

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

THRIVE CAUSEMETICS, INC.,

PLAINTIFF,

V.

THE PARTNERSHIPS AND UNINCORPORATED  
ASSOCIATIONS IDENTIFIED ON SCHEDULE A,

DEFENDANTS.

CASE NO.: 1:24-cv-08535

JUDGE MARY M. ROWLAND

MAGISTRATE JUDGE BETH W. JANTZ

**PLAINTIFF’S MEMORANDUM IN SUPPORT OF ITS  
MOTION FOR ENTRY OF DEFAULT AND DEFAULT JUDGMENT  
AGAINST THE DEFENDANTS IDENTIFIED ON SCHEDULE A**

Plaintiff, Thrive Causemetics, Inc., (“Thrive Causemetics” or “Plaintiff”) submits the following memorandum in support of its Motion for Entry of Default and Default Judgment under Fed. R. Civ. P. 55 against the Defendants identified on Schedule A, with the exception of certain Defendants<sup>1</sup> (collectively, the “Defaulting Defendants”), based on Plaintiff’s action for Trademark Infringement and Counterfeiting (Count I), False Designation of Origin, Passing Off and Unfair Competition (Count II), and Violation of the Illinois Uniform Deceptive Trade Practices Act (Count III).

Thrive Causemetics products (herein, the “TC Products”), which feature at least one of the Thrive Causemetics’ federally registered trademarks<sup>2</sup> (hereinafter referred to as the “TC Trademarks”) are incredibly successful and well-known, which has led to significant infringement

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<sup>1</sup> Thrive Causemetics’s Motion for Entry of Default and Default Judgment does not apply to the following Defendants who have filed an Answer with the Court: 48. Magtippl and 66. Wenfeng Store.

<sup>2</sup> True and correct copies of Plaintiff’s trademark registrations were filed as Exhibit 1 to the Complaint.

of the TC Trademarks and counterfeiting of the TC Products. This action was filed to combat these infringers who trade upon Plaintiff's valuable trademarks by selling and/or offering for sale products in connection with the TC Trademarks and who manufacture and/distribute counterfeit products with the intention to deceive consumers. Thrive Causemetics filed this action on September 17, 2024, alleging, among other claims, federal trademark infringement, and seeks statutory damages and injunctive relief. Docket Entry [2]. On September 24, 2024, this Court granted Thrive Causemetics's *Ex Parte* Motion for Entry of a Temporary Restraining Order ("TRO") [18], and subsequently converted the TRO into a Preliminary Injunction on November 7, 2024. [30].

Pursuant to Federal Rule of Civil Procedure 55(a) and (b)(2), Thrive Causemetics now moves this Court for an Order entering default and default judgment finding that Defaulting Defendants are liable on all counts of Thrive Causemetics's Complaint. Fed. R. Civ. P. 55(a) and (b)(2). Thrive Causemetics further seeks an award of statutory damages against each of the Defaulting Defendants as authorized by 15 U.S.C. § 1117(c)(2) for willful trademark counterfeiting. Thrive Causemetics also seeks entry of a permanent injunction prohibiting Defaulting Defendants from selling unauthorized TC Products, using the TC Trademarks without authorization, and an Order that all assets in Defaulting Defendants' financial accounts, including those operated by e-commerce platforms and payment processors (collectively referred to herein as "Third-Party Providers"), as well as any newly discovered assets, be transferred to the Plaintiff.

## **ARGUMENT**

### **I. JURISDICTION AND VENUE ARE PROPER IN THIS COURT**

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. This Court has jurisdiction over the claims in this action that arise under the laws

of the State of Illinois 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. 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 Illinois and causes harm to Plaintiff's business within this Judicial District. *See* [2] at ¶¶ 1-3; *uBID, Inc. v. GoDaddy Grp., Inc.*, 623 F.3d 421, 423-24 (7<sup>th</sup> Cir. 2010) (without benefit of an evidentiary hearing, plaintiff bears only the burden of making a *prima facie* case for personal jurisdiction; all of plaintiff's asserted facts should be accepted as true and any factual determinations should be resolved in its favor). The Defaulting Defendants targeted sales from Illinois residents by operating websites and/or online marketplace accounts ("Defendant Internet Stores" or Seller Aliases") that offer shipping to the United States, including Illinois; and, on information and belief, have sold counterfeit and/or infringing products (hereinafter referred to as the "Counterfeit Products") to residents within the United States, including Illinois. [2] at ¶ 20. As such, personal jurisdiction is proper, since Defaulting Defendants are committing tortious acts, engaging in interstate commerce, and wrongfully causing Plaintiff substantial injury in Illinois. *Polyblank Designs Limited v. The Partnerships and Unincorporated Associations Identified on Schedule "A"*, Case No. 18-cv-5846 (N.D. Ill. Dec. 12, 2018).

