

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
 Rapid Slicer, LLC

(b) County of Residence of First Listed Plaintiff _____
 (EXCEPT IN U.S. PLAINTIFF CASES) (IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Ference & Associates LLC, 409 Broad Street, Pittsburgh, PA 15143
 Tel: 412.741.8400

DEFENDANTS
 Buyspry, et al.

County of Residence of First Listed Defendant _____

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) _____

19-249
FILED
 MAR 07 2019
 CLERK U.S. DISTRICT COURT
 WEST. DIST. OF PENNSYLVANIA

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) [Click here for: Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) Exchange <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation	
			IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (Specify) _____ 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 15 U.S.C. §§ 1114
 Brief description of cause:
 Defendants are selling counterfeit products into this judicial district

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 03/07/2019 SIGNATURE OF ATTORNEY OF RECORD: /s/Brian Samuel Malkin

FOR OFFICE USE ONLY: RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG JUDGE _____

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RAPID SLICER, LLC,

Plaintiff,

v.

BUYSPRY, BLUEZHANGYY, BUQIUQIBIAO,
CHANZON, DAISYYSHOP, FORPRICETRADE,
FREEGARDEN, HONNEY HOME, INCOHERENT,
KITTYSSORY, KUEGOU/COOL CLOTHES TO
BUY, LEPANXIAODIAN, R-FER3C,
RINGSMART, SIJIFUZHANGKU,
TINYKYDEAL, WOYAOBANGBANGDE,
XUANSHU,

Defendants.

Civil Action No. 19-249

FILED UNDER SEAL

FILED

MAR 07 2019

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

Plaintiff, Rapid Slicer, LLC, hereby sues Defendants, the Individuals, Partnerships, and Unincorporated Associations identified in the Caption, which are set forth in **Schedule "A"** hereto (collectively "Defendants"). Upon information and belief, Defendants, have cooperated, communicated their plans with one another, shared information, and coordinated their efforts creating an illegal stream of infringing and counterfeit goods and are (i) promoting, selling, offering for sale and distributing goods bearing and/or using counterfeits and confusing or substantially similar imitations of Plaintiff's registered trademark and its trade dress and (ii) promoting, selling, offering for sale and distributing goods infringing Plaintiff's copyrighted work within this district through various fully interactive commercial Internet websites and Internet based e-commerce stores, using their respective Store Names and Seller Names, set

forth on **Schedule “A”** hereto (collectively, the “Seller IDs”). In support of its claims, Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. This is an action for federal trademark counterfeiting and infringement; false designation of origin, passing off, and unfair competition; common law unfair competition; common law trademark infringement pursuant to 15 U.S.C. §§ 1114, 1116, 1125(a), and 1125(d); and copyright infringement pursuant to 17 U.S.C. § 101 *et seq.* and The All Writs Act, 28 U.S.C. § 1651(a). Accordingly, this Court has subject matter jurisdiction over this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over Plaintiff’s state law claims because those claims are so related to the federal claims that they form part of the same case or controversy.

2. This Court may exercise personal jurisdiction over a non-resident of the State in which the Court sits to the extent authorized by the state's laws. Fed. R. Civ. P. 4(e). Pennsylvania authorizes personal jurisdiction over the Defendant pursuant to 42 Pa. Cons. Stat. § 5322 (a) which provides in pertinent part: “A tribunal of this Commonwealth may exercise personal jurisdiction over a person ... as to a cause of action or other matter arising from such person: (1) Transacting any business in this Commonwealth. Without excluding other acts which may constitute transacting business for the purpose of this paragraph: (ii) The doing of a single act in this Commonwealth for the purpose of thereby realizing pecuniary benefit ... (3) Causing harm or tortious injury by an act or omission in this Commonwealth. (4) Causing harm or tortious injury by an act or omission outside this Commonwealth ... (10) Committing any violation within the jurisdiction of the Commonwealth of any statute, home rule charter, local ordinance or resolution, or rule or regulation promulgated thereunder by any government unit or of any order

of court or other government unit.” In the alternative, Federal Rule of Civil Procedure 4(k) confers personal jurisdiction over the Defendants because, upon information and belief, Defendants regularly conduct, transact and/or solicit business in Pennsylvania and in this judicial district, and/or derive substantial revenue from their business transactions in Pennsylvania and in this judicial district and/or otherwise avail themselves of the privileges and protections of the laws of the Commonwealth of Pennsylvania such that this Court's assertion of jurisdiction over Defendants does not offend traditional notions of fair play and due process, and/or Defendants' illegal counterfeiting and infringing actions caused injury to Plaintiff in Pennsylvania and in this judicial district such that Defendants should reasonably expect such actions to have consequences in Pennsylvania and in this judicial district, for example:

a. Upon information and belief, Defendants were and/or are systematically directing and/or targeting their business activities at consumers in the United States, including Pennsylvania, through on-line platforms with Merchant Storefronts (as defined *infra*), via on-line marketplace websites, such as wish.com, under the Seller IDs, as well as any and all as yet undiscovered accounts with Merchant Storefronts held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them (“User Accounts”), through which consumers in the United States, including Pennsylvania, can view the one or more of Defendants' Merchant Storefronts that each Defendant operates, uses to communicate with Defendants regarding their listings for Counterfeit and Infringing Products, as defined *infra*, and to place orders for, receive invoices for and purchase Counterfeit and Infringing Products for delivery in the U.S., including Pennsylvania, as a means for establishing regular business with the U.S., including Pennsylvania.

b. Upon information and belief, certain Defendants are sophisticated sellers, each operating one or more commercial businesses using their respective User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert of participation with any of them, operate storefronts to manufacture, import, export, advertise, market, promote, distribute, offer for sale and/or otherwise deal in products, including the Counterfeit and Infringing Products, which are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them (“Merchant Storefront(s)”) in wholesale quantities at significantly below-market prices to consumers worldwide, including to those in the U.S., and specifically Pennsylvania.

c. Upon information and belief, Defendants’ Merchant Storefronts reflect multiple sales to consumers all over the world, including repeat sales to consumers in the U.S. and into this judicial district.

d. Upon information and belief, all Defendants accept payment in U.S. Dollars and offer shipping to the U.S., including to Pennsylvania and specifically to the Pennsylvania Address (as defined *infra*).

e. Upon information and belief, Defendants have transacted business with consumers located in the U.S., including Pennsylvania, for the sale and shipment of Counterfeit Products and/or Infringing Products.

