

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

NIKE, INC.,

Plaintiff,

v.

EBEN FOX,

Defendant.

Case No.:

**COMPLAINT
DEMAND FOR A JURY TRIAL**

Plaintiff Nike, Inc. (“Nike” or “Plaintiff”) for its Complaint against Defendant Eben Fox (“Fox” or “Defendant”) for trademark infringement, counterfeiting, and related cause of actions, states and alleges as follows:

PRELIMINARY STATEMENT

1. Defendant Eben Fox is a social media influencer who goes by the alias, “Cedaz.” Fox brazenly promotes and sells counterfeit Nike goods on his various social media channels and apparently believes he can engage in this illegal conduct with impunity. That is not the case.

2. Fox is a self-described “four-year veteran”¹ in the trade of counterfeit goods and a content creator who wields his online influence to promote and peddle counterfeit goods to tens of thousands of social media users.

¹ Eben Fox (@Cedaz), *How To Buy Items Off Pandabuy! | Best Guide (UPDATED 2023)*, YOUTUBE (May 9, 2023), <https://www.youtube.com/watch?v=T7dwbpo2cVg>.

3. Fox is the ringleader of an organized counterfeit trafficking community based on Discord², where he and his associates operate Discord servers as marketplaces for “reps” or “replicas,” (i.e., counterfeit goods), and provide advice and step-by-step instructions on how to purchase counterfeit goods from overseas.

4. Fox also partners directly with overseas counterfeiters and service providers, such as the shipping agent platform, PandaBuy, to promote their counterfeit goods and related services. Fox advertises on behalf of and promotes these sellers and service providers through his social media accounts, often offering his followers promotional sign-up and discount codes that contain some variation of his “Cedaz” moniker. In collaboration with PandaBuy and an associate identified as Nick Tuinenburg, Fox has also launched a website, W2C.net, which contains a curated collection of hundreds of counterfeit Nike-branded goods offered via PandaBuy. Fox also provides PandaBuy links and purchasing instructions on his websites, cedaz.net and cedazfinds.com.

5. Rather than attempt to hide his illegal activities, Fox openly flouts U.S. trademark and counterfeiting laws, documenting his misdeeds in social media

² Discord is an online social platform where users form virtual communities called “servers,” in which they communicate by voice, video, and instant messaging.

posts and in videos regularly published to his monetized YouTube and TikTok accounts.

6. Fox's videos depict him, *inter alia*, flaunting and reviewing his latest hauls of counterfeit goods, detailing counterfeit products he intends to sell or give away to his followers, providing feedback to his suppliers and partners on the quality of counterfeit goods and related services, providing to his viewers detailed instructions on how to "cop" their own counterfeit goods from overseas, and encouraging viewers to use special discount codes on counterfeit goods websites he has partnered with, which enable him to profit directly from his illegal promotion of counterfeit trafficking and his partnership with counterfeiters.

7. Fox also acts as a sneakerhead "troll," recording himself wearing or displaying counterfeit Nike sneakers at public events, such as NBA games, sneaker conventions, and skateboarding competitions, where he expects to encounter fellow sneakerheads or Nike-sponsored athletes. Fox's explicit aim in producing these videos is to deceive others in to believing the counterfeit goods he is wearing or presenting them with are genuine when they are not. Fox's intentional deception of actual and prospective Nike consumers has harmed and continues to harm Nike's goodwill and reputation.

8. Fox's open and notorious misconduct exposes Nike to significant additional harm — his social media content has already inspired multiple copycats

who seek to replicate Fox's misdeeds and public stunts in social media posts, thereby compounding the harm caused to Nike's goodwill and reputation.

THE PARTIES

9. Nike is a corporation organized under the laws of the State of Oregon with a principal place of business at One Bowerman Drive, Beaverton, Oregon 97005.

10. On information and belief, Defendant Eben Fox, an individual, resides at 808 North Franklin Street, Apt. 1712, Tampa, Florida 33602, and is a citizen of the State of Florida.

11. On information and belief, Fox employs the pseudonym "Cedaz," and created, operates, and controls numerous social media accounts under the username or handle "Cedaz" and variations thereof, through which Fox sells and promotes counterfeit Nike-branded goods, and regularly publishes videos and related content about counterfeit shoes and apparel. Specifically, on information and belief, Fox controls the following social media accounts:

- a. Discord accounts associated with the usernames "Not Cedaz#6501" and "Cedaz#6778," and the display names "Cedaz" and "Cedaz - ALWAYS @ ME";
- b. TikTok account associated with the username "cedaz";

- c. YouTube accounts associated with the usernames "Cedaz," "NotCedaz," and "CedazToo," and the display name "Cedaz";
 - d. X account associated with the username "xCedaz" and display name "Cedaz";
 - e. Instagram accounts associated with the usernames "cedaz" and "gotemongrailed";
 - f. Reddit account associated with the username "cedaz"; and
 - g. Twitch account associated with the username "xCedaz."
12. On information and belief, Fox is the owner and operator of <https://cedaz.net> and <https://cedazfinds.com>, and the co-owner and co-operator of <https://w2c.net>, three websites through which Fox conducts some of his counterfeiting activities.
13. On information and belief, Fox controls the linktr.ee page linktr.ee/ceedaz.
14. On information and belief, Fox controls the email address ebencedaz@gmail.com.
15. On information and belief, Fox is a partner of and affiliate marketer for several individuals and entities that sell counterfeit Nike-branded shoes and

apparel, and/or offer services related to the acquisition of counterfeit Nike-branded goods, including PandaBuy³ and MuskSneaker.⁴

JURISDICTION AND VENUE

16. This action arises under the trademark laws of the United States, 15 U.S.C. § 1051, *et seq.*, and under statutory and common law unfair competition. This Court has subject matter jurisdiction at least under 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338 because this action arises under federal trademark law. This Court has supplemental jurisdiction over the remaining claims pursuant to 28 U.S.C. § 1367.

17. This Court has personal jurisdiction over Fox because he resides in this District, and, as alleged herein, Fox has committed, and continues to commit, acts of trademark infringement and counterfeiting in this District, through various websites and social media platforms, as well as offices and/or facilities located in this District.

18. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because Fox resides in this District, a substantial part of the events giving rise to these claims arose in this District, and consumer confusion has occurred and is likely to occur in this District.

³ PANDABUY, <https://www.pandabuy.com> (last visited Dec. 11, 2023).

⁴ MUSKSNEAKER, <https://www.musksneaker.com> (last visited Dec. 11, 2023).

FACTUAL BACKGROUND




Nike's Business and Valuable Trademark Rights

19. Nike's principal business activity is the design, development, and worldwide marketing and selling of athletic footwear, apparel, equipment, accessories, and services.

20. As a result of decades of Nike's advertising, promotional, and marketing efforts, Nike has established itself as a multibillion-dollar brand and the world's leading designer, marketer, and distributor of athletic footwear and apparel products which are sold in connection with Nike's famous trademarks. In addition to spending significant amounts in support of advertising and promotion of its products and services, Nike conducts successful marketing campaigns across various social media platforms, including Facebook, X (formerly known as Twitter), YouTube, Instagram, TikTok, and Snapchat, to further promote Nike's products, services, brands, and trademarks.



21. Nike and its brands have achieved widespread recognition and fame throughout the United States and the world. Among the purchasing public, Nike's products and services are instantly recognizable and are seen as high-quality, innovative, and dependable.

22. Nike is the owner of the right, title, and interest in and to, inter alia, the following trademarks registered on the Principal Register of the United States Patent and Trademark Office (collectively, the “Asserted Marks”):

Reg. No.	Title	Trademark Design	Reg. Date	Classes
1,370,283	AIR JORDAN	AIR JORDAN (word mark)	11/12/1985	25- Clothing, footwear
3,725,535	Air Jordan & Wings Design* ⁵		12/15/2009	25- Clothing, footwear, headgear
3,780,236	DUNK	DUNK (word mark)	4/27/2010	25- Footwear
3,627,820	JUMPMAN	JUMPMAN (word mark)	9/11/2007	25- Clothing, footwear, headgear
1,558,100	JumpMan Design		9/26/1989	25- Clothing, Footwear
1,742,019	JumpMan Design		12/22/1992	25- Clothing, footwear, headgear 18- Leather and imitations of leather

⁵ * Indicates unofficial, descriptive title.

Reg. No.	Title	Trademark Design	Reg. Date	Classes
978,952	NIKE	NIKE (word mark)	2/19/1974	25- Clothing, footwear, headgear
1,214,930	NIKE	NIKE (word mark)	11/2/1982	25- Footwear
1,243,248	NIKE	NIKE (word mark)	6/21/1983	42- Retail footwear and apparel services
6,124,779	NIKE	NIKE (word mark)	8/11/2020	35- Retail store services and on-line retail store services
1,238,853	NIKE & Swoosh Design*		5/17/1983	42- Retail footwear and apparel services
1,325,938	NIKE & Swoosh Design*		3/19/1985	25- Footwear
5,286,596	NIKE AIR VAPORMAX	NIKE AIR VAPORMAX (word mark)	9/12/2017	25- Footwear
977,190	Swoosh Design		1/22/1974	25- Footwear
1,264,529	Swoosh Design		1/17/1984	42- Retail footwear and apparel services

Reg. No.	Title	Trademark Design	Reg. Date	Classes
1,323,343	Swoosh Design		3/5/1985	25- Footwear
5,794,674	Swoosh Design		7/2/2019	35- Retail store services and on-line retail store services

23. The above U.S. registrations for Nike's Asserted Marks are valid, subsisting, unrevoked, uncancelled, and in full force and effect.

24. Pursuant to 15 U.S.C. § 1065, of Nike's Asserted Marks, the following federally registered Nike trademarks are incontestable and constitute prima facie evidence of their validity, Nike's ownership, and Nike's exclusive right to use these marks:

- a. Reg. No. 1,370,283 (AIR JORDAN word mark)
- b. Reg. No. 3,725,535 (Air Jordan & Wings Design mark);
- c. Reg. No. 3,780,236 (DUNK word mark);
- d. Reg. No. 3,627,820 (JUMPMAN word mark);
- e. Reg. No. 1,558,100 (JumpMan Design mark);
- f. Reg. No. 978,952 (NIKE word mark);
- g. Reg. No. 1,214,930 (NIKE word mark);

- h. Reg. No. 1,243,248 (NIKE word mark);
- i. Reg. No. 977,190 (Swoosh Design mark);
- j. Reg. No. 1,264,529 (Swoosh Design mark);
- k. Reg. No. 1,323,343 (Swoosh Design mark);
- l. Reg. No. 1,238,853 (Swoosh Design mark); and
- m. Reg. No. 1,325,938 (Swoosh Design mark).

25. Nike also owns extensive common law rights in the Asserted Marks for use in connection with Nike's goods and services. Nike uses the Asserted Marks on or in connection with many of its products and services.

26. Nike's Asserted Marks identify, in the United States and throughout the world, high-quality products and services designed, produced, and offered by Nike.

27. Nike intends to continue to preserve and maintain its rights in the Asserted Marks. Nike has continuously used the Asserted Marks in interstate commerce in connection with the sale, distribution, promotion, and advertising of genuine Nike goods and services since their respective dates of first use as noted on the federal trademark registration certificates. Nike has also used the Asserted Marks in connection with virtual products and intends to further expand such use as reflected in its pending trademark applications.

28. As a result of continuous and long-standing promotion, substantial sales, and consumer recognition, Nike has developed powerful trademarks rights, built substantial goodwill in the Asserted Marks, and has never abandoned that goodwill. As a result, Nike's Asserted Marks have become distinctive and "famous" within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

29. Having distinctive trademarks that are readily identifiable is an important factor in creating and maintaining a market for Nike's products, in identifying Nike and its brands, and in distinguishing Nike's products from the products of others.

30. Nike maintains strict quality control standards for products bearing the Asserted Marks. Genuine Nike products bearing the Asserted Marks are inspected and approved by Nike prior to distribution and sale.

31. Nike also maintains strict control over the use of the Asserted Marks in connection with its products so that the company can maintain control over its reputation and goodwill. Nike, for example, carefully determines how many products bearing the Asserted Marks are released, and when, where, and how those products are sold.

32. The success of the Nike brand has resulted in significant counterfeiting of Nike's trademarks. Nike takes counterfeiting seriously and

expends significant resources every year to stop the flow of counterfeit Nike-branded goods and the harm it causes to the goodwill of the Nike brand.

Fox's Infringing and Counterfeiting Activities

33. On information and belief, Fox primarily conducts his infringing and counterfeiting activities through various social media accounts and websites he controls.

34. On information and belief, Fox also knowingly and materially contributes to and benefits from the infringing and counterfeiting activities of third parties who operate on social media sites Fox controls and/or on websites Fox actively promotes in exchange for monetary or other tangible benefits.

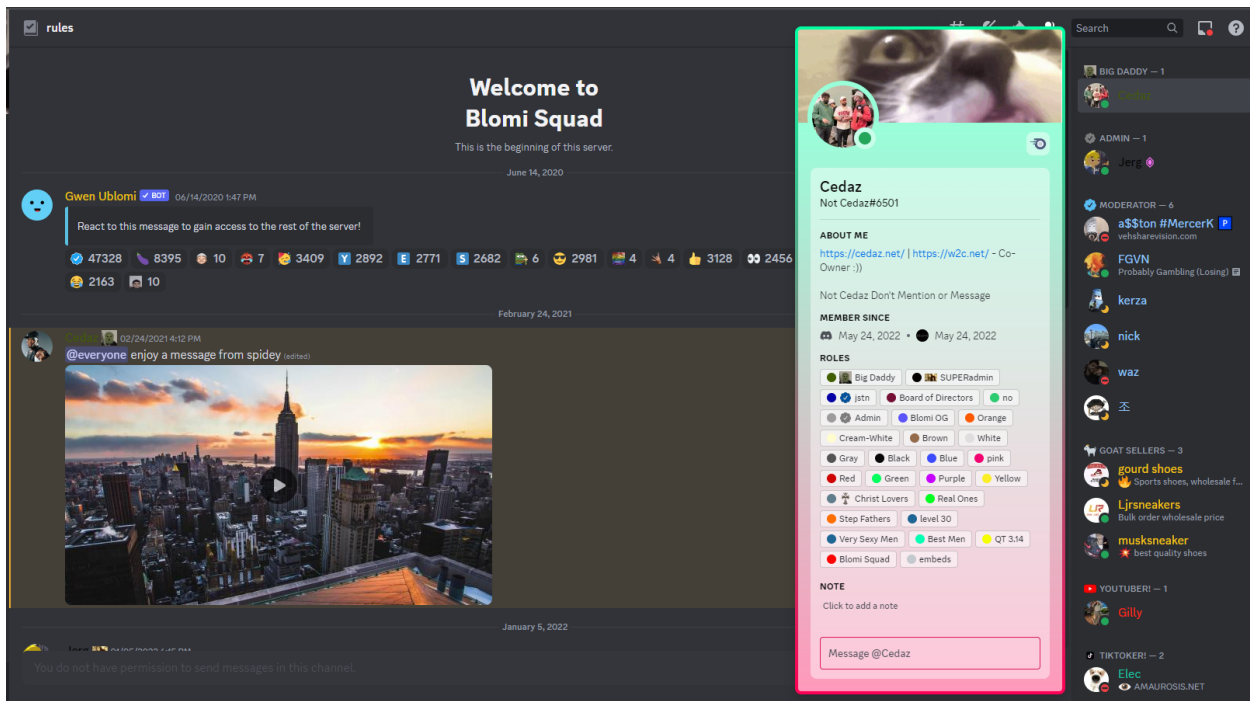
35. Fox also intentionally deceives and misleads actual and prospective Nike consumers with his counterfeit Nike-branded goods and publishes videos of his infringing conduct to his YouTube page and other social media accounts, some of which have tens of thousands of subscribers or followers.

A. Fox's Sale, Distribution, Promotion, and Facilitation of Third-Party Sales of Counterfeit Nike-branded Goods via Discord

36. On information and belief, Fox sells, offers for sale, distributes, promotes, and facilitates third-party sales of counterfeit Nike-branded goods through at least two Discord servers, "Blomi Squad" (located at <https://discord.gg/Cedaz>) and "Closet Clearout" (located at <https://discord.gg/clearout>).

Blomi Squad Discord Server

37. On information and belief, Fox is the sole operator of the Blomi Squad Discord server and has operated it since at least March 26, 2020.



