marketing, offering for sale, and sale of Counterfeit 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 Plaintiffs or the origin, sponsorship, or approval of Defendants' Counterfeit Products by Plaintiffs.

80. By using the TEE TURTLE Trademark in connection with the sale of Counterfeit Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Counterfeit Products.

81. Defendants' conduct constitutes willful false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the Counterfeit Products to the general public under 15 U.S.C. §§ 1114, 1125.

82. Plaintiffs have no adequate remedy at law, and, if Defendants' actions are not enjoined, Plaintiffs will continue to suffer irreparable harm to their reputation and the goodwill of their brand.

**FOURTH CAUSE OF ACTION**

**UNFAIR COMPETITION (New York Common Law)**

**[Against Defendants Designated in Schedule A]**

83. Plaintiff repeats and incorporates by reference herein its allegations contained in paragraphs 1-84 of this Complaint.

84. Plaintiff has not licensed or authorized Defendants to use the TEE TURTLE Copyrights or the TEE TURTLE Trademark, and none of the Defendants are authorized retailers of genuine TEE TURTLE Products.

85. Defendants knowingly and intentionally trade upon Plaintiff's reputation and goodwill by selling and/or offering for sale products in connection with Plaintiff's TEE TURTLE Copyrights and TEE TURTLE Trademark.

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

87. Defendants knew, or should have known, that their promotion, marketing, offering for sale, and sale of Counterfeit Products has caused and will continue to cause confusion, mistake, and deception among purchasers, users, and the public.

88. In fact, Defendants have fraudulently represented by their statements and actions that the Counterfeit Products are Plaintiff's products including, for example, by: (i) using SEO tactics and social media to misdirect customers seeking TEE TURTLE Products to the Defendant Internet Stores; (ii) using deceptive advertising practices within the text and metadata of the Defendant Internet Stores; and (iii) taking other steps to deceive and confuse the consuming public.

89. On information and belief, Defendants' conduct is willful and intentional as Defendants attempt to avoid liability by concealing their identities, using multiple fictitious names and addresses to register and operate their illegal counterfeiting operations and Defendant Internet Stores.

90. Plaintiff has no adequate remedy at law, and Defendants' conduct has caused Plaintiff to suffer damage to its reputation and goodwill. Unless enjoined by the Court, Plaintiff will suffer future irreparable harm as a direct result of Defendants' unlawful activities.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendants and each of them 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 TEE TURTLE Copyrights or TEE TURTLE 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 TEE TURTLE Product or is not authorized by Plaintiff to be sold in connection with the TEE TURTLE Copyrights or TEE TURTLE Trademark;
- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine TEE TURTLE Product or any other product produced by Plaintiff that is not Plaintiff's or not produced under the authorization, control, or supervision of Plaintiff and approved by Plaintiff for sale under the TEE TURTLE Copyrights or TEE TURTLE Trademark;
- c. committing any acts calculated to cause consumers to believe that Defendants' Counterfeit Products are those sold under the authorization, control, or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
- d. further infringing the TEE TURTLE Copyrights or TEE TURTLE Trademarks and damaging Plaintiff's goodwill;
- e. otherwise competing unfairly with Plaintiff in any manner;

- f. 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 Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which copy the TEE TURTLE Copyrights or TEE TURTLE Trademark or any reproductions, counterfeit copies, or colorable imitations thereof;
- g. using, linking to, transferring, selling, exercising control over, or otherwise owning any online marketplace accounts, the Defendant Internet Stores, or any other domain name or online marketplace account that is being used to sell or is the means by which Defendants could continue to sell Counterfeit Products; and
- h. operating and/or hosting online marketplace accounts at the Defendant Internet Stores that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product embodying the TEE TURTLE Copyrights or TEE TURTLE Trademark or any reproduction, counterfeit copy or colorable imitation thereof that is not a genuine TEE TURTLE Product or not authorized by Plaintiff to be sold in connection with the TEE TURTLE Copyrights or TEE TURTLE Trademark.

2. Entry of an Order that the Marketplace Platforms, including without limitation Alibaba, AliExpress, Amazon, eBay, etsy, Joom, Redbubble, and any other online marketplace account through which Defendants are selling Counterfeit Products:

- a. disable and cease providing services for any accounts through which Defendants sell Counterfeit Products, including any accounts associated with the Defendants listed on Schedule A;
- b. disable and cease displaying any advertisements used by or associated with Defendants in connection with their sale of Counterfeit Products; and



c. take all steps necessary to prevent links to the Defendant Internet Stores identified on Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Internet Stores from any search index.

