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**UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK**

SARA M. LYONS,	:	Case No. 21-cv-03785
	:	
	:	
Plaintiff,	:	<b>COMPLAINT</b>
	:	
v.	:	
	:	
AMAZON.COM, INC. and DOES 1-10,	:	<b>JURY TRIAL DEMANDED</b>
	:	
Defendants.	:	
	:	

Plaintiff Sara M. Lyons (“Plaintiff”), by and through her attorneys Kushnirsky Gerber PLLC, for her complaint against Amazon.com, Inc. (“Amazon”) and Does 1-10 (collectively, “Defendants”), alleges as follows:

**NATURE OF THE ACTION**

1. Plaintiff Sara M. Lyons is an independent artist and designer based in Anaheim, California. Ms. Lyons sells original enamel pins, embroidered patches, and other products, all featuring her original designs. Ms. Lyons sells her products direct to consumers through her website, located at [www.saramlyons.myshopify.com](http://www.saramlyons.myshopify.com), and through authorized third-party retailers.

2. One of Ms. Lyons’s most iconic designs is the original two-dimensional artwork, entitled *Whatever Forever* (the “Original Design”), shown below.



3. Defendant Amazon is one of the largest e-commerce retailers in the world. Amazon advertises and sells a wide variety of products on its e-commerce website, located at [www.amazon.com](http://www.amazon.com) (the “Amazon Website”), and via its branded mobile application. Products on the Amazon Website that are identified as “ships from and sold by Amazon.com” are offered for sale, packaged, and shipped directly by Amazon from its warehouses.

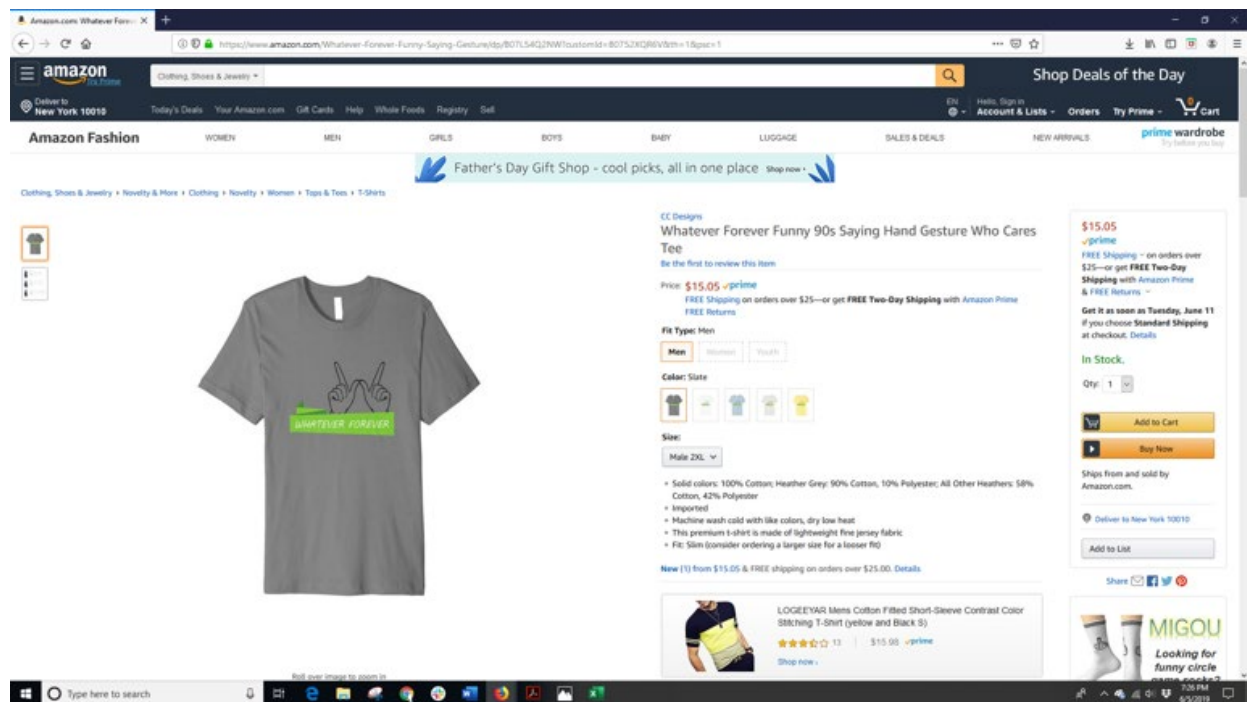
4. Without obtaining or seeking any permission from Ms. Lyons, Defendants created, sold, manufactured, caused to be manufactured, and/or distributed products featuring a design that is substantially similar to the Original Design (the “Infringing Design”), shown below.