38. The Blomi Squad Discord server is open and available to anyone with a Discord account.

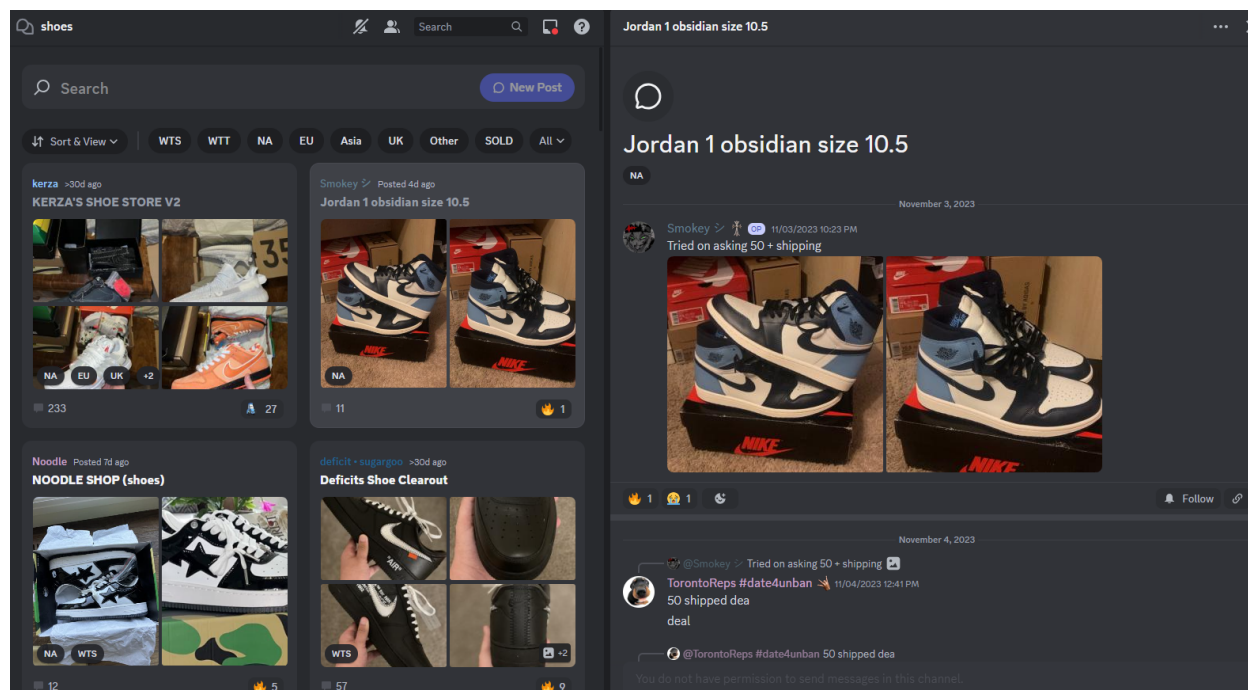
39. As of December 15, 2023, the Blomi Squad Discord server has over 123,000 users.

40. The Blomi Squad Discord server operates, in part, as a community messaging forum, educational resource, advertising platform, and marketplace for the sale and trade of counterfeit goods, including counterfeit Nike-branded shoes and apparel.

41. The Blomi Squad Discord server contains several channels related to the sale, distribution, and trade of counterfeit goods, including “BST” (i.e., “buy, sell, trade”), “giveaway,” “Rep Guides,” “Replica-Channels,” “Panda Buy!”, and “Seller Shops” channels, among others.

42. The “BST” channels include “clothing,” “shoes,” and “accessories,” channels where sellers, including Fox, list counterfeit clothing, shoes, and accessories for sale, respectively.

43. Within the “shoes” BST channel are individual seller pages that contain active listings for counterfeit shoes offered for sale, including numerous Nike-branded shoes.



44. As of November 20, 2023, the BST “shoes” channel contained at least three listings associated with Fox’s “cedaz” Discord handle, including one dated

August 30, 2023, which listed several counterfeit Nike-branded shoes that were apparently sold on or around late August through mid-September 2023.



45. The “BST” channels include a “bst-rules” channel, which provides rules for buyers and sellers. The rules specify that upon reaching a deal, sellers must make a “ticket,” which notifies Blomi Squad Discord “staff” of the transaction. The rules further specify that sellers must pay a 7.5% “BST fee” on all sales proceeds.

Fees

After a sale has been made, the seller is expected to pay 7.5% of the amount they have sold their item(s) for as a BST fee. This amount is expected to be paid AFTER the money has been received. Refusal to pay will result in a permanent suspension from the BST. (edited)

January 7, 2023



Mercer 01/07/2023 3:23 AM

Buying/Selling

When a seller and a buyer agree on a deal, the seller must make a ticket in **No Access**. Only certain staff members, the buyer, and the seller will be able to see these tickets.

This is to ensure that the deal is made in a moderated environment. This rule will be enforced and anyone caught attempting to circumvent this will receive a permanent suspension from the BST.

46. On information and belief, sales and trades of counterfeit Nike-branded goods between Blomi Squad Discord server members, including Fox, occur via one or more private channels on the Blomi Squad Discord server and/or via direct message.

47. On information and belief, Fox and/or his associates are the recipients and beneficiaries of the “BST fee” for every sale that occurs via the Blomi Squad Discord server, including the sales of counterfeit Nike-branded goods. Fox therefore profits from every sale of counterfeit goods that occurs via the Blomi

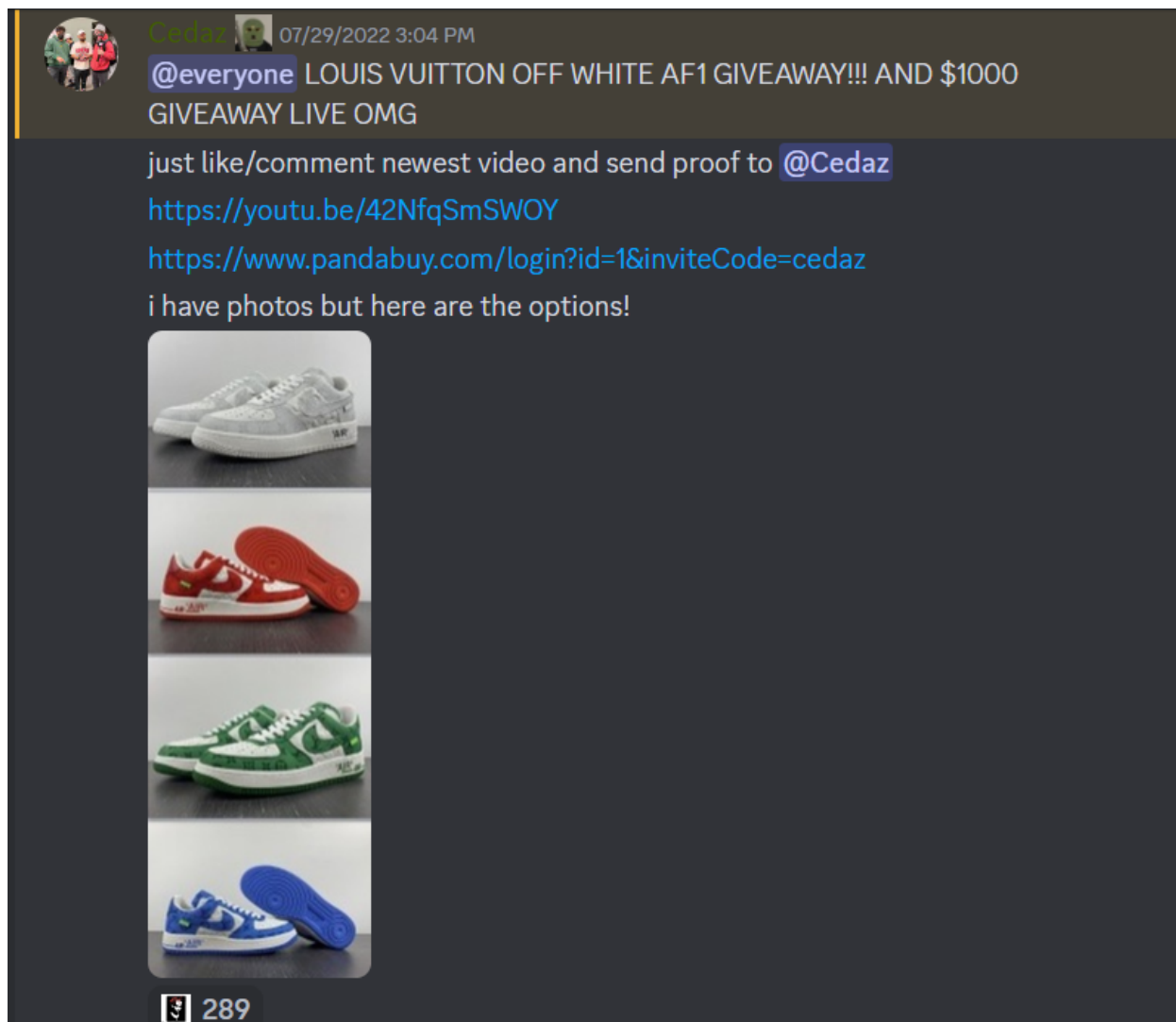
Squad Discord server – including counterfeit Nike-branded goods – regardless of whether he is a direct participant in the transaction.

48. On information and belief, Fox uses the “giveaway” channel to conduct promotional giveaways, including of counterfeit Nike-branded goods.

49. Fox organizes regular giveaways of counterfeit goods, including counterfeit Nike-branded shoes, to promote his YouTube videos and channel.⁶ For example, on July 29, 2022, Fox conducted a giveaway of counterfeit Nike Louis Vuitton Off-White Air Force 1 shoes on the “giveaway” channel. To be eligible to win the counterfeit shoes, users had to like and comment on his then

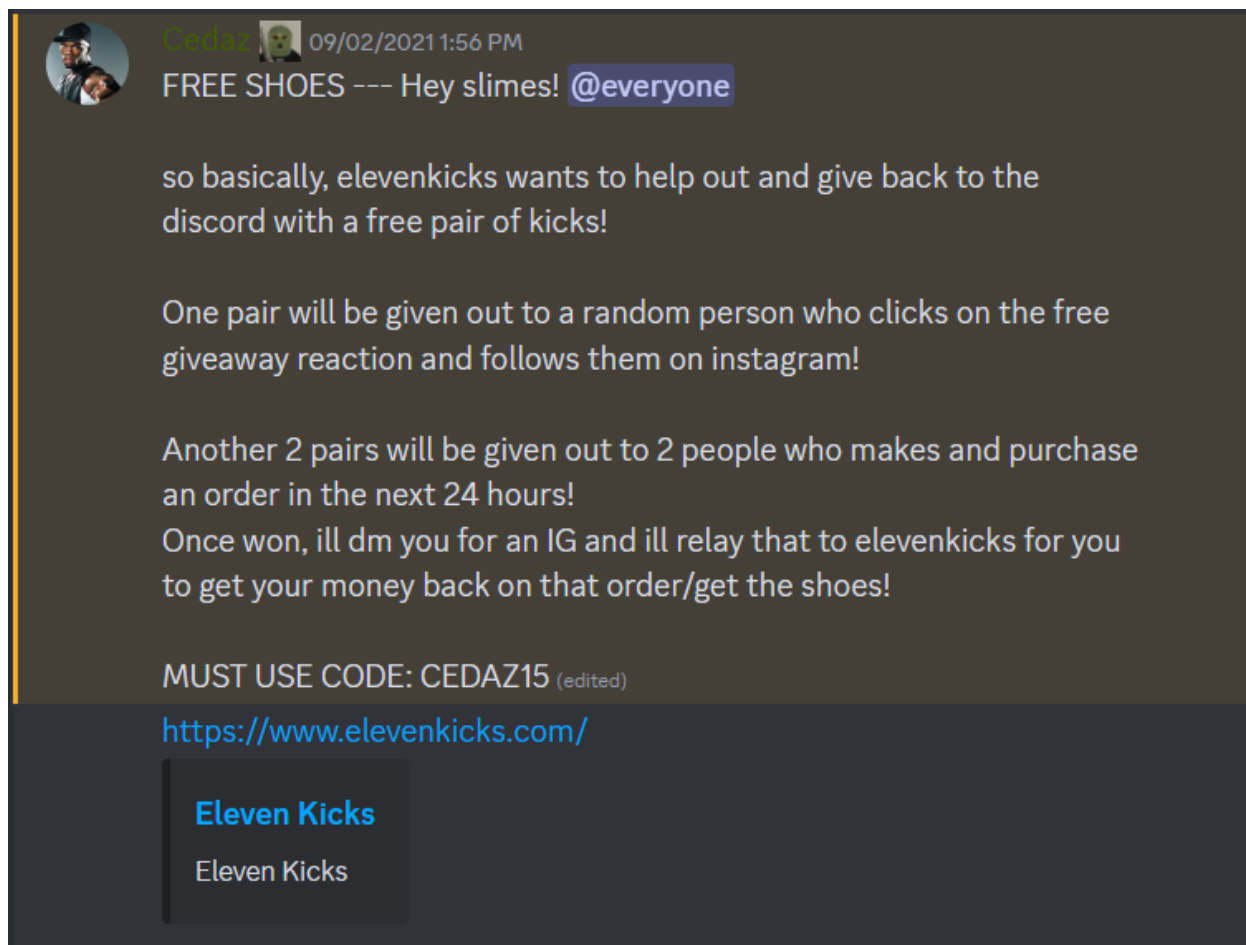
⁶ On information and belief, many if not all of Fox’s YouTube videos were monetized, meaning that Fox earned money when his videos reached a certain number of views. As of November 9, 2023, Fox’s “Cedaz” YouTube channel had 48,500 subscribers; his most watched video had 581,000 views, while his least watched video had 14,000 views. On information and belief, Fox’s YouTube subscriber count and video view count were sufficient to qualify for monetization under YouTube’s current policies.

most recent YouTube video:



50. Fox also arranges for counterfeit sellers to promote their businesses by conducting exclusive giveaways of counterfeit goods on the “giveaway” channel. For example, on September 2, 2021, Fox posted the following giveaway of counterfeit shoes on behalf of counterfeit goods seller Eleven Kicks⁷:

⁷ Eleven Kicks is not an authorized Nike retailer and appears to sell counterfeit Nike-branded shoes and apparel from the website www.elevenkicks.com.



Fox’s post directs users to use a custom code that includes his “cedaz” handle, “CEDAZ15,” to be eligible for an additional giveaway of counterfeit shoes. Fox further specifies that he will communicate with the giveaway winners and facilitate a refund of their purchase from Eleven Kicks.

51. Through the “Seller Shops” channels, Fox provides a platform for select counterfeit goods sellers he personally endorses to directly market their counterfeit wares and engage with members of Fox’s Blomi Squad Discord community. The “Seller Shops” channels currently include eight dedicated seller channels, and one general chat channel called “trusted-rep-seller-chat.”

52. Among the sellers that Fox has provided dedicated channels for, are the following sellers of counterfeit Nike-branded goods:


- a. Lay a/k/a “Lay Sneakers”;



b. Miss Le



c. LJR Sneakers

 **Ljrsneakers** 🐾 10/25/2023 3:25 AM

agent links: https://weidian.com/item.html?itemID=6720939879&spider_token=be39 best quality