f. Upon information and belief, Defendants are employing and benefiting from substantially similar, paid advertising and marketing and advertising strategies in order to make their Merchant Storefronts selling illegal goods appear more relevant and attractive

to search result software across an array of search words, including but not limited to “RAPID SLICER”, “FOOD SLICER”, and “SAFE SLICER”, and “SAFE FOOD SLICER”). By their actions, Defendants are causing concurrent and indivisible harm to Plaintiff and the consuming public by (i) depriving Plaintiff of its right to fairly compete for space within the various on-line marketplace search results and reducing the visibility of the Plaintiff’s genuine Rapid Slicer Brand, defined *infra*, food slicer on various on-line marketplaces and/or diluting and driving down the retail market price for Rapid Slicer Brand food slicer (ii) causing an overall degradation of the value of the goodwill associated with Plaintiff’s marks and goods; and (iii) increasing Plaintiff’s overall cost to market their goods and educate consumers about their brands.

g. Upon information and belief, Defendants have cooperated, communicated their plans with one another, shared information, and coordinated their efforts, all in order to create an illegal marketplace operating in parallel to the legitimate marketplace of Plaintiff’s and the legally authorized resellers of Plaintiff’s genuine goods.

h. Upon information and belief, Defendants are concurrently targeting their counterfeiting and infringing activities toward consumers and causing harm in Allegheny County, Pennsylvania.

i. Upon information and belief, Defendants likely reside and/or operate in foreign jurisdictions with lax trademark and patent enforcement systems and are cooperating by creating an illegal stream of infringing and counterfeit goods.

j. Upon information and belief, Defendants are aware of Plaintiff, its genuine Rapid Slicer Brand food slicer product, and are aware that their illegal counterfeiting and

infringing actions alleged herein are likely to cause injury to Plaintiff in the United States, in Pennsylvania and in this judicial district specifically, as Plaintiff conducts substantial business in Pennsylvania.

k. Plaintiff is suffering irreparable and indivisible injury and suffered substantial damages as a result of Defendants' unauthorized and wrongful sale of counterfeit and infringing goods.

3. Venue is proper, *inter alia*, pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 1400(b) because, for example:

a. Upon information and belief, Defendants conduct, transact, and/or solicit business in this judicial district.

b. Upon information and belief, Defendants or their agent(s) may be found in this district because personal jurisdiction is proper in this district.

c. Upon information and belief, this is a judicial district in which a substantial part of the events or omissions giving rise to the infringement claims occurred, or a substantial part of the property that is the subject of the action is situated.

d. Defendants not resident in the United States may be sued in this judicial district because personal jurisdiction is proper in this district.

THE PARTIES

4. Plaintiff, Rapid Slicer, LLC ("Rapid Slicer") is a limited liability company organized and existing under the laws of the State of Connecticut, having its principal place of business at 16 Crystal Lane, Shelton, Connecticut 06484.

5. Upon information and belief, the Defendants are individuals and/or business entities of unknown makeup, each of whom, upon information and belief, either reside or operate in foreign jurisdictions, or redistribute products from the same or similar sources in those locations. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b). Defendants target their business activities toward consumers throughout the United States, including within this district, and conduct pervasive business through the operation of, at least, the fully interactive commercial Internet websites and Internet based online marketplace websites via the e-commerce stores existing under the Seller IDs.

6. Upon information and belief, the Defendants use aliases in conjunction with the operation of their businesses as set forth in **Schedule "A"** hereto.

7. Upon information and belief, Defendants are the past and present controlling forces behind the sale of products bearing and/or using counterfeits of Plaintiff's trademark, trade dress, and patent and infringement of Plaintiff's federally registered copyright as described herein using at least the Seller IDs.

8. Upon information and belief, Defendants directly engage in unfair competition with Plaintiff by advertising, offering for sale and selling goods bearing and/or using counterfeits and infringements of Plaintiff's trademark, trade dress, and copyright to consumers within the United States and this district through several fully interactive, commercial Internet websites and Internet based e-commerce stores operating under, at least, the storefronts, the Seller IDs, and any additional domain names, websites and corresponding website URLs or seller identifications and store URL aliases not yet known to Plaintiff. Defendants have purposefully directed some portion of their illegal activities towards consumers in the Commonwealth of Pennsylvania

through the advertisement, offer to sell, sale, and/or shipment of Counterfeit and/or Infringing goods into the Commonwealth.

9. Defendants have registered, established or purchased, and maintained the on-line marketplace website storefronts, Seller IDs, and the websites and e-commerce stores operating thereunder. Upon information and belief, Defendants have engaged in fraudulent conduct with respect to the registration of the storefronts and Seller IDs by providing false and/or misleading information to their various registrars and/or to the Internet based e-commerce platforms where they offer for sale and/or sell, during the registration or maintenance process related to their respective Seller ID. Upon information and belief, Defendants have anonymously registered and maintained some of the Seller IDs for the sole purpose of engaging in illegal counterfeiting and infringing activities.

10. Upon information and belief, Defendants will continue to register or acquire new seller identification aliases, and consequently new URL addresses in connection therewith, for the purpose of selling and offering for sale goods bearing and/or using counterfeit and confusingly similar imitations of Plaintiff's trademark and trade dress and infringing Plaintiff's copyright unless preliminarily and permanently enjoined.


11. Defendants' Internet-based businesses infringe the intellectual property rights of Plaintiff.

12. Defendants' business names, i.e., the Seller IDs, associated payment accounts, and any other alias domain names and seller identification names or store URLs used in connection with the sale of counterfeit and infringing goods bearing and/or using Plaintiffs' respective trademarks, trade dress, and patent are essential components of Defendants' online activities and

are the means by which Defendants further their counterfeiting and infringing scheme and cause harm to Plaintiffs. Moreover, Defendants are using Plaintiff's trademark to drive Internet consumer traffic to their websites and e-commerce stores operating under the Seller IDs, thereby creating and increasing the value of the Seller IDs and decreasing the size and value of Plaintiff's legitimate consumer marketplace at Plaintiffs' expense.

COMMON FACTUAL ALLEGATIONS

Plaintiff's Business, Trademark, Trade Dress, and Copyrights

13. Plaintiff sells a unique and revolutionary product under the federally registered trademark RAPID SLICER and design  ¹ ("Rapid Slicer Mark") that safely and easily slices food ("Rapid Slicer Product" or "Rapid Slicer Brand food slicer").

14. Plaintiff has spent substantial time, money and effort in building up and developing consumer recognition, awareness and goodwill in its Rapid Slicer Mark and Rapid Slicer Product.

15. The success of the Rapid Slicer Product is due in part to Plaintiff's marketing and promotional efforts. These efforts include advertising and promotion through television, retailer websites and other internet-based advertising, print, participation in trade shows, among other efforts, including those directed into and received in Pennsylvania.

