

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

Ford Motor Company,

Plaintiff,

v.

The Individuals, Business Entities, and
Unincorporated Associations Identified in
Exhibit “A,”

Defendants.

Civil Action No. 1:24-cv-4076

Judge Sharon Johnson Coleman

Magistrate Judge M. David Weisman

**FIRST AMENDED COMPLAINT FOR
WILLFUL TRADEMARK COUNTERFEITING, TRADEMARK INFRINGEMENT,
DILUTION, AND UNFAIR COMPETITION CAUSES OF ACTION**

Plaintiff Ford Motor Company (“Ford” or “Plaintiff”) files this First Amended Complaint and brings this action against the individuals, business entities, and unincorporated associations identified in Exhibit “A” (collectively, “Defendants”), and alleges as follows:

NATURE OF ACTION

1. This action is for willful trademark counterfeiting, trademark infringement, dilution, and unfair competition in violation of the Lanham Act, 15 U.S.C. §§ 1114(1) and 1125(a) and (c); deceptive trade practices in violation of the Illinois Uniform Deceptive Trade Practices Act, 815 Ill. Comp. Stat. 510/1 *et seq.*; consumer fraud in violation of the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 Ill. Comp. Stat. 505/1 *et seq.*; dilution in violation of the Illinois Anti-Dilution Act, 765 ILCS 1036/65; and unfair competition in violation of Illinois common law.

2. This action results from Defendants’ unauthorized advertising, marketing, distribution, and/or sale of identical counterfeit DG-511 ignition coils bearing Ford’s registered

trademarks within this District through the ecommerce website eBay.com (“eBay”) under the seller names set forth in Exhibit “A” (the “eBay Store Names”). Defendants’ willful counterfeiting, infringement, and dilution of Ford’s famous and registered marks causes harm to Ford and individuals in the State of Illinois and this District.

THE PARTIES

1. Plaintiff Ford Motor Company is a Delaware corporation with its principal place of business at One American Road, Dearborn, Michigan 48126 (“Ford” or “Plaintiff”).

2. Defendants are individuals, business entities of unknown makeup, or unincorporated associations, each of whom, upon information and belief, reside or operate in China, advertise and sell products in the United States from the same or similar foreign sources, and ship such products to consumers in the United States or fulfillment centers that distribute the products to U.S. consumers. 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, through the simultaneous operation of the eBay stores under the eBay Store Names.

3. Defendants use aliases in conjunction with the operation of their businesses, including, but not limited to, the eBay Store Names identified by Defendant number in Exhibit “A.”

4. Defendants are the past and/or present controlling forces behind the advertising and sale of products using counterfeits and infringements of Ford’s trademarks as described herein.

5. Defendants transact business in this District and have sufficient minimum contacts with the State of Illinois. Defendants’ eBay product listings, identified in Exhibit “A,” target consumers throughout the United States, including in the State of Illinois and within this District,

and Defendants ship such products to consumers in Illinois and this District, such that Defendants have purposefully availed themselves of the benefits of doing business in Illinois and can reasonably anticipate being hauled into court in Illinois.

6. Defendants are each advertising, marketing, distributing, offering for sale, and/or selling, without authorization, substantial quantities of counterfeit automotive parts and other goods bearing Ford's registered trademarks (the "Counterfeit Parts") online to consumers within this District. Ford has no ability to control the nature and quality of Defendants' Counterfeit Parts, which include replacement automotive parts for use on vehicles that are operated on U.S. roadways, including within this District, such that the use of the Counterfeit Parts by consumers may also implicate public safety concerns.

7. By selecting and using marks that are identical to Ford's registered trademarks, Defendants' conduct is done with the knowledge and intent that such Counterfeit Parts will be mistaken for the genuine, high-quality automotive parts offered by Ford. In undertaking these deliberate acts, including all facts and allegations set forth below, which are incorporated herein by reference, Defendants have caused substantial harm to Ford in the State of Illinois knowing that such harm would be felt here. As a result, Defendants had fair warning they may be called before an Illinois court in this District.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over Ford's federal claims pursuant to the Lanham Act, 15 U.S.C. §§ 1114(1) and 1125(a). This Court also has subject matter jurisdiction over Ford's federal claims pursuant to 28 U.S.C. § 1332 because there is a complete diversity of citizenship between Ford and Defendants and the amount in controversy, exclusive of interest and costs, exceeds \$75,000. This Court has supplemental jurisdiction over Ford's state law claims

pursuant to 28 U.S.C. §§ 1338(b) and 1367.


9. This Court has personal jurisdiction over Defendants pursuant to the Illinois long-arm statute, 735 Ill. Comp. Stat. 5/2-209 *et seq.*, and such an assertion is in accordance with the Due Process clause of the Fourteenth Amendment of the United States Constitution, because Defendants transact business in this District, including the counterfeiting and infringing conduct described herein, and have purposefully directed such business activities to consumers in this District. Alternatively, Defendants are subject to personal jurisdiction in this District pursuant to Federal Rule of Civil Procedure 4(k)(2) because (i) Defendants are not subject to jurisdiction in any state's court of general jurisdiction; and (ii) exercising jurisdiction is consistent with the United States Constitution and laws.


10. Venue is proper in the Northern District of Illinois pursuant to 28 U.S.C. § 1391, because Ford is doing business in this District, the claims arose in this District, and a substantial part of the events giving rise to the claims occurred in this District. Moreover, because Defendants are subject to personal jurisdiction in this District, venue is proper in this District.