factory price

web link: <https://ljrsneakers.cc/product/off-white-x-air-force-1-low-black/>

code "blomi" 5% off,best quality,one pair is also wholesale price

fashion website : <https://ljrfashion.vip/>

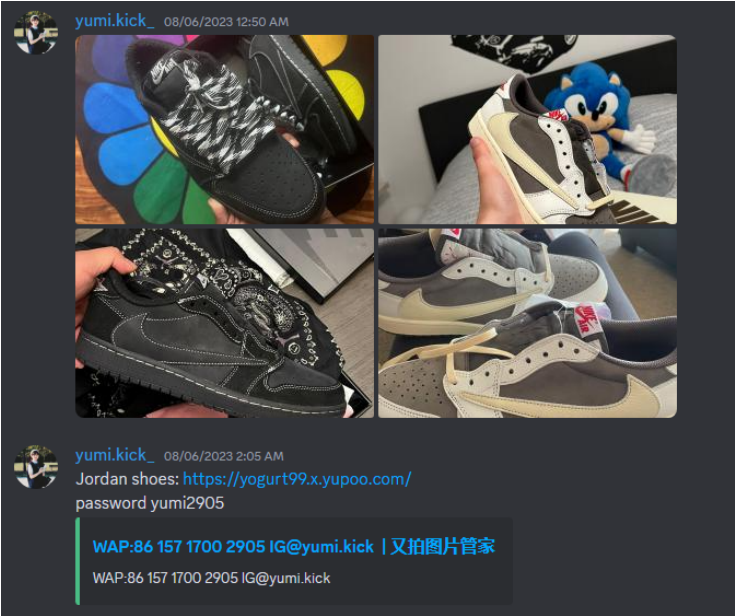
wa:+16505162634



d. UaBat⁸

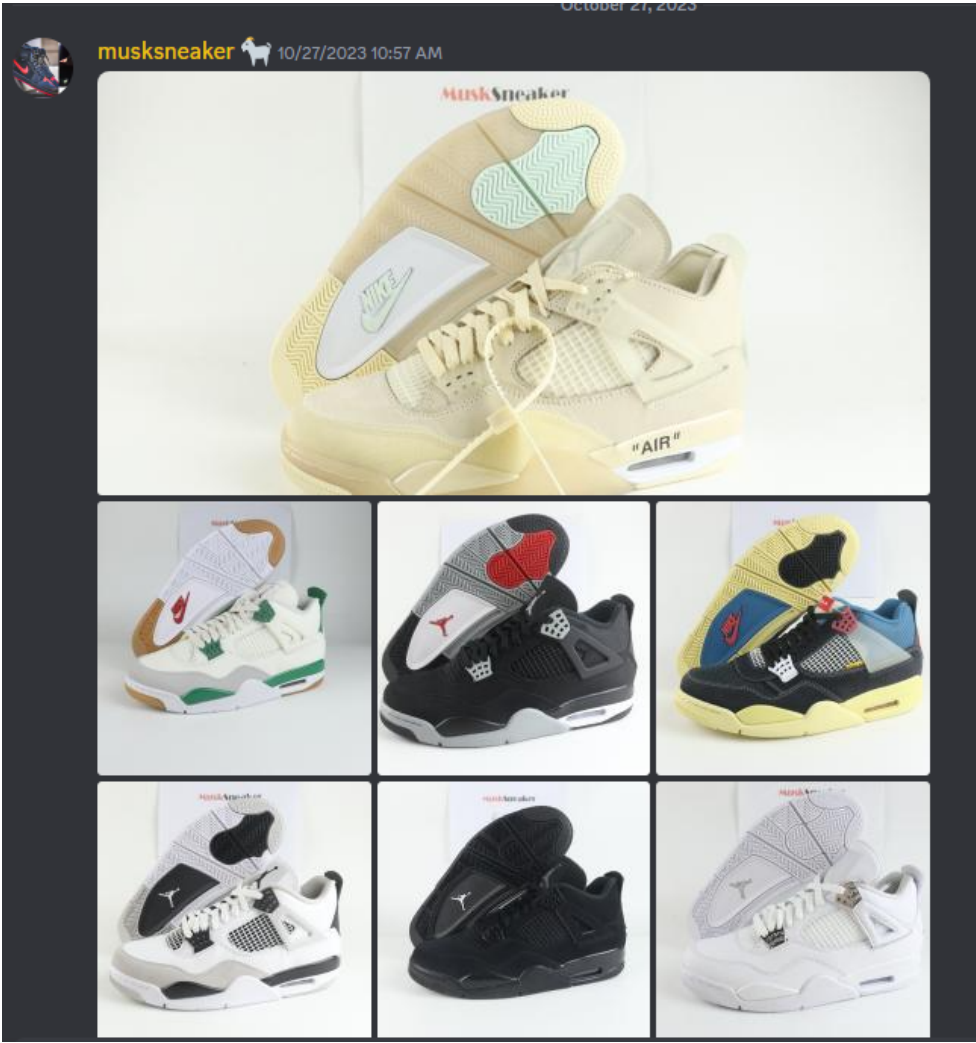
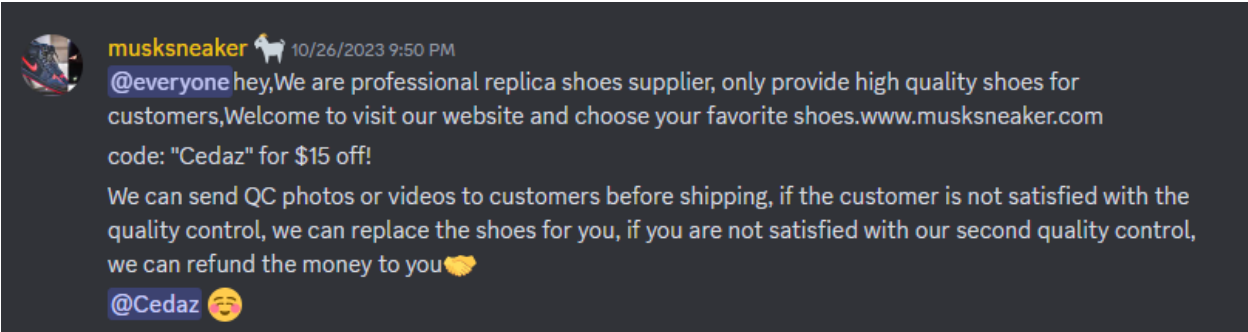


e. Yumi Kick



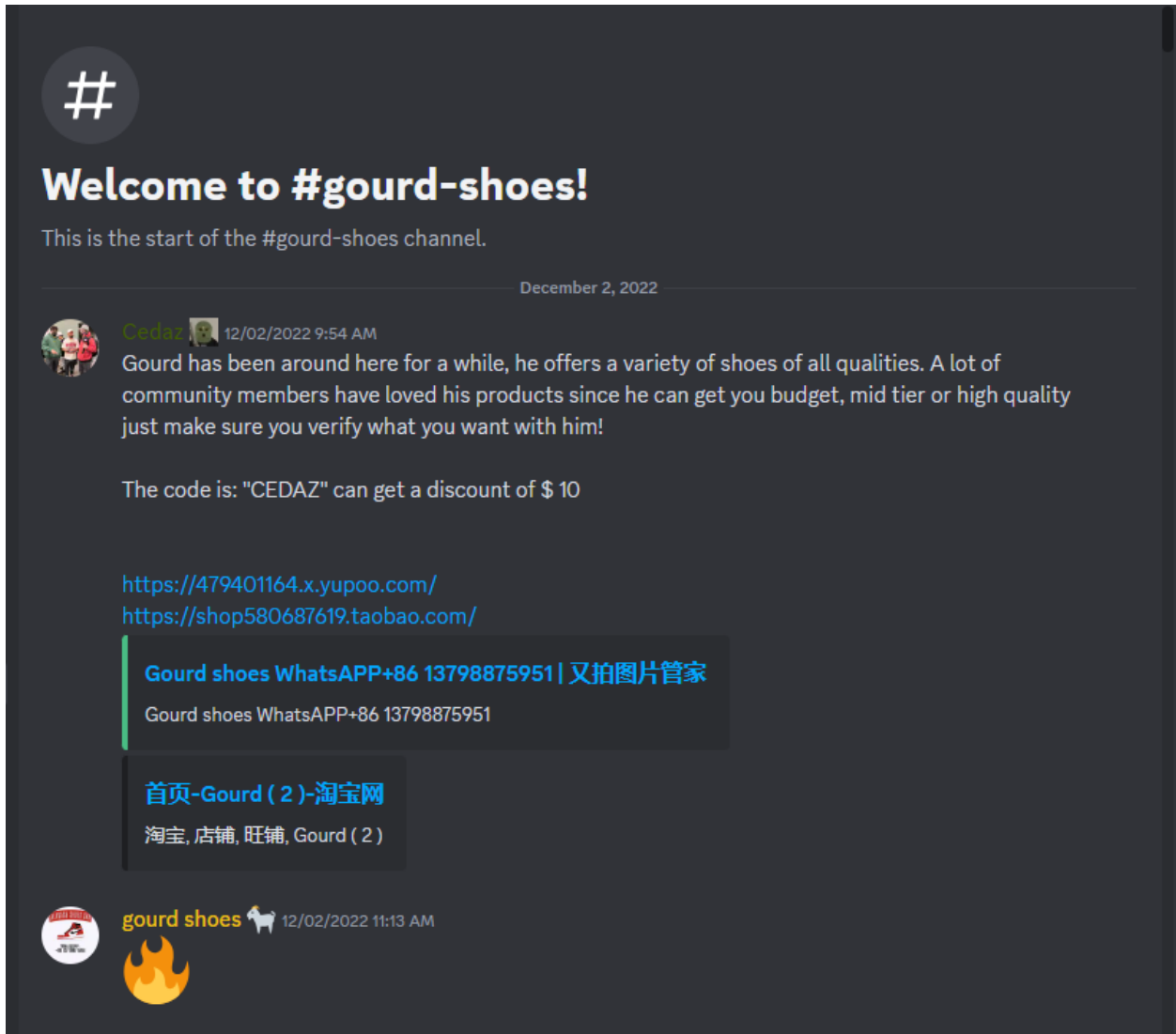
⁸ The term "UA" often refers to "unauthorized authentic," i.e., counterfeit.

f. Musk Sneaker



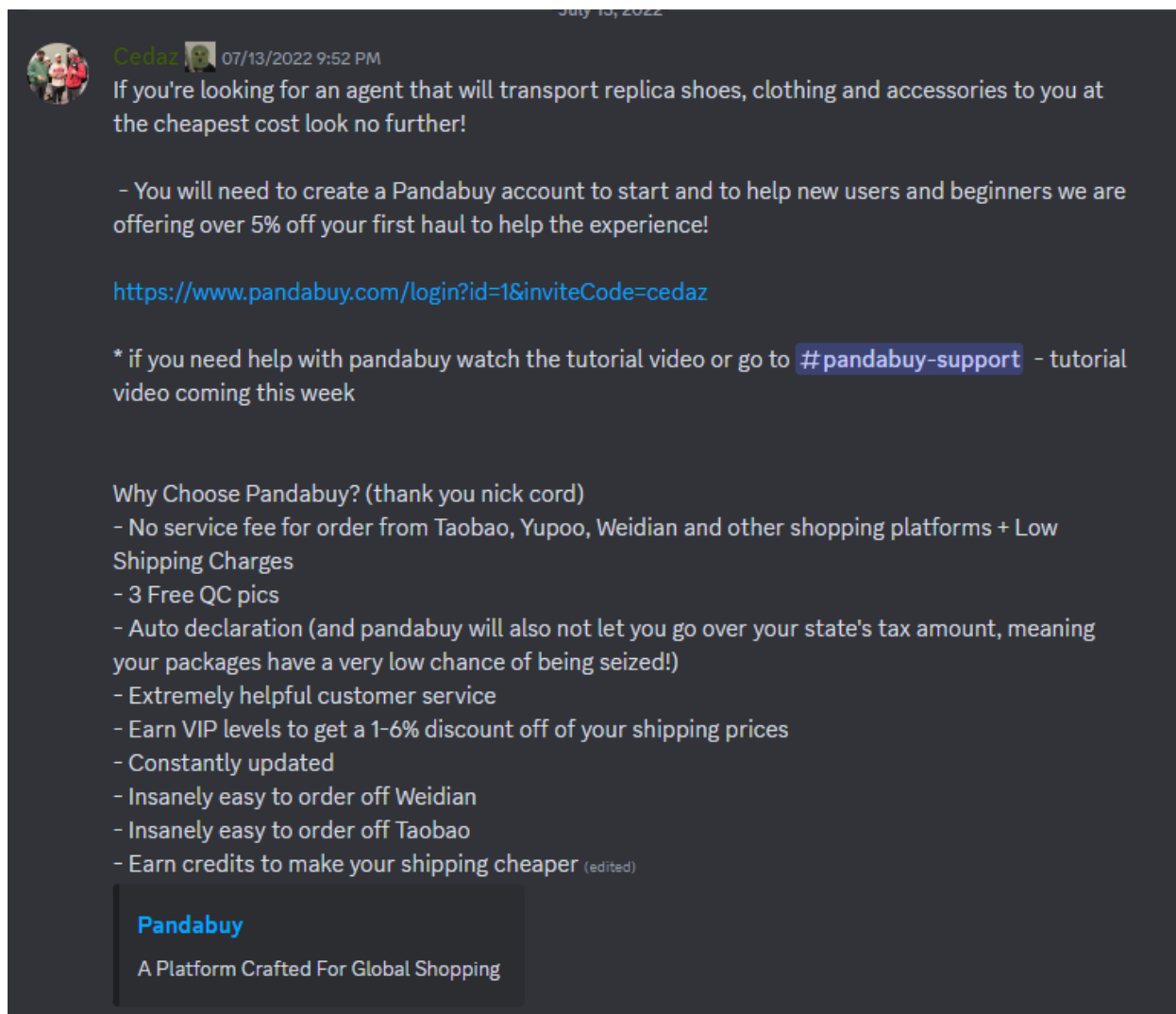
53. Fox personally introduces some of the sellers to his Discord community members and provides a custom discount code. For example, on

December 2, 2022, Fox published the following post under the “gourd-shoes” seller channel, a channel dedicated to Gourd, a known seller of counterfeit Nike-branded shoes:



54. The “Panda Buy!” channels provide information, resources, and support for users seeking to purchase counterfeit goods through the third-party counterfeit goods shipping agent platform and marketplace, PandaBuy. Under the “pandabuy-signup” channel, Fox published the following post on July 13,

2022, directing users to sign up with PandaBuy through a custom “cedaz” invite code that offers users a 5% discount on their first PandaBuy purchase:



55. Under the “Rep Guides” and “Replica-Channels” channels, Fox and his associates provide highly detailed instructions and guidance on acquiring counterfeit goods from overseas, including where to find purportedly high-quality counterfeit goods. These channels include FAQs and a glossary of terms frequently used in the trade of counterfeit goods.

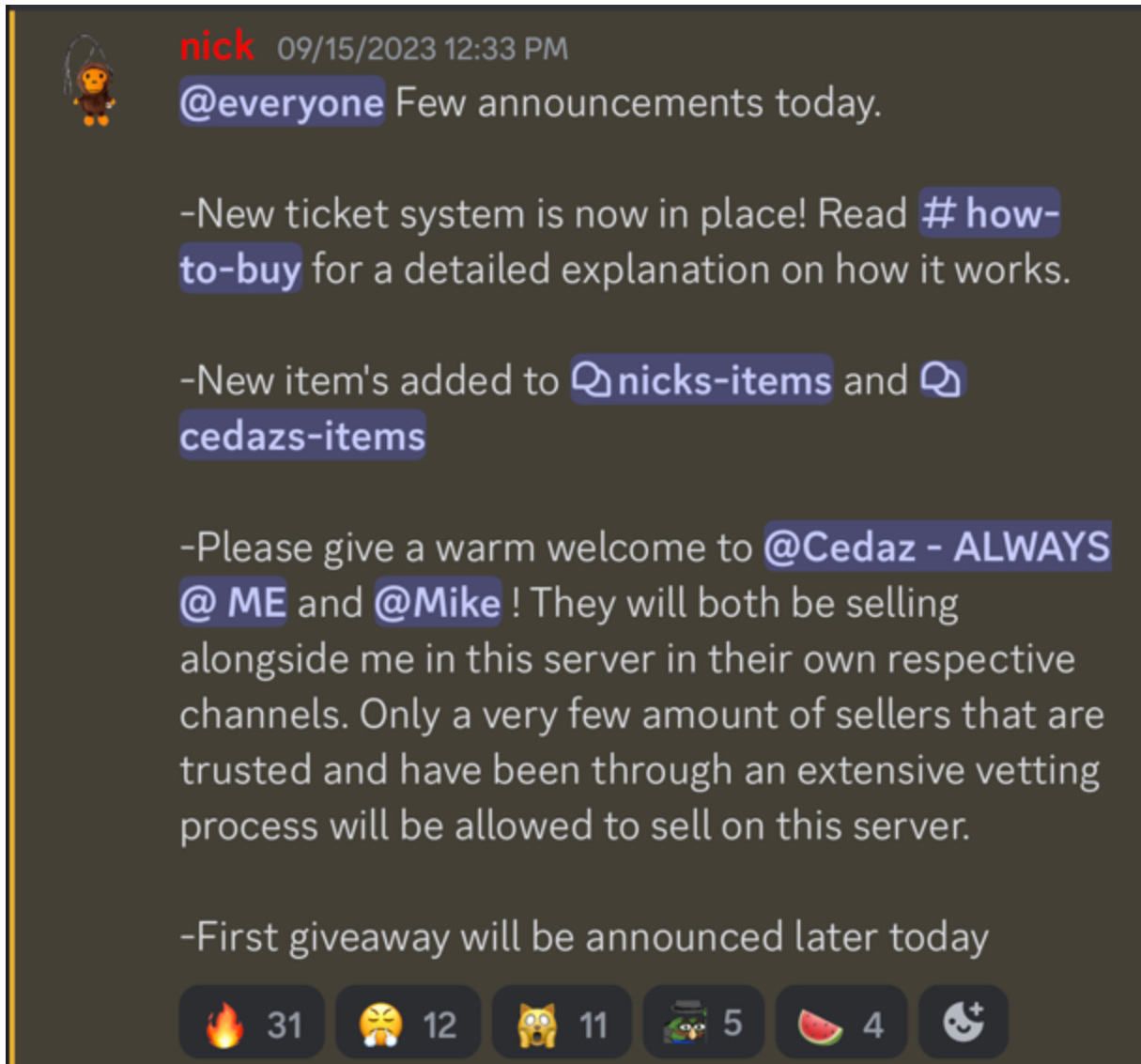
Closet Clearout Discord Server

56. Fox also co-operates and participates as a seller on another Discord server called “Closet Clearout.”

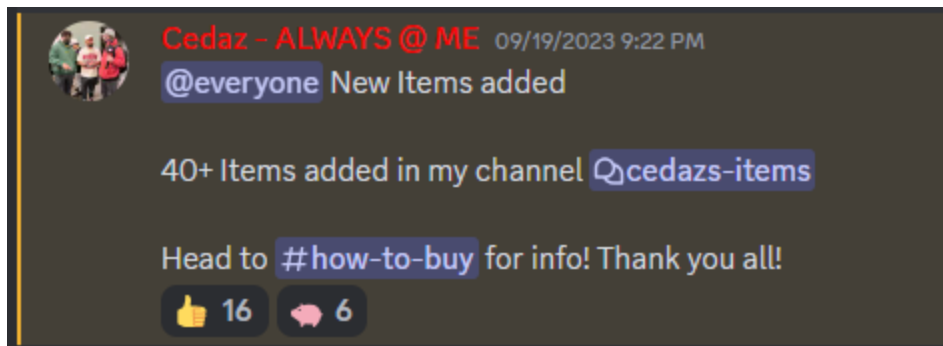
57. On November 9, 2023, the Closet Clearout Discord server had just over 17,000 users. As of December 11, 2023, the server had grown to over 22,000 users.

58. A September 15, 2023 post in the “announcements” channel of the Closet Clearout server by Discord user “nick,”⁹ indicates that Fox began listing counterfeit products for sale through the Closet Clearout server on or around September 15, 2023.

