

8. In addition to the popular video game, a variety of licensed Poppy Playtime products are available, including stuffed toys, posters, and clothing (collectively, the “Poppy Playtime Products”).

9. Poppy Playtime Products are distributed and sold to consumers directly through States, including retailers in Illinois.

10. Plaintiff has used the POPPY PLAYTIME trademark and other trademarks for many years in connection with the Poppy Playtime video game and related line of Poppy Playtime Products and has continuously sold products under the POPPY PLAYTIME trademark and other trademarks (collectively, the “POPPY PLAYTIME Trademarks”). As a result of this long-standing use, strong common law trademark rights have amassed in the POPPY PLAYTIME Trademarks. Plaintiff’s use of the marks has also built substantial goodwill in and to the POPPY PLAYTIME Trademarks. Plaintiff has registered the below POPPY PLAYTIME Trademarks with the United States Patent and Trademark Office.

Registration No.	Trademark
7,157,530	POPPY PLAYTIME
7,572,536	SMILING CRITTERS
7,662,706	CATNAP
7,683,545	HUGGY
7,392,878	BOXY BOO
7,523,931	MOMMY LONG LEGS

11. The above U.S. registrations for the POPPY PLAYTIME Trademarks are valid, subsisting, and in full force and effect. The registrations for the POPPY PLAYTIME Trademarks constitute *prima facie* evidence of their validity and of Plaintiff's exclusive right to use the POPPY PLAYTIME Trademarks pursuant to 15 U.S.C. § 1057 (b). True and correct copies of the United States Registration Certificates for the above-listed POPPY PLAYTIME Trademarks are attached hereto as **Exhibit 1**.

12. The POPPY PLAYTIME Trademarks are distinctive when applied to the Poppy Playtime Products, signifying to the purchaser that the products come from Plaintiff and are manufactured to Plaintiff's quality standards. Whether Plaintiff manufactures the products itself or contracts with others to do so, Plaintiff has ensured that products bearing the POPPY PLAYTIME Trademarks are manufactured to the highest quality standards.

13. The POPPY PLAYTIME Trademarks are famous marks, as that term is used in 15 U.S.C. § 1125(c)(1) and have been continuously used and never abandoned. The innovative marketing and product designs of the Poppy Playtime Products have enabled the Poppy Playtime brand to achieve widespread recognition and fame and have made the POPPY PLAYTIME Trademarks some of the most well-known marks in the video game industry. The widespread fame and significant goodwill associated with the Poppy Playtime brand have made the POPPY PLAYTIME Trademarks a valuable asset of Plaintiff.

14. Plaintiff has expended substantial time, money, and other resources in advertising and promoting the POPPY PLAYTIME Trademarks. Poppy Playtime Products have also been the subject of extensive unsolicited publicity resulting from their fame and innovative designs. As a result, products bearing the POPPY PLAYTIME Trademarks are widely recognized and exclusively associated by consumers, the public, and the trade as being high-quality products

sourced from Plaintiff. Poppy Playtime Products have become among the most popular of their kind. The POPPY PLAYTIME Trademarks have achieved tremendous fame and recognition which has only added to the inherent distinctiveness of the marks. As such, the goodwill associated with the POPPY PLAYTIME Trademarks is of incalculable and inestimable value to Plaintiff.