16. Plaintiff's Rapid Slicer Product has been featured on television (the Today Show), newspapers (The Boston Globe) and numerous videos on YouTube, Facebook and other social

¹ (U.S. Reg. No. 5,647,154 attached as **Exhibit 1**)

media sites. Numerous videos featuring Plaintiff's Rapid Slicer Product have been collectively viewed hundreds of thousands of times, if not millions of times.

17. Plaintiff's Rapid Slicer Product is proudly manufactured in the United States using the highest quality materials and processes.

18. Plaintiff owns trademark rights, trade dress, and federally registered copyright regarding its Rapid Slicer Product.

a. Plaintiff is the owner of source identifying trademarks, including the federally registered Rapid Slicer Mark and packaging and trade dress that Plaintiff uses to distinguish its unique product. (collectively herein, "Plaintiff's Marks"). Plaintiff owns the overall combination and arrangement of all non-functional design elements of Plaintiff's product and packaging, which are inherently distinctive and/or have acquired secondary meaning in the mind of the purchasing public.

b. Plaintiff owns a federally registered copyright for its packaging shown in **Exhibit 2** (U.S. Copyright Reg. No. VA-2-112-976)("Rapid Slicer Work").

20. Plaintiff's trademark, trade dress, and copyright rights make it unlawful for competitors to infringe Plaintiff's rights.

a. Because of Plaintiff's registered Rapid Slicer Mark, no competitor can lawfully use Plaintiff's registered trademark in a manner that could cause confusion as to source.

b. Because of Plaintiff's copyrights for its packaging and trade dress rights, no competitor can lawfully copy Plaintiff's copyrighted expression that is substantially similar to the Rapid Slicer Work or confusingly similar to the Rapid Slicer Mark.

21. Like many other rights owners, Plaintiff suffers ongoing daily and sustained violations of its copyright, trademark, and trade dress rights, at the hands of counterfeiters and infringers, such as Defendants herein. Plaintiff is harmed, the consuming public is duped and confused, and the Defendants earn substantial profits in connection with the infringing conduct.

22. In order to combat the harm caused by the combined actions of Defendants and others engaging in similar infringing conduct, Plaintiff has expended significant resources in connection with its intellectual property enforcement efforts. The recent explosion of infringement over the Internet has created an environment that requires companies to expend significant time and money across a wide spectrum of efforts in order to protect both consumers and itself from infringement of its copyrights, trade dress, and trademark rights.

23. Upon information and belief, at all times relevant hereto, Defendants in this action had full knowledge of Plaintiff's copyrights, trademark rights, and trade dress rights, including Plaintiff's exclusive right to use and license such intellectual property and the goodwill associated therewith. *See* Plaintiff's packaging (**Exhibit 2**).

The Online Marketplace Platform and Defendants' User Accounts

24. Wish.com is an online marketplace platform (also referred to as "Third Party Service Provider(s)") which allow manufacturers, wholesalers and other third party merchants, like Defendants, to advertise, distribute, offer for sale, sell and ship their wholesale and retail products originating from China directly to consumers worldwide and specifically to consumers residing in the United States, including Pennsylvania.

25. Defendants are individuals and/or businesses, who, upon information and belief, are located in China and other foreign countries but conduct business in the United States and other

countries by means of their User Accounts and on their Merchant Storefronts on at least the on-line marketplace wish.com, as well as potentially yet undiscovered additional online marketplace platforms.

26. Through their Merchant Storefronts, Defendants offer for sale and/or sell consumer products, including Counterfeit Products and Infringing Products, and target and ship such products to customers located in the United States, including Pennsylvania, and throughout the world.

Defendants' Counterfeiting and Infringing Activities

27. Upon information and belief, Defendants are promoting and advertising, distributing, selling and/or offering for sale copies of Plaintiff's Rapid Slicer Product in interstate commerce that infringes Plaintiff's trademark rights, trade dress rights, and copyright (collectively referred to as, "Infringing Product(s)" or "Counterfeit Product(s)"), through the fully interactive Internet based e-commerce stores operating under the Seller IDs:

a. The packaging for Defendants' competing goods uses identical copies of Plaintiff's Mark for different quality goods.

b. The packaging for Defendants' competing goods copies large amounts of Plaintiff's claimed copyrighted expression for its packaging, and the similar trade dress creates a likelihood of confusion as to source.

c. Defendants' competing goods look nearly identical, which creates a likelihood of confusion as to source, as Defendants' competing goods are confusing similar imitations of Plaintiff's product.

d. Some Defendants have used Plaintiff's Rapid Slicer Mark on packaging or in advertisements to drive sales.

e. Defendants' competing goods are of a quality substantially and materially different than that of Plaintiff's genuine goods.

f. Defendants sell or offer the counterfeit or infringing goods for a retail price below the usual retail price of Plaintiff's Rapid Slicer Product.

28. Defendants target their business activities towards consumers throughout the United States, including within Pennsylvania, and this district in Allegheny County, and conduct pervasive business through the operation of, at least, one fully interactive commercial Internet based e-commerce store via, at least, the Internet marketplace wish.com, under various Seller IDs, including the Seller IDs in **Schedule "A"**.

29. Defendants have purposefully directed some portion of their illegal activities towards consumers in the Commonwealth of Pennsylvania through the advertisement, offer to sell, sale, and/or shipment of infringing goods into the State.

30. Defendants are the past and present controlling forces behind the sale of products that infringe Plaintiff's intellectual property as described herein using at least the Seller IDs in **Schedule "A"** and the Seller IDs associated with the infringing product numbers. Defendants have registered, established or purchased, and maintained their Seller IDs.

31. Upon information and belief, some Defendants have anonymously registered and maintained some of the Seller IDs for the sole purpose of engaging in illegal counterfeiting or infringement activities. For example, after notice that a particular Seller Name has sold an infringing product, a new Seller Name will be used to sell the same infringing product under a

new number associated with the new Seller Name. Sellers on wish.com are also known to change their Seller IDs. The result can be a never ending “Whack–A-Mole” situation where new infringers keep popping up.

32. Upon information and belief, Defendants will continue to register or acquire new Seller ID aliases for the purpose of selling and offering for sale goods that infringe Plaintiff’s trademark rights, trade dress rights, and copyright unless preliminarily and permanently enjoined.

33. Defendants’ business names, *i.e.*, Seller IDs, associated payment accounts, and any other alias seller identification names used in connection with the sale of infringing goods are essential components of Defendants’ online activities and are one of the means by which Defendants further their infringing scheme and cause harm to Plaintiff. Moreover, Defendants are using without permission Plaintiff’s claimed copyrighted materials, trademarks, and trade dress to drive Internet consumer traffic to their e-commerce stores operating under their Seller IDs, thereby increasing the value of the Seller IDs and decreasing the size and value of Plaintiff’s legitimate marketplace and intellectual property rights at Plaintiff’s expense.