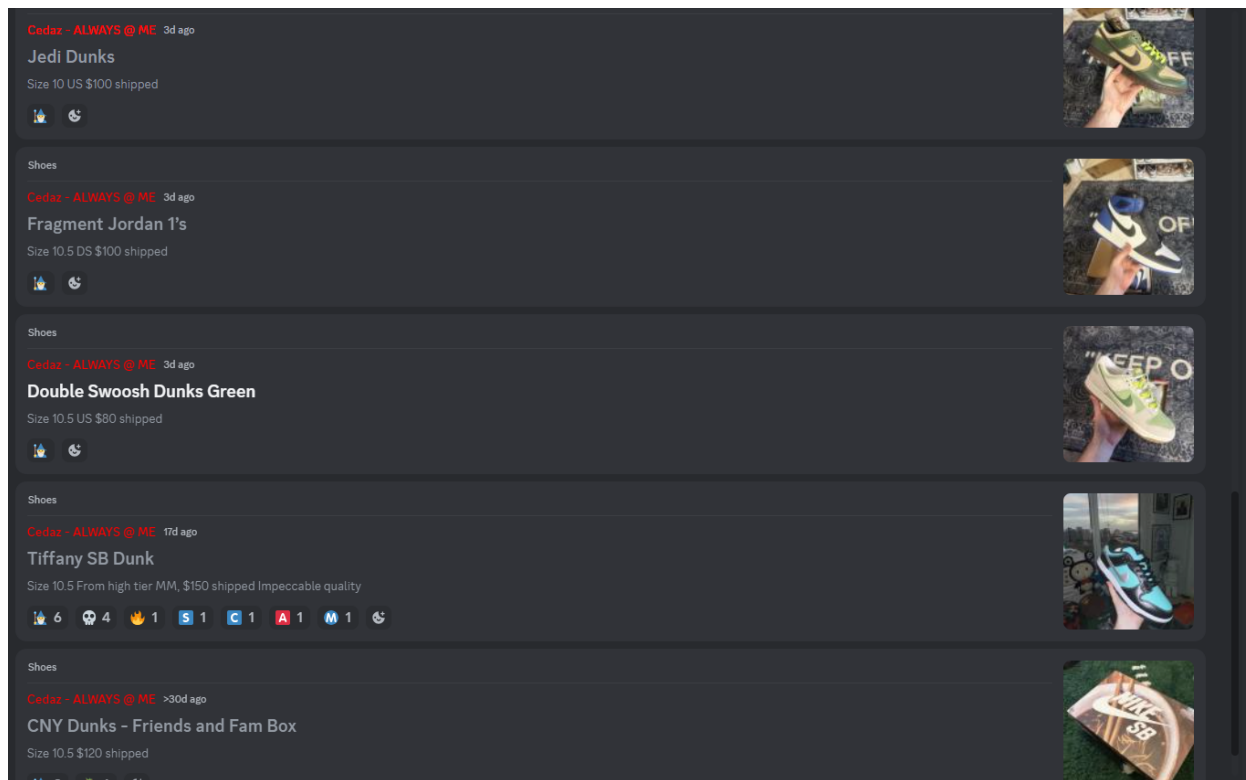
⁹ On information and belief, the username “nick” is controlled by Nick Tuinenburg, Fox’s partner in operating w2c.net.



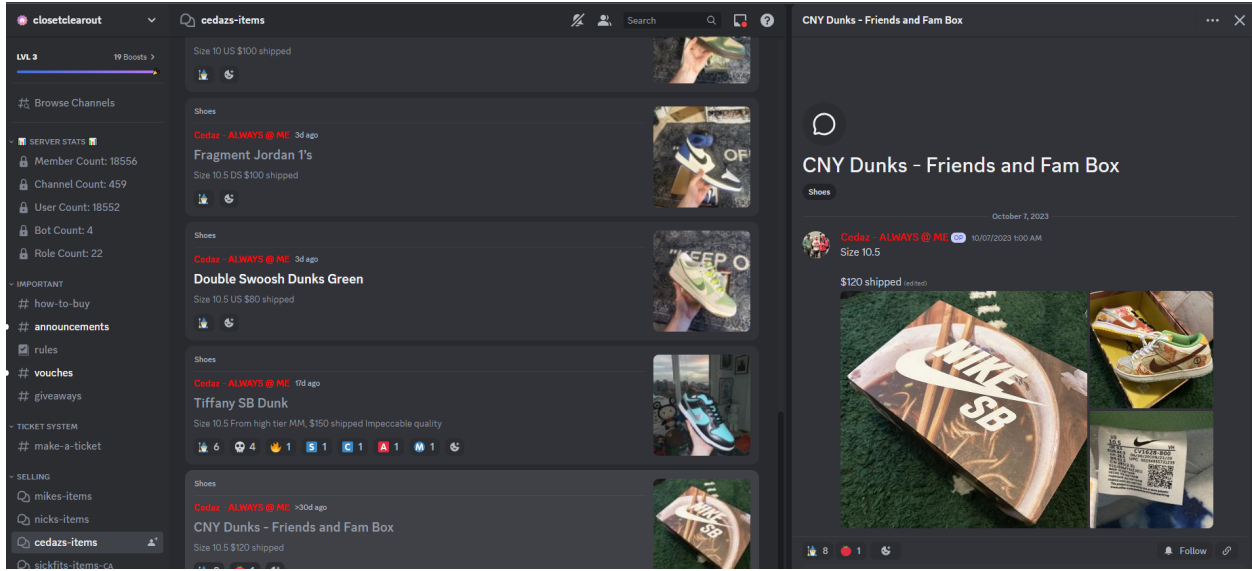
59. On September 19, 2023, Fox, through his “Cedaz – ALWAYS @ ME” display name, published a post to the “announcements” channel of the Closet Clearout server, announcing that he had added over forty new items in his personal channel, “cedazs-items.”



60. As of November 16, 2023, five pairs of counterfeit Nike-branded shoes were listed as available for sale on the “cedazs-items” channel.

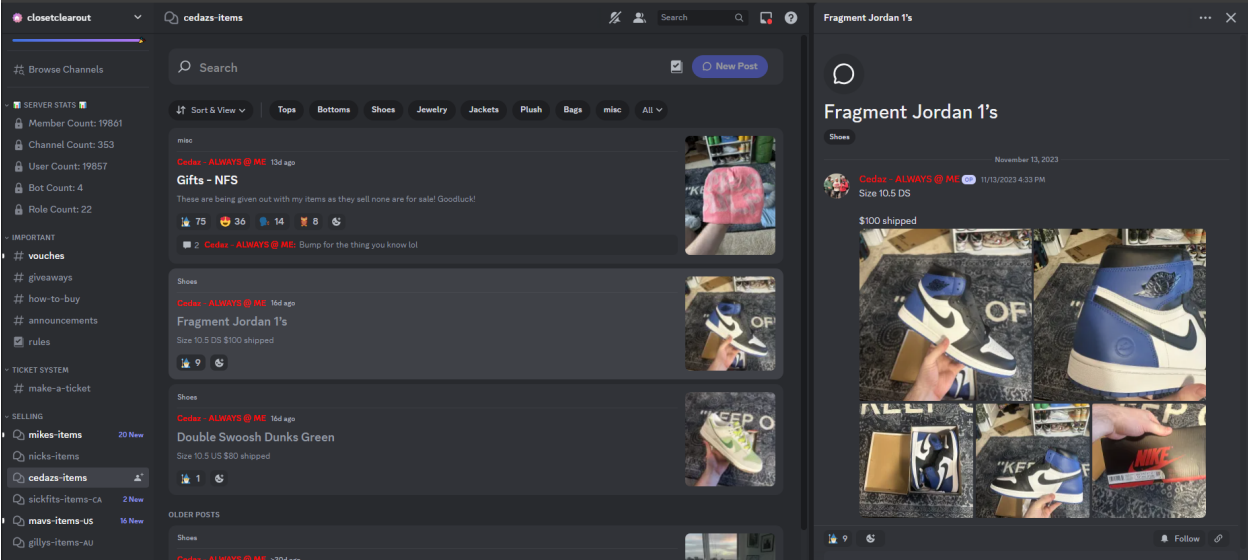


61. On further investigation, Nike has determined that the shoes listed by Fox as “CNY Dunks – Friends and Fam Box” are counterfeit.



62. As of November 20, 2023, Fox appears to have sold the counterfeit Nike-branded shoes identified as “CNY Dunks – Friends and Fam Box.”

63. On further investigation, Nike has determined that the shoes listed by Fox as “Fragment Jordan 1s” are counterfeit.



B. W2C.net¹⁰

64. Fox also controls and co-operates the website located at www.w2c.net, which features a collection of counterfeit good offerings available through PandaBuy. Fox and co-owner/co-operator Nick Tuinenburg are identified under a section titled “Meet the Owners.”¹¹

MEET THE OWNERS

Nick Tuinenburg

Nick is one of the earliest pioneers when it come's to using Pandabuy. He's emassed millions of views on his video's due to his unique style and exclusivity of the items he finds

[LEARN MORE](#)

Eben "Cedaz"

Cedaz is one of the longest lasting replica content creators on social media. Over the past 4 year's he's tried every agent, every seller and purchased thousands of items. His broad taste allow's for finds anyone will enjoy

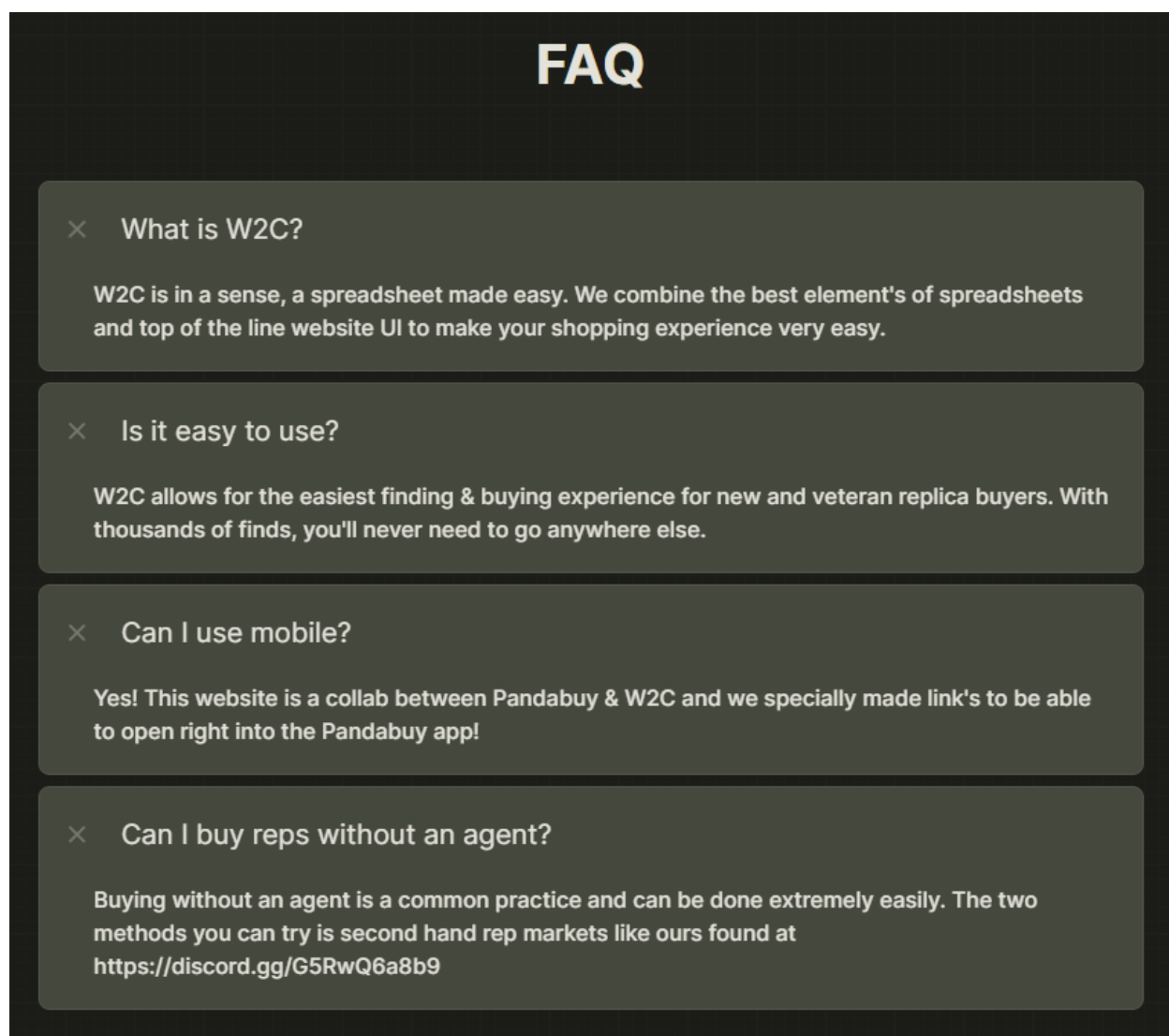
[LEARN MORE](#)

¹⁰ As defined under the “replica-terms” channel of the Blomi Squad Discord server, “W2C” stands for “where to cop,” as in where to purchase counterfeit goods.

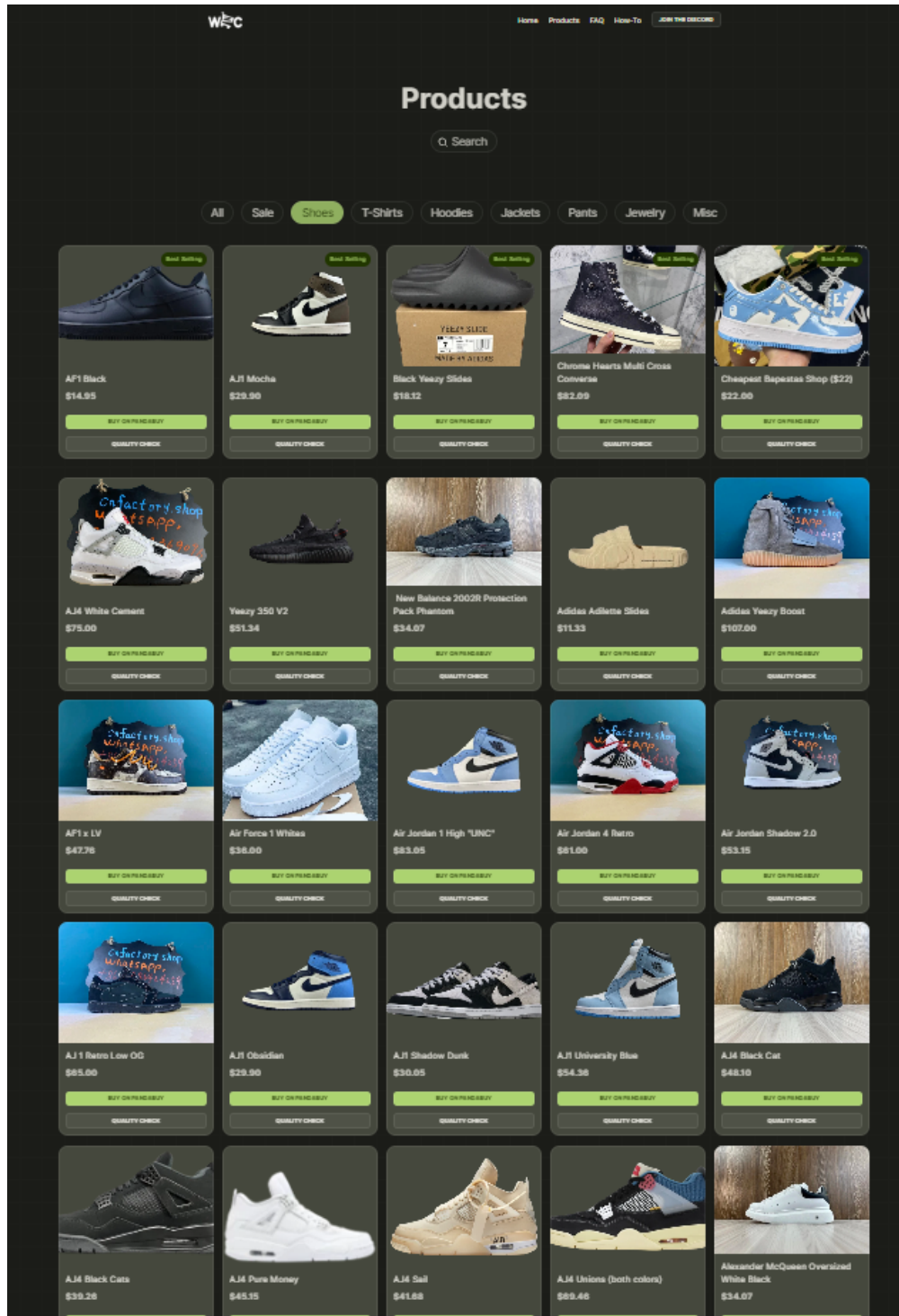
¹¹ Fox further identifies himself as the co-owner of W2C.net on his Discord account bio and on his other website, www.cedaz.net. See *infra* ¶¶ 75, 77.

65. The W2C.net website banner identifies it as “The #1 Place For Your Rep Needs,” and contains a FAQ section that further identifies the website as a curated catalog of counterfeit goods offered and sold through PandaBuy.

66. The FAQ section also contains a link to the Closet Clearout Discord server, and refers to it as Fox and Tuinenburg’s “second hand rep market.”