11. Assignment of this action to the Eastern Division is proper because a substantial part of the events giving rise to the claims alleged herein occurred in this Division.

FORD'S LONG AND DISTINGUISHED HISTORY

12. Ford is a global automotive leader with a history dating back to 1895. For more than 120 years, consumers have come to rely on Ford for their automotive needs.

13. Henry Ford began using the FORD mark and scripted FORD typeface  (the "FORD Script Logo") in connection with automobiles and their parts in 1895, and in 1903, he founded Ford. The company sold its first Ford Model A car that same year, and in 1908, Ford introduced the more popular Ford Model T car. Ford sold 15 million Ford Model T automobiles

before ceasing production of that model and introducing its new Ford Model A car in 1927, which was the first car to feature the well-known FORD oval logo  (the “FORD Oval Logo”). By 1931, Ford had sold 5 million Model A cars—despite being in the Great Depression.

14. Ford’s innovative manufacturing not only increased the speed of production for cars but helped catapult the U.S. to be a leader in manufacturing. For example, Ford introduced a moving assembly line in 1913.

15. Today, Ford manufactures and distributes automobiles across six continents and has over 170,000 employees and 9,000 dealerships worldwide. Ford offers some of the most well-known automotive brands in the world, including but not limited to FORD®, F-150®, MUSTANG®, EXPLORER®, EXPEDITION®, and BRONCO® car brands. Ford’s primary customer website is <https://www.ford.com/>.

16. Ford also offers a wide range of genuine automotive parts and accessories under its FORD, FORD Script Logo, FORD Oval Logo, MOTORCRAFT, and



(“Speeding Car Logo”) marks, among other brands.

17. For example, among many other genuine automotive parts marketed and sold by Ford under its various brands, the mark MOTORCRAFT is Ford’s aftermarket automotive parts brand, and products sold under the MOTORCRAFT brand include, for example and without limitation, ignition coils.

18. Ford’s genuine automotive parts and/or packaging generally bear one or more of the FORD, FORD Script Logo, FORD Oval Logo, MOTORCRAFT, and/or Speeding Car Logo marks. An example of a genuine Ford ignition coil (Ford part number DG-511) is shown below.









19. Genuine Ford automotive parts are marketed and sold to consumers through various genuine channels of distribution, including on Ford's websites at <https://parts.ford.com/> and <https://www.motorcraft.com/>, by authorized Ford dealers at their various brick-and-mortar locations throughout the United States and globally, and at big box retail stores such as Walmart and AutoZone. Authorized Ford dealers also sell genuine Ford automotive parts online, including on ecommerce marketplaces such as eBay.









20. Through the breadth of its product line, Ford has generated substantial revenue, including worldwide revenue in excess of \$158.1 billion in 2022 and \$176.2 billion in 2023 alone.

FORD'S STRONG AND FAMOUS TRADEMARKS

21. Ford's trademarks have earned substantial fame and considerable goodwill among the public and are critical to Ford's business success. Ford owns extensive common law rights in its family of FORD trademarks, including but not limited to such trademarks as FORD, the FORD Script Logo, the FORD Oval Logo, MOTORCRAFT, and the Speeding Car Logo, and others in connection with its entire line of vehicles and related genuine Ford products and services. Ford and its predecessors have used the FORD trademark exclusively and continuously since at least as early as 1895 in connection with a wide variety of automotive, automotive parts, and other automotive-related goods and services.




22. Ford also owns the following United States trademark registrations for its family of FORD and MOTORCRAFT marks and logos, all of which are legally and validly registered on the Principal Register of the United States Patent and Trademark Office ("USPTO") (collectively, "Ford Registrations"), among other registrations for these and other marks:

Mark	Reg. No.	Int'l Classes	Status
	3,658,023	12	Incontestable
	3,658,024	12	Incontestable
	257,500	7, 9, 11, 12, 15	Registered since June 11, 1929
	74,530	12	Registered since July 20, 1909
	74,765	7	Registered since August 10, 1909
	115,500	7, 9, 11, 12	Registered since February 20, 1917
FORD	643,185	12	Incontestable

Mark	Reg. No.	Int'l Classes	Status
	1,400,808	1, 4, 6, 7, 9, 11, 12, 17	Incontestable
	1,399,080	1, 2, 3, 4, 6, 7, 9, 11, 12, 17, 27, 34	Incontestable
	1,997,203	12	Incontestable
	377,814	7, 11, 12	Registered since May 14, 1940
MOTORCRAFT	709,311	12	Incontestable
MOTORCRAFT	913,491	12, 17	Incontestable
MOTORCRAFT	912,750	7, 9, 11, 12, 15	Incontestable
MOTORCRAFT	913,268	1, 9, 10	Incontestable
MOTORCRAFT	913,349	7, 12	Incontestable
	5,428,636	1, 2, 4, 6, 7, 9, 11, 12, 17	Registered
	1,577,668	12, 17	Incontestable
FORD	1,574,747	12, 17	Incontestable
	266,454	6, 07, 11, 17, 20, 21	Registered since January 21, 1930
	260,470	6, 07, 08, 09, 11, 12, 16, 21, 28	Registered since August 27, 1929

23. A detailed list of these registrations identifying the goods and copies of the Certificates of Registration and USPTO Trademark Status and Document Retrieval (“TSDR”) printouts for these Ford Registrations are attached as Exhibit B.