Harm to Plaintiff

34. Upon information and belief, Defendants are concurrently targeting their infringing activities toward consumers and causing harm within this district and elsewhere throughout the United States. As a result, Defendants are harming Plaintiff and the consuming public for Defendants’ own benefit.

35. By their actions, Defendants have created an illegal marketplace operating in parallel to the legitimate marketplace for Plaintiff’s genuine goods. Defendants are causing concurrent

and indivisible harm to Plaintiff and the consuming public by (i) depriving Plaintiff and other third parties of their right to fairly compete for space within search engine results and reducing the visibility of Plaintiff's genuine goods on the World Wide Web and internet, including on wish.com (ii) causing an overall degradation of the value of the goodwill associated with Plaintiff's trademark rights, (iii) infringing Plaintiff's copyright, and (iv) increasing Plaintiff's overall cost to market its goods and educate consumers about its brand via the Internet.

36. Plaintiff is suffering irreparable and indivisible injury and has suffered substantial damages as a result of Defendants' unauthorized and wrongful use of Plaintiff's intellectual property. The natural and intended byproduct of Defendants' actions is the erosion and destruction of the goodwill associated with Plaintiff's name and associated trademarks and the destruction of the legitimate market sector in which it operates.

37. Defendants' infringing products compete directly against Plaintiff's products. Defendants' infringement was a cause in Plaintiff's unit sales decreasing during the last several months over the same time period the previous year. Plaintiff has thus lost profits.

38. Plaintiff has suffered and will suffer irreparable injury as a result of Defendants' continued sale of infringing products, and monetary damages are inadequate to compensate Plaintiff for Defendants' continued sale of infringing products.

a. Defendants sell cheaper and inferior competing food slicer products that infringe upon Plaintiff's trademarks, trade dress, and copyright. Defendants' sale of infringing products has caused Plaintiff loss of market share, reputational harm, lost profits and/or jeopardy to Plaintiff's competitive position.

b. Plaintiff cannot effectively exercise its rights under trademark, trade dress, and copyright which also damages Plaintiff's relationship with its actual and/or potential resellers.

c. Defendants have infringed in the past and threaten to infringe in the future.

39. Upon information and belief, Defendants' payment and financial accounts are being used by Defendants to accept, receive, and deposit profits from Defendants' trademark counterfeiting and infringing and unfairly competitive activities connected to their Seller IDs and any other alias domain names or seller identification names being used and/or controlled by them.

40. Plaintiff has no adequate remedy at law. Upon information and belief, Defendants are likely to transfer or secret their assets to avoid payment of any monetary judgment awarded to Plaintiff.

41. Defendants would suffer no cognizable harm from ceasing their infringing conduct.

a. Defendants have no right to sell products that infringe Plaintiff's trademark rights, trade dress rights, and copyright.

b. Defendants sell other products, so they would suffer little harm if they stopped selling the infringing products at issue in this lawsuit.

c. Plaintiff will suffer great harm to its competitive position and business if Defendants sell products that infringe Plaintiff's rights.

42. The public interest will be served when it protects Plaintiff from infringement of its trademark and/or copyright.

43. Defendants are engaging in the above-described illegal counterfeiting and infringing activities knowingly and intentionally or with reckless disregard or willful blindness to Plaintiff's rights. If Defendants' infringing activities are not preliminarily and permanently enjoined by this Court, Plaintiff and the consuming public will continue to be harmed.

**COUNT I - TRADEMARK COUNTERFEITING AND INFRINGEMENT
PURSUANT TO § 32 OF THE LANHAM ACT (15 U.S.C. § 1114)**

44. Plaintiff hereby adopts and re-alleges the allegations set forth in the preceding paragraphs as if set forth herein.

45. This is an action for trademark counterfeiting and infringement against Defendants based on their use of counterfeit and confusingly similar imitations of Plaintiff's Rapid Slicer Mark in commerce in connection with the promotion, advertisement, distribution, offering for sale, and sale of the Counterfeit Goods.

46. Specifically, Defendants are promoting and otherwise advertising, selling, offering for sale, and distributing products bearing and/or using counterfeits and/or infringements of one or more of Plaintiff's Marks. Defendants are continuously infringing and inducing others to infringe Plaintiff's Marks by using them to advertise, promote, offer to sell, and/or sell goods bearing and/or using Plaintiff's Marks.

47. Defendants' concurrent counterfeiting and infringing activities are likely to cause and actually are causing confusion, mistake and deception among members of the trade and the general consuming public as to the origin and quality of Defendants' Counterfeit Goods.

48. Defendants' unlawful actions have caused and are continuing to cause unquantifiable damages to Plaintiff and are unjustly enriching Defendants with profits at Plaintiff's expense.

49. Defendants' above-described illegal actions constitute counterfeiting and infringement of Plaintiff's Marks in violation of Plaintiff's rights under § 32 of the Lanham Act, 15 U.S.C. § 1114.

50. Plaintiff has suffered and will continue to suffer irreparable injury and damages due to Defendants' above described activities if Defendants are not preliminarily and permanently enjoined. Additionally, Defendants will continue to wrongfully profit from their illegal activities.

51. Based on Defendants' actions as alleged herein, Plaintiff is entitled to injunctive relief, damages for the irreparable harm that Plaintiff has sustained, and will sustain, as a result of Defendants' unlawful and infringing actions, as alleged herein, and all gains, profits and advantages obtained by Defendants as a result thereof, enhanced discretionary damages, treble damages and/or statutory damages up to \$2,000,000 per counterfeit mark per type of goods sold, offered for sale or distributed and reasonable attorneys' fees and costs.

COUNT II - FALSE DESIGNATION OF ORIGIN, PASSING OFF & UNFAIR COMPETITION PURSUANT TO § 43(a) OF THE LANHAM ACT (15 U.S.C. § 1125(a))

52. Plaintiff hereby adopts and re-allege the allegations set forth in the preceding paragraphs as if set forth herein.

53. Plaintiff's Marks are inherently distinctive and/or have acquired distinctiveness.

54. Upon information and belief, Defendants' Counterfeit Goods using, offered for sale, and sold under copies of Plaintiff's Mark have been widely advertised, offered for sale, and distributed throughout the United States via Internet websites and Internet marketplace websites.

55. Defendants' Counterfeit Goods using, offered for sale and sold under copies of Plaintiff's Mark are virtually identical in appearance to Plaintiff's respective, genuine goods.

However, Defendants' Counterfeit Goods are different and likely inferior in quality.