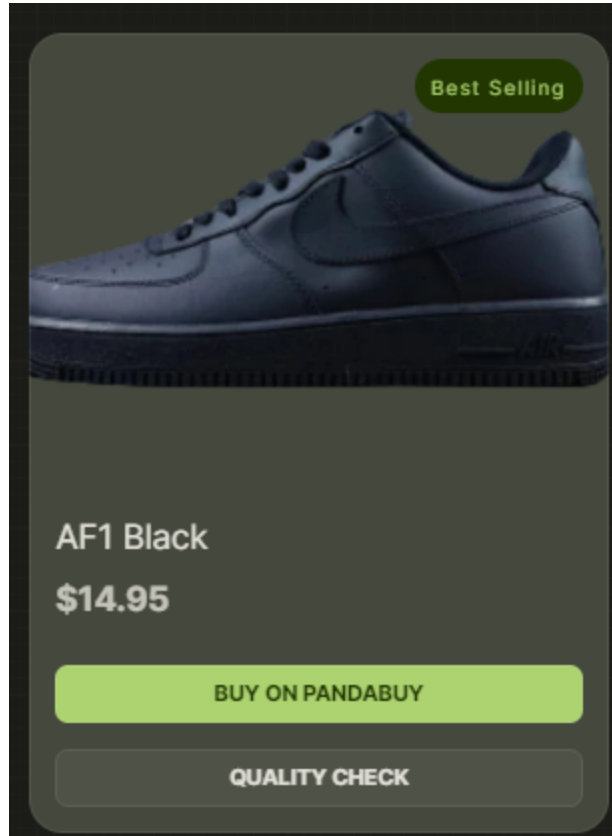


67. W2C.net steers visitors to specific PandaBuy listings offered by sellers that Fox and Tuinenburg have allegedly vetted and endorse, including over one hundred listings of Nike-branded counterfeit goods.



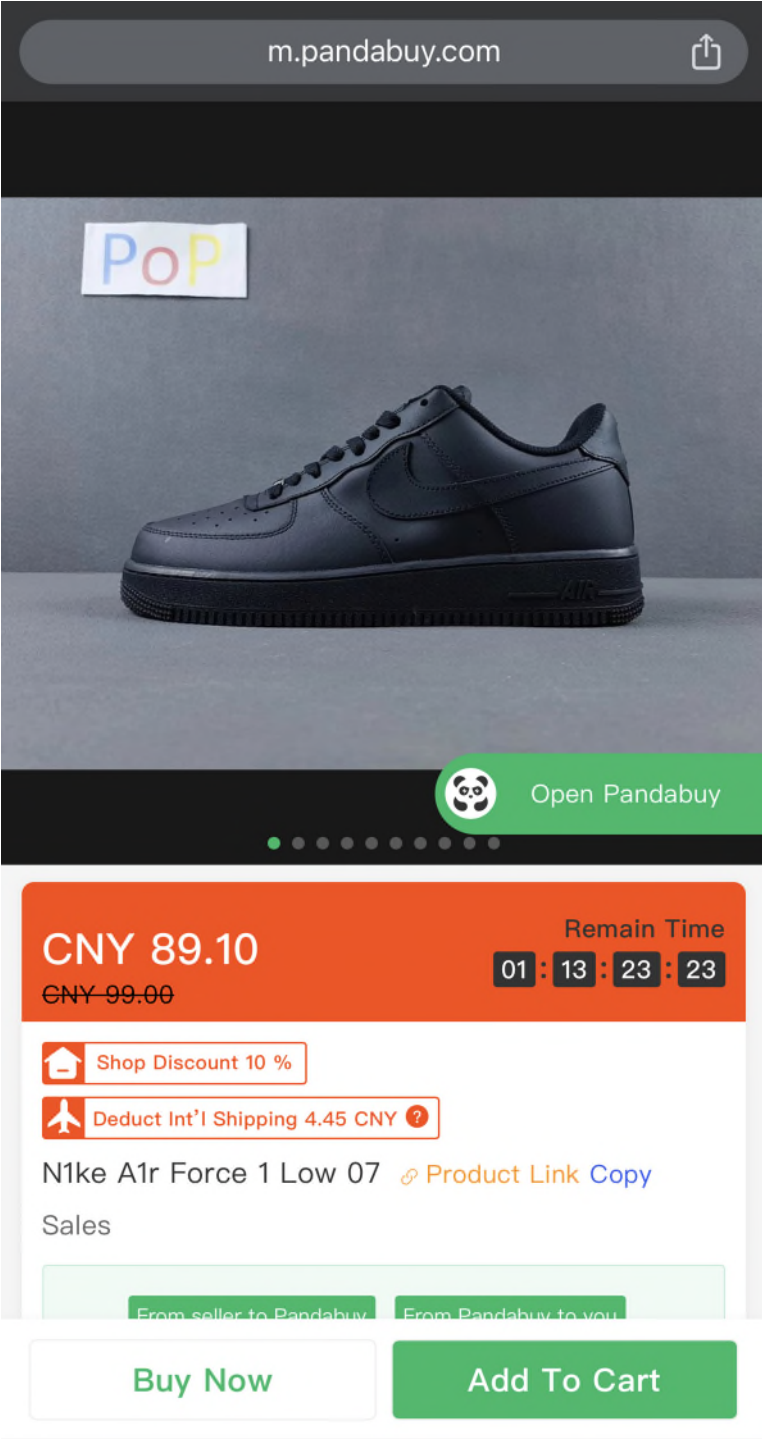
68. In addition to providing direct links to PandaBuy listings, W2C.net also provides a “Quality Check” link for each item which, when clicked, directs users to a part of the PandaBuy website that contains high-resolution photos of samples of the counterfeit item.

69. For example, W2C.net contains a “Buy on PandaBuy” link and “Quality Check” link for a counterfeit shoe based on the Nike Air Force 1 that is listed for \$14.95¹².

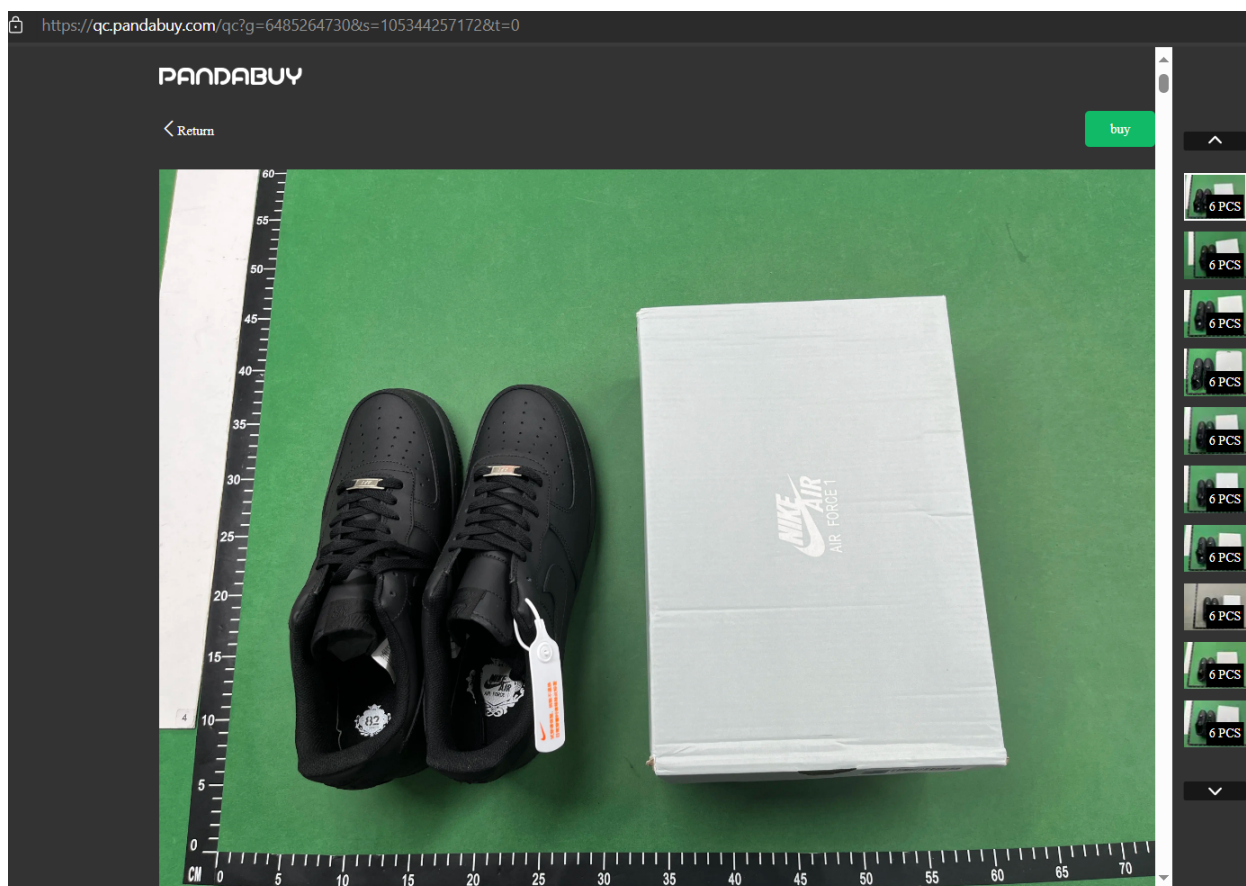


¹² An authentic pair of Nike Air Force 1 '07 shoes currently retails for \$115.00 on Nike's website, www.nike.com.

The “Buy on PandaBuy” button, when clicked, directs users to the PandaBuy page for that item.



The “Quality Check” button, when clicked, directs users to a page on PandaBuy that contains images of a sample of the counterfeit Nike shoe and box.



70. At the bottom of the W2C.net homepage is a “Buy From Us” button which, when clicked, directs visitors to the Closet Clearout Discord server that Fox co-operates.

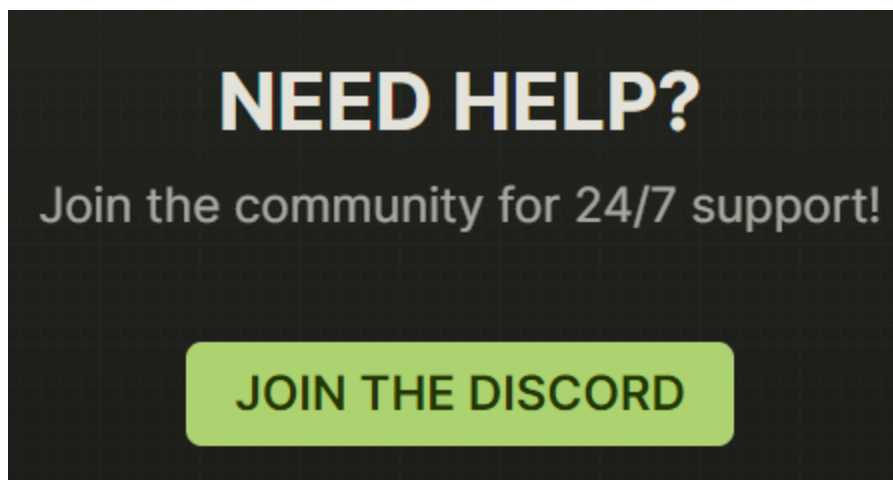


71. Below the copyright notice at the bottom of the W2C.net homepage is a Discord icon that, when clicked, directs visitors to Fox’s Blomi Squad Discord server.

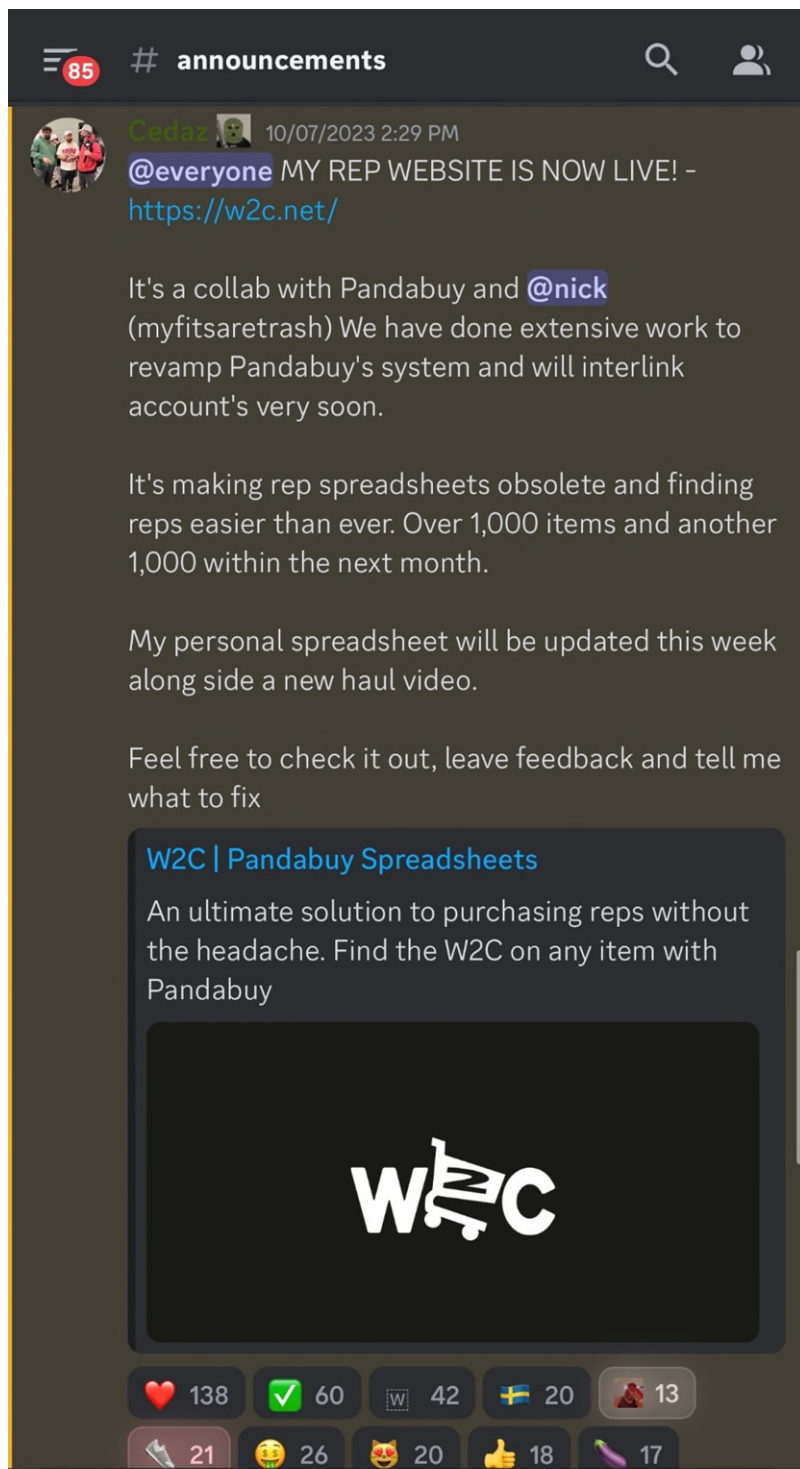
72. W2C.net also features a “How-To” webpage offering “a comprehensive guide on purchasing from Pandabuy.” This page provides step-by-step instructions and screenshots walking users through the process of purchasing and transporting counterfeit goods to the United States via PandaBuy. The “How-To” page also features a “Sign Up Here” button which, when clicked, directs users to the PandaBuy website. This webpage also invites visitors to “[j]oin the community for 24/7 support,” and includes a “Join the Discord” button that directs visitors to the PandaBuy Discord server when clicked.

73. The “How-To” page also contains an embedded YouTube video published to Fox’s YouTube account, titled “How To Buy Items Off Pandabuy! |

Best Guide (UPDATED 2023-2024),” which provides additional information and guidance on procuring counterfeit goods from overseas sellers via PandaBuy.