24. Pursuant to 15 U.S.C. § 1057(b), Ford’s federal registrations are *prima facie* evidence of the validity of its registered Ford marks as well as Ford’s ownership and exclusive right to use its registered Ford marks in connection with the goods identified in the registration

certificates. Moreover, Ford's federal registrations for FORD®, ®, and MOTORCRAFT®, and certain of its registrations for ®, are incontestable under 15 U.S.C. § 1065 (some of Ford's registrations for ® have been registered since prior to the enactment of the Trademark Act of 1946, which created for the first time the grant of incontestability). Pursuant to 15 U.S.C. § 1115(b), Ford's incontestable registrations are *conclusive* evidence of the validity of the marks listed in the registrations, Ford's ownership of the marks, and Ford's exclusive right to use the marks in commerce in connection with the identified goods.

25. The marks reflected in the Ford Registrations together with Ford's extensive common law rights are hereinafter referred to as the "Ford Marks."

26. The success of Ford's automotive goods and services is due, in large part, to the extensive promotion and advertising Ford has undertaken for the Ford Marks on a nationwide and worldwide basis. Each year, Ford consistently spends tens of millions of dollars in advertising and promoting goods and services under the Ford Marks through various media, including, but not limited to, the internet, television and radio, newspapers, direct mail, trade shows, and trade magazines.

27. Ford's extensive use and advertising of the Ford Marks has resulted in consumer recognition that the Ford Marks identify Ford as the source of automotive related goods and services of only the highest level of quality, reliability and trustworthiness, which are crucial qualities in automotive industry.

28. Ford has been selling Ford-branded vehicles and automotive parts for well over 100 years - long prior to the acts of Defendants complained of herein. The Ford Marks have attained among the highest recognition levels and fame of any trademarks worldwide. For example, since

its founding in 1903, Ford and FORD automobiles, parts and accessories have received numerous awards, including, for example, the 2024 North American Truck of the Year, 2022 North American Utility of the Year, and many other awards from J.D. Power & Associates and IHS' Overall Brand Loyalty Award. Moreover, the FORD brand is currently ranked as the 51st most valuable brand in the world based on Interbrand's annual survey of the "100 Most Valuable Global Brands."

29. The fame of the FORD trademark has also been previously recognized by multiple U.S. federal district courts, leading legal treatises, and international arbitration panels. For example, the U.S. District Court for the Eastern District of Michigan held, on more than one occasion, that "Ford's trademarks, some of which have been in existence for over one hundred years and are known worldwide, [are famous]." *See Ford Motor Co. v. InterMotive, Inc.*, No. 4:17-CV-11584-TGB, 2019 WL 4746811, at *10 (E.D. Mich. Sept. 30, 2019), *citing Ford Motor Co. v. Lloyd Design Corp.*, 184 F. Supp. 2d 665, 62 U.S.P.Q.2d 1109 (E.D. Mich. 2002). In addition, an international domain name dispute resolution arbitration panel found that "FORD falls within a select class of internationally strong marks that have become so famous that it is impossible for any respondent to claim that he was unaware of Ford's prior rights or has a legitimate interest in domain names that incorporate the mark." *Ford Motor Co. v. Yitao Apex Labs. Ltd.*, Case No. INDRP/672 (INDRP June 29, 2015). Similarly, a leading trademark treatise has observed, based on relevant caselaw, that "FORD is famous in the auto industry" 4 MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION § 24:106 (5th ed.). This third-party recognition and prior court decisions reaffirm the famous and distinctive stature of the FORD brand.

30. Ford's reputation for high quality, cutting-edge style, and reliability, among other things, is also a result of Ford's significant investment in research, design, development, and manufacturing, as well as its meticulous quality control standards.

31. In short, the Ford Marks are distinctive assets of immeasurable value and identifiers of genuine Ford products and services. The goodwill symbolized by the Ford Marks belongs exclusively to Ford and dates back more than a century, long before Defendants' adoption and use of the marks identical to the Ford Marks.

32. Moreover, the FORD brand is distinctive, famous, and widely recognized around the world, and it is entitled to a broad scope of protection under 15 U.S.C. § 1125(c).

FORD'S GLOBAL BRAND PROTECTION TEAM AND ENFORCEMENT HISTORY

33. Ford is devoted to customer service and protecting the automotive parts supply chain from counterfeit automotive parts because faulty products can (a) damage vehicle engine and exhaust systems resulting in engine failure and impacting overall life and performance of the vehicles, and (b) potentially compromise consumer expectations because they do not meet Ford's rigorous testing and quality control standards, among other issues. Ford's Global Brand Protection ("GBP") team seeks to protect consumers by ensuring high quality original equipment manufacturer ("OEM") parts recommended by Ford are used in consumers' vehicles.

34. Specifically, Ford's GBP team focuses on: (1) preventing the distribution of and removing counterfeit parts from the marketplace; (2) ensuring that Ford's trademarks are used appropriately; and (3) maintaining the integrity of the sale and distribution of genuine Ford parts. GBP operates the website www.fordbrandprotection.com and regularly interacts with law enforcement and customs officials regarding counterfeit automotive parts and their sources and supply chains.

35. As part of this work, Ford engages a third-party monitoring service to identify potentially counterfeit and infringing listings on ecommerce platforms such as eBay. When the GBP team identifies potentially counterfeit and infringing listings, it reviews the listings to

determine whether the products are genuine Ford parts. When they are not, the Ford GBP team submits takedown requests with the relevant ecommerce platform(s) and/or attempts other non-litigation options, such as sending cease and desist letters directly to the sellers.

