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11
12 UNITED STATES DISTRICT COURT
13 DISTRICT OF ARIZONA

14 Whaleco Inc., 15 Plaintiff, 16 vs. 17 Jamya Arroyo; Soumen Halder, ABC Corporations 1-36; and John Does 1-36, 18 Defendants. 19	Civil Case No. VERIFIED COMPLAINT
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20 **PLAINTIFF’S VERIFIED COMPLAINT**

21 Plaintiff Whaleco Inc. (“*Whaleco*” or “*Plaintiff*”), by its undersigned attorneys,
22 alleges as follows, upon actual knowledge with respect to itself and its own acts, and upon
23 information and belief as to all other matters. Under Fed. R. Civ. P. 65(b), the facts of this
24 Complaint, as they pertain to Whaleco, are verified below.

25 **NATURE OF THE CASE**

26 1. This is an *in rem* action against the domain names listed in **Exhibit 1**, Jamya
27 Arroyo, Soumen Halder, ABC Corporations 1-36, and John Does 1-36, for trademark
28 counterfeiting, trademark infringement, trademark dilution, false designation of origin, and

1 unfair competition under the Lanham Act; trademark dilution under Arizona Statute Section
2 44-1448.01; and trademark infringement and unfair competition under Arizona common
3 law.

4 2. Whaleco brings this action because Jamya Arroyo, Soumen Halder, ABC
5 Corporations 1-36, and John Does 1-36 (collectively “*Defendants*”) are (a) using the
6 federally registered TEMU trademark, or variations thereof, to dupe or otherwise deceive
7 people into believing Defendants’ domain names and resultant websites are associated with,
8 endorsed by, or otherwise affiliated with Whaleco; (b) operating a redirect scheme whereby
9 Defendants’ domain names redirect unsuspecting consumers to websites that display,
10 without authorization, the federally registered TEMU trademark, or variations thereof;
11 and/or (c) using the Domain Names as part of a phishing campaign that uses, without
12 authorization, the TEMU Marks.¹

13 3. Defendants have registered the domain names listed in **Exhibit 1** in bad faith,
14 and are operating domain names and resultant websites that (a) directly utilize or display,
15 without authorization, Plaintiff’s registered TEMU marks, or other marks confusingly
16 similar thereto; (b) redirect consumers to websites that display, without authorization,
17 Plaintiff’s registered TEMU marks; and/or (c) use the TEMU marks as part of a phishing
18 campaign, all with the specific intent to trade off the goodwill associated with Plaintiff’s
19 registered TEMU mark and to confuse consumers and fraudulently profit from Plaintiff’s
20 trademark rights.

21 4. Consequently, the domains included at **Exhibit 1** should be immediately
22 canceled, disabled and/or transferred to Whaleco to protect the public and the goodwill that
23 Whaleco worked hard to successfully build in its marks and branding. Moreover, because
24 Defendants’ associated and resultant websites are being used to perpetuate a fraud harmful
25

26
27 ¹ Phishing is a fraudulent practice of sending some communication purporting to be from a
28 reputable company in order to induce individuals to take some action that results in the
individual being defrauded.

1 to consumers and irreparably damaging to Whaleco's reputation and goodwill, they should
2 also be immediately canceled and disabled.

3 **THE PARTIES**

4 5. Whaleco Inc. d/b/a Temu is a Delaware corporation with its principal place of
5 business at 31 Saint James Ave., Suite 355, Boston, Massachusetts 02116-4101.

6 6. Upon information and belief, Defendant Jamyra Arroyo is a Massachusetts
7 resident who registered the Internet domain name concorporarius.com on June 5, 2023,
8 through the domain name registrar Namecheap and is targeting consumers nationwide.

9 7. Upon information and belief, Defendant Soumen Halder is the registered
10 owner of the Internet domain name instalacioneslyl.com which was registered with PDR
11 Ltd. d/b/a PublicDomainRegistry.com on December 4, 2023. Soumen Halder has a listed
12 address of Ramjibanpur, PO-RC Thakurani in Kolkata, India and an email address of
13 meneagard06@gmail.com. Upon information and belief, Defendant Soumen Halder
14 operates the Internet domain name instalacioneslyl.com and the resultant website to target
15 consumers in Arizona.

16 8. Defendant ABC Corporation 1 and/or John Doe 1 has registered and is using
17 offervault.com, an Internet domain name initially registered on April 11, 2007 through the
18 domain name registrar Namecheap, Inc. ABC Corporation 1 and/or John Doe 1 is using a
19 privacy service that shields their true identity. See **Exhibit 2**.

20 9. Defendant ABC Corporation 2 and/or John Doe 2 has registered and is using
21 livingway.uk.com, an Internet domain name registered on March 14, 2023, through the
22 domain name registrar Namecheap, Inc. ABC Corporation 2 and/or John Doe 2 is using a
23 privacy service that shields their true identity. See **Exhibit 2**.