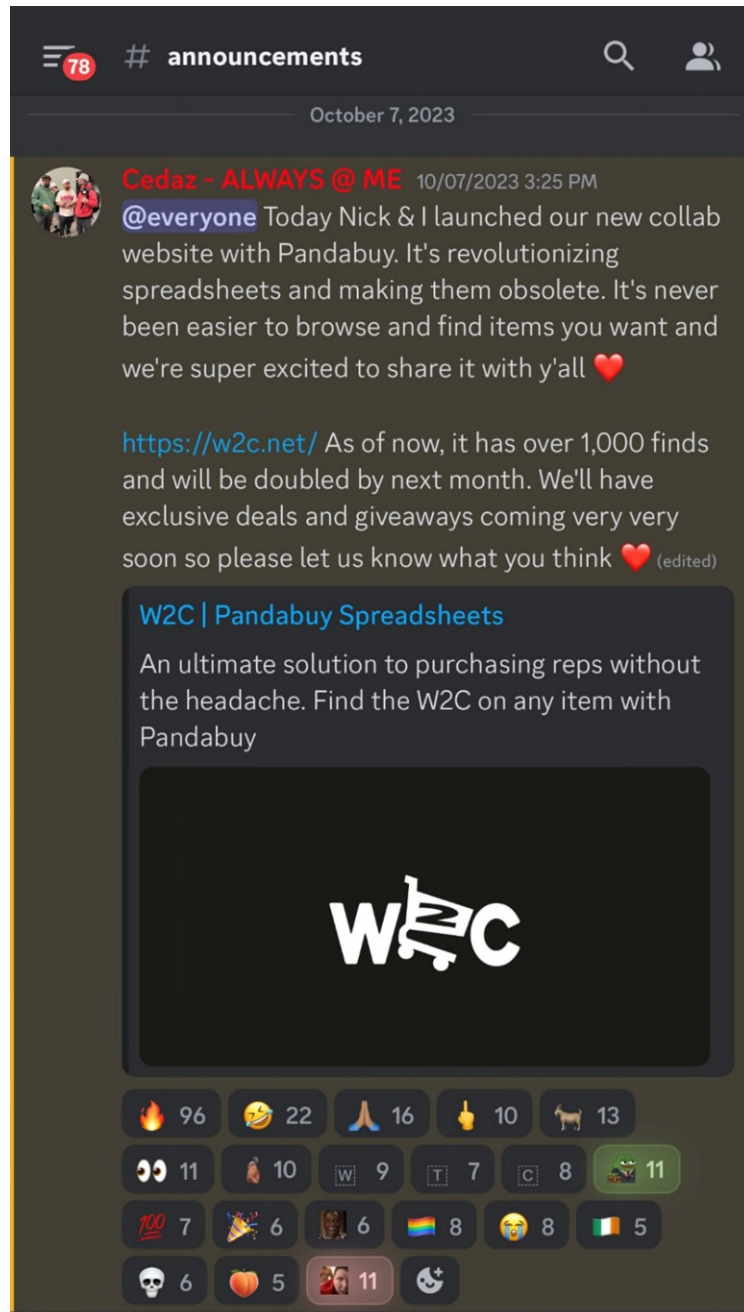


74. On October 7, 2023, in the “announcements” channel of the Blomi Squad Discord server, Fox published a post that includes a link to W2C.net and describes it as his “rep website” and a collaboration with PandaBuy and another Discord user identified by the username “nick,” who is believed to be Nick Tuinenburg.



75. On October 7, 2023, in the “announcements” channel of the Closet Clearout Discord server, Fox also published a post to promote the launch of W2C.net, which describes the website as “a new collab website with

Pandabuy,” and indicates Fox’s intent to rapidly expand the number of counterfeit products listed for sale on the W2C.net website: “[a]s of now, [w2c.net] has over 1,000 finds and will be doubled next month.”



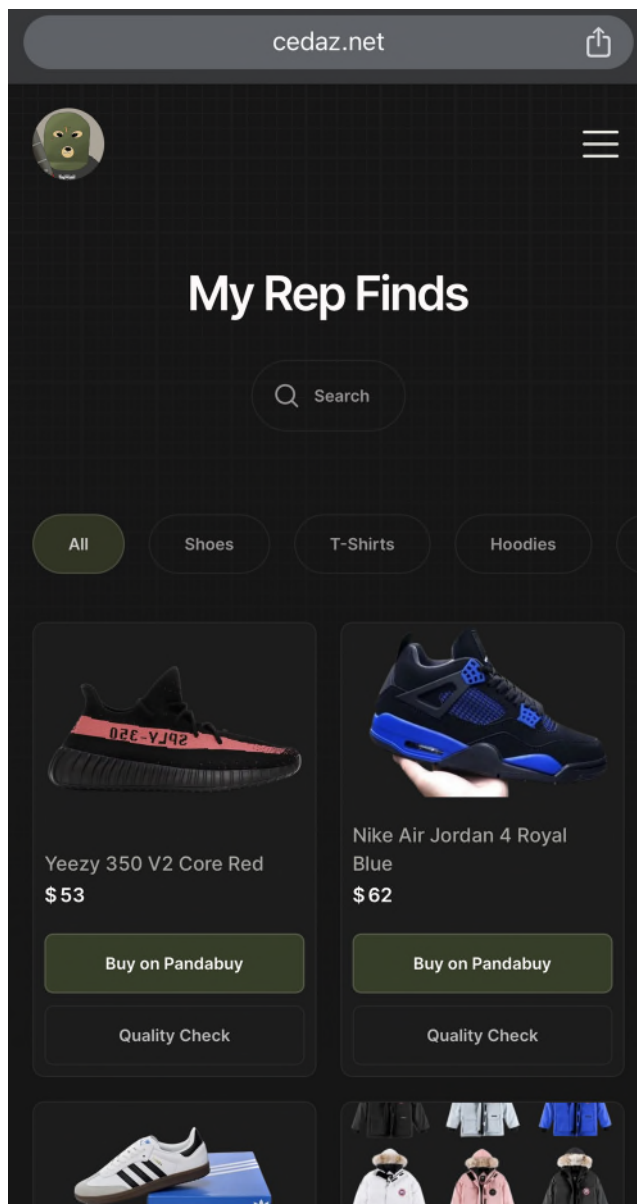
C. Cedaz.net

76. On information and belief, Fox also created, controls, and operates the website located at www.cedaz.net, which features links to W2C.net, the PandaBuy website, the MuskSneaker website, the Blomi Squad Discord server, and Fox's other social media accounts.

77. Cedaz.net also includes a link to a Google Sheets spreadsheet, identified as "My Spreadsheet! My personal rep spreadsheet," which contains a list of counterfeit goods, including counterfeit Nike-branded goods, available for purchase on PandaBuy.

78. As of November 10, 2023, Cedaz.net also features two embedded YouTube videos, including one identified as "How To Buy Reps! - An Easy To Follow Guide." On YouTube, this video is titled "How To Buy Items Off Pandabuy! | Best Guide (UPDATED 2023)," and Fox published it to his YouTube account on or around May 2023.

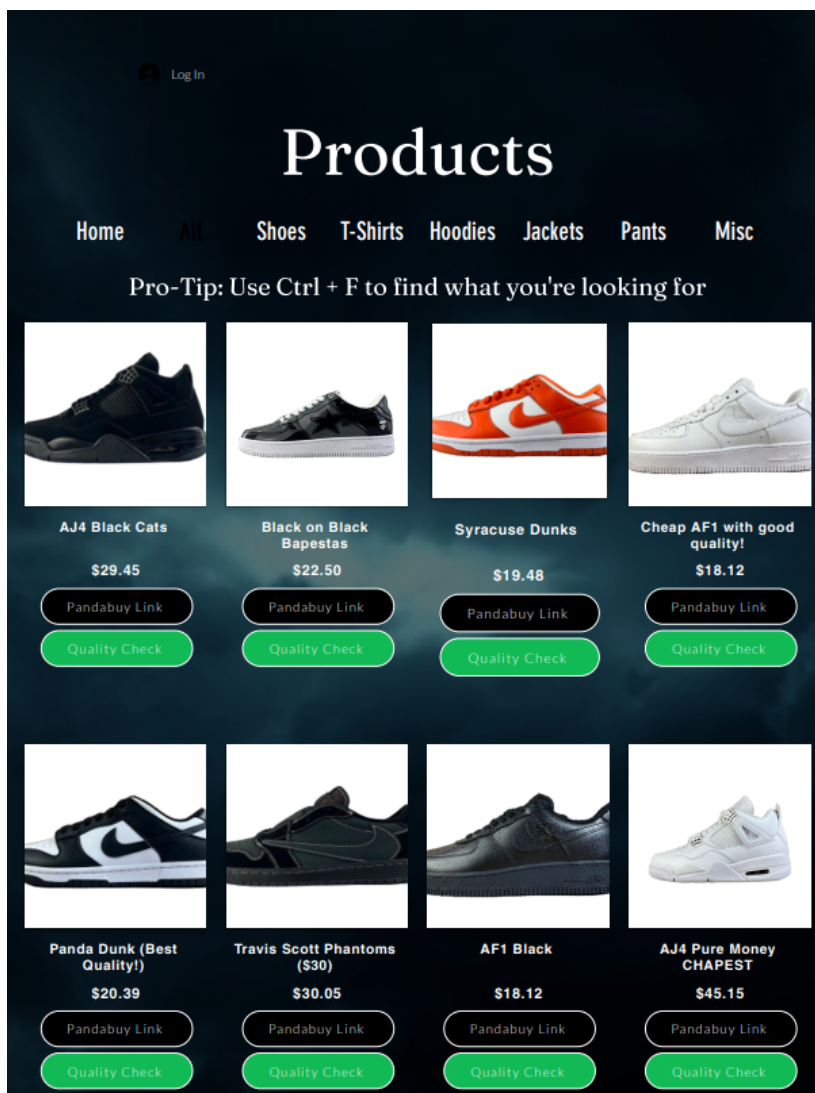
79. Cedaz.net also features a "My Rep Finds" page, which contains a collection of links to specific items offered for sale on PandaBuy, including counterfeit Nike-branded goods.



D. CedazFinds.com

80. On information and belief, Fox also created, controls and operates the website located at www.cedazfinds.com, which includes links to the PandaBuy website and the Blomi Squad Discord server.

81. CedazFinds.com features a “Products” page, which contains a collection of links to specific items offered for sale on PandaBuy, including counterfeit Nike-branded goods, as well as a “Quality Check” link for each item.

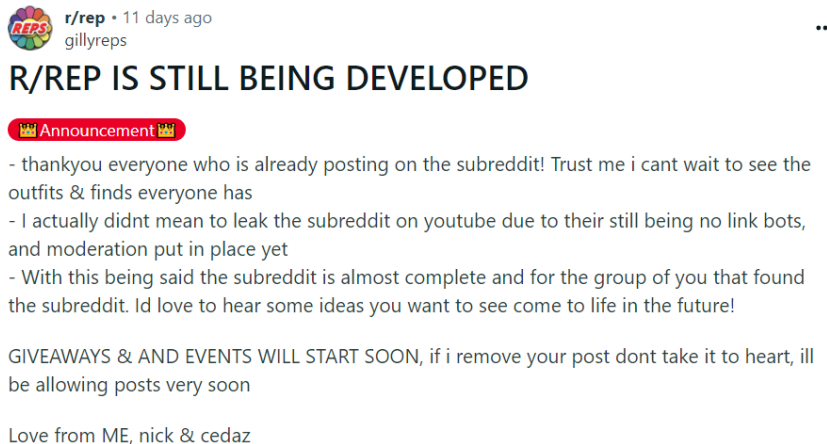


82. Additionally, CedazFinds.com includes a “Tutorial & FAQ” page that publishes detailed directions and images instructing users on how to order from PandaBuy.

E. Fox's Reddit Activity and Participation in r/rep Subreddit

83. Fox, operating under the Reddit username u/cedaz, is a moderator of several subreddit communities devoted to counterfeit goods, including r/RepVirgins, r/RepHub, and r/rep.¹³ Collectively, these online communities contain around 7,500 members.

84. On December 11, 2023, Fox, along with Nick Tuinenburg and another seller from the Closet Clearout Discord server known as “gillyreps,” made the r/rep subreddit publicly accessible.¹⁴ Prior to that date, the subreddit displayed a “coming soon” message posted by “gillyreps” and signed “Love from ME, nick & cedaz.”



85. After the r/rep subreddit was made publicly accessible, “gillyreps” posted a welcome video in which the trio announced the launch of the subreddit.

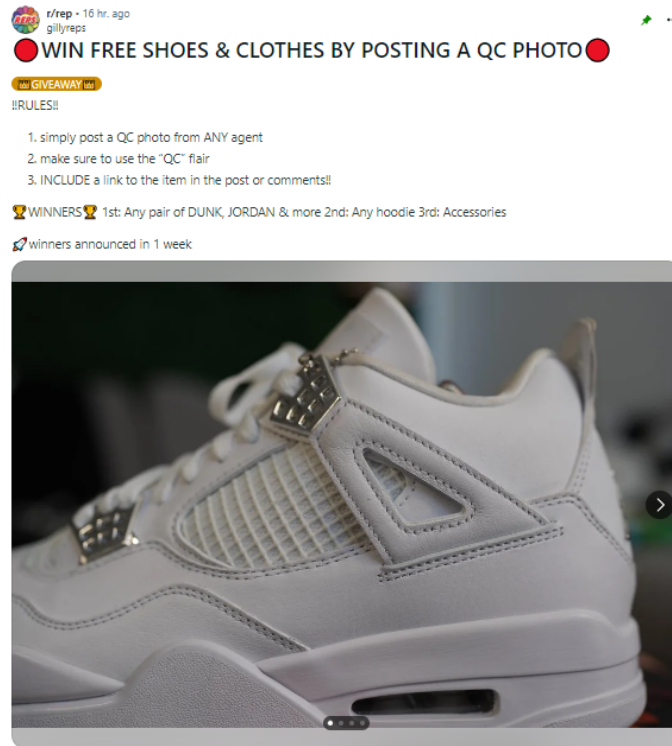
¹³ Eben Fox (@Cedaz), REDDIT (last visited Dec. 11, 2023), <https://www.reddit.com/user/cedaz/>.

¹⁴ r/rep, REDDIT (last visited Dec. 11, 2023), <https://www.reddit.com/r/rep/>.

In the video, they explain that the new subreddit is intended to be a more “user-friendly” alternative to their respective counterfeit goods-related Discord servers, and a way to centrally and collectively preserve their respective “rep”-related social media content in the face of frequent account bans and terminations on the other social media platforms to which they publish their content. In the subreddit’s description, Fox and his partners describe the r/rep subreddit as the “[b]est upcoming replica community.”

86. On the same day that r/rep opened to the public, the trio announced a weekly giveaway event wherein Reddit users who posted photos and links to counterfeit goods on r/rep would be entered into a contest. According to the post, the first-place prize is “[a]ny pair of DUNK, JORDAN[s].”¹⁵ The announcement included example photographs of counterfeit Nike Air Jordan 4 shoes.

¹⁵ r/rep, *WIN FREE SHOES & CLOTHES BY POSTING A QC PHOTO*, REDDIT (Dec. 11, 2023), https://www.reddit.com/r/rep/comments/18ftajt/win_free_shoes_clothes_by_posting_a_qc_photo/.



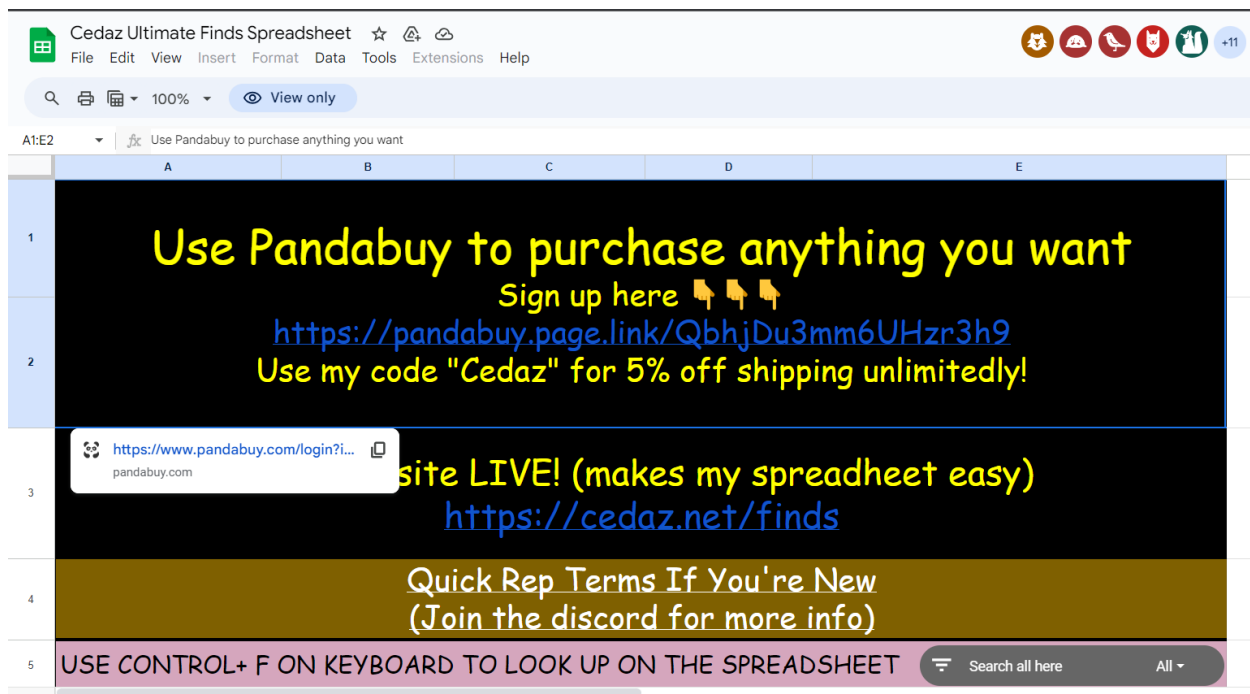
F. Fox's Linktr.ee Page

87. On information and belief, Fox controls the linktr.ee page linktr.ee/ceedaz, which Fox uses to further and promote his counterfeiting activities.