36. Ford submits thousands of takedown requests to eBay and tens of thousands of takedown requests across multiple platforms annually, and, where appropriate, it escalates such disputes to outside counsel for further enforcement, and/or federal law enforcement for potential criminal raid actions. Despite these efforts, nothing has stopped the widespread, rampant sale of counterfeit parts on ecommerce platforms like eBay, especially from sellers located in China, like Defendants.

**DEFENDANTS' COUNTERFEITING AND INFRINGING CONDUCT
IN VIOLATION OF FORD'S FORD MARKS**

37. Despite having constructive and actual knowledge of Ford's prior rights to the Ford Marks, Defendants are each advertising, marketing, distributing, offering for sale, and/or selling goods in interstate commerce bearing and/or using Ford's identical Ford Marks on automotive parts, all without authorization or consent from Ford.

38. Specifically, as part of Ford's online monitoring program, Ford identified Defendants' eBay stores advertising and selling ignition coils, among other automotive parts, under Ford Marks, as listed in Exhibit "A" ("eBay Stores"). In particular, the eBay listings for the Counterfeit Parts include photographs of ignition coils and packaging that are nearly identical to Ford's genuine DG-511 ignition coils and that bear counterfeit versions of Ford Marks, including the marks FORD, the FORD Script Logo, the FORD Oval Logo, MOTORCRAFT, and/or the Speeding Car Logo. A side-by-side comparison of a genuine Ford part and a Counterfeit Part is shown below, and a summary of the Counterfeit Parts is attached hereto as Exhibit C.



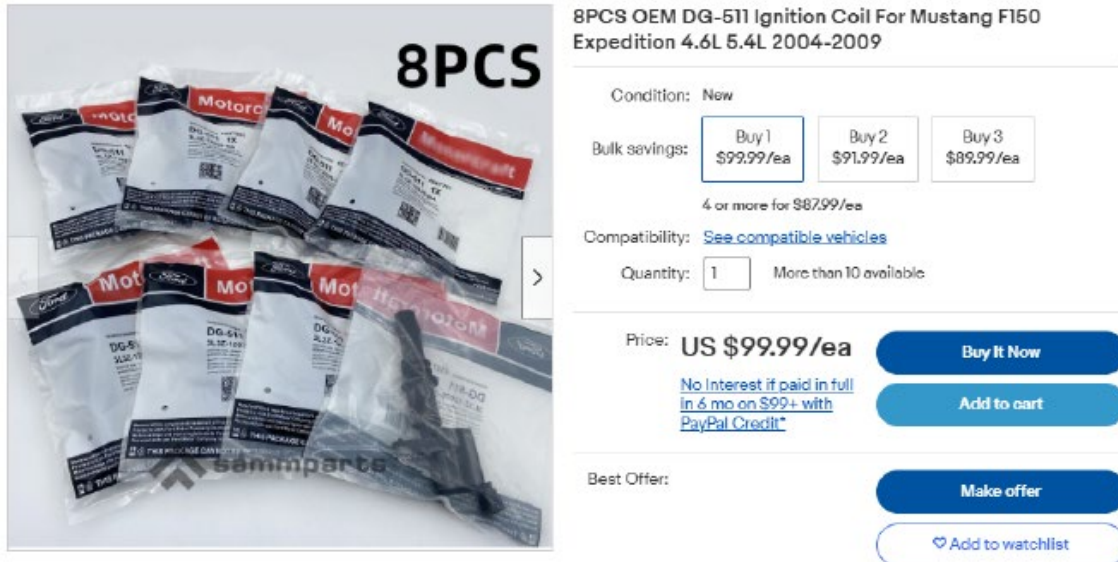
39. To give the appearance of legitimacy, the packaging for the Counterfeit Parts lists Ford’s genuine MOTORCRAFT website at www.motorcraft.com, and even states that “Motorcraft® is a registered trademark of Ford Motor Company” and contains other trademark notices identical or nearly identical to those on Ford’s genuine products. As a result, Defendants had actual knowledge of Ford and Ford’s prior registered trademark rights.

40. In a further effort to confuse customers as to source and give the false impression to customers that they are purchasing genuine Ford parts, the eBay listings use Ford Marks in the product descriptions, and some of them also include the following language:

- a. Watermarking of the word GENUINE across the photographs;
- b. Statement: “Authenticity Guarantee”;¹ or
- c. Statement: “GENUINE, OEM, Brand new and high quality.”

¹ According to eBay, the Authenticity Guarantee utilizes a team of authenticators to examine items and guarantee they are authentic.

True and correct copies of these eBay listings are attached hereto as Exhibit D, and a redacted example of Defendants' listings is below (an unredacted version of this example is in Exhibit D).



