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8

9 UNITED STATES DISTRICT COURT,  
10 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION  
11

12 LAMPS PLUS, INC.

13 Plaintiff,

14 v.  
15

16 ACTION CAPTION ADVERTISING  
17 LLC, dba LAMPS PLUS MAX,  
EVGENI MIGHTY WILDERNESS,  
18 LLC, AND DRABOI CLASSIC  
19 VENTURING, LLC, dba HOME  
LIGHTS US,

20 Defendants.  
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Civil Action No. \_\_\_\_\_

**PLAINTIFF'S COMPLAINT**

1. Trademark Infringement (15 U.S.C. § 1114);
2. Counterfeiting (15 U.S.C. § 1114);
3. Unfair Competition (15 U.S.C. § 1125(a));
4. Common Law Trademark Infringement;
5. Cyberpiracy (15 U.S.C. § 1125(d));
6. Violation of the California Business and Professions Code (CAL. BUS. & PROF. CODE § 14245)
7. Common Law Unfair Competition

JURY TRIAL REQUESTED

1 Plaintiff Lamps Plus, Inc. (“Plaintiff” or “Lamps Plus”), by and through its  
2 counsel, hereby alleges as follows for its Complaint against Defendants Action  
3 Caption Advertising, LLC, dba Lamps Plus Max, Evgeni Mighty Wilderness, and  
4 Draboi Classic Venturing, LLC, dba Home Lights US (herein referred to collectively  
5 as “Defendants” or “Lamps Plus Max Entities”). This is a complaint for trademark  
6 infringement (15 U.S.C. § 1114), trademark counterfeiting (15 U.S.C. § 1114),  
7 unfair competition under the Lanham Act (15 U.S.C. § 1125), common law  
8 trademark infringement, cyberpiracy under the Lanham Act (15 U.S.C. § 1125(d)),  
9 violation of the California Business and Professions Code (CAL. BUS. § PROF. CODE  
10 § 14245), and common law unfair competition.

### 11 INTRODUCTION

12 1. In 1976, Dennis Swanson and Manja Swanson began a lamp design,  
13 manufacture, and retail company in North Hollywood, California called Lamps R  
14 Us, Inc.

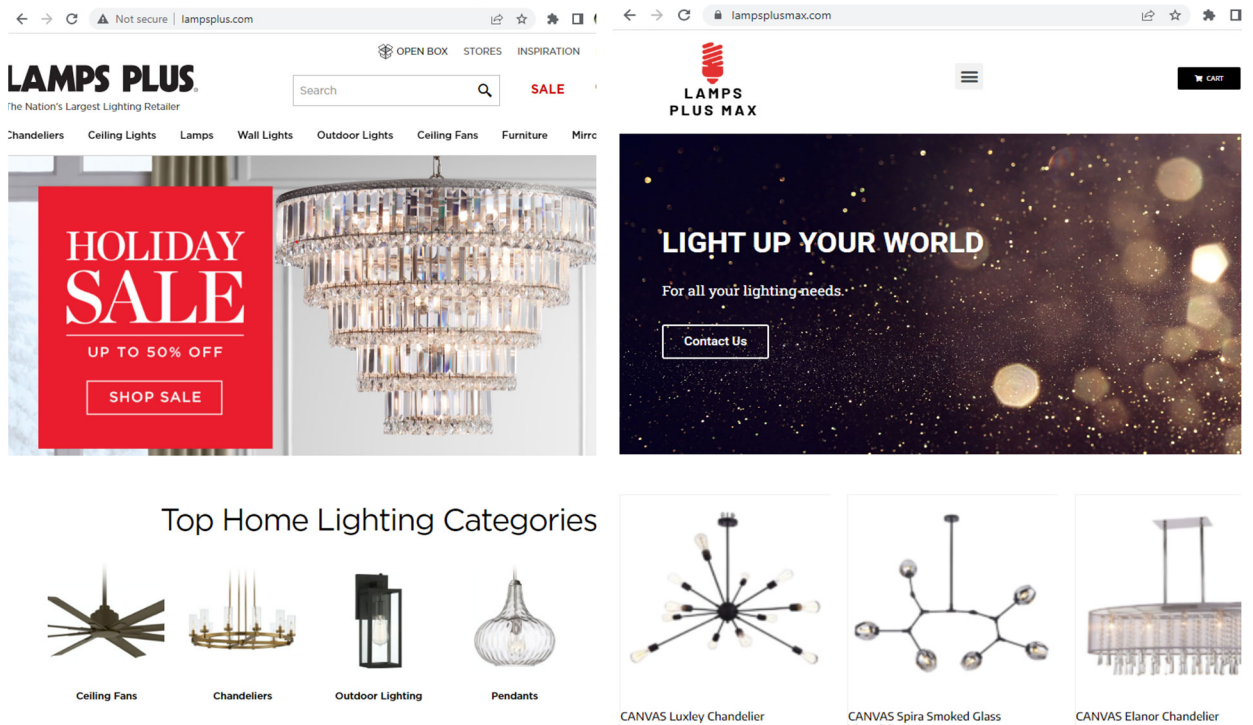
15 2. Lamps R Us used the brand “Lamps Plus” in connection with its  
16 specialty lighting retail stores. In 1984, Lamps R Us registered its trademark for the  
17 Lamps Plus brand (the “Lamps Plus Mark”) with the U.S. Patent and Trademark  
18 Office in connection with “electrical lamps and lighting fixtures” (U.S. Registration  
19 No. 1,359,087, the “’087 Registration”) to protect the brand value that it had created.

