

NATURE OF THE ACTION

1. Plaintiff owns U.S. Trademark Registration No. 8,236,139 for the mark Nightop (the “Plaintiff Mark”) for use in connection with women’s apparel. A copy of the registration record is attached as Exhibit 1.

2. Defendants operate fully interactive online stores identified on Schedule A (the “Defendant Online Stores”). Through those stores, Defendants use the Plaintiff Mark to advertise, offer for sale, and sell non-genuine women’s apparel (the “Counterfeit Products”) without Plaintiff’s authorization.