3. That Defendants account for and pay to Plaintiff all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged, and that the amount of damages for infringement of the TEE TURTLE Trademark 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 Plaintiffs be awarded statutory damages of not more than \$30,000 for each and every infringement of the TEE TURTLE Copyrights pursuant to 17 U.S.C. § 504(c), which should be enhanced to a sum of not more than \$150,000 by 17 U.S.C. § 504(c)(2) because of Defendants' willful copyright infringement and not less than \$1,000 and not more than \$2,000,000 for each and every use of the TEE TURTLE Trademark and statutory damages of not less than \$750 pursuant to 15 U.S.C. § 1117(c);

5. That Plaintiff be awarded its reasonable attorneys' fees and costs; and

6. Award any and all other relief that this Court deems just and proper.

Dated: October 18, 2022

Respectfully submitted,

THOITS LAW

By: /s/ Nathan Monroe-Yavneh

Nathan Monroe-Yavneh, Esq.  
Christopher Tom, Esq.  
400 Main Street, Suite 250  
Los Altos, CA 94022  
(650) 327-4200  
nmonroeyavneh@thoits.com  
ctom@thoits.com

*Attorneys for Plaintiff  
Tee Turtle, LLC*

# **Exhibit 1**

# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

**Registration Number**  
**VA 2-103-871**

**Effective Date of Registration:**  
September 21, 2017

Acting United States Register of Copyrights and Director

## Title

**Title of Work:** Reversible Octopus Mini

## Completion/Publication

**Year of Completion:** 2017  
**Date of 1st Publication:** August 06, 2017  
**Nation of 1st Publication:** United States

## Author

- Author:** Tee Turtle, LLC
- Author Created:** sculpture
- Work made for hire:** Yes
- Citizen of:** United States

## Copyright Claimant

**Copyright Claimant:** Tee Turtle, LLC  
1034 S. Brentwood Blvd., PH2B, Richmond Heights, MO, 63117, United States

## Rights and Permissions

**Organization Name:** Tee Turtle, LLC  
**Address:** 1034 S. Brentwood Blvd.  
PH2B  
Richmond Heights, MO 63117 United States

## Certification

**Name:** J. Michael Keyes  
**Date:** September 21, 2017

---

Correspondence: Yes



0000VA00021038710202

**Registration #:** VA0002103871  
**Service Request #:** 1-5838772792

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J. Michael Keyes  
701 Fifth Ave.  
Suite 6100  
Seattle, WA 98104 United States



\*0000VA00021038710201\*

















# Certificate of Registration



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*Shirley Perlmutter*  
United States Register of Copyrights and Director

**Registration Number**  
**VA 2-235-407**  
**Effective Date of Registration:**  
January 28, 2021  
**Registration Decision Date:**  
February 02, 2021

## Title

---

**Title of Work:** Reversible Octopus Angry & Fire Eyes Plushie

## Completion/Publication

---

**Year of Completion:** 2020  
**Date of 1st Publication:** December 09, 2020  
**Nation of 1st Publication:** United States

## Author

---

- Author:** Tee Turtle, LLC  
**Author Created:** sculpture  
**Work made for hire:** Yes  
**Citizen of:** United States  
**Domiciled in:** United States

## Copyright Claimant

---

**Copyright Claimant:** Tee Turtle, LLC  
1034 S. Brentwood Blvd, PH2B, Richmond Heights, MO, 63117, United States

## Rights and Permissions

---

**Organization Name:** Tee Turtle, LLC  
**Address:** 1034 S. Brentwood Blvd  
PH2B  
Richmond Heights, MO 63117 United States

## Certification

---

**Name:** Lisa Adams



**Date:** January 28, 2021

---

Registration #: VA0002235407  
Service Request #: 1-10117738369



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701 Fifth Ave  
Suite 6100  
Seattle, WA 98104 United States