15. The Poppy Playtime copyrighted works (the “Poppy Playtime Copyrighted Works”) are registered with the United States Copyright Office, which are as follows: (1) “HUGGY WUGGY 2D” (U.S. Copyright Registration Nos. VA0002288105), issued by the Register of Copyrights on February 23, 2022, and the corresponding supplemental registration: VA0002337317; (2) “MOMMY LONG LEGS 2D” (U.S. Copyright Registration Nos. VA0002293330), issued by the Register of Copyrights on February 24, 2022; (3) “POPPY” (U.S. Copyright Registration Nos. VA0002294398), issued by the Register of Copyrights on April 6, 2022, and the corresponding supplemental registration: VA0002328878; (4) “KISSY MISSY” (U.S. Copyright Registration Nos. VA0002295039), issued by the Register of Copyrights on April 4, 2022, and the corresponding supplemental registration: VA0002329039; (5) “KILLY WILLY” (U.S. Copyright Registration Nos. VA 0002313745), issued by the Register of Copyrights on August 15, 2022; (6) “Grab Pack.” (U.S. Copyright Registration Nos. VA0002295044), issued by the Register of Copyrights on April 4, 2022, and the corresponding supplemental registration: VA0002324267; (7) “Playtime Co” (U.S. Copyright Registration Nos. VA0002315377), issued by the Register of Copyrights on April 4, 2022; (8) “Boogie Bot” (U.S. Copyright Registration Nos. VA0002308194), issued by the Register of Copyrights on April 4, 2022, and the corresponding supplemental registration: VA0002324268; (9) “Candy Cat.” (U.S. Copyright Registration Nos. VA0002299187), issued by the Register of Copyrights on April 6, 2022; (10) “Bunzo Bunny” (U.S. Copyright Registration Nos. VAu001467492 and VA0002302450), issued by the Register

of Copyrights on April 6, 2022 and May 31, 2022, respectively, and the corresponding supplemental registration: VA0002337322; (11) “Daddy Long Legs” (U.S. Copyright Registration Nos. VA0002307871), issued by the Register of Copyrights on June 17, 2022; (12) “PJ Pug-a-Pillar” (U.S. Copyright Registration Nos. VAu001467493, VA0002305066, and VA0002309543), issued by the Register of Copyrights on April 6, 2022, May 31, 2022, and July 6, 2022, respectively; (13) “The Player” (U.S. Copyright Registration Nos. VA0002307489), issued by the Register of Copyrights on July 6, 2022; (14) “Bron” (U.S. Copyright No. VA0002307750), issued by the Register of Copyrights on July 11, 2022; (15) “Poppy Playtime” (U.S. Copyright Registration Nos. VA0002313620), issued by the Register of Copyrights on August 15, 2022; (16) “Baby Long Legs” (U.S. Copyright Registration Nos. VA0002313618), issued by the Register of Copyrights on August 15, 2022; (17) “Boxy Boo!” (U.S. Copyright Registration Nos. VAu001481285), issued by the Register of Copyrights on August 31, 2022; (18) “Catbee” (U.S. Copyright Registration Nos. VA0002314605), issued by the Register of Copyrights on April 4, 2022; (19) “Daisy” (U.S. Copyright Registration Nos. VA0002309221), issued by the Register of Copyrights on July 11, 2022; (20) “Kick-me-Paul” (U.S. Copyright Registration Nos. VA0002309536), issued by the Register of Copyrights on July 6, 2022; (21) “Owen the Oven” (U.S. Copyright Registration Nos. VA0002309540), issued by the Register of Copyrights on July 6, 2022; (22) “Sir Poops-A-Lot” (U.S. Copyright Registration Nos. VA0002309546), issued by the Register of Copyrights on July 6, 2022; (23) “PROJECT: PLAYTIME Huggy (smile)” (U.S. Copyright Registration Nos. VA0002343263), issued by the Register of Copyrights on March 10, 2023; (24) “PROJECT: PLAYTIME Kissy Missy (teeth)” (U.S. Copyright Registration Nos. VA0002343260), issued by the Register of Copyrights on March 10, 2023; (25) “PROJECT: PLAYTIME Train” (U.S. Copyright Registration Nos. VA0002343265), issued by the Register of