## **II. PLAINTIFF HAS MET THE REQUIREMENTS FOR ENTRY OF DEFAULT**

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, "when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a). On September 17, 2024, Thrive Causemetics filed its Complaint. [2]. The Defendants were properly served on October 17, 2024. [24]. Despite having been properly served with process, the

Defaulting Defendants have ignored these proceedings and failed to plead or otherwise defend this action. *See* Declaration of Alison K. Carter (“Carter Declaration”) at ¶ 2. Upon information and belief, the Defaulting Defendants are not active-duty members of the U.S. armed forces. *Id.* at ¶ 3. Twenty-one (21) days have passed since Defaulting Defendants were served, and no answer, or other responsive pleading, has been filed by any Defaulting Defendants. *See* Fed. R. Civ. P. 12(a)(1)(A). Accordingly, Plaintiff asks for entry of default against the Defaulting Defendants, which is appropriate, and consistent with previous similar cases in front of this Court.

Rule 55(b)(2) of the Federal Rules of Civil Procedure provides for a court-ordered default judgment. A default judgment establishes, as a matter of law, that Defendants are liable to Plaintiff on each cause of action alleged in the Complaint. *United States v. Di Mucci*, 879 F.2d 1488, 1497 (7th Cir. 1989). When the Court determines that a defendant is in default, the factual allegations of the Complaint are taken as true and may not be challenged, and the defendants are liable as a matter of law as to each cause of action alleged in the Complaint. *Black v. Lane*, 22 F.3d 1395, 1399 (7th Cir. 1994).

**A. Trademark Infringement and Counterfeiting, False Designation of Origin, and Violation of the Illinois Uniform Deceptive Trade Practices Act**

To properly plead a claim of trademark infringement and counterfeiting, pursuant to the Lanham Act, a plaintiff must allege that: (1) its mark is distinctive enough to be worthy of protection; (2) defendants are not authorized to use the mark; and, (3) defendant’s use of the mark causes a likelihood of confusion as to the origin or sponsorship of defendant’s products. *See Neopost Industrie B.V. v. PFE Int’l Inc.*, 403 F. Supp. 2d 669, 684 (N.D. Ill. 2005) (citing *Bliss Salon Day Spa v. Bliss World LLC*, 268 F.3d 494, 496-97 (7th Cir. 2001)). This is the same test that is used for false designation of origin and Illinois Uniform Deceptive Trade Practices Act claims. *Johnny Blastoff, Inc. v. Los Angeles Rams Football Co.*, 188 F. 3d 427, 436 (7th Cir. 1999).

Thrive Causemetics alleged in its Complaint that: (1) the TC Trademarks are distinctive, owned by Thrive Causemetics, and registered with the USPTO; (2) Defaulting Defendants are not authorized to use the TC Trademarks; (3) Defaulting Defendants' use of the TC Trademarks causes a likelihood of confusion; and, (4) Defaulting Defendants have knowledge of Plaintiff's exclusive rights in and to the TC Trademarks. [2] at ¶¶ 5, 35-42. Since the Defaulting Defendants have failed to respond, or otherwise plead in this matter, the Court must accept the allegations contained in Plaintiff's Complaint as true. *See* Fed. R. Civ. P. 8(b)(6); *Am. Taxi Dispatch, Inc., v. Am. Metro Taxi & Limo Co.*, 582 F. Supp. 2d 999, 1004 (N.D. Ill. 2008). Accordingly, Plaintiff respectfully requests entry of judgment with respect to Count I for willful infringement and counterfeiting of the TC Trademarks.

