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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., a Delaware corporation; and ASMODEE GROUP SAS, a foreign simplified joint stock company,

Plaintiffs,

v.

SAMUEL KATZ, an individual; GIG TRADING INC., a New York corporation; and DOES 1-10,

Defendants.

No.

COMPLAINT FOR DAMAGES AND EQUITABLE RELIEF

I. INTRODUCTION

1. This case involves the Defendants’ unlawful and expressly prohibited sale on Amazon.com of counterfeit card games, “Dixit: Daydreams Expansion” and “Dixit: Revelations Expansion.” Amazon brings this lawsuit jointly with Asmodee Group SAS (“Asmodee”),¹ the owner of the registered trademark at issue, to permanently prevent and enjoin Defendants from causing future harm to Plaintiffs’ customers, reputations, and intellectual property (“IP”), and to hold Defendants accountable for their illegal actions.

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


¹ Amazon and Asmodee shall be collectively referred to herein as “Plaintiffs.”

1 sold by Amazon’s numerous third-party selling partners. The Amazon brand is one of the most
 2 well-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. In 2020 alone, Amazon invested over
 5 \$700 million and employed more than 10,000 people to protect its store from fraud and abuse.
 6 Amazon stopped over six million suspected bad actor Selling Accounts before they published a
 7 single listing for sale and blocked more than ten billion suspected bad listings before they were
 8 published. As a result of these efforts and investment, 99.9% of all products viewed by
 9 customers on Amazon did not have a valid counterfeit complaint.

10 3. Founded in 1995, Asmodee is a leading games publisher and distributor.
 11 Asmodee has grown to include all game types with a large number of global blockbusters in its
 12 portfolio, including A Game of Thrones: The Board Game; Pandemic; and CATAN. Asmodee
 13 products are sold internationally, as well as in major U.S. retailers such as Amazon.com.

14 4. Dixit is an award-winning storytelling game. Children and adults alike enjoy
 15 using Dixit’s cards which feature gorgeous, imaginative artwork, to create stories. Owing to
 16 the game’s popularity, there are also ten Dixit companion expansion sets, such as Daydreams
 17 and Revelations, which allow players to supplement their Dixit game with additional story
 18 cards. Dixit’s tenth expansion set recently launched, commemorating over a decade of success.

19 5. Asmodee owns, manages, enforces, licenses, and maintains IP, including various
 20 trademarks. Relevant to this Complaint, Asmodee owns the following registered trademark
 21 (“Dixit Trademark”).

<u>Mark</u>	<u>Registration No. (International Classes)</u>
	Trademark Reg. No. 5,678,181 (IC 009, 016, 0028)

1 A true and correct copy of the Trademark Status and Document Retrieval report provided by
2 the United States Patent and Trademark Office for the above Dixit Trademark is attached as
3 **Exhibit A.**

4 6. From 2018 through 2020, Defendants advertised, marketed, offered, and sold
5 counterfeit Dixit products in the Amazon store, using Asmodee's registered Dixit Trademark,
6 without authorization, to deceive customers about the authenticity and origin of the products
7 and the products' affiliation with Asmodee.

8 7. As a result of their illegal actions, Defendants have infringed and misused
9 Asmodee's IP, willfully deceived and harmed Plaintiffs and their customers, compromised the
10 integrity of the Amazon store, and undermined the trust that customers place in Amazon and
11 Asmodee. Defendants' illegal actions have caused Plaintiffs, and Asmodee's U.S. distributor
12 and subsidiary, Asmodee North America, Inc. ("ANA"), to expend significant resources to
13 investigate and combat Defendants' wrongdoing and to bring this lawsuit to prevent
14 Defendants from inflicting future harm to Plaintiffs and their customers.

15 II. PARTIES

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

20 9. Asmodee is a French simplified joint stock company with its principal place of
21 business in Guyancourt, France. Through its studios and subsidiaries, including ANA, it
22 designs, manufactures, and distributes a large number of board games and accessories.

