

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., a Delaware corporation,

Plaintiff,

v.

KELLY FITZPATRICK, an individual;
SABRINA KELLY-KREJCI, an individual;
KANG WANG, an unknown entity, d/b/a SEVENSTAR;
PUTIAN WEISEN TRADING CO., LTD, an unknown entity, d/b/a LWENSTORE; JOSE A. PAGAN, an individual, d/b/a GAM SPORTS;
YAN RUIQUN, an individual, d/b/a KALOSUHA; JESSE A. FASNACHT, an individual, d/b/a BRADYYER; BRADY MICHAEL ABBOTT, an individual;
ZHUXIUBING, an unknown entity, d/b/a GOGO TRENDY; CHENMAOQING, an unknown entity, d/b/a MYERH STORE;
QUANFUWOWANGLUOKEJI (SHENZHEN) YOUXIANGONGSI, an unknown entity, d/b/a KEABIE; JINJIANGSHI OUSAIER TRADE CO., LTD, an unknown entity, d/b/a WINJOY MALL;
JINANSHITIANQIAOQUNATAISHANGMA OYOUXIANGONGSI, an unknown entity, d/b/a BIIKII;
HANDANSHIHANSHANQUZUOCHANGM AOYIYOUXIANGONGSI, an unknown entity, d/b/a GBEEGBEE,

Defendants.

No.

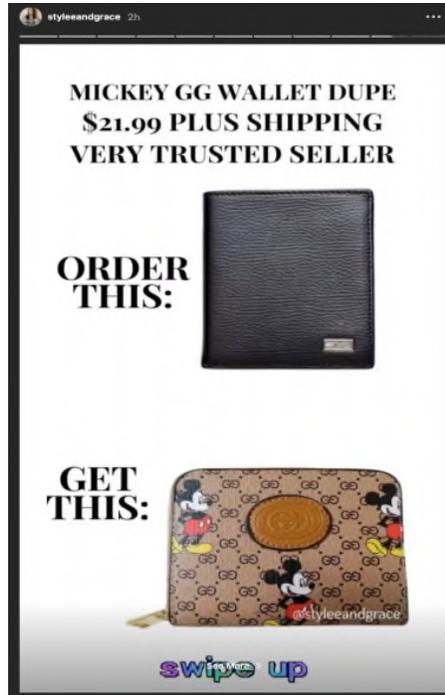
**COMPLAINT FOR DAMAGES
AND EQUITABLE RELIEF**

I. INTRODUCTION

1 1. This case involves the Defendants’ unlawful and expressly prohibited
2 advertisement, promotion, and/or sale of counterfeit luxury products on Amazon.com. Amazon
3 brings this lawsuit to permanently prevent and enjoin Defendants Kelly Fitzpatrick
4 (“Fitzpatrick”), Sabrina Kelly-Krejci (“Kelly-Krejci”) and the Seller Defendants identified
5 below (collectively, “Defendants”), from causing future harm to Amazon’s customers and to
6 hold Defendants accountable for their illegal actions. As set forth in detail below, this case
7 revolves around a pair of individuals, Defendants Kelly Fitzpatrick and Sabrina Kelly-Krejci,
8 who engage in social influencer activities on various websites and apps for the admitted
9 purpose of promoting, advertising, and facilitating the sale of counterfeit luxury fashion goods
10 by the Seller Defendants. Together, they engage in a sophisticated campaign of false
11 advertising for the purpose of evading Amazon’s counterfeit detection tools.

12 2. For example, Fitzpatrick and Kelly-Krejci publish videos, photographs, and
13 detailed descriptions of clearly infringing products on their social media and other websites and
14 apps, and link to offer listing pages in the Amazon store. Fitzpatrick and Kelly-Krejci refer to
15 the products they promote as “dupes,” a fashion industry term that connotes items that may
16 have similarities to a designer item but that do not copy logos or trademarked features.
17 However, that is not what Fitzpatrick and Kelly-Krejci are advertising to their followers: these
18 so-called “dupes” are obviously *counterfeit* goods that blatantly copy the registered trademarks
19 of luxury brands.

20 3. Often, the Amazon pages display only a generic, seemingly non-infringing
21 product; the counterfeit nature of the product is revealed only to those who order and receive
22 the product. As Fitzpatrick routinely instructs her followers in social media posts: “Order
23 this/Get this!” as depicted in the below July 15, 2020 post from Fitzpatrick’s @Styleeandgrace
24 Instagram account:



12

13 As Fitzpatrick explains to her followers, a “hidden link” means “[y]ou order a certain product

14 that looks nothing like the designer dupe in order to hide the item from getting taken down [by

15 Amazon] and orders being cancelled”:¹

16 What is a Hidden Link?

17 **T**his saddle bag is from our hidden links on ama*zon? What does that mean? You order a certain product that

18 looks nothing like the designer dupe in order to hide the item from getting taken down and orders being

19 cancelled. Do you know what ama*zon does? They let the links sell out making sure to make their money and

20 then shut down the links and take the money from the sellers. This had led to significantly LESS links on the platform.