Furthermore, Defaulting Defendants' use of TC Trademarks creates a likelihood of confusion, mistake, and deception among the general public as to the affiliation, connection, or association of the Counterfeit Products with Thrive Causemetics. [2] at ¶ 47. By using TC Trademarks on, or in connection with, the Counterfeit Products, Defaulting Defendants create a false designation of origin and a misleading representation of fact as to the sponsorship of the Counterfeit Products which constitutes a willful violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125. *Id.* at ¶¶ 48-49. As a result, Plaintiff respectfully requests entry of judgment with respect to Count II, for willful false designation of origin, passing off, and unfair competition.

Lastly, Defendants have engaged in acts violating Illinois law including, but not limited to: passing off their unauthorized products as those of Plaintiff; causing a likelihood of confusion and/or misunderstanding as to the source of Defaulting Defendants' goods and products; causing a likelihood of confusion and/or misunderstanding as to an affiliation, connection, or association with genuine TC Products; representing that Defaulting Defendants' Counterfeit Products have Plaintiff's approval and/or are authorized and authentic TC Products, when Defaulting

Defendants' Counterfeit Products are not approved, authorized, and/or authentic; and, engaging in other conduct which creates a likelihood of confusion or misunderstanding of source among the public. *Id.* at ¶ 54. The foregoing acts of the Defaulting Defendants' constitute a willful violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS § 510, *et seq.*

As Plaintiff has sufficiently pled its trademark infringement and counterfeiting, false designation of origin, and violation of the IUDTPA claims, and the Defaulting Defendants have failed to timely respond or otherwise defend against these claims, and as entry of default is proper under Fed. R. Civ. P. 55(a), Plaintiff respectfully requests default judgment against the Defaulting Defendants pursuant to Fed. R. Civ. P. 55(b)(2).

### **III. PLAINTIFF IS ENTITLED TO MONETARY DAMAGES AND INJUNCTIVE RELIEF**

The award of statutory damages serves dual interests, in that it is remedial in nature, but also intended to protect an important public interest. Given the broader economic losses and harm to the job market caused by counterfeiting, coupled with the possible dangers to consumers who are intentionally misled into purchasing low quality, counterfeit products, over the Internet, the present circumstances warrant the award of statutory damages to both penalize Defaulting Defendants, as well as to deter future violations.

#### **A. Statutory Damages are Appropriate in this Case**

Section 35 of the Lanham Act, 15 U.S.C. § 1117, provides monetary remedies for trademark infringement, unfair competition, and willful trademark dilution. Subsection 1117(a) allows for the recovery of: a defendant's profits; any damages sustained by the plaintiff; costs of the action; and, the plaintiff's attorney fees. Subsection 1117(b) applies with respect to violations that involve the intentional use of a known counterfeit mark, and it requires the court to treble the profits or damages referenced in subsection 1117(a) and to award reasonable attorney fees "unless the court finds extenuating circumstances."

While recovery under subsections 1117(a) and (b) is focused on a plaintiff's "actual damages," subsection 1117(c) provides an alternative to proving actual damages with respect to violations that involve the use of a counterfeit mark. A "counterfeit mark" is defined at 15 U.S.C. § 1116(d)(1)(B)(i) as, in relevant part:

"a counterfeit of a mark that is registered on the principal register in the United States Patent and Trademark Office for such goods or services sold, offered for sale, or distributed and that is in use, whether or not the person against whom relief is sought knew such mark was so registered."

Subsection 1117(c) allows a plaintiff to seek statutory damages instead of actual damages. The option to recover statutory damages was provided in light of Congress' recognition that counterfeiters' records are frequently "nonexistent, inadequate, or deceptively kept[,] . . . making proving actual damages in these cases extremely difficult if not impossible." S. Rep. No. 104-177, at 10 (1995). The ability to elect statutory damages can provide a powerful incentive for a trademark holder to pursue infringement litigation that might otherwise not be undertaken because of the inability to obtain information to support recovery.

Pursuant to the statutory damages provision of the Lanham Act, a plaintiff in a case involving the use of a counterfeit mark may elect to receive "not less than \$1,000 or more than \$200,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just." 15 U.S.C. § 1117(c)(1). When the counterfeiting is found to be willful, statutory damages may be awarded up to "\$2,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just." 15 U.S.C. § 1117(c)(2).