Accordingly, Defendants' activities are likely to cause confusion in the trade and among the general public as to at least the origin or sponsorship of their Counterfeit Goods.

56. Defendants, upon information and belief, have used in connection with their advertisement, offers for sale, and sale of the Counterfeit Goods, false designations of origin and false descriptions and representations, including words or other symbols and trade dress which tend to falsely describe or represent such goods and have caused such goods to enter into commerce with full knowledge of the falsity of such designations of origin and such descriptions and representations, all to Plaintiff's detriment.

57. Defendants have authorized infringing uses of Plaintiff's Mark in Defendants' advertisement and promotion of their counterfeit and infringing branded goods. Defendants have also misrepresented to members of the consuming public that the Counterfeit Goods being advertised and sold by them are genuine, non-infringing goods.

58. Defendants knowingly and willfully used in commerce products and/or packaging designs that are identical or confusingly similar to, and constitute reproductions of Plaintiff's Marks and affixed, applied and used false designations of origin and false and misleading descriptions and representations on or in connection with the manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or sale of Counterfeit Products with the intent to cause confusion, to cause mistake and to deceive the purchasing public into believing, in error, that Defendants' substandard Counterfeit Products are Plaintiff's or related products, and/or that Defendants' Counterfeit Products are authorized, sponsored, approved, endorsed or licensed by Plaintiff and/or that Defendants are affiliated, connected or associated with Plaintiff, thereby creating a likelihood of confusion by consumers

as to the source of such Counterfeit Products, and allowing Defendants to capitalize on the goodwill associated with, and the consumer recognition of, the Plaintiff's Marks and products, to Defendants' substantial profit in blatant disregard of Plaintiff's rights.

59. Additionally, Defendants are using counterfeits and infringements of Plaintiff's Marks in order to unfairly compete with Plaintiffs and others for space within search engine organic results, thereby jointly depriving Plaintiffs of a valuable marketing and educational tool which would otherwise be available to Plaintiffs and reducing the visibility of Plaintiff's genuine goods on the World Wide Web.

60. Defendants' above-described actions are in violation of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a).

61. Plaintiffs have no adequate remedy at law, and have each sustained indivisible injury and damage caused by Defendants' concurrent conduct. Absent an entry of an injunction by this Court, Defendants will continue to wrongfully reap profits and Plaintiff will continue to suffer irreparable injury to their respective goodwill and business reputations, as well as monetary damages.

62. Based on Defendants' wrongful conduct, Plaintiff is entitled to injunctive relief as well as monetary damages and other remedies as provided by the Lanham Act, including damages that Plaintiff has sustained and will sustain as a result of Defendants' illegal and infringing actions as alleged herein, and all gains, profits and advantages obtained by Defendants as a result thereof, enhanced discretionary damages and reasonable attorneys' fees and costs.

COUNT III – COPYRIGHT INFRINGEMENT (17 U.S.C. § 501(a))

63. Plaintiff hereby adopts and re-allege the allegations set forth in the preceding paragraphs as if set forth herein.

64. Plaintiff is the exclusive owner of U.S. Copyright Reg. No. VA 2-112-976, issued May 15, 2018, for “Rapid Slicer Packaging (2017)” and which covers Plaintiff’s Rapid Slicer Product packaging (“Rapid Slicer Work”). A true and correct copy of which is attached as **Exhibit 2.**

65. Defendants had actual notice of Plaintiff’s exclusive rights in and to the copyrighted work in the Rapid Slicer Work. Defendant’s infringement commenced after the date of the Plaintiff’s copyright registration.

66. Defendants’ did not attempt and therefore inherently failed to obtain Plaintiff’s consent or authorization to use, manufacture, reproduce, copy, display, prepare derivative works of, distribute, sell, transfer, rent, perform, and or market the work in the Rapid Slicer Work.

67. Without permission, Defendants knowingly and intentionally reproduced, copied, and displayed the work in the Rapid Slicer Work by manufacturing, importing, exporting, advertising, marketing, distributing, displaying, offering for sale and/or selling Infringing Products which bear the work in the Rapid Slicer Work, or artwork that is, at a minimum, substantially similar to the work in the Rapid Slicer Work.

68. Defendants’ unlawful and willful actions as alleged herein constitute infringement of the work in the Rapid Slicer Work, including Plaintiff’s exclusive rights to reproduce, distribute and/or sell the work in the Rapid Slicer Work in violation of 17 U.S.C. § 501 (a).

69. Defendants’ knowing and intentional copyright infringement, as alleged herein, has caused substantial and irreparable harm to Plaintiff in an amount as yet unknown but to be

proven at trial, for which Plaintiff has no adequate remedy at law, and unless enjoined, Defendants will continue to cause, substantial and irreparable harm to Plaintiff.

70. Based upon Defendants' wrongful conduct, Plaintiff is entitled to injunctive relief, Plaintiff's actual damages and Defendants' profits in an amount to be proven at trial and enhanced discretionary damages for willful copyright infringement, and reasonable attorney's fees and costs.

COUNT IV - COMMON LAW UNFAIR COMPETITION

71. Plaintiff hereby adopts and re-alleges the allegations set forth in the preceding paragraphs as if set forth herein.

72. This is an action against Defendants based on their promotion, advertisement, distribution, sale, and/or offering for sale of goods bearing and/or using marks that are virtually identical, both visually and phonetically, to Plaintiff's Marks in violation of Pennsylvania's common law of unfair competition.

73. Specifically, Defendants are promoting and otherwise advertising, selling, offering for sale, and distributing goods bearing and/or using counterfeits and infringements of Plaintiff's Marks. Defendants are also using counterfeits and infringements of Plaintiff's Mark to unfairly compete on wish.com, with Plaintiff and others for space in search results across an array of search terms, including but not limited to the literal portion of Plaintiff's Rapid Slicer Mark (i.e., "RAPID SLICER").

74. Defendants' infringing activities are likely to cause and actually are causing confusion, mistake, and deception among members of the trade and the general consuming public as to the origin and quality of Defendants' products by their use of Plaintiff's Marks.

75. Plaintiff has no adequate remedy at law and are suffering irreparable injury and damages as a result of Defendants' actions.

76. As a result of Defendants' actions alleged herein, Plaintiff is entitled to injunctive relief, an order granting Plaintiff's damages and Defendants' profits stemming from their infringing activities, and exemplary or punitive damages for Defendants' intentional misconduct.

COUNT V - COMMON LAW TRADEMARK INFRINGEMENT

77. Plaintiff hereby adopts and re-allege the allegations set forth in the preceding paragraphs as if set forth herein.

78. This is an action for common law trademark infringement against Defendants based on their promotion, advertisement, offering for sale, and sale of their Counterfeit Goods bearing and/or using Plaintiff's Mark. Plaintiff is the owners of all common law rights in and to Plaintiff's Mark.