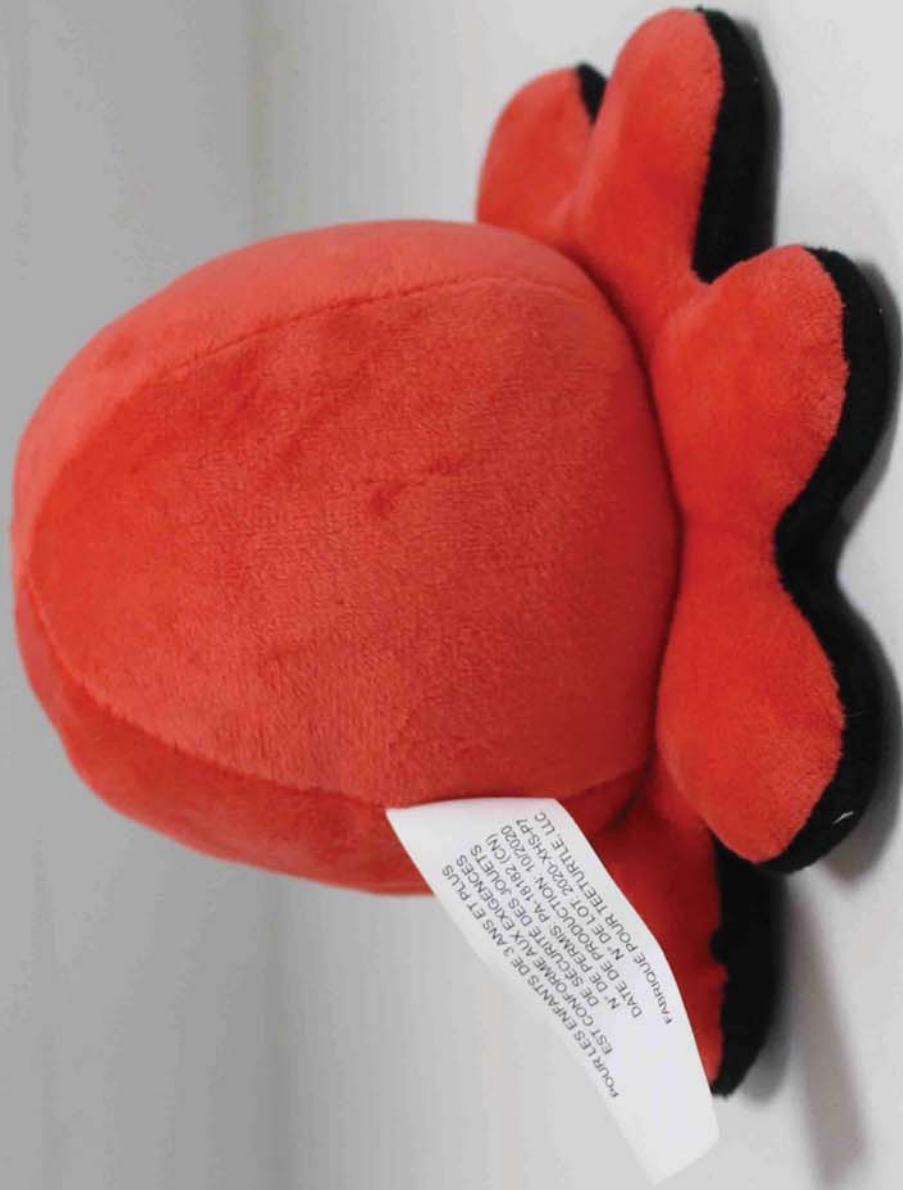




















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United States Register of Copyrights and Director

**Registration Number**  
**V Au 1-418-553**

**Effective Date of Registration:**  
January 28, 2021

**Registration Decision Date:**  
February 02, 2021

## Title

**Title of Work:** Reversible Octopus Happy & Dead Eyes Plushie

## Completion/Publication

**Year of Completion:** 2020

## Author

- Author:** Tee Turtle, LLC  
**Author Created:** sculpture  
**Work made for hire:** Yes  
**Citizen of:** United States  
**Domiciled in:** United States

## Copyright Claimant

**Copyright Claimant:** Tee Turtle, LLC  
1034 S. Brentwood Blvd, PH2B, Richmond Heights, MO, 63117, United States

## Rights and Permissions

**Organization Name:** Tee Turtle, LLC  
**Address:** 1034 S. Brentwood Blvd  
PH2B  
Richmond Heights, MO 63117 United States

## Certification

**Name:** Lisa Adams  
**Date:** January 28, 2021

Registration #: VAu001418553  
Service Request #: 1-10117738221



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701 Fifth Ave  
Suite 6100  
Seattle, WA 98104 United States

































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United States Register of Copyrights and Director

Registration Number

**VAu 1-418-554**

Effective Date of Registration:

January 28, 2021

Registration Decision Date:

February 02, 2021

## Title

**Title of Work:** Reversible Octopus Happy & Starry Eyes Plushie

## Completion/Publication

**Year of Completion:** 2020

## Author

- Author:** Tee Turtle, LLC  
**Author Created:** sculpture  
**Work made for hire:** Yes  
**Citizen of:** United States  
**Domiciled in:** United States

## Copyright Claimant

**Copyright Claimant:** Tee Turtle, LLC  
1034 S. Brentwood Blvd, PH2B, Richmond Heights, MO, 63117, United States

## Rights and Permissions

**Organization Name:** Tee Turtle, LLC  
**Address:** 1034 S. Brentwood Blvd  
PH2B  
Richmond Heights, MO 63117 United States

## Certification

**Name:** Lisa Adams  
**Date:** January 28, 2021





Registration #: VAu001418554  
Service Request #: 1-10117737873



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*Shirley Perlmutter*  
United States Register of Copyrights and Director

**Registration Number**  
**VAu 1-425-168**

**Effective Date of Registration:**  
February 03, 2021

**Registration Decision Date:**  
April 01, 2021

## Title

**Title of Work:** Reversible Octopus Angry & Asleep Eyes Plushie

## Completion/Publication

**Year of Completion:** 2020

## Author

- Author:** Tee Turtle, LLC  
**Author Created:** sculpture  
**Work made for hire:** Yes  
**Citizen of:** United States  
**Domiciled in:** United States

## Copyright Claimant

**Copyright Claimant:** Tee Turtle, LLC  
1034 S. Brentwood Blvd, PH2B, Richmond Heights, MO, 63117, United States

## Rights and Permissions

**Organization Name:** Tee Turtle, LLC  
**Address:** 1034 S. Brentwood Blvd  
PH2B  
Richmond Heights, MO 63117 United States