While Section 1117(c) dictates the boundaries for statutory damages awards, it does not provide guidance on what factors a court should consider when determining an award within those boundaries aside from "as the court considers just." *Id.* Courts interpreting this section have analogized case law applying the statutory damage provision of the Copyright Act, 17 U.S.C. § 504(c). *See Lorillard Tobacco Co.*, 2004 U.S. Dist. LEXIS 22563, at \*10.

The Seventh Circuit’s standard for awarding statutory damages for copyright infringement under 17 U.S.C § 504(c) is articulated in *Chi-Boy Music v. Charlie Club*, 930 F.2d 1224, 1229 (7th Cir. 1991). Under the *Chi-Boy* standard, a court awarding statutory damages is “not required to follow any rigid formula,” but instead “enjoys wide discretion.” However, courts primarily consider the following factors when formulating a statutory damages award: (1) the plaintiff’s difficulty (or impossibility) in proving their actual damages; (2) the circumstances of the counterfeit activity; (3) deterrence both defendant and other similarly situated sellers; (4) expenses saved and the profits reaped by the defendant from selling illegitimate products; (5) the revenues lost by the plaintiff due to defendant’s counterfeiting; (6) the value of the plaintiff’s trademark; (7) the willfulness of the defendant’s conduct; (8) the defendant’s cooperation in court proceedings, including whether or not the defendant appears; (9) whether the counterfeiting activity took place online; and, (10) whether there have been repeated violations of trademark laws by the defendant. *Id.*; see also *Lorillard Tobacco Co.*, 2004 U.S. Dist. LEXIS 22563, \*16.

The Office of the U. S. Trade Representative issued findings which recognize in copyright law that reduced damages may be warranted to avoid impeding new creative works, *e.g.*, remixes – works created through changing and combining existing works to produce something new and creative – as part of a trend of user generated content.<sup>3</sup> *Id.* at 98. However, in cases of willful infringement, such as before this Court, the same report finds that high statutory damages are warranted since “[t]hese circumstances present the clearest need for deterrence and punishment.” *Id.* at 99. Moreover, this Report also highlighted disturbing trends in the marketing and distribution of counterfeit goods online, with escalating levels of counterfeit sales online including an increase in the services that support such operations. *Id.* With an estimated 15% increase in online sales of

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<sup>3</sup> The Office of the U. S. Trade Representative, Special 301, *Out-of-Cycle Review of Notorious Markets for 2015* (December 2015).



counterfeit goods last year, the economic toll of counterfeiting on governments, businesses, and consumers is disturbing.

In recent years, counterfeiters evolved from traditional brick-and-mortar distribution models to direct to consumer sales through the Internet. As such, counterfeiters can reach a much wider audience with little additional investment. Due to this reach, Courts have regularly imposed steeper penalties on those who sold counterfeit merchandise online compared to brick and mortar counterparts.<sup>4</sup> Accordingly, a significant consideration should be whether infringing sales were made over the Internet, with the rationale being that sales over the Internet increase the amount of an award because use of the Internet made the infringement widely available.

Additionally, the lack of information regarding Defaulting Defendants' sales and profits makes statutory damages particularly appropriate for default cases like the instant case. *See Petmed Express, Inc. v. medpets.com, Inc.*, 336 F. Supp. 2d 1213, 1220 (S.D. Fla. 2004). Likewise, Courts have recognized that statutory damages should be awarded without requiring an evidentiary hearing. *See Lorillard Tobacco Co.*, 2008 U.S. Dist. LEXIS 31761, at \*11.

#### **B. Defaulting Defendants' Counterfeiting Was Willful**

As alleged in Plaintiff's Complaint, Defaulting 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 TC Products. [2] at ¶ 23. In doing so, Defaulting Defendants' counterfeiting was willful. "Willful infringement may be attributed the defendant's actions where he had knowledge that his conduct constituted infringement or where he showed a reckless disregard for the owner's rights." *Lorillard Tobacco Co.*, 2004 U.S. Dist. LEXIS 22563, at \*19-20. As such, knowledge need not be proven directly, but can be inferred

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<sup>4</sup> See generally INT'L TRADEMARK ASS'N, *Addressing the Sale of Counterfeits on the Internet* (2017), available at [https://www.inta.org/Advocacy/Documents/2018/Addressing\\_the\\_Sale\\_of\\_Counterfeits\\_on\\_the\\_Internet\\_021518.pdf](https://www.inta.org/Advocacy/Documents/2018/Addressing_the_Sale_of_Counterfeits_on_the_Internet_021518.pdf) (explaining international impact of Internet on counterfeit industry).