79. Specifically, Defendants, upon information and belief, are manufacturing, promoting and otherwise advertising, distributing, offering for sale, and selling goods bearing and/or using infringements of Plaintiff's Marks.

80. Defendants' infringing activities are likely to cause and actually are causing confusion, mistake and deception among members of the trade and the general consuming public as to the origin and quality of Defendants' Counterfeit Goods bearing and/or using Plaintiff's Mark.

81. Plaintiff has no adequate remedy at law and is suffering damages and irreparable injury as a result of Defendants' actions.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment on all Counts of this Complaint and an award of equitable relief and monetary relief against Defendants as follows:

a. Entry of temporary, preliminary and permanent injunctions pursuant to 15 U.S.C. § 1116, and 17 U.S.C. § 502, and Federal Rule of Civil Procedure 65 enjoining Defendants, their agents, representatives, servants, employees, and all those acting in concert or participation therewith, from manufacturing or causing to be manufactured, importing, advertising or promoting, distributing, selling or offering to sell their Counterfeit Products and/or Infringing Products; from infringing, counterfeiting, or diluting Plaintiff's Mark; from using Plaintiff's Mark, or any mark or trade dress similar thereto, in connection with the sale of any unauthorized goods; from using any logo, trade name or trademark or trade dress that may be calculated to falsely advertise the services or goods of Defendants as being sponsored by, authorized by, endorsed by, or in any way associated with Plaintiff; from falsely representing themselves as being connected with Plaintiff, through sponsorship or association, or engaging in any act that is likely to falsely cause members of the trade and/or of the purchasing public to believe any goods or services of Defendants are in any way endorsed by, approved by, and/or associated with Plaintiff; from using any reproduction, counterfeit, infringement, copy, or colorable imitation of Plaintiff's Mark or substantially similar copy of the Rapid Slicer Work in connection with the publicity, promotion, sale, or advertising of any goods sold by Defendants; from affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent Defendants' goods as being those of Plaintiff, or in any way endorsed by Plaintiff and from offering such goods in commerce; from engaging in search engine optimization strategies using

colorable imitations of Plaintiff's name or trademark; from further infringement, or use of a substantially similar copy of the Rapid Slicer Work; and from otherwise unfairly competing with Plaintiff.

c. Entry of an Order that, upon Plaintiff's request, any Internet marketplace website operators and/or administrators that are provided with notice of the injunction, including but not limited to Context Logic, Inc. d/b/a wish.com, identify any e-mail address known to be associated with Defendants' respective Seller ID, and cease facilitating access to any or all e-commerce stores through which Defendants engage in the promotion, offering for sale, and/or sale of goods bearing and/or using counterfeits and/or infringements of Plaintiff's Marks and/or a substantially similar copy of the Rapid Slicer Work.

d. Entry of an Order that, upon Plaintiff's request, any Internet marketplace website operators and/or administrators who are provided with notice of the injunction, including but not limited to Context Logic, Inc. d/b/a wish.com, permanently remove any and all listings and associated images of goods bearing and/or using counterfeits and/or infringements of Plaintiff's Marks or substantially similar copies of the Rapid Slicer Work via the e-commerce stores operating under the Seller IDs, including any and all listings and images of goods bearing and/or using counterfeits and/or infringements of Plaintiff's Marks and/or a substantially similar copy of the Rapid Slicer Work linked to the same seller or linked to any other alias seller identification name being used and/or controlled by Defendants to promote, offer for sale and/or sell goods bearing and/or using counterfeits and/or infringements of Plaintiff's Marks and/or substantially similar copy of the Rapid Slicer Work.

e. Entry of an Order that, upon Plaintiff's request, any Internet marketplace website operators and/or administrators who are provided with notice of the injunction, including but not

limited to Context Logic, Inc. d/b/a wish.com, immediately cease fulfillment of and sequester all goods of each Defendant or other Seller under a Seller ID bearing and/or using one or more of Plaintiff's Marks and/or a substantially similar copy of the Rapid Slicer Work in its inventory, possession, custody, or control, and surrender those goods to Plaintiff.

f. Entry of an order requiring Defendants to account to and pay Plaintiff for all profits and damages resulting from Defendants' trademark counterfeiting and infringing and unfairly competitive activities and that the award to Plaintiff be trebled, as provided for under 15 U.S.C. §1117, or, at Plaintiff's election with respect to Count I, that Plaintiffs be awarded statutory damages from each Defendant in the amount of two million dollars (\$2,000,000.00) per each counterfeit trademark used and product sold, as provided by 15 U.S.C. §1117(c)(2) of the Lanham Act.

g. Entry of an award pursuant to 15 U.S.C. § 1117 (a) and (b) of Plaintiff's costs and reasonable attorneys' fees and investigative fees associated with bringing this action.

h. For an award of Plaintiff's actual damages and Defendants' profits, pursuant to 17 U.S.C. § 504(b), in an amount to be proven at trial for willful copyright infringement of the Rapid Slicer Work under § 501(a).

i. In the alternative to Plaintiff's actual damages and Defendants' profits for copyright infringement of the Rapid Slicer Work pursuant to 17 U.S.C. § 504(b), for statutory damages of up to \$150,000.00 per infringement pursuant to 17 U.S.C. § 504(c) for willful copyright infringement, which Plaintiff may elect prior to rendering of final judgment;

j. Entry of an Order that, upon Plaintiff's request, any financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, including but

not limited to, wish.com, and PayPal, Inc. d/b/a paypal.com (“PayPal”) and their related companies and affiliates, identify and restrain all funds, up to and including the total amount of judgment, in all financial accounts and/or sub-accounts used in connection with the Seller IDs or other domain names, alias seller identification names, or e-commerce store names or store URLs used by Defendants presently or in the future, as well as any other related accounts of the same customer(s) and any other accounts which transfer funds into the same financial institution account(s), to be surrendered to Plaintiff in partial satisfaction of the monetary judgment entered herein.

k. Entry of an award of pre-judgment interest on the judgment amount.

l. Entry of an order for any further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff respectfully demands a trial by jury on all claims.