5. Defendants created the Infringing Design by directly tracing the hand on the right of the Original Design to create the hand on the right of the Infringing Design. Defendants then mirror-imaged the hand to create the hand on the left of the Infringing Design. An overlay of the Original Design and Infringing Design, shown below, demonstrates that the two designs are virtually identical.



6. Amazon sold and distributed t-shirts featuring the Infringing Design directly to consumers (the “Infringing Product”), shown below.



7. Ms. Lyons sent Amazon notice of her copyright claims in the Original Design in April 2020. Despite initially removing the listing in or around April or May 2020, in or around January 2021 Amazon restored the listing for the Infringing Product on the Amazon Website. Amazon has continued to advertise and sell the Infringing Product.

8. Ms. Lyons asserts claims for copyright infringement under the United States Copyright Act, 17 U.S.C. § 101 *et seq.* (the “Copyright Act”) and distribution of infringing goods

with copyright management information removed in violation of the Digital Millennium Copyright Act, 17 U.S.C. § 1201 *et seq.* (the “DMCA”). She seeks monetary damages, injunctive relief, costs, and attorneys’ fees.

### **PARTIES, JURISDICTION AND VENUE**

9. This is an action for copyright infringement under the Copyright Act and distribution of infringing goods with copyright management information removed in violation of the DMCA, 17 U.S.C. § 1202(b). The Court has subject matter jurisdiction pursuant to 17 U.S.C. § 501 and 28 U.S.C. §§ 1331 and 1338, and supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

10. Plaintiff Sara M. Lyons is an individual residing in Anaheim, California. Ms. Lyons owns the copyright for the Original Design and has satisfied the requirements of 17 U.S.C. § 411(a) prior to filing this complaint. A copy of the copyright registration certificate for the Original Design is attached as Exhibit A. Ms. Lyons operates an e-commerce website, located at [www.saramlyons.myshopify.com](http://www.saramlyons.myshopify.com), through which she regularly sells products directly to consumers in this District.

11. Defendant Amazon is a publicly traded corporation organized under the laws of the State of Delaware with its principal place of business located at 410 Terry Avenue North, Seattle, WA 98109. Amazon has numerous offices, fulfillment centers, warehouses, and other locations in this District. Amazon does systematic business in New York and in this District; and routinely sells and ships goods to consumers here. Amazon has also committed acts outside of New York that caused injury to Ms. Lyons within New York and this District; regularly does or solicits business in New York and this District; derives substantial revenue from goods sold or services rendered in New York and this District; expects or reasonably should expect its infringing conduct

to have consequences in New York and this District; and derives substantial revenue from interstate commerce.

12. Defendants Does 1-10 are manufacturers, retailers and/or suppliers who sold the Infringing Products whose identities are unknown to Plaintiff at this time. Plaintiff believes that information obtained in discovery will lead to the identification and locations of Does 1-10 and permit Plaintiff to amend this Complaint to state the same.

13. The Court has personal jurisdiction over Defendants pursuant to Fed. R. Civ. P. 4 and N.Y. C.P.L.R. §§ 301 and 302(a).

14. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and 1400 because Amazon does substantial business in this district, has a substantial number of employees and locations in this District, and is subject to personal jurisdiction here.

### **FACTUAL BACKGROUND**

#### **A. Plaintiff's Original Design**

15. Ms. Lyons is a popular independent artist and designer who makes a living selling her original designs in the form of enamel pins, embroidered patches, and other products. Known for irreverent interpretations of symbols of contemporary culture, Ms. Lyons has a large and devoted base of fans and consumers.

16. Ms. Lyons sells a variety of products featuring her original designs direct to consumers through her e-commerce website and online storefront, located at [www.saramlyons.myshopify.com](http://www.saramlyons.myshopify.com), and through various authorized third-party websites and retailers.

17. Ms. Lyons created the Original Design in 2013.

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