Copyrights on March 10, 2023; (26) “PROJECT: PLAYTIME Logo” (U.S. Copyright Registration Nos. VA0002343511), issued by the Register of Copyrights on March 10, 2023; (27) “PROJECT: PLAYTIME Coin” (U.S. Copyright Registration Nos. VA0002343789), issued by the Register of Copyrights on March 10, 2023; (28) “PROJECT: PLAYTIME Ticket” (U.S. Copyright Registration Nos. VA0002343752), issued by the Register of Copyrights on March 10, 2023; (29) “PROJECT: PLAYTIME Player” (U.S. Copyright Registration Nos. VA0002343147), issued by the Register of Copyrights on March 10, 2023; (30) “PROJECT: PLAYTIME Phone (Phase 2)” (U.S. Copyright Registration Nos. VA0002364954), issued by the Register of Copyrights on July 26, 2023; (31) “PROJECT: PLAYTIME Logo (Phase 2)” (U.S. Copyright Registration Nos. VA0002364960), issued by the Register of Copyrights on July 26, 2023; (32) “CH3 Main Character (big)” (U.S. Copyright Registration Nos. VAu001501019), issued by the Register of Copyrights on July 12, 2023; (33) “CH3 Main Character (plush)” (U.S. Copyright Registration Nos. VAu001501018), issued by the Register of Copyrights on July 12, 2023; (34) “CH3 Character 2 (plush)” (U.S. Copyright Registration Nos. VAu001505729), issued by the Register of Copyrights on July 13, 2023; (35) “CH3 Character 3 (plush)” (U.S. Copyright Registration Nos. VAu001505841), issued by the Register of Copyrights on July 13, 2023; (36) “CH3 Character 4 (plush)” (U.S. Copyright Registration Nos. VAu001505833), issued by the Register of Copyrights on July 13, 2023; (37) “CH3 Character 5 (plush)” (U.S. Copyright Registration Nos. VAu001505728), issued by the Register of Copyrights on July 13, 2023; (38) “CH3 Character 6 (plush)” (U.S. Copyright Registration Nos. VAu001505840), issued by the Register of Copyrights on July 13, 2023; (39) “CH3 Character 7 (plush)” (U.S. Copyright Registration Nos. VAu001505843), issued by the Register of Copyrights on July 13, 2023; (40) “CH3 Character 8 (plush)” (U.S. Copyright Registration Nos. VAu001505842), issued by the Register of Copyrights

on July 13, 2023; (41) “Poppy Playtime - Chapter 2.” (U.S. Copyright Registration Nos. PA0002352982), issued by the Register of Copyrights on June 8, 2022; (42) “Poppy Playtime.” (U.S. Copyright Registration Nos. PA0002352981), issued by the Register of Copyrights on June 8, 2022; (43) “PROJECT: PLAYTIME Factory.” (U.S. Copyright Registration Nos. PA0002405148), issued by the Register of Copyrights on March 10, 2023; (44) “CH3 Teaser Trailer #2 (July 26, 2023)” (U.S. Copyright Registration Nos. PA0002421932), issued by the Register of Copyrights on July 26, 2023; (45) “Yarnaby and 1 Other Unpublished Works” (U.S. Copyright Registration No. VAu001546644), issued by the Register of Copyrights on September 16, 2024, (46) “Baba Chops and 8 Other Unpublished Works” (U.S. Copyright Registration No. VAu001546643), issued by the Register of Copyrights on September 17, 2024, (47) “Giblet Pre-Outimal and 8 Other Unpublished Works” (U.S. Copyright Registration No. VAu001574685), issued by the Register of Copyrights on September 22, 2025, (48) “The Prototype and 6 Other Unpublished Works” (U.S. Copyright Registration No. VAU001572026), issued by the Register of Copyrights on July 2, 2025, and (49) “Bubby Chumz and 8 Other Unpublished Works” (U.S. Copyright Registration No. VAU001574369), issued by the Register of Copyrights on August 21, 2025. True and correct copies of the records from the U.S. Copyright Office website for the above-referenced Poppy Playtime Copyrighted Works are attached hereto as **Exhibit 2**.

16. Among the exclusive rights granted to Plaintiff under the U.S. Copyright Act are the exclusive rights to reproduce, prepare derivative works of, distribute copies of, and display the Poppy Playtime Copyrighted Works to the public.

17. Since their first publication, the Poppy Playtime Copyrighted Works have been used on the Poppy Playtime Products and are featured on Plaintiff’s website at

18. Poppy Playtime Products typically include one or more of the registered POPPY PLAYTIME Trademarks and/or one or more of the Poppy Playtime Copyrighted Works. As such, Poppy Playtime Products are recognized by the public as being exclusively associated with the Poppy Playtime brand.