Respectfully submitted,

Dated: March 7, 2019

/s/ Stanley D. Ference III

Stanley D. Ference III

Pa. ID No. 59899

courts@ferencelaw.com

Brian Samuel Malkin

Pa. ID No. 70448

bmalkin@ferencelaw.com

FERENCE & ASSOCIATES LLC

409 Broad Street

Pittsburgh, Pennsylvania 15143

(412) 741-8400 - Telephone

(412) 741-9292 - Facsimile

Attorneys for Plaintiff

Rapid Slicer, LLC

SCHEDULE "A"
DEFENDANTS BY STORENAME AND MERCHANT ID

Def No.	Store Name	Merchant ID
1	buyspry	597aaf37c7f5057fd5582f62
2	bluezhangyy	596b10d3abea9175d6152e76
3	buqiuqibiao	5adc44bb9bda4e48da91931b
4	chanzon	594e136cabea91780b592536
5	daisyshop	58dba57e3af68752ad25314b
6	forpricetrade	58d32a5df8782d55bfff4fc
7	freegarden	5996555215da071d681483f5
8	Honney Home	561cc46937552b5abcf896ee
9	Incoherent	5aaa9a2cccf0c86989644c3f
10	kittysstory	58e7619b575d8523d0c9a494
11	KUEGOU/cool clothes to buy	58aefae44d038c69bdc03137
12	lepanxiaodian	593247738635f04ec4345b8f
13	R-fer3C	58da10e43743c352cdfaf55c
14	ringsmart	54ad1facd630ed1ad698d029
15	sijifuzhuangku	5af0f49849727961ba55e10a
16	tinyskydeal	58b440271cd1a950d8adc44c
17	woyaobangbangde	5ac4fc66a71fbf76e68c25cb
18	xuanshu	5aeac289618aa1165f183545

LISTING OF EXHIBITS

- Exhibit 1U.S. Trademark Reg. No. 5,647,154 (RAPID SLICER and Design)
Exhibit 2U.S. Copyright Reg. No. VA 2-112-976 for Rapid Slicer
Packaging (2017)

**COMPLAINT
EXHIBIT 1**

United States of America

United States Patent and Trademark Office

Rapid Slicer

Reg. No. 5,647,154

Registered Jan. 08, 2019

Int. Cl.: 8

Trademark

Principal Register

Rapid Slicer, LLC (CONNECTICUT LIMITED LIABILITY COMPANY)
16 Crystal Lane
Shelton, CONNECTICUT 06484

CLASS 8: Vegetable slicers; Non-electric food slicers

FIRST USE 9-1-2015; IN COMMERCE 5-13-2017

The color(s) black, red and orange is/are claimed as a feature of the mark.

The mark consists of the words "RAPID SLICER" in black stylized font with orange shadowing and red halved tomatoes containing orange seeds as the tittle above the "I"s.

No claim is made to the exclusive right to use the following apart from the mark as shown:
"SLICER"

SER. NO. 87-906,868, FILED 05-03-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

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

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

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

Grace Period Filings*

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

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

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

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

**COMPLAINT
EXHIBIT 2**

Certificate of Registration



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

Kary A. Lytle

Acting United States Register of Copyrights and Director

Registration Number

VA 2-112-976

Effective Date of Registration:

July 30, 2018

Title

Title of Work: Rapid Slicer Packaging (2017)

Completion/Publication

Year of Completion: 2017
Date of 1st Publication: May 13, 2017
Nation of 1st Publication: United States

Author

• Author: Rapid Slicer, LLC
Author Created: photograph, text (instructions)
Work made for hire: Yes
Domiciled in: United States

Copyright Claimant

Copyright Claimant: Rapid Slicer, LLC
16 Crystal Lane, Shelton, Connecticut, CT, 06484, United States

Certification

Name: Cindy Fox
Date: July 30, 2018
Applicant's Tracking Number: 975.002

Correspondence: Yes

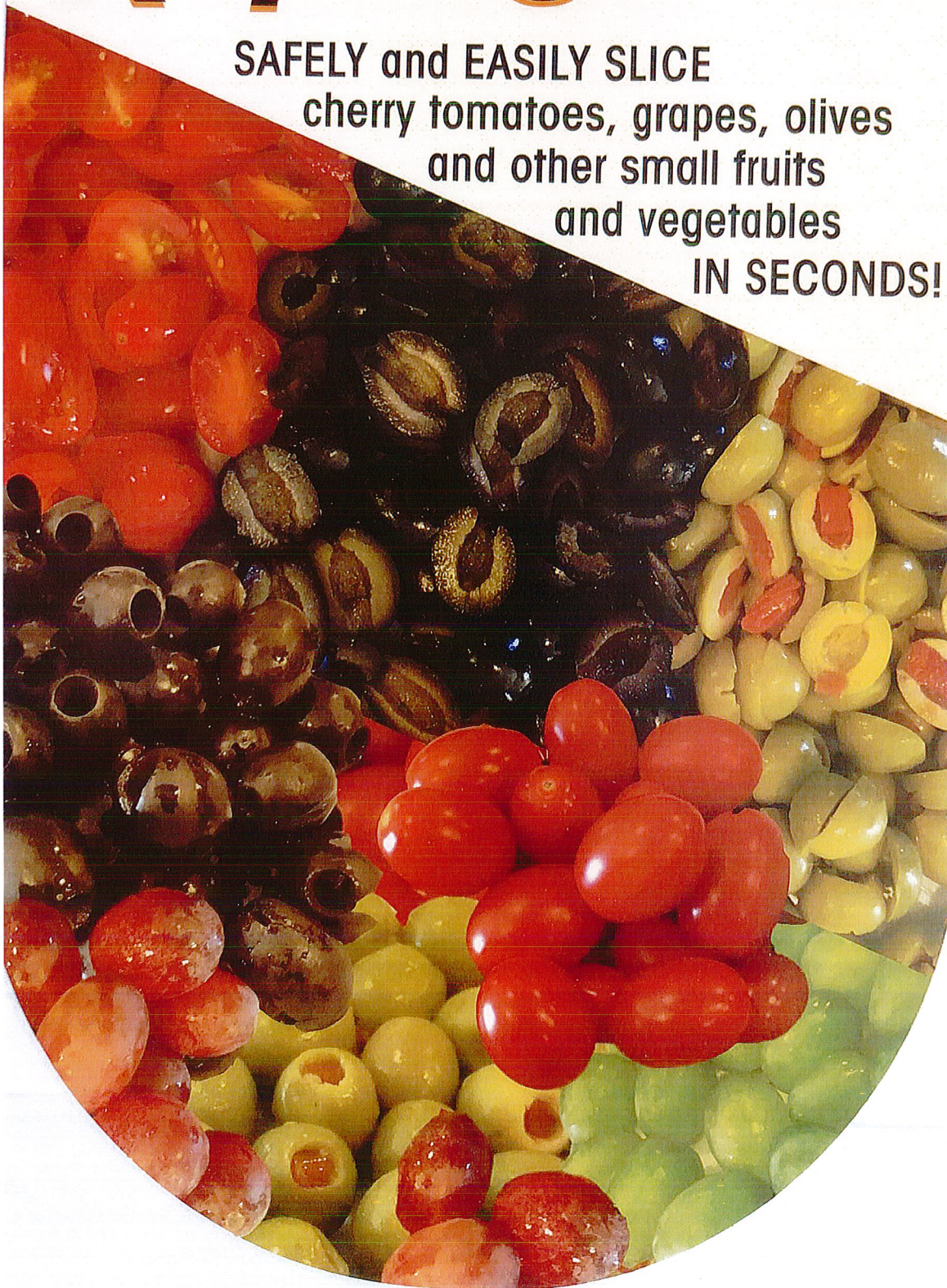
DISHWASHER SAFE
MADE IN AMERICA
BPA FREE