## Certification

**Name:** Lisa Adams  
**Date:** February 03, 2021





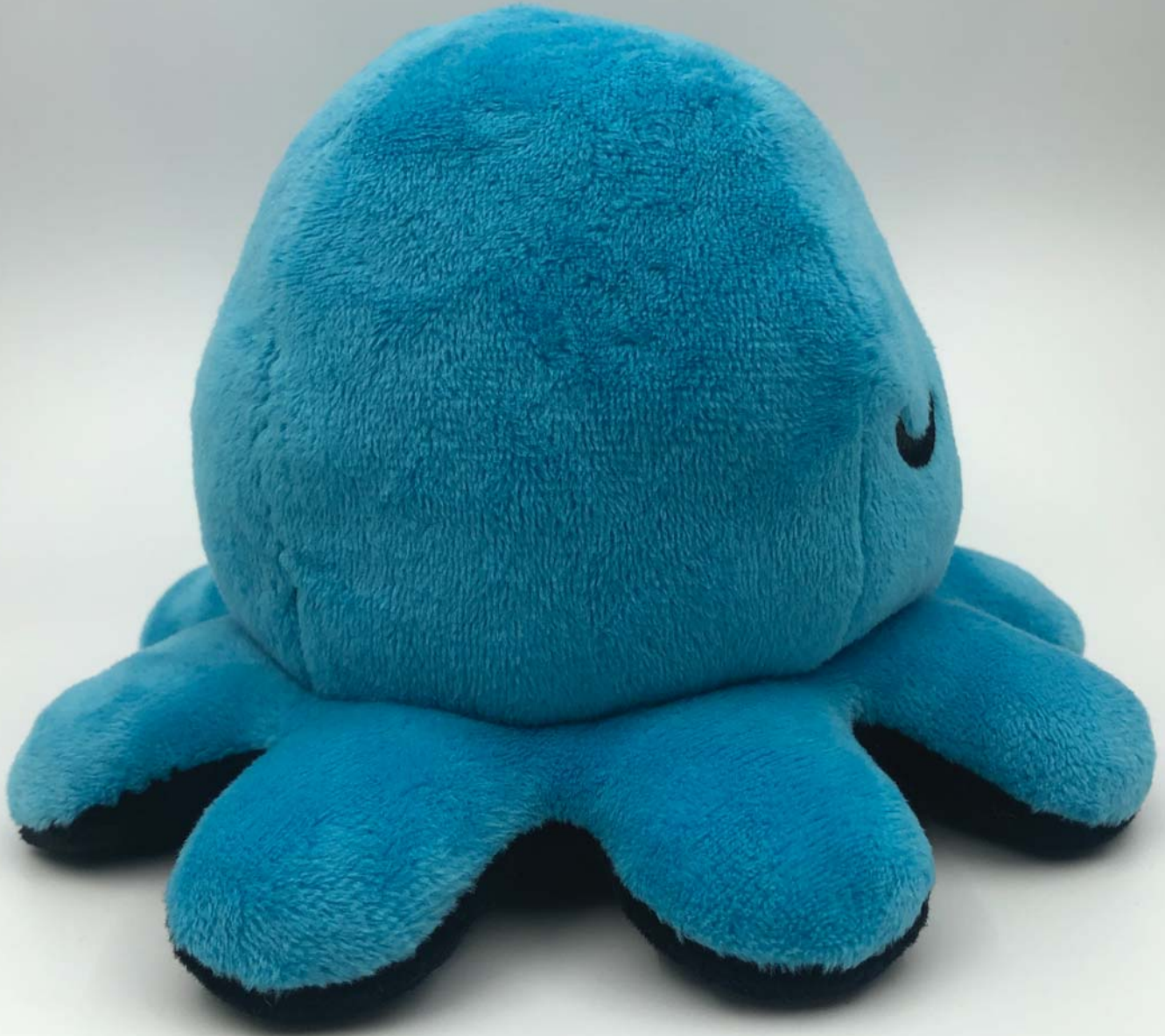
**Registration #:** VAu001425168  
**Service Request #:** 1-10137256911



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United States Register of Copyrights and Director

**Registration Number**

**VAu 1-425-567**

**Effective Date of Registration:**

February 03, 2021

**Registration Decision Date:**

April 06, 2021



## Title

---

**Title of Work:** Reversible Octopus Angry & Angrier Plushie

## Completion/Publication

---

**Year of Completion:** 2020

## Author

---

- **Author:** Tee Turtle, LLC
- Author Created:** sculpture
- Work made for hire:** Yes
- Citizen of:** United States
- Domiciled in:** United States

## Copyright Claimant

---

**Copyright Claimant:** Tee Turtle, LLC  
1034 S. Brentwood Blvd, PH2B, Richmond Heights, MO, 63117, United States

## Rights and Permissions

---

**Organization Name:** Tee Turtle, LLC  
**Address:** 1034 S. Brentwood Blvd  
PH2B  
Richmond Heights, MO 63117 United States

## Certification

---

**Name:** Lisa Adams  
**Date:** February 03, 2021



**Registration #:** VAu001425567  
**Service Request #:** 1-10137256446



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Suite 6100  
Seattle, WA 98104 United States



































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United States Register of Copyrights and Director

**Registration Number**  
**VAu 1-425-570**

**Effective Date of Registration:**  
February 03, 2021

**Registration Decision Date:**  
April 06, 2021

## Title

**Title of Work:** Reversible Octopus Heart & Fire Eyes Plushie

## Completion/Publication

**Year of Completion:** 2020

## Author

- Author:** Tee Turtle, LLC
- Author Created:** sculpture
- Work made for hire:** Yes
- Citizen of:** United States
- Domiciled in:** United States

## Copyright Claimant

**Copyright Claimant:** Tee Turtle, LLC  
1034 S. Brentwood Blvd, PH2B, Richmond Heights, MO, 63117, United States

## Rights and Permissions

**Organization Name:** Tee Turtle, LLC  
**Address:** 1034 S. Brentwood Blvd  
PH2B  
Richmond Heights, MO 63117 United States

## Certification

**Name:** Lisa Adams  
**Date:** February 03, 2021

Registration #: VAu001425570  
Service Request #: 1-10137091311



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Suite 6100  
Seattle, WA 98104 United States