The Defendants

19. Defendants are individuals and business entities of unknown makeup who own and/or operate one or more of the e-commerce stores under at least the Seller Aliases identified on Schedule A and/or other seller aliases not yet known to Plaintiff. On information and belief, Defendants reside and/or operate in the People's Republic of China or other foreign jurisdictions with lax trademark enforcement systems or redistribute products from the same or similar sources in those locations. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b).

20. On information and belief, Defendants, either individually or jointly, operate one or more e-commerce stores under the Seller Aliases listed in Schedule A attached hereto. Tactics used by Defendants to conceal their identities and the full scope of their operation make it virtually impossible for Plaintiff to learn Defendants' true identities and the exact interworking of their counterfeit network. If Defendants provide additional credible information regarding their identities, Plaintiff will take appropriate steps to amend the Complaint.

IV. DEFENDANTS' UNLAWFUL CONDUCT

21. The success of the Poppy Playtime video game and brand has resulted in significant counterfeiting of the POPPY PLAYTIME Trademarks and copying of the Poppy Playtime

unrelated even though they are commonly owned and operated.⁶ Further, “E-commerce platforms create bureaucratic or technical hurdles in helping brand owners to locate or identify sources of counterfeits and counterfeiters.”⁷

23. Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more Seller Aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars from U.S. consumers, and have sold Unauthorized Poppy Playtime Products to residents of Illinois. Screenshots evidencing Defendant’s infringing activities are attached as **Exhibit 3**.

24. Defendants concurrently employ and benefit from substantially similar advertising and marketing strategies. For example, Defendants facilitate sales by designing the e-commerce stores operating under the Seller Aliases so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers. E-commerce stores operating under the Seller Aliases appear sophisticated and accept payment in U.S. dollars from U.S. consumers. E-commerce stores operating under the Seller Aliases often include content and images that make it very difficult for consumers to distinguish such stores from an authorized retailer. Plaintiff has not licensed or authorized Defendants to use the POPPY PLAYTIME Trademarks or copy or distribute the Poppy Playtime Copyrighted Works, and none of the Defendants are authorized retailers of genuine Poppy Playtime Products.

25. Many Defendants also deceive unknowing consumers by using the POPPY PLAYTIME Trademarks without authorization within the content, text, and/or meta tags of their e-commerce stores to attract various search engines crawling the internet looking for websites relevant to consumer searches for Poppy Playtime Products. Other e-commerce stores operating

⁶ *Id.* at 39.

⁷ Chow, *supra* note 4, at 186-87.

under Seller Aliases omit using the POPPY PLAYTIME Trademarks in the item title to evade enforcement efforts while using strategic item titles and descriptions that will trigger their listings when consumers are searching for Poppy Playtime Products.

26. E-commerce store operators like Defendants commonly engage in fraudulent conduct when registering the Seller Aliases by providing false, misleading, and/or incomplete information to e-commerce platforms to prevent discovery of their true identities and the scope of their e-commerce operation.

27. E-commerce store operators like Defendants regularly register or acquire new seller aliases for the purpose of offering for sale and selling Unauthorized Poppy Playtime Products. Such seller alias registration patterns are one of many common tactics used by e-commerce store operators like Defendants to conceal their identities and the full scope and interworking of their counterfeiting operation, and to avoid being shut down.

28. Defendants are collectively causing harm to Plaintiff's goodwill and reputation because the effect of their unlawful actions taken together amplifies each harm and creates a single negative consumer impression. Defendants' activities, occurring at the same time and in the same retail space and manner as one another, blend together to create a single negative impression on consumers such that they constitute the same occurrence or series of occurrences. The combination of all Defendants engaging in the same illegal activity in the same time span causes a collective harm to Plaintiff in a way that individual actions, occurring alone, might not.

29. E-commerce store operators like Defendants communicate with each other on chat rooms and through websites regarding tactics for operating multiple accounts, evading detection, pending litigation, and potential new lawsuits.