from a defendant's conduct. *Id.* In the instant case, Defaulting Defendants clearly had knowledge that their activities constituted infringement or at least a reckless disregard for Thrive Causemetics's rights in its TC Trademarks, especially given Thrive Causemetics's extensive promotional efforts discussed in the Complaint. [2] at ¶¶ 14-18. Defendants also took great pains to hide their identities in an attempt to avoid being held accountable for their counterfeiting activities. Finally, this Court has deemed counterfeiting conduct to be willful when defendants default. *See Wham-O Holding, Ltd.*, No. 18-cv-05878 (N.D. Ill. Nov. 15, 2018); *Polyblank Designs*, No. 18-cv-5846 (N.D. Ill. Dec. 12, 2018).

**C. A High Statutory Damages Award for Trademark Counterfeiting is Appropriate and Just**

In assessing the previously discussed factors regarding statutory damages, it becomes clear that Plaintiff is entitled to a high statutory damages award. First, it is impossible for the Plaintiff to determine actual damages without the participation of the Defaulting Defendants as they are the sole parties with control and accessibility over their business records regarding sales of the infringing products and the bookkeeping related thereto. In fact, this is commonly why defendants choose not to appear in these types of actions as they are aware of the egregiousness of their counterfeit activity and want those records to remain private. Plaintiff should not be punished for its inability to effectively calculate actual damages nor should it be forced to do so without defendants' participation.

Second, the circumstances of the counterfeit activity include the unauthorized use of famous and well-known brands and trademarks through the operation of multiple international ecommerce stores which manufacture and import infringing, counterfeit, and likely dangerous products into the U.S. to unassuming consumers. Third, providing a deterrent effect is necessary for the Defaulting Defendants and other similarly situated sellers given that counterfeiting is a

multi-billion dollar industry and the significance of the damages award should reflect the severity of the counterfeit activity and the consequences thereof. The remedy imposed must provide a sufficient deterrent effect to ensure that the guilty party will not engage in further infringing conduct. *Sands, Taylor & Wood v. Quaker Oats Co.*, 34 F.3d 1340, 1348 (7th Cir. 1994). For example, in *Phillip Morris USA Inc. v. Marlboro Express*, the Court stated that due to, “the size of the potential profit given the quantities of [counterfeit goods] involved, and the need for a substantial deterrent to future misconduct by defendants and other counterfeit traffickers ... plaintiff is entitled to the maximum statutory award under 15 U.S.C. § 1117(c)(2).” 2005 U.S. Dist. LEXIS 40359, at \*28 (E.D.N.Y. Aug. 26, 2005).

Fourth, the Defendants’ are marketing and distributing illegitimate products so as to profit off the back of a well-established brand and taking advantage of the high price point at which the authentic products are sold. While Plaintiff does not have access to the expenses saved and the profits reaped by the Defaulting Defendants from sales of their infringing and counterfeit products, it can be presumed that Defendants are being unjustly enriched by using cheap, low quality methods to manufacture counterfeit goods and selling those products at higher price points using the Thrive Causemetics name and brand recognition.

Fifth, it is difficult, if not impossible, to determine lost revenue without the business records of the Defaulting Defendants. However, based on the little information Plaintiff was able to obtain from the third-party marketplaces, the revenue lost by the plaintiff due to Defaulting Defendants’ counterfeiting is at least \$815,000.00 across 62 separate listings in lost sales alone. However, this information has only been provided for approximately half of the Defaulting Defendants, so is likely to reach upwards of \$2,000,000.00. Notably, this information only includes data related to the listings Plaintiff provided in evidence and not a full record of Defaulting Defendants’ business activities related to the Thrive Causemetics brand. Also, it does not take into account revenue hits

from future business losses such as those resulting from client diversion and distrust, and loss of licensee relationships, among others.