41. Ford purchased Defendants' Counterfeit Parts sold on the eBay Stores. Although the Counterfeit Parts, packaging, and the eBay Stores are designed to give the appearance they are offering genuine Ford parts, based on its review of the eBay listings and photographs of the Counterfeit Parts, Ford identified a number of inconsistencies with the Counterfeit Parts that would not appear on genuine Ford parts/packaging and confirmed the ignition coils were not manufactured or authorized by Ford. Moreover, Ford does not manufacture any of its genuine Ford ignition coils at issue in China and yet the Counterfeit Parts originate from, and all Defendants are located in, China.²

DEFENDANTS' COORDINATED SCHEME TO DEFRAUD CONSUMERS AND EVADE ENFORCEMENT

42. Based on information and belief, Defendants are related, acting in cooperation, and are advertising, manufacturing, selling, and/or distributing the Counterfeit Parts as part of the

² All of Defendants self-identify their location as China on their eBay Store pages.

same, coordinated scheme to defraud unsuspecting customers. For example, Defendants share the following similarities in the operation of their eBay Stores, including use of the same or similar tactics to evade detection and enforcement and make it more difficult for Ford to stop the sale of counterfeit parts in the United States and elsewhere, among other common counterfeit indicia:

- a. Defendants all sell the exact same counterfeit versions of Ford's genuine DG-511 ignition coils, through the same ecommerce platform (eBay), are located in China, and directly target the sale of such products to U.S. consumers, including in Illinois, by listing the Counterfeit Parts in English, shipping the products to Illinois residents, and accepting payment in U.S. dollars.
- b. Defendants' eBay listings for the Counterfeit Parts are highly similar in appearance and structure, including the use of the same or similar product photographs, product descriptions (including the same typos and grammatical errors) and layouts, similar structure and words in their eBay Store Names, and/or other similarities. Representative examples of the Counterfeit Parts from Defendants' eBay Stores are attached as Exhibit D.
- c. Most if not all Defendants disable their eBay Stores and/or products listings in an attempt to disappear as soon as they receive takedown requests, only to reappear shortly thereafter under new fictitious store names (sometimes by simply adding a number or an extra letter or word to the existing store name) or product listings.

43. As part of their overall unlawful scheme, Defendants are, upon information and belief, concurrently employing and benefitting from nearly identical advertising and marketing strategies, as described herein. Defendants' use of Ford's famous FORD trademarks is designed to attract and confuse consumers searching for genuine Ford parts, thereby contributing to the creation and maintenance of an illegal marketplace operating in parallel with the legitimate marketplace for Ford's genuine goods. Such conduct deprives Ford of its right to fairly compete for space online by reducing the visibility of Ford's genuine goods online, erodes the goodwill associated with the Ford Marks, and increases Ford's overall cost to market its goods and educate consumers about its brand online.

44. Defendants are concurrently conducting and targeting their counterfeiting and

infringing activities toward consumers and likely causing unified harm within this District and elsewhere throughout the United States. As a result, Defendants are defrauding Ford and the consuming public for Defendants' own benefit.

45. Defendants' payment and financial accounts, including but not limited to those specifically set forth on Exhibit "A," are being used by Defendants to accept, receive, and deposit profits from Defendants' trademark counterfeiting and infringing and unfairly competitive activities connected to their ecommerce stores on eBay and any other alias seller identification names being used and/or controlled by them. However, in light of Defendants' pattern of conduct and other conduct described herein, Defendants are likely to transfer or conceal their assets to avoid payment of any monetary judgment awarded to Ford.

46. Defendants had actual knowledge of Ford's prior rights because Defendants are copying Ford's identical Ford Marks and logos for use in connection with the same goods for which Ford uses and owns registrations for its Ford Marks, are using substantially similar product packaging as Ford's genuine parts, and are directing consumers to Ford's legitimate website at www.motorcraft.com, all in an effort to appear legitimate and deceive unsuspecting consumers into purchasing non-genuine Ford parts.

47. Defendants had constructive notice of Ford's ownership of the federally registered rights to the FORD mark under 15 U.S.C. §1072, at least as early as August 10, 1909, the MOTORCRAFT mark at least as early as January 3, 1961, and the Speeding Car Logo at least as early as March 20, 2018.

48. Ford never authorized, licensed or otherwise permitted Defendants to use or reproduce the Ford Marks or any confusingly similar variation thereof.

49. Simply put, there is no legitimate reason or need for Defendants to use the Ford

Marks in this fashion. The only purpose in using the Ford Marks is to lure customers into believing they are purchasing genuine and authentic Ford automotive parts for use in vehicles on U.S. roadways, when they are not. Such conduct not only infringes upon Ford's registered Ford Marks, but also implicates consumer safety concerns, including in the State of Illinois.

**DEFENDANTS' INTENTIONAL ACTIONS HAVE CAUSED EXTENSIVE
HARM AND DAMAGE TO FORD**

50. Defendants' willful actions are intentional and intended to trade on the reputation and goodwill of Ford and the Ford Marks. Defendants had actual knowledge and constructive notice of Ford's ownership of the Ford Marks. Despite this, Defendants proceeded to willfully infringe upon Ford's rights.

51. By selecting and using marks that are identical to the Ford Marks in connection with the Counterfeit Parts, Defendants have caused substantial harm to Ford in the State of Illinois knowing that such harm would be felt here.

52. Defendants' use of the Ford Marks is likely to mislead, deceive, and confuse the purchasing public and the trade. It is likely that consumers will mistakenly believe that Defendants are connected, associated or in some way affiliated with Ford, when in fact no such connection, association or affiliation exists, and/or that the Counterfeit Goods are genuine Ford goods, when they are not. Not only does such conduct create a likelihood of confusion, consumers have been actually confused as to the source of Defendants' Counterfeit Products and mistakenly believed such products originated from Ford. As a result, Defendants' activities are causing actual confusion in the marketplace and actual harm to Ford.

53. Defendants had no legitimate reason or good faith basis to use the Ford Marks in connection with the Counterfeit Parts.

54. Defendants' conduct causes damage and irreparable injury to Ford, and to its

goodwill and business reputation. As a direct and proximate result of Defendants' counterfeiting and infringement of the Ford Marks, Ford has suffered, and will continue to suffer, irreparable harm, damages and economic injury. Defendants' acts are aggravated by the fact that the use of the Counterfeit Parts by consumers may also implicate public safety concerns, including the safety of consumers in Illinois who use Defendants' Counterfeit Parts.