30. Counterfeiters such as Defendants typically operate under multiple seller aliases and payment accounts so that they can continue operation in spite of Plaintiff's enforcement. E-commerce store operators like Defendants maintain off-shore bank accounts and regularly move funds from their financial accounts to off-shore accounts outside the jurisdiction of this Court to avoid payment of any monetary judgment awarded to Plaintiff. Indeed, analysis of financial transaction logs from previous similar cases indicates that off-shore counterfeiters regularly move funds from U.S.-based financial accounts to off-shore accounts outside the jurisdiction of this Court.

31. Defendants are working to knowingly and willfully import, distribute, offer for sale, and sell Unauthorized Poppy Playtime Products in the same transaction, occurrence, or series of transactions or occurrences. Defendants, without any authorization or license from Plaintiff, have knowingly and willfully used and continue to use the POPPY PLAYTIME Trademarks and/or copies of the Poppy Playtime Copyrighted Works in connection with the advertisement, distribution, offering for sale, and sale of Unauthorized Poppy Playtime Products into the United States and Illinois over the internet.

32. Defendants' unauthorized use of the POPPY PLAYTIME Trademarks and/or copies of the Poppy Playtime Copyrighted Works in connection with the advertising, distribution, offering for sale, and sale of Unauthorized Poppy Playtime Products, including the sale of Unauthorized Poppy Playtime Products into the United States, including Illinois, is likely to cause and has caused confusion, mistake, and deception by and among consumers and is irreparably harming Plaintiff.

COUNT I
TRADEMARK INFRINGEMENT AND COUNTERFEITING (15 U.S.C. § 1114)

33. Plaintiff hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

34. This is a trademark infringement action against Defendants based on their unauthorized use in commerce of counterfeit imitations of the federally registered POPPY PLAYTIME Trademarks in connection with the sale, offering for sale, distribution, and/or advertising of infringing goods. The POPPY PLAYTIME Trademarks are highly distinctive marks. Consumers have come to expect the highest quality from Poppy Playtime Products offered, sold, or marketed under the POPPY PLAYTIME Trademarks.

35. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products using counterfeit reproductions of the POPPY PLAYTIME Trademarks without Plaintiff's permission.

36. Plaintiff's United States Registrations for the POPPY PLAYTIME Trademarks (**Exhibit 1**) are in full force and effect. On information and belief, Defendants have knowledge of Plaintiff's rights in the POPPY PLAYTIME Trademarks and are willfully infringing and intentionally using infringing and counterfeit versions of the POPPY PLAYTIME Trademarks. Defendants' willful, intentional, and unauthorized use of the POPPY PLAYTIME Trademarks is likely to cause and is causing confusion, mistake, and deception as to the origin and quality of the Unauthorized Poppy Playtime Products among the general public.

37. Defendants' activities constitute willful trademark infringement and counterfeiting under Section 32 of the Lanham Act, 15 U.S.C. § 1114.

38. Plaintiff has no adequate remedy at law and, if Defendants' actions are not enjoined, Plaintiff will continue to suffer irreparable harm to its reputation and the goodwill of its POPPY PLAYTIME Trademarks.

39. The injuries and damages sustained by Plaintiff have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offering to sell, and sale of Unauthorized Poppy Playtime Products.

COUNT II
FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))

40. Plaintiff hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

41. Defendants' promotion, marketing, offering for sale, and sale of Unauthorized Poppy Playtime Products has created and is creating a likelihood of confusion, mistake, and deception among the general public as to the affiliation, connection, or association with Plaintiff or the origin, sponsorship, or approval of Defendants' Unauthorized Poppy Playtime Products by Plaintiff.

42. By using the POPPY PLAYTIME Trademarks in connection with the sale of Unauthorized Poppy Playtime Products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the Unauthorized Poppy Playtime Products.

43. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the Unauthorized Poppy Playtime Products to the general public involves the use of counterfeit marks and is a willful violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125.

44. Plaintiff has no adequate remedy at law and, if Defendants' actions are not enjoined, Plaintiff will continue to suffer irreparable harm to its reputation and the associated goodwill of its Poppy Playtime brand.