23 10. Defendants are a collection of individuals, both known and unknown, who
24 conspired and operated in concert with each other to engage in the counterfeiting scheme
25 alleged in this Complaint. In many cases, Defendants took intentional and affirmative steps to
26 hide their true identities and whereabouts from Plaintiffs by using fake names, contact
27 information, and unregistered businesses to conduct their activities. Defendants are subject to

1 liability for their wrongful conduct both directly and under principles of secondary liability
2 including, without limitation, respondeat superior, vicarious liability, and/or contributory
3 infringement.

4 11. On information and belief, Defendant Samuel Katz, doing business as “Crazy
5 Leaf,” is an individual who purports to have a business address in Brooklyn, New York. On
6 further information and belief, Defendant Samuel Katz personally participated in and/or had the
7 right and ability to supervise, direct, and control the wrongful conduct alleged in this
8 Complaint, and derived a direct financial benefit from that wrongful conduct.

9 12. On information and belief, Defendant Gig Trading Inc. is a New York entity that
10 purports to have a business address in Brooklyn, New York. On further information and belief,
11 Defendant Gig Trading Inc. participated in and/or had the right and ability to supervise, direct,
12 and control the wrongful conduct alleged in this Complaint, and derived a direct financial
13 benefit as a result of that wrongful conduct.

14 13. On information and belief, Defendants Does 1-10 are individuals and entities
15 working in active concert with each other and the named Defendants to knowingly and
16 willfully manufacture, import, advertise, market, offer, and sell counterfeit Dixit products. The
17 identities of Does 1-10 are presently unknown to Plaintiffs.

18 **III. JURISDICTION AND VENUE**

19 14. The Court has subject matter jurisdiction over Asmodee’s Lanham Act claims
20 for (1) trademark infringement; and over Amazon’s and Asmodee’s Lanham Act claims for (2)
21 false designation and false advertising pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and
22 1338(a). The Court has subject matter jurisdiction over Plaintiffs’ claim for violation of the
23 Washington Consumer Protection Act pursuant to 28 U.S.C. §§ 1332 and 1367.

24 15. The Court has personal jurisdiction over all Defendants because they transacted
25 business and committed tortious acts within and directed to the State of Washington, and
26 Plaintiffs’ claims arise from those activities. Defendants affirmatively undertook to do
27 business with Amazon, a corporation with its principal place of business in Washington, and

1 sold through the Amazon store products bearing counterfeit versions of the Dixit Trademark
2 and which otherwise infringed Asmodee’s IP. Defendants shipped products bearing counterfeit
3 versions of the Dixit Trademark to consumers in Washington. Each of the Defendants
4 committed, or facilitated the commission of, tortious acts in Washington and has wrongfully
5 caused Plaintiffs substantial injury in Washington.

6 16. Further, the named Defendants have consented to the jurisdiction of this Court
7 by agreeing to the Amazon Services Business Solutions Agreement (“BSA”), which provides
8 that the “Governing Courts” for claims to enjoin infringement or misuse of IP rights are state or
9 federal courts located in King County, Washington.

10 17. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because a
11 substantial part of the events giving rise to the claims occurred in the Western District of
12 Washington.

13 18. Venue is proper in this Court also with respect to Defendants by virtue of the
14 allegations stated in paragraph 15 above, which are incorporated herein.

15 19. Pursuant to Local Civil Rule 3(d), intra-district assignment to the Seattle
16 Division is proper because the claims arose in this Division, where (a) Amazon resides, (b)
17 injuries giving rise to suit occurred, and (c) Defendants directed their unlawful conduct.

18 IV. FACTS

19 A. Amazon’s Efforts to Prevent the Sale of Counterfeit Goods

20 20. Amazon works hard to build and protect the reputation of its store as a place
21 where customers can conveniently select from a wide array of authentic goods and services at
22 competitive prices. Amazon invests a vast amount of resources to ensure that when customers
23 make purchases through the Amazon store—either directly from Amazon or from one of its
24 millions of third-party sellers—customers receive authentic products made by the true
25 manufacturer of those products.

26 21. A small number of bad actors seek to take advantage of the trust customers place
27 in Amazon by attempting to create Amazon Selling Accounts to advertise, market, offer, and

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