55. Ford has no adequate remedy at law, and unless Defendants are restrained and enjoined by the Court, these acts will continue to cause damage and irreparable injury to Ford, and damage its goodwill and business reputation. Ford cannot ascertain the precise amount of its damages at this time. Ford has no ability to control the nature and quality of the Counterfeit Parts provided under the Ford Marks. Effectively, Ford's stellar reputation and goodwill is placed in the hands of questionable third parties.

COUNT I

FEDERAL TRADEMARK INFRINGEMENT (REGISTERED MARKS) 15 U.S.C. § 1114(1)

56. As the first ground for relief, Ford alleges violations of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1). Ford repeats and realleges the allegations of paragraphs 1 through 55, as though fully set forth herein.

57. Ford owns exclusive rights in and to the trademarks FORD, the FORD Script Logo



, the FORD Oval Logo



, MOTORCRAFT, and the Speeding Car Logo



and the Ford Registrations for these marks. As alleged herein, Defendants either had actual knowledge or constructive notice of Ford's rights in the Ford Registrations.

58. Without Ford's authorization or consent, Defendants publicly advertise, sell, offer

for sale, and distribute counterfeit ignition coils bearing Ford's registered trademarks in interstate commerce in direct competition with genuine Ford parts. In particular, all of Defendants are using Ford's identical FORD, FORD Script Logo, FORD Oval Logo, MOTORCRAFT, and Speeding Car Logo marks on and in connection with the Counterfeit Parts.

59. Defendants' unauthorized and infringing use of Ford's registered marks, as alleged herein, is likely to cause confusion, mistake or deception as to the source, sponsorship or approval of Defendants' goods by Ford. The consuming public and the trade are likely to believe that Defendants' goods originate with Ford, are licensed, sponsored or approved by Ford, or in some way connected with or related to Ford, in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

60. Defendants' unauthorized and infringing use of Ford's registered marks, as alleged herein, constitutes intentional and willful infringement of Ford's rights in and to their federally registered trademarks, as pled herein, in violation Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

61. These infringing acts have occurred in interstate commerce and have caused, and unless restrained by this Court will continue to cause, serious and irreparable injury to Ford, for which Ford has no adequate remedy at law.

COUNT II

FEDERAL TRADEMARK COUNTERFEITING (REGISTERED MARKS) 15 U.S.C. § 1114

62. As the second ground for relief, Ford alleges violations of 15 U.S.C. § 1114. Ford repeats and realleges the allegations of paragraphs 1 through 61, as though fully set forth herein.

63. As stated above, Ford owns exclusive rights in the trademarks reflected in the Ford

Registrations in connection with a wide range of automotive parts and other related goods, and Defendants either had actual knowledge or constructive notice of Ford's rights in the Ford Registrations.

64. Without Ford's authorization or consent, and in direct competition with Ford's genuine parts in interstate commerce, Defendants are using the identical marks in the Ford Registrations on and in connection with identical counterfeit DG-511 ignition coils that are covered by Ford Registrations.

65. In particular, Defendants each advertise, sell, offer for sale, and distribute counterfeit ignition coils bearing Ford's identical FORD Script Logo, FORD Oval Logo, MOTORCRAFT, and Speeding Car Logo marks, which are the same parts covered by Ford Registrations for these marks.

66. Defendants' use of marks identical to or substantially indistinguishable from the marks reflected in the Ford Registrations in connection with the same goods covered by the registrations is likely to cause and is causing confusion, mistake and deception among consumers as to the origin of the Counterfeit Parts, and is likely to deceive the public into believing the Counterfeit Parts being offered and advertised by Defendants originate from, are associated with, or are otherwise authorized by Ford, all to the damage and detriment of Ford's reputation and goodwill.







67. Defendants knew or had reason to know of the Ford Marks reflected in the Ford Registrations and Ford's rights to the exclusive use of the same, and their actions were conducted with complete disregard of Ford's rights. Accordingly, Defendants' actions constitute willful counterfeiting of the Ford Marks reflected in the Ford Registrations in violation of the Lanham Act, in violation of 15 U.S.C. § 1114.





68. Defendants' acts have occurred in interstate commerce and have caused, and unless restrained by this Court will continue to cause, serious and irreparable injury to Ford, for which Ford has no adequate remedy at law.







COUNT III

FEDERAL TRADEMARK DILUTION 15 U.S.C. § 1125(c)

69. As the third ground for relief, Ford alleges violation of the Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c). Ford repeats and realleges the allegations of paragraphs 1 through 68, as though fully set forth herein.

70. As a result of the duration, extent, and geographic reach of Ford's use of the FORD, FORD Script Logo , and FORD Oval Logo  trademarks, and advertising and publicity associated with the same, the FORD, FORD Script Logo , and FORD Oval Logo  trademarks have achieved an extensive degree of distinctiveness and are famous marks under the Lanham Act, 15 U.S.C. § 1125(c). The FORD, FORD Script Logo , and FORD Oval Logo  trademarks are widely recognized by the consuming public as a designation of source of Ford's goods and services.

71. Defendants began using marks identical to the FORD, the FORD Script Logo , and FORD Oval Logo  trademarks, in interstate commerce, in connection with the Counterfeit Parts, long after the FORD, FORD Script Logo , and FORD Oval Logo  trademarks became famous and distinctive.