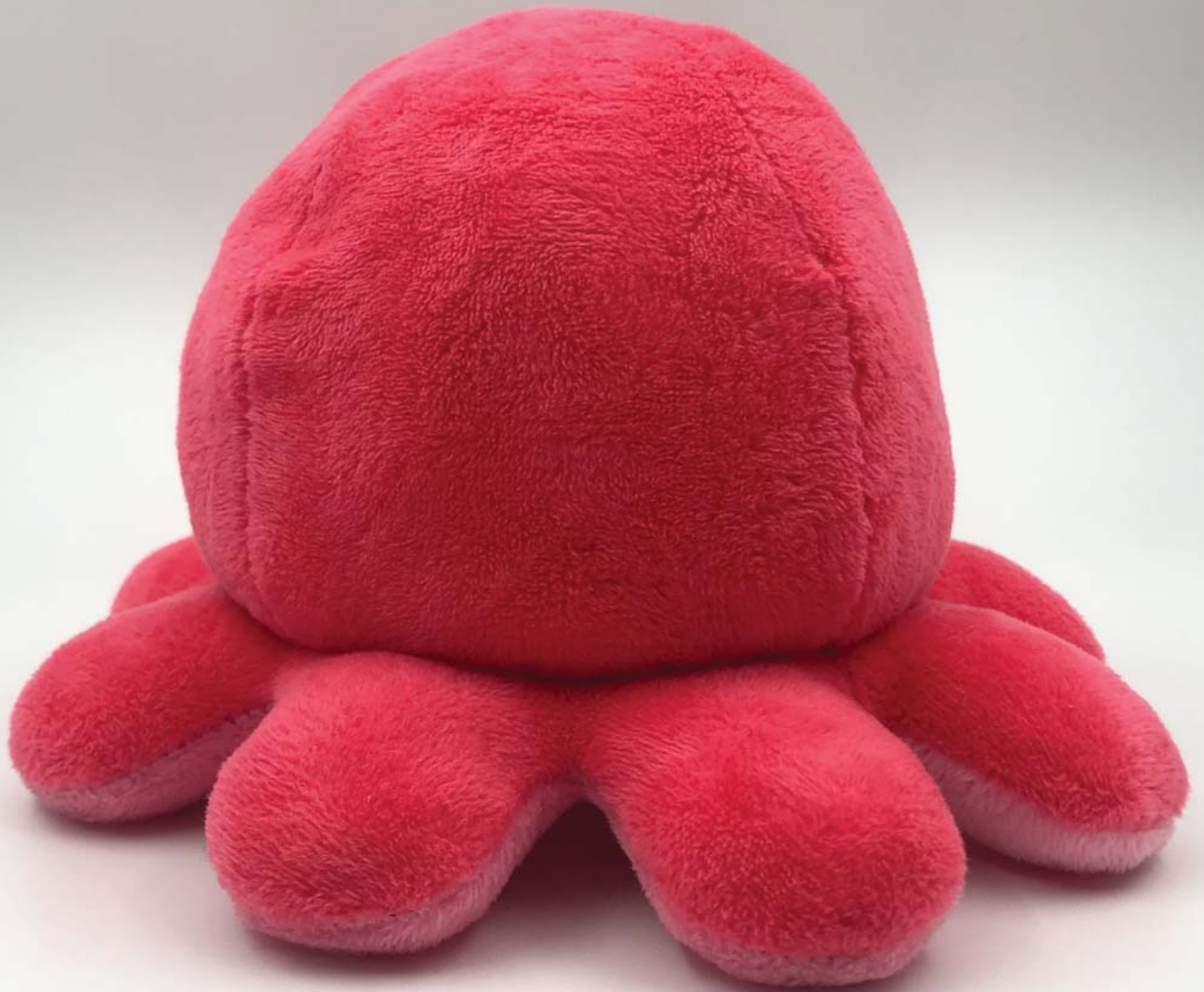


























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United States Register of Copyrights and Director

**Registration Number**

**V Au 1-470-662**

**Effective Date of Registration:**

May 18, 2022

**Registration Decision Date:**

June 13, 2022

## Title \_\_\_\_\_

**Title of Work:** Reversible Octopus Plushie - Christmas Ornament + Snowy Trees

## Completion/Publication \_\_\_\_\_

**Year of Completion:** 2022

## Author \_\_\_\_\_

- **Author:** Tee Turtle, LLC
- Author Created:** sculpture
- Work made for hire:** Yes
- Citizen of:** United States
- Domiciled in:** United States

## Copyright Claimant \_\_\_\_\_

**Copyright Claimant:** Tee Turtle, LLC  
6200 Pershall Rd, Hazelwood, MO, 63042, United States

## Rights and Permissions \_\_\_\_\_

**Organization Name:** Tee Turtle, LLC  
**Address:** 6200 Pershall Rd  
Hazelwood, MO 63042 United States

## Certification \_\_\_\_\_

**Name:** Matthew Coppinger  
**Date:** May 18, 2022



**Registration #:** VAu001470662  
**Service Request #:** 1-11387599216



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Suite 6100  
Seattle, WA 98104 United States

