21 When I started last year there were hundreds a day, we are really only left with links that last a day to protect them and

22 our orders and money we spent on those orders. Many of us have a friendship with the sellers and get this trusted

23 information directly from them. To know what they look like definitely check out as many reviews as you can! They are

24 super helpful because items can look SO different then the product photos (this goes for all dup*es)

25 In other words, order a seemingly non-infringing item in order to get a counterfeit fashion

26 product – the very essence of false advertising, as the product Defendants are advertising on

27 Amazon is simply a false placeholder designed to evade Amazon’s counterfeit detection

¹ <https://www.styleandgrace.com/video-review-dior-saddle-bag-amazon-hidden-link-find/>

1 systems. Once the orders are placed, the Seller Defendants and other bad actors then ship
2 counterfeit products to customers. Contrary to Fitzpatrick’s assertion, however, Amazon does
3 not “let the links sell out”; rather, Amazon blocks the product as soon as it becomes aware of
4 the true infringing nature. But Fitzpatrick and Kelly-Krejci are persistent in their promotion of
5 counterfeit items. When Instagram and other websites and apps have removed their social
6 media accounts, Fitzpatrick and Kelly-Krejci have simply created new accounts to continue
7 their illicit activities.

8 4. For all their deceptive advertising, Fitzpatrick and Kelly-Krejci make no efforts to
9 conceal their true motive behind this scheme: Hiding the counterfeits from Amazon, which
10 employs sophisticated brand protections to prevent infringing items from ever being advertised
11 in the Amazon store. Indeed, after Amazon became aware of Fitzpatrick’s “Order this, get
12 this” scheme and shut down the offending order pages, Fitzpatrick lamented to her followers,
13 “Amazon has rarely has [*sic*] any dupes lately and that’s because they’ve cracked down so
14 hard.”² As a result of Amazon having “cracked down so hard” on “dupes,” Fitzpatrick began
15 directing her followers to other e-commerce websites: “I know it’s a big change to switch from
16 Amazon to [a different website] *but this [switch] guarantees that the links do not get reported*
17 *and shut down....*” (Emphasis added.)³ Similarly, Kelly-Krejci has directed her followers to
18 use “hidden links” to order counterfeit products, emphasizing that she “know[s] some people
19 feel weird ordering from hidden links but in this case you will get something fabulous.”⁴ A
20 “hidden link” is one where the offer listing page shows a generic, non-infringing item but the
21 product that is actually delivered is different from what is shown.

22 II. BACKGROUND

23 5. The Amazon store offers products and services to customers in more than 100
24 countries around the globe. Some of the products are sold directly by Amazon, while others are

25 _____
26 ² <https://www.styleandgrace.com/video-review-cc-wristlet-clutch-bag-trusted-dh-gate-seller-previously-on-amazon/>

27 ³ <https://www.styleandgrace.com/video-review-cc-wristlet-clutch-bag-trusted-dh-gate-seller-previously-on-amazon/>

⁴ <https://budgetstylefiles.com/review-cc-wristlet-ama-z0n/>

1 sold by Amazon's numerous selling partners. The Amazon brand is one of the most well-
2 recognized, valuable, and trusted brands in the world. In order to protect customers and
3 safeguard its reputation for trustworthiness, Amazon invests heavily in both time and resources
4 to prevent counterfeit goods from being sold in its store.

5 6. From in or about November 2019 through the filing of the Complaint, Defendants
6 have advertised, marketed, offered, and/or sold counterfeit luxury products to deceive Amazon
7 and customers about the authenticity and origin of the products and the products' affiliation
8 with various luxury brands.

9 7. As a result of their illegal actions, Defendants have willfully deceived and harmed
10 Amazon and its customers, compromised the integrity of the Amazon store, and undermined
11 the trust that customers place in Amazon. Defendants' illegal actions have caused Amazon to
12 expend significant resources to investigate and combat Defendants' wrongdoing and to bring
13 this lawsuit to prevent Defendants from inflicting future harm to Amazon and its customers.

14 III. PARTIES

15 8. Amazon.com, Inc. is a Delaware corporation with its principal place of business in
16 Seattle, Washington. Through its subsidiaries, Amazon.com, Inc. owns and operates the
17 Amazon.com website, counterpart international websites, and the Amazon store (collectively,
18 "Amazon").

19 9. Defendants are a collection of individuals and entities who conspired and operated
20 in concert with each other to engage in the counterfeiting scheme alleged in this Complaint. In
21 some cases, the Seller Defendants took intentional and affirmative steps to attempt to hide their
22 true identities and whereabouts from Amazon by using fake names and contact information,
23 and unregistered businesses to conduct their activities. Defendants are liable for their wrongful
24 conduct both directly and under principles of secondary liability, including, without limitation,
25 respondeat superior and/or vicarious liability.

26 10. On information and belief, Defendant Kelly Fitzpatrick is an individual who
27 resides in Islip Terrace, New York who personally participated in and/or had the right and

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.