72. Defendants' use of the FORD, FORD Script Logo , and FORD Oval Logo  trademarks dilutes, or is likely to dilute, by blurring the distinctive quality of Ford's famous FORD, FORD Script Logo , and FORD Oval Logo  trademarks and tarnishing the reputation of the FORD, FORD Script Logo , and FORD Oval Logo  trademarks under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

73. These acts have caused, and unless restrained by this Court will continue to cause, serious and irreparable injury to Ford, for which Ford has no adequate remedy at law.

COUNT IV

FEDERAL UNFAIR COMPETITION 15 U.S.C. § 1125(a)

74. As the fourth ground for relief, Ford alleges violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a). Ford repeats and realleges the allegations of paragraphs 1 through 73, as though fully set forth herein.

75. Defendants' unauthorized use of the Ford Marks, as alleged herein, constitutes use of a false designation of origin and false or misleading representation in interstate commerce, which wrongly and falsely designates, describes and represents the origin of Defendants' goods as originating from or being connected with Ford, and is likely to cause confusion, or to cause mistake, or to deceive as to Defendants' affiliation, connection or association with Ford, or as to the origin, sponsorship or approval of Defendants' goods by Ford in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

76. These acts have occurred in interstate commerce and have caused, and unless restrained by this Court will continue to cause, serious and irreparable injury to Ford, for which

Ford has no adequate remedy at law.

COUNT V

**ILLINOIS DECEPTIVE TRADE PRACTICES
815 Ill. Comp. Stat. 510/1 *et seq.***

77. As the fifth ground for relief, Ford alleges violation of the Illinois Uniform Deceptive Trade Practices Act, 815 Ill. Comp. Stat. 510/1, *et seq.* Ford repeats and realleges the allegations of paragraphs 1 through 76, as though fully set forth herein.

78. Defendants' unauthorized use of the Ford Marks, as alleged herein, has caused, and is likely to cause in the future, a likelihood of confusion or misunderstanding as to the sponsorship, approval, affiliation or connection of Defendants' and Ford's businesses, inasmuch as it gives rise to the incorrect belief that Defendants' businesses have some connection with Ford. These acts constitute deceptive trade practices in the course of Defendants' businesses in violation of the Illinois Uniform Deceptive Trade Practices Act, 815 Ill. Comp. Stat. 510/1, *et seq.*

79. These acts have caused, and unless restrained by this Court will continue to cause, serious and irreparable injury to Ford, for which Ford has no adequate remedy at law.

COUNT VI

**ILLINOIS CONSUMER FRAUD AND DECEPTIVE BUSINESS PRACTICES
815 Ill. Comp. Stat. 505/1 *et seq.***

80. As the sixth ground for relief, Ford alleges violation of the Illinois Consumer Fraud and Deceptive Businesses Practices Act, 815 Ill. Comp. Stat. 505/1 *et seq.* Ford repeats and realleges the allegations of paragraphs 1 through 79, as though fully set forth herein.

81. Defendants' unauthorized use of the Ford Marks, as alleged herein, has caused, and is likely to cause in the future, a public injury and a detrimental effect on consumers as to the origin of Defendants' goods. These acts constitute unfair methods of competition and unfair or deceptive

acts or practices in violation of the Illinois Consumer Fraud and Deceptive Businesses Practices Act, 815 Ill. Comp. Stat. 505/1 *et seq.*

82. These acts have caused, and will continue to cause unless restrained by this Court, serious and irreparable injury to Ford, for which Ford has no adequate remedy at law.

COUNT VII

ILLINOIS COMMON LAW UNFAIR COMPETITION

83. As the seventh ground for relief, Ford hereby alleges unfair competition under Illinois common law. Ford repeats and realleges the allegations of paragraphs 1 through 82, as though fully set forth herein.



84. As a result of their actions complained of herein, Defendants have misappropriated valuable property rights of Ford, have passed off their services as those of Ford's, are trading off the goodwill symbolized by the Ford Marks, and are likely to cause confusion or mistake, or to deceive members of the consuming public and the trade. These acts constitute unfair competition in violation of the common law of the State of Illinois.





85. These acts have caused, and unless restrained by this Court will continue to cause, serious and irreparable injury to Ford, for which Ford has no adequate remedy at law.





COUNT VIII





ILLINOIS TRADEMARK DILUTION

86. As the eighth ground for relief, Ford hereby alleges dilution under the Illinois Anti-Dilution Act, 765 ILCS 1036/65. Ford repeats and realleges the allegations of paragraphs 1 through 85, as though fully set forth herein.

87. As a result of duration, extent, and geographic reach of Ford's use of the FORD, FORD Script Logo , and FORD Oval Logo  trademarks, and advertising

and publicity associated with the same, the FORD, FORD Script Logo , and FORD Oval Logo  trademarks marks have achieved an extensive degree of distinctiveness and are famous marks in Illinois. The FORD, FORD Script Logo , and FORD Oval Logo  trademarks are widely recognized by the consuming public as a designation of source of Ford's goods and services.

88. Defendants began using the marks identical to the FORD, FORD Script Logo , and FORD Oval Logo  trademarks in connection with the Counterfeit Parts long after the FORD, FORD Script Logo , and FORD Oval Logo  trademarks became famous and distinctive in Illinois.