Sixth, the value of the Thrive Causemetics brand is unquantifiable but reaches well into the millions of dollars. This Court should be guided by the *Lorillard* case, and consider the “significant value of the brand and the efforts taken to protect, promote and enhance that brand.” *Lorillard Tobacco Co.*, 2004 U.S. Dist. LEXIS 22563, at \*16. As discussed in the Complaint, Thrive Causemetics has invested a significant amount of time, money, and effort in promoting and marketing its TC Products and TC Trademarks, and the brand is highly successful and well-known. Seventh, Defaulting Defendants’ willful conduct is clear – the Defaulting Defendants’ were aware of the success and value of the Thrive Causemetics brand and voluntarily and knowingly took advantage of Plaintiff’s property. Eighth, as stated previously, Defaulting Defendants’ have not appeared to defend nor are participating in this action, which is likely a strategic decision to evade consequences for their counterfeit activity thereby increasing the need for the damages award to have a deterrent effect.

Ninth, the counterfeiting activity took place online. Courts have awarded high damage amounts where a defendant’s counterfeiting activities attracted wide market exposure through Internet traffic or advertisement. *See Coach, Inc. v. Ocean Point Gifts*, 2010 U.S. Dist. LEXIS 59003, \*15-16 (D.N.J. Jun. 14, 2010) (high damage awards in counterfeit cases were “due in part to the wide market exposure that the Internet can provide”); *Burberry Ltd. v. Designers Imports, Inc.*, 2010 U.S. Dist. LEXIS 3605, \*28-29 (S.D.N.Y. Jan. 19, 2010) (damages amount based, in part, on “Defendant’s ability to reach a vast customer base through internet advertising.”). In similar cases involving willful Internet-based counterfeiting, this Court has awarded significant damages, including up to the maximum provided by law, to the plaintiff to serve the purposes of: (1) deterring the defendant and others similarly situated from bringing counterfeit goods into

commerce; (2) compensating the plaintiff for damages caused by defendant's infringement; and, (3) punishing the defendant appropriately for counterfeiting activities. *See, e.g., Burberry Limited, et al. v. The Partnerships, et al*, No. 1:14-cv-08220 (N.D. Ill. Dec. 11, 2014) (unpublished) (Docket Nos. [44, 45]) (awarding \$2,000,000 in statutory damages per defendant); *Oakley, Inc. v. The Partnerships, et al.*, No. 1:13-cv-02958 (N.D. Ill. June 17, 2013) (unpublished) (Docket Nos. [36, 37]) (awarding \$2,000,000 in statutory damages per defendant). Finally, there are multiple defendants in this case who have been named as defendants in other actions for trademark and/or copyright infringement of unrelated properties. This is Plaintiff's first trademark infringement action in this district so cannot speak to whether these stores have specifically infringed on the TC Trademarks previously. However, given that many of the defendants in this action are infringing various unrelated properties, it is highly likely that they will continue to do so in the future if the consequence in this case is not significant.

As all ten factors show a clear need for a high statutory damages award, Thrive Causemetics respectfully requests the Court's entry of an award of five hundred thousand dollars (\$500,000) per Defaulting Defendant for willful trademark counterfeiting.

#### **D. Plaintiff is Entitled to Permanent Injunctive Relief**

In addition to the foregoing relief requested, Plaintiff respectfully requests entry of a permanent injunction enjoining Defaulting Defendants from infringing or otherwise violating Thrive Causemetics's registered intellectual property rights in and to the TC Trademarks, including at least all injunctive relief previously awarded by this Court to Thrive Causemetics in the TRO and Preliminary Injunction. Injunctive relief should also be granted so that the Plaintiff may quickly take action against any new websites and online marketplace accounts that are identified, found to be linked to Defaulting Defendants, and which are selling unauthorized TC Products.

#### IV. CONCLUSION

Thrive Causemetics respectfully requests that the Court: enter default and grant default judgment against each Defaulting Defendant; award statutory damages in the amount of five hundred thousand dollars (\$500,000) per Defaulting Defendant for willful trademark counterfeiting, pursuant to 15 U.S.C. § 1117(c); enter a permanent injunction order, prohibiting Defaulting Defendants from selling Counterfeit Products, using the TC Trademarks without authorization, and reproducing, distributing copies of, making derivative works of, or publicly displaying the TC Trademarks; and, enter an order directing any third-party online marketplaces and payment processors in privity with the Defaulting Defendants to transfer all assets in Defaulting Defendants' financial accounts to Plaintiff.

Dated: February 10, 2025

Respectfully submitted,

/s/ Alison K. Carter

Ann Marie Sullivan

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