COUNT III
COPYRIGHT INFRINGEMENT OF UNITED STATES COPYRIGHT
REGISTRATIONS (17 U.S.C. §§ 106 AND 501)

45. Plaintiff hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

46. The Poppy Playtime Copyrighted Works constitute original works and copyrightable subject matter pursuant to the Copyright Act, 17 U.S.C. §§ 101, *et seq.*

47. Plaintiff has complied with the registration requirements of 17 U.S.C. § 411(a) for the Poppy Playtime Copyrighted Works. The Poppy Playtime Copyrighted Works are protected by the U.S. Copyright Registration Nos. listed in Paragraph 15, which were duly issued to Plaintiff by the United States Copyright Office. At all relevant times, Plaintiff has been and still is the owner of all rights, title, and interest in the Poppy Playtime Copyrighted Works, which have never been assigned, licensed, or otherwise transferred to Defendants.

48. The Poppy Playtime Copyrighted Works are published on the internet and available to Defendants online. As such, Defendants had access to the Poppy Playtime Copyrighted Works via the internet.

49. Without authorization from Plaintiff, or any right under the law, Defendants have deliberately copied, displayed, distributed, reproduced, and/or made derivative works incorporating the Poppy Playtime Copyrighted Works on e-commerce stores operating under the Seller Aliases and the corresponding Unauthorized Poppy Playtime Products. Defendants' derivative works are virtually identical to and/or are substantially similar to the look and feel of the Poppy Playtime

- a. using the POPPY PLAYTIME Trademarks or any reproductions, counterfeit copies, or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine Poppy Playtime Product or is not authorized by Plaintiff to be sold in connection with the POPPY PLAYTIME Trademarks;
- b. reproducing, distributing copies of, making derivative works of, or publicly displaying the Poppy Playtime Copyrighted Works in any manner without the express authorization of Plaintiff;
- c. passing off, inducing, or enabling others to sell or pass off any product as a genuine Poppy Playtime Product or any other product produced by Plaintiff, that is not Plaintiff's or not produced under the authorization, control, or supervision of Plaintiff and approved by Plaintiff for sale under the POPPY PLAYTIME Trademarks and/or the Poppy Playtime Copyrighted Works;
- d. committing any acts calculated to cause consumers to believe that Defendants' Unauthorized Poppy Playtime Products are those sold under the authorization, control, or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
- e. further infringing the POPPY PLAYTIME Trademarks and/or the Poppy Playtime Copyrighted Works and damaging Plaintiff's goodwill; and
- f. manufacturing, shipping, delivering, holding for sale, transferring, or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear Plaintiff's POPPY PLAYTIME

Trademarks or any reproductions, counterfeit copies, or colorable imitations thereof and/or which bear the Poppy Playtime Copyrighted Works;

- 2) Entry of an Order that, upon Plaintiff's request, those with notice of the injunction, including, without limitation, any online marketplace platforms such as eBay, Walmart, and PayPal (collectively, the "Third Party Providers") shall disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the POPPY PLAYTIME Trademarks and/or which bear the Poppy Playtime Copyrighted Works;
- 3) That Defendants account for and pay to Plaintiff all profits realized by Defendants by reason of Defendants' unlawful acts herein alleged, and that the amount of damages for infringement of the POPPY PLAYTIME Trademarks be increased by a sum not exceeding three times the amount thereof as provided by 15 U.S.C. § 1117;
- 4) In the alternative, that Plaintiff be awarded statutory damages for willful trademark counterfeiting pursuant to 15 U.S.C. § 1117(c)(2) of \$2,000,000 for each and every use of the POPPY PLAYTIME Trademarks;
- 5) As a direct and proximate result of Defendants' infringement of the Poppy Playtime Copyrighted Works, Plaintiff is entitled to damages as well as Defendants' profits, pursuant to 17 U.S.C. § 504(b);
- 6) Alternatively, and at Plaintiff's election prior to any final judgment being entered, Plaintiff is entitled to the maximum amount of statutory damages provided by law, \$150,000 per work infringed pursuant to 17 U.S.C. § 504(c), or for any other such amount as may be proper pursuant to 17 U.S.C. § 504(c);