Patented

Rapid SlicerTM

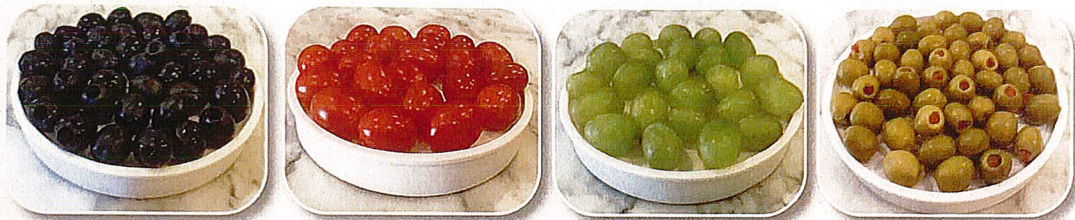
SAFELY and EASILY SLICE
cherry tomatoes, grapes, olives
and other small fruits
and vegetables
IN SECONDS!





Rapid Slicer™

- Non-slip feet grip your countertop providing a safe and stable platform.
- Lock-in-place lid allows for convenient storage.
- Easy to clean design is top rack dishwasher safe.
- FDA approved kitchen grade BPA free material, safe for food contact.



STEP 1: Place a level amount of fruits or vegetables in the base of the Rapid Slicer.



STEP 2: Holding the knob of the lid, place the lid gently over the food items in the base.

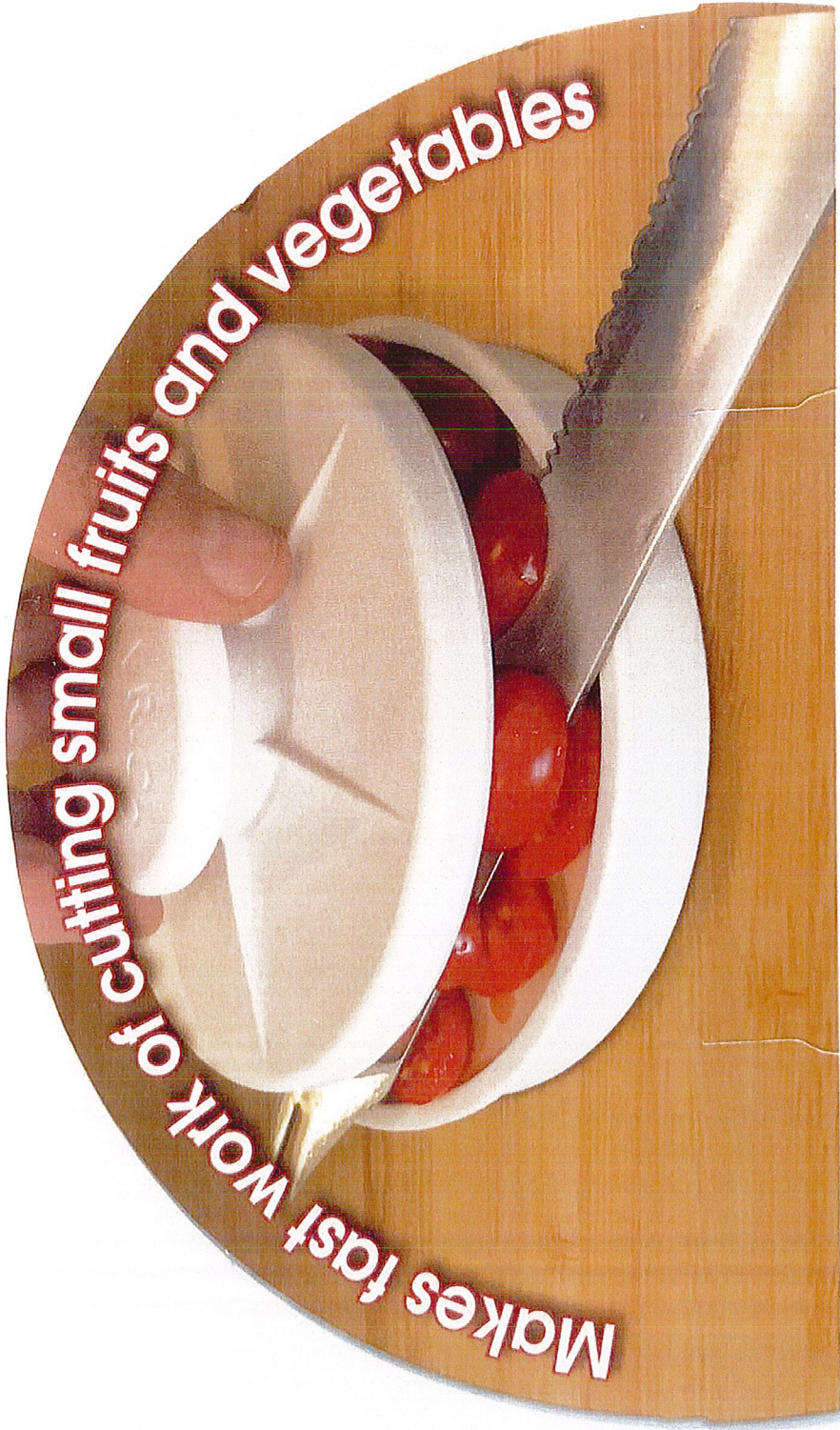
STEP 3: While holding the knob, carefully run your knife (7 inches or longer) between the lid and base to slice your fruits or vegetables in half.

STEP 4: Empty your sliced fruits or vegetables into desired bowl, pot or pan and enjoy!

Warning: *Keep fingers away from the open section of the Rapid Slicer and the knife while cutting food items.*



RAPID SLICER, LLC
8 HUNTINGTON ST. • BOX 142 • SHELTON, CT 06484
RAPIDSLICER.COM



Makes fast work of cutting small fruits and vegetables