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**Registration Number**

**VAu 1-470-587**

**Effective Date of Registration:**

May 18, 2022

**Registration Decision Date:**

June 13, 2022

United States Register of Copyrights and Director

## Title \_\_\_\_\_

**Title of Work:** Reversible Octopus Plushie - Jack-o-Lantern + Bat

## Completion/Publication \_\_\_\_\_

**Year of Completion:** 2022

## Author \_\_\_\_\_

- **Author:** Tee Turtle, LLC
- Author Created:** sculpture
- Work made for hire:** Yes
- Citizen of:** United States
- Domiciled in:** United States

## Copyright Claimant \_\_\_\_\_

**Copyright Claimant:** Tee Turtle, LLC  
6200 Pershall Rd, Hazelwood, MO, 63042, United States

## Rights and Permissions \_\_\_\_\_

**Organization Name:** Tee Turtle, LLC  
**Address:** 6200 Pershall Rd  
Hazelwood, MO 63042 United States

## Certification \_\_\_\_\_

**Name:** Matthew Coppinger  
**Date:** May 18, 2022

**Registration #:** VAu001470587  
**Service Request #:** 1-11387599142



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Suite 6100  
Seattle, WA 98104 United States



Jiaoyang Sample



Jiaoyang Sample



Jiaoyang Sample



Jiaoyang Sample





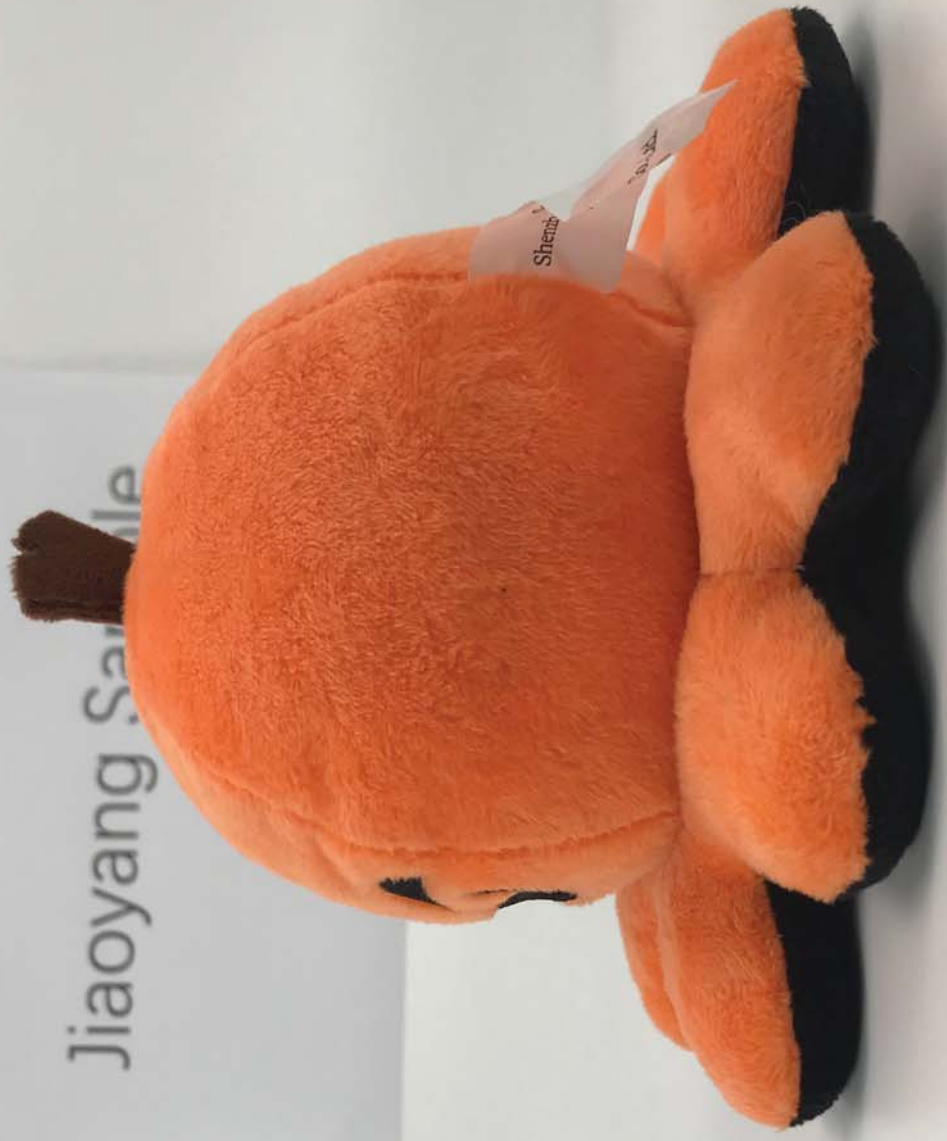




Sample Order  
Trade Show  
www.plush-dolls.com  
Sample Order Co., Ltd.