88. The linktr.ee page displays Fox's social media pseudonym "Cedaz," as well as the same cartoon avatar that appears on Fox's "Cedaz" YouTube account page, and contains the following links:

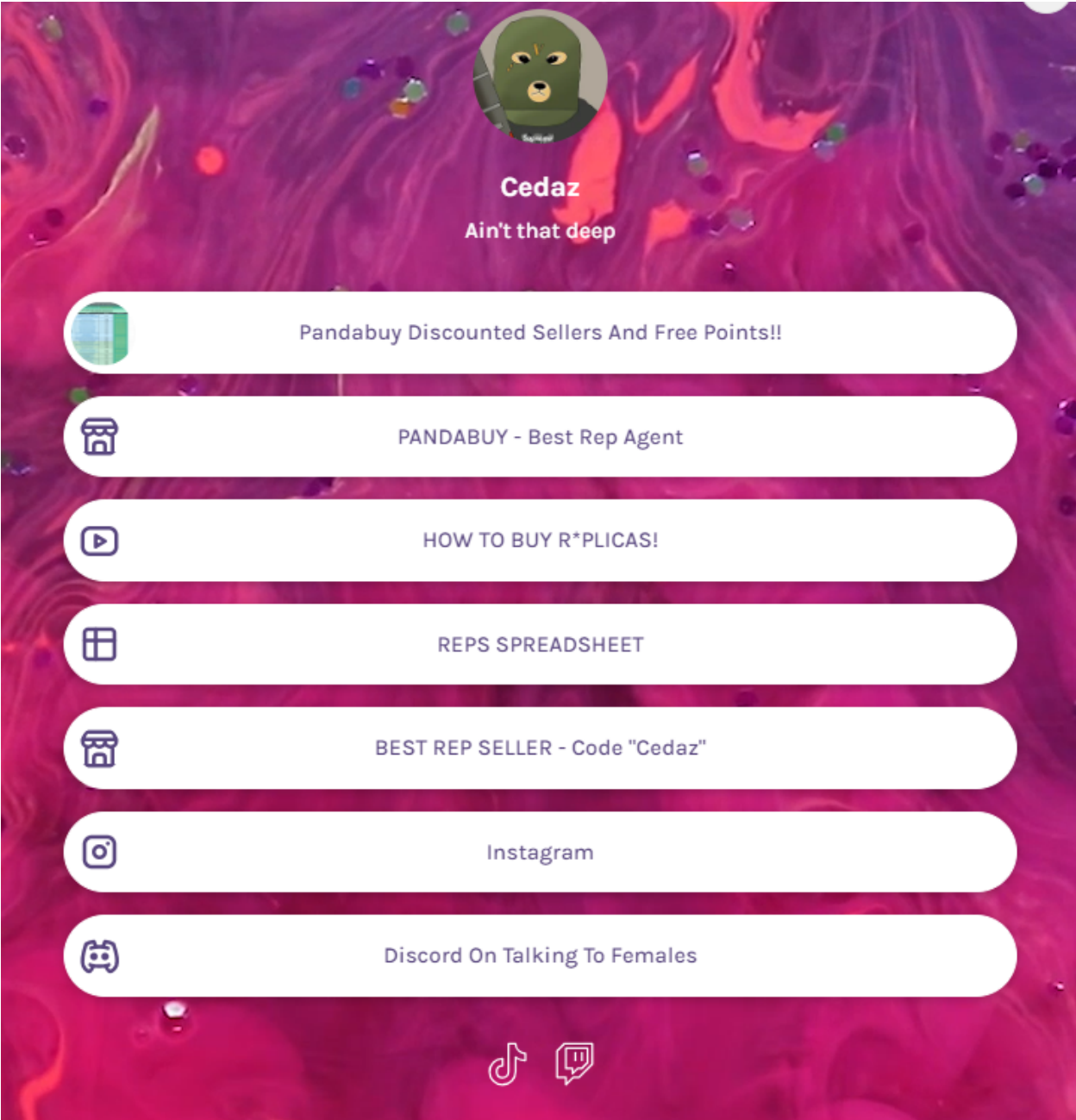
- a. A link to a private Google Sheets spreadsheet, identified as "Pandabuy Discounted Sellers And Free Points!!";
- b. A link to the PandaBuy website that includes a custom "cedaz" invite code, identified as "PANDABUY - Best Rep Agent";

- c. A link to Fox’s YouTube video titled “How To Buy Items Off PandaBuy! | Best Guide (UPDATED 2023),” which is identified as “HOW TO BUY R*PLICAS!”;
- d. A link to a public Google Sheets spreadsheet titled “Cedaz Ultimate Finds Spreadsheet,” which is identified as “REPS SPREADSHEET,” which contains links to counterfeit goods offered on PandaBuy, as well as an advertisement for PandaBuy that includes a custom “Cedaz” discount code that grants users 5% off shipping;



- e. A link to the MuskSneaker website, identified as “BEST REP SELLER - Code ‘Cedaz’”;
- f. A link to Fox’s Instagram account, identified as “Instagram”;

- g. A link to Fox’s Blomi Squad Discord server, identified as “Discord On Talking To Females”;
- h. A link to Fox’s TikTok account, identified by the TikTok icon; and
- i. A link to Fox’s Twitch account, identified by the Twitch icon.



**G. Fox's Promotion and Affiliate Marketing of Counterfeit Goods
Websites**

89. In addition to operating W2C.net in "collaboration" with PandaBuy, on information and belief, Fox is also an affiliate marketer for and/or partner of PandaBuy and various entities who offer counterfeit Nike-branded goods, such as MuskSneaker.

90. In social media posts and videos published to his YouTube and TikTok accounts, Fox frequently advertises and promotes PandaBuy.

91. For example, a video Fox posted to YouTube on May 9, 2023, titled "How To Buy Items Off PandaBuy! | Best Guide (UPDATED 2023)," depicts Fox explaining to viewers how to purchase counterfeit items from PandaBuy.¹⁶ In the beginning of the video, Fox states: "So you're the kid in my DMs begging me for a tutorial on how to buy reps. . . . I'm here to help you little boy get your stuff from China to your doorstep right now." Fox goes on to claim that he has been dealing in counterfeit goods since 2019 and has purchased counterfeit goods from every agent and seller. He then explains what PandaBuy is, and describes how to create an account, find counterfeit items for sale, pay for the items, review photographs

¹⁶ Eben Fox (@Cedaz), *How To Buy Items Off Pandabuy! | Best Guide (UPDATED 2023)*, YOUTUBE (May 9, 2023), <https://www.youtube.com/watch?v=T7dwbpo2cVg>. Fox also published a similar video to his TikTok account, in which he explains how to use PandaBuy to purchase counterfeit goods. As of November 10, 2023, the video has over 3.7 million views. Eben Fox (@Cedaz), TIKTOK (June 10, 2023), <https://www.tiktok.com/@cedaz/video/7243166474490350894?lang=en>.

of the items after they arrive at the PandaBuy warehouse, and how to arrange for and pay for shipping from the PandaBuy warehouse to the United States.

92. In the description of the “How To Buy Items Off PandaBuy! | Best Guide (UPDATED 2023)” video, Fox also provides a PandaBuy sign-up link, and in the video, states: “If you go down and use my link you will get five percent off all your hauls, literally free items, it would help me out if you do that because I’m teaching you how to do this so please use my link it would be nice, thank you.”

93. In the “How To Buy Items Off PandaBuy! | Best Guide (UPDATED 2023)” video, Fox also advises viewers to use a “middleman” for smaller purchases, and specifically recommends viewers purchase counterfeit goods through identified middleman, MuskSneaker. The video depicts the MuskSneaker website, which displays several counterfeit Nike-branded goods available for sale. Referring to MuskSneaker, Fox states in the video: “also hit them up, you can use code CEDAZ for \$15 off.”

94. In other social media posts and videos published to his YouTube and TikTok accounts, Fox frequently provides referral discount and sign-up codes for PandaBuy and MuskSneaker. These referral discount codes often include some variation of his “Cedaz” moniker and social media handle. On information and belief, for every use of his referral discount and/or sign-up codes on PandaBuy or

MuskSneaker, Fox receives a benefit in the form of site credit, money, and/or free merchandise from these counterfeit sellers and services providers.

H. Fox's Fraudulent Return of Counterfeit Nike-branded Shoes

95. On July 28, 2023, Fox published to his YouTube account a video titled "I Returned FAKE Nike Shoes To Nike... (SHOCKING)," which depicts Fox returning a pair of counterfeit Nike-branded shoes to a Nike store in Tampa, Florida.¹⁷

96. In the first part of the video, Fox displays two boxes of shoes, one he identifies as genuine Nike Air Force 1s and the other as a counterfeit pair he purchased through PandaBuy. After comparing the two pairs of shoes, Fox states that he intends to attempt to return the counterfeit pair at a Nike store.

97. In a later part of the video, Fox, using sunglasses equipped with a hidden video camera, records himself visiting a Nike Well Collective store in Tampa, Florida, and exchanging the counterfeit shoes for a certain sum of money Nike later determined to be \$118.25.

98. Nike determined Fox's return transaction involving the counterfeit shoes was associated with an earlier July 15, 2023 purchase of authentic Nike Air

¹⁷ Eben Fox (@Cedaz), *I Returned FAKE Nike Shoes To Nike... (SHOCKING)*, YOUTUBE (July 8, 2023), <https://www.youtube.com/watch?v=xGKL74x-8dg>.

Force 1 shoes that Fox had purchased at the Nike Well Collective store located at 1520 W Swann Avenue, Tampa, Florida.

99. Fox's email address, ebencedaz@gmail.com is associated with the July 15, 2023 purchase order and subsequent return transaction.

100. Fox's publication of the "I Returned FAKE Nike Shoes To Nike... (SHOCKING)," video has already inspired others to attempt to return counterfeit Nike-branded shoes to brick-and-mortar Nike stores. For example, in a YouTube video titled "I returned FAKE shoes to NIKE (THEY PASSED)," YouTuber "Keboooo" filmed himself returning counterfeit Nike Air Force 1s to a JD Sports store and receiving a refund. In the description of the video, "Keboooo" credited Fox as his inspiration: "ik cedaz alr did it but I wanted to test my luck."¹⁸ In similar fashion, YouTuber "ThatboiEC," also published a video to YouTube depicting him returning counterfeit Nike Air Force 1s purchased on PandaBuy to a Nike Store. In the beginning of the video, "ThatboiEC" states: "I actually saw this by another YouTuber, Cedaz, so I wanna give my flowers [sic] where they're due. Shout out to Cedaz."¹⁹

¹⁸ Kebo (@Keboooo), *I returned FAKE shoes to NIKE (THEY PASSED)*, YOUTUBE (Nov. 15, 2023), <https://www.youtube.com/watch?v=hFoRiT3Y-G4&t=1s>.

¹⁹ ThatboiEC (@ThatboiEC), *I Returned FAKE Nike Shoes To Nike... (SHOCKING)*, YOUTUBE (Sep. 15, 2023), <https://www.youtube.com/watch?v=z4fwIYEso6k>.

I. Fox's Intentional Deception of Actual and Prospective Nike Consumers

101. In addition to Fox's infringing and counterfeiting activities described above, Fox also creates and publishes videos to his YouTube account in which he wears or displays counterfeit Nike-branded goods with the express intent of deceiving and misleading others into believing that the counterfeit goods are authentic Nike products.

102. For example, a video Fox posted to YouTube on May 16, 2023, titled "Giving FAKE Skating Shoes To PRO Skateboarders... | Tampa Pro 23',"²⁰ depicts Fox attending the 2023 Tampa Pro skateboarding competition and presenting a pair of counterfeit Nike SB Dunk Low shoes²¹ to competition staff and professional skateboarders. Fox repeatedly deceives competition staff, professional skateboarders, and onlookers into believing the shoes are genuine, when they are not. Based on this deception, Fox convinces numerous professional skateboarders to autograph the counterfeit shoes, including several Nike athletes. Fox states in the video that he may sell the autographed counterfeit shoes, and encouraged his

²⁰ Eben Fox (@Cedaz), *Giving FAKE Skating Shoes To PRO Skateboarders... | Tampa Pro 23'*, YOUTUBE (May 16, 2023), <https://www.youtube.com/watch?v=Td7G5q5YZT8>.

²¹ Genuine Nike SB Dunk Low shoes in Classic Green/Black-White-Red (304292-302) were originally released by Nike in 2003 and are sometimes referred to as 'Heineken' Dunks. They are extremely rare and valuable, often selling for thousands of dollars on the secondary market.

YouTube followers to join his Discord if they were interested in purchasing the shoes.

103. As of November 10, 2023, Fox has published at least two similar videos to his YouTube account which depict him wearing counterfeit Nike-branded shoes to public events with the express intent of deceiving and misleading others into believing the counterfeit shoes are genuine Nike products:

- a. "I Wore FAKE Nike Mags to SNEAKERCON... (Shocking)," published on or around October 2023²²; and
- b. "Wearing FAKE Nike Air Mags to an NBA Game!," published on or around July 2023.²³

104. Fox's continuation and expansion of his counterfeiting activities through W2C.net, the r/rep subreddit, and other channels, as well as the ongoing availability of videos documenting his deception of actual and prospective Nike consumers, exacerbates the harm Nike has suffered and will continue to suffer as a consequence of Fox's unauthorized use of its trademarks.

105. Fox's acts complained of herein are willful and deliberate.

²² Eben Fox (@Cedaz), *I Wore FAKE Nike Mags To SNEAKERCON... (SHOCKING)*, YOUTUBE (Oct. 18, 2023),

https://www.youtube.com/watch?v=DkP_cikzDP0&t=745s.

²³ Eben Fox (@Cedaz), *Wearing FAKE Nike Air Mags To An NBA Game!*, YOUTUBE (July 10, 2023), <https://www.youtube.com/watch?v=2nqZRLJbf9I&t=1s>.

106. Fox's acts complained of herein have caused damage to Nike in an amount to be determined at trial, and such damages will continue to increase unless Fox is permanently enjoined from his wrongful acts.

107. Fox's acts complained of herein have caused Nike to suffer irreparable injury to its business. Plaintiff will suffer substantial loss of goodwill and reputation unless and until Fox is permanently enjoined from the wrongful acts complained of herein.

FIRST CAUSE OF ACTION
TRADEMARK INFRINGEMENT
15 U.S.C. § 1114

108. Nike repeats and realleges each and every allegation in Paragraphs 1 to 107 as if fully set forth herein.

109. Nike's Asserted Marks are on the Principal Register of the United States Patent and Trademark Office.

110. Through extensive and continuous use, Nike's Asserted Marks and the goodwill of the businesses associated with them in the United States and throughout the world are of significant value, are highly distinctive and arbitrary or fanciful, and have become universally associated in the public mind with Nike, its products and services, and the very highest quality and reputation.

111. Fox has knowingly used and continues to use in commerce, without Nike's permission or authorization, Nike's Asserted Marks, and/or confusingly

similar marks, in connection with the sale, distribution, and advertising of counterfeit Nike-branded goods.

112. Fox's conduct is intended to exploit the goodwill and reputation associated with Nike's Asserted Marks.

113. Fox's use of Nike's Asserted Marks is likely to confuse, mislead, or deceive potential consumers, purchasers, and the general purchasing public as to the source, origin, sponsorship, or affiliation of the counterfeit Nike-branded goods with Nike, and is likely to cause such people to erroneously believe that the counterfeit Nike-branded goods have been authorized, sponsored, approved, endorsed, or licensed by Nike or that Fox is in some way affiliated with Nike.

114. Fox's unauthorized use of Nike's Asserted Marks constitutes trademark infringement of Nike's federally registered trademarks, which has caused damage to Nike and the substantial business and good will embodied in Nike's trademarks in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

115. As a direct and proximate result of Fox's wrongful acts, Nike has suffered, continues to suffer, and/or is likely to suffer damage to its trademarks, business reputation, and good will that money cannot compensate. Unless enjoined, Fox will continue to use Nike's Asserted Marks and/or confusingly similar marks and will cause irreparable damage to Nike, Nike's Asserted Marks,

and to the business and good will represented thereby, for which Nike has no adequate remedy at law.

116. Nike is further entitled to recover from Fox the actual damages Nike has sustained, is sustaining, and/or is likely to sustain as a result of Fox's wrongful acts.

117. Upon information and belief, Fox has obtained gains, profits, and advantages as a result of its wrongful acts and will continue to do so in an amount yet to be determined.

118. Fox's use of Nike's Asserted Marks and/or confusingly similar marks has been intentional and willful. Fox's bad faith is evidenced, in part, by his open and notorious trafficking and promotion of counterfeit goods, his widely documented intentional deception of prospective and actual Nike consumers, the egregious and prominent use of Nike's Asserted Marks in connection with the sale and promotion of the counterfeit Nike-branded goods, and the extensive nature of the infringement. Because of the willful nature of Fox's wrongful acts, Nike is entitled to an award of treble damages and increased profits under 15 U.S.C. § 1117.

119. Because this is an exceptional case, Nike is also entitled to recover its costs of suit and its attorneys' fees pursuant to 15 U.S.C. § 1117.

SECOND CAUSE OF ACTION
CONTRIBUTORY TRADEMARK INFRINGEMENT
15 U.S.C. § 1114

120. Nike repeats and realleges each and every allegation in Paragraphs 1 to 107 as if fully set forth herein.

121. Nike's Asserted Marks are on the Principal Register of the United States Patent and Trademark Office.

122. Through extensive and continuous use, Nike's Asserted Marks and the goodwill of the businesses associated with them in the United States and throughout the world are of significant value, are highly distinctive and arbitrary or fanciful, and have become universally associated in the public mind with Nike, its products and services, and the very highest quality and reputation.

123. Through at least Discord, w2c.net, and other social media and websites, Fox has knowingly provided and continues to provide advertising, marketing, promotional, and marketplace services to third-party sellers of counterfeit Nike-branded goods, with the knowledge, expectation, and/or intention that such third parties are selling or offering for sale counterfeit Nike-branded goods and are using Nike's Asserted Marks without Nike's permission or authorization.