24 10. Defendant ABC Corporation 3 and/or John Doe 3 has registered and is using
25 gjgarea.eu.com, an Internet domain name registered on June 12, 2023, through the domain
26 name registrar Namecheap, Inc. ABC Corporation 3 and/or John Doe 3 is using a privacy
27 service that shields their true identity. See **Exhibit 2**.

28

1 11. Defendants ABC Corporation 4 and/or John Doe 4 has registered and is using
2 accinate.com, an Internet domain name registered on March 16, 2023, through the domain
3 name registrar Namecheap, Inc. ABC Corporation 4 and/or John Doe 4 is using a privacy
4 service that shields their true identity. *See **Exhibit 2***.

5 12. Defendant ABC Corporation 5 and/or John Doe 5 has registered and is using
6 bureaty.com, an Internet domain name registered on April 17, 2023, through the domain
7 name registrar Namecheap, Inc. ABC Corporation 5 and/or John Doe 5 is using a privacy
8 service that shields their true identity. *See **Exhibit 2***.

9 13. Defendants ABC Corporation 6 and/or John Doe 6 has registered and is using
10 zindashmap.one, an Internet domain name registered on October 31, 2022, through the
11 domain name registrar Namecheap, Inc. ABC Corporation 6 and/or John Doe 6 is using a
12 privacy service that shields their true identity. *See **Exhibit 2***.

13 14. Defendants ABC Corporation 7 and/or John Doe 7 has registered and is using
14 sbarghatjbar.store, an Internet domain name registered on May 23, 2023, through the domain
15 name registrar Namecheap, Inc. ABC Corporation 7 and/or John Doe 7 is using a privacy
16 service that shields their true identity. *See **Exhibit 2***.

17 15. Defendants ABC Corporation 8 and/or John Doe 8 has registered and is using
18 seocler.com, an Internet domain name registered on September 27, 2022, through the domain
19 name registrar Namecheap, Inc. ABC Corporation 8 and/or John Doe 8 is using a privacy
20 service that shields their true identity. *See **Exhibit 2***.

21 16. Defendants ABC Corporation 9 and/or John Doe 9 has registered and is using
22 souksa.com, an Internet domain name registered on December 23, 2022, through the domain
23 name registrar Namecheap, Inc. ABC Corporation 9 and/or John Doe 9 is using a privacy
24 service that shields their true identity. *See **Exhibit 2***.

25 17. Defendants ABC Corporation 10 and/or John Doe 10 has registered and is using
26 individuct.org.uk, an Internet domain name registered on April 30, 2022, through the domain
27 name registrar Namecheap, Inc. ABC Corporation 10 and/or John Doe 10 is using a privacy
28 service that shields their true identity. *See **Exhibit 2***.

1 18. Defendants ABC Corporation 11 and/or John Doe 11 has registered and is using
2 sebestshop.com, an Internet domain name registered on October 3, 2023, through the domain
3 name registrar Namecheap, Inc. ABC Corporation 11 and/or John Doe 11 is using a privacy
4 service that shields their true identity. *See **Exhibit 2***.

5 19. Defendants ABC Corporation 12 and/or John Doe 12 has registered and is using
6 blizzardblog.co.uk, an Internet domain name registered on July 2, 2023, through the domain
7 name registrar Namecheap, Inc. ABC Corporation 12 and/or John Doe 12 is using a privacy
8 service that shields their true identity. *See **Exhibit 2***.

9 20. Defendants ABC Corporation 13 and/or John Doe 13 has registered and is using
10 herzoghof.com, an Internet domain name registered on September 27, 2023, through the
11 domain name registrar Namecheap, Inc. ABC Corporation 13 and/or John Doe 13 is using a
12 privacy service that shields their true identity. *See **Exhibit 2***.

13 21. Defendants ABC Corporation 14 and/or John Doe 14 has registered and is using
14 kuehnhomes.com, an Internet domain name registered on September 27, 2023, through the
15 domain name registrar Namecheap, Inc. ABC Corporation 14 and/or John Doe 14 is using a
16 privacy service that shields their true identity. *See **Exhibit 2***.

17 22. Defendants ABC Corporation 15 and/or John Doe 15 has registered and is using
18 hooksnet.com, an Internet domain name registered on November 6, 2023, through the
19 domain name registrar Namecheap, Inc. ABC Corporation 15 and/or John Doe 15 is using a
20 privacy service that shields their true identity. *See **Exhibit 2***.

21 23. Defendants ABC Corporation 16 and/or John Doe 16 has registered and is using
22 allyoureuro.co.uk, an Internet domain name registered on June 6, 2022, through the domain
23 name registrar Namecheap, Inc. ABC Corporation 16 and/or John Doe 16 is using a privacy
24 service that shields their true identity. *See **Exhibit 2***.

25 24. Defendants ABC Corporation 17 and/or John Doe 17 has registered and is using
26 gmutelework.com, an Internet domain name registered on September 15, 2023, through the
27 domain name registrar Namecheap, Inc. ABC Corporation 17 and/or John Doe 17 is using a
28 privacy service that shields their true identity. *See **Exhibit 2***.

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