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Jiaoyang Sample

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Jiaoyang Sample









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*Shirley Perlmutter*  
United States Register of Copyrights and Director

**Registration Number**

**V Au 1-470-663**

**Effective Date of Registration:**

May 18, 2022

**Registration Decision Date:**

June 13, 2022

## Title \_\_\_\_\_

**Title of Work:** Reversible Octopus Plushie - Jack-o-Lantern + Octo

## Completion/Publication \_\_\_\_\_

**Year of Completion:** 2022

## Author \_\_\_\_\_

- **Author:** Tee Turtle, LLC
- Author Created:** sculpture
- Work made for hire:** Yes
- Citizen of:** United States
- Domiciled in:** United States

## Copyright Claimant \_\_\_\_\_

**Copyright Claimant:** Tee Turtle, LLC  
6200 Pershall Rd, Hazelwood, MO, 63042, United States

## Rights and Permissions \_\_\_\_\_

**Organization Name:** Tee Turtle, LLC  
**Address:** 6200 Pershall Rd  
Hazelwood, MO 63042 United States

## Certification \_\_\_\_\_

**Name:** Matthew Coppinger  
**Date:** May 18, 2022

**Registration #:** VAu001470663  
**Service Request #:** 1-11387722542



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Seattle, WA 98104 United States































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*Shira Perlmutter*  
United States Register of Copyrights and Director

**Registration Number**

**VAu 1-470-851**

**Effective Date of Registration:**

May 18, 2022

**Registration Decision Date:**

June 14, 2022

## Title

**Title of Work:** Big Reversible Octopus Plushie - Earmuffs

## Completion/Publication

**Year of Completion:** 2022

## Author

- Author:** Tee Turtle, LLC  
**Author Created:** sculpture  
**Work made for hire:** Yes  
**Citizen of:** United States  
**Domiciled in:** United States

## Copyright Claimant

**Copyright Claimant:** Tee Turtle, LLC  
6200 Pershall Rd, Hazelwood, MO, 63042, United States

## Rights and Permissions

**Organization Name:** Tee Turtle, LLC  
**Address:** 6200 Pershall Rd  
Hazelwood, MO 63042 United States

## Certification

**Name:** Matthew Coppinger  
**Date:** May 18, 2022

**Registration #:** VAu001470851  
**Service Request #:** 1-11387722737



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Seattle, WA 98104 United States



































# Certificate of Registration



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*Shira Perlmutter*  
United States Register of Copyrights and Director

**Registration Number**

**VAu 1-474-785**

**Effective Date of Registration:**

July 01, 2022

**Registration Decision Date:**

July 25, 2022

## Title

**Title of Work:** Reversible Octopus Plushie - Green Hat + Red Hat

## Completion/Publication

**Year of Completion:** 2022

## Author

- Author:** Tee Turtle, LLC  
**Author Created:** sculpture  
**Work made for hire:** Yes  
**Citizen of:** United States  
**Domiciled in:** United States

## Copyright Claimant

**Copyright Claimant:** Tee Turtle, LLC  
6200 Pershall Rd, Hazelwood, MO, 63042, United States

## Rights and Permissions

**Organization Name:** Tee Turtle, LLC  
**Address:** 6200 Pershall Rd  
Hazelwood, MO 63042 United States

## Certification

**Name:** Matthew Coppinger  
**Date:** July 01, 2022

**Registration #:** VAu001474785  
**Service Request #:** 1-11481904555



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Suite 6100  
Seattle, WA 98104 United States





































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United States Register of Copyrights and Director

**Registration Number**

**VAu 1-474-780**

**Effective Date of Registration:**

July 01, 2022

**Registration Decision Date:**

July 25, 2022

## Title

**Title of Work:** Reversible Octopus Plushie - Succulent + Cactus

## Completion/Publication

**Year of Completion:** 2022

## Author

- **Author:** Tee Turtle, LLC
- Author Created:** sculpture
- Work made for hire:** Yes
- Citizen of:** United States
- Domiciled in:** United States

## Copyright Claimant

**Copyright Claimant:** Tee Turtle, LLC  
6200 Pershall Rd, Hazelwood, MO, 63042, United States

## Rights and Permissions

**Organization Name:** Tee Turtle, LLC  
**Address:** 6200 Pershall Rd  
Hazelwood, MO 63042 United States

## Certification

**Name:** Matthew Coppinger  
**Date:** July 01, 2022



**Registration #:** VAu001474780  
**Service Request #:** 1-11481870322



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J Michael Keyes  
701 Fifth Ave  
Suite 6100  
Seattle, WA 98104 United States















# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Shirley P. Weimer*  
United States Register of Copyrights and Director

**Registration Number**

**VAu 1-474-786**

**Effective Date of Registration:**

July 01, 2022

**Registration Decision Date:**

July 25, 2022

## Title

**Title of Work:** Reversible Octopus Plushie - With Bow

## Completion/Publication

**Year of Completion:** 2022

## Author

- Author:** Tee Turtle, LLC  
**Author Created:** sculpture  
**Work made for hire:** Yes  
**Citizen of:** United States  
**Domiciled in:** United States