124. The unauthorized uses of Nike's Asserted Marks by third-party sellers of counterfeit Nike-branded goods aided by Fox, are likely to confuse,

mislead, or deceive potential consumers, purchasers, and the general purchasing public as to the source, origin, sponsorship, or affiliation of the counterfeit Nike-branded goods with Nike, and is likely to cause such people to erroneously believe that the counterfeit Nike-branded goods have been authorized, sponsored, approved, endorsed, or licensed by Nike or that third-party sellers aided by Fox are in some way affiliated with Nike.

125. Fox's knowing and deliberate provision of advertising, marketing, and marketplace services to third-party sellers of counterfeit Nike-branded goods, constitutes contributory trademark infringement of Nike's federally registered trademarks, which has caused damage to Nike and the substantial business and good will embodied in Nike's trademarks in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

126. As a direct and proximate result of Fox's wrongful acts, Nike has suffered, continues to suffer, and/or is likely to suffer damage to its trademarks, business reputation, and good will that money cannot compensate. Unless enjoined, Fox will continue to contribute to third parties' infringing uses of Nike's Asserted Marks and/or confusingly similar marks and will cause irreparable damage to Nike, Nike's Asserted Marks, and to the business and good will represented thereby, for which Nike has no adequate remedy at law.

127. Nike is further entitled to recover from Fox the actual damages Nike has sustained, is sustaining, and/or is likely to sustain as a result of Fox's wrongful acts.

128. Upon information and belief, Fox has obtained gains, profits, and advantages as a result of its wrongful acts and will continue to do so in an amount yet to be determined.

129. Fox's supply of advertising, marketing, and marketplace services to third-party sellers of counterfeit Nike-branded goods has been intentional and willful. Fox's bad faith is evidenced, in part, by his open and notorious trafficking and promotion of counterfeit goods, his widely documented intentional deception of prospective and actual Nike consumers, the egregious and prominent use of Nike's Asserted Marks in connection with the sale and promotion of the counterfeit Nike-branded goods, and the extensive nature of the infringement. Because of the willful nature of Fox's wrongful acts, Nike is entitled to an award of treble damages and increased profits under 15 U.S.C. § 1117.

130. Because this is an exceptional case, Nike is also entitled to recover its costs of suit and its attorneys' fees pursuant to 15 U.S.C. § 1117.

THIRD CAUSE OF ACTION
TRADEMARK COUNTERFEITING

131. Nike repeats and realleges each and every allegation in Paragraphs 1 to 107 as if fully set forth herein.

132. Nike's Asserted Marks are on the Principal Register of the United States Patent and Trademark Office.

133. Through extensive and continuous use, Nike's Asserted Marks and the goodwill of the businesses associated with them in the United States and throughout the world are of significant value, are highly distinctive and arbitrary or fanciful, and have become universally associated in the public mind with Nike, its products and services, and the very highest quality and reputation.

134. Fox is acquiring, offering for sale, selling and shipping directly to consumers shoes bearing counterfeits of the following Nike federally registered trademarks: Reg. No. 1,370,283 (AIR JORDAN word mark); Reg. No. 3,725,535 (Air Jordan & Wings Design mark); Reg. No. 3,627,820 (JUMPMAN word mark); Reg. No. 1,558,100 (JumpMan Design mark); Reg. No. 978,952 (NIKE word mark); Reg. No. 1,214,930 (NIKE word mark); Reg. No. 977,190 (Swoosh Design mark); Reg. No. 1,323,343 (Swoosh Design mark); and Reg. No. 1,325,938 (NIKE & Swoosh Design mark).

135. Fox's counterfeiting activities are likely to cause and actually are causing confusion, mistake, and deception among the general consuming public as to the quality of Nike's authentic shoes. Fox's unlawful acts are intended to reap the benefit of the immense goodwill that Nike has created in its goods and constitute counterfeiting of the following Nike federally registered trademarks in

violation of § 32(1) of the Lanham Act, 15 U.S.C. § 1114(1): Reg. No. 1,370,283 (AIR JORDAN word mark); Reg. No. 3,725,535 (Air Jordan & Wings Design mark); Reg. No. 3,627,820 (JUMPMAN word mark); Reg. No. 1,558,100 (JumpMan Design mark); Reg. No. 978,952 (NIKE word mark); Reg. No. 1,214,930 (NIKE word mark); Reg. No. 977,190 (Swoosh Design mark); Reg. No. 1,323,343 (Swoosh Design mark); and Reg. No. 1,325,938 (NIKE & Swoosh Design mark).

136. Unless enjoined, Fox will continue to deceive the public with his counterfeiting conduct and Nike will continue to suffer immediate and irreparable injury, for which Nike has no adequate remedy at law.

137. Because Fox's conduct is willful, Nike is entitled to statutory damages of up to \$2 million per counterfeit mark per type of goods or services sold, offered for sale, or distributed, pursuant to 15 U.S.C. § 1117.

138. Because this is an exceptional case, Nike is also entitled to recover its costs of suit and its attorneys' fees pursuant to 15 U.S.C. § 1117.

FOURTH CAUSE OF ACTION
CONTRIBUTORY TRADEMARK COUNTERFEITING

139. Nike repeats and realleges each and every allegation in Paragraphs 1 to 107 as if fully set forth herein.

140. Nike's Asserted Marks are on the Principal Register of the United States Patent and Trademark Office.

141. Through extensive and continuous use, Nike's Asserted Marks and the goodwill of the businesses associated with them in the United States and throughout the world are of significant value, are highly distinctive and arbitrary or fanciful, and have become universally associated in the public mind with Nike, its products and services, and the very highest quality and reputation.

142. Fox is knowingly and intentionally facilitating and materially supplying, *inter alia*, advertising, marketing, and marketplace services to third parties offering for sale, selling and shipping directly to consumers shoes bearing counterfeits of the following Nike federally registered trademarks: Reg. No. 1,370,283 (AIR JORDAN word mark); Reg. No. 3,725,535 (Air Jordan & Wings Design mark); Reg. No. 3,627,820 (JUMPMAN word mark); Reg. No. 1,558,100 (JumpMan Design mark); Reg. No. 978,952 (NIKE word mark); Reg. No. 1,214,930 (NIKE word mark); Reg. No. 977,190 (Swoosh Design mark); Reg. No. 1,323,343 (Swoosh Design mark); and Reg. No. 1,325,938 (NIKE & Swoosh Design mark). Fox's knowing provision of these services to directly-infringing third parties induces their counterfeiting activities.

143. Fox's counterfeiting activities are likely to cause and actually are causing confusion, mistake, and deception among the general consuming public as to the quality of Nike's authentic shoes. Fox's unlawful acts are intended to reap the benefit of the immense goodwill that Nike has created in its goods and

constitute counterfeiting of the following Nike federally registered trademarks in violation of § 32(1) of the Lanham Act, 15 U.S.C. § 1114(1): Reg. No. 1,370,283 (AIR JORDAN word mark); Reg. No. 3,725,535 (Air Jordan & Wings Design mark); Reg. No. 3,627,820 (JUMPMAN word mark); Reg. No. 1,558,100 (JumpMan Design mark); Reg. No. 978,952 (NIKE word mark); Reg. No. 1,214,930 (NIKE word mark); Reg. No. 977,190 (Swoosh Design mark); Reg. No. 1,323,343 (Swoosh Design mark); and Reg. No. 1,325,938 (NIKE & Swoosh Design mark).

144. Unless enjoined, Fox will continue to provide material support to sellers of counterfeit Nike-branded goods that deceive the public and Nike will continue to suffer immediate and irreparable injury, for which Nike has no adequate remedy at law.

145. Because Fox's conduct is willful, Nike is entitled to statutory damages of up to \$2 million per counterfeit mark per type of goods or services sold, offered for sale, or distributed, pursuant to 15 U.S.C. § 1117.

146. Because this is an exceptional case, Nike is also entitled to recover its costs of suit and its attorneys' fees pursuant to 15 U.S.C. § 1117.

FIFTH CAUSE OF ACTION
FALSE DESIGNATION OF ORIGIN / UNFAIR COMPETITION
15 U.S.C. § 1125(a)

147. Nike repeats and realleges each and every allegation in Paragraphs 1 to 107 as if fully set forth herein.

148. Fox's unauthorized use of Nike's Asserted Marks and/or confusingly similar marks constitutes a false designation of origin that is likely to cause consumer confusion, mistake, or deception as to the origin, sponsorship, or approval of the counterfeit Nike-branded goods by creating the false and/or misleading impression the counterfeit Nike-branded goods are produced by, authorized by, or otherwise associated with Nike.

149. As a direct and proximate result of Fox's wrongful acts, Nike has suffered, continues to suffer, and/or is likely to suffer damage to its trademarks, business reputation, and good will that money cannot compensate. Unless enjoined, Fox will continue to use Nike's Asserted Marks and/or confusingly similar marks and will cause irreparable damage to Nike, Nike's Asserted Marks, and to the business and good will represented thereby, for which Nike has no adequate remedy at law.

150. Nike is further entitled to recover from Fox the actual damages Nike has sustained, is sustaining, and/or is likely to sustain as a result of Fox's wrongful acts.

151. Fox's use of Nike's Asserted Marks and/or confusingly similar marks has been intentional and willful. Fox's bad faith is evidenced, in part, by his open and notorious trafficking and promotion of counterfeit goods, his widely documented intentional deception of prospective and actual Nike consumers, the

egregious and prominent use of Nike's Asserted Marks in connection with the sale and promotion of the counterfeit Nike-branded goods, and the extensive nature of the infringement. Because of the willful nature of Fox's wrongful acts, Nike is entitled to an award of treble damages and increased profits under 15 U.S.C. § 1117.

152. Because this is an exceptional case, Nike is also entitled to recover its costs of suit and its attorneys' fees pursuant to 15 U.S.C. § 1117.

SIXTH CAUSE OF ACTION
COMMON LAW TRADEMARK INFRINGEMENT
AND UNFAIR COMPETITION

153. Nike repeats and realleges each and every allegation in Paragraphs 1 to 107 as if fully set forth herein.

154. Through its prior and continuous use of its Asserted Marks in commerce, Nike's Asserted Marks have become widely known, and Nike has been identified in the public mind as the manufacturer of the products to which the Nike Asserted Marks are applied.

155. Through its prior and continuous use of its Asserted Marks in commerce, Nike enjoys exclusive common law rights in the Asserted Marks.

156. Fox's use of Nike's Asserted Marks is without any permission, license or other authorization from Nike.

157. Fox, with knowledge and intentional disregard of Nike's rights, continues to advertise, promote, and sell counterfeit goods using Nike's Asserted Marks and/or confusingly similar marks. Fox's acts have caused, continue to cause, and/or are likely to cause confusion as to the source and/or sponsorship of the counterfeit Nike-branded goods.

158. Fox's acts as alleged herein constitute common law trademark infringement, and have already caused Nike irreparable damage and will, unless enjoined, continue to so damage Nike, which has no adequate remedy at law.

159. Upon information and belief, Fox committed the acts alleged herein knowingly, willfully, wantonly, oppressively, fraudulently, maliciously, and in conscious disregard of Nike's rights, thereby entitling Nike to exemplary and punitive damages pursuant to the common law of the State of Florida in an amount sufficient to punish, deter, and make an example of Fox.

SEVENTH CAUSE OF ACTION
FLORIDA TRADEMARK INFRINGEMENT,
§ 495.131, FLORIDA STATUTES

160. Nike repeats and realleges each and every allegation in Paragraphs 1 to 107 as if fully set forth herein.

161. Through its prior and continuous use of its Asserted Marks in commerce, Nike's Asserted Marks have become widely known, and Nike has been

identified in the public mind as the manufacturer of the products to which the Nike Asserted Marks are applied.

162. Through its prior and continuous use of its Asserted Marks in commerce, Nike enjoys exclusive rights in the Asserted Marks and is the exclusive owner of the Asserted Marks.

163. Fox is unlawfully using the Asserted Marks in commerce to advertise, promote, offer for sale, and sell counterfeit Nike-branded goods, including footwear and apparel.

164. Fox's use of Nike's Asserted Marks is without any permission, license or other authorization from Nike.

165. Fox, with knowledge and intentional disregard of Nike's rights, continues to advertise, promote, and sell counterfeit goods using Nike's Asserted Marks and/or confusingly similar marks. Fox's acts have caused, continue to cause, and/or are likely to cause confusion as to the source and/or sponsorship of the counterfeit Nike-branded goods.

166. Fox's acts as alleged herein constitute trademark infringement in violation of Fla. Stat. § 495.131, and have already caused Nike irreparable damage and will, unless enjoined, continue to so damage Nike, which has no adequate remedy at law.

167. Upon information and belief, Fox committed the acts alleged herein knowingly, willfully, wantonly, oppressively, fraudulently, maliciously, and in conscious disregard of Nike's rights, thereby entitling Nike to exemplary and punitive damages pursuant to the law of the State of Florida in an amount sufficient to punish, deter, and make an example of Fox.

EIGHTH CAUSE OF ACTION
FLORIDA DECEPTIVE AND UNFAIR TRADE PRACTICES ACT (FDUTPA),
§ 501.201 *et seq.* FLORIDA STATUTES

168. Nike repeats and realleges each and every allegation in Paragraphs 1 to 107 as if fully set forth herein.

169. Fox's acts as alleged herein, including the intentional unauthorized use and counterfeiting of Nike's Asserted Marks, have deceived and misled Florida consumers, and are causing a likelihood of confusion or misunderstanding as to the source, sponsorship, or approval of counterfeit Nike-branded goods, and are otherwise damaging the public.

170. Fox's acts, as alleged herein, constitute deceptive and unfair trade practices in violation of the FDUTPA, Fla. Stat. § 501.201 *et seq.*, and have already directly and proximately caused Nike irreparable damage and will, unless enjoined, continue to so damage Nike, which has no adequate remedy at law.

171. Upon information and belief, Fox committed the acts alleged herein knowingly, willfully, wantonly, oppressively, fraudulently, maliciously, and in

conscious disregard of Nike's rights, thereby entitling Nike to exemplary and punitive damages pursuant to the law of the State of Florida in an amount sufficient to punish, deter, and make an example of Fox.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Nike hereby demands a trial by jury of all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Nike respectfully prays for:

1. A judgment and order that Fox has willfully (A) infringed Nike's Asserted Marks and engaged in counterfeiting in violation of 15 U.S.C. §1114; (B) used false designations of origin and made false and/or misleading statements in violation of 15 U.S.C § 1125(a); (C) violated Nike's common law rights in Nike's Asserted Marks; (D) infringed Nike's Asserted marks in violation of Fla. Stat. § 495.131; and engaged in unfair and deceptive business practices in violation of the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), Fla. Stat. § 501.201 et seq.

2. A judgment and order enjoining Fox and Fox's affiliates, agents, employees, attorneys, and all other persons acting in concert with Fox, during the pendency of this action and permanently thereafter from:

a. Manufacturing, minting, transporting, promoting, advertising, publicizing, distributing, offering for sale, or selling any products (including but not limited to shoes and apparel goods) under Nike's Asserted Marks, any marks substantially indistinguishable therefrom, or any other marks, names, symbols, or logos which are likely to cause confusion or to cause mistake or to deceive persons into the erroneous belief that any products that Fox caused to enter the stream of commerce or any of Fox's commercial activities are sponsored or licensed by Nike, are authorized by Nike, or are connected or affiliated in some way with Nike or Nike's Asserted Marks;

b. Manufacturing, minting, transporting, promoting, advertising, publicizing, distributing, offering for sale, or selling any products (including but not limited to shoes and apparel goods) under Nike's Asserted Marks, any marks substantially indistinguishable therefrom, and/or confusingly similar marks;

c. Implying Nike's approval, endorsement, or sponsorship of, or affiliation or connection with, Fox's products, services, or commercial activities, passing off Fox's business as that of Nike, or engaging in any act or series of acts which, either alone or in combination,

constitutes unfair methods of competition with Nike and from otherwise interfering with or injuring Nike's Asserted Marks or the good will associated therewith;

d. Representing or implying that Fox is in any way sponsored by, currently affiliated with, or licensed by Nike;

e. Engaging in the sale of counterfeit Nike goods; or

f. Knowingly assisting, inducing, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in paragraphs 2(a) to (e) above;

3. An order that Fox be required to deliver to Nike for destruction any and all counterfeit Nike-branded goods, digital files, packaging, printed graphics, promotional materials, business cards, signs, labels, advertisements, flyers, circulars, and any other items in any of their possession, custody, or control bearing Nike's Asserted Marks, any marks substantially indistinguishable therefrom, confusingly similar marks;

4. An order granting an award of damages suffered by Nike according to proof at the time of trial;

5. An order that Fox account to Nike for any and all profits earned as a result of Fox's acts in violation of Nike's rights;

6. An award of three times the amount of compensatory damages and increased profits pursuant to 15 U.S.C. § 1117(a);

7. An award of three times such profits or damages, whichever amount is greater, together with a reasonable attorneys' fees, pursuant to 15 U.S.C. § 1117(b);

8. An award of statutory damages pursuant to 15 U.S.C. § 1117(c);

9. An order granting an award of punitive damages for the willful and wanton nature of Fox's aforesaid acts under the Florida Statutes and the common law;

10. An order granting pre-judgment interest on any recovery by Nike;

11. An order granting an award of Nike's costs, expenses, and reasonable attorneys' fees; and

12. Granting such other and further relief as is just and proper.

Dated: December 15, 2023

Respectfully submitted,

By: /s/ Jose M. Espinosa

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