

9. This action has been filed to combat online trademark and copyright infringers who trade upon Plaintiff's reputation and goodwill and valuable intellectual property by selling and/or offering for sale unauthorized and infringing versions of the CARE BEARS Products in violation of Plaintiff's federally registered Marks and Works.

10. Those Characters From Cleveland, LLC is the current owner of several copyright registrations including, but not limited to, the following Copyright Registration Nos. asserted in

this action: VA 1982408, VA 1824810; VAu 1387240; VAu 1391157; VAu 1392908; VAu 1394623; and VAu 1493374; (collectively the “CARE BEARS Works”).

11. True and correct copies of the registration certificates for the CARE BEARS Works are attached as Exhibit 1.

12. In addition, Those Characters From Cleveland, LLC is the owner of numerous United States trademark registrations for CARE BEARS and related character names, logos, and designs (the “CARE BEARS Marks”), including but not limited to U.S. Trademark Registration Nos. asserted in this action: 3,336,078; 1,270,509; 1,294,343; 6,748,823; 3,767,824; 1,297,504; and 4,440,561 (collectively, the “CARE BEARS Marks”).

13. The CARE BEARS Marks registrations are valid, subsisting, unrevoked, uncanceled, and incontestable pursuant to 15 U.S.C. § 1065. The registrations constitute prima facie evidence of validity and of Plaintiff’s exclusive right to use the CARE BEARS Marks pursuant to 15 U.S.C. § 1057(b).

14. True and correct copies of the registration certificates for the CARE BEARS Marks asserted in this action are attached as Exhibit 2.

15. The CARE BEARS Marks and CARE BEARS Works have been the subject of substantial and continuous marketing and promotion by Plaintiff. Plaintiff has and continues to widely market and promote the CARE BEARS Marks and CARE BEARS Works in the industry and to consumers. Plaintiff’s promotional efforts include — by way of example, but not limitation — substantial print media, the CARE BEARS website and social media sites, and point of sale materials.

16. The CARE BEARS Marks and CARE BEARS Works have been continuously used and have never been abandoned. The CARE BEARS trademark and copyright registrations are