## Copyright Claimant

**Copyright Claimant:** Tee Turtle, LLC  
6200 Pershall Rd, Hazelwood, MO, 63042, United States

## Rights and Permissions

**Organization Name:** Tee Turtle, LLC  
**Address:** 6200 Pershall Rd  
Hazelwood, MO 63042 United States

## Certification

**Name:** Matthew Coppinger  
**Date:** July 01, 2022



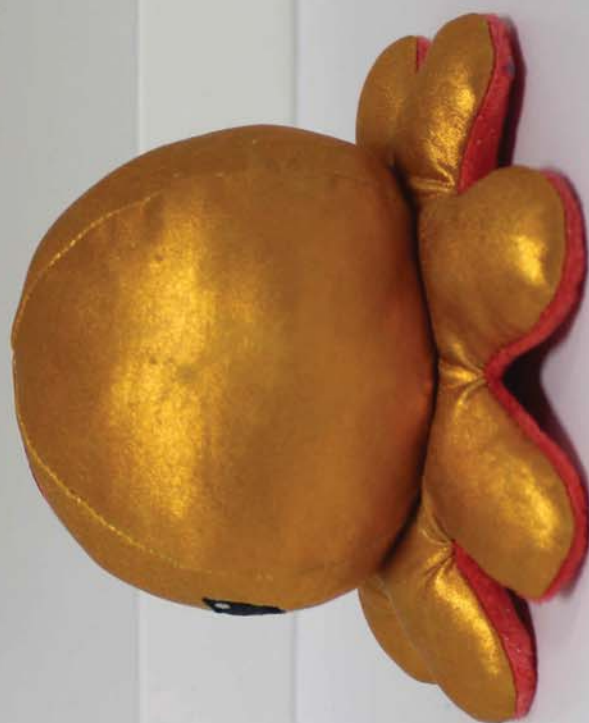
**Registration #:** VAu001474786  
**Service Request #:** 1-11481904581



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J Michael Keyes  
701 Fifth Ave  
Suite 6100  
Seattle, WA 98104 United States

































**United States of America**  
United States Patent and Trademark Office

# TEE TURTLE

**Reg. No. 4,587,024**

**Registered Aug. 19, 2014**

**Int. Cl.: 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

TEE TURTLE, LLC (MISSOURI LIMITED LIABILITY COMPANY)  
4555 FOREST PARK AVE.  
APT. 305  
ST. LOUIS, MO 63108

FOR: NOVELTY T-SHIRTS HAVING AMUSING OR INTERESTING DRAWINGS OR PHRASES, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 2-28-2012; IN COMMERCE 2-28-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TEE", APART FROM THE MARK AS SHOWN.

SER. NO. 85-948,316, FILED 6-1-2013.

ROBERT C. CLARK JR., EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

**First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

**Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***


The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**



STATUS	DOCUMENTS	MAINTENANCE	?	Download	Print Preview
Generated on: This page was generated by TSDR on 2022-10-10 10:16:20 EDT					
Mark: TEE TURTLE					
<b>TEE TURTLE</b>					
US Serial Number:	85948316	Application Filing Date:	Jun. 01, 2013		
US Registration Number:	4587024	Registration Date:	Aug. 19, 2014		
Register:	Principal				
Mark Type:	Trademark				
TM5 Common Status Descriptor:			LIVE/REGISTRATION/Issued and Active		
	The trademark application has been registered with the Office.				
Status:	A Sections 8 and 15 combined declaration has been accepted and acknowledged.				
Status Date:	Oct. 12, 2019				
Publication Date:	Jun. 03, 2014				
<ul style="list-style-type: none"> <li>▲ <b>Mark Information</b></li> <li>▲ <b>Goods and Services</b></li> <li>▲ <b>Basis Information (Case Level)</b></li> <li>▼ <b>Current Owner(s) Information</b></li> </ul>					Expand All
Owner Name:	Tee Turtle, LLC				
Owner Address:	6200 Pershall Rd Hazelwood, MISSOURI UNITED STATES 63042				
Legal Entity Type:	LIMITED LIABILITY COMPANY	State or Country Where Organized:	MISSOURI		

# **Exhibit 3**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

TEE TURTLE, LLC,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,  
LIMITED LIABILITY COMPANIES,  
PARTNERSHIPS, AND  
UNINCORPORATED ASSOCIATIONS  
IDENTIFIED ON SCHEDULE A TO THE  
COMPLAINT,

Defendants.

Case No.:

**SCHEDULE B – TEE TURTLE COPYRIGHTS**

<b>Copyright Registration No.</b>	<b>Title of Work</b>	<b>Author of Work</b>
VAu001470851	Big Reversible Octopus Plushie - Earmuffs	Tee Turtle, LLC
VAu001425567	Reversible Octopus Angry & Angrier Plushie	Tee Turtle, LLC
VAu001425168	Reversible Octopus Angry & Asleep Eyes Plushie	Tee Turtle, LLC
VA0002235407	Reversible Octopus Angry & Fire Eyes Plushie	Tee Turtle, LLC
VAu001418553	Reversible Octopus Happy & Dead Eyes Plushie	Tee Turtle, LLC
VAu001418554	Reversible Octopus Happy & Starry Eyes Plushie	Tee Turtle, LLC
VAu001425570	Reversible Octopus Heart & Fire Eyes Plushie	Tee Turtle, LLC
VA0002103871	Reversible Octopus Mini	Tee Turtle, LLC
VAu001470662	Reversible Octopus Plushie – Christmas Ornament + Snowy Trees	Tee Turtle, LLC
VAu001474785	Reversible Octopus Plushie – Green Hat + Red Hat	Tee Turtle, LLC

<b>Copyright Registration No.</b>	<b>Title of Work</b>	<b>Author of Work</b>
VAu001470587	Reversible Octopus Plushie – Jack-o-Lantern + Bat	Tee Turtle, LLC
VAu001470663	Reversible Octopus Plushie – Jack-o-Lantern + Octo	Tee Turtle, LLC
VAu001474780	Reversible Octopus Plushie – Succulent + Cactus	Tee Turtle, LLC
VAu001474786	Reversible Octopus Plushie – With Bow	Tee Turtle, LLC