89. Defendants' use of the FORD, FORD Script Logo , and FORD Oval Logo  trademarks dilutes, or is likely to dilute, by blurring the distinctive quality of Ford's famous FORD, FORD Script Logo , and FORD Oval Logo  trademarks under Illinois Anti-Dilution Act, 765 ILCS 1036/65.

90. These acts have caused, and unless restrained by this Court will continue to cause, serious and irreparable injury to Ford, for which Ford has no adequate remedy at law.

PRAYER FOR RELIEF



WHEREFORE, Ford prays that this Court enter a judgment and order:

1. That Defendants willfully violated Sections 32(1), 43(a) and 43(c) of the Lanham Act;

2. That Defendants committed acts of unfair competition, deceptive business and trade practices, consumer fraud and deceptive business practices, and dilution under Illinois common and statutory law;

3. That Defendants and their officers, directors, agents, servants, employees, affiliates, successors, shareholders, assigns and attorneys, as well as all those in active concert or participation with them, be preliminarily and permanently enjoined and restrained from:

A. Using the Ford Marks, including but not limited to the marks FORD, the

FORD Script Logo , the FORD Oval Logo ,
MOTORCRAFT, the Speeding Car Logo



, or any reproduction, counterfeit, copy, or colorable imitation thereof in any manner in connection with the manufacture, sale, offering for sale, distribution, or advertising of any goods or services that are not genuine Ford goods or services or not authorized by Ford;

B. Using any name, mark, or domain name that wholly incorporates the Ford Marks or is confusingly similar to, including but not limited to any reproduction, counterfeit, copy or a colorable imitation of, the Ford Marks;

C. Registering, transferring, selling, owning or exercising control over any domain name that incorporates, in whole or in part, the Ford Marks or anything confusingly similar thereto;

D. Doing any other act or thing calculated or likely to induce or cause confusion or the mistaken belief that Defendants are in any way affiliated, connected, or associated with Ford or its goods and services;

- E. Licensing or authorizing others to use the Ford Marks or any confusingly similar mark;
- F. Injuring Ford's business reputation and the goodwill associated with the Ford Marks, and from otherwise unfairly competing with Ford in any manner whatsoever;
- G. Committing any acts which will blur or dilute, or are likely to blur or dilute the distinctive quality of the famous Ford Marks; and
- H. Passing off Defendants' goods as those of Ford.

4. That, pursuant to 15 U.S.C. §1118, Defendants be required to deliver up and destroy all products, labels, signs, packages, wrappers, advertisements, promotions and all other matter in the custody or under the control of Defendants that bear the Ford Marks or any other mark that is likely to be confused with the Ford Marks;

5. That, because of Defendants' willful actions and pursuant to 15 U.S.C. § 1117 and 815 Ill. Comp. Stat. §505/10a *et seq.*, Ford be awarded monetary relief in an amount to be fixed by the Court in its discretion as just, including:

- A. All profits received by Defendants from sales and revenues of any kind made as a result of their actions, and all damages sustained by Ford as a result of Defendants' actions, and that such profits and damages be trebled;
- B. Or, if Ford so elects, an award for statutory damages pursuant to 15 U.S.C. § 1117(c)(2) consisting of \$2,000,000 per counterfeit mark, per type of goods sold, offered for sale or distributed; and
- C. The costs of the action.

6. That, pursuant to 15 U.S.C. § 1116, Defendants be directed to file with the Court

and serve on Ford within thirty (30) days after issuance of an injunction, a report in writing and under oath setting forth in detail the manner and form in which Defendants have complied with the injunction;

7. That the Court order those in privity with, working with, or providing services of any kind to Defendants in connection with the manufacture, advertising, sale, and/or distribution of the Counterfeit Parts, including financial services, transaction processing services, ecommerce services, web hosting services, technical services, or other support to Defendants, and those with notice or receipt of the injunction, shall (a) be and are restrained and enjoined from providing any such services to Defendants, including permanently deleting the ecommerce stores identified in Exhibit “A,” and (b) be ordered to provide any and all identification, contact and registration information associated with Defendants, including any eBay accounts through which Defendants advertise and sell the Counterfeit Parts, and/or financial accounts used by Defendants in connection with such conduct;

8. That because of trademark counterfeiting and the exceptional nature of this case resulting from Defendants’ deliberate and willful infringing actions, this Court award to Ford all reasonable attorneys’ fees, costs and disbursements incurred by it as a result of this action, pursuant to 15 U.S.C. §§ 1117(a) and (b), 815 Ill. Comp. Stat. §510/3, and 815 Ill. Comp. Stat. §505/10a; and

9. That Ford shall have such other and further relief as this Court may deem just.

Respectfully submitted,

FORD MOTOR COMPANY

Dated: June 7, 2024

By: /s/ Christian S. Morgan

Joseph T. Kucala, Jr. (Reg. No. 6275312)

Jay M. Burgett (Reg. No. 6285841)

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

Ford Motor Company,

Plaintiff,

v.

The Individuals, Business Entities, and
Unincorporated Associations Identified in
Exhibit “A,”

Defendants.

Civil Action No. 1:24-cv-4076

Judge Sharon Johnson Coleman

Magistrate Judge M. David Weisman

**LIST OF EXHIBITS SUPPORTING PLAINTIFF’S FIRST
AMENDED COMPLAINT AGAINST DEFENDANTS**

EXHIBIT	DESCRIPTION
A	[FILED UNDER SEAL]
B	List of Ford Registrations and copies of the Certificates of Registration and USPTO Trademark Status Document Retrieval printouts
C	[FILED UNDER SEAL]
D	[FILED UNDER SEAL]