20 3. In 1985, Lamps R Us formally changed its name to Lamps Plus, and  
21 has consistently and exclusively used, maintained, and invested in its Lamps Plus  
22 brand since then.

23 4. The ’087 Registration became incontestable pursuant to 15 U.S.C. §§  
24 1065 and 1115(b) in 1989, and still persists today.

25 5. Through its substantial investment in and use of its Lamps Plus Mark  
26 over the last almost 40 years, Lamps Plus has become the largest specialty lighting  
27 company in the United States and has built considerable brand value and goodwill  
28 in the Lamps Plus Mark.

1           6.       On or about May 29, 2022, Defendants began selling lamps and other  
2 lighting goods through a website under the name “Lamps Plus Max.” Defendants’  
3 website is accessible through the URL [www.lampsplusmax.com](http://www.lampsplusmax.com). The following  
4 screenshots compare Defendants’ “Lamps Plus Max” website with the Lamp Plus  
5 website.



18           7.       As illustrated above, Defendants’ knock-off Lamps Plus Max mark is  
19 nearly identical to the Lamps Plus Mark.

20           8.       Furthermore, Defendants are using their knock-off Lamps Plus Max  
21 mark to sell the same exact goods through the same exact marketing channels and to  
22 the same consumers as Lamps Plus.

23           9.       The Lamps Plus and Lamps Plus Max marks are so similar that  
24 consumers will likely be confused as to the source of Defendants’ lighting products.  
25 Accordingly, Defendants’ use of their knock-off Lamps Plus Max mark to sell  
26 lighting product infringes the Lamps Plus Mark, and constitutes counterfeiting,  
27 unfair competition, and cyberpiracy.

28



1           17. Defendant Evgeni Mighty Wilderness LLC is a limited liability  
2 company organized and existing under the laws of the state of California, with its  
3 principal place of business at 9106 Blue Grass Drive, Stockton, California 95210.

4           18. Defendant Draboi Classic Venturing LLC is a limited liability company  
5 organized and existing under the laws of the state of New York, with its principal  
6 place of business at 397 Roger Avenue, North Tonawanda, New York 14120.

7           19. Lamps Plus is informed and believes, that Defendant Action Caption  
8 Advertising LLC operates the Lamps Plus Max website.

9           20. The Lamps Plus Max website lists Action Caption Advertising LLC as  
10 owning the copyright to the Lamps Plus Max website.

11           21. Lamps Plus is informed and believes, that Lamps Plus Max is the same  
12 entity as, or is affiliated with, Home Lights US. The Lamps Plus Max website, under  
13 the “About Us” heading, describes Home Lights US and makes no reference to  
14 Lamps Plus Max. Accordingly, Home Lights US also controls, operates, or is  
15 otherwise responsible for the use of the Lamps Plus Max mark on the Lamps Plus  
16 Max website to sell lighting goods.

17           22. Lamps Plus is informed and believes, that Defendants Evgeni Mighty  
18 Wilderness LLC and Draboi Classic Venturing LLC are affiliates of Home Lights  
19 US. The Home Lights US website, homelightsus.com, lists the subheading “Draboi  
20 Classic Venturing LLC” under the website title “Home Lights US.” The contact  
21 information for the Home Lights US website is the same as that of Draboi Classic  
22 Venturing LLC. Previous iterations of the Home Lights US website,  
23 homelightsus.com, instead list Evgeni Mighty Wilderness LLC in the subheading  
24 and contact information. For example, on June 28, 2022, Evgeni Mighty Wilderness  
25 LLC was still listed on the Home Lights US website as shown by the below Internet  
26 